

Special Policy Committee Meeting
Tuesday, November 18, 2025 6:00 PM

Town Campus Hammonasset Room/Zoom
10 Campus Drive
Madison, CT 06443

Meeting Agenda

I. Policies for Review:

- 1370 Non-Discrimination
- 4116.1 Sex Discrimination and Sexual Harassment
- 4118.1 Non-Discrimination
- 5020.1 Non-Discrimination
- 5110.4 Student Discipline
- 5120.3.3 Administering Medications
- 5120.5 Prohibition of Sex Discrimination and Sexual Harassment

II. Public Comment

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

Policy Summary

Nov. 18, 2025

1370 Non-Discrimination

Passed during the 2025 legislative session, Public Act 25-139 adds sexual assault victim and human trafficking victim as protected classes under Connecticut's non-discrimination laws. This policy has been revised to reflect these additions. We also updated the location and contact information for the U.S. Department of Education's Office for Civil Rights, as the Boston office has closed. In addition, the appeal timeline for complaints involving the Superintendent or a member of the Board has been aligned with the timeline applicable to other respondents. Finally, we have made technical revisions throughout.

4116.1 Sex Discrimination and Sexual Harassment

On January 9, 2025, a federal district court in Kentucky [ruled](#) that the 2024 Title IX Regulations, which had taken effect on August 1, 2024, "are invalid and must be set aside." On January 31, 2025, the U.S. Department of Education's Office for Civil Rights confirmed that, effective immediately, it would enforce the 2020 Title IX Regulations. Accordingly, boards of education should discontinue use of policies and regulations that follow the 2024 Title IX Regulations and resume using those that were in place under the 2020 Title IX Regulations. We have revised the model policy that complies with 2020 Title IX regulations to: (1) update the location of and contact information for the U.S. Department of Education, Office for Civil Rights Office where individuals may file complaints, given that the Boston office has been closed; (2) add reference to potential use of a third-party contractor to conduct investigations (please note that the regulations already reference the possible use of a third-party contractor to serve as a decision-maker); (3) remove the definition of "fondling" within the definition of "sexual assault" and replace it with "criminal sexual contact" and update the definition of "rape" pursuant to changes to the National Incident-Based Reporting System ("NIBRS") manual; and (4) clarify certain distinctions between federal law and Connecticut law.

4118.1 Non-Discrimination

Passed during the 2025 legislative session, Public Act 25-139 adds sexual assault victim and human trafficking victim as protected classes under Connecticut's non-discrimination laws. This policy has been revised to reflect these additions. We also updated the location and contact information for the U.S. Department of Education's Office for Civil Rights, as the Boston office has closed. In addition, the appeal timeline for complaints involving the Superintendent or a member of the Board has been aligned with the timeline applicable to other respondents. Finally, we have made technical revisions throughout.

5020.1 Non-Discrimination

Passed during the 2025 legislative session, Public Act 25-139 adds sexual assault victim and human trafficking victim as protected classes under Connecticut's non-discrimination laws. This policy has been revised to reflect these additions. We also updated the location and contact information for the U.S. Department of Education's Office for Civil Rights, as the Boston office has closed. Finally, we have made technical revisions throughout.

5110.4 Student Discipline

As noted above, in 2023, the General Assembly passed legislation, now codified at Connecticut General Statutes Section 10-222aa *et seq.*, making significant changes to the statutory provisions related to school climate. Among other things, the revised law contains a new definition of bullying and requires boards of education to address challenging behavior in accordance with the revised school climate law. In light of these changes, we have revised the Student Discipline policy to reflect that, when appropriate, the school district will implement strategies to address student behavior, consistent with the School Climate Policy, with or without engagement with the discipline process. The revised policy also incorporates the updated definition of bullying and the definition of challenging behavior.

In addition, the definition of a protected class has been expanded to include individuals who are victims of sexual assault or human trafficking, as required by Public Act 25-139. We also expanded the list of conduct that may lead to disciplinary action to include the use of language, imagery, symbols, or conduct that demeans, threatens, or discriminates against an individual on the basis of their membership in a protected class. Language concerning the unauthorized possession, display, or dissemination of images depicting nudity, including synthetically created images, has also been updated to reflect the federal Take It Down Act and recent changes in Connecticut law. We have also included an opportunity for boards to expand the policy's definition of generative artificial intelligence ("AI") to include more systems than ChatGPT.

Further, the revised policy incorporates new procedural requirements for suspension and expulsion hearings. Specifically, Public Act 25-93 requires school personnel to consult with the district's local homeless education liaison to determine whether a student is homeless, and, if so, to consider the impact of homelessness on the student's behavior before proceeding with suspension or expulsion.

The policy has also been updated to ensure compliance with the IDEA when a student who is eligible for special education and related services under the IDEA has been suspended for ten (10) school days in the same school year, even if not consecutive. In that circumstance, the district must provide such student with services to enable the student to continue to participate in the general education curriculum and make progress toward meeting the goals in the student's IEP.

Finally, legal references throughout the policy have been updated to reflect current statutory citations.

5120.3.3 Administering Medications

Under Connecticut General Statutes Section 10-212a, qualified employees of boards of education are permitted (under certain circumstances) to administer epinephrine or glucagon to students. Public Act 25-143 revises the statutory language to authorize boards to use a wider range of medical equipment (e.g., nasal spray) instead of limiting boards to injection-based delivery. We have revised the policy to reflect the updated language in the statute regarding medication delivery mechanisms.

In accordance with the provisions of Connecticut General Statutes Section 10-212a(a)(2) and Section 10-212a-2 of the Regulations of Connecticut State Agencies, any proposed revisions to the administration of medications policy must be made with the advice and approval of the school medical advisor, school nurse supervisor, or other qualified licensed physician.

5120.5 Prohibition of Sex Discrimination and Sexual Harassment

On January 9, 2025, a federal district court in Kentucky [ruled](#) that the 2024 Title IX Regulations, which had taken effect on August 1, 2024, "are invalid and must be set aside." On January 31, 2025, the U.S. Department of Education's Office for Civil Rights confirmed that, effective immediately, it would enforce the 2020 Title IX Regulations. Accordingly, boards of education should discontinue use of policies and regulations that follow the 2024 Title IX Regulations and resume using those that were in place under the 2020 Title IX Regulations. We have revised the model policy that complies with 2020 Title IX regulations to: (1) remove reference to Title IX from the titles of the policies and regulations,

given that these policies and regulations cover Connecticut law as well as Title IX; (2) update the location of and contact information for the U.S. Department of Education, Office for Civil Rights Office where individuals may file complaints, given that the Boston office has been closed; (3) add reference to potential use of a third-party contractor to conduct investigations (please note that the regulations already reference the possible use of a third-party contractor to serve as a decision-maker); (4) remove the definition of “fondling” within the definition of “sexual assault” and replace it with “criminal sexual contact” and update the definition of “rape” pursuant to changes to the NIBRS manual; and (5) clarify certain distinctions between federal law and Connecticut law.

1 #1370
2
3

Non-Discrimination

4
5 It is the policy of the Board of Education (the "Board") that any form of discrimination or
6 harassment on the basis of race, religion, color, national origin, ancestry, alienage, sex, sexual
7 orientation, marital status, age, disability, pregnancy, gender identity or expression, veteran status,
8 status as a victim of domestic violence, sexual assault, or human trafficking, or any other basis
9 prohibited by state or federal law ("Protected Class") is prohibited in the Madison Public Schools
10 (the "District"), whether by students, Board employees, Board members or third parties subject to
11 the control of the Board, subject to the conditions and limitations established by law. The Board's
12 prohibition of discrimination or harassment in its educational programs or activities expressly
13 extends to academic, nonacademic and extracurricular activities, including athletics, school-
14 sponsored activities as well as the District website. The Board further prohibits reprisal or
15 retaliation against any individual who reports incidents in good faith that may be a violation of this
16 policy, or who participates in the investigation of such reports.
17

18 Discrimination and/or harassment against any individual on the basis of that individual's
19 association with someone in a Protected Class may also be considered a form of Protected Class
20 discrimination and/or harassment, and is therefore prohibited by this policy.
21

22 Students, Board employees, Board members and community members (e.g., other individuals
23 affiliated with the District, accessing or seeking access to District facilities) are expected to
24 adhere to a standard of conduct that is respectful of the rights of all members of the school
25 community.
26
27

I. Definitions:

28 The following definitions apply for purposes of this policy:
29
30

31 A. Discrimination: Discrimination in violation of this policy occurs when an
32 individual is denied participation in, or the benefits of, a program or activity of the Board
33 because of such individual's actual or perceived membership in a Protected Class.
34

35 B. Harassment: Harassment is a form of Protected Class discrimination that is
36 prohibited by law and by this policy. Harassment constitutes unlawful discrimination when it
37 creates a hostile environment, which occurs when the harassment is sufficiently severe,
38 pervasive, or persistent so as to interfere with or limit an individual's ability to participate in or
39 benefit from the services, activities, or opportunities offered by the District.
40

41 Although not an exhaustive list, the following are examples of the types of prohibited conduct
42 that may be considered Protected Class harassment and can lead to a hostile environment:
43

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

56
57 Harassment does not have to involve intent to harm, be directed toward a specific person, or
58 involve repeated incidents.

59
60 Sexual harassment is a form of harassment that is prohibited by law and Board policy. For more
61 information regarding harassment based on sex, sexual orientation, pregnancy, or gender identity
62 or expression, contact the District's Title IX Coordinator.

63
64 C. Gender identity or expression refers to a person's gender-related identity,
65 appearance or behavior, whether or not that gender-related identity, appearance or behavior is
66 different from that traditionally associated with the person's physiology or assigned sex at birth,
67 which gender-related identity can be shown by providing evidence including, but not limited to,
68 medical history, care or treatment of the gender-related identity, consistent and uniform assertion
69 of the gender-related identity or any other evidence that the gender-related identity is sincerely
70 held, part of a person's core identity or not being asserted for an improper purpose.

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

75
76 E. Veteran: A veteran is any person honorably discharged from, released under honorable
77 conditions from or released with an other than honorable discharge based on a qualifying condition
78 from active service in, the United States Army, Navy, Marine Corps, Coast Guard and Air Force,
79 and Space Force and any reserve component thereof, including the Connecticut National Guard.
80 “Qualifying condition” means (A) a diagnosis of post-traumatic stress disorder or traumatic brain
81 injury made by an individual licensed

82

83 to provide health care services at a United States Department of Veterans Affairs facility, (B) an
84 experience of military sexual trauma disclosed to an individual licensed to provide health care
85 services at a United States Department of Veterans Affairs facility, or (C) a determination that
86 sexual orientation, gender identity or gender expression was more likely than not the primary
87 reason for an other than honorable discharge, as determined in accordance with Conn. Gen. Stat.
88 §§ 27-103(c), (d).

89

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

94 F. Domestic violence: Domestic violence means (1) a continuous threat of present physical
95 pain or physical injury against a family or household member, as defined in Conn. Gen. Stat. §
96 46b-38a; (2) stalking, including but not limited to, stalking as described in Conn. Gen. Stat. § 53a-
97 181d, of such family or household member; (3) a pattern of threatening, including but not limited
98 to, a pattern of threatening as described in Conn. Gen. Stat. § 53a-62, of such family or household
99 member or a third party that intimidates such family or household member; or (4) coercive control
100 of such family or household member, which is a pattern of behavior that in purpose or effect
101 unreasonably interferes with a person's free will and personal liberty. “Coercive control” includes,
102 but is not limited to, unreasonably engaging in any of the following: (a) isolating the family or
103 household member from friends, relatives or other sources of support; (b) depriving the family or
104 household member of basic necessities; (c) controlling, regulating or monitoring the family or
105 household member's movements, communications, daily behavior, finances, economic resources
106 or access to services; (d) compelling the family or household member by force, threat or
107 intimidation, including, but not limited to, threats based on actual or suspected immigration status,
108 to (i) engage in conduct from which such family or household member has a right to abstain, or
109 (ii) abstain from conduct that such family or household member has a right to pursue; (e)
110 committing or threatening to commit cruelty to animals that intimidates the family or household
111 member; or (f) forced sex acts, or threats of a sexual nature, including, but not limited to, threatened
112 acts of sexual conduct, threats based on a person's sexuality or threats to release sexual images.

113

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

115
116 Complaints of alleged discrimination and/or harassment of students and/or employees will be
117 investigated in accordance with the non-discrimination policies applicable to students and/or
118 personnel respectively. Complaints pertaining to specific forms of discrimination and/or
119 harassment, such as sexual harassment or disability- based harassment, have specific policies and
120 procedures applicable to these forms of harassment and will be investigated in accordance with
121 the specific procedures for such issues. If a complaint involves allegations of discrimination or
122 harassment of an employee or of a student based on sex, ~~sexual orientation, pregnancy, or gender~~
123 ~~identity or expression~~, such complaints will be handled in accordance with the procedures set
124 forth in ~~Board Policy #4116.1 Prohibition of Sex Diserimination, Including Sex-Based~~
125 ~~Harassment (Personnel), or Policy #5120.5 Prohibition of Sex Diserimination, Including Sex-~~
126 ~~Based Harassment (Students)~~~~the applicable Board policy regarding sex discrimination and sexual~~
127 ~~harassment~~. Complaints involving allegations of discrimination or harassment of an employee or
128 of a student based on disability will be addressed in accordance with the procedures set forth in
129 ~~Board Policy #4118.14the applicable Board policy regarding~~ Section 504/ADA ~~(Personnel), or~~
130 ~~Board Policy #5200 Section 504/ADA (Students)~~.

131
132 ***Alleged Discrimination/Harassment of Community Members on the Basis of Sex:***

133
134 In the event the District receives a complaint alleging discrimination or harassment of
135 a community member (e.g., an individual affiliated with the District, accessing or
136 seeking access to District facilities who is not a student or an employee) on the basis
137 of sex, ~~sexual orientation, pregnancy, or gender identity or expression~~, the complaint
138 shall be referred to the District's Title IX Coordinator, who shall take steps designed
139 to ensure that applicable state and federal law are followed.

140
141 ***Alleged Discrimination/Harassment of Community Members on the Basis of***
142 ***Disability:***

143
144 In the event the District receives a complaint alleging discrimination or harassment of
145 a community member (e.g., an individual affiliated with the District, accessing or
146 seeking access to District facilities who is not a student or an employee) based on
147 disability, the complaint shall be referred to the District's Section 504/ADA
148 Coordinator, who shall take steps designed to ensure that applicable state and federal
149 law are followed.

150
151
152 ***III. Reporting:***

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

156 Any individual who believes an individual has experienced Protected Class discrimination or
157 harassment or an act of retaliation or reprisal in violation of this policy should report such concern
158 in writing in accordance with the Board's complaint procedures included in the Board's
159 Administrative Regulations Regarding Non-Discrimination. These regulations accompany Board
160 Policy #1370 Community/Non-Discrimination and are available online at
161 <https://www.madison.k12.ct.us/board-of-education/policies> or upon request from the main office
162 of any district school.

163

164

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

167

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

169

170 Office for Civil Rights, Boston-Washington DC Office

171 U.S. Department of Education

172 400 Maryland Avenue, SW

173 Washington, DC 20202-1475

174 (202 453 6020)

175 8th Floor

176 5 Post Office Square

177 Boston, MA 02109-3921

178 (617 289-0111)

179 <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

180

181 Connecticut Commission on Human Rights and Opportunities:

182

183 Connecticut Commission on Human Rights and Opportunities

184 450 Columbus Blvd.

185 Hartford, CT 06103-1835

186 (860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

187

188 Equal Employment Opportunity Commission (employees only):

189

190 Equal Employment Opportunity Commission, Boston Area Office

191 John F. Kennedy Federal Building

192 475 Government Center

193 Boston, MA 02203

194 (800-669-4000)

195

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

199
200 **Office of the Superintendent**
201 **10 Campus Drive**
202 **Madison, CT 06443**
203 **(203) 245-6322**

204
205 Anyone who has questions or concerns about the Board's policies regarding discrimination or
206 harassment on the basis of ~~gender/sex, gender identity or expression, sexual orientation or~~
207 ~~pregnancy~~ may contact the Board's Title IX Coordinator:

208
209 **Director of Special Education**
210 **10 Campus Drive**
211 **Madison, CT 06443**
212 **(203) 245-6341**

213
214 Anyone who has questions or concerns about the Board's policies regarding discrimination or
215 harassment on the basis of disability, and/or who may wish to request or discuss
216 accommodations for a disability, may contact the Board's Section 504/ADA Coordinator:

217
218 **Director of Special Education**
219 **10 Campus Drive**
220 **Madison, CT 06443**
221 **(203) 245-6341**

222
223 **Legal References:**

224
225 Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.
226 Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.
227 Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.
228 Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq.
229 Americans with Disabilities Act, 42 U.S.C. § 12101
230 Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794
231 Connecticut General Statutes § 1-1n, "Gender Identity or Expression" defined
232 Connecticut General Statutes § 46a-58, Deprivation of rights
233 Connecticut General Statutes § 27-103
234 Connecticut General Statutes § 46a-51, Definitions
235 Connecticut Fair Employment Practices Act, Connecticut General Statutes § 46a-
236 60

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

238 **Definitions**

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

240 Employment

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

243 Public Act No. ~~23-14525-139~~, “An Act Concerning Human Trafficking and Sexual
244 Assault Victims”~~Revising the State’s Antidiscrimination Statutes~~”

251 Date Adopted: March 16, 2021

252 Date of Revision: October 12, 2021

253 Date of Revision: October 17, 2023

254 Date of Revision: November 12, 2024

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256

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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, sexual assault, or human trafficking 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.

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:

- 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;

47 • graphic, written or electronic communications that are harmful or humiliating
48 based on Protected Class membership; or
49 • physical, written, electronic or verbal threats based on Protected Class
50 membership.
51

52 Harassment does not have to involve intent to harm, be directed toward a specific person, or
53 involve repeated incidents.
54

Alleged Discrimination/Harassment of Students or Employees:

57 Complaints of alleged discrimination and/or harassment of students and/or employees will be
58 investigated in accordance with the non-discrimination policies applicable to students and/or
59 personnel respectively. Complaints pertaining to specific forms of discrimination and/or
60 harassment, such as sexual harassment or disability- based harassment, have specific policies and
61 procedures applicable to these forms of harassment and will be investigated in accordance with
62 the specific procedures for such issues. If a complaint involves allegations of discrimination or
63 harassment of an employee or of a student based on sex, ~~sexual orientation, pregnancy, or gender~~
64 ~~identity or expression~~, such complaints will be handled in accordance with the procedures set
65 forth in ~~Board Policy #4116.1 Prohibition of Sex Discrimination, Including Sex-Based~~
66 ~~Harassment (Personnel), or Policy #5120.5 Prohibition of Sex Discrimination, Including Sex-~~
67 ~~Based Harassment (Students)~~the applicable Board policy regarding sex discrimination and sexual
68 harassment. -Complaints involving allegations of discrimination or harassment of an employee or
69 of a student based on disability will be addressed in accordance with the procedures set forth in
70 the applicable Board policy regarding Board Policy #4118.14 Section 504/ADA (Personnel), or
71 Board Policy #5200 Section 504/ADA (Students).
72

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

75 In the event the District receives a complaint alleging discrimination or harassment of a
76 community member (e.g., an individual affiliated with the District, accessing or seeking access
77 to District facilities who is not a student or an employee) on the basis of sex, ~~sexual orientation,~~
78 ~~pregnancy, or gender identity or expression~~, the complaint shall be referred to the District's Title
79 IX Coordinator, who shall take steps designed to ensure that applicable state and federal law are
80 followed.
81

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

85 In the event the District receives a complaint alleging discrimination or harassment of a
86 community member (e.g., an individual affiliated with the District, accessing or seeking access
87 to District facilities who is not a student or an employee) based on disability, the complaint shall
88 be referred to the District's Section 504/ADA Coordinator, who shall take steps designed to
89 ensure that applicable state and federal law are followed.
90

Reporting to District Officials

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

96
97 Any individual who believes an individual has experienced Protected Class discrimination or
98 harassment or an act of retaliation or reprisal in violation of Board policy should report such
99 concern in writing in accordance with the Board's complaint procedures included in these
100 Administrative Regulations Regarding Non-Discrimination/Community.

101
102 ***Complaint Procedure***

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

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

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

116 The complaint should state the:

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

139

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

145

146 All complaints received by employees are to be forwarded immediately to the Superintendent or
147 Superintendent's designee. Upon receipt of a complaint alleging harassment or discrimination
148 under this complaint procedure, the Superintendent shall promptly investigate the complaint, or
149 designate a District administrator or other trained individual to do so. During the course of the
150 investigation, the investigator shall interview or consult with all individuals reasonably believed
151 to have relevant information, including the complainant, the reporter (if different from the
152 complainant), the respondent and any witnesses to the conduct. Complaints will be investigated
153 promptly within the time frames identified below. Time frames may be extended as needed given
154 the complexity of the investigation, availability of individuals with relevant information and/or
155 other extenuating circumstances. Confidentiality will be maintained by all persons involved in the
156 investigation to the extent possible, as determined by the investigator.

157

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

159

- 160 1. Offer to meet with the complainant and respondent (if applicable) within ten (10) business days
161 (provided that such time frame may be reasonably extended based on the availability of
162 necessary witnesses and/or participants, the complexity of the investigation, and/or other
163 extenuating circumstances) to discuss the nature of the complaint, discuss the availability of
164 interim measures, identify individuals the complainant or respondent believes has relevant
165 information, and obtain any relevant documents the complainant or respondent may have;
- 166 2. Provide the complainant and respondent (if applicable) with a copy of the Board's non-
167 discrimination policy and accompanying regulations;
- 168 3. Conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis
169 for the complaint, including, as applicable, conducting interviews with the parties to the
170 complaint and any relevant witnesses or other individuals deemed relevant to the complaint;
- 171 4. Review any records, notes, statements, or other documents relevant to the complaint;
- 172 5. Maintain confidentiality to the extent practicable throughout the investigative process, in
173 accordance with state and federal law;
- 174 6. Complete a final investigation report that includes: (i) a findings of fact based on the evidence
175 gathered; (ii) for each allegation, the conclusion(s) and reasoning(s) as to whether the
176 discrimination or harassment occurred; and (iii) for any individual(s) found to have engaged
177 in discrimination or harassment, a broad statement of consequences imposed (to the extent
178
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- 183

184 permitted by state and federal confidentiality requirements) (.e.g “Consequences were
185 imposed.”).

186

187 7. Communicate the outcome of the investigation in writing to the complainant and respondent
188 (if any) (to the extent permitted by state and federal confidentiality requirements), within thirty
189 (30) business days (provided that such time frame may be reasonably extended based on the
190 availability of necessary witnesses and/or participants, the complexity of the investigation,
191 and/or other extenuating circumstances) from the date the complaint was received by the
192 Superintendent’s office. The complainant and respondent (if any) shall be notified of any
193 extension of the investigation timeline. The written notice shall include a finding whether the
194 complaint was substantiated and if so, shall identify, to the extent possible, how the District
195 will take steps designed to remedy the discrimination or harassment, adhering to the
196 requirements of state and federal law;

197

198 8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as
199 quickly as possible given the availability of employees and/or other individuals who may have
200 information relevant to the complaint. If fixed time frames cannot be met, the complainant
201 and respondent (if any) will receive notice and interim measures may be implemented as
202 necessary;

203

204 9. Whenever allegations are verified, ensure that appropriate corrective action is taken (including,
205 but not limited to, disciplinary action) aimed at preventing the recurrence of the discrimination
206 or harassment. Corrective action should include steps designed to avoid continuing
207 discrimination or harassment;

208

209 10. After receiving the written notice of the outcome, parties shall have ten (10) school days to
210 submit a formal written statement of appeal, if they so choose, to the Superintendent
211 challenging the outcome of the investigation and explaining the basis for appeal. Upon receipt
212 of an appeal, the Superintendent shall appoint a decisionmaker(s) for the appeal, who may be
213 the Superintendent or designee. The decisionmaker(s) for the appeal will provide the appealing
214 party’s written statement to the non-appealing party. The non-appealing party will then have
215 ten (10) school days to submit to the decision-maker(s) for the appeal a written statement in
216 support of, or challenging, the outcome of the investigation. The decisionmaker(s) for the appeal
217 shall review the evidence and the information presented by the parties and determine if further action
218 and/or investigation is warranted. Such action may include consultation with the
219 investigator(s) and the parties, a meeting with appropriate individuals to attempt to resolve the
220 complaint, or a decision affirming or overruling the written outcome. Generally, a party’s
221 disagreement with the outcome of the investigation, alone, will not be basis for further action.
222 The decisionmaker(s) for the appeal will attempt to issue written notice of the outcome of the
223 appeal to the parties within thirty (30) school days of receipt of all written statements for the
224 parties.

225

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

227

228 Any District administrator or Board member who receives a complaint of discrimination,
229 harassment or retaliation of a community member by a Board Member and/or the Superintendent

230 shall forward the complaint promptly to the Director of Human Resources. Complaints
231 pertaining to the Superintendent or Board of Education members will be forwarded to the Chair
232 of the Board of Education. Complaints pertaining to the Board Chair will be forwarded to the
233 Board Vice Chair. In all cases, the individual receiving the complaint shall take appropriate steps
234 to cause the matter to be investigated in a manner consistent with the procedures described
235 above.

236
237 If a complainant or a respondent is not satisfied with the findings and conclusions of an
238 investigation in which the Superintendent or a member of the Board is the respondent, within ten
239 (130) school calendar days of receiving the findings such party may present the complaint and
240 written outcome to the Board Chair (or, if initially presented by the Board Chair, the Board Vice
241 Chair), who will take appropriate steps to cause the matter to be reviewed in a manner consistent
242 with the Board's non-discrimination policy and regulation. Such steps may include retention of
243 an investigator different from the investigator who investigated the complaint.

244
245 **Remedial Action:**
246 If the District makes a finding of discrimination, harassment or retaliation, the District will take
247 appropriate remedial action designed to eliminate the discriminatory/harassing conduct, prevent
248 its recurrence, and address its effects on the complainant and any other affected individuals.
249 Examples of appropriate action may include:

250 (a) Interventions for the individual who engaged in the discrimination/harassment, such
251 as parent/guardian or supervisor notification, discipline, counseling, or training.
252 (b) Interventions for the complainant, such as counseling, academic support, and
253 information on how to report further incidents of discrimination.
254 (c) Separating the complainant and the individual who engaged in the
255 discrimination/harassment, provided the separation does not penalize the
256 complainant.
257 (d) Follow-up inquiries with the complainant and witnesses to ensure that the
258 discriminatory/harassing conduct has stopped and that they have not experienced any
259 retaliation.
260 (e) Training or other interventions for the larger school community to ensure that
261 students, staff, and parents understand the types of behavior that constitute
262 discrimination/harassment, that the District does not tolerate it, and how to report it.

263
264 **Staff Development:**

265
266 The District will periodically provide staff development for District administrators and
267 periodically distribute the Board's Non-Discrimination policies and the implementing
268 administrative regulations to staff, students and parents in an effort to maintain an environment
269 free of discrimination and harassment.

270
271 **Reporting to State and Federal Agencies:**

272
273 In addition to reporting to District officials in accordance with this policy, individuals also may
274 file a complaint with the following agencies:

276 Office for Civil Rights, U.S. Department of Education (“OCR”):

277

278 **Boston Office, Washington DC** Office for Civil Rights

279 U.S. Department of Education

280 **400 Maryland Avenue, SW**

281 **Washington, DC 20202-1475**

282 **(202) 453-6020**

283 **8th Floor, 5 Post Office Square**

284 **Boston, MA 02109-3921**

285 **(617) 289-0111**

286

287

288 Equal Employment Opportunity Commission

289 Boston Area Office

290 John F. Kennedy Federal Building

291 475 Government Center

292 Boston, MA 02203

293 (800) 669-4000

294

Connecticut Commission on Human Rights and Opportunities:

295

Connecticut Commission on Human Rights and Opportunities

296

450 Columbus Blvd.

297

Hartford, CT 06103-1835

298

(860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

299

300

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

303

Office of the Superintendent

10 Campus Drive

Madison, CT 06443

(203) 245-6322

304

305

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

309

Director of Special Education

10 Campus Drive

Madison, CT 06443

(203) 245-6341

310

311

312

313

314

315

316

317

318

319

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

323
324 **Director of Special Education**
325 **10 Campus Drive**
326 **Madison, CT 06443**
327 **(203) 245-6341**
328

1 #4116.1
2

Sex Discrimination and Sexual Harassment

3
4 It is the policy of the Madison Board of Education (the “Board”) for the Madison Public Schools
5 (the “District”) that any form of sex discrimination or sexual harassment is prohibited in the
6 Board’s education programs and activities, whether by students, Board employees or third parties
7 subject to substantial control by the Board. It is the policy of the Board to maintain a working
8 environment free from harassment, insults or intimidation on the basis of an employee’s sex and
9 free from discrimination based on sex.

10
11 The Board does not discriminate on the basis of sex in the education programs or activities that it
12 operates and the Board is required by Title IX of the Education Amendments of 1972 and its
13 implementing regulations (“Title IX”), Title VII of the Civil Rights Act of 1964 (“Title VII”),
14 and Connecticut law not to discriminate in such a manner. ~~Discrimination or harassment on the~~
15 ~~basis of sex includes discrimination or harassment on the basis of gender identity or sexual~~
16 ~~orientation~~ Students, Board employees and third parties are required to adhere to a standard of
17 conduct that is respectful of the rights of all parties. Any employee or student who engages in
18 conduct prohibited by this Policy shall be subject to disciplinary action, up to and including
19 termination or expulsion, respectively. Third parties who engage in conduct prohibited by this
20 Policy shall be subject to other sanctions, which may include exclusion from Board property
21 and/or activities. Individuals who engage in acts of sex discrimination or sexual harassment may
22 also be subject to civil and criminal penalties.

23
24 For conduct to violate ~~(Title IX)~~, the conduct must have occurred in an education program or
25 activity of the Board; the conduct must have occurred within the United States of America; and
26 the complainant must be participating in or attempting to participate in the education program or
27 activity of the Board. Conduct that does not meet these requirements still may constitute a
28 violation of Title VII, Connecticut law, and/or another Board policy.

29
30 The Superintendent of Schools shall develop Administrative Regulations implementing this
31 Policy and in accordance with Title IX, Title VII, and Connecticut law (the “Administrative
32 Regulations”).

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

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

43
44 (1) An employee of the Board conditioning the provision of an aid, benefit, or service of
45 the Board on an individual's participation in unwelcome sexual conduct (*i.e., quid pro
46 quo*);
47
48 (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive,
49 and objectively offensive that it effectively denies a person equal access to the Board's
50 education programs or activities; or
51
52 (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as
53 defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C.
54 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

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

58
59 (1) Submission to such conduct is made either explicitly or implicitly a term or condition
60 of an individual's employment;
61
62 (2) Submission to or rejection of such conduct by an individual is used as the basis for
63 employment decisions affecting such individual; or

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

Under Connecticut law, discrimination of harassment on the basis of sex includes discrimination or harassment on the basis of sexual orientation or gender identity and expression.

Reporting Sex Discrimination or Sexual Harassment

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

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

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

The Madison Public Schools administration (the “Administration”) shall provide training to Title IX Coordinator(s), investigators, decision-makers, and any person who facilitates an informal resolution process (as set forth in the Administrative Regulations), which training shall include, but not be limited to the definition of sex discrimination and sexual harassment, the scope of the Board’s education program and activity, how to conduct an investigation and implement the grievance process, and how to serve impartially, including by avoiding prejudgment of the facts

95 at issue, conflicts of interest, and bias. The Administration shall make the training materials used
96 to provide these trainings publicly available on the Board's website. The Administration shall
97 also periodically provide training to all Board employees on the topic of sex discrimination and
98 sexual harassment under Title IX, Title VII, and Connecticut Law, which shall include but not be
99 limited to when reports of sex discrimination and/or sexual harassment must be made. The
100 Administration shall distribute this Policy and the Administrative Regulations to employees,
101 union representatives, students, parents and legal guardians and make the Policy and the
102 Administrative Regulations available on the Board's website to promote an environment free of
103 sex discrimination and sexual harassment.

104

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

108

109 ***Director of Special Education***
110 ***10 Campus Drive***
111 ***Madison, CT 06443***
112 ***203-245-6341***

113

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

118

119 Office for Civil Rights, Boston-Washington DC Office,
120 U.S. Department of Education, 8th Floor,
121 400 Maryland Avenue, SW
122 Washington, DC 20202-1475
123 (202) 453-6020
124 5 Post Office Square
125 Boston, MA 02109-3921
126 Telephone: 617-289-0111

127

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

129

130 Connecticut Commission on Human Rights and Opportunities
131 450 Columbus Boulevard
132 Hartford, CT 06103-1835

133 Telephone: 860-541-3400 or Connecticut Toll Free Number: 1-800-477-5737).

134

135

136 **Legal References:**

137

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

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

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

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

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

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

145 General Statutes § 46a-60 - Discriminatory employment practices prohibited.

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

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

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

150

151

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153 Date of Revision: March 16, 2021

154 Date of Revision: October 12, 2021

155 Date of Revision: October 22, 2024

156 Date of Revision: March 4, 2025

Regulation #4116.1

Sex Discrimination and Sexual Harassment

It is the policy of the Madison Board of Education (the "Board") for the Madison Public Schools (the "District") that any form of sex discrimination or sexual harassment is prohibited in the Board's education programs and activities, whether by students, Board employees or third parties subject to substantial control by the Board. ~~Discrimination or harassment on the basis of sex includes discrimination or harassment on the basis of gender identity or sexual orientation.~~

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

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

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

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

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

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

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

47 2. Submission to or rejection of such conduct by an individual is used as the basis for
48 employment decisions affecting such individual; or
49
50 3. Such conduct has the purpose or effect of unreasonably interfering with an individual's
51 work performance or creating an intimidating, hostile, or offensive working environment.
52

53 Under Connecticut law, discrimination or harassment on the basis of sex includes
54 discrimination or harassment on the basis of sexual orientation or gender identity and
55 expression.

56
57 Although not an exhaustive list, the following are other examples of conduct prohibited by the
58 Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment
59 (Personnel):

60
61 1. Unwelcome sexual advances from a co-worker or supervisor, such as unwanted hugs,
62 touches, or kisses;
63
64 2. Unwelcome attention of a sexual nature, such as degrading, suggestive or lewd remarks
65 or noises;
66
67 3. Dirty jokes, derogatory or pornographic posters, cartoons or drawings;
68
69 4. The threat or suggestion that continued employment advancement, assignment or
70 earnings depend on whether or not the employee will submit to or tolerate harassment;
71
72 5. Circulating, showing, or exchanging emails, text messages, digital images or websites of
73 a sexual nature;
74
75 6. Using computer systems, including email, instant messaging, text messaging, blogging
76 or the use of social networking websites, or other forms of electronic communications,
77 to engage in any conduct prohibited by the Board's Policy regarding the Prohibition of
78 Sex Discrimination and Sexual Harassment (Personnel).
79

NOTICE OF THE TITLE IX COORDINATOR

80 The District's Title IX Coordinator is the Director of Special Education. Any individual may
81 make a report of sex discrimination and/or sexual harassment to any District employee or directly
82 to the Title IX Coordinator using any one, or multiple, of the following points of contact:
83
84

85
86 ***Director of Special Education***
87 ***10 Campus Drive***
88 ***Madison, CT 06443***
89 ***2303-245-6341***
90

91 Any District employee in receipt of allegations of sex discrimination or sexual harassment, or in
92 receipt of a formal complaint, shall immediately forward such information to the Title IX

93 Coordinator. The Title IX Coordinator manages the District's compliance with Title IX, Title VII
94 and Connecticut law with respect to sexual harassment and/or sex discrimination and is an
95 available resource to anyone seeking information or wishing to file a formal complaint of same.
96 When a student, District employee, or other participant in the District's programs and activities
97 feels that such person has been subjected to discrimination on the basis of sex in any District
98 program or activity, including without limitation being subjected to sexual harassment, such
99 person may contact the Title IX Coordinator or utilize the Title IX, Title VII and Connecticut law
100 grievance systems set forth herein to bring concerns forward for the purpose of obtaining a
101 prompt and equitable resolution.

102 EXPLANATION OF COMPLAINT PROCESS AND PROCEDURE

103 The federal regulations implementing Title IX require the adoption and publication of two
104 separate grievance systems: a grievance process for complaints of sex discrimination involving
105 allegations of sexual harassment under Title IX and grievance procedures for complaints of sex
106 discrimination that are not sexual harassment. Accordingly, the Administration will process any
107 complaints of sex discrimination involving allegations of sexual harassment under Title IX, as
108 defined above, pursuant to the **grievance process** set forth in Section I of these regulations. The
109 Administration will process any complaints of sex discrimination ~~that are not (including~~
110 allegations of sexual harassment under Title VII and/or Connecticut law only) pursuant to the
111 **grievance procedures** set forth in Section II of these regulations.
112

113 The District will keep confidential the identity of any individual who has made a report or
114 complaint of sex discrimination, including any individual who has made a report or filed a formal
115 complaint of sexual harassment, any complainant, any individual who has been reported to be the
116 perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted
117 by the Family Educational Rights and Privacy Act (FERPA), or as required by law, or to carry
118 out the purposes of these Administrative Regulations, including the conduct of any investigation,
119 hearing, or judicial proceeding arising from these Administrative Regulations.
120

121 The obligation to comply with Title IX is not obviated or alleviated by the FERPA.
122

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

126 A. Definitions

- 127 • **Bias** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or
128 decision-maker(s) demonstrate actual bias, rather than the appearance of bias. Actual
129 bias includes, but is not limited to, demonstrated personal animus against the respondent
130 or the complainant and/or prejudgment of the facts at issue in the investigation.
- 131
- 132 • **Complainant** means an individual who is alleged to be the victim of conduct that could
133 constitute sexual harassment.
- 134 • A **conflict of interest** occurs when it is proven that the Title IX Coordinator,
135 investigator(s), and/or decision-maker(s) have personal, financial and/or familial interests
136 that affected the outcome of the investigation.

137

138 • **Consent** means an active, clear and voluntary agreement by a person to engage in sexual
139 activity with another person (also referred to hereafter as “affirmative consent”).
140 For the purposes of an investigation conducted pursuant to these Administrative
141 Regulations, the following principles shall be applied in determining whether consent for
142 sexual activity was given and/or sustained:
143 A. Affirmative consent is the standard used in determining whether consent to engage in
144 sexual activity was given by all persons who engaged in the sexual activity.
145 B. Affirmative consent may be revoked at any time during the sexual activity by any
146 person engaged in the sexual activity.
147 C. It is the responsibility of each person engaging in sexual activity to ensure that the
148 person has the affirmative consent of all persons engaged in the sexual activity to
149 engage in the sexual activity and that the affirmative consent is sustained throughout
150 the sexual activity.
151 D. It shall not be a valid excuse to an alleged lack of affirmative consent that the
152 respondent to the alleged violation believed that the complainant consented to the
153 sexual activity:
154 (i) because the respondent was intoxicated or reckless or failed to take
155 reasonable steps to ascertain whether the complainant affirmatively consented, or
156 (ii) if the respondent knew or should have known that the complainant was
157 unable to consent because such individual was unconscious, asleep, unable to
158 communicate due to a mental or physical condition, unable to consent due to the
159 age of the individual or the age difference between the individual and the
160 respondent, or incapacitated due to the influence of drugs, alcohol or medication.
161 E. The existence of a past or current dating or sexual relationship between the
162 complainant and the respondent, in and of itself, shall not be determinative of a
163 finding of consent.
164 • For purposes of investigations and complaints of sexual harassment, **education program**
165 **or activity** includes locations, events, or circumstances over which the Board exercises
166 substantial control over both the respondent and the context in which the sexual
167 harassment occurs.
168 • **Employee** means (A) a teacher, substitute teacher, school administrator, school
169 superintendent, guidance counselor, school counselor, psychologist, social worker, nurse,
170 physician, school paraprofessional or coach employed by the Board or working in a
171 public elementary, middle or high school; or (B) any other individual who, in the
172 performance of the individual’s duties, has regular contact with students and who
173 provides services to or on behalf of students enrolled in a public elementary, middle or
174 high school, pursuant to a contract with the Board.
175

- 176 • **Formal complaint** means a document filed by a complainant or signed by the Title IX
177 Coordinator alleging sexual harassment (as defined under Title IX) against a respondent
178 and requesting that the Administration investigate the allegation of sexual harassment. A
179 “document filed by a complainant” means a document or electronic submission that
180 contains the complainant’s physical or digital signature, or otherwise indicates that the
181 complainant is the person filing the formal complaint.
- 182
- 183 • **Respondent** means an individual who has been alleged to be the perpetrator of conduct
184 that could constitute sexual harassment.
- 185
- 186 • **School days** means the days that school is in session as designated on the calendar posted
187 on the Board’s website. In its discretion, and when equitably applied and with proper
188 notice to the parties, the District may consider business days during the summer recess as
189 “school days” if such designation facilitates the prompt resolution of the grievance
190 process.
- 191
- 192 • **Supportive measures** means non-disciplinary, non-punitive individualized services
193 offered as appropriate, as reasonably available, and without fee or charge to the
194 complainant or the respondent before or after the filing of a formal complaint or where no
195 formal complaint has been filed. Such measures are designed to restore or preserve equal
196 access to the District’s education program or activity without unreasonably burdening the
197 other party, including measures designed to protect the safety of all parties or the
198 District’s educational environment, or deter sexual harassment. Supportive measures may
199 include counseling, extensions of deadlines or other course-related adjustments,
200 modifications of work or class schedules, mutual restrictions on contact between the
201 parties, increased security and monitoring, and other similar measures.
- 202

203 B. Reporting Sexual Harassment

- 204 1. It is the express policy of the Board to encourage victims of sexual harassment to
205 report such claims. Any person may report sexual harassment (whether or not the
206 person reporting is the person alleged to be the victim of conduct that could constitute
207 sexual harassment), in person, by mail, by telephone, or by electronic mail, using the
208 contact information listed for the Title IX Coordinator. If the District receives notice
209 of sexual harassment or alleged sexual harassment against a person in the District’s
210 education program or activity, the Title IX Coordinator will promptly contact the
211 complainant to discuss the availability of supportive measures, whether or not the
212 complainant files a formal complaint, and will consider the complainant’s wishes
213 with respect to such measures. If the complainant has yet to file a formal complaint,
214 the Title IX Coordinator will explain to the complainant the process for doing so.
- 215
- 216 2. The District will treat complainants and respondents equitably. A respondent is
217 presumed not responsible for the alleged conduct and a determination regarding
218 responsibility will be made at the conclusion of the grievance process if a formal
219 complaint is filed. Nothing in these Administrative Regulations shall preclude the
220 District from placing an employee respondent on administrative leave during the
221 pendency of the grievance process. Further, nothing in these Administrative
222 Regulations shall preclude the District from placing an employee respondent on
223 administrative leave during the pendency of the grievance process.

223 Regulations shall limit or preclude the District from removing a respondent from the
224 District's education program or activity on an emergency basis, provided that the
225 District undertakes an individualized safety and risk analysis, and determines that an
226 immediate threat to the physical health or safety of any student or other individual
227 arising from the allegations of sexual harassment justifies removal. If a respondent is
228 removed on an emergency basis, the District shall provide the respondent with notice
229 and an opportunity to challenge the decision immediately following the removal.

230 C. Formal Complaint and Grievance Process

231

232 1. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or
233 by electronic mail, by using the contact information listed for the Title IX
234 Coordinator. At the time of filing a formal complaint, a complainant must be
235 participating in or attempting to participate in the District's education programs or
236 activity. A formal complaint may be signed by the Title IX Coordinator. If the formal
237 complaint being filed is against the Title IX Coordinator, the formal complaint should
238 be filed with the Superintendent. If the formal complaint being filed is against the
239 Superintendent, the formal complaint should be filed with the Board Chair, who will
240 then retain an independent investigator to investigate the matter.

241

242 2. The District may consolidate formal complaints as to allegations of sexual harassment
243 against more than one respondent, or by more than one complainant against one or
244 more respondents, or by one party against the other party, where the allegations of
245 sexual harassment arise out of the same facts or circumstances. If possible, formal
246 complaints should be filed within ten (10) school days of the alleged occurrence in
247 order to facilitate the prompt and equitable resolution of such claims. The District will
248 attempt to complete the formal grievance process within ninety (90) school days of
249 receiving a formal complaint. This timeframe may be temporarily delayed or
250 extended in accordance with Subsection G of this Section.

251

252 3. Upon receipt of a formal complaint, if the Title IX Coordinator has not already
253 discussed the availability of supportive measures with the complainant, the Title IX
254 Coordinator will promptly contact the complainant to discuss the availability of such
255 measures and consider the complainant's wishes with respect to them. The Title IX
256 Coordinator or designee may also contact the respondent, separately from the
257 complainant, to discuss the availability of supportive measures for the respondent.
258 The District will maintain as confidential any supportive measures provided to the
259 complainant or respondent, to the extent that maintaining such confidentiality would
260 not impair the ability of the District to provide such supportive measures.

261

262 4. Within ten (10) school days of receiving a formal complaint, the District will provide
263 the known parties with written notice of the allegations potentially constituting sexual
264 harassment under Title IX and a copy of this grievance process. The written notice
265 must also include the following:

266

267 i. The identities of the parties involved in the incident, if known;
268 ii. The conduct allegedly constituting sexual harassment as defined above;

- iii. The date and the location of the alleged incident, if known;
- iv. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- v. A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence; and
- vi. A statement of any provision in the District's policies that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

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

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

316 hard copy, and the parties will have ten (10) school days to submit a written response,
317 which the investigator(s) will consider prior to completion of the investigative report, as
318 described in Paragraph 9 of this Subsection.

319

320 9. The investigator(s) will create an investigative report that fairly summarizes relevant
321 evidence. The investigator(s) will send the investigative report, in an electronic format or
322 hard copy, to each party and to each party's advisor for their review and written response
323 at least ten (10) school days prior to the time a determination regarding responsibility is
324 made.

325

326 10. The Superintendent will appoint a decision-maker(s), who shall be a District employee or
327 third-party contractor and who shall be someone other than the Title IX Coordinator or
328 investigator(s). If the formal complaint filed is against the Superintendent, the Board
329 Chair shall appoint the decision-maker, who shall be someone other than the Title IX
330 Coordinator or investigator(s). The investigator(s) and the decision-maker(s) shall not
331 discuss the investigation's facts and/or determination while the formal complaint is
332 pending. The decision-maker(s) will afford each party the opportunity to submit written,
333 relevant questions that a party wants asked of any party or witness, provide each party
334 with the answers, and allow for additional, limited follow-up questions from each party.
335 Questions and evidence about the complainant's sexual predisposition or prior sexual
336 behavior are not relevant, unless such questions and evidence about the complainant's
337 prior sexual behavior are offered to prove that someone other than the respondent
338 committed the conduct alleged by the complainant, or if the questions and evidence
339 concern specific incidents of the complainant's prior sexual behavior with respect to the
340 respondent and are offered to prove consent. The decision-maker(s) will explain to the
341 party proposing the questions any decisions to exclude a question as not relevant.

342

343 11. The decision-maker(s) will issue a written determination regarding responsibility. To
344 reach this determination, the decision-maker must apply the preponderance of the
345 evidence standard. The written determination will include: (1) identification of the
346 allegations potentially constituting sexual harassment; (2) a description of the procedural
347 steps taken from the receipt of the formal complaint through the determination, including
348 any notifications to the parties, interviews with parties and witnesses, site visits, methods
349 used to gather other evidence, and hearings held; (3) findings of fact supporting the
350 determination; (4) conclusions regarding the application of the District's code of conduct
351 to the facts; (5) a statement of, and rationale for, the result as to each allegation, including
352 a determination regarding responsibility, any disciplinary sanctions the District will
353 impose on the respondent, and whether remedies designed to restore or preserve equal
354 access to the District's education program or activity will be provided by the District to
355 the complainant; and (6) the District's procedures and permissible bases for the
356 complainant and respondent to appeal. If the respondent is found responsible for violating
357 the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual
358 Harassment (Personnel), the written determination shall indicate whether the respondent
359 engaged in sexual harassment as defined by the Board's Policy and these Administrative
360 Regulations. The written determination will be provided to both parties simultaneously.

361

362 12. Student respondents found responsible for violating the Board's Policy regarding the
363 Prohibition of Sex Discrimination and Sexual Harassment (Personnel) may be subject to
364 discipline up to and including expulsion. Employee respondents found responsible for
365 violating the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual
366 Harassment (Personnel) may be subject to discipline up to and including termination of
367 employment. Other respondents may be subject to exclusion from the District's
368 programs, activities and/or property. In appropriate circumstances, the District may make
369 a criminal referral. Remedies will be designed to restore or preserve equal access to the
370 District's education programs or activities.

371
372 13. After receiving notification of the decision-maker(s)' decision, or after receiving
373 notification that the District dismissed a formal complaint or any allegation therein, both
374 complainant and respondent may avail themselves of the appeal process set forth in
375 Section E of this Section.

376 D. Informal Resolution

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

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

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

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

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

403 E. Appeal Process

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

411
412 Appeals will be appropriate only in the following circumstances:

413

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

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

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

439
440 Supportive measures for either or both parties may be continued throughout the appeal
441 process.

442
443 F. Dismissal of a Formal Complaint

444
445 The Title IX Coordinator shall dismiss any formal complaint that, under Title IX, 1) would
446 not constitute sexual harassment as defined under Title IX even if proved, 2) did not occur in
447 the District's education program or activity, or 3) did not occur against a person in the United
448 States. Such dismissal does not preclude action under another Board policy.

450 The District may dismiss a formal complaint or any allegations therein, if at any time during
451 the investigation or hearing: 1) a complainant notifies the Title IX Coordinator in writing that
452 the complainant would like to withdraw the formal complaint or any allegations therein; 2)
453 the respondent is no longer enrolled or employed in the District; or 3) specific circumstances
454 prevent the District from gathering evidence sufficient to reach a determination as to the
455 formal complaint or allegations therein.

456
457 Upon a dismissal, the District will promptly and simultaneously send written notice of the
458 dismissal and reason(s) therefor to each party. Either party can appeal from the District's
459 dismissal of a formal complaint or any allegations therein using the appeals procedure.

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

466
467 A dismissal pursuant to this section does not preclude action by the District under the Student
468 Discipline policy, Code of Conduct for students/or and employees, or any other applicable
469 rule, policy, and/or collective bargaining agreement.

470
471 **G. Miscellaneous**

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

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

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

496 4. Retaliation against any individual who complains pursuant to the Board's Policy
497 regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) and
498 these Administrative Regulations is strictly prohibited. Neither the District nor any other
499 person may intimidate, threaten, coerce, or discriminate against any individual for the
500 purpose of interfering with any right or privilege secured by Title IX~~applicable law~~ or
501 these Administrative Regulations, or because the individual has made a report or
502 complaint, testified, assisted, or participated or refused to participate in any manner in an
503 investigation, proceeding, or hearing under these Administrative Regulations. The
504 District will take actions designed to prevent retaliation. Complaints alleging retaliation
505 may be filed according to the grievance procedures for sex discrimination described
506 herein.
507

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

509

- 510 i. Each sexual harassment investigation including any determination regarding
511 responsibility, any disciplinary sanctions imposed on the respondent, and any
512 remedies provided to the complainant designed to restore or preserve equal
513 access to the Board's education program or activity;
- 514 ii. Any appeal and the result therefrom;
- 515 iii. Any informal resolution and the result therefrom; and
- 516 iv. All material used to train Title IX Coordinators, investigators, decision-makers,
517 and any person who facilitates an informal resolution process. The Board will
518 make these training materials publicly available on its website.

519

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

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

534
535 A. Definitions

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

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

540
541 B. Reporting Sex Discrimination Other than Sexual Harassment under Title IX

542
543 It is the express policy of the Board to encourage victims of sex discrimination to report such
544 claims. Any person may report sex discrimination or sexual harassment under Title VII or
545 Connecticut law (whether or not the person reporting is the person alleged to be the victim of
546 such conduct ~~that could constitute sex discrimination~~), in person, by mail, by telephone, or by
547 electronic mail, using the contact information listed for the Title IX Coordinator. If the
548 District receives notice of sex discrimination or alleged sex discrimination against a person in
549 the District's education program or activity, the Title IX Coordinator or designee will
550 promptly notify the complainant of the grievance process. The District will treat
551 complainants and respondents equitably during the grievance process. Sexual harassment is a
552 form of sex discrimination, and any incident of sexual harassment under Title IX, as defined
553 above, shall be handled pursuant to Section I of these Administrative Regulations. Any
554 allegations of sexual harassment under Title VII or Connecticut law, as defined above, shall
555 be handled pursuant to this Section II of these Administrative Regulations.

556
557 C. Grievance Procedures

558
559 1. As soon as an employee feels that the employee has been subjected to sex discrimination
560 other than sexual harassment as defined under Title IX (including, without limitation,
561 sexual harassment under Title VII or Connecticut law), the employee should make a
562 written complaint to the Title IX Coordinator or to the building principal, or designee.
563 The employee will be provided a copy of the Board's Policy and Administrative
564 Regulations and made aware of the employee's rights under this Policy and
565 Administrative Regulations. Preferably, complaints should be filed within ten (10)
566 school days of the alleged occurrence. Timely reporting of complaints facilitates the
567 investigation and resolution of such complaints.

568
569 2. The complaint should state the:

570
571 i. Name of the complainant;
572 ii. Date of the complaint;
573 iii. Date(s) of the alleged discrimination;
574 iv. Name(s) of the alleged discriminator(s);
575 v. Location where such alleged discrimination occurred;

- vi. Names of any witness(es) to the alleged discrimination;
- vii. Detailed statement of the circumstances constituting the alleged discrimination; and
- viii. Remedy requested.

3. Any employee who makes an oral complaint of alleged sex discrimination to any of the above-mentioned personnel will be provided a copy of these Administrative Regulations and will be requested to make a written complaint pursuant to the above procedure.

4. All complaints are to be forwarded immediately to the building principal or designee unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent of Schools or designee. In addition, a copy of any complaint filed under this Policy shall be forwarded to the Title IX Coordinator. If the complaint being filed is against the Title IX Coordinator, the complaint should be filed with the Superintendent. If the complaint being filed is against the Superintendent, the complaint should be filed with the Board Chair, who will then retain an independent investigatora third-party contractor to investigate the matter.

5. The Title IX Coordinator or designee shall investigate all complaints of sex discrimination against an employee, regardless of whether the conduct occurred on or off-school grounds. Complaints will be investigated promptly within the 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. The investigation shall be conducted discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation.

6. Any employee who makes a complaint shall be notified of the District's intent to investigate the complaint. In the event the employee requests confidentiality or that an investigation not be conducted, the District will take reasonable steps to investigate and respond to the complaint to the extent possible, given the request for confidentiality or that the District not investigate the complaint. If the employee insists that this information not be shared with the alleged discriminator(s), the employee will be informed that the District's ability to investigate and/or take corrective action may be limited.

7. Upon receipt of a sex discrimination complaint, the Title IX Coordinator shall either promptly commence an investigation of the complaint, or shall designate a school administrator or third-party contractor to promptly investigate the complaint. The Title IX Coordinator or designee shall:

- i. offer to meet with the complainant and respondent (if applicable) separately within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant and respondent (if applicable) believe have relevant information, and obtain any relevant documents the complainant and respondent may have;

623 ii. provide the complainant and respondent (if applicable) with a copy of the Board's
624 sex discrimination policy and accompanying regulations;

625

626 iii. consider whether any interim measures may be appropriate to protect the
627 complainant or respondent (if applicable), pending the outcome of the
628 investigation;

629

630 iv. conduct an investigation that is adequate, reliable, and impartial. Investigate the
631 factual basis of the complaint, including, as applicable, conducting interviews
632 with individuals deemed relevant to the complaint;

633

634 v. consider whether alleged sex discrimination has created a hostile work
635 environment, including consideration of the effects of off-campus conduct on the
636 school;

637

638 vi. communicate the outcome of the investigation in writing to the complainant, to
639 the respondent, and to any individual properly identified as a party to the
640 complaint (to the extent permitted by state and federal confidentiality
641 requirements), within ninety (90) school days from the date the complaint was
642 received by the Superintendent's office. The investigator may extend this
643 deadline for no more than fifteen (15) additional school days if needed to
644 complete the investigation. The complainant and respondent (if applicable) shall
645 be notified of such extension. The written notice shall include a finding whether
646 the complaint was substantiated and if so, shall identify, to the extent possible,
647 how the District will remedy the discrimination, adhering to the requirements of
648 state and federal law; and

649

650 vii. when sex discrimination has been found, take steps that are reasonably calculated
651 to end the discrimination, take corrective and/or disciplinary action aimed at
652 preventing the recurrence of the discrimination, as deemed appropriate by the
653 Superintendent or designee, and take steps designedto remedy the effects of the
654 sex discrimination.

655

656 8. If a complaint is made during summer recess, the complaint will be reviewed and
657 addressed as quickly as possible given the availability of staff and/or other individuals
658 who may have information relevant to the complaint. If fixed timeframes cannot be met,
659 the complainant and respondent will receive notice and interim measures may be
660 implemented as necessary.

661

662 9. If the complainant or respondent (if applicable) is dissatisfied with the findings of the
663 investigation, the complainant or respondent may file a written appeal within five (5)
664 school days to the Title IX Coordinator, or, if the Title IX Coordinator conducted the
665 investigation, to the Superintendent of Schools. The Title IX Coordinator or
666 Superintendent shall review the Title IX Coordinator or designee's written report, the
667 information collected by the Title IX Coordinator or designee together with the
668 recommended disposition of the complaint to determine whether the alleged conduct
669 constitutes sex discrimination. The Title IX Coordinator or Superintendent of Schools

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

674

675 **D. Miscellaneous**

676

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

703

704 **Section III. Further Reporting**

705

706 At any time, a complainant alleging sex discrimination or sexual harassment under Title IX may
707 also file a complaint with the Office for Civil Rights, ~~Boston~~Washington DC Office, U.S.
708 Department of Education, 400 Maryland Avenue, SW, Washington DC 20202-1475, (202) 435-
709 6020, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone (617) 289-0111).

710

711 Employees may also make a report of sexual harassment and/or sex discrimination to the
712 Connecticut Commission on Human Rights and Opportunities, 450 Columbus Boulevard,
713 Hartford, CT 06103-1835 (Telephone: 860-541-3400 or Connecticut Toll Free Number: 1-800-
714 477-5737).

715

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

717

718

Appendix A

719

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

722

723 Rape—(Except Statutory Rape) Penetration, no matter how slight, of a vagina or anus with any body
724 part or object, or oral penetration by a sex organ of another person, or by a sex-related object. This
725 definition includes ~~The carnal knowledge of a person, without the consent of the victim, including~~
726 ~~instances where the victim is incapable of giving consent because of the person's age or because of~~
727 ~~the person's~~ temporary or permanent mental or physical incapacity (including due to the influence of
728 drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to
729 demonstrate lack of consent.

730

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

734

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

739

740 FondlingCriminal Sexual Contact—The intentional touching of the private clothed or unclothed
741 body parts of another person for the purpose of sexual gratification without the consent of the victim,
742 for the purpose of sexual degradation, sexual gratification, or sexual humiliation. The forced
743 touching by the victim of the actor's clothed or unclothed body parts, without consent of the victim,
744 for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This offense
745 includes including instances where the victim is incapable of giving consent because of the person's
746 age or incapacity due to because of the person's temporary or permanent mental or physical
747 incapacity impairment or intoxication for the purpose of sexual degradation, sexual gratification, or
748 sexual humiliation. -

749

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

752

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

755

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

760

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

767

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

770

771

772

773
774
775
776

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

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

780
781

782 Name of the complainant _____

783 Date of the complaint _____

784 Date of the alleged sexual harassment _____

785

786 Name or names of the sexual harasserrespondents(s) _____
787
788

789
790
791

792 Location where such alleged sexual harassment occurred _____
793
794
795

796 Name(s) of any witness(es) to the alleged sexual harassment _____
797
798
799

800 Detailed statement of the circumstances constituting the alleged sexual harassment
801
802

803 _____
804 _____

805 Remedy requested _____
806

807 Signature of Complainant or Title IX Coordinator: _____

808 11/23/2020

809

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

812

813 *This complaint form should be used for complaints of sex discrimination and/or sexual harassment under Title*
814 *VII/Connecticut Law as defined on page 1 of the Board's Administrative Regulations regarding the Prohibition of*
815 *Sex Discrimination and Sexual Harassment (Personnel)*

816

817

818 Name of the complainant _____

819

820 Date of the complaint _____

821

822 Date of the alleged sex discrimination _____

823

824 Name or names of the ~~sex diseriminator~~ respondent(s) _____

825

826

827

828 Location where such alleged sex discrimination occurred _____

829

830

831

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

833

834

835

836 Detailed statement of the circumstances constituting the alleged sex discrimination

837

838

839

840

841

842 Remedy requested _____

843

844 Signature: _____

845

11/23/2020

846

847

[LETTERHEAD]

848

849

NOTICE OF SEXUAL HARASSMENT ALLEGATIONS UNDER TITLE IX

850

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

854

855 Identities of the parties involved, if known:

(Complainant(s))

856

(Respondent(s))

858

859 The conduct allegedly constituting sexual harassment: _____

860

861 _____

862

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

864

865 _____

866

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

867

Director of Special Education

868

10 Campus Drive

869

Madison, CT 06443

870

203-245-6341

871

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

873

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

875

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

877

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

880

11/23/2020

893
894

[LETTERHEAD]

895

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

898

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

905

906 The conduct allegedly constituting sexual harassment: _____

907 _____

908 _____

909

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

914

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

917

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

920

921 _____

922

923 I voluntarily consent to the informal resolution process:

924

925

926 Complainant _____ Date _____

927

928

929

930 Respondent _____ Date _____

931 11/23/2020

932

933

1 #4118.1
2

3 Non-Discrimination

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

10
11 It is the policy of the Board that any form of discrimination or harassment on the basis of an individual’s
12 actual or perceived membership in a Protected Class, whether by students, Board employees, Board
13 members or third parties subject to the control of the Board is prohibited. The Board’s prohibition of
14 discrimination or harassment in its educational programs or activities expressly extends to academic,
15 nonacademic and extracurricular activities, including athletics. The Board will not discriminate against
16 any employee or applicant for employment solely on the basis of the individual’s erased criminal history
17 record information, as defined in Conn. Gen. Stat. § 46a-80a.

18
19 The Board further prohibits reprisal or retaliation against any individual who reports incidents in
20 good faith that may be a violation of this policy, or who participates in the investigation of such reports.

21
22 Discrimination and/or harassment against any individual on the basis of that individual’s
23 association with someone in a Protected Class may also be considered a form of Protected Class
24 discrimination and/or harassment, and is therefore prohibited by this policy.

25
26 Students, Board employees, Board members and community members (e.g., other individuals affiliated
27 with the District, accessing or seeking access to District facilities) are expected to adhere to a standard of
28 conduct that is respectful of the rights of all members of the school community.

29
30 I. Definitions:

31
32 The following definitions apply for purposes of this policy:

34 A. Discrimination

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

38

39 B. Harassment

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

45

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

49

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

60

61 Harassment does not have to involve intent to harm, be directed toward a specific person, or involve
62 repeated incidents.

63

64 Sexual harassment is a form of harassment that is prohibited by law and Board ~~p~~Policy. **4116.1 Prohibition**
65 ~~of Sex Discrimination, Including Sex-based Harassment.~~ For more information regarding harassment
66 based on sex, ~~sexual orientation, pregnancy, or gender identity or expression,~~ contact the District's Title
67 IX Coordinator.

68 C. Genetic information

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

75 D. Veteran

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

86 E. Gender identity or expression

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

94 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 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

104 H. Domestic violence

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

123

124 **II. Reporting:**

125

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

128

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

136

137 If a complaint involves allegations of discrimination or harassment based on sex, ~~gender identity or~~
138 ~~expression, sexual orientation, or pregnancy~~, such complaints will be handled ~~under other appropriate~~
139 ~~policies (e.g., Policy #4116.1, Prohibition of Sex Diserimination, including Sex-based Harassment and~~
140 ~~Policy #4118.14, Americans with Disabilities Act/Section 504)in accordance with the procedures set forth~~
141 ~~in the applicable Board policy regarding sex discrimination and sexual harassment.~~

142

143 If a complaint involves allegations of discrimination or harassment based on disability, such complaints
144 will be addressed in accordance with the procedures set forth in the applicable Board policy regarding
145 Section 504/ADA.

146

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

150

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

156

157 ***Remedial Action:***

158

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

161

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

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

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

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

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

178 D. Follow-up inquiries with the complainant and witnesses to ensure that the
179 discriminatory/harassing conduct has stopped and that they have not experienced any retaliation;

180 E. Supports for the complainant; and

181 F. Training or other interventions for the larger school community designed to ensure that students,
182 staff, parents, Board members and other individuals within the school community understand the
183 types of behavior that constitute discrimination/harassment, that the District does not tolerate it,
184 and how to report it.

185

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

187

188 Office for Civil Rights, Boston Washington DC Office

189 U.S. Department of Education

190 400 Maryland Avenue, SW

191 Washington, DC 20202-1475

192 (202) 453-6020

193 8th Floor

194 5 Post Office Square

195 Boston, MA 02109-3921

196 (617) 289-0111

197 <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

198

199 Equal Employment Opportunity Commission:

200

201 Equal Employment Opportunity Commission, Boston Area Office

204 John F. Kennedy Federal Building
205 475 Government Center
206 Boston, MA 02203
207 (800-669-4000)

208
209
210 Connecticut Commission on Human Rights and Opportunities
211 450 Columbus Blvd.
212 Hartford, CT 06103-1835
213 (860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

214
215 Anyone who has questions or concerns about this policy, and/or who may wish to request or discuss
216 accommodations based on religion, and/or who would like a copy of the Board's complaint procedures
217 or complaint forms related to claims of discrimination or harassment, may contact:

218
219 **Office of the Superintendent**
220 **10 Campus Drive**
221 **Madison, CT 06443**
222 **(203) 245-6322**

223
224 Anyone who has questions or concerns about the Board's policies regarding discrimination or
225 harassment on the basis of ~~gender~~/sex, ~~gender identify~~ or ~~sexual orientation~~ may contact the Board's
226 Title IX Coordinator:

227
228 **Director of Special Education**
229 **10 Campus Drive**
230 **Madison, CT 06443**
231 **(203) 245-6341**

232
233 Anyone who has questions or concerns about the Board's policies regarding discrimination or
234 harassment on the basis of disability, and/or who may wish to request or discuss accommodations for a
235 disability, may contact the Board's Section 504/ADA Coordinator:

236
237 **Director of Special Education**
238 **10 Campus Drive**
239 **Madison, CT 06443**
240 **(203) 245-6341**

241
242 Legal References:

243
244 Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.
245 Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.

246 Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.
247 Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq.
248 Americans with Disabilities Act, 42 U.S.C. § 12101
249 Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794
250 Title II of the Genetic Information Nondiscrimination Act of 2008, Pub.L.110-233, 42
251 U.S.C. § 2000ff; 29 CFR 1635.1 et seq.
252
253
254 Connecticut General Statutes § 1-1n, “Gender Identity or Expression” defined
255 Connecticut General Statutes § 46a-51, Definitions
256 Connecticut General Statutes § 10 153, Discrimination on the basis of sex, gender
257 indemnity or expression or marital status prohibited
258 Connecticut General Statutes § 27-103
259 Connecticut General Statutes § 31-51i
260 Connecticut General Statutes § 46a 58, Deprivation of rights
261 Connecticut Fair Employment Practices Act, Connecticut General Statutes § 46a-60
262 Connecticut General Statutes § 46a-80a
263 ~~Connecticut General Statutes § 46a-81a Sexual orientation discrimination: Definitions~~
264 Connecticut General Statutes § 46a-81c, Sexual orientation discrimination: Employment-
265 Connecticut General Statutes § 46b-1, Family relations matters and domestic violence
266 defined
267
268 Public Act No. 23-14525-139, “An Act ~~Revising the State’s Antidiscrimination~~
269 ~~Statutes~~Concerning Human Trafficking and Sexual Assault Victims”
270
271
272
273
274
275
276 Date Adopted: March 16, 2021
277 Date of Revision: October 12, 2021
278
279 Date of Revision: October 17, 2023
280
281 Date of Revision: November 26, 2024

Regulation #4118.1
Non-Discrimination

1 The Madison Board of Education (the “Board”) will not make employment decisions (including decisions
2 related to hiring, assignment, compensation, promotion, demotion, disciplinary action and termination) on
3 the basis of race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage,
4 ancestry, disability, pregnancy, genetic information, veteran status, gender identity or expression, status
5 as a victim of domestic violence, sexual assault, or human trafficking or any other basis prohibited by
6 state or federal law (“Protected Class”), except in the case of a bona fide occupational qualification.
7

8 It is the policy of the Board that any form of discrimination or harassment on the basis of an individual’s
9 actual or perceived membership in a Protected Class whether by students, Board employees, Board
10 members or third parties subject to the control of the Board. Students, Board employees and third parties
11 are expected to adhere to a standard of conduct that is respectful of the rights of all members of the school
12 community.
13

14 The Board will not discriminate against any employee or applicant for employment solely on the basis
15 of the individual’s erased criminal history record information, as defined in Conn. Gen. Stat. § 46a-80a.
16

17 The Board prohibits reprisal or retaliation against any individual who reports incidents in good faith that
18 may be a violation of this policy, or who participates in the investigation of such reports.
19

20 The District will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting
21 of charges of Protected Class discrimination or harassment. Any such reprisals or retaliation may result
22 in disciplinary action against the retaliator, and other corrective actions as appropriate.
23

24 Discrimination and/or harassment against any individual on the basis of that individual’s association
25 with someone in a Protected Class may also be considered a form of Protected Class discrimination
26 and/or harassment.
27

28 Students, Board employees, Board members and community members (e.g., other individuals affiliated
29 with the District, accessing or seeking access to District facilities) are expected to adhere to a standard of
30 conduct that is respectful of the rights of all members of the school community.
31

32 Although not an exhaustive list, the following are examples of the types of conduct that may be
33 considered Protected Class harassment and can lead to a hostile environment, and are therefore
34 prohibited:
35

36

- 37 • objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated
38 with any Protected Class membership, including but not limited to epithets relating to
39 sex, sexual orientation, and/or gender identity or expression);
40 • other words or phrases commonly considered demeaning or degrading on the basis of
41 Protected Class membership;
42 • display of images or symbols commonly associated with discrimination against
43 individuals on the basis of their membership in a Protected Class;
44 • graphic, written or electronic communications that are harmful or humiliating based on
45 Protected Class membership; or
46

47

48 • physical, written, electronic or verbal threats based on Protected Class membership.
49

50 Harassment does not have to involve intent to harm, be directed toward a specific person, or involve
51 repeated incidents.
52

53 ***Reporting to District Officials:***
54

55 It is the policy of the Board to provide for the prompt and equitable resolution of complaints alleging
56 Protected Class discrimination or harassment. The District will investigate both formal and informal
57 complaints of discrimination, harassment or retaliation.
58

59 Employees are encouraged to report incidents of alleged Protected Class discrimination, harassment, or
60 retaliation immediately.
61

62 Any employee who believes an employee has experienced Protected Class discrimination or harassment
63 or an act of retaliation or reprisal in violation of Board policy should report such concern in writing in
64 accordance with the Board's complaint procedures included in these Administrative Regulations
65 Regarding Non-Discrimination/Personnel.
66

67 If a complaint involves allegations of discrimination or harassment based on sex, ~~gender identity or~~
68 ~~expression, sexual orientation, or pregnancy,~~ such complaints will be handled, ~~as appropriate,~~ in
69 accordance with the procedures set forth in the applicable Board policy regarding sex discrimination and
70 sexual harassment. ~~other Board policies (e.g., Policy #4116.1 Prohibition of Sex Diserimination, including~~
71 Sex-based Harassment (Personnel).
72

73 If a complaint involves allegations of discrimination or harassment based on disability, such complaints
74 will be addressed in accordance with the procedures set forth in ~~Board Policy #4118.14Section~~
75 504/ADA (Personnel). ~~the applicable Board policy regarding Section 504/ADA.~~
76

77 In the event conduct reported as Protected Class discrimination and/or harassment allegedly violates
78 more than one policy, the Board will coordinate any investigation in compliance with the applicable
79 policies.
80

81 ***Mandatory Staff Reporting for Student Incidents***
82

83 Board employees are required to report incidents of alleged student-to-student and employee-to-student
84 discrimination, harassment or retaliation that may be based on a Protected Class when Board employees
85 witness such incidents or when Board employees receive reports or information about such incidents,
86 whether such incidents are verbal or physical or amount to discrimination, harassment or retaliation in
87 other forms. Reports should be made to any District administrator.
88

89 ***Complaint Procedure***
90

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

95

96

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

99

100

101 The individual who is alleged to have experienced Protected Class discrimination/harassment (the
102 “complainant”) and any individual accused of Protected Class discrimination/harassment (the
103 “respondent”) (if applicable) will be provided a copy of the Board’s policy and regulation and made aware
104 of the individual’s rights under this policy and regulation. In the event the Superintendent or designee
105 receives a complaint alleging discrimination or harassment based on sex, ~~gender identity or expression,~~
106 ~~sexual orientation, or pregnancy,~~ the Superintendent or designee shall follow the procedures ~~identified in~~
107 ~~Board Policy #4116.1 Prohibition of Sex Diserimination, Including Sex-Based Harassment (Personnel) set~~
108 ~~forth in the applicable Board policy regarding sex discrimination and sexual harassment.~~ In the event the
109 Superintendent or designee receives a complaint alleging discrimination or harassment based on disability,
110 the Superintendent or designee shall follow the procedures ~~set forth in the applicable Bboard policy~~
111 ~~regarding Section 504/ADA identified in Board Policy #4118.14 Americans With Disabilities Act/Seetion~~
112 ~~504.~~

113

114 The complaint should state the:

115

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

125

126

127

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140

Any individual who makes an oral complaint of alleged 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, assist the individual with completing the written complaint form or request that a District administrator assist the individual.

All complaints received by staff members are to be forwarded immediately to the Superintendent or designee. Upon receipt of a complaint alleging harassment or discrimination under this complaint

141 procedure, the Superintendent or designee shall promptly investigate the complaint, or designate a District
142 administrator or other trained individual to do so. During the course of the investigation, the investigator
143 shall interview or consult with all individuals reasonably believed to have relevant information, including
144 the complainant, the reporter (if different from the complainant), the respondent, and any witnesses to the
145 conduct. Complaints will be investigated promptly within the time frames identified below. Time frames
146 may be extended as needed given the complexity of the investigation, availability of individuals with
147 relevant information and/or other extenuating circumstances. Confidentiality will be maintained by all
148 persons involved in the investigation to the extent possible, as determined by the investigator.
149

150 Upon receipt of a written complaint of alleged discrimination or harassment, the investigator should:
151

- 152 1. Offer to meet with the complainant and respondent (if applicable) within ten (10) business days
153 (provided that such timeframe may be reasonably extended based on the availability of necessary
154 witnesses and/or participants, the complexity of the investigation, and/or other extenuating
155 circumstances) to discuss the nature of the complaint, discuss the availability of interim
156 measures, identify individuals the complainant or respondent believes has relevant information,
157 and obtain any relevant documents the complainant or respondent may have;
158
- 159 2. Provide the complainant and respondent (if applicable) with a copy of the Board's non-
160 discrimination policy and accompanying regulations;
161
- 162 3. Conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis
163 for the complaint, including, as applicable, conducting interviews with individuals with the
164 parties to the complaint and any relevant witnesses or other information and review of
165 documents deemed relevant to the complaint;
166
- 167 4. Review any records, notes, statements, or other documents relevant to the complaint;
168
- 169 5. Maintain confidentiality to the extent practicable throughout the investigative process, in
170 accordance with state and federal law;
171
- 172 6. Complete a final investigation report that includes: (i) a findings of fact based on the evidence
173 gathered; (ii) for each allegation, the conclusion(s) and reasoning(s) as to whether the
174 discrimination or harassment occurred; and (iii) for any individual(s) found to have engaged in
175 discrimination or harassment, a broad statement of consequences imposed (to the extent
176 permitted by state and federal confidentiality requirements) (i.g. "Consequences were
177 imposed.").
178
- 179 7. Communicate the outcome of the investigation in writing to the complainant and respondent (if
180 any) (to the extent permitted by state and federal confidentiality requirements), within thirty (30)
181 business days (provided that such timeframe may be reasonably extended based on the
182 availability of necessary witnesses and/or participants, the complexity of the investigation,
183 and/or other extenuating circumstances) from the date the complaint was received by the
184 Superintendent's office. The complainant and respondent (if any) shall be notified of such
185
186

187 extension. The written notice shall include a finding whether the complaint was substantiated
188 and if so, shall identify, to the extent possible, how the District will remedy the discrimination
189 or harassment, adhering to the requirements of state and federal law;

190

191 8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as
192 quickly as possible given the availability of employees and/or other individuals who may have
193 information relevant to the complaint. If fixed time frames cannot be met, the complainant and
194 respondent (if any) will receive notice and interim measures may be implemented as necessary;

195

196 9. Whenever allegations are verified, ensure that appropriate corrective action is taken (including,
197 but not limited to, disciplinary action) aimed at preventing the recurrence of the discrimination
198 or harassment. Corrective action should include steps designed to avoid continuing
199 discrimination or harassment;

200

201 10. After receiving the written notice of the outcome, parties shall have ten (10) school days to
202 submit a formal written statement of appeal, if they so choose, to the Superintendent challenging
203 the outcome of the investigation and explaining the basis for appeal. Upon receipt of an appeal,
204 the Superintendent shall appoint a decisionmaker(s) for the appeal, who may be the
205 Superintendent or designee. The decisionmaker(s) for the appeal will provide the appealing
206 party's written statement to the non-appealing party. The non-appealing party will then have ten
207 (10) school days to submit to the decision-maker(s) for the appeal a written statement in support
208 of, or challenging, the outcome of the investigation. The decisionmaker(s) for the appeal shall
209 review the evidence and the information presented by the parties and determine if further action
210 and/or investigation is warranted. Such action may include consultation with the investigator(s)
211 (and the parties, a meeting with appropriate individuals to attempt to resolve the complaint, or a
212 decision affirming or overruling the written outcome. Generally, a party's disagreement with the
213 outcome of the investigation, alone, will not be basis for further action. The decisionmaker(s)
214 for the appeal will attempt to issue written notice of the outcome of the appeal to the parties
215 within thirty (30) school days of receipt of all written statements from the parties.

216

Complaint Procedure for Superintendent/Board Members Complaints:

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

224

225 If a complainant or a respondent is not satisfied with the findings and conclusions of an investigation in
226 which the Superintendent or a member of the Board is the respondent, within ten (130) school calendar
227 days of receiving the findings such party may present the complaint and written outcome to the Board
228 Chair (or, if initially presented by the Board Chair, the Board Vice Chair), who will take appropriate
229 steps to cause the matter to be reviewed in a manner consistent with the Board's non-discrimination

230

231

232 policy and regulation. Such steps may include retention of an investigator different from the investigator
233 who investigated the complaint.

234

235 ***Remedial Action:***

236

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

241

- 242 A. In the case of a student respondent, interventions for the individual who engaged in the
243 discrimination/harassment may include, but are not limited to, discipline (including but not
244 limited to suspension and/or expulsion), educational interventions, exclusion from extra-
245 curricular activities and/or sports programs, and/or referral to appropriate state or local agencies;
- 246 B. In the case of an employee respondent, interventions for the individual who engaged in the
247 discrimination/harassment may include, but are not limited to, supervisor notification, discipline
248 (including possible termination of employment), training, and/or referral to appropriate state or
249 local agencies;
- 250 C. In the case of respondent who is otherwise associated with the school community, interventions
251 for the individual who engaged in the discrimination/harassment may include, but are not limited
252 to, exclusion from school property and/or activities and/or referral to appropriate state or local
253 agencies;
- 254 D. Follow-up inquiries with the complainant and witnesses to ensure that the
255 discriminatory/harassing conduct has stopped and that they have not experienced any retaliation.
- 256 E. Training or other interventions for the larger school community to ensure that students, staff, and
257 parents understand the types of behavior that constitute discrimination/harassment, that the
258 District does not tolerate it, and how to report it.

259

260 ***Staff Development:***

261

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

265

266

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

268

269 Office for Civil Rights, Boston Washington DC Office

270 U.S. Department of Education

271 400 Maryland Avenue, SW

272 Washington, DC 20202-1475

273 (202 453 6020)

274 8th Floor

275 5 Post Office Square

276 Boston, MA 02109-3921

277 (617 289-0111)

278 <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

279
280 Equal Employment Opportunity Commission:

281
282 Equal Employment Opportunity Commission, Boston Area Office
283 John F. Kennedy Federal Building
284 475 Government Center
285 Boston, MA 02203
286 (800-669-4000)

287
288 Connecticut Commission on Human Rights and Opportunities:

289
290 Connecticut Commission on Human Rights and Opportunities
291 450 Columbus Blvd.
292 Hartford, CT 06103-1835
293 (860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

294
295 Anyone who has questions or concerns about these regulations, and/or who may wish to request or
296 discuss accommodations based on religion, may contact:

297
298 **Office of the Superintendent**
299 **10 Campus Drive**
300 **Madison, CT 06443**
301 **(203) 245-6322**

302
303 Anyone who has questions or concerns about the Board's policies regarding discrimination or
304 harassment on the basis of ~~gender/sex, gender identity or expression, pregnancy or sexual orientation~~
305 may contact the Board's Title IX Coordinator:

306
307 **Director of Special Education**
308 **10 Campus Drive**
309 **Madison, CT 06443**
310 **(203) 245-6341**

311
312 Anyone who has questions or concerns about the Board's policies regarding discrimination or
313 harassment on the basis of disability, and/or who may wish to request or discuss accommodations for a
314 disability, may contact the Board's Section 504/ADA Coordinator:

315
316 **Director of Special Education**
317 **10 Campus Drive**
318 **Madison, CT 06443**
319 **(203) 245-6341**

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, sexual assault, or human trafficking)

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 **alleged** discrimination/harassment occurred

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

Detailed statement of the circumstances constituting the alleged discrimination or harassment

1 #5020.1

2

3 **Non-Discrimination**

4

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

13

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

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

21

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

25

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

29

30 **I. Definitions:**

31

32 The following definitions apply for purposes of this policy:

33

34 **A. Discrimination:**

35
36 With respect to students, unlawful discrimination occurs when a student is denied participation in, or the
37 benefits of, a program or activity of the Board because of such student's actual or perceived membership
38 in a Protected Class.

39
40 **B. Harassment:**
41
42 Harassment is a form of Protected Class discrimination that is prohibited by law and by this policy.
43 Harassment constitutes unlawful discrimination when it creates a hostile environment, which occurs when
44 the harassment is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student's
45 ability to participate in or benefit from the services, activities, or opportunities offered by the District.
46

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

50

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

61
62 Harassment does not have to involve intent to harm, be directed toward a specific person, or involve
63 repeated incidents.

64
65 Sexual harassment is a form of harassment that is prohibited by law and Board [Policy 5120](#).
66 [Prohibition of Sex Diserimination, Including Sex-based Harassment](#). For more information regarding

67 harassment based on sex, ~~sexual orientation, pregnancy, or gender identity or expression~~, contact the
68 District's Title IX Coordinator.

69

70 C. Veteran:

71 A veteran is any person honorably discharged from, released under honorable conditions from or released
72 with an other than honorable discharge based on a qualifying condition from active service in, the United
73 States Army, Navy, Marine Corps, Coast Guard and Air Force and Space Force and any reserve
74 component thereof, including the Connecticut National Guard. “Qualifying condition” means (A) a
75 diagnosis of post-traumatic stress disorder or traumatic brain injury made by an individual licensed to
76 provide health care services at a United States Department of Veterans Affairs facility, (B) an experience
77 of military sexual trauma disclosed to an individual licensed to provide
78 health care services at a United States Department of Veterans Affairs facility, or (C) a determination
79 that sexual orientation, gender identity or gender expression was more likely than not the primary reason
80 for an other than honorable discharge, as determined in accordance with Conn. Gen. Stat. §§ 27-103(c),
81

82 D. Gender identity or expression:

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

90

91 E. Sexual orientation:

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

96
97 F. Race

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

101 G. Domestic Violence:

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

120

121 Biased Conduct:

122

123 The Board recognizes that certain student conduct or communications may be considered indicative of
124 bias towards individuals who are members of a Protected Class, even when such conduct or
125 communications do not rise to the level of discrimination and/or harassment. The Board directs the
126 District administration to address any such biased conduct or communications in a manner consistent with
127 the Board's legal obligations under state and federal law and Board policy, including free speech
128 considerations, in order to promote a school environment that is welcoming and safe for all individuals.

129

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II. Reporting:

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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 the applicable Board policy regarding sex discrimination and sexual harassment. ~~Board Policy #5120.5 Prohibition of Sex Diserimination, Including Sex based Harassment~~. Complaints involving allegations of discrimination or harassment of a student based on disability will be addressed in accordance with the procedures set forth in the applicable Board policy regarding Section 504/ADA. ~~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 Board~~ 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 Board~~ 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.

163

164 **Remedial Action:**

165

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

168

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

172

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

174

175 A. In the case of a student respondent, interventions for the individual who engaged in the
176 discrimination/harassment may include, but are not limited to, discipline (including but not
177 limited to suspension and/or expulsion), educational interventions, exclusion from extra-
178 curricular activities and/or sports programs, and/or referral to appropriate state or local agencies;
179 B. In the case of an employee respondent, interventions for the individual who engaged in the
180 discrimination/harassment may include, but are not limited to, supervisor notification, discipline
181 (including possible termination of employment), training, and/or referral to appropriate state or
182 local agencies;
183 C. In the case of respondent who is otherwise associated with the school community, interventions
184 for the individual who engaged in the discrimination/harassment may include, but are not limited
185 to, exclusion from school property and/or activities and/or referral to appropriate state or local
186 agencies;
187 D. Follow-up inquiries with the complainant and witnesses to ensure that the
188 discriminatory/harassing conduct has stopped and that they have not experienced any retaliation;
189 E. Supports for the complainant; and
190 F. Training or other interventions for the larger school community designed to ensure that students,
191 staff, parents, Board members and other individuals within the school community understand the
192 types of behavior that constitute discrimination/harassment, that the District does not tolerate it,
193 and how to report it.

194

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

197

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

200

201 Office for Civil Rights, U.S. Department of Education (“OCR”):

202 Office for Civil Rights, Boston Washington DC Office

203 U.S. Department of Education

204 400 Maryland Avenue, SW

205 Washington DC 20202-1475

206 (202 453 6020)
207 8th Floor
208 5 Post Office Square
209 Boston, MA 02109-3921
210 (617-289-0111)
211 <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>
212
213

214 Connecticut Commission on Human Rights and Opportunities:

215
216 Connecticut Commission on Human Rights and Opportunities
217 450 Columbus Blvd.
218 Hartford, CT 06103-1835
219 (860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

220
221 Anyone who has questions or concerns about this policy, and/or who may wish to request or discuss
222 accommodations based on religion, and/or who would like a copy of the Board's complaint procedures or
223 complaint forms related to claims of discrimination, may contact:

224
225 **Office of the Superintendent**
226 **10 Campus Drive**
227 **Madison, CT 06443**
228 **(203) 245-6322**

229
230 Anyone who has questions or concerns about the Board's policies regarding discrimination or harassment
231 on the basis of gender/sex, gender identity, or sexual orientation may contact the Board's District's Title
232 IX Coordinator:

233
234 **Director of Special Education**
235 **10 Campus Drive**
236 **Madison, CT 06443**
237 **(203) 245-6341**

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

241
242 **Director of Special Education**
243 **10 Campus Drive**
244 **Madison, CT 06443**
245 **(203) 245-6341**

246 Legal References:

247

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

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

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

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

252 Connecticut General Statutes § 1-1n, “Gender Identity or Expression” defined

253 Connecticut General Statutes § 46a-51, Definitions

254 Connecticut General Statutes § 10-15c

255 Connecticut General Statutes § 27-103

256 Connecticut General Statutes § 46a-58, Deprivation of rights

257 ~~Connecticut General Statutes § 46a-81a, et seq.~~

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

260 Public Act No. 2523-145139, “An Act Revising the State’s Antidiscrimination
261 StatutesConcerning Human Trafficking and Sexual Assault Victims”

262

263

264

265 Date Adopted: March 16, 2021

266 Date Revised: October 12, 2021

267

268 Date of Revision: October 17, 2023

269

270 Date of Revision: November 26, 2024

Regulation #5020.1

Nondiscrimination

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, sexual assault, or human trafficking 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.

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.

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;

46 • display of images or symbols commonly associated with discrimination against
47 individuals on the basis of their membership in a Protected Class;
48 • graphic, written or electronic communications that are harmful, or humiliating based on
49 Protected Class membership; or
50 • physical, written, electronic or verbal threats based on Protected Class membership.
51

52 Harassment does not have to involve intent to harm, be directed toward a specific person, or involve
53 repeated incidents.

54 ***Reporting to District Officials:***

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

58 Any student, staff member and/or parent/guardian who believes a student has experienced Protected
59 Class discrimination or harassment or an act of retaliation or reprisal in violation of Board policy should
60 report such concern in writing in accordance with the Board's complaint procedures included in these
61 Administrative Regulations Regarding Non-Discrimination/Students.

62 -If a complaint involves allegations of discrimination or harassment based on sex, ~~gender identity or~~
63 ~~expression, sexual orientation, pregnancy,~~ such complaints will be handled in accordance with the
64 procedures set forth in the applicable Board policy regarding sex discrimination and sexual
65 harassment. Board Policy #5120.5 Prohibition of Sex Discrimination, Including Sex-based Harassment.
66 Complaints involving allegations of discrimination or harassment based on disability will be addressed
67 in accordance with the procedures set forth in Board Policy # 5200, the applicable Board policy
68 regarding Section 504/ADA (Students). In the event reported conduct allegedly violates more than
69 one policy, the Board will coordinate any investigation in compliance with the applicable policies.

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

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

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

78 ***Complaint Procedure***

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

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

96

97

98 The student and/or parent/guardian will be provided a copy of the Board's policy and regulation and made
99 aware of the student's rights under this policy and regulation. In the event the principal or designee
100 receives a complaint alleging discrimination or harassment based on sex, ~~gender identity or expression,~~
101 ~~sexual orientation, or pregnancy,~~ the principal or designee shall follow the procedures ~~identified in Policy~~
102 ~~5120.5, Prohibition of Sex Discrimination, Including Sex-based Harassment (Students)~~~~set forth in the~~
103 ~~applicable Board policy regarding sex discrimination and sexual harassment.~~ If the complaint alleging
104 discrimination or harassment is based on disability, the Superintendent or designee shall follow the
105 procedures ~~identified in Board Policy #5200, set forth in the applicable Board policy regarding~~ Section
106 ~~504/ADA, (Students).~~

107 The complaint should state the:

108

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

118

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

125

126 All complaints are to be forwarded immediately to the Superintendent or designee. Upon receipt of a
127 complaint alleging harassment or discrimination under this complaint procedure, the Superintendent shall
128 designate a District administrator (or other trained individual) to promptly investigate the complaint.
129 During the course of the investigation, the investigator shall interview or consult with all individuals

137 reasonably believed to have relevant information, including the individual alleged to have experienced
138 Protected Class discrimination and/or harassment (the “complainant”), the alleged harasser/discriminator
139 (“respondent”) and any witnesses to the conduct. Complaints will be investigated promptly within the
140 time frames identified below. Time frames may be extended as needed given the complexity of the
141 investigation, availability of individuals with relevant information and/or other extenuating circumstances.
142 Confidentiality will be maintained by all persons involved in the investigation to the extent possible to the
143 extent consistent with principals of due process, as determined by the investigator.
144

¶145 Upon receipt of a written complaint of alleged discrimination or harassment, the investigator should:
146

- 147 1. Offer to meet with the complainant (and respondent, if applicable) within ten (10) business days
148 (provided that such time frame may be reasonably extended based on the availability of
149 necessary witnesses and/or participants, the complexity of the investigation, and/or other
150 extenuating circumstances) to discuss the nature of the complaint, discuss the availability of
151 interim measures, identify individuals the complainant or respondent believes has relevant
152 information, and obtain any relevant documents the complainant or respondent may have;
153
- 154 2. Provide the complainant (and respondent, if applicable) with a copy of the Board’s non-
155 discrimination policy and accompanying regulations;
156
- 157 3. Conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis
158 of the complaint, including, as applicable conducting interviews with the parties to the complaint
159 and any relevant witnesses or other individuals deemed relevant to the complaint;
160
- 161 4. Review any records, notes, statements, or other documents relevant to the complaint;
162
- 163 5. Maintain confidentiality to the extent practicable throughout the investigative process, in
164 accordance with state and federal law;
165
- 166 6. Complete a final investigation report that includes: (i) a findings of fact based on the evidence
167 gathered; (ii) for each allegation, the conclusion(s) and reasoning(s) as to whether the
168 discrimination or harassment occurred; and (iii) for any individual(s) found to have engaged in
169 discrimination or harassment, a broad statement of consequences imposed (to the extent
170 permitted by state and federal confidentiality requirements) (i.e. “Consequences were
171 imposed.”).
172
- 173 7. Communicate the outcome of the investigation in writing to the complainant (and respondent, if
174 applicable) (to the extent permitted by state and federal confidentiality requirements), within
175 thirty (30) business days (provided that such time frame may be reasonably extended based on
176 the availability of necessary witnesses and/or participants, the complexity of the investigation,
177 and/or other extenuating circumstances) from the date the complaint was received by the
178 Superintendent’s office. The complainant (and respondent, if applicable) shall be notified of any
179 extension of the investigation timeline. The written notice shall include a finding whether the
180 complaint was substantiated and if so, shall identify, to the extent possible, how the District will
¶181

182 take steps designed to remedy the discrimination or harassment, adhering to the requirements of
183 state and federal law;

184

185 8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as
186 quickly as possible given the availability of employees and/or other individuals who may have
187 information relevant to the complaint. If fixed time frames cannot be met, the complainant (and
188 respondent, if applicable) will receive notice and interim measures may be implemented as
189 necessary;

190

191 9. Whenever allegations are verified, ensure that appropriate corrective action is taken (including,
192 but not limited to, disciplinary action) aimed at preventing the recurrence of the discrimination
193 or harassment. Corrective action should include steps designed to avoid continuing
194 discrimination or harassment;

195

196 10. After receiving the written notice of the outcome, parties shall have ten (10) school days to
197 submit a formal written statement of appeal, if they so choose, to the Superintendent challenging
198 the outcome of the investigation and explaining the basis for appeal. Upon receipt of an appeal,
199 the Superintendent shall appoint a decisionmaker(s) for the appeal, who may be the
200 Superintendent or designee. The decisionmaker(s) for the appeal will provide the appealing
201 party's written statement to the non-appealing party. The non-appealing party will then have ten
202 (10) school days to submit to the decision-maker(s) for the appeal a written statement in support
203 of, or challenging, the outcome of the investigation. The decisionmaker(s) for the appeal shall
204 review the evidence and the information presented by the parties and determine if further action
205 and/or investigation is warranted. Such action may include consultation with the investigator(s)
206 and the parties, a meeting with appropriate individuals to attempt to resolve the complaint, or a
207 decision affirming or overruling the written outcome. Generally, a party's disagreement with the
208 outcome of the investigation, alone, will not be basis for further action. The decisionmaker(s)
209 for the appeal will attempt to issue written notice of the outcome of the appeal to the parties
210 within thirty (30) school days of receipt of all written statements from the parties.

211

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

216

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

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

225 C. In the case of respondent who is otherwise associated with the school community, interventions
226 for the individual who engaged in the discrimination/harassment may include, but are not limited

227 to, exclusion from school property and/or activities and/or referral to appropriate state or local
228 agencies;
229 D. Follow-up inquiries with the complainant and witnesses to ensure that the
230 discriminatory/harassing conduct has stopped and that they have not experienced any retaliation;
231 E. Training or other interventions for the larger school community to ensure that students, staff, and
232 parents understand the types of behavior that constitute discrimination/harassment, that the
233 District does not tolerate it, and how to report it.
234

235 District staff members and administrators will work with students and parents/guardians to take steps
236 designed to prevent acts of discrimination, harassment and retaliation.
237

238 ***Staff Development:***
239

240 The District will periodically provide staff development for District administrators and periodically
241 distribute the Board's Non-Discrimination policies and the implementing administrative regulations to
242 staff, students and parents in an effort to maintain an environment free of discrimination, harassment and
243 retaliation.
244

245 ***Reporting to State and Federal Agencies:***
246

247 Any student and/or parent/guardian also may file a complaint with the Office for Civil Rights, U.S.
248 Department of Education ("OCR"):
249

250 Office for Civil Rights, Boston Washington DC Office
251 U.S. Department of Education

252 400 Maryland Avenue, SW

253 Washington, DC 20202-1475

254 (202 453 6020)

255 8th Floor

256 5 Post Office Square

257 Boston, MA 02109-3921

258 (617-289-0111)

259 <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

260 Any student and/or parent/guardian may also file a complaint with the Connecticut Commission on
261 Human Rights and Opportunities:
262

263 Connecticut Commission on Human Rights and Opportunities
264

265 450 Columbus Blvd.

266 Hartford, CT 06103-1835

267 (860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)
268

269 Anyone who has questions or concerns about these regulations,
270 and/or who may wish to request or discuss accommodations based on religion, may contact:
271

272

273 **Office of the Superintendent**
274 **10 Campus Drive**
275 **Madison, CT 06443**
276 **(203) 245-6322**
277

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

281
282 **Director of Special Education**
283 **10 Campus Drive**
284 **Madison, CT 06443**
285 **(203) 245-6341**
286

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

290
291 **Director of Special Education**
292 **10 Campus Drive**
293 **Madison, CT 06443**
294 **(203) 245-6341**
295

1 #5110.4

2 **Student Discipline**
3 (formerly Suspension/Expulsion/Exclusion
4 From School/School Activities)

5 It is the policy of the Madison Board of Education (the "Board") to create a school environment that
6 promotes respect of self, others, and property within the Madison Public Schools (the "District").
7 Compliance with this policy will enhance the Board and the District's ability to maintain discipline and
8 reduce interference with the educational process that can result from student misconduct. Pursuant to
9 this policy, the District shall promote the utilization of consistent discipline practices, both within and
10 across schools in the District, while also promoting the consideration of individual circumstances arising
11 in each student disciplinary matter. Where appropriate, the District implements-utilizes strategies that
12 teach, encourage and reinforce positive student behavior ~~that do not require engagement with the~~
13 ~~discipline system. Such strategies include, but are not limited to, using evidence and research-based~~
14 ~~interventions, including restorative practices, and may be implemented with or without imposing~~
15 ~~discipline, as appropriate. In addition to implementing this Student Discipline policy, the District shall~~
16 ~~address student behavior in accordance with the Board's School Climate Policy, Restorative Practices~~
17 ~~Response Policy, and any school rules, student handbook, and/or code of conduct provisions regarding~~
18 ~~the same.~~

19

20

21 **I. Definitions**

22 A. **Bullying** means unwanted and aggressive behavior among children in grades
23 kindergarten to twelve, inclusive, that involves a real or perceived power imbalance.

24

25 B. **Cannabis** means marijuana, as defined by Conn. Gen. Stat. § 21a-240.

26 A.C. **Challenging Behavior** means behavior that negatively impacts school climate or
27 interferes, or is at risk of interfering, with the learning or safety of a student or the safety
28 of a school employee.

29 B.D. **Dangerous Instrument** means any instrument, article or substance which, under the
30 circumstances in which it is used or attempted or threatened to be used, is capable of causing
31 death or serious physical injury, and includes a "vehicle" or a dog that has been commanded
32 to attack.

33 C.E. **Deadly Weapon** means any weapon, whether loaded or unloaded, from which a shot may
34 be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon or metal
35 knuckles. A weapon such as a pellet gun and/or air soft pistol may constitute a deadly weapon
36 if such weapon is designed for violence and is capable of inflicting death or serious bodily
37 harm. In making such determination, the following factors should be considered: design of
38 weapon; how weapon is typically used (e.g. hunting); type of projectile; force and velocity of
39 discharge; method of discharge (i.e. spring v. CO2 cartridge) and potential for serious bodily
40 harm or death.

44 **D.F. Electronic Defense Weapon** means a weapon which by electronic impulse or current is
45 capable of immobilizing a person temporarily, but is not capable of inflicting death or serious
46 physical injury, including a stun gun or other conductive energy device.

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

50 **F.H. Exclusion** means any denial of public school privileges to a student for disciplinary
51 purposes.

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

56 **H.J. Firearm**, as defined in 18 U.S.C § 921, means (a) any weapon (including a starter gun)
57 that will, is designed to, or may be readily converted to expel a projectile by the action of an
58 explosive, (b) the frame or receiver of any such weapon, (c) a firearm muffler or silencer, or
59 (d) any destructive device. The term firearm does not include an antique firearm. As used in
60 this definition, a "**destructive device**" includes any explosive, incendiary, or poisonous gas
61 device, including a bomb, a grenade, a rocket having a propellant charge of more than four
62 ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a
63 mine, or any other similar device; or any weapon (other than a shotgun or shotgun shell which
64 the Attorney General finds is generally recognized as particularly suited for sporting purposes)
65 that will, or may be readily converted to, expel a projectile by explosive or other propellant,
66 and which has a barrel with a bore of more than $\frac{1}{2}$ " in diameter. The term "destructive device"
67 also includes any combination of parts either designed or intended for use in converting any
68 device into any destructive device and from which a destructive device may be readily
69 assembled. A "destructive device" does not include: an antique firearm; a rifle intended to be
70 used by the owner solely for sporting, recreational, or cultural purposes; or any device which
71 is neither designed nor redesigned for use as a weapon.

72 **I.K. Generative Artificial Intelligence ("AI")** refers to a technology system, including but not
73 limited to ChatGPT, capable of learning patterns and relationships from data, enabling it to
74 create content, including but not limited to text, images, audio, or video, when prompted by a
75 user.

76 **J.L. Protected Class Harassment** is a form of discrimination on the basis of any protected
77 characteristic (or protected class) including race, color, religion, age, sex, sexual orientation,
78 marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or
79 expression, veteran status, status as a victim of domestic violence, status as a victim of sexual
80 assault or status as a victim of trafficking in persons, or any other basis prohibited by state or
81 federal law ("Protected Class"). Harassment constitutes unlawful discrimination when it
82 creates a hostile environment, which occurs when the harassment is sufficiently severe,
83 pervasive, or persistent so as to interfere with or limit a student's ability to participate in or
84 benefit from the services, activities, or opportunities offered by a school. Harassment does not
85 have to include intent to harm, be directed at a specific target, or involve repeated incidents.

86 Harassment against any individual on the basis of that individual's association with someone
87 in a Protected Class may be a form of Protected Class harassment.

88 **K.M. In-School Suspension** means an exclusion from regular classroom activity for no more
89 than five (5) consecutive school days, but not exclusion from school, provided such exclusion
90 shall not extend beyond the end of the school year in which such in-school suspension was
91 imposed. No student shall be placed on in-school suspension more than fifteen (15) times or
92 a total of fifty (50) days in one (1) school year, whichever results in fewer days of exclusion.

93 **L.N. Martial Arts Weapon** means a nunchaku, kama, kasari fundo, octagon sai, tonfa or
94 Chinese star.

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

97 **N.P. School Days** shall mean days when school is in session for students.

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

100 **P.R. Seriously Disruptive of the Educational Process**, as applied to off-campus conduct,
101 means any conduct that markedly interrupts or severely impedes the day-to-day operation of a
102 school.

103 **S. Suspension** means the exclusion of a student from school and/or transportation services for
104 not more than ten (10) consecutive school days, provided such suspension shall not extend
105 beyond the end of the school year in which such suspension is imposed; and further provided
106 no student shall be suspended more than ten (10) times or a total of fifty (50) days in one school
107 year, whichever results in fewer days of exclusion, unless such student is granted a formal
108 hearing as provided below.

109 **Q.T. Synthetically created image** means any photograph, film, videotape or other image of a
110 person that (A) is (i) not wholly recorded by a camera, or (ii) either partially or wholly
111 generated by a computer system, and (B) depicts, and is virtually indistinguishable from
112 what a reasonable person would believe is the actual depiction of, an identifiable person.

113 **R.U. Weapon** means any BB gun, any blackjack, any metal or brass knuckles, any police baton
114 or nightstick, any dirk knife or switch knife, any knife having an automatic spring release
115 device by which a blade is released from the handle, having a blade of over one and one-half
116 inches in length, any stiletto, any knife the edged portion of the blade of which is four inches
117 and over in length, any martial arts weapon or electronic defense weapon, or any other
118 dangerous or deadly weapon or instrument, unless permitted by law under Section 29-38 of
119 the Connecticut General Statutes.

120 **S.V.** Notwithstanding the foregoing definitions, the reassignment of a student from one regular
121 education classroom program in the District to another regular education classroom program
122 in the District shall not constitute a suspension or expulsion.

123 **T.W.** For purposes of this policy, references to "school", "school grounds", and "classroom"
124 shall include physical educational environments, including on school transportation, as well as

125 in which students are engaged in remote learning, which means instruction by means of one or
126 more Internet-based software platforms as part of a remote learning.

127 **II. Scope of the Student Discipline Policy**

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

129 1. Suspension. Students may be suspended for conduct on school grounds, on school
130 transportation, or at any school-sponsored activity that violates a publicized policy of the
131 Board or is seriously disruptive of the educational process or endangers persons or
132 property.

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

137 B. Conduct off School Grounds:

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

141 C. Seriously Disruptive of the Educational Process

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

151 D. A student shall not have greater discipline, punishment, or sanction for the use, sale, or
152 possession of cannabis on school property than a student would face for the use, sale, or
153 possession of alcohol on school property, except as otherwise required by applicable law.

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

156 Conduct that is considered to violate a publicized policy of the Board of Education includes the
157 offenses described below. Any such conduct may lead to disciplinary action (including, but not
158 limited to, removal from class, suspension and/or expulsion in accordance with this policy):

159 1. Striking or assaulting a student, members of the school staff or other persons.
160 2. Theft.

161 3. The use of obscene or profane language or gestures,

162 4. ~~The possession, and/or display and/or dissemination~~ of obscenity or pornographic images or
163 the unauthorized or inappropriate possession, ~~display~~ and/or ~~display dissemination~~ of images,
164 pictures or photographs depicting nudity, including intimate synthetically created images.

165 54. Violation of smoking, dress, transportation regulations, or other regulations and/or policies
166 governing student conduct.

167 65. Refusal to obey a member of the school staff, law enforcement authorities, or school
168 volunteers, or disruptive classroom behavior.

169 76. -The use of one or more of the following: objectively offensive racial, ethnic, or religious
170 epithets (or epithets commonly associated with any Protected Class membership, including but
171 not limited to epithets relating to sex, sexual orientation, and/or gender identity or expression);
172 other words or phrases commonly considered demeaning or degrading on the basis of Protected
173 Class membership; display of images or symbols commonly associated with discrimination
174 against individuals on the basis of their membership in a Protected Class; graphic, written or
175 electronic communications that are harmful, or humiliating based on Protected Class
176 membership; bigoted conduct or communications; and/or physical, written, electronic or verbal
177 threats based on Protected Class membership.

178 8. Any act of Protected Class Harassment or reprisal or retaliation against any individual for
179 reporting in good faith incidents of Protected Class Harassment, or who participate in the
180 investigation of such reports.

181 97. Refusal by a student to respond to a staff member's request for the student to provide the
182 student's name to a staff member when asked, misidentification of oneself to such person(s),
183 lying to school staff members or otherwise engaging in dishonest behavior.

184 108. Inappropriate displays of public affection of a sexual nature and/or sexual activity on
185 school grounds, on school transportation, or at a school-sponsored activity.

186 119. A walk-out from or sit-in within a classroom or school building or school grounds.

187 120. Blackmailing, threatening or intimidating school staff or students (or acting in a manner that
188 could be construed to constitute blackmail, a threat, or intimidation, regardless of whether
189 intended as a joke), including the use of AI to engage in such conduct.

190 134. Possession of any weapon, weapon facsimile, deadly weapon, martial arts weapon, electronic
191 defense weapon, pistol, knife, blackjack, bludgeon, box cutter, metal knuckles, pellet gun,
192 air pistol, explosive device, firearm, whether loaded or unloaded, whether functional or not,
193 or any other dangerous object or instrument. The possession and/or use of any object or
194 device that has been converted or modified for use as a weapon.

195 142. Possession of any ammunition for any weapon described above in paragraph 11.

196 153. Unauthorized entrance into any school facility or portion of a school facility or aiding or
197 abetting an unauthorized entrance.

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164. Possession or ignition of any fireworks, combustible or other explosive materials, or ignition of any material causing a fire. Possession of any materials designed to be used in the ignition of combustible materials, including matches and lighters.

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175. Possession, sale, distribution, use, or consumption of tobacco, electronic nicotine delivery systems (e.g. e-cigarettes), electronic cannabis delivery system, or vapor products, or the unlawful possession, sale, distribution, use or consumption of drugs, narcotics or alcoholic beverages (or any facsimile of tobacco, drugs, narcotics or alcoholic beverages, or any item represented to be tobacco, drugs or alcoholic beverages), including being under the influence of any such substances or aiding in the procurement of any such substances. For the purposes of this Paragraph 175, the term "electronic nicotine delivery system" shall mean an electronic device used in the delivery of nicotine or other substances to a person inhaling from the device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device, including, but not limited to, electronic cigarette liquid. For purposes of Paragraph 175, the term "electronic cannabis delivery system" shall mean an electronic device that may be used to simulate smoking in the delivery of cannabis to a person inhaling the device and includes, but is not limited to, a vaporizer, electronic pipe, electronic hookah and any related device and any cartridge or other component of such device. For the purposes of Paragraph 175, the term "vapor product" shall mean any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may or may not include nicotine and is inhaled by the user of such product. For the purposes of this Paragraph 175, the term "drugs" shall include, but shall not be limited to, any medicinal preparation (prescription and non-prescription) and any controlled substance whose possession, sale, distribution, use or consumption is illegal under state and/or federal law, including cannabis.

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186. Sale, distribution, or consumption of substances contained in household items; including, but not limited to glue, paint, accelerants/propellants for aerosol canisters, and/or items such as the aerators for whipped cream; if sold, distributed or consumed for the purpose of inducing a stimulant, depressant, hallucinogenic or mind-altering effect.

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197. Possession of paraphernalia used or designed to be used in the consumption, sale or distribution of drugs, alcohol or tobacco, as described in subparagraph (175) above. For purposes of this policy, drug paraphernalia includes any equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing or concealing, or injecting, ingesting, inhaling or otherwise introducing controlled drugs or controlled substances into the human body, including but not limited to items such as "bongs," pipes, "roach clips," vials, tobacco rolling papers, and any object or container used, intended or designed for use in storing, concealing, possessing, distributing or selling controlled drugs or controlled substances, including cannabis.

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2018. The destruction of real, personal or school property, such as, cutting, defacing or otherwise damaging property in any way.

240 2119. Accumulation of offenses such as school and class tardiness, class or study hall cutting, or
241 failure to attend detention.

242 220. Trespassing on school grounds while on out-of-school suspension or expulsion.

243 234. Making false bomb threats or other threats to the safety of students, employees, and/or other
244 persons.

245 242. Defiance of school rules and the valid authority of teachers, supervisors, administrators, other
246 employees and/or law enforcement authorities.

247 253. Throwing snowballs, rocks, sticks and/or similar objects, except as specifically authorized
248 by school employees responsible for student supervision.

249 264. Unauthorized and/or reckless and/or improper operation of a motor vehicle on school
250 grounds or at any school-sponsored activity.

251 275. Leaving school grounds, school transportation or a school-sponsored activity without
252 authorization.

253 286. Use of or copying of the academic work of another individual and presenting it as the
254 student's own work, without proper attribution; the unauthorized use of AI for the completion
255 of class assignments; or any other form of academic dishonesty, cheating or plagiarism.

256 297. Possession and/or use of a cellular telephone, radio, portable audio player, CD player,
257 blackberry, personal data assistant, walkie talkie, Smartphone, mobile or handheld device,
258 or similar electronic device, on school grounds, on school transportation, or at a school-
259 sponsored activity in violation of Board policy and/or administrative regulations regulating
260 the use of such devices.

261 3028. Possession and/or use of a beeper or paging device on school grounds, on school
262 transportation, or at a school-sponsored activity without the written permission of the
263 principal or designee.

264 3129. Unauthorized use of or tampering with any school computer, computer system, computer
265 software, Internet connection or similar school property or system, or the use of such property
266 or system for inappropriate purposes, including using AI in a manner that disrupts or
267 undermines the effective operation of the school district or is otherwise seriously disruptive
268 to the educational process.

269 320. Possession and/or use of a laser pointer, unless the student possesses the laser pointer
270 temporarily for an educational purpose while under the direct supervision of a responsible
271 adult.

272 334. Hazing.

273 342. Challenging behavior, including, but not limited to, bullying, as defined in the Board's
274 School Climate Policy and above. Bullying, defined as unwanted and aggressive behavior
275 among children in grades kindergarten to twelve, inclusive, that involves a real or perceived
276 power imbalance. "Bullying" includes "cyberbullying", which means any act of bullying

277 ~~through the use of the Internet, interactive and digital technologies, cellular mobile telephone~~
278 ~~or other mobile electronic devices or any other electronic communication.~~

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

282 36. Acting in any manner that creates a health and/or safety hazard for employees, students, third
283 parties on school property or the public, regardless of whether the conduct is intended as a
284 joke, including but not limited to violating school or district health and safety protocols
285 developed in connection with the COVID-19 pandemic, such as, but not limited to, physical
286 distancing and mask-wearing requirements.

287 347. Engaging in a plan to stage or create a violent situation for the purposes of recording it by
288 electronic means; or recording by electronic means acts of violence for purposes of later
289 publication (other than to school officials).

290 358. Engaging in a plan to stage sexual activity for the purposes of recording it by electronic
291 means; or recording by electronic means sexual acts for purposes of later publication.

292 369. Using computer systems, including email, remote learning platforms, instant messaging, text
293 messaging, blogging, or the use of social networking websites, AI, or other forms of
294 electronic communications, to engage in any conduct prohibited by this policy.

295 4037. Use of a privately owned electronic or technological device in violation of school rules,
296 including the unauthorized recording (photographic or audio) of another individual without
297 permission of the individual or a school employee.

298 4138. Engaging in teen dating violence, defined as any act of physical, emotional or sexual abuse,
299 including stalking, harassing and threatening, which occurs between two students who are
300 currently in or who have recently been in a dating relationship.

301 4239. Any action prohibited by any Federal or State law.

302 430. Any other violation of school rules or regulations or a series of violations which makes the
303 presence of the student in school seriously disruptive of the educational process and/or a
304 danger to persons or property.

305 **IV. Discretionary and Mandatory Expulsions**

306 A. An administrator responsible for a school program (“responsible administrator”) may consider
307 recommendation of expulsion of a student in grades three to twelve, inclusive, in a case where
308 the responsible administrator has reason to believe the student has engaged in conduct
309 described at Sections II.A. or II.B., above.

310 B. A responsible administrator must recommend expulsion proceedings in all cases against any
311 student in grades kindergarten to twelve, inclusive, whom the District Administration has
312 reason to believe:

313 1. was in possession on school grounds, on school transportation, or at a school-sponsored
314 activity of a deadly weapon, dangerous instrument, martial arts weapon, or firearm as
315 defined in 18 U.S.C. § 921 as amended from time to time; or

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

320 3. was engaged on or off school grounds or school transportation in offering for sale or
321 distribution a controlled substance (as defined in Conn. Gen. Stat. § 21a-240(9)), whose
322 manufacturing, distribution, sale, prescription, dispensing, transporting, or possessing with
323 intent to sell or dispense, offering or administering is subject to criminal penalties under
324 Conn. Gen. Stat. §§21a-277 and 21a-278. Sale or Distribution of less than one (1) kilogram
325 of cannabis is not subject to mandatory expulsion.

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

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

337 D. Upon receipt of an expulsion recommendation, the Superintendent may conduct an inquiry
338 concerning the expulsion recommendation. If the Superintendent or designee determines that
339 a student should or must be expelled, student shall forward such recommendation to the Board
340 of Education so that the Board can consider and act upon this recommendation.

341 E. In keeping with Conn. Gen. Stat. § 10-233d and the Gun-Free Schools Act, it shall be the
342 policy of the Board to expel a student in grades kindergarten to twelve, inclusive, for one (1)
343 full calendar year for the conduct described in Section IV.B(1), (2) and (3) of this policy and
344 to expel a student enrolled in a preschool program for one (1) calendar year for the conduct
345 described in Section IV.C. For any mandatory expulsion offense, the Board may modify the
346 term of expulsion on a case-by-case basis.

347 **V. Procedures Governing Behavior that Causes a Serious Disruption**

348 A. A school principal or other school administrator shall notify a parent or guardian of a
349 student whose behavior has caused a serious disruption to the instruction of other
350 students; caused self-harm; or caused physical harm to a teacher, another student, or other
351 school employee not later than twenty-four (24) hours after such behavior occurs.

354 B. Such notice shall include, but not be limited to, informing such parent or guardian that
355 the teacher of record in the classroom in which such behavior occurred may request a
356 behavior intervention meeting.

357 C. If the teacher of record in the classroom ultimately requests a behavior intervention
359 meeting with the crisis intervention team for the school, the parent or guardian must be
360 notified that such meeting will occur.

361 D. If a behavior intervention meeting occurs, the crisis intervention team shall, not later than
362 seven (7) days after the behavior intervention meeting, provide to the parent or guardian
363 of such student, in the dominant language of such parent or guardian, a written summary
364 of such meeting, including, but not limited to, the resources and supports identified.

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VI. Procedures Governing Removal from Class

368 A. A student may be removed from class by a teacher or administrator if the student deliberately
369 causes a serious disruption of the educational process. When a student is removed by a teacher,
370 the teacher must send the student to a designated area and notify the responsible administrator or
371 administrator's designee at once.

372 A.B. A student may not be removed from class more than six (6) times in one school year nor
373 more than twice in one week unless the student is referred to the responsible administrator or
374 administrator's designee and granted an informal hearing at which the student should be
375 informed of the reasons for the disciplinary action and given an opportunity to explain the
376 situation.

377 B.C. The parents or guardian of any minor student removed from class shall be given notice of
378 such disciplinary action within twenty-four (24) hours of the time of the institution of such
379 removal from class.

VII. Procedures Governing Suspension

381 A. The responsible administrator or administrator's designee, shall have the right to suspend a
382 student for breach of conduct as noted in Section II of this policy for not more than five (5)
383 consecutive in-school days; ten (10) consecutive school days for an out-of-school suspension
384 for students in grades three through twelve, inclusive; or five (5) consecutive school days for
385 an out-of-school suspension for students in grades preschool to two, inclusive. In cases where
386 suspension is contemplated, the following procedures shall be followed.

- 387 1. Unless an emergency situation exists, no student shall be suspended prior to having an
388 informal hearing before the responsible administrator or administrator's designee at which
389 the student is informed of the charges and given an opportunity to respond. In the event of
390 an emergency, the informal hearing shall be held as soon after the suspension as possible.
- 391 2. Prior to conducting the informal hearing referenced above, an administrator, school
392 counselor or school social worker at the student's school must contact the District's
393 Homeless Education Liaison to determine whether the student is a homeless child or youth,

394 as defined by the McKinney-Vento Homeless Assistance Act. If a student is determined to
395 be a homeless child or youth, the responsible administrator or the administrator's designee
396 must consider the impact of homelessness on the student's behavior during the informal
397 hearing.

398 3. If suspended, such suspension shall be an in-school suspension, except the responsible
399 administrator or administrator's designee may impose an out-of-school suspension on any
400 pupil:

401 a. in grades three to twelve, inclusive, if, during the informal hearing, (i) the responsible
402 administrator or administrator's designee determines that the student poses such a
403 danger to persons or property or such a disruption of the educational process that
404 student should be excluded from school during the period of suspension; or (ii) the
405 responsible administrator or administrator's designee determines that an out-of-school
406 suspension is appropriate based on evidence of (A) the student's previous disciplinary
407 problems that have led to suspensions or expulsion of such student, and (B) previous
408 efforts by the Administration to address the student's disciplinary problems through
409 means other than out-of-school suspension or expulsion, including positive behavioral
410 support strategies, or

411 b. in grades preschool to two, inclusive, if the responsible administrator or administrator's
412 designee (A) determines that an out-of-school suspension is appropriate for such
413 student based on evidence that such student's conduct on school grounds is behavior
414 that causes physical harm, (B) requires that such pupil receives services that are trauma-
415 informed and developmentally appropriate and align with any behavioral intervention
416 plan, individualized education program or plan pursuant to Section 504 of the
417 Rehabilitation Act of 1973, as amended from time to time, for such pupil upon such
418 pupil's return to school immediately following the out-of-school suspension, and (C)
419 considers whether to convene a planning and placement team meeting for the purposes
420 of conducting and evaluation of the student.

421 3. ~~An out-of school suspension imposed in accordance with (2.A) of this subsection shall not
422 exceed ten (10) school days, and an out-of school suspension imposed in accordance with
423 (2.B.) of this subsection shall not exceed five (5) school days.~~

424 4. Evidence of past disciplinary problems that have led to removal from a classroom,
425 suspension, or expulsion of a student who is the subject of an informal hearing may be
426 received by the responsible administrator or the administrator's designee, but only
427 considered in the determination of the length of suspensions.

428 5. By telephone, the responsible administrator or the administrator's designee shall make
429 reasonable attempts to immediately notify the parent or guardian of a minor student
430 following the suspension and to state the cause(s) leading to the suspension.

431 6. Whether or not telephone contact is made with the parent or guardian of such minor student,
432 the responsible administrator or administrator's designee shall forward a letter promptly to
433 such parent or guardian to the last address reported on school records (or to a newer address

434 if known by the responsible administrator or administrator's designee), offering the parent
435 or guardian an opportunity for a conference to discuss same.

436 7. In all cases, the parent or guardian of any minor student who has been suspended shall be
437 given notice of such suspension within twenty-four (24) hours of the time of the institution
438 of the suspension.

439 8. Not later than twenty-four (24) hours after the commencement of the suspension, the
440 responsible administrator or administrator's designee shall also notify the Superintendent
441 or designee of the name of the student being suspended and the reason for the suspension.

442 9. The student shall be allowed to complete any classwork, including examinations, without
443 penalty, which the student missed while under suspension.

444 10. The school Administration may, in its discretion, shorten or waive the suspension period
445 for a student who has not previously been suspended or expelled, if the student completes
446 an Administration-specified program and meets any other conditions required by the
447 Administration. Such Administration-specified program shall not require the student
448 and/or the student's parents to pay for participation in the program. The Superintendent
449 may delegate this authority to building or program level administrators.

450 11. Notice of the suspension shall be recorded in the student's cumulative educational record.
451 Such notice shall be expunged from the cumulative educational record if the student
452 graduates from high school. In cases where the student's period of suspension is shortened
453 or waived in accordance with Section VII.A(109), above, the Administration may choose
454 to expunge the suspension notice from the cumulative record at the time the student
455 completes the Administration-specified program and meets any other conditions required
456 by the Administration. The Superintendent may delegate this authority to building or
457 program level administrators.

458 12. If the student has not previously been suspended or expelled, and the Administration
459 chooses to expunge the suspension notice from the student's cumulative record prior to
460 graduation, the Administration may refer to the existence of the expunged disciplinary
461 notice, notwithstanding the fact that such notice may have been expunged from the
462 student's cumulative file, for the limited purpose of determining whether any subsequent
463 suspensions or expulsions by the student would constitute the student's first such offense.

464 13. The decision of the responsible administrator or administrator's designee with regard to
465 disciplinary actions up to and including suspensions shall be final.

466 14. During any period of suspension served out of school, the student shall not be permitted to
467 be on school property and shall not be permitted to attend or participate in any school-
468 sponsored activities, unless the responsible administrator or the administrator's designee
469 specifically authorizes the student to enter school property for a specified purpose or to
470 participate in a particular school-sponsored activity.

471 B. In cases where a student's suspension will result in the student being suspended more than ten
472 (10) times or for a total of fifty (50) days in a school year, whichever results in fewer days of
473 exclusion, the student shall, prior to the pending suspension, be granted a formal hearing before

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the Board of Education. The responsible administrator or administrator's designee shall report
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the student to the Superintendent or designee and request a formal Board hearing. If an
emergency situation exists, such hearing shall be held as soon after the suspension as possible.

477 **VIII. Procedures Governing In-School Suspension**

478 A. The responsible administrator or administrator's designee may impose in-school suspension in
479 cases where a student's conduct endangers persons or property, violates school policy or
480 seriously disrupts the educational process as determined by the responsible administrator or
481 administrator's designee.

482 B. In-school suspension may not be imposed on a student without an informal hearing by the
483 responsible administrator or administrator's designee.

484 C. In-school suspension may be served in the school or program that the student regularly attends
485 or in any other school building within the jurisdiction of the Board.

486 D. No student shall be placed on in-school suspension more than fifteen (15) times or for a total
487 of fifty (50) days in one school year, whichever results in fewer days of exclusion.

488 E. The parents or guardian of any minor student placed on in-school suspension shall be given
489 notice of such suspension within twenty-four (24) hours of the time of the institution of the
490 period of the in-school suspension.

491 **VIII. Procedures Governing Expulsion Hearing**

492 A. Emergency Exception

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

499 B. Hearing Panel:

500 Expulsion hearings conducted by the Board will be heard by any three or more Board members.
501 A decision to expel a student must be supported by a majority of the Board members present,
502 provided that no less than three (3) affirmative votes to expel are cast.

503 Alternatively, the Board may appoint an impartial hearing board composed of one (1) or more
504 persons to hear and decide the expulsion matter, provided that no member of the Board may
505 serve on such panel.

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

507 1. Written notice of the expulsion hearing must be given to the student, and, if the student is
508 a minor, to student's parent(s) or guardian(s) at least five (5) business days before such
509 hearing.

510 2. A copy of this Board policy on student discipline shall also be given to the student, and if
511 the student is a minor, to student's parent(s) or guardian(s), at the time the notice is sent
512 that an expulsion hearing will be convened.

513 3. The written notice of the expulsion hearing shall inform the student of the following:

514 a. The date, time, place and nature of the hearing, including if the hearing will be held
515 virtually, via video conference.

516 b. The legal authority and jurisdiction under which the hearing is to be held, including a
517 reference to the particular sections of the legal statutes involved.

518 c. A short, plain description of the conduct alleged by the Superintendent or
519 Superintendent's designee.

520 d. The student may present as evidence relevant testimony and documents concerning the
521 conduct alleged and the appropriate length and conditions of expulsion; and that the
522 expulsion hearing may be the student's sole opportunity to present such evidence.

523 e. The student may cross-examine witnesses called by the Superintendent ~~or~~
524 Superintendent's Designee.

525 f. The student may be represented by an attorney or other advocate of student's choice at
526 the student's expense or at the expense of student's parent(s) or guardian(s).

527 g. A student is entitled to the services of a translator or interpreter, to be provided by the
528 Board of Education, whenever the student or student's parent(s) or guardian(s) requires
529 the services of an interpreter because student(s) do(es) not speak the English language
530 or is(are) disabled.

531 h. The conditions under which the Board is not legally required to give the student an
532 alternative educational opportunity (if applicable).

533 i. Information concerning the parent's(s') or guardian's(s') and the student's legal rights
534 and about free or reduced-rate legal services and how to access such services.

535 j. The parent(s) or guardian(s) of the student have the right to have the expulsion hearing
536 postponed for up to one week to allow time to obtain representation, except that if an
537 emergency exists, such hearing shall be held as soon after the expulsion as possible.

538 4. Prior to conducting the expulsion hearing, an administrator, school counselor, or school social
539 worker at the student's school must contact the District's Homeless Education Liaison to
540 determine whether the student is a homeless child or youth, as defined by the McKinney-Vento
541 Homeless Assistance Act.

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543 D. Hearing Procedures:

544 1. The hearing will be conducted by the Presiding Officer, who will call the meeting to order,
545 introduce the parties, Board members and others participating in the hearing (if applicable),

546 briefly explain the hearing procedures, and swear in any witnesses called by the
547 Superintendent or Superintendent's designee or the student. If an impartial board or more
548 than one person has been appointed, the impartial board shall appoint a Presiding Officer.

549 2. The hearing will be conducted in executive session. A verbatim record of the hearing will
550 be made, either by tape or digital recording or by a stenographer. A record of the hearing
551 will be maintained, including the verbatim record, all written notices and documents
552 relating to the case and all evidence received or considered at hearing.

553 3. The Superintendent or Superintendent's designee shall bear the burden of production to
554 come forward with evidence to support its case and shall bear the burden of persuasion.
555 The standard of proof shall be a preponderance of the evidence.

556 4. Formal rules of evidence will not be followed. The Board (or the impartial board) has the
557 right to accept hearsay and other evidence if it deems that evidence relevant or material to
558 its determination. The Presiding Officer will rule on testimony or evidence as to it being
559 immaterial, irrelevant, and/or any other objections to its submission.

560 5. The hearing will be conducted in two (2) parts. In the first part of the hearing, the Board
561 (or the impartial board) will receive and consider evidence regarding the conduct alleged
562 by the Administration.

563 6. In the first part of the hearing, the charges will be introduced into the record by the
564 Superintendent or designee.

565 7. Each witness for the Superintendent or Superintendent's designee will be called and sworn.
566 After a witness has finished testifying, he/she will be subject to cross-examination by the
567 opposite party or his/her legal counsel, by the Presiding Officer and by Board members (or
568 the impartial board).

569 8. The student shall not be compelled to testify at the hearing.

570 9. After the Superintendent or Superintendent's designee has presented its case, the student
571 will be asked if they have any witnesses or evidence to present concerning the charges. If
572 so, the witnesses will be sworn, will testify, and will be subject to cross examination and
573 to questioning by the Superintendent or Superintendent's designee, the Presiding Officer
574 and/or by the Board (or the impartial board). The student may also choose to make a
575 statement at this time. If the student chooses to make a statement, they will be sworn and
576 subject to cross examination and questioning by the Superintendent or Superintendent's
577 designee, the Presiding Officer and/or by the Board (or the impartial board). Concluding
578 statements will be made by the Superintendent or Superintendent's designee and then by
579 the student and/or the student's representative.

580 10. In cases where the student has denied the allegation, the Board (or the impartial board)
581 must determine whether the student committed the offense(s) as charged by the
582 Superintendent or Superintendent's designee.

583 11. If the Board (or the impartial board) determines that the student has committed the conduct
584 as alleged, then the Board (or the impartial board) shall proceed with the second portion of
585 the hearing, during which the Board (or the impartial board) will receive and consider
586 relevant evidence regarding the length and conditions of expulsion.

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12. When considering the length and conditions of expulsion, the Board (or the impartial board) may review the student's attendance, academic and past disciplinary records. The Board (or the impartial board) may not review notices of prior expulsions or suspensions which have been expunged from the student's cumulative record, except as provided in Section VII.A ~~(9)~~, (10), (11), ~~(12)~~ above, and Section X, below. The Board (or the impartial board) may ask the Superintendent or Superintendent's designee for a recommendation as to the discipline to be imposed.

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

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13.14. If a student is determined to be a homeless child or youth as described in Subsection IX.C(4), the Board (or the impartial board) must consider the impact of homelessness on the student's behavior. Such student may not be expelled without a plan of interventions and supports to mitigate the impact of homelessness on the student's behavior. If the student is identified as a homeless child or youth and is expelled more than one time, the student shall be provided a meeting with the District's Homeless Education Liaison.

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14.15. Where administrators presented the case in support of the charges against the student, neither such administrative staff nor the Superintendent or Superintendent's designee shall be present during the deliberations of the Board (or the impartial board) either on questions of evidence or on the final discipline to be imposed. The Superintendent or Superintendent's designee may, after reviewing the incident with administrators, and reviewing the student's records, make a recommendation to the Board (or the impartial board) as to the appropriate discipline to be applied.

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15.16. The Board (or the impartial board) shall make findings as to the truth of the charges, if the student has denied them; and, in all cases, the disciplinary action, if any, to be imposed. While the hearing itself is conducted in executive session, the vote regarding expulsion must be made in open session and in a manner that preserves the confidentiality of the student's name and other personally identifiable information.

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16.17. Except for a student who has been expelled based on possession of a firearm or deadly weapon as described in subsection IV.B(1) and (2) above, the Board (or the impartial board) may, in its discretion, shorten or waive the expulsion period for a student who has not previously been suspended or expelled, if the student completes a Board-specified program and meets any other conditions required by the Board (or the impartial board). The Board-specified program shall not require the student and/or the student's parents to pay for participation in the program.

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17.18. The Board (or the impartial board) shall report its final decision in writing to the student, or if such student is a minor, also to the parent(s) or guardian(s), stating the reasons on which the decision is based, and the disciplinary action to be imposed. Said decision shall be based solely on evidence presented at the hearing. The parents or guardian or any

629 minor student who has been expelled shall be given notice of such disciplinary action
630 within twenty-four (24) hours of the time of the institution of the period of the expulsion.

631 **18.19.** The hearing may be conducted virtually, via video conference, at the direction of
632 the Board (or the impartial board), in the event school buildings are closed to students or
633 individuals are provided limited access to school buildings due to a serious health or other
634 emergency. Any virtual hearing must provide the student the due process rights identified
635 in this Subsection D.

636 **E. Presence on School Grounds, on School Transportation, and Participation in School-
637 Sponsored Activities During Expulsion:**

638 During the period of expulsion, the student shall not be permitted to be on school property or
639 on school transportation and shall not be permitted to attend or participate in any school-
640 sponsored activities, except for the student's participation in any alternative educational
641 opportunity provided by the district in accordance with this policy, unless the Superintendent
642 or Superintendent's specifically provides written permission for the student to enter school
643 property or school transportation for a specified purpose or to participate in a particular school-
644 sponsored activity.

645 **F. Stipulated Agreements:**

646 In lieu of the procedures used in this Section, the Superintendent or Superintendent's designee
647 and the parent(s) or legal guardian(s) of a student facing expulsion may choose to enter into a
648 Joint Stipulation of the Facts and a Joint Recommendation to the Board concerning the length
649 and conditions of expulsion. Such Joint Stipulation and Recommendation shall include
650 language indicating that the parent(s) or legal guardian(s) understand their right to have an
651 expulsion hearing held pursuant to these procedures, and language indicating that the Board,
652 in its discretion, has the right to accept or reject the Joint Stipulation of Facts and
653 Recommendation. If the Board (or the impartial board) rejects either the Joint Stipulation of
654 Facts or the Recommendation, an expulsion hearing shall be held pursuant to the procedures
655 outlined herein. If the Student is eighteen years of age or older, the student shall have the
656 authority to enter into a Joint Stipulation on the student's own behalf.

657 If the parties agree on the facts, but not on the disciplinary recommendation, the Superintendent
658 or Superintendent's designee and the parents (or legal guardians) of a student facing expulsion
659 may also choose to enter into a Joint Stipulation of the Facts and submit only the Stipulation
660 of the Facts to the Board (or the impartial board) in lieu of holding the first part of the hearing,
661 as described above. Such Joint Stipulation shall include language indicating that the parents
662 and/or student over the age of 18 understand their right to have a hearing to determine whether
663 the student engaged in the alleged misconduct and that the Board, in its discretion, has the right
664 to accept or reject the Joint Stipulation of Facts. If the Board (or the impartial board) rejects
665 the Joint Stipulation of Facts, a full expulsion hearing shall be held pursuant to the procedures
666 outlined herein.

667 **IX. Alternative Educational Opportunities for Expelled Students**

668 **A. Students under sixteen (16) years of age:**

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

671 B. Students sixteen (16) to eighteen (18) years of age:

672 1. The Board of Education shall provide an alternative educational opportunity to a sixteen
673 (16) to eighteen (18) year-old student expelled for the first time if the student requests it
674 and if the student agrees to the conditions set by the Board (or the impartial board). Such
675 alternative educational opportunity may include, but shall not be limited to, the placement
676 of a student who is at least seventeen years of age in an adult education program. Any
677 student participating in an adult education program during a period of expulsion shall not
678 be required to withdraw from school as a condition to participation in the adult education
679 program.

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

683 3. The Board of Education shall count the expulsion of a student when the student was under
684 sixteen (16) years of age for purposes of determining whether an alternative educational
685 opportunity is required for such student when the student is between the ages of sixteen
686 and eighteen.

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

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

690 D. Content of Alternative Educational Opportunity

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

699 . The Superintendent, or designee, shall develop administrative regulations concerning
700 alternative educational opportunities, which administrative regulations shall be in
701 compliance with the standards adopted by the State Board of Education. Such
702 administrative regulations shall include, but not limited to, provisions to address student
703 placement in alternative education; individualized learning plans; monitoring of student(s)
704 placements and performance; and a process for transition planning.

705 E. Students identified as eligible for services under the Individuals with Disabilities Education
706 Act (“IDEA”):

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

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

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

719 **XI. Notice of Student Expulsion on Cumulative Record**

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

725 In cases where the student’s period of expulsion is shortened or waived in accordance with
726 Section VIII.D(174), above, the Board may choose to expunge the expulsion notice from the
727 cumulative record at the time the student completes the Board-specified program and meets any
728 other conditions required by the Board. Except as may be specified by the Board in an expulsion
729 hearing decision, the Board delegates the authority to make decisions pertaining to expungement
730 to the Superintendent.

731 If a student’s period of expulsion was not shortened or waived, the Board may choose to
732 expunge the expulsion notice from the student’s cumulative record prior to graduation if such
733 student has demonstrated to the Board that the student’s conduct and behavior in the years
734 following such expulsion warrants an expungement. In deciding whether to expunge the
735 expulsion notice, the Board may receive and consider evidence of any subsequent disciplinary
736 problems that have led to removal from a classroom, suspension or expulsion of the student.
737 Except as may be specified by the Board in an expulsion hearing decision, the Board delegates
738 the authority to make decisions pertaining to expungement to the Superintendent.

740 If the student has not previously been suspended or expelled, and the Administration chooses to
741 expunge the expulsion notice from the student’s cumulative record prior to graduation, the
742 Administration may refer to the existence of the expunged notice, notwithstanding the fact that
743 such notice may have been expunged from the student’s cumulative file, for the limited purpose
744 of determining whether any subsequent suspension or expulsion by the student would constitute
745 the student’s first such offense.

746 **XII. Change of Residence During Expulsion Proceedings**

747 A. Student moving into the District:

748 1. If a student enrolls in the District while an expulsion hearing is pending in another
749 public school district, such student shall not be excluded from school pending
750 completion of the expulsion hearing unless an emergency exists, as defined
751 above. The Board shall retain the authority to suspend the student or to conduct
752 its own expulsion hearing. The procedures outlined above in Section VIII and
753 consistent with the requirements of Conn. Gen. Stat. § 10-233d or Conn. Gen.
754 Stat. § 10-233l, if applicable, as well as the applicable provisions of the Uniform
755 Administrative Procedures Act, Conn. Gen. Stat. §§ 4-176e to 4-180a, and § 4-
756 181a shall be utilized for any hearing conducted under this section.

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758 2. Where a student enrolls in the district during the period of expulsion from another
759 public school district, the Board may adopt the decision of the student expulsion
760 hearing conducted by such other school district. The student shall be excluded
761 from school pending such hearing. The excluded student shall be offered an
762 alternative educational opportunity in accordance with statutory requirements.
763 The Board (or the impartial board) shall make its determination pertaining to
764 expulsion based upon a hearing held by the Board (or the impartial board), which
765 hearing shall be limited to a determination of whether the conduct which was the
766 basis of the previous public school district's expulsion would also warrant
767 expulsion by the Board. The procedures outlined above in Section VIII and
768 consistent with the requirements of Conn. Gen. Stat. § 10-233d or Conn. Gen.
769 Stat. § 10-233l, if applicable, as well as the applicable provisions of the Uniform
770 Administrative Procedures Act, Conn. Gen. Stat. §§ 4-176e to 4-180a, and § 4-
771 181a shall be utilized for any hearing conducted under this section.

772

773 B. Student moving out of the District:

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

780 **XIII. Procedures Governing Suspension and Expulsion of Students Identified as Eligible for**
781 **Services under the Individuals with Disabilities Education Act (“IDEA”)**

782 A. Suspension of IDEA students:

783 Notwithstanding the foregoing, if a responsible administrator suspends a student identified as
784 eligible for services under the IDEA (an “IDEA student”) who has violated any rule or code of
785 conduct of the District that applies to all students, the following procedures shall apply:

786 1. The responsible administrator shall make reasonable attempts to immediately notify the
787 parents of the student of the decision to suspend on the date on which the decision to
788 suspend was made, and a copy of the special education procedural safeguards must either

789
790 be hand-delivered or sent by mail to the parents on the date that the decision to suspend
791
792 was made.

793
794 2. During the period of suspension, the District is not required to provide any educational
795 services to the IDEA student beyond that which is provided to all students suspended by the
796 District, except as set forth in subsection (3) below.

797
798 3. If an IDEA student is being suspended and that student has already been removed from
799 their current placement for ten (10) school days in the same school year, school personnel, in
800 consultation with at least one of the student's teachers, must determine the extent to which
801 services are needed so as to enable the student to continue to participate in the general
802 education curriculum, although in another setting, and to progress toward meeting the goals
803 set out in the student's IEP, so long as the suspension does not constitute a change in
804 placement. If the suspension constitutes a change in placement, subsection (B) below will
805 apply.

806 -

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

808
809 Notwithstanding any provision to the contrary, if the Administration recommends for
810 expulsion an IDEA student who has violated any rule or code of conduct of the District that
811 applies to all students, the procedures described in this section shall apply. The procedures
812 described in this section shall also apply for students whom the Administration has suspended
813 in a manner that is considered under the IDEA, as it may be amended from time to time, to be
814 a change in educational placement:

815
816 1. Upon the decision by the Administration to recommend expulsion or impose a suspension
817 that would constitute a change in educational placement, the Administration shall promptly
818 notify the parent(s)/guardian(s) of the student of the recommendation of expulsion or the
819 suspension that would constitute a change in educational placement, and provide the
820 parents(s)/guardian(s) a copy of the special education procedural safeguards either by
821 hand-delivery or by mail (unless other means of transmission have been arranged).

822
823 2. The District shall immediately convene the student's planning and placement team
824 ("PPT"), but in no case later than ten (10) school days after the recommendation for
825 expulsion or the suspension that constitutes a change in placement was made. The
826 student's PPT shall consider the relationship between

827
828 the student's disability and the behavior that led to the recommendation for expulsion or
829 the suspension which constitutes a change in placement, in order to determine whether the
830 student's behavior was a manifestation of the student's disability.

831
832 3. If the student's PPT finds that the behavior was a manifestation of the student's disability,
833 the Administration shall not proceed with the recommendation for expulsion or the
834 suspension that constitutes a change in placement.

835
836 4. If the student's PPT finds that the behavior was not a manifestation of the student's
837 disability, the Administration may proceed with the recommended expulsion or suspension
838 that constitutes a change in placement.

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

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

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

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

839 a. Was in possession of a dangerous weapon, as defined in 18 U.S.C. 930(g)(2), as
840 amended from time to time, on school grounds, on school transportation or at a school-
841 sponsored activity, or
842 b. Knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled
843 substance while at school, on school transportation or at a school-sponsored activity;
844 or
845 c. Has inflicted serious bodily injury upon another person while at school, on school
846 premises, on school transportation or at a school function.

847 2. The following definitions shall be used for this subsection XII.C.:

848 a. **Dangerous weapon** means a weapon, device, instrument, material, or substance,
849 animate or inanimate, that is used for, or is readily capable of, causing death or serious
850 bodily injury, except that such term does not include a pocket knife with a blade of less
851 than 2.5 inches in length.
852 b. **Controlled substance** means a drug or other substance identified under schedules I, II,
853 III, IV, or V in section 202(c) of the Controlled Substances Act, 21 U.S.C. 812(c).
854 c. **Illegal drug** means a controlled substance but does not include a substance that is
855 legally possessed or used under the supervision of a licensed health-care professional
856 or that is legally possessed or used under any other authority under the Controlled
857 Substances Act or under any other provision of federal law.
858 d. **Serious bodily injury** means a bodily injury which involves: (A) a substantial risk of
859 death; (B) extreme physical pain; (C) protracted and obvious disfigurement; or (D)
860 protracted loss or impairment of the function of a bodily member, organ, or mental
861 faculty.

862 **XHIV. Procedures Governing Expulsions for Students Identified as Eligible under Section 504 of**
863 **the Rehabilitation Act of 1973 (“Section 504”)**

864 A. Except as provided in subsection B below, notwithstanding any provision to the contrary, if
865 the Administration recommends for expulsion a student identified as eligible for educational

866 accommodations under Section 504 who has violated any rule or code of conduct of the District
867 that applies to all students, the following procedures shall apply:

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

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

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

876 4. If the 504 team finds that the behavior was not a manifestation of the student's disability,
877 the Administration may proceed with the recommended expulsion.

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

885 **XIV. Procedures Governing Expulsions for Students Placed in a Juvenile Detention Center**

886 A. Any student who commits an expellable offense and is subsequently placed in a juvenile
887 detention center or any other residential placement for such offense may be expelled by the
888 Board in accordance with the provisions of this section. The period of expulsion shall run
889 concurrently with the period of placement in a juvenile detention center or other residential
890 placement.

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

896 **XVI. Early Readmission to School**

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

XVII. Dissemination of Policy

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

XVIII. Compliance with Documentation and Reporting Requirements

- A. The District shall include on all disciplinary reports the individual student's state-assigned student identifier (SASID).
- B. The District shall report all suspensions and expulsions to the State Department of Education.
- C. If the Board of Education expels a student for sale or distribution of a controlled substance, as defined in Conn. Gen. Stat. § 21a-240(9), whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with the intent to sell or dispense, offering, or administration is the subject to criminal penalties under Conn. Gen. Stat. §§ 21a-277 and 21a-278, the District shall refer such student to an appropriate state or local agency for rehabilitation, intervention or job training and inform the agency of its action.
- D. If the Board of Education expels a student for possession of a firearm, as defined in 18 U.S.C. § 921, or deadly weapon, dangerous instrument or martial arts weapon, as defined in Conn. Gen. Stat. § 53a-3, the District shall report the violation to the local police.

Legal References:

Connecticut General Statutes:

§ 10-15c Discrimination in public schools prohibited. School attendance by five-year olds

§ 10-16 Length of school year

§ 10-74j Alternative education

§§ 4-176e through 4-180a and § 4-181a Uniform Administrative Procedures Act

§ 10-222aa through 10-222kk School Climate ~~§ 10-222d Safe school climate plans. Definitions. Safe school climate assessments~~

§§ 10-233a through 10-233f Suspension and expulsion of students

§ 10-233l Expulsion and suspension of children in preschool programs

§ 10-236c Disruptive or harmful behavior. Behavior intervention meetings for certain students. Notice to parents

§ 10-253 School privileges for children in certain placements, nonresident children, children in temporary shelters, homeless children and children in juvenile

detention facilities. Liaison to facilitate transitions between school districts and juvenile and criminal justice systems.

§ 19a-342a Use of electronic nicotine delivery system or vapor product prohibited. Exceptions. Signage required. Penalties

§ 21a-240 Definitions

§ 21a-277 Penalty for illegal manufacture, distribution, sale, prescription, dispensing

§ 21a-278 Penalty for illegal manufacture, distribution, sale, prescription, or administration by non-drug-dependent person

§§ 21a-408a through 408p Palliative uUse of mMarijuana

§ 29-35 Carrying of pistol or revolver without permit prohibited. Exceptions

§ 29-38 Weapons in vehicles

§ 46a-58 Deprivation of rights. Desecration of property. Placing of burning cross or noose on property. Penalty. Restitution

§ 53a-3 Definitions

§ 53-206 Carrying of dangerous weapons prohibited

§ 53-344 Sale or delivery of cigarettes or tobacco products to persons under twenty-one.

§ 53-344b Sale and delivery of electronic nicotine delivery system or vapor products to persons under twenty-one years or age

Public Act No. 21-4625-168, Sec. 261, “An Act Concerning Social Equity and the Health, Safety and Education of Children in the State budget for the Biennium Ending June 30, 2027, and Making Appropriations Therefor, and Provisions Related to Revenue and Other Items Implementing the State Budget.” (definition of “synthetically created image”)

Public Act 25-93, “An Act Increasing Resources for Students, Schools and Special Education.”

Public Act 25-139, “An Act Concerning Human Trafficking and Sexual Assault Victims.”

Packer v. Board of Educ. of the Town of Thomaston, 717 A.2d 117 (Conn. 1998).
State v. Hardy, 896 A.2d 755 (Conn. 2006).

State v. Guzman, 955 A.2d 72 (Conn. App. Ct. 2008).

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

Federal law:

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

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

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

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

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

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

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

21 U.S.C. § 812(c) (identifying “controlled su

34 C.F.R. § 300.530 (defining “illegal dr

Gun-Free Schools Act, 20 U.S.C. §

Honig v. Doe, 484 U.S. 305 (1988)
U.S. Department of Education Office for Civil Rights, U.S. Department of Justice Civil Rights Division, *Resource on Confronting Racial Discrimination in Student Discipline* (May 2023)

Take It Down Act, Public L. 119-12

Take It Down Act, Public L. 119-12

McKinney Vento Homeless Assistance Act, 42 U.S.C. § 11343a

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1 #5120.3.3
2

3 **Administration of Student Medications**
4 **In the Schools**
5 **(formerly Administering Medication)**

6 A. Definitions
7

8 Administration of medication means any one of the following activities: handling, storing,
9 preparing or pouring of medication; conveying it to the student according to the medication
10 order; observing the student inhale, apply, swallow, or self-inject the medication, when
11 applicable; documenting that the medication was administered; and counting remaining doses
12 to verify proper administration and use of the medication.

13 Authorized prescriber means a physician, dentist, optometrist, advanced practice registered
14 nurse or physician assistant, and, for interscholastic and intramural athletic events only, a
15 podiatrist.

16 Before or After School Program means any child care program operated and administered by
17 a local or regional board of education exempt from licensure by the Office of Early Childhood
18 pursuant to subdivision (1) of subsection (b) of Section 19a-77 of the Connecticut General
19 Statutes. Such programs do not include public or private entities licensed by the Office of
20 Early Childhood or board of education enhancement programs and extra-curricular activities.

21 ~~Cartridge Injector means an automatic prefilled cartridge injector or similar automatic
22 injectable equipment used to deliver epinephrine in a standard dose for emergency first aid
23 response to allergic reactions.~~

24 Coach means any person holding a coaching permit who is hired by a local or regional board
25 of education to coach for a sport season.

26 Controlled drugs means those drugs as defined in Conn. Gen. Stat. Section 21a-240.

27 Cumulative health record means the cumulative health record of a pupil mandated by Conn.
28 Gen. Stat. Section 10-206.

29 Director means the person responsible for the day-to-day operations of any school readiness
30 program or before-and-after school program.

31 Eligible student means a student who has reached the age of eighteen or is an emancipated
32 minor.

33 ~~Epinephrine means an automatic prefilled cartridge injector or similar automatic injectable
34 equipment, a nasal spray or any other medical equipment approved by the United States Food
35 and Drug Administration that is used to deliver epinephrine in a standard dose for emergency
36 first aid response to allergic reactions.~~

46 Equipment used to administer glucagon means an injector or injectable equipment, nasal spray
47 or other medical equipment approved by the United States Food and Drug Administration that
48 is used to deliver glucagon in an appropriate dose for emergency first aid response to diabetes.

49
50 Error means:

51 (1) the failure to do any of the following as ordered:

52 (a) administer a medication to a student;

53 (b) administer medication within the time designated by the prescribing physician;

54 (c) administer the specific medication prescribed for a student;

55 (d) administer the correct dosage of medication;

56 (e) administer medication by the proper route;

57 (f) administer the medication according to generally accepted standards of practice; or

58 (2) the administration of medication to a student which is not ordered, or which is not
59 authorized in writing by the parent or guardian of such student, except for the
60 administration of epinephrine or naloxone for the purpose of emergency first aid as set
61 forth in Sections D and E below.

62 Guardian means one who has the authority and obligations of guardianship of the person of a
63 minor, and includes: (1) the obligation of care and control; and (2) the authority to make major
64 decisions affecting the minor's welfare, including, but not limited to, consent determinations
65 regarding marriage, enlistment in the armed forces and major medical, psychiatric or surgical
66 treatment.

67 Intramural athletic events means tryouts, competition, practice, drills, and transportation to and
68 from events that are within the bounds of a school district for the purpose of providing an
69 opportunity for students to participate in physical activities and athletic contests that extend
70 beyond the scope of the physical education program.

71 Interscholastic athletic events means events between or among schools for the purpose of
72 providing an opportunity for students to participate in competitive contests that are highly
73 organized and extend beyond the scope of intramural programs and includes tryouts,
74 competition, practice, drills and transportation to and from such events.

75 Investigational drug means any medication with an approved investigational new drug (IND)
76 application on file with the Food and Drug Administration (FDA), which is being scientifically
77 tested and clinically evaluated to determine its efficacy, safety and side effects and which has
78 not yet received FDA approval.

79 Licensed athletic trainer means a licensed athletic trainer employed by the school district
80 pursuant to Chapter 375a of the Connecticut General Statutes.

91 Medication means any medicinal preparation, both prescription and non-prescription,
92 including controlled drugs, as defined in Conn. Gen. Stat. Section 21a-240. This definition
93 includes Aspirin, Ibuprofen or Aspirin substitutes containing Acetaminophen.

94 Medication Emergency means a life-threatening reaction of a student to a medication.

95 Medication plan means a documented plan established by the school nurse in conjunction with
96 the parent and student regarding the administration of medication in school. Such plan may
97 be a stand-alone plan, part of an individualized health care plan, an emergency care plan or a
98 medication administration form.

99 Medication order means the authorization by an authorized prescriber for the administration of
100 medication to a student which shall include the name of the student, the name and generic
101 name of the medication, the dosage of the medication, the route of administration, the time of
102 administration, the frequency of administration, the indications for medication, any potential
103 side effects including overdose or missed dose of the medication, the start and termination
104 dates not to exceed a 12-month period, and the written signature of the prescriber.

105 Nurse means an advanced practice registered nurse, a registered nurse or a practical nurse
106 licensed in Connecticut in accordance with Chapter 378, Conn. Gen. Stat.

107 Occupational Therapist means an occupational therapist employed full time by the local or
108 regional board of education and licensed in Connecticut pursuant to Chapter 376a of the
109 Connecticut General Statutes.

110 Optometrist means an optometrist licensed to provide optometry pursuant to Chapter 380 of
111 the Connecticut General Statutes.

112 Paraeducator means a health care aide or assistant or an instructional aide or assistant employed
113 by the local or regional board of education who meets the requirements of such board of
114 employment as a health care aide or assistant or instructional aide or assistant.

115 Physical therapist means a physical therapist employed full time by the local or regional board
116 of education and licensed in Connecticut pursuant to Chapter 376 of the Connecticut General
117 Statutes.

118 Physician means a doctor of medicine or osteopathy licensed to practice medicine in
119 Connecticut pursuant to Chapter 370 of the Connecticut General Statutes, or licensed to
120 practice medicine in another state.

121 Podiatrist means an individual licensed to practice podiatry in Connecticut pursuant to Chapter
122 375 of the Connecticut General Statutes.

123 Principal means the administrator in the school.

136 Qualified school employee means a principal, teacher, licensed athletic trainer, licensed
137 physical or occupational therapist employed by a school district, coach or paraeducator.
138

139 Research or study medications means FDA-approved medications being administered
140 according to an approved study protocol. A copy of the study protocol shall be provided to the
141 school nurse along with the name of the medication to be administered and the acceptable
142 range of dose of such medication to be administered.
143

144 School means any educational facility or program which is under the jurisdiction of the Board
145 excluding extracurricular activities.
146

147 School nurse means a nurse appointed in accordance with Conn. Gen. Stat. Section 10-212.
148

149 School nurse supervisor means the nurse designated by the local or regional board of education
150 as the supervisor or, if no designation has been made by the board, the lead or coordinating
151 nurse assigned by the board.
152

153 School readiness program means a program that receives funds from the State Department of
154 Education for a school readiness program pursuant to subsection (b) of Section 10-16p of the
155 Connecticut General Statutes and exempt from licensure by the Office of Early Childhood
156 pursuant to subdivision (1) of subsection (b) of Section 19a-77 of the Connecticut General
157 Statutes.
158

159 Self-administration of medication means the control of the medication by the student at all
160 times and is self-managed by the student according to the individual medication plan.
161

162 Teacher means a person employed full time by the Board who has met the minimum standards
163 as established by the Board for performance as a teacher and has been approved by the school
164 medical advisor and school nurse to be designated to administer medications pursuant to the
165 Regulations of Connecticut State Agencies Sections 10-212a-1 through 10-212a-7.
166

167 B. General Policies on Administration of Medications
168

169 (1) Except as provided below in Section D, no medication, including non-prescription drugs,
170 may be administered by any school personnel without:
171

- 172 (a) the written medication order of an authorized prescriber;
- 173 (b) the written authorization of the student's parent
174 or guardian or eligible student; and
- 175 (c) the written permission of a parent for the exchange of information between the
176 prescriber and the school nurse necessary to ensure safe administration of such
177 medication.

178 (2) Prescribed medications shall be administered to and taken by only the person for whom
179 the prescription has been written.
180

181

182 (3) Except as provided in Section D, medications may be administered only by a licensed
183 nurse or, in the absence of a licensed nurse, by:
184
185 (a) a full-time principal, a full-time teacher, or a full-time licensed physical or
186 occupational therapist employed by the school district who has been trained in the
187 administration of medication in accordance with Section J of this policy. A full-time
188 principal, teacher, licensed physical or occupational therapist employed by the
189 school district may administer oral, topical, intranasal or inhalant medications. Such
190 individuals may administer injectable medications only to a student with a medically
191 diagnosed allergic condition that may require prompt treatment to protect the student
192 against serious harm or death.
193 (b) students with chronic medical conditions who are able to possess, self-administer,
194 or possess and self-administer medication, provided all of the following conditions
195 are met:
196
197 (i) an authorized prescriber provides a written medication order, including the
198 recommendation for possession, self-administration, or possession and self-
199 administration;
200
201 (ii) there is a written authorization for possession, self-administration, or
202 possession and self-administration from the student's parent or guardian or
203 eligible student;
204
205 (iii) the school nurse has developed a plan for possession, self-administration, or
206 possession and self-administration, and general supervision, and has
207 documented the plan in the student's cumulative health record;
208
209 (iv) the school nurse has assessed the student's competency for self-
210 administration and deemed it safe and appropriate, including that the student:
211 is capable of identifying and selecting the appropriate medication by size,
212 color, amount or other label identification; knows the frequency and time of
213 day for which the medication is ordered; can identify the presenting
214 symptoms that require medication; administers the medication appropriately;
215 maintains safe control of the medication at all times; seeks adult supervision
216 whenever warranted; and cooperates with the established medication plan;
217
218 (v) the principal, appropriate teachers, coaches and other appropriate school
219 personnel are informed the student is possessing, self-administering, or
220 possessing and self-administering prescribed medication;
221
222 (vi) such medication is transported to school and maintained under the student's
223 control in accordance with this policy; and
224
225 (vii) controlled drugs, as defined in this policy, may not be possessed or self-
226 administered by students, except in extraordinary situations, such as

227 international field trips, with approval of the school nurse supervisor and the
228 school medical advisor in advance and development of an appropriate plan.
229

230 (c) a student diagnosed with asthma who is able to self-administer medication shall be
231 permitted to retain possession of an asthmatic inhaler at all times while attending
232 school, in order to provide for prompt treatment to protect such child against serious
233 harm or death, provided all of the following conditions are met:
234

235 (i) an authorized prescriber provides a written order requiring the possession of
236 an inhaler by the student at all times in order to provide for prompt treatment
237 in order to protect the child against serious harm or death and authorizing
238 the student's self-administration of medication, and such written order is
239 provided to the school nurse;
240

241 (ii) there is a written authorization from the student's parent or guardian regarding
242 the possession of an inhaler by the student at all times in order to protect the
243 child against serious harm or death and authorizing the student's self-
244 administration of medication, and such written authorization is provided to
245 the school nurse;
246

247 (iii) the conditions set forth in subsection (b) above have been met, except that the
248 school nurse's review of a student's competency to self-administer an inhaler
249 for asthma in the school setting shall not be used to prevent a student from
250 retaining and self-administering an inhaler for asthma. Students may self-
251 administer medication with only the written authorization of an authorized
252 prescriber and written authorization from the student's parent or guardian or
253 eligible student; and
254

255 (iv) the conditions for self-administration meet any regulations as may be imposed
256 by the State Board of Education in consultation with the Commissioner of
257 Public Health.
258

259 (d) a student diagnosed with an allergic condition who is able to self-administer
260 medication shall be permitted to retain possession of such medication, including,
261 but not limited to, medication administered with a cartridge injector, at all times
262 while attending school, in order to provide for prompt treatment to protect such
263 child against serious harm or death, provided all of the following conditions are
264 met:
265

266 (i) an authorized prescriber provides a written order requiring the possession of
267 ~~a cartridge injector~~such medication by the student at all times in order to
268 provide for prompt treatment in order to protect the child against serious harm
269 or death and authorizing the student's possession, self-administration, or
270 possession and self-administration of medication, and such written order is
271 provided to the school nurse;
272

273 (ii) there is a written authorization from the student's parent or guardian regarding
274 the possession of ~~a cartridge injector~~such medication by the student at all
275 times in order to protect the child against serious harm or death and
276 authorizing the student's possession, self-administration, or possession and
277 self-administration of medication, and such written authorization is provided
278 to the school nurse;

279

280 (iii) the conditions set forth in subsection (b) above have been met, except that the
281 school nurse's review of a student's competency to self-administer ~~cartridge~~
282 injectorsuch medication for medically-diagnosed allergies in the school
283 setting shall not be used to prevent a student from retaining and self-
284 administering such medication ~~a cartridge injector~~ for medically-diagnosed allergies. Students may self-administer
285 medication with only the written authorization of an authorized prescriber and
286 written authorization from the student's parent or guardian or eligible student;
287 and
288

289

290 (iv) the conditions for self-administration meet any regulations as may be imposed
291 by the State Board of Education in consultation with the Commissioner of
292 Public Health.

293

294 (e) a student with a medically diagnosed life-threatening allergic condition may
295 possess, self-administer, or possess and self-administer medication, including but
296 not limited to medication administered with a cartridge injector, to protect the
297 student against serious harm or death, provided the following conditions are met:

298

299 (i) the parent or guardian of the student has provided written authorization for
300 the student to possess, self-administer, or possess and self-administer such
301 medication; and

302

303 (ii) a qualified medical professional has provided a written order for the
304 possession, self-administration, or possession and self-administration.

305

306 (f) a coach of intramural or interscholastic athletic events or licensed athletic trainer
307 who has been trained in the administration of medication in accordance with
308 Section J of this policy, during intramural or interscholastic athletic events, may
309 administer inhalant medications prescribed to treat respiratory conditions and/or
310 medication ~~administered with a cartridge injector~~ for students with medically
311 diagnosed allergic conditions which may require prompt treatment to protect the
312 student against serious harm or death, including medication administered with a
313 cartridge injector, provided all of the following conditions are met:

314

315 (i) the school nurse has determined that a self-administration plan is not viable;

316

317 (ii) the school nurse has provided to the coach a copy of the authorized
318 prescriber's order and parental permission form;

- (ii) a written order for such administration has been received from the student's physician licensed under Chapter 370 of the Connecticut General Statutes;
- (iii) the principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by the Board, coach or school paraeducator is selected by the school nurse and school medical advisor, if any, and voluntarily agrees to administer the medication;
- (iv) the principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by the Board, coach or school paraeducator annually completes the training program established by the Connecticut State Department of Education and the Association of School Nurses of Connecticut as required by Connecticut General Statutes § 10-212a, and the school nurse and medical advisor, if any, have attested, in writing, that such training has been completed; and
- (v) the principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by the Board, coach or school paraeducator receives monthly reviews by the school nurse to confirm competency to administer antiepileptic medication.

a director of a school readiness program or a before or after school program, or the director's designee, provided that the medication is administered:

- (i) only to a child enrolled in such program; and
- (ii) in accordance with Section L of this policy.

a licensed practical nurse, after the school nurse has established the medication plan, provided that the licensed practical nurse may not train or delegate the administration of medication to another individual, and provided that the licensed practical nurse can demonstrate one of the following:

- (i) training in administration of medications as part of their basic nursing program;
- (ii) successful completion of a pharmacology course and subsequent supervised experience; or
- (iii) supervised experience in the administration of medication while employed in a health care facility.

410 (5) Investigational drugs or research or study medications may be administered only
411 by a licensed nurse. For FDA-approved medications being administered according
412 to a study protocol, a copy of the study protocol shall be provided to the school
413 nurse along with the name of the medication to be administered and the acceptable
414 range of dose of such medication to be administered.

415
416 C. Diabetic Students
417

418 (1) The Madison Board of Education (the “Board”) permits blood glucose testing by students
419 who have a written order from a physician or an advanced practice registered
420 nurse stating the need and capability of such student to conduct self-testing, or the
421 use of continuous blood glucose monitors (CGM) by children diagnosed with
422 Type 1 diabetes, who have a written order from a physician or an advanced
423 practice registered nurse.

424
425 (2) The Board will not restrict the time or location of blood glucose testing by a student with
426 diabetes on school grounds who has written authorization from a parent or guardian and
427 a written order from a physician or an advanced practice registered nurse stating that such
428 child is capable of conducting self-testing on school grounds.

429
430 (3) The Board will not require a student using a continuous glucose monitor approved by
431 the Food and Drug Administration for use without finger stick verification to undergo
432 finger stick verification of blood glucose readings from a continuous glucose monitor
433 on a routine basis. Finger stick testing of a child using a continuous glucose monitor so
434 approved by the Food and Drug Administration shall only be conducted: (1) as ordered
435 by the student’s physician or advanced practice provider; (2) if it appears that the
436 continuous glucose monitor is malfunctioning; or (3) in an urgent medical situation.

437
438 (4) The Board shall purchase or use existing equipment owned by the Board to monitor
439 blood glucose alerts transmitted from continuous glucose monitors of students with
440 Type 1 diabetes to dedicated receivers, smartphone/tablet applications, or other
441 appropriate technology on such equipment.

442
443 (5) In the absence or unavailability of the school nurse, select school employees may
444 administer medication with ~~injectable~~ equipment used to administer glucagon to a student
445 with diabetes that may require prompt treatment in order to protect the student against
446 serious harm or death, under the following conditions:
447
448 (a) The student’s parent or guardian has provided written authorization;
449
450 (b) A written order for such administration has been received from the student’s
451 physician licensed under Chapter 370 of the Connecticut General Statutes;
452
453 (c) The school employee is selected by either the school nurse or principal and is a
454 principal, teacher, licensed athletic trainer, licensed physical or occupational
455 therapist employed by a school district, coach or school paraeducator;

456

457 (d) The school nurse shall provide general supervision to the selected school employee;

458

459 (e) The selected school employee annually completes any training required by the

460 school nurse and school medical advisor in the administration of medication with

461 ~~injectable~~ equipment used to administer glucagon;

462

463 (f) The school nurse and school medical advisor have attested in writing that the

464 selected school employee completed the required training; and

465

466 (g) The selected school employee voluntarily agrees to serve as one who may

467 administer medication with ~~injectable~~ equipment used to administer glucagon to a

468 student with diabetes that may require prompt treatment in order to protect the

469 student against serious harm or death.

470

471 D. Epinephrine for Purposes of Emergency First Aid Without Prior Authorization

472

473 (1) For purposes of this Section D, “regular school hours” means the posted hours during

474 which students are required to be in attendance at the individual school on any given

475 day.

476

477 (2) The school nurse shall maintain epinephrine ~~in cartridge injectors~~ for the purpose of

478 emergency first aid to students who experience allergic reactions and do not have prior

479 written authorization of a parent or guardian or a prior written order of a qualified medical

480 professional for the administration of epinephrine.

481

482 (a) The school nurse, in consultation with the school nurse supervisor, shall determine

483 the supply of epinephrine ~~in cartridge injectors~~ that shall be available in the

484 individual school.

485

486 (b) In determining the appropriate supply of epinephrine ~~in cartridge injectors~~, the

487 nurse may consider, among other things, the number of students regularly in the

488 school building during the regular school day and the size of the physical building.

489

490 (3) The school nurse or school principal shall select principal(s), teacher(s), licensed athletic

491 trainer(s), licensed physical or occupational therapist(s) employed by the Board,

492 coach(es) and/or school paraeducator(s) to maintain and administer the epinephrine ~~in~~

493 ~~cartridge injectors~~ for the purpose of emergency first aid as described in Paragraph (2)

494 above, in the absence of the school nurse.

495

496 (a) More than one individual must be selected by the school nurse or school principal

497 for such maintenance and administration in the absence of the school nurse.

498

499 (b) The selected personnel, before conducting such administration, must annually

500 complete the training made available by the Department of Education for the

501 administration of epinephrine ~~in cartridge injectors~~ for the purpose of emergency
502 first aid, as described in Connecticut General Statutes § 10-212g.

503

504 (c) The selected personnel must voluntarily agree to complete the training and
505 administer epinephrine ~~in cartridge injectors~~ for the purpose of emergency first aid.

506

507 (4) Either the school nurse or, in the absence of the school nurse, at least one of the selected
508 and trained personnel as described in Paragraph (3) above shall be on the grounds of each
509 school during regular school hours.

510

511 (a) The school principal, in consultation with the school nurse supervisor, shall
512 determine the level of nursing services and number of selected and trained
513 personnel necessary to ensure that a nurse or selected and trained personnel is
514 present on the grounds of each school during regular school hours.

515

516 (b) If the school nurse, or a substitute school nurse, is absent or must leave school
517 grounds during regular school hours, the school nurse, school administrator or
518 designee shall send an email to all staff indicating that the selected and trained
519 personnel identified in Paragraph (3) above shall be responsible for the emergency
520 administration of epinephrine.

521

522 (5) The administration of epinephrine pursuant to this section must be done in accordance
523 with this policy, including but not limited to the requirements for documentation and
524 record keeping, errors in medication, emergency medical procedures, and the handling,
525 storage and disposal of medication, and the Regulations adopted by the Department of
526 Education.

527

528 (6) The parent or guardian of any student may submit, in writing, to the school nurse or
529 school medical advisor, if any, that epinephrine shall not be administered to such
530 student pursuant to this section.

531

532 (a) The school nurse shall notify selected and trained personnel of the students whose
533 parents or guardians have refused emergency administration of epinephrine.

534

535 (b) The Board shall annually notify parents or guardians of the need to provide such
536 written notice.

537

538 (7) Following the emergency administration of epinephrine by selected and trained
539 personnel as identified in this section:

540

541 (a) Such emergency administration shall be reported immediately to:

542

543 (i) The school nurse or school medical advisor, if any, by the personnel who
544 administered the epinephrine; and

545

(ii) The student's parent or guardian, by the school nurse or personnel who administered the epinephrine.

(b) A medication administration record shall be:

- (i) Submitted to the school nurse by the personnel who administered the epinephrine as soon as possible, but no later than the next school day; and
- (ii) filed in or summarized on the student's cumulative health record, in accordance with Section E of this policy.

Opioid Antagonists for Purposes of Emergency First Aid Without Prior Authorization

) For purposes of this Section E, "regular school hours" means the posted hours during which students are required to be in attendance at the individual school on any given day. "Regular school hours" does not include after-school events such as athletics or extracurricular activities that take place outside the posted hours.

) For purposes of this section, an "opioid antagonist" means naloxone hydrochloride (e.g., Narcan) or any other similarly acting and equally safe drug that the FDA has approved for the treatment of a drug overdose.

) In accordance with Connecticut law and this policy, a school nurse may maintain opioid antagonists for the purpose of administering emergency first aid to students who experience a known or suspected opioid overdose and do not have a prior written authorization of a parent or guardian or a prior written order of a qualified medical professional for the administration of such opioid antagonist.

- (a) The school nurse, in consultation with the Board's medical advisor, shall determine the supply of opioid antagonists that shall be maintained in the individual school.
- (b) In determining the appropriate supply of opioid antagonists, the nurse may consider, among other things, the number of students regularly in the school building during the regular school day and the size of the physical building.
- (c) The school nurse shall be responsible for the safe storage of opioid antagonists maintained in a school and shall ensure any supply of opioid antagonists maintained is stored in a secure manner, in accordance with the manufacturer's instructions, and in a location where it can be obtained in a timely manner if administration is necessary.
- (d) The school nurse shall be responsible for maintaining an inventory of opioid antagonists maintained in the school, tracking the date(s) of

592 expiration of the supply of opioid antagonists maintained in a school, and,
593 as appropriate, refreshing the supply of opioid antagonists maintained in
594 the school.

595

596 (4) The school nurse, in consultation with the Superintendent and the building
597 principal, shall provide notice to parents and guardians of the Board's policies and
598 procedures regarding the emergency administration of opioid antagonists in the
599 event of a known or suspected opioid overdose.

600

601 (5) A school nurse shall be approved to administer opioid antagonists for the purpose
602 of emergency first aid, as described in Paragraph (3) above, in the event of a
603 known or suspected opioid overdose, in accordance with this policy and provided
604 that such nurse has completed a training program in the distribution and
605 administration of an opioid antagonist (1) developed by the State Department of
606 Education, Department of Consumer Protection, and Department of Public
607 Health, or (2) under a local agreement, entered into by the Board on July 1, 2022
608 or thereafter, with a prescriber or pharmacist for the administration of opioid
609 antagonists for the purpose of emergency first aid, which training shall also
610 address the Board's opioid antagonist storage, handling, labeling, recalls, and
611 record keeping.

612

613 (6) The school nurse or school principal shall select principal(s), teacher(s), licensed
614 athletic trainer(s), coach(es), school paraeducator (s), and/or licensed physical or
615 occupational therapist(s) employed by the Board to maintain and administer the
616 opioid antagonists for the purpose of emergency first aid as described in
617 Paragraph (3) above, in the absence of the school nurse.

618

619 (a) More than one individual must be selected by the school nurse or school
620 principal for such maintenance and administration in the absence of the
621 school nurse.

622

623 (b) The selected personnel, before administering an opioid antagonist
624 pursuant to this section, must complete a training program in the
625 distribution and administration of an opioid antagonist (1) developed by
626 the State Department of Education, Department of Consumer Protection,
627 and Department of Public Health, or (2) under a local agreement, entered
628 into by the Board on July 1, 2022 or thereafter, with a prescriber or
629 pharmacist for the administration of opioid antagonists for the purpose of
630 emergency first aid, which training shall also address the Board's opioid
631 antagonist storage, handling, labeling, recalls, and record keeping.

632 (c) All school personnel shall be notified of the identity of qualified school
633 employees authorized to administer an opioid antagonist in the absence of
634 the school nurse.

635

636 (7) Either the school nurse or, in the absence of the school nurse, at least one of the
637 selected and trained personnel as described in Paragraph (6) above, shall be on the
638 grounds of each school during regular school hours.
639
640 (a) The school principal, in consultation with the school nurse supervisor,
641 shall determine the level of nursing services and number of selected and
642 trained personnel necessary to ensure that a nurse or selected and trained
643 personnel is present on the grounds of each school during regular school
644 hours.
645
646 (b) If the school nurse, or a substitute school nurse, is absent or must leave
647 school grounds during regular school hours, the school nurse, school
648 administrator or designee shall use an effective and reasonable means of
649 communication to notify one or more qualified school employees and
650 other staff in the school that the selected and trained personnel identified
651 in Paragraph (6) above shall be responsible for the emergency
652 administration of opioid antagonists.
653
654 (c) If a Board employee becomes aware of a student experiencing a known or
655 suspected opioid overdose on school grounds but outside of regular school
656 hours and opioid antagonists and/or the school nurse or other qualified
657 school employee is not available to administer opioid antagonists for the
658 purpose of emergency first aid, the Board employee will call 9-1-1.
659
660 (8) The administration of opioid antagonists pursuant to this policy must be effected in
661 accordance with this policy and procedures regarding the acquisition, maintenance, and
662 administration established by the Superintendent in consultation with the Board's
663 medical advisor.
664
665 (9) The parent or guardian of any student may submit, in writing, to the school nurse or
666 school medical advisor, if any, that opioid antagonists shall not be administered to
667 such student pursuant to this section.
668
669 (a) The school nurse shall notify selected and trained personnel of the students whose
670 parents or guardians have refused emergency administration of opioid antagonists.
671
672 (b) The Board shall annually notify parents or guardians of the need to provide such
673 written notice of refusal.
674
675 (10) Following the emergency administration of an opioid antagonist by a school nurse
676 or selected and trained personnel as identified in this section:
677 (a) Immediately following the emergency administration of an opioid
678 antagonist by a school nurse or selected and trained personnel as identified
679 in this section, the person administering the opioid antagonist must call
680 911.
681

(b) Such emergency administration shall be reported immediately to:

- (i) The school nurse or school medical advisor, if any, by the personnel who administered the opioid antagonist;
- (ii) The Superintendent of Schools; and
- (iii) The student's parent or guardian.

(c) A medication administration record shall be:

- (i) Created by the school nurse or submitted to the school nurse by the personnel who administered the opioid antagonist, as soon as possible, but no later than the next school day; and
- (ii) filed in or summarized on the student's cumulative health record, in accordance with Section F of this policy.

In the event that any provisions of this Section E conflict with regulations adopted by the Connecticut State Department of Education concerning the use, storage and administration of opioid antagonists in schools, the Department's regulations shall control.]

F. Documentation and Record Keeping

(1) Each school or before-and-after school program and school readiness program where medications are administered shall maintain an individual medication administration record for each student who receives medication during school or program hours. This record shall include the following information:

- (a) the name of the student;
- (b) the student's state-assigned student identifier (SASID);
- (c) the name of the medication;
- (d) the dosage of the medication;
- (e) the route of the administration, (e.g., oral, topical, inhalant, etc.);
- (f) the frequency of administration;
- (g) the name of the authorized prescriber;
- (h) the dates for initiating and terminating the administration of medication, including extended-year programs;
- (i) the quantity received at school and verification by the adult delivering the medication of the quantity received;
- (j) the date the medication is to be reordered (if any);
- (k) any student allergies to food and/or medication(s);
- (l) the date and time of each administration or omission, including the reason for any omission;
- (m) the dose or amount of each medication administered;

- (n) the full written or electronic legal signature of the nurse or other authorized school personnel administering the medication; and
- (o) for controlled medications, a medication count which should be conducted and documented at least once a week and co-signed by the assigned nurse and a witness.

(2) All records are either to be made in ink and shall not be altered, or recorded electronically in a record that cannot be altered.

(3) Written orders of authorized prescribers, written authorizations of parent or guardian, the written parental permission for the exchange of information by the prescriber and school nurse to ensure safe administration of such medication, and the completed medication administration record for each student shall be filed in the student's cumulative health record or, for before-and-after school programs and school readiness programs, in the child's program record.

(4) Authorized prescribers may make verbal orders, including telephone orders, for a change in medication order. Such verbal orders may be received only by a school nurse and must be followed by a written order, which may be faxed, and must be received within three (3) school days.

(5) Medication administration records will be made available to the Department of Education for review until destroyed pursuant to Section 11-8a and Section 10-212a(b) of the Connecticut General Statutes.

- (a) The completed medication administration record for non-controlled medications may, at the discretion of the school district, be destroyed in accordance with Section M8 of the Connecticut Record Retention Schedules for Municipalities, so long as it is superseded by a summary on the student health record.
- (b) The completed medication administration record for controlled medications shall be maintained in the same manner as the non-controlled medications. In addition, a separate medication administration record needs to be maintained in the school for three (3) years pursuant to Section 10-212a(b) of the Connecticut General Statutes.

(6) Documentation of any administration of medication by a coach or licensed athletic trainer shall be completed on forms provided by the school and the following procedures shall be followed:

- (a) a medication administration record for each student shall be maintained in the athletic offices;
- (b) administration of a cartridge injector medication shall be reported to the school nurse at the earliest possible time, but no later than the next school day;

772 (c) all instances of medication administration, except for the administration of
773 cartridge injector medication, shall be reported to the school nurse at least monthly,
774 or as frequently as required by the individual student plan; and
775

776 (d) the administration of medication record must be submitted to the school nurse at
777 the end of each sport season and filed in the student's cumulative health record.

779 G. Errors in Medication Administration

780 (1) Whenever any error in medication administration occurs, the following procedures shall
781 apply:
782

783 (a) the person making the error in medication administration shall immediately
784 implement the medication emergency procedures in this Policy if necessary;
785

786 (b) the person making the error in medication administration shall in all cases
787 immediately notify the school nurse, principal, school nurse supervisor, and
788 authorized prescriber. The person making the error, in conjunction with the
789 principal, shall also immediately notify the parent or guardian, advising of the
790 nature of the error and all steps taken or being taken to rectify the error, including
791 contact with the authorized prescriber and/or any other medical action(s); and
792

793 (c) the principal shall notify the Superintendent or the Superintendent's designee.
794

795 (2) The school nurse, along with the person making the error, shall complete a report using
796 the authorized medication error report form. The report shall include any corrective
797 action taken.
798

800 (3) Any error in the administration of medication shall be documented in the student's
801 cumulative health record or, for before-and-after school programs and school readiness
802 programs, in the child's program record.
803

804 (4) These same procedures shall apply to coaches and licensed athletic trainers during
805 intramural and interscholastic events, except that if the school nurse is not available, a
806 report must be submitted by the coach or licensed athletic trainer to the school nurse the
807 next school day.
808

809 H. Medication Emergency Procedures

810 (1) Whenever a student has a life-threatening reaction to administration of a medication,
811 resolution of the reaction to protect the student's health and safety shall be the foremost
812 priority. The school nurse and the authorized prescriber shall be notified immediately,
813 or as soon as possible in light of any emergency medical care that must be given to the
814 student.
815

817 (2) Emergency medical care to resolve a medication emergency includes but is not limited
818 to the following, as appropriate under the circumstances:

819

820 (a) use of the 911 emergency response system;
821 (b) application by properly trained and/or certified personnel of appropriate
822 emergency medical care techniques, such as cardio-pulmonary resuscitation;
823 (c) administration of emergency medication in accordance with this policy;
824 (d) contact with a poison control center; and
825 (e) transporting the student to the nearest available emergency medical care facility
826 that is capable of responding to a medication emergency.

827

828 (3) As soon as possible, in light of the circumstances, the principal shall be notified of the
829 medication emergency. The principal shall immediately thereafter contact the
830 Superintendent or the Superintendent's designee, who shall thereafter notify the parent or
831 guardian, advising of the existence and nature of the medication emergency and all steps
832 taken or being taken to resolve the emergency and protect the health and safety of the
833 student, including contact with the authorized prescriber and/or any other medical
834 action(s) that are being or have been taken.

835

836 I. Supervision

838 (1) The school nurse is responsible for general supervision of administration of medications
839 in the school(s) to which that nurse is assigned.

840

841 (2) The school nurse's duty of general supervision includes, but is not limited to, the
842 following:

843

844 (a) availability on a regularly scheduled basis to:

845

846 (i) review orders or changes in orders and communicate these to personnel
847 designated to give medication for appropriate follow-up;

848

849 (ii) set up a plan and schedule to ensure medications are given properly;

850

851 (iii) provide training to licensed nursing personnel, full-time principals, full-time
852 teachers, full-time licensed physical or occupational therapists employed by
853 the school district, coaches of intramural and interscholastic athletics,
854 licensed athletic trainers and identified paraeducators designated in
855 accordance with Section B(3)(g), above, which training shall pertain to the
856 administration of medications to students, and assess the competency of these
857 individuals to administer medication;

858

859 (iv) support and assist other licensed nursing personnel, full-time principals, full-time
860 teachers, full-time licensed physical or occupational therapists employed
861 by the school district, coaches of intramural and/or interscholastic athletics,
862 licensed athletic trainers and identified paraeducators designated in

863 accordance with Section B(3)(g), above, to prepare for and implement their
864 responsibilities related to the administration of specific medications during
865 school hours and during intramural and interscholastic athletics as provided
866 by this policy;

867

868 (v) provide appropriate follow-up to ensure the administration of medication plan
869 results in desired student outcomes, including providing proper notification
870 to appropriate employees or contractors regarding the contents of such
871 medical plans; and

872

873 (vi) provide consultation by telephone or other means of telecommunications,
874 which consultation may be provided by an authorized prescriber or other
875 nurse in the absence of the school nurse.

876

877 (b) In addition, the school nurse shall be responsible for:

878

879 (i) implementing policies and procedures regarding the receipt, storage, and
880 administration of medications;

881

882 (ii) reviewing, on a periodic basis, all documentation pertaining to the
883 administration of medications for students;

884

885 (iii) performing observations of the competency of medication administration by
886 full-time principals, full-time teachers, full-time licensed physical or
887 occupational therapists employed by the school district, coaches of intramural
888 and/or interscholastic athletics and licensed athletic trainers in accordance
889 with Section B(3)(f), above, and identified paraeducators designated in
890 accordance with Section B(3)(g), above, who have been newly trained to
891 administer medications; and,

892

893 (iv) conducting periodic reviews, as needed, with licensed nursing personnel, full-
894 time principals, full-time teachers, full-time licensed physical or occupational
895 therapists employed by the school district, coaches of intramural and/or interscholastic
896 athletics and licensed athletic trainers in accordance with Section B(3)(f), above, and
897 identified paraeducators designated in accordance with Section B(3)(g), above, regarding the needs of any student receiving
898 medication.

899

900 J. Training of School Personnel

901

902 (1) Full-time principals, full-time teachers, full-time licensed physical or occupational
903 therapists employed by the school district, coaches of intramural and/or interscholastic
904 athletics and licensed athletic trainers in accordance with Section B(3)(f), above, and
905 identified paraeducators designated in accordance with Section B(3)(g), above, who are
906 designated to administer medications shall at least annually receive training in their safe
907 administration, and only trained full-time principals, full-time teachers, full-time licensed

908

909 physical or occupational therapists employed by the school district, coaches of intramural
910 and/or interscholastic athletics and licensed athletic trainers in accordance with Section
911 B(3)(f), above, and identified paraeducators designated in accordance with Section
912 B(3)(g), above, shall be allowed to administer medications.
913

914 (2) Training for full-time principals, full-time teachers, full-time licensed physical or
915 occupational therapists employed by the school district, coaches of intramural and/or
916 interscholastic athletics and licensed athletic trainers in accordance with Section B(3)(f),
917 above, and identified paraeducators designated in accordance with Section B(3)(g),
918 above, shall include, but is not necessarily limited to, the following:
919

920 (a) the general principles of safe administration of medication;
921
922 (b) the procedures for administration of medications, including the safe handling and
923 storage of medications, and the required record-keeping; and
924
925 (c) specific information related to each student's medication plan, including the name
926 and generic name of the medication, indications for medication dosage, routes,
927
928 time and frequency of administration, therapeutic effects of the medication,
929 potential side effects, overdose or missed doses of the medication, and when to
930 implement emergency interventions.
931

932 (3) The principal(s), teacher(s), licensed athletic trainer(s), licensed physical or occupational
933 therapist(s) employed by the Board, coach(es) and/or school paraeducators(s) who
934 administer epinephrine as emergency first aid, pursuant to Sections B and D above, shall
935 annually complete the training program developed by the Departments of Education and
936 Public Health and training in cardiopulmonary resuscitation and first aid, as described in
937 Connecticut General Statutes § 10-212g.
938

939 (4) The principal(s), teacher(s), licensed athletic trainer(s), licensed physical or
940 occupational therapist(s), coach(es) and/or school paraeducator(s) who administer
941 opioid antagonists as emergency first aid, pursuant to Section E above, shall annually
942 complete a training program in the distribution and administration of an opioid
943 antagonist (1) developed by the State Department of Education, Department of
944 Consumer Protection, and Department of Public Health, or (2) under a local agreement,
945 entered into by the Board on July 1, 2022 or thereafter, with a prescriber or pharmacist
946 for the administration of opioid antagonists for the purpose of emergency first aid,
947 which training shall also address the Board's opioid antagonist storage, handling,
948 labeling, recalls, and record keeping
949

950 (5) The Board shall maintain documentation of medication administration training as
951 follows:
952

953 (a) dates of general and student-specific trainings;
954

955 (b) content of the trainings;

956

957 (c) individuals who have successfully completed general and student-specific

958 administration of medication training for the current school year; and

959

960 (d) names and credentials of the nurse or school medical advisor, if any, trainer or

961 trainers.

962

963 (6) Licensed practical nurses may not conduct training in the administration of medication

964 to another individual.

965

966

967 K. Handling, Storage and Disposal of Medications

968

969 (1) All medications, except those approved for transporting by students for self-medication,

970 those administered by coaches of intramural or interscholastic athletics or licensed

971 athletic trainers in accordance with Section B(3)(f) above, and epinephrine or naloxone

972 to be used for emergency first aid in accordance with Sections D and E above, must be

973 delivered by the parent, guardian, or other responsible adult to the nurse assigned to the

974 student's school or, in the absence of such nurse, the school principal who has been

975 trained in the appropriate administration of medication. Medications administered by

976 coaches of intramural or interscholastic athletics or licensed athletic trainers must be

977 delivered by the parent or guardian directly to the coach or licensed athletic trainer in

978 accordance with Section B(3)(f) above.

979

980 (2) The nurse shall examine on-site any new medication, medication order and the required

981 authorization to administer form, and, except for epinephrine and naloxone to be used as

982 emergency first aid in accordance with Sections D and E above, shall develop a

983 medication administration plan for the student before any medication is given to the

984 student by any school personnel. No medication shall be stored at a school without a

985 current written order from an authorized prescriber.

986

987 (3) The school nurse shall review all medication refills with the medication order and parent

988 authorization prior to the administration of medication, except for epinephrine and

989 naloxone intended for emergency first aid in accordance with Sections D and E above.

990

991 (4) Emergency Medications

992

993 (a) Except as otherwise determined by a student's emergency care plan, emergency

994 medications shall be stored in an unlocked, clearly labeled and readily accessible

995 cabinet or container in the health room during school hours under the general

996 supervision of the school nurse or, in the absence of the school nurse, the principal

997 or the principal's designee who has been trained in the administration of

998 medication.

999

1000 (b) Emergency medication shall be locked beyond the regular school day or program
1001 hours, except as otherwise determined by a student's emergency care plan.

1002

1003 (5) All medications, except those approved for keeping by students for self-medication, shall
1004 be kept in a designated and locked location used exclusively for the storage of
1005 medication. Controlled substances shall be stored separately from other drugs and
1006 substances in a separate, secure, substantially constructed, locked metal or wood cabinet.

1007

1008 (6) Access to stored medications shall be limited to persons authorized to administer
1009 medications. Each school or before-and-after school program and school readiness
1010 program shall maintain a current list of such authorized persons.

1011

1012 (7) All medications, prescription and non-prescription, shall be delivered and stored in their
1013 original containers and in such a manner that renders them safe and effective.

1014

1015 (8) At least two sets of keys for the medication containers or cabinets shall be maintained for
1016 each school building or before-and-after school program and school readiness program.
1017 One set of keys shall be maintained under the direct control of the school nurse or nurses
1018 and an additional set shall be under the direct control of the principal and, if necessary,
1019 the program director or lead teacher who has been trained in the general principles of the
1020 administration of medication shall also have a set of keys.

1021

1022 (9) Medications that must be refrigerated shall be stored in a refrigerator at no less than 36
1023 degrees Fahrenheit and no more than 46 degrees Fahrenheit. The refrigerator must be
1024 located in the health office that is maintained for health services with limited access.
1025 Non-controlled medications may be stored directly on the refrigerator shelf with no
1026 further protection needed. Controlled medication shall be stored in a locked box that is
1027 affixed to the refrigerator shelf.

1028

1029 (10) All unused, discontinued or obsolete medications shall be removed from storage areas
1030 and either returned to the parent or guardian or, if the medication cannot be returned to
1031 the parent or guardian, the medication shall be destroyed in collaboration with the school
1032 nurse:

1033

1034 (a) non-controlled drugs shall be destroyed in the presence of at least one witness;

1035

1036 (b) controlled drugs shall be destroyed in pursuant to Section 21a-262-3 of the
1037 Regulations of Connecticut State Agencies; and

1038

1039 (c) accidental destruction or loss of controlled drugs must be verified in the presence
1040 of a second person, including confirmation of the presence or absence of residue,
1041 and jointly documented on the student medication administration record and on a
1042 medication error form pursuant to Section 10-212a(b) of the Connecticut General
1043 Statutes. If no residue is present, notification must be made to the Department of
1044 Consumer Protection pursuant to Section 21a-262-3 of the Regulations of
1045 Connecticut State Agencies.

1046
1047 (11) Medications to be administered by coaches of intramural or interscholastic athletic events
1048 or licensed athletic trainers shall be stored:
1049
1050 (a) in containers for the exclusive use of holding medications;
1051
1052 (b) in locations that preserve the integrity of the medication;
1053
1054 (c) under the general supervision of the coach or licensed athletic trainer trained in the
1055 administration of medication; and
1056
1057 (d) in a locked secured cabinet when not under the general supervision of the coach or
1058 licensed athletic trainer during intramural or interscholastic athletic events.
1059
1060 (12) In no event shall a school store more than a three (3) month supply of a medication for
1061 a student.

1062
1063 L. School Readiness Programs and Before-and-After School Programs
1064

1065 (1) As determined by the school medical advisor, if any, and school nurse supervisor, the
1066 following procedures shall apply to the administration of medication during school
1067 readiness programs and before-and-after school programs run by the Board, which are
1068 exempt from licensure by the Office of Early Childhood:
1069
1070 (a) Administration of medication at these programs shall be provided only when it is
1071 medically necessary for participants to access the program and maintain their
1072 health status while attending the program.
1073
1074 (b) Except as provided by Sections D and E above, no medication shall be
1075 administered in these programs without:
1076
1077 (i) the written order of an authorized prescriber; and
1078
1079 (ii) the written authorization of a parent or guardian or an eligible student.
1080
1081 (c) A school nurse shall provide consultation to the program director, lead teacher or
1082 school administrator who has been trained in the administration of medication
1083 regarding the safe administration of medication within these programs. The school
1084 medical advisor and school nurse supervisor shall determine whether, based on the
1085 population of the school readiness program and/or before-and-after school
1086 program, additional nursing services are required for these programs.
1087
1088 (d) Only school nurses, directors or directors' designees, lead teachers or school
1089 administrators who have been properly trained may administer medications to
1090 students as delegated by the school nurse or other registered nurse. Properly trained
1091 directors or directors' designees, lead teachers or school administrators may

1092 administer oral, topical, intranasal or inhalant medications. Investigational drugs
1093 or research or study medications may not be administered in these programs.
1094

1095 (e) Students attending these programs may be permitted to self-medicate only in
1096 accordance with the provisions of Section B(3) of this policy. In such a case, the
1097 school nurse must provide the program director, lead teacher or school
1098 administrator running the program with the medication order and parent permission
1099 for self-administration.

1100

1101 (f) In the absence of the school nurse during program administration, the program
1102 director, lead teacher or school administrator is responsible for decision-making
1103 regarding medication administration.

1104

1105 (g) Cartridge injector medications may be administered by a director, lead teacher or
1106 school administrator only to a student with a medically-diagnosed allergic
1107 condition which may require prompt treatment to protect the student against serious
1108 harm or death.

1109

1110 (2) Local poison control center information shall be readily available at these programs.

1111

1112 (3) Procedures for medication emergencies or medication errors, as outlined in this policy,
1113 must be followed, except that in the event of a medication error a report must be
1114 submitted by the program director, lead teacher or school administrator to the school
1115 nurse the next school day.

1116

1117 (4) Training for directors or directors' designees, lead teachers or school administrators in
1118 the administration of medication shall be provided in accordance with Section J of this
1119 policy.

1120

1121 (5) All medications must be handled and stored in accordance with Section K of this policy.
1122 Where possible, a separate supply of medication shall be stored at the site of the before-
1123 and-after or school readiness program. In the event that it is not possible for the parent
1124 or guardian to provide a separate supply of medication, then a plan shall be in place to
1125 ensure the timely transfer of the medication from the school to the program and back on
1126 a daily basis.

1127

1128 (6) Documentation of any administration of medication shall be completed on forms
1129 provided by the school and the following procedures shall be followed:

1130

1131 (a) a medication administration record for each student shall be maintained by the
1132 program;

1133

1134 (b) administration of a cartridge injector medication shall be reported to the school
1135 nurse at the earliest possible time, but no later than the next school day;

1136

1137 (c) all instances of medication administration, except for the administration of
1138 cartridge injector medication, shall be reported to the school nurse at least monthly,
1139 or as frequently as required by the individual student plan; and
1140

1141 (d) the administration of medication record must be submitted to the school nurse at
1142 the end of each school year and filed in the student's cumulative health record.
1143

1144 (7) The procedures for the administration of medication at school readiness programs and
1145 before-and-after school programs shall be reviewed annually by the school medical
1146 advisor, if any, and school nurse supervisor.
1147

1148 M. Review and Revision of Policy
1149

1150 In accordance with the provisions of Conn. Gen. Stat. Section 10-212a(a)(2) and Section 10-
1151 212a-2 of the Regulations of Connecticut State Agencies, the Board shall review this policy
1152 periodically, and at least biennially, with the advice and approval of the school medical
1153 advisor, if any, or other qualified licensed physician, and the school nurse supervisor. Any
1154 proposed revisions to the policy must be made with the advice and approval of the school
1155 medical advisor, school nurse supervisor or other qualified licensed physician.
1156

1157 Legal References:
1158

1159 Connecticut General Statutes:

1160 Public Act No. 254-14393, "An Act Implementing the Recommendations of the Office of Early
1161 Childhood, Department of Education and the Technical Education and Career System and
1162 Concerning the Administration of Epinephrine and Glucagon." Concerning Various and Assorted
1163 Revisions to the Education Statutes."

1164 Section 10-206

1165 Section 10-212

1166 Section 10-212a

1167 Section 10-212c

1168 Section 10-212g

1169 Section 10-220j

1170 Section 14-276b

1171 Section 19a-900

1172 Section 21a-240

1173 Section 52-557b
1174

1175 Regulations of Conn. State Agencies:

1176 Sections 10-212a-1 through 10-212a-10, inclusive
1177

1178 Memorandum of Decision, In Re: Declaratory Ruling/Delegation by Licensed Nurses to
1179 Unlicensed Assistive Personnel, Connecticut State Board of Examiners for Nursing (April 5,
1180 1995)
1181

1182 Storage and Administration of Opioid Antagonists in Schools: Guidelines for Local and Regional
1183 Boards of Education, Connecticut State Department of Education (October 1, 2022)

1184

1185

1186 Date Adopted: March 7, 2023

1187

1188 Date of Revision: May 6, 2025

1189 [Board of Education/School Letterhead]

1190 **REFUSAL TO PERMIT ADMINISTRATION**
1191 **OF EPINEPHRINE FOR EMERGENCY FIRST AID**

1192

1193 Name of Child: _____ Date of Birth: _____

1194

1195 Address of Child: _____

1196

1197 Name of Parent(s): _____

1198

1199 Address of Parent(s): _____

1200 (if different from child)

1201

1202 Connecticut law requires the school nurse and other qualified school personnel in all public schools
1203 to maintain epinephrine ~~in cartridge injectors (EpiPens)~~ for the purpose of administering
1204 emergency first aid to students who experience allergic reactions and do not have a prior written
1205 authorization of a parent or guardian or a prior written order of a qualified medical professional
1206 for the administration of epinephrine. State law permits the parent or guardian of a student to
1207 submit a written directive to the school nurse or school medical advisor that epinephrine shall not
1208 be administered to such student in emergency situations. This form is provided for those parents
1209 who refuse to have epinephrine administered to their child. The refusal is valid for only for the
1210 20__-20__ school year.

1211

1212 I, _____, the parent/guardian of _____,

1213 Print name of parent/guardian Print name of student

1214 refuse to permit the administration of epinephrine to the above named student for purposes of
1215 emergency first aid in the case of an allergic reaction.

1216

1217

1218 Signature of Parent/Guardian

1219 Date

1220

1221 Please return the completed original form to your child's school nurse.

1 #5120.5
2
3
4

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

5 It is the policy of the Madison Board of Education (the “Board”) for the Madison Public Schools (the
6 “District”) that any form of sex discrimination or sexual harassment is prohibited in the Board’s
7 education programs and activities, whether by students, Board employees or third parties subject to
8 substantial control by the Board. The Board does not discriminate on the basis of sex in the education
9 programs or activities that it operates and the Board is required by Title IX of the Education
10 Amendments of 1972 and its implementing regulations (“Title IX”) and Connecticut Law not to
11 discriminate in such a manner. ~~Discrimination or harassment on the basis of sex includes discrimination
12 or harassment on the basis of gender identity or sexual orientation.~~ Students, Board employees and third
13 parties are required to adhere to a standard of conduct that is respectful of the rights of students,
14 employees and third parties. Any student or employee who engages in conduct prohibited by this policy
15 shall be subject to disciplinary action, up to and including expulsion or termination, respectively.

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

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

22
23 **Sex discrimination** occurs when a person, because of the person’s sex, is denied participation in or the
24 benefits of any education program or activity receiving federal financial assistance.

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

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

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

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

35

36 Sexual harassment under Connecticut law means conduct in a school setting that 1) is sexual in nature;
37 2) is unwelcome; and 3) denies or limits a student's ability to participate in or benefit from a school's
38 educational program. Sexual harassment can be verbal, nonverbal or physical. Sexual violence is a
39 form of sexual harassment. Under Connecticut law, discrimination or harassment on the basis of sex
40 includes discrimination or harassment on the basis of sexual orientation or gender identity and
41 expression.

42

43 Reporting Sex Discrimination or Sexual Harassment

44

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

53

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

57

58 The Madison Public Schools administration (the "Administration") shall provide training to Title IX
59 Coordinator(s), investigators, decision-makers, and any person who facilitates an informal resolution

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

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

75
76 ***Director of Special Education***
77 ***10 Campus Drive***
78 ***Madison, CT 06443***
79 ***203-245-6341***
80

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

85
86 Office for Civil Rights **Boston Washington DC** Office,
87 U.S. Department of Education,
88 **400 Maryland Avenue, SW**
89 **Washington, DC 20202-1475**
90 **(202) 453-6020**
91 **8th Floor, 5 Post Office Square,**
92 **Boston, MA 02109-3921**
93 **Telephone (617) 289-0111**
94

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

98

99

100 Legal References:

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

102

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

104

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

106

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

108

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

110

111

112

113 Date of Adoption: August 25, 2020

114 Date of Revision: March 16, 2021

115 Date of Revision: October 12, 2021

116 Date of Revision: October 22, 2024

117 Date of Revision: March 4, 2025

118

119

Regulation #5120.5

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

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

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

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

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

Sexual harassment under Connecticut law means conduct in a school setting that 1) is sexual in nature; 2) is unwelcome; and 3) denies or limits a student's ability to participate in or benefit from a school's educational program. Sexual harassment can be verbal, nonverbal or physical. Sexual violence is a form of sexual harassment. Under Connecticut law, discrimination or harassment on the basis of sex includes discrimination or harassment on the basis of sexual orientation or gender identity and expression.

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

42 1. Statements or other conduct indicating that a student's submission to, or rejection of, sexual
43 overtures or advances will affect the student's grades and/or other academic progress.
44

45 2. Unwelcome attention and/or advances of a sexual nature, including verbal comments, sexual
46 invitations, leering and physical touching.
47

48 3. Display of sexually suggestive objects, or use of sexually suggestive or obscene remarks,
49 invitations, letters, emails, text messages, notes, slurs, jokes, pictures, cartoons, epithets or
50 gestures.
51

52 4. Touching of a sexual nature or telling sexual or dirty jokes.
53

54 5. Transmitting or displaying emails or websites of a sexual nature.
55

56 6. Using computer systems, including email, instant messaging, text messaging, blogging or the use
57 of social networking websites, or other forms of electronic communications, to engage in any
58 conduct prohibited by the Board's Policy regarding ~~Title IX of the Education Amendments of~~
59 ~~1972~~-Prohibition of Sex Discrimination and Sexual Harassment (Students).
60

61 **NOTICE OF THE TITLE IX COORDINATOR**

62 The District's Title IX Coordinator is the Director of Special Education. Any individual may make a
63 report of sex discrimination and/or sexual harassment to any District employee or directly to the Title IX
64 Coordinator using any one, or multiple, of the following points of contact:
65

66 ***Director of Special Education***
67 ***10 Campus Drive***
68 ***Madison, CT 06443***
69 ***203-245-6341***
70

71 Any District employee in receipt of allegations of sex discrimination or sexual harassment, or in receipt
72 of a formal complaint, shall immediately forward such information to the Title IX Coordinator. The Title
73 IX Coordinator manages the District's compliance with Title IX and Connecticut law regarding sexual
74 harassment and sex discrimination and is an available resource to anyone seeking information or wishing
75 to file a formal complaint of same. When a student, District employee, or other participant in the
76 District's programs and activities feels that such person has been subjected to discrimination on the basis
77 of sex in any District program or activity, including without limitation being subjected to sexual
78 harassment, such person may contact the Title IX Coordinator or utilize the Title IX grievance systems
79 set forth herein to bring concerns forward for the purpose of obtaining a prompt and equitable resolution.

80 **EXPLANATION OF COMPLAINT PROCESS AND PROCEDURE**
81

82 The federal regulations implementing Title IX require the adoption and publication of two separate
83 grievance systems: a grievance process for complaints of sex discrimination involving allegations of
84 sexual harassment under Title IX and grievance procedures for complaints of sex discrimination that are
85 not sexual harassment under Title IX. Accordingly, the Administration will process any complaints of
86 sex discrimination involving allegations of sexual harassment under Title IX, as defined above, pursuant
87 to the **grievance process** set forth in Section I of these regulations. The Administration will process any

88 complaints of sex discrimination ~~that are not~~(including allegations of sexual harassment under
89 Connecticut law only)pursuant to the **grievance procedures** set forth in Section II of these regulations.

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

97
98 The obligation to comply with Title IX is not obviated or alleviated by the FERPA.

99 **SECTION I. GRIEVANCE PROCESS FOR COMPLAINTS OF SEXUAL HARASSMENT**
100 **UNDER TITLE IX**

101 A. Definitions

102

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

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

117

- 118 A. Affirmative consent is the standard used in determining whether consent to engage in
sexual activity was given by all persons who engaged in the sexual activity.
- 119 B. Affirmative consent may be revoked at any time during the sexual activity by any
120 person engaged in the sexual activity.
- 121 C. It is the responsibility of each person engaging in a sexual activity to ensure that the
122 person has the affirmative consent of all persons engaged in the sexual activity to
123 engage in the sexual activity and that the affirmative consent is sustained throughout the
124 sexual activity.

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

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

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

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

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

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

146 • **Formal complaint** means a document filed by a complainant or signed by the Title IX
147 Coordinator alleging sexual harassment (as defined under Title IX) against a respondent and
148 requesting that the Administration investigate the allegation of sexual harassment. A "document
149 filed by a complainant" means a document or electronic submission that contains the
150 complainant's physical or digital signature, or otherwise indicates that the complainant is the
151 person filing the formal complaint.

152 • **Respondent** means an individual who has been alleged to be the perpetrator of conduct that
153 could constitute sexual harassment.

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

158 • **Supportive measures** mean non-disciplinary, non-punitive individualized services offered as
159 appropriate, as reasonably available, and without fee or charge to the complainant or the
160 respondent before or after the filing of a formal complaint or where no formal complaint has
161 been filed. Such measures are designed to restore or preserve equal access to the District's
162 education program or activity without unreasonably burdening the other party, including

165 measures designed to protect the safety of all parties or the District's educational environment, or
166 deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or
167 other course-related adjustments, modifications of work or class schedules, mutual restrictions on
168 contact between the parties, increased security and monitoring, and other similar measures.

169 **B. Reporting Sexual Harassment**

170 1. It is the express policy of the Board to encourage victims of sexual harassment to report such
171 claims. Any person may report sexual harassment (whether or not the person reporting is the
172 person alleged to be the victim of conduct that could constitute sexual harassment), in person, by
173 mail, by telephone, or by electronic mail, using the contact information listed for the Title IX
174 Coordinator. If the District receives notice of sexual harassment or alleged sexual harassment
175 against a student in the District's education program or activity, the Title IX Coordinator will
176 promptly contact the complainant to discuss the availability of supportive measures, whether or
177 not the complainant files a formal complaint, and will consider the complainant's wishes with
178 respect to such measures. If the complainant has yet to file a formal complaint, the Title IX
179 Coordinator will explain to the complainant the process for doing so.

180 2. The District will treat complainants and respondents equitably. A respondent is presumed not
181 responsible for the alleged conduct and a determination regarding responsibility will be made at
182 the conclusion of the grievance process if a formal complaint is filed. Nothing in this Regulation
183 shall limit or preclude the District from removing a respondent from the District's education
184 program or activity on an emergency basis, provided that the District undertakes an
185 individualized safety and risk analysis, and determines that an immediate threat to the physical
186 health or safety of any student or other individual arising from the allegations of sexual
187 harassment justifies removal. If a respondent is removed on an emergency basis, the District shall
188 provide the respondent with notice and an opportunity to challenge the decision immediately
189 following the removal.

190 **C. Formal Complaint and Grievance Process**

191 1. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by
192 electronic mail, by using the contact information listed for the Title IX Coordinator. At the time
193 of filing a formal complaint, a complainant must be participating in or attempting to participate
194 in the District's education programs or activity. A formal complaint may be signed by the Title
195 IX Coordinator. If the formal complaint being filed is against the Title IX Coordinator, the
196 formal complaint should be filed with the Superintendent. If the formal complaint being filed is
197 against the Superintendent, the formal complaint should be filed with the Board Chair, who will
198 then retain ~~an independent investigator or third-party contractor~~ to investigate the matter.
199

200 2. The District may consolidate formal complaints as to allegations of sexual harassment against
201 more than one respondent, or by more than one complainant against one or more respondents, or
202 by one party against the other party, where the allegations of sexual harassment arise out of the
203 same facts or circumstances. If possible, formal complaints should be filed within ten (10) school
204 days of the alleged occurrence in order to facilitate the prompt and equitable resolution of such
205 claims. The District will attempt to complete the formal grievance process within ninety (90)

207 school days of receiving a formal complaint. This timeframe may be temporarily delayed or
208 extended in accordance with Subsection G of this Section.

209

210 3. Upon receipt of a formal complaint, if the Title IX Coordinator has not already discussed the
211 availability of supportive measures with the complainant, the Title IX Coordinator will promptly
212 contact the complainant to discuss the availability of such measures and consider the
213 complainant's wishes with respect to them. The Title IX Coordinator or designee may also
214 contact the respondent, separately from the complainant, to discuss the availability of supportive
215 measures for the respondent. The District will maintain as confidential any supportive measures
216 provided to the complainant or respondent, to the extent that maintaining such confidentiality
217 would not impair the ability of the District to provide such supportive measures.

218

219 4. Within ten (10) school days of receiving a formal complaint, the District will provide the known
220 parties with written notice of the allegations potentially constituting sexual harassment under
221 Title IX and a copy of this grievance process. The written notice must also include the following:

222

223 i. The identities of the parties involved in the incident, if known;
224 ii. The conduct allegedly constituting sexual harassment as defined above;
225 iii. The date and the location of the alleged incident, if known;
226 iv. A statement that the respondent is presumed not responsible for the alleged
227 conduct and that a determination regarding responsibility is made at the
228 conclusion of the grievance process;
229 v. A statement that the parties may have an advisor of their choice, who may be, but
230 is not required to be, an attorney, and may inspect and review evidence; and
231 vi. A statement of any provision in the District's Student Discipline Policy or any
232 other policy that prohibits knowingly making false statements or knowingly
233 submitting false information during the grievance process.

234

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

238

239 5. The parties may have an advisor of their choice accompany them during any grievance
240 proceeding at which the party's attendance is required. The District may, in its discretion,
241 establish certain restrictions regarding the extent to which an advisor may participate in the
242 proceedings. If any such restrictions are established, they will be applied equally to all parties.

243

244 6. The Title IX Coordinator will, as applicable, promptly commence an investigation of the formal
245 complaint, designate a school administrator or third-party contractor to promptly investigate the
246 formal complaint, or dismiss the formal complaint in accordance with Subsection F of this
247 Section. The standard of evidence to be used to determine responsibility is the preponderance of
248 the evidence standard (i.e., more likely than not). The burden of proof and the burden of
249 gathering evidence sufficient to reach a determination regarding responsibility rest on the District
250 and not on the parties.

251

252 7. The parties will be given an equal opportunity to discuss the allegations under investigation with
253 the investigator(s) and are permitted to gather and present relevant evidence. This opportunity

254 includes presenting witnesses, including fact and expert witnesses, and other inculpatory and
255 exculpatory evidence. Credibility determinations will not be based on a person's status as a
256 complainant, respondent, or witness. The District will provide to a party whose participation is
257 invited or expected (including a witness), written notice of the date, time, location, participants,
258 and purpose of all hearings (if applicable), investigative interviews, or other meetings, with
259 sufficient time for the party to prepare to participate.

260

261 8. Both parties will be given an equal opportunity to inspect and review any evidence obtained as
262 part of the investigation that is directly related to the allegations raised in the formal complaint,
263 including the evidence upon which the District does not intend to rely in reaching a
264 determination regarding responsibility and inculpatory or exculpatory evidence whether obtained
265 from a party or other source, so that each party can meaningfully respond to the evidence prior to
266 the conclusion of the investigation. Prior to completion of the investigative report, the District
267 will send to each party and the party's advisor, if any, the evidence subject to inspection and
268 review in an electronic format or a hard copy, and the parties will have ten (10) school days to
269 submit a written response, which the investigator(s) will consider prior to completion of the
270 investigative report, as described in Paragraph 9 of this Subsection.

271

272 9. The investigator(s) will create an investigative report that fairly summarizes relevant evidence.
273 The investigator(s) will send the investigative report, in an electronic format or hard copy, to
274 each party and to each party's advisor for their review and written response at least ten (10)
275 school days prior to the time a determination regarding responsibility is made.

276

277 10. The Superintendent will appoint a decision-maker(s), who shall be a District employee or third-
278 party contractor and who shall be someone other than the Title IX Coordinator or investigator(s).
279 If the formal complaint filed is against the Superintendent, the Board Chair shall appoint the
280 decision-maker, who shall be a District employee or third-party contractor and who shall be
281 someone other than the Title IX Coordinator or investigator(s). The investigator(s) and the
282 decision-maker(s) shall not discuss the investigation's facts and/or determination while the
283 formal complaint is pending. The decision-maker(s) will afford each party the opportunity to
284 submit written, relevant questions that a party wants asked of any party or witness, provide each
285 party with the answers, and allow for additional, limited follow-up questions from each party.
286 Questions and evidence about the complainant's sexual predisposition or prior sexual behavior
287 are not relevant, unless such questions and evidence about the complainant's prior sexual
288 behavior are offered to prove that someone other than the respondent committed the conduct
289 alleged by the complainant, or if the questions and evidence concern specific incidents of the
290 complainant's prior sexual behavior with respect to the respondent and are offered to prove
291 consent. The decision-maker(s) will explain to the party proposing the questions any decisions to
292 exclude a question as not relevant.

293

294 11. The decision-maker(s) will issue a written determination regarding responsibility. To reach this
295 determination, the decision-maker must apply the preponderance of the evidence standard. The
296 written determination will include: (1) identification of the allegations potentially constituting
297 sexual harassment; (2) a description of the procedural steps taken from the receipt of the formal
298 complaint through the determination, including any notifications to the parties, interviews with
299 parties and witnesses, site visits, methods used to gather other evidence, and hearings held; (3)
300 findings of fact supporting the determination; (4) conclusions regarding the application of the

District's code of conduct to the facts; (5) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District will impose on the respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and (6) the District's procedures and permissible bases for the complainant and respondent to appeal. If the respondent is found responsible for violating the Board's Policy regarding ~~Title IX of the Education Amendments of 1972~~ Prohibition of Sex Discrimination and Sexual Harassment (Students), the written determination shall indicate whether the respondent engaged in sexual harassment as defined by the Board's Policy and these Administrative Regulations. The written determination will be provided to both parties simultaneously.

12. Student respondents found responsible for violating the Board's Policy regarding ~~Title IX of the Education Amendments of 1972~~ Prohibition of Sex Discrimination and Sexual Harassment (Students) may be subject to discipline up to and including expulsion. Employee respondents found responsible for violating the Board's Policy regarding ~~Title IX of the Education Amendments of 1972~~ Prohibition of Sex Discrimination and Sexual Harassment (Students) may be subject to discipline up to and including termination of employment. Other respondents may be subject to exclusion from the District's programs, activities and/or property. In appropriate circumstances, the District may make a criminal referral. Remedies will be designed to restore or preserve equal access to the District's education programs or activities.
13. After receiving notification of the decision-maker's decision, or after receiving notification that the District dismissed a formal complaint or any allegation therein, both complainant and respondent may avail themselves of the appeal process set forth in Subsection E of this Section.

D. Informal Resolution

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

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

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

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

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

349 E. Appeal Process

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

357
358 Appeals will be appropriate only in the following circumstances:

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

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

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

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

381
382 F. Dismissal of a Formal Complaint

383
384 The Title IX Coordinator shall dismiss any formal complaint that, under Title IX 1) would not
385 constitute sexual harassment as defined under Title IX even if proved, 2) did not occur in the

386 District's education program or activity, or 3) did not occur against a person in the United States.
387 Such dismissal does not preclude action under another Board policy.
388

389 The District may dismiss a formal complaint or any allegations therein, if at any time during the
390 investigation or hearing: 1) a complainant notifies the Title IX Coordinator in writing that the
391 complainant would like to withdraw the formal complaint or any allegations therein; 2) the
392 respondent is no longer enrolled or employed in the District; or 3) specific circumstances prevent the
393 District from gathering evidence sufficient to reach a determination as to the formal complaint or
394 allegations therein.
395

396 Upon a dismissal, the District will promptly and simultaneously send written notice of the dismissal
397 and reason(s) therefor to each party. Either party can appeal from the District's dismissal of a formal
398 complaint or any allegations therein using the appeals procedure.
399

400 In the event a formal complaint is dismissed prior to the issuance of a decision under Title IX, the
401 Title IX Coordinator shall determine if the allegations of sexual harassment shall proceed through
402 the grievance procedures identified in Section II of these Administrative Regulations for claims of
403 sex discrimination for consideration as to whether the allegations constitute sexual harassment under
404 Connecticut law.
405

406 A dismissal pursuant to this section does not preclude action by the District under the Student
407 Discipline policy, Code of Conduct for students/or and employees, or any other applicable rule,
408 policy, and/or collective bargaining agreement.
409

410 **G. Miscellaneous**

411 1. Any timeframe set forth in these Administrative Regulations may be temporarily delayed or
412 extended for good cause. Good cause may include, but is not limited to, considerations such as
413 the absence or illness of a party, a party's advisor, or a witness; concurrent law enforcement
414 activity; concurrent activity by the Department of Children and Families; or the need for
415 language assistance or accommodation of disabilities. If any timeframe is altered on a showing of
416 good cause, written notice will be provided to each party with the reasons for the action.
417

418 2. If a sexual harassment complaint raises a concern about challenging bullying behavior (including
419 bullying), the Title IX Coordinator shall notify the Safe School Climate Specialist or designee
420 who shall coordinate any bullying investigationchallenging behavior assessment with the Title IX
421 Coordinator, to promote the alignment of any such bullying investigationchallenging behavior
422 assessment with the requirements of applicable Board policies and state law. Additionally, if a
423 sexual harassment complaint raises a concern about discrimination or harassment on the basis of
424 any other legally protected classification (such as race, religion, color, national origin, age, or
425 disability), the Title IX Coordinator or designee shall make a referral to other appropriate
426 personnel within the District (e.g. Section 504 Coordinator, etc.), so as to ensure that any such
427 investigation complies with the requirements of policies regarding nondiscrimination.
428

429 3. If the sexual harassment complaint results in reasonable cause to suspect or believe that a child
430 has been abused or neglected, has had a nonaccidental physical injury, or injury which is at
431 variance with the history given of such injury, is placed at imminent risk of serious harm, or that
432

433 a student has been sexually assaulted by a school employee, then, the person to whom the
434 complaint is given or who receives such information shall report such matters in accordance with
435 the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.

436

437 4. Retaliation against any individual who complains pursuant to the Board's Policy regarding ~~Title~~
438 ~~IX of the Education Amendments of 1972~~ Prohibition of Sex Discrimination and Sexual
439 Harassment (Students) and these Administrative Regulations is strictly prohibited. Neither the
440 District nor any other person may intimidate, threaten, coerce, or discriminate against any
441 individual for the purpose of interfering with any right or privilege secured by ~~Title IX~~applicable
442 law or these Administrative Regulations, or because the individual has made a report or
443 complaint, testified, assisted, or participated or refused to participate in any manner in an
444 investigation, proceeding, or hearing under these Administrative Regulations. The District will
445 take actions designed to prevent retaliation. Complaints alleging retaliation may be filed
446 according to the grievance procedures for sex discrimination described herein.

447

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

449

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

454 ii. Any appeal and the result therefrom;

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

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

459

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

469

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

473 A. Definitions

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

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

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

480 It is the express policy of the Board to encourage victims of sex discrimination to report such claims.
481 Any person may report sex discrimination (including sexual harassment as defined by Connecticut
482 law) (whether or not the person reporting is the person alleged to be the victim of the alleged conduct
483 that could constitute sex discrimination), in person, by mail, by telephone, or by electronic mail,
484 using the contact information listed for the Title IX Coordinator. If the District receives notice of sex
485 discrimination or alleged sex discrimination against a student in the District's education program or
486 activity, the Title IX Coordinator or designee will promptly notify the complainant of the grievance
487 process. The District will treat complainants and respondents equitably during the grievance process.
488 Sexual harassment is a form of sex discrimination, and any incident of sexual harassment under Title
489 IX, as defined above, shall be handled pursuant to Section I of these Administrative Regulations.
490 Any allegations of sexual harassment under Connecticut law, as defined above, shall be handled
491 pursuant to this Section II of these Administrative Regulations.
492

493 C. Grievance Procedures

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

503 2. The complaint should state the:

504 i. Name of the complainant;
505 ii. Date of the complaint;
506 iii. Date(s) of the alleged discrimination;
507 iv. Name(s) of the alleged discriminator(s);
508 v. Location where such alleged discrimination occurred;
509 vi. Names of any witness(es) to the alleged discrimination;

vii. Detailed statement of the circumstances constituting the alleged discrimination; and

viii. Remedy requested.

3. Any student who makes an oral complaint of alleged sex discrimination to any of the above-mentioned personnel will be provided a copy of these Administrative Regulations and will be requested to make a written complaint pursuant to the above procedure. In appropriate circumstances, such as due to the age or capacity of the student making the complaint, a parent or school administrator may be permitted to fill out the form on the student's behalf.

4. All complaints are to be forwarded immediately to the building principal or designee unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent of Schools or designee. In addition, a copy of any complaint filed under this Policy shall be forwarded to the Title IX Coordinator. If the complaint being filed is against the Title IX Coordinator, the complaint should be filed with the Superintendent. If the complaint being filed is against the Superintendent, the complaint should be filed with the Board Chair, who will then retain an independent investigator or third-party contractor to investigate the matter.

5. The Title IX Coordinator or designee shall investigate all complaints of sex discrimination against a student, regardless of whether the conduct occurred on or off-school grounds. Complaints will be investigated promptly within the 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. The investigation shall be conducted discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation.

6. Any student who makes a complaint shall be notified of the District's intent to investigate the complaint. In the event the student or parent/legal guardian requests confidentiality or that an investigation not be conducted, the District will take reasonable steps to investigate and respond to the complaint to the extent possible, given the request for confidentiality or that the District not investigate the complaint. If the student or parent/legal guardian insists that the student's personally identifiable information not be shared with the alleged discriminator(s), the student and parent/legal guardian will be informed that the District's ability to investigate and/or take corrective action may be limited.

7. Upon receipt of a sex discrimination complaint, the Title IX Coordinator shall either promptly commence an investigation of the complaint, or shall designate a school administrator or third-party contractor to promptly investigate the complaint. The Title IX Coordinator or designee shall:

- i. offer to meet with the complainant and respondent (if applicable) separately within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant and respondent (if applicable) believe have relevant information, and obtain any relevant documents the complainant and respondent may have;
- ii. provide the complainant and respondent (if applicable) with a copy of the Board's sex discrimination policy and accompanying regulations;
- iii. consider whether any interim measures may be appropriate to protect the complainant or respondent (if applicable), pending the outcome of the investigation;

558 iv. conduct an investigation that is adequate, reliable, and impartial. Investigate the factual
559 basis of the complaint, including, as applicable, conducting interviews with individuals
560 deemed relevant to the complaint;

561 v. consider whether alleged sex discrimination has created a hostile school environment,
562 including consideration of the effects of off-campus conduct on the school;

563 vi. communicate the outcome of the investigation in writing to the complainant, to the
564 respondent, and to any individual properly identified as a party to the complaint (to the
565 extent permitted by state and federal confidentiality requirements), within ninety (90)
566 school days from the date the complaint was received by the Superintendent's office. The
567 investigator may extend this deadline for no more than fifteen (15) additional school days
568 if needed to complete the investigation. The complainant and respondent (if applicable)
569 shall be notified of such extension. The written notice shall include a finding whether the
570 complaint was substantiated and if so, shall identify, to the extent possible, how the
571 District will remedy the discrimination, adhering to the requirements of state and federal
572 law; and

573
574 vii. when sex discrimination has been found, take steps that are reasonably calculated to end
575 the discrimination, take corrective and/or disciplinary action aimed at preventing the
576 recurrence of the discrimination, as deemed appropriate by the Superintendent or
577 designee, and take steps designed to remedy the effects of the sex discrimination.

578
579 8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as
580 quickly as possible given the availability of staff and/or other individuals who may have
581 information relevant to the complaint. If fixed timeframes cannot be met, the complainant and
582 respondent will receive notice and interim measures may be implemented as necessary.

583
584 9. If the complainant or respondent (if applicable) is dissatisfied with the findings of the
585 investigation, the complainant or respondent may file a written appeal within five (5) school days
586 to the Title IX Coordinator, or, if the Title IX Coordinator conducted the investigation, to the
587 Superintendent of Schools. The Title IX Coordinator or Superintendent shall review the Title IX
588 Coordinator or designee's written report, the information collected by the Title IX Coordinator or
589 designee together with the recommended disposition of the complaint to determine whether the
590 alleged conduct constitutes sex discrimination. The Title IX Coordinator or Superintendent of
591 Schools may determine if further action and/or investigation is warranted. After completing this
592 review, the Title IX Coordinator or Superintendent of Schools shall respond to the complainant
593 and respondent (if applicable), in writing, within fifteen (15) school days following the receipt of
594 the written request for review.

595

596
597 D. Miscellaneous

598 1. If a sex discrimination complaint raises a concern about bullying-challenging behavior (including
599 bullying), the Title IX Coordinator shall notify the Safe School Climate Specialist or designee
600 who shall coordinate any bullying investigation-challenging behavior assessment with the Title IX
601 Coordinator, to promote the alignment of any such bullying investigation-challenging behavior
602 assessment with the requirements of applicable Board policies and state law. Additionally, if a

604 sex discrimination complaint raises a concern about discrimination or harassment on the basis of
605 any other legally protected classification (~~such as race, religion, color, national origin, age, or~~
606 ~~disability~~), the Title IX Coordinator or designee shall make a referral to other appropriate
607 personnel within the District (e.g. Section 504 Coordinator, ~~etc.~~), so as to ensure that any such
608 investigation complies with the requirements of policies regarding nondiscrimination.
609

610 2. If the sex discrimination complaint results in reasonable cause to suspect or believe that a child
611 has been abused or neglected, has had a nonaccidental physical injury, or injury which is at
612 variance with the history given of such injury, is placed at imminent risk of serious harm, or that
613 a student has been sexually assaulted by a school employee, then, the person to whom the
614 complaint is given or who receives such information shall report such matters in accordance with
615 the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.
616

617 3. Retaliation against any individual who complains pursuant to the Board's Policy regarding ~~Title~~
618 ~~IX of the Education Amendments of 1972~~ Prohibition of Sex Discrimination and Sexual
619 Harassment (Students) and these Administrative Regulations is strictly prohibited. Neither the
620 District nor any other person may intimidate, threaten, coerce, or discriminate against any
621 individual for the purpose of interfering with any right or privilege secured by ~~Title IX~~applicable
622 law or these Administrative Regulations, or because the individual has made a report or
623 complaint, testified, assisted, or participated or refused to participate in any manner in an
624 investigation, proceeding, or hearing under these Administrative Regulations. The District will
625 take actions designed to prevent retaliation as a result of filing a complaint. Complaints alleging
626 retaliation may be filed according to the grievance procedures for sex discrimination described
627 herein.
628

629 **Section III. Further Reporting**

631 At any time, a complainant alleging sex discrimination or sexual harassment may also file a complaint
632 with the Office for Civil Rights, ~~Boston~~ Washington DC Office, U.S. Department of Education, ~~400~~
633 ~~Maryland Avenue, SW, Washington, DC 20202-1475 (Telephone (202) 453 6020). 8th Floor, 5 Post~~
634 ~~Office Square, Boston, MA 02109 3921 (Telephone (617) 289 0111).~~
635

636 Students may also make a report of sexual harassment and/or sex discrimination to the Connecticut
637 Commission on Human Rights and Opportunities, 450 Columbus Boulevard, Hartford, CT 06103-1835
638 (Telephone: 860-541-3400 or Connecticut Toll Free Number: 1-800-477-5737).
639

640 ~~Copies of these Administrative Regulations will be distributed to all students.~~
641

642

643

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

646

647 Rape—(Except Statutory Rape) The carnal knowledge of a person, without the consent of the victim,
648 including Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral
649 penetration by a sex organ of another person, or by a sex-related object. This definition also includes
650 instances where in which the victim is incapable of giving consent because of the person's age or because of
651 the person's temporary or permanent mental or physical incapacity (including due to the influence of drugs or
652 alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of
653 consent.—

654

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

658

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

663

664 FondlingCriminal Sexual Contact—The intentional touching of the private clothed or unclothed body parts of
665 another person for the purpose of sexual gratification without the consent of the victim, including for the
666 purpose of sexual degradation, sexual gratification, or sexual humiliation. The forced touching by the victim
667 of the actor's clothed or unclothed body parts, without consent of the victim, for the purpose of sexual
668 degradation, sexual gratification, or sexual humiliation. This offense includes instances where the victim is
669 incapable of giving consent because of the person's age or because of the person's incapacity due to
670 temporary or permanent mental or physical incapacityimpairment or intoxication for the purpose of sexual
671 degradation, sexual gratification, or sexual humiliation.

672

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

675

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

678

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

684

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

691

692 **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to
693 fear for the person's safety or the safety of others; or suffer substantial emotional distress.
694

COMPLAINT FORM REGARDING SEXUAL HARASSMENT UNDER TITLE IX (STUDENTS)

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

Name of the complainant _____

Date of the complaint _____

Date of the alleged sexual harassment

Name or names of the ~~sexual harasser~~ respondent(s)

Name or names of the ~~sexual harasser~~ respondent(s)

Name or names of the ~~sexual harasser~~ respondent(s)

Name(s) of committee(s) to the alleged sexual harassment:

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

Detailed statement of the circumstances constituting the alleged sexual harassment

— 10 —

Remedy requested

Signature of Complainant or Title IX Coordinator:

731

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

734

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

735

736 Name of the complainant _____

737

738 Date of the complaint _____

739

740 Date of the alleged sex discrimination _____

741

742 Name or names of the sex discriminatorrespondent(s) _____

743

744 _____

745

746 Location where such alleged sex discrimination occurred _____

747

748 _____

749

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

751

752 _____

753

754 Detailed statement of the circumstances constituting the alleged sex discrimination

755

756 _____

757

758 Detailed statement of the circumstances constituting the alleged sex discrimination

759

760 _____

761

762 Remedy requested _____

763

764 Signature: _____

765

766 11/23/2020

767

768

769
770 ~~SAMPLE WRITTEN NOTICE FOR FORMAL COMPLAINTS OF STUDENT/STUDENT SEXUAL~~
771 ~~HARASSMENT~~
772 ~~[LETTERHEAD]~~
773

774 ~~NOTICE OF SEXUAL HARASSMENT ALLEGATIONS UNDER TITLE IX~~
775 ~~AND NOTICE OF BULLYING INVESTIGATION UNDER CONN. GEN. STAT. § 10-222d~~
776

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

787
788 **Identities of the parties involved, if known:**

789 _____ (Complainant(s))
790 _____ (Respondent(s))
791

792 **The conduct allegedly constituting sexual harassment and bullying:**
793 _____
794 _____
795 _____
796

797 **The date and the location of the alleged incident, if known:**
798 _____
799

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

802
803 **Director of Special Education**
804 **10 Campus Drive**
805 **Madison, CT 06433**
806 **203-245-6341**
807
808

809
810 **Procedural Rights Under Title IX:**
811
812
813
814
815
816
817

- 818 • The respondent is presumed not responsible for the alleged conduct. A determination regarding
819 responsibility under Title IX is made at the conclusion of the grievance process.
820
821 • All parties involved in the Title IX grievance process may have an advisor of their choice who
822 may be, but it not required to be, an attorney. This advisor may inspect and review evidence as
823 permitted by the Board's Administrative Regulations Regarding Title IX of the Education
824 Amendments of 1972—Prohibition of Sex Discrimination and Sexual Harassment (Students).
825
826

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

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

830 1/26/2022
831

832

833 *SAMPLE WRITTEN NOTICE FOR FORMAL COMPLAINTS OF STUDENT/EMPLOYEE SEXUAL*
834 *HARASSMENT*
835 *[LETTERHEAD]*

836

837 NOTICE OF SEXUAL HARASSMENT ALLEGATIONS UNDER TITLE IX

838

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

842

843

Identities of the parties involved, if known:

844

(Complainant(s))

845

(Respondent(s))

846

847

The conduct allegedly constituting sexual harassment under Title IX:

848

849

850

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

851

852

853

854

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

856

857

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

858

859

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

861

862

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

866

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878

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

879 A copy of the Board's Policy and Administrative Regulations Regarding **Title IX of the Education**
880 **Amendments of 1972—Prohibition of Sex Discrimination and Sexual Harassment (Students)** is
881 included with this notice.
882
883

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

886
887 [LETTERHEAD]
888

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

891 In accordance with the Board's Policy and Administrative Regulations Regarding ~~Title IX of the~~
892 ~~Education Amendments of 1972~~—Prohibition of Sex Discrimination and Sexual Harassment (Students),
893 a formal complaint of sexual harassment has been filed with the Title IX Coordinator. The Board has an
894 informal resolution process to promptly and equitably resolve such complaints using mediation
895 *[alternatively, could be restorative justice]*. This informal resolution process will only be utilized if both
896 the Complainant and Respondent agree to do so.
897

898 The conduct allegedly constituting sexual harassment: _____
899
900 _____
901 _____
902 _____

903 If both parties agree to the informal resolution process, it shall preclude the parties from resuming a
904 formal complaint arising out of the same allegations. However, either party may withdraw from the
905 informal resolution process at any time before agreeing to a resolution and resume the grievance process
906 for formal complaints of sexual harassment.
907

908 If both parties agree to a resolution, that resolution is binding upon both parties and cannot be changed
909 or appealed.
910

911 The District will maintain for a period of seven (7) years records of the informal resolution process and
912 results therefrom.
913
914 _____
915

916 I voluntarily consent to the informal resolution process:
917
918 _____ _____
919 Complainant Date
920
921 _____ _____
922 Parent/Guardian of Complainant Date
923
924 _____ _____
925 Respondent Date
926
927 _____ _____
928 Parent/Guardian of Respondent Date
929