

Policy Committee Meeting

Tuesday, October 29, 2024 4:30 PM

Zoom, 10 Campus Drive , Madison, CT 06443

I. Rescind:

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

II. Review:

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

III.

IV. Public Comment

- V. **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.**

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Meeting Agenda

I. Rescind:

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

II. Review:

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

III. Public Comment

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Policy Summary

October 29, 2024

Rescind

6080 Educating Students in the Core Educational Program

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 The policy references the "Vision for School Improvement," which we were not able to locate and thus may be an outdated model (the policy is dated 1997).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

6080.13 Teaching About Religion

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

6080.20.1 Remedial Instruction

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

6080.22 Homebound/Hospital Instruction

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

6080.29.3 Career and Vocational Education

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

Review

1370 Non-Discrimination

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

4030.5 Family and Medical Leave

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

4118.1 Non-Discrimination

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

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

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

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

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#6080

Educating Students in the Core Educational Program

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

General Principles for Programming

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

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

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

#6080 (continued)

Guidelines for Instruction

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

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

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

K-12 Program Development

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

Date of Adoption: November 19, 1996

#6080.13

Teaching About Religion

Separation of Church and State Policy

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

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

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

Recognition of Religious Holidays

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

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

6080.13 (continued)

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

Holiday Celebration and Observances

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

Date of Adoption: November 19, 1996

Date of Revision: January 18, 2000

**#6080.13 - Regulation
Teaching About Religion**

Separation of Church and State

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

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

6080.13 R (cont.)

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

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

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

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

Date of Implementation:

**#6080.20.1
Remedial Instruction**

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

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

Reference: Policy #6080.1 Educating Students with Special Needs

Date of Adoption: January 21, 1997

Homebound / Hospital Instruction

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

Eligibility:

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

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

Specification for Instructional Services

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

Length of Absence

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

Number of Hours

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

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

Date of Adoption: January 21, 1997

Date of First Revision: April 7, 1998

#6080.29.3**Career and Vocational Education**

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

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

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

Date of Adoption: April 1, 1997

**Regulation #6080.29.3
Career and Vocational Education**

No regulations required.

Non-Discrimination

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

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

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

I. Definitions:

The following definitions apply for purposes of this policy:

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

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

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

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

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

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

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

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

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

84 to provide health care services at a United States Department of Veterans Affairs facility, (B) an
85 experience of military sexual trauma disclosed to an individual licensed to provide health care
86 services at a United States Department of Veterans Affairs facility, or (C) a determination that
87 sexual orientation, gender identity or gender expression was more likely than not the primary
88 reason for an other than honorable discharge, as determined in accordance with Conn. Gen. Stat.
89 §§ 27-103(c), (d).

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

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

114

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

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

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151
152 H.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.

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

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

171
172 In addition to reporting to District officials in accordance with this policy, individuals also may
173 file a complaint with the following agencies:

174
175 Office for Civil Rights, U.S. Department of Education ("OCR"):

176
177 Office for Civil Rights, Boston Office
178 U.S. Department of Education
179 8th Floor
180 5 Post Office Square
181 Boston, MA 02109-3921
182 (617-289-0111)
183 <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

184
185 Connecticut Commission on Human Rights and Opportunities:

186
187 Connecticut Commission on Human Rights and Opportunities
188 450 Columbus Blvd.
189 Hartford, CT 06103-1835
190 (860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

191
192 Equal Employment Opportunity Commission (employees only):

193
194 Equal Employment Opportunity Commission, Boston Area Office
195 John F. Kennedy Federal Building
196 475 Government Center
197 Boston, MA 02203
198 (800-669-4000)

199

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

203

204 **Office of the Superintendent**
205 **10 Campus Drive**
206 **Madison, CT 06443**
207 **(203) 245-6322**

208

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

212

213 **Director of Special Education**
214 **10 Campus Drive**
215 **Madison, CT 06443**
216 **(203) 245-6341**

217

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

221

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

226

227 **Legal References:**

228

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

230 Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.

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

232 Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq.

233 Americans with Disabilities Act, 42 U.S.C. § 12101

234 Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794

235 Connecticut General Statutes § 1-1n, "Gender Identity or Expression" defined

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

237 Connecticut General Statutes § 27-103

238 Connecticut General Statutes § 46a-51, Definitions

239 Connecticut Fair Employment Practices Act, Connecticut General Statutes § 46a-

240

241 Connecticut General Statutes § 46a-81a, Sexual orientation discrimination:
242 Definitions
243 Connecticut General Statutes § 46a-81c, Sexual orientation discrimination:
244 Employment
245 Connecticut General Statutes § 46b-1, Family relations matters and domestic
246 violence defined

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

248
249 ~~Public Act No. 22-82, “An Act Concerning Online Dating Operators, the~~
250 ~~Creation of a Grant Program to Reduce Occurrences of Online Abuse and~~
251 ~~the Provision of Domestic Violence Training and Protections for Victims~~
252 ~~of Domestic Violence”~~

253
254
255
256

257 Date Adopted: March 16, 2021
258 Date of Revision: October 12, 2021
259
260 Date of Revision: October 17, 2023
261

Regulation #1370
Non-Discrimination

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

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

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

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

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

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

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

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

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

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

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

Alleged Discrimination/Harassment of Students or Employees:

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

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

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

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

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

Reporting to District Officials

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 If a complaint involves allegations of discrimination or harassment based on sex, gender identity
103 or expression, sexual orientation, disability, or pregnancy, such complaints will be handled in
104 accordance with the procedures set forth in other Board policies (e.g., Policy #4116.1, Sex
105 Discrimination/Harassment in the Workplace (Personnel); Policy #5120.4.2.4, Sex Discrimination
106 and Sexual Harassment (Students); Policy #4118.14, Section 504/ADA (Personnel), and Policy
107 #5200, Section 504/ADA) (Students)).~~

108
109 **Complaint Procedure**

110
111 Preferably, complaints should be filed within thirty (30) calendar days of the alleged occurrence.
112 Timely reporting of complaints facilitates the investigation and resolution of such complaints. The
113 District will investigate such complaints promptly and equitably, and will take corrective action
114 when allegations are verified.

115
~~116 The District will not tolerate any reprisals or retaliation that occur as a result of the good faith
117 reporting of charges of Protected Class harassment or discrimination. Any such reprisals or
118 retaliation will result in disciplinary action against the retaliator, and other corrective actions as
119 appropriate.~~

120
~~121 The District will periodically provide staff development for District administrators and
122 periodically distribute this policy and implementing administrative regulations to staff and students
123 in an effort to maintain an environment free of harassment and discrimination.~~

124
125 As soon as an individual feels that they, or another individual has been subjected to Protected Class
126 discrimination or harassment they should make a written complaint to the Superintendent, or
127 designee.

128
~~129 Complaints pertaining to the Superintendent should be filed with the Board Chair. Complaints
130 pertaining to any Board members other than the Board Chair should be filed with the Board Chair.
131 Complaints pertaining to the Board Chair should be filed with the Board Vice Chair. In all cases,
132 the individual receiving the complaint shall take appropriate steps to cause the matter to be
133 investigated in a manner consistent with the Board's non-discrimination policy and regulation. If
134 any party to the complaint involving the Superintendent or a Board member is not satisfied with
135 the findings and conclusions of the investigation, within (30) calendar days of receiving the
136 findings, such party may present the complaint and written outcome to the Board Chair, who will
137 take appropriate steps, such as retaining an independent investigator different from the investigator~~

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

140
141 The individual who is alleged to have experienced Protected Class discrimination/harassment
142 (the "complainant") and any individual accused of Protected Class discrimination/harassment (
143 the "respondent") (if applicable) will be provided a copy of the Board's policy and regulation
144 and made aware of the individual's rights under this policy and regulation. In the event the
145 reported conduct allegedly violates more than one policy, the Board will coordinate an
146 investigation in compliance with the applicable policies, laws and regulations.

147 ~~Superintendent or designee receives a complaint alleging discrimination or harassment on the basis
148 of sex, gender identity or expression, sexual orientation, or pregnancy, the Superintendent or
149 designee shall follow the procedures identified in the appropriate Board policies (e.g., Policy
150 #4116.1, Sex Discrimination/Harassment in the Workplace (Personnel); Policy #5120.4.2.4, Sex
151 Discrimination and Sexual Harassment (Students); Policy #4118.14, Section 504/ADA
152 (Personnel), and Policy #5200, Section 504/ADA) (Students));~~

153
154 The complaint should state the:

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

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171
172 Any individual who makes an oral complaint of harassment or discrimination will be provided a
173 copy of this regulation and will be requested to make a written complaint pursuant to the above
174 procedure. If an individual is unable to make a written complaint, the employee receiving the oral
175 complaint will either reduce the complaint to writing, ~~or assist the individual with completing the~~
176 written complaint form, or request the assistance of a District administrator to do so.

177
178
179 All complaints received by employees are to be forwarded immediately to the Superintendent or
180 Superintendent's designee. Upon receipt of a complaint alleging harassment or discrimination
181 under this complaint procedure, the Superintendent ~~or designee~~ shall promptly investigate the
182 complaint, or designate a District administrator or other trained individual to do so. During the
183 course of the investigation, the investigator shall interview or consult with all individuals

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

191
192 Upon receipt of a written complaint of discrimination or harassment, the investigator should:

- 193
194 1. Offer to meet with the complainant and respondent (if applicable) within ten (10) business days
195 (provided that such time frame may be reasonably extended based on the availability of
196 necessary witnesses and/or participants, the complexity of the investigation, and/or other
197 extenuating circumstances) to discuss the nature of the complaint, discuss the availability of
198 interim measures, identify individuals the complainant or respondent believes has relevant
199 information, and obtain any relevant documents the complainant or respondent may have;
200
- 201 2. Provide the complainant and respondent (if applicable) with a copy of the Board’s non-
202 discrimination policy and accompanying regulations;
203
204
- 205 3. Conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis
206 for the complaint, including, as applicable, conducting interviews with the parties to the
207 complaint and any relevant witnesses or other individuals deemed relevant to the complaint;
208
- 209 4. Review any records, notes, statements, or other documents relevant to the complaint;
210
- 211 5. Maintain confidentiality to the extent practicable throughout the investigative process, in
212 accordance with state and federal law;
213
- 214 6. Complete a final investigation report that includes: (i) a findings of fact based on the evidence
215 gathered; (ii) for each allegation, the conclusion(s) and reasoning(s) as to whether the
216 discrimination or harassment occurred; and (iii) for any individual(s) found to have engaged
217 in discrimination or harassment, a broad statement of consequences imposed (to the extent
218 permitted by state and federal confidentiality requirements) (i.e.g. “Consequences were
219 imposed.”).
220
- 221 7. Communicate the outcome of the investigation in writing to the complainant and respondent
222 (if any) (to the extent permitted by state and federal confidentiality requirements), within thirty
223 (30) business days (provided that such time frame may be reasonably extended based on the
224 availability of necessary witnesses and/or participants, the complexity of the investigation,
225 and/or other extenuating circumstances) from the date the complaint was received by the
226 Superintendent’s office. The complainant and respondent (if any) shall be notified of any
227 extension of the investigation timeline. The written notice shall include a finding whether the
228 complaint was substantiated and if so, shall identify, to the extent possible, how the District

229 will remedy the discrimination or harassment, adhering to the requirements of state and federal
230 law;

231
232 8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as
233 quickly as possible given the availability of employees and/or other individuals who may have
234 information relevant to the complaint. If fixed time frames cannot be met, the complainant
235 and respondent (if any) will receive notice and interim measures may be implemented as
236 necessary (see sub-paragraph 6);

237
238 9. Whenever allegations are verified, ensure that appropriate corrective action is taken (including,
239 but not limited to, disciplinary action) aimed at preventing the recurrence of the discrimination
240 or harassment. Corrective action should include steps designed to avoid continuing
241 discrimination or harassment;

242
243 10. ~~Outcome~~ After receiving the written notice of the outcome, parties shall have ten (10) school
244 days to submit a formal written statement of appeal, if they so choose. ~~If a complainant or~~
245 ~~respondent is not satisfied with the findings and conclusions of the investigation, such party~~
246 ~~may present the complaint and written outcome to the Superintendent requesting challenging~~
247 ~~the outcome of the investigation and explaining the basis for appeal. Upon receipt of within~~
248 ~~thirty (30) calendar days of receiving the findings. Upon review of a written request from the~~
249 ~~party requesting an appeal, the Superintendent shall appoint a decisionmaker(s) for the appeal,~~
250 ~~who may be the Superintendent or designee. The decisionmaker(s) for the appeal will provide~~
251 ~~the appealing party's written statement to the non-appealing party. The non-appealing party~~
252 ~~will then have ten (10) school days to submit to the decision-maker(s) for the appeal a written~~
253 ~~statement in support of, or challenging, the outcome of the investigation. The decisionmaker(s)~~
254 ~~for the appeal shall review the evidence and the information presented by the parties and determine if~~
255 ~~further action and/or investigation is warranted. Such action may include consultation with a~~
256 ~~designated the investigator(s) and the parties, a (if applicable), complainant, and respondent (if~~
257 ~~any) and, a meeting with appropriate individuals to attempt to resolve the complaint, or a~~
258 ~~decision affirming or overruling a designated investigator's conclusions or findings (if~~
259 ~~applicable). The Superintendent shall provide written notice to the complainant and~~
260 ~~respondent (if any) of the proposed actions the written outcome. Generally, a party's~~
261 ~~disagreement with the outcome of the investigation, alone, will not be basis for further action.~~
262 ~~The decisionmaker(s) for the appeal will attempt to issue written notice of the outcome of the~~
263 ~~appeal to the parties within thirty (30) school days of business days (provided that such time~~
264 ~~frame may be reasonably extended based on the availability of necessary witnesses and/or~~
265 ~~participants, the complexity of the investigation, and/or other extenuating circumstances)~~
266 ~~following the receipt of the written request for review receipt of all written statements for the~~
267 ~~parties.~~

268
269 **Complaint Procedure for Superintendent/Board Member Complaints:**

270
271 Any district administrator or Board member who receives a complaint of discrimination,
272 harassment or retaliation of a community member by a Board Member and/or the Superintendent
273 shall forward the complaint promptly to the Director of Human Resources. Complaints
274 pertaining to the Superintendent or Board of Education members will be forwarded to the Chair

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

279
280 If a complainant or a respondent is not satisfied with the findings and conclusions of an
281 investigation in which the Superintendent or a member of the Board is the respondent, within
282 (30) calendar days of receiving the findings such party may present the complaint and written
283 outcome to the Board Chair (or, if initially presented by the Board Chair, the Board Vice Chair),
284 who will take appropriate steps to cause the matter to be reviewed in a manner consistent with
285 the Board's non-discrimination policy and regulation. Such steps may include retention of an
286 investigator different from the investigator who investigated the complaint.

287
288 **Remedial Action:**

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

292 Examples of appropriate action may include:

- 293 (a) Interventions for the individual who engaged in the discrimination/harassment, such
294 as parent/guardian or supervisor notification, discipline, counseling, or training.
- 295 (b) Interventions for the complainant, such as counseling, academic support, and
296 information on how to report further incidents of discrimination.
- 297 (c) Separating the complainant and the individual who engaged in the
298 discrimination/harassment, provided the separation does not penalize the
299 complainant.
- 300 (d) Follow-up inquiries with the complainant and witnesses to ensure that the
301 discriminatory/harassing conduct has stopped and that they have not experienced any
302 retaliation.
- 303 (e) Training or other interventions for the larger school community to ensure that
304 students, staff, and parents understand the types of behavior that constitute
305 discrimination/harassment, that the District does not tolerate it, and how to report it.

306
307 **Staff Development:**

308
309 The District will periodically provide staff development for District administrators and
310 periodically distribute the Board's Non-Discrimination policies and the implementing
311 administrative regulations to staff, students and parents in an effort to maintain an environment
312 free of discrimination and harassment.

313
314 **Reporting to State and Federal Agencies:**

315
316 In addition to reporting to District officials in accordance with this policy, individuals also may
317 file a complaint with the following agencies:

318
319 Office for Civil Rights, U.S. Department of Education ("OCR");

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

321
322 Boston Office, Office for Civil Rights
323 U.S. Department of Education
324 8th Floor, 5 Post Office Square
325 Boston, MA 02109-3921
326 (617) 289-0111

327
328 A complainant may also file a complaint with the:
329 Connecticut Commission on Human Rights and Opportunities
330 450 Columbus Blvd.,
331 Hartford, CT 06103-1835
332 (860) 541-3400

333
334 An employee alleging discrimination or harassment related to their employment may also file a
335 complaint with:

336
337
338 Equal Employment Opportunity Commission
339 Boston Area Office
340 John F. Kennedy Federal Building
341 475 Government Center
342 Boston, MA 02203
343 (800) 669-4000

344
345 Anyone who has questions or concerns about these regulations, and/or who may wish to
346 request or discuss accommodations based on religion, may contact:

347
348 **Office of the Superintendent**
349 **10 Campus Drive**
350 **Madison, CT 06443**
351 **(203) 245-6322**

352
353 Anyone who has questions or concerns about the Board's policies regarding
354 discrimination or harassment on the basis of gender/sex, gender identity or expression, or sexual
355 orientation, or pregnancy may contact the Board's Title IX Coordinator:

356
357 **Director of Special Education**
358 **10 Campus Drive**
359 **Madison, CT 06443**
360 **(203) 245-6341**

361
362 Anyone who has questions or concerns about the Board's policies regarding
363 discrimination or harassment on the basis of disability, and/or who may wish to request or
364 discuss accommodations for a disability, may contact the Board's Section 504/ADA
365 Coordinator:
366

367 **Director of Special Education**
368 **10 Campus Drive**
369 **Madison, CT 06443**
370 **(203) 245-6341**
371

Family and Medical Leave

PURPOSE

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

ELIGIBILITY

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

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

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

DEFINITIONS

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

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

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

49
50 Paraprofessional: For purposes of this policy, a “paraprofessional” means a school employee
51 who performs duties that are instructional in nature or deliver either direct or indirect services to
52 students and/or parents and serves in a position for which a teacher has ultimate responsibility
53 for the design and implementation of educational programs and services. This definition is only
54 used for the purpose of calculating eligibility for the leave described in this policy at the 950
55 hour threshold.

56 57 *REASONS FOR LEAVE*

58
59 Leaves under the FMLA and applicable state law may be taken for the following reasons:

- 60
61 • incapacity due to pregnancy, prenatal medical care or child birth; or
- 62
63 • to care for the employee's newborn child; or
- 64
65 • the placement of a child with the employee by adoption or for foster care; or
- 66
67 • to care for the employee's spouse, child or parent who has a serious health
68 condition; or
- 69
70 • to care for the employee's own serious health condition that renders the employee
71 unable to perform the functions of the employee’s position; or
- 72
73 • to serve as an organ or bone marrow donor; or
- 74
75 • to care for an injured or ill servicemember (see below – Length of Leave – for
76 further information); or
- 77
78 • a qualifying exigency arising out of a family member’s military service, including
79 one or more of the following reasons (note – more detailed information on the
80 following categories is available from the Human Resources office):
 - 81
82 • short-notice deployment;
 - 83
84 • military events and related activities;
 - 85
86 • childcare and school activities;
 - 87
88 • financial and legal arrangements;
 - 89
90 • counseling;
 - 91
92 • rest and recuperation;

- 93
- 94 • post-deployment activities;
- 95
- 96 • parental care leave for military member's parent who is incapable of self-
- 97 care and care is necessitated by the military member's covered active
- 98 duty;
- 99
- 100 • additional activities that arise out of the active duty or call to active duty
- 101 status of a covered military member, provided that the Board and the
- 102 employee agree that such leave qualifies as an exigency, and agree to both
- 103 the timing and the duration of such leave.
- 104

105 ***LENGTH OF LEAVE***

106

107 (a) Basic FMLA Leave Entitlement

108

109 If a leave is requested for one of the above-listed reasons, each eligible employee may take up to

110 a total of twelve (12) weeks unpaid family or medical leave in the 12-month entitlement period.

111

112 The 12-month entitlement period for family or medical leave is measured on the basis of a

113 "rolling" 12-month period measured backward from the date an employee uses any FMLA leave.

114

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

116

117 In addition to the reasons for leave listed above, an eligible employee may take up to twenty-six

118 (26) workweeks of FMLA leave during a 12-month period to care for (i) a servicemember who is

119 the employee's spouse, parent, child or next of kin, and who incurred a serious injury or illness

120 in the line of duty and while on active duty in the Armed Forces or had a preexisting injury or

121 illness prior to beginning active duty that was aggravated by service in the line of duty on active

122 duty in the Armed Forces; or (ii) a covered veteran with a serious injury or illness who is the

123 employee's spouse, parent, child or next of kin.

124

125 For servicemembers, the injury or illness must render the servicemember medically unable to

126 perform the duties of office, grade, rank or rating. This provision applies to servicemembers

127 who are undergoing medical treatment, recuperation, or therapy, are in outpatient status, or who

128 are on the temporary disability retired list, for a serious injury or illness.

129

130 For covered veterans, the veteran must be undergoing medical treatment, recuperation or therapy

131 for a serious injury or illness and must have been (1) a member of the Armed Forces (including

132 the National Guard or Reserves); (2) discharged or released under conditions that were other than

133 dishonorable; and (3) discharged within the five-year period before the eligible employee first

134 takes FMLA military caregiver leave to care for the veteran.¹

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

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

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

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

TYPES OF LEAVE AND CONDITIONS

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

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

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

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

180 Intermittent or reduced schedule leave may be taken (a) when medically necessary for an
181 employee's or covered family member's serious health condition, or for a covered service
182 member's serious illness or injury, and (b) the need for leave can be best accommodated through
183 an intermittent or reduced schedule leave. In addition, FMLA leave may be taken intermittently
184 or on a reduced schedule basis (1) due to a qualifying exigency; or (2) to effectuate the
185 placement of a child for adoption or foster care before the placement of the child in the home.
186

187 If foreseeable intermittent or reduced schedule leave is medically required based upon planned
188 medical treatment of the employee or a family member or a covered service member, including
189 during a period of recovery from an employee's or family member's serious health condition or a
190 serious injury or illness of a covered service member, the Board may, in its sole discretion,
191 temporarily transfer the employee to another job with equivalent pay and benefits that better
192 accommodates the type of leave requested. Also, special arrangements may be required of an
193 instructional employee who needs to take intermittent or reduced-schedule leave which will
194 involve absence for more than twenty (20) percent of the work days in the period over which the
195 leave will extend (for example, more than five days over a five-week period), if the leave is to
196 care for a family member with a serious health condition, to care for a covered service member
197 with a serious injury or illness, or for the employee's own serious health condition, which is
198 foreseeable based on planned medical treatment. In such situations, the Board may require the
199 instructional employee to transfer temporarily to another job or take leave for a particular
200 duration, not to exceed the duration of the planned medical treatment.
201

202 (b) Both Spouses Working for the Same Employer

203
204 If both spouses are eligible employees of the Board and request leave for the birth, placement of
205 a child by adoption or for foster care, or to care for a parent with a serious health condition, they
206 only will be entitled to a maximum combined total leave equal to twelve (12) weeks in the 12-
207 month entitlement period. If either spouse (or both) uses a portion of the total 12-week
208 entitlement for one of the purposes in the preceding sentence, each is entitled to the difference
209 between the amount the employee has taken individually and the 12 weeks for FMLA leave for
210 their own or their spouse's serious health condition in the 12-month entitlement periods.
211

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

214
215 If a leave taken by an instructional employee for any reason begins more than five (5) weeks
216 before the end of an academic term, the Board may require that instructional employee to
217 continue the leave until the end of the term if the leave will last at least three (3) weeks and the
218 instructional employee would return to work during the three-week period before the end of the
219 term.
220

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

226

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

231

232

233 ***REQUESTS FOR LEAVE***

234

235 (a) Foreseeable Leave

236

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

245

246 (b) Qualifying Exigency.

247

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

250

251 (c) Unforeseeable Leave.

252

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

255

256 ***SCHEDULING PLANNED MEDICAL TREATMENT***

257

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

269

270 ***REQUIRED CERTIFICATIONS/DOCUMENTATION***

271
272 For leaves taken for any FMLA-qualifying reason, an employee must submit a completed
273 certification form supporting the need for leave. The appropriate form will be provided to the
274 employee. The employee must submit a complete and sufficient certification form as required
275 within fifteen (15) calendar days of receiving the request for the completed certification. If it is
276 not practicable for the employee to provide the completed form by the due date despite the
277 employee's diligent, good faith efforts, the employee must inform the Human Resources
278 Department of the reason(s) for delay and what efforts the employee undertook to obtain the
279 required certification. FMLA-protected leave may be delayed or denied if the employee does not
280 provide a complete and sufficient certification as required. Depending on the reason for leave,
281 an employee may be required to submit medical certification from the employee's health care
282 provider, medical certification the employee's family member's health care provider, and/or
283 other documentation (e.g., to establish a family relationship, military active duty orders, etc.). In
284 certain circumstances and under certain conditions, employees may also be required to obtain
285 second or third medical opinions and/or recertifications, in accordance with applicable law.
286

287 If an employee takes leave for the employee's own serious health condition (except on an
288 intermittent or reduced-schedule basis), prior to returning to work the employee must provide a
289 medical fitness-for-duty certification that the employee is able to resume work and the health
290 condition that created the need for the leave no longer renders the employee unable to perform
291 the essential functions of the job. This certification must be submitted to the Human Resources
292 Department. If the employee is unable to perform one or more of the essential functions of the
293 employee's position, the Board will determine whether the employee is eligible for additional
294 FMLA leave (if such leave has not been exhausted) or whether an accommodation is appropriate,
295 in accordance with the Americans with Disabilities Act.
296

297 In connection with the Board's request for medical information, employees must be aware that
298 the Genetic Information Nondiscrimination Act of 2008 ("GINA") prohibits employers and other
299 entities covered by Title II of GINA from requesting or requiring genetic information of an
300 individual or family member of the individual, except as specifically allowed by this law. To
301 comply with this law, the Board requests that employees not provide any genetic information
302 when responding to a request for medical information.
303

304 *USE OF PAID LEAVE*

305
306 Paid leave, which has been accrued in accordance with applicable law, the relevant collective
307 bargaining agreement (if any), and/or Board policy will be substituted for any unpaid portions of
308 family or medical leave taken for any reason that is also a qualifying reason for using such
309 accrued paid leave. In such instance, the employee's accrued paid leave and FMLA-qualifying
310 leave will run concurrently. The employee must satisfy any procedural requirements applicable
311 to the use of paid leave, but only in connection with the receipt of such payment.~~Accrued paid~~
312 ~~personal leave and accrued paid vacation will be substituted (in that order) for any unpaid~~
313 ~~portions of family or medical leave taken for any reason. However, where the leave is for the~~
314 ~~employee's own serious health condition, accrued paid sick leave shall be substituted for unpaid~~
315 ~~portions of family or medical leave prior to the substitution of accrued paid personal and accrued~~

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

318

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

325

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

327

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

335

336

337 ***REINSTATEMENT***

338

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

343

344

345 ***ADDITIONAL INFORMATION***

346

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

352

353 Legal References:

354 Connecticut General Statutes:

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

357

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

359

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

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United States Code:

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

29 CFR Part 825.100 et seq.

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

29 CFR 1635.1 et seq.

Date of Adoption: October 17, 2023

Non-Discrimination

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

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

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

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

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

I. Definitions:

The following definitions apply for purposes of this policy:

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 ~~include~~ involve intent to harm, be directed ~~toward~~ at a specific person target,
62 or involve repeated incidents.

64 Sexual harassment is a form of harassment that is prohibited by law and Board Policy 4116.1 Prohibition
65 of Sex Discrimination, Including Sex-based and Sexual Harassment. For more information regarding
66 harassment based on sex, sexual orientation, pregnancy,⁷ or gender identity or expression, contact the
67 District’s Title 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 F.G. _____ Race

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

103 G.H. _____ Domestic violence

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

122
123 **II. Reporting:**
124

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

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 Discrimination, including Sex-based –and Sexual
140 Harassment and Policy #4118.14, Americans with Disabilities Act/Section 504).

141
142 In the event conduct reported as Protected Class discrimination and/or harassment allegedly violates
143 more than one policy, the Board will coordinate any investigation in compliance with the applicable
144 policies.

145
146 District employees are required to report incidents of alleged student-to-student and employee-to-student
147 discrimination, harassment or retaliation that may be based on a Protected Class, when District employees
148 witness or of which they have received reports or information, whether such incidents are verbal or
149 physical or amount to discrimination, harassment or retaliation in other forms. Reports should be made to
150 any District administrator.

151
152 **Remedial Action:**

153
154 If the District makes a finding of discrimination, harassment or retaliation, the District will take
155 remedial action designed to:

- 156
- 157 A. eliminate the discriminatory/harassing/retaliatory conduct,
- 158 B. prevent its recurrence, and
- 159 C. address its effects on the complainant and any other affected individuals.

160
161 Examples of appropriate action may include, but are not limited to:

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

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

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

Equal Employment Opportunity Commission:

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

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

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

210
211 **Office of the Superintendent**
212 **10 Campus Drive**
213 **Madison, CT 06443**
214 **(203) 245-6322**
215

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

219
220 **Director of Special Education**
221 **10 Campus Drive**
222 **Madison, CT 06443**
223 **(203) 245-6341**
224

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

228
229 **Director of Special Education**
230 **10 Campus Drive**
231 **Madison, CT 06443**
232 **(203) 245-6341**
233

234 Legal References:

235
236 Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.
237 Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.
238 Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.
239 Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq.
240 Americans with Disabilities Act, 42 U.S.C. § 12101
241 Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794
242 Title II of the Genetic Information Nondiscrimination Act of 2008, Pub.L.110-233, 42
243 U.S.C. § 2000ff; 29 CFR 1635.1 et seq.
244

245
246 Connecticut General Statutes § 1-1n, “Gender Identity or Expression” defined
247 Connecticut General Statutes § 46a-51, Definitions

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

259
260 Public Act No. 23-145, “An Act Revising the State’s Antidiscrimination Statutes”

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

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270 Date Adopted: March 16, 2021
271 Date of Revision: October 12, 2021
272
273 Date of Revision: October 17, 2023

**Regulation #4118.1
Non-Discrimination**

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

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

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

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

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

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

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

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

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

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

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

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

Reporting to District Officials:

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

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

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

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

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

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

Mandatory Staff Reporting for Student Incidents

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

Complaint Procedure

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

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

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

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

Complaint Procedure

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

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

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

The complaint should state the:

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

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

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

158
159 All complaints received by staff members are to be forwarded immediately to the Superintendent or
160 designee. Upon receipt of a complaint alleging harassment or discrimination under this complaint
161 procedure, the Superintendent or designee shall promptly investigate the complaint, or designate a District
162 administrator or other trained individual to do so. During the course of the investigation, the investigator
163 shall interview or consult with all individuals reasonably believed to have relevant information, including
164 the complainant, the reporter (if different from the complainant), the “respondent”, and any witnesses to
165 the conduct. Complaints will be investigated promptly within the time frames identified below. Time
166 frames may be extended as needed given the complexity of the investigation, availability of individuals
167 with relevant information and/or other extenuating circumstances. Confidentiality will be maintained by
168 all persons involved in the investigation to the extent possible, as determined by the investigator.

169
170 Upon receipt of a written complaint of discrimination or harassment, the investigator should:

- 171
- 172 1. Offer to meet with the complainant and respondent (if applicable) within ten (10) business days
- 173 (provided that such timeframe may be reasonably extended based on the availability of necessary
- 174 witnesses and/or participants, the complexity of the investigation, and/or other extenuating
- 175 circumstances) to discuss the nature of the complaint, discuss the availability of interim
- 176 measures, identify individuals the complainant or respondent believes has relevant information,
- 177 and obtain any relevant documents the complainant or respondent may have;
- 178
- 179 2. Provide the complainant and respondent (if applicable) with a copy of the Board’s non-
- 180 discrimination policy and accompanying regulations;
- 181
- 182
- 183 3. Conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis
- 184 for the complaint, including, as applicable, conducting interviews with individuals with the

parties to the complaint and any relevant witnesses or other information and review of documents deemed relevant to the complaint;

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

231 (10) school days to submit to the decision-maker(s) for the appeal a written statement in support
232 of, or challenging, the outcome of the investigation. The decisionmaker(s) for the appeal shall
233 review the evidence and the information presented by the parties review the investigative results
234 of the investigator and determine if further action and/or investigation is warranted. Such action
235 may include consultation with a designated the investigator(s) (if applicable), complainant, and
236 respondent (if any) and the parties, a meeting with appropriate individuals to attempt to resolve
237 the complaint, or a decision affirming or overruling the written outcome. Generally, a party's
238 disagreement with the outcome of the investigation, alone, will not be basis for further action.
239 The decisionmaker(s) for the appeal will attempt to issue written notice of the outcome of the
240 appeal to the parties a designated investigator's conclusions or findings (if applicable). The
241 Superintendent shall provide written notice to the complainant and respondent (if any) of the
242 proposed actions within thirty (30) business days (provided that such timeframe may be
243 reasonably extended based on the availability of necessary witnesses and/or participants, the
244 complexity of the investigation, and/or other extenuating circumstances) following the receipt
245 of the written request for review school days of receipt of all written statements from the parties.
246

247 **Complaint Procedure for Superintendent/Board Members Complaints:**
248

249 Any District administrator or Board member who receives a complaint of discrimination, harassment or
250 retaliation of any employee by a Board Member or by the Superintendent shall forward the complaint
251 promptly to the Director of Human Resources. Complaints pertaining to the Superintendent or Board of
252 Education members will be forwarded to the Chair of the Board of Education. Complaints pertaining to
253 the Board Chair will be forwarded to the Board Vice Chair. In all cases, the individual receiving the
254 complaint shall take appropriate steps to cause the matter to be investigated in a manner consistent with
255 the procedures described above.
256

257 If a complainant or a respondent is not satisfied with the findings and conclusions of an investigation in
258 which the Superintendent or a member of the Board is the respondent, within (30) calendar days of
259 receiving the findings such party may present the complaint and written outcome to the Board Chair (or,
260 if initially presented by the Board Chair, the Board Vice Chair), who will take appropriate steps to cause
261 the matter to be reviewed in a manner consistent with the Board's non-discrimination policy and
262 regulation. Such steps may include retention of an investigator different from the investigator who
263 investigated the complaint.
264

265 **Remedial Action:**
266

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

271 (a)

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

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

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

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

286
287 D.(b) Follow-up inquiries with the complainant and witnesses to ensure that the
288 discriminatory/harassing conduct has stopped and that they have not experienced any
289 retaliation.

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

293
294 **Staff Development:**

295
296 The District will periodically provide staff development for District administrators and periodically
297 distribute the Board's Non-Discrimination policies and the implementing administrative regulations to
298 staff and students in an effort to maintain an environment free of discrimination and harassment.
299

300
301 In addition to reporting to the Board, any employee also may file a complaint with the following:

302
303 Office for Civil Rights, Boston Office
304 U.S. Department of Education
305 8th Floor
306 5 Post Office Square
307 Boston, MA 02109-3921
308 (617-289-0111)
309 <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>
310

311 Equal Employment Opportunity Commission:

312
313 Equal Employment Opportunity Commission, Boston Area Office
314 John F. Kennedy Federal Building
315 475 Government Center
316 Boston, MA 02203
317 (800-669-4000)
318

319 Connecticut Commission on Human Rights and Opportunities:

320
321 Connecticut Commission on Human Rights and Opportunities

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

325
326 Anyone who has questions or concerns about these regulations, and/or who may wish to request or
327 discuss accommodations based on religion, may contact:

328
329 **Office of the Superintendent**
330 **10 Campus Drive**
331 **Madison, CT 06443**
332 **(203) 245-6322**

333
334 Anyone who has questions or concerns about the Board's policies regarding discrimination or
335 harassment on the basis of gender/sex, gender identity or expression, pregnancy or sexual orientation
336 may contact the Board's Title IX Coordinator:

337
338 **Director of Special Education**
339 **10 Campus Drive**
340 **Madison, CT 06443**
341 **(203) 245-6341**

342
343 Anyone who has questions or concerns about the Board's policies regarding discrimination or
344 harassment on the basis of disability, and/or who may wish to request or discuss accommodations for a
345 disability, may contact the Board's Section 504/ADA Coordinator:

346
347 **Director of Special Education**
348 **10 Campus Drive**
349 **Madison, CT 06443**
350 **(203) 245-6341**

351

DISCRIMINATION/HARASSMENT COMPLAINT FORM

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

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Name of the Reporter:

Name of the complainant/victim: _____

Reporter's Relationship to complainant/victim:

Date of the complaint _____

Date of the alleged discrimination/harassment _____

Name or names of the alleged discriminator(s) or harasser(s) _____

Location where such discrimination/harassment occurred _____

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

Detailed statement of the circumstances constituting the alleged discrimination or harassment

Proposed remedy _____

Americans with Disabilities Act/Section 504

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

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

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

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

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

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

37 (617) 289-0111

38

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

41

42 Equal Employment Opportunity Commission

43 Boston Area Office

44 John F. Kennedy Federal Building

45 15 New Sudbury Street, Room 475

46 Boston, MA 02203 -0506

47 (800) 669-4000

48

49 Employees may also file a complaint with:

50

51 Connecticut Commission on Human Rights and Opportunities

52 450 Columbus Blvd.

53 Hartford, CT 06103-1835

54 (800) 477-5737

55

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

59

60

61 Legal References:

62

63 29 U.S.C. §§ 705, 794

64 34 C.F.R. Part 104

65 42 U.S.C. § 12101 et seq.

66 28 C.F.R. Part 35

67

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69 Date of Adoption: June 19, 1990

70 Date of Revision: October 3, 2006

71 Date of Revision: December 15, 2020

Regulation #4118.14
Americans with Disabilities Act/Section 504

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

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

I. Definitions

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

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

33
34 **Physical or Mental Impairment:** (a) any physiological disorder or condition, cosmetic
35 disfigurement, or anatomical loss affecting one or more of the following body systems, such as:
36 neurological, musculoskeletal, special sense organs, respiratory (including speech organs),
37 cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin,
38 and endocrine or (b) any mental or psychological disorder, such as intellectual disability, organic
39 brain syndrome, emotional or mental illness, and specific learning disability. Physical or mental
40 impairment includes, but is not limited to, contagious and noncontagious diseases and conditions
41 such as the following: orthopedic, visual, speech, and hearing impairments, and cerebral palsy,
42 epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual
43 disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit
44 Hyperactivity Disorder, Human Immunodeficiency Virus infection (whether symptomatic or
45 asymptomatic), tuberculosis, drug addiction, and alcoholism.

46
47 **II. Procedures for Grievances/Complaints Alleging Discrimination on the Basis of Disability**

48
49 A. Any eligible person, including any student, parent/guardian, staff member or other employee who
50 feels that ~~he/she has~~they have been discriminated against on the basis of disability may submit a
51 written complaint to the ~~district's designated~~ Section 504/ADA Coordinator within thirty (30)
52 school days of the alleged occurrence.

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

62
63 C. Retaliation against any individual who complains pursuant to the Board's policy and
64 regulations listed herein is strictly prohibited. The ~~D~~istrict will not tolerate any reprisals or
65 retaliation that occur as a result of the good faith reporting or complaint of disability-based

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

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

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

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

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

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

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

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

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

105
106 ~~3.~~ 4. Consider whether and which interim measures might be appropriate for an alleged victim and
107 the respondent pending the outcome of the District's investigation;

108
109
110 ~~4.~~ 5. Conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis
111 for the complaint, including conducting interviews with individuals with information and review of
112 documents relevant to the complaint;

113
114 ~~2.~~ 6. Maintain confidentiality to the extent practicable throughout the investigative process in
115 accordance with state and federal law;

116
117 ~~3.~~ 7. Communicate the outcome of the investigation in writing to the complainant, and to any
118 individual properly identified as a party to the complaint (to the extent permitted by state and federal
119 confidentiality requirements), within fifteen (15) school days from the date the complaint was received
120 by the Section 504/ADA Coordinator or Superintendent. The investigator may extend this deadline for
121 no more than fifteen (15) additional school days if needed to complete the investigation. The
122 complainant shall be notified of such extension. The written notice shall include a finding whether the
123 complaint was substantiated and if so, shall identify how the district will remedy any identified
124 violations of Section 504/ADA;

125
126 ~~4.~~ 8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as
127 quickly as possible given the availability of staff and/or other individuals who may have information
128 relevant to the complaint. If fixed timeframes cannot be met, complainant will receive notice and
129 interim measures may be implemented as necessary (see sub-paragraph 6);

130
131 ~~5.~~ 9. Ensure that appropriate corrective action is taken whenever allegations are verified. When
132 allegations are verified, ensure that measures to remedy the effects of the discrimination are
133 appropriately considered, and offered, when appropriate. Corrective action should include steps to avoid
134 continuing discrimination.

135
136 6. 10. In the event the investigator concludes that there is no violation of Section 504/ADA, the
137 District may attempt to resolve the complainant's ongoing concerns, if possible.
138

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

149 H. After receiving the written notice of the outcome, parties shall have ten (10) school days to
150 submit a formal written statement of appeal, if they so choose, to the Superintendent of Schools
151 challenging the outcome of the investigation and explaining the basis for appeal.
152

153 ~~Upon review of a written request from the complainant, the Superintendent shall review~~
154 ~~the investigative results of the investigator and determine if further action and/or~~
155 ~~investigation is warranted. Such action may include consultation with the investigator~~
156 ~~and complainant, a meeting with appropriate individuals to attempt to resolve the~~
157 ~~complaint or a decision affirming or overruling the investigator's conclusions or findings.~~
158 ~~The Superintendent shall provide written notice to the complainant of his/her decision~~
159 ~~within ten (10) school days following the receipt of the written request for review. Upon~~
160 ~~receipt of an appeal, the Superintendent shall appoint a decisionmaker(s) for the appeal,~~
161 ~~who may be the Superintendent or designee. The decisionmaker(s) for the appeal will~~
162 ~~provide the appealing party's written statement to the non-appealing party. The non-~~
163 ~~appealing party will then have ten (10) school days to submit to the decision-maker(s) for~~
164 ~~the appeal a written statement in support of, or challenging, the outcome of the~~
165 ~~investigation.~~

166
167 ~~The decisionmaker(s) for the appeal shall review the evidence and the information~~
168 ~~presented by the parties and determine if further action and/or investigation is~~
169 ~~warranted. Such action may include consultation with the investigator(s) and the~~
170 ~~parties, a meeting with appropriate individuals to attempt to resolve the complaint, or a~~
171 ~~decision affirming or overruling the written outcome. Generally, a party's~~
172 ~~disagreement with the outcome of the investigation, alone, will not be basis for further~~
173 ~~action. The decisionmaker(s) for the appeal will attempt to issue written notice of the~~
174 ~~outcome of the appeal to the parties within thirty (30) school days of receipt of all written~~
175 ~~statements from the parties.~~

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

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

IV. Complaints to Federal or State Agencies

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

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

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

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

OR

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

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

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

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1. Name of Complainant: _____ Date: _____

2. Contact Information for Complainant:

(Address)

(Home Tel. #)

(Cell # or Work #)

3. Name of Covered Individual: _____

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

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

6. Please describe the nature of your complaint:

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

#5020.1
Non-Discrimination

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

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

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

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

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

I. Definitions:

The following definitions apply for purposes of this policy:

A. Discrimination:

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 ~~include~~involve intent to harm, be directed ~~at~~toward a specific ~~target~~person,
63 or involve repeated incidents.

64
65 Sexual harassment is a form of harassment that is prohibited by law and Board Policy 5120.4.2.4 Title
66 ~~IX of the Education Amendments of 1972—Prohibition of Sex Discrimination, Including Sex-based and~~

67 ~~Sexual~~ Harassment. For more information regarding harassment based on sex, sexual orientation,
68 pregnancy, or gender identity or expression, contact the 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 (d).

82
83 D. Gender identity or expression:

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

91 E. Sexual Orientationorientation:

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

96
97 E.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 F.G. Domestic Violence:

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

121
122 **II. Reporting:**

123
124 It is the policy of the Board to provide for the prompt and equitable resolution of complaints alleging
125 Protected Class discrimination or harassment. The District will investigate both formal and informal
126 complaints of discrimination, harassment, or retaliation.

127
128 Any student, staff member and/or parent/guardian who believes a student has experienced Protected
129 Class discrimination or harassment or an act of retaliation or reprisal in violation of this policy should
130 report such concern in writing in accordance with the Board’s complaint procedures included in the

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

135
136 Students may make verbal or written reports about Protected Class discrimination, harassment, or
137 retaliation to any Board employee.
138

139 If a complaint involves allegations of discrimination or harassment based on sex, gender identity or
140 expression, sexual orientation, or pregnancy, such complaints will be handled in accordance with
141 procedures set forth in Board Policy #5120.4.2.4,5 Prohibition of Sex Discrimination, Including Sex-based
142 and Sexual Harassment. Complaints involving allegations of discrimination or harassment based on
143 disability will be addressed in accordance with the procedures set forth in Board Policy #5200, Section
144 504/ADA. In the event reported conducted allegedly violates more than one policy, the Board will
145 coordinate any investigation in compliance with the applicable policies.

146
147 District employees are required to report incidents of alleged student-to-student and staff-to-student
148 discrimination, harassment or retaliation that may be based on a Protected Class that District employees
149 witness or of which they have received reports or information, whether such incidents are verbal or
150 physical or amount to discrimination, harassment or retaliation in other forms. Reports should be made to
151 any District administrator.

152
153 **Remedial Action:**
154

155 If the District makes a finding of discrimination, harassment or retaliation of a student, the District
156 will take remedial action designed to:
157

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

161
162 Examples of appropriate action may include, but are not limited to:
163

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

- 168 B. In the case of an employee respondent, interventions for the individual who engaged in the
- 169 discrimination/harassment may include, but are not limited to, supervisor notification, discipline
- 170 (including possible termination of employment), training, and/or referral to appropriate state or
- 171 local agencies;
- 172 C. In the case of respondent who is otherwise associated with the school community, interventions
- 173 for the individual who engaged in the discrimination/harassment may include, but are not limited
- 174 to, exclusion from school property and/or activities and/or referral to appropriate state or local
- 175 agencies;
- 176 D. Follow-up inquiries with the complainant and witnesses to ensure that the
- 177 discriminatory/harassing conduct has stopped and that they have not experienced any retaliation;
- 178 E. Supports for the complainant; and
- 179 F. Training or other interventions for the larger school community designed to ensure that students,
- 180 staff, parents, Board members and other individuals within the school community understand the
- 181 types of behavior that constitute discrimination/harassment, that the District does not tolerate it,
- 182 and how to report it.

183 ~~Students found to have engaged in acts of discrimination or harassment that create a hostile environment~~

184 ~~based on a Protected Class may be disciplined, and such discipline may include, when circumstances~~

185 ~~warrant, suspension or expulsion.~~

186

187 District employees and administration will work with students and parents/guardians to prevent acts of

188 discrimination, harassment and retaliation.

189

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

191 the following agencies:

192

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

194 Office for Civil Rights, Boston Office

195 U.S. Department of Education

196 8th Floor

197 5 Post Office Square

198 Boston, MA 02109- 3921

199 (617-289-0111)

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

201

202

203 Connecticut Commission on Human Rights and Opportunities:

204

205 Connecticut Commission on Human Rights and Opportunities

206 450 Columbus Blvd.

207 Hartford, CT 06103-1835

208 (860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

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

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

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

222
223 **Director of Special Education**
224 **10 Campus Drive**
225 **Madison, CT 06443**
226 **(203) 245-6341**
227

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

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

235 Legal References:

- 236
237 Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.
238 Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq.
239 Americans with Disabilities Act, 42 U.S.C. § 12101, et seq.
240 Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, et seq.
241 Connecticut General Statutes § 1-1n, “Gender Identity or Expression” defined
242 Connecticut General Statutes § 46a-51, Definitions
243 Connecticut General Statutes § 10-15c
244 Connecticut General Statutes § 27-103
245 Connecticut General Statutes § 46a-58, Deprivation of rights
246 Connecticut General Statutes § 46a-81a, et seq.
247 Connecticut General Statutes § 46b-1, Family relations matters and domestic violence
248 defined

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

255
256 Date Adopted: March 16, 2021
257 Date Revised: October 12, 2021
258
259 Date of Revision: October 17, 2023

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 or any other basis prohibited by state or federal law (“Protected Class”), subject to the conditions and limitations established by law. When the Board has created a limited public forum, the Board shall provide equal access to the Boy Scouts and other groups as required by law.

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

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

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

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

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

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

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

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

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

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

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

Reporting to District Officials:

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

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

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

Mandatory Staff Reporting for Student Incidents:

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

Complaint Procedure

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

93
94 ~~The district will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of~~
95 ~~charges of Protected Class Discrimination or harassment. The Board further prohibits reprisal or~~
96 ~~retaliation against any individual who participates in the investigation of reports of alleged Protected Class~~
97 ~~harassment/discrimination. Any such reprisals or retaliation will result in disciplinary action against the~~
98 ~~retaliator, and other corrective actions as appropriate.~~

99
100 ~~The District will periodically provide staff development for district administrators and periodically~~
101 ~~distribute this policy and the implementing administrative regulations to employees and students in an~~
102 ~~effort to maintain an environment free of harassment and discrimination.~~

103 104 Complaint Procedure

105
106 As soon as a student feels that they or another student has been subject to Protected Class discrimination
107 or harassment, the individual should make a written complaint to the Superintendent or Superintendent's
108 designee or to the building principal, or principal's designee. Students may make verbal or written reports
109 about Protected Class discrimination, harassment, or retaliation to any Board employee. Board employees
110 receiving such reports shall promptly forward them to any District administrator

111
112 ~~Complaints pertaining to the Superintendent should be filed with the Board Chair. Complaints pertaining~~
113 ~~to any Board members other than the board chair should be filed with the Board Vice Chair. In all cases,~~
114 ~~the individual receiving the complaint shall take appropriate steps to cause the matter to be investigated~~
115 ~~in a manner consistent with the Board's non-discrimination policy and regulation. If any party to the~~
116 ~~complaint involving the Superintendent or a Board member is not satisfied with the findings and~~
117 ~~conclusions of the investigation, within (30) calendar days of receiving the findings, such party may~~
118 ~~present the complaint and written outcome to the Board Chair, who will take appropriate steps, such as~~
119 ~~retaining an independent investigator different from the investigator who investigated the complaint, to~~
120 ~~cause the matter to be reviewed in a manner consistent with the Board's non-discrimination policy and~~
121 ~~regulation.~~

122
123 The student and/or parent/guardian will be provided a copy of the Board's policy and regulation and made
124 aware of the student's rights under this policy and regulation. In the event the principal or designee
125 receives a complaint alleging discrimination or harassment based on sex, gender identity or expression,
126 sexual orientation, or pregnancy, the principal or designee shall follow the procedures identified in Policy
127 51020.54-2, Prohibition of Sex Discrimination, Including Sex-based and Sexual Harassment (Students).
128 If the complaint alleging discrimination or harassment is based on disability, the Superintendent or
129 designee shall follow the procedures identified in Board Policy #5200, Section 504/ADA (Students).

130 The complaint should state the:

- 131
132 A. Name of the complainant/victim,
133
134 B. Date of the complaint,
135

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

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

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

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

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

- 181 3. Conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis
182 of the complaint, including, as applicable conducting interviews with the parties to the complaint
183 and any relevant witnesses or other individuals deemed relevant to the complaint;
184
- 185 4. Review any records, notes, statements, or other documents relevant to the complaint;
186
- 187 5. Maintain confidentiality to the extent practicable throughout the investigative process, in
188 accordance with state and federal law;
189
- 190 6. Complete a final investigation report that includes: (i) a findings of fact based on the evidence
191 gathered; (ii) for each allegation, the conclusion(s) and reasoning(s) as to whether the
192 discrimination or harassment occurred; and (iii) for any individual(s) found to have engaged in
193 discrimination or harassment, a broad statement of consequences imposed (to the extent
194 permitted by state and federal confidentiality requirements) (i.e. "Consequences were
195 imposed.").
- 196
- 197 7. Communicate the outcome of the investigation in writing to the complainant (and respondent, if
198 applicable) (to the extent permitted by state and federal confidentiality requirements), within
199 thirty (30) business days (provided that such time frame may be reasonably extended based on
200 the availability of necessary witnesses and/or participants, the complexity of the investigation,
201 and/or other extenuating circumstances) from the date the complaint was received by the
202 Superintendent's office. The complainant (and respondent, if applicable) shall be notified of any
203 extension of the investigation timeline. The written notice shall include a finding whether the
204 complaint was substantiated and if so, shall identify, to the extent possible, how the District will
205 remedy the discrimination or harassment, adhering to the requirements of state and federal law;
206
- 207 8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as
208 quickly as possible given the availability of employees and/or other individuals who may have
209 information relevant to the complaint. If fixed time frames cannot be met, the complainant (and
210 respondent, if applicable) will receive notice and interim measures may be implemented as
211 necessary (see sub paragraph 6);
212
- 213 9. Whenever allegations are verified, ensure that appropriate corrective action is taken (including,
214 but not limited to, disciplinary action) aimed at preventing the recurrence of the discrimination
215 or harassment. Corrective action should include steps designed to avoid continuing
216 discrimination or harassment;
217
- 218 10. After receiving the written notice of the outcome, parties shall have ten (10) school days to
219 submit a formal written statement of appeal, if they so choose, to the Superintendent challenging
220 the outcome of the investigation and explaining the basis for appeal. Upon receipt of an appeal,
221 the Superintendent shall appoint a decisionmaker(s) for the appeal, who may be the
222 Superintendent or designee. The decisionmaker(s) for the appeal will provide the appealing
223 party's written statement to the non-appealing party. The non-appealing party will then have ten
224 (10) school days to submit to the decision-maker(s) for the appeal a written statement in support
225 of, or challenging, the outcome of the investigation. The decisionmaker(s) for the appeal shall review the
226 evidence and the information presented by the parties ~~If a complainant or respondents not satisfied with the~~

findings and conclusions of the investigation, the complainant (and/or respondent, if applicable) may present the complaint and written outcome to the Superintendent within thirty (30) calendar days of receiving the findings. Upon review of a written request from the complainant (and/or respondent, if applicable), the Superintendent shall review the investigative results of the investigator and determine if further action and/or investigation is warranted. Such action may include consultation with the investigator(s) and complainant (and/or respondent, if applicable) the parties, a meeting with appropriate individuals to attempt to resolve the complaint, or a decision affirming or overruling the written outcome. Generally, a party's disagreement with the outcome of the investigation, alone, will not be basis for further action. The decisionmaker(s) for the appeal will attempt to issue written notice of the outcome of the appeal to the parties within investigator's conclusions or findings. The Superintendent shall provide written notice to the complainant (and respondent, if applicable) of the proposed actions within thirty (30) business days (provided that such time frame may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) following the receipt of the written request for review school days of receipt of all written statements from the parties.

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

(a)

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

273
274 District staff members and administrators will work with students and parents/guardians to take steps
275 designed to prevent acts of discrimination, harassment and retaliation.
276

277 **Staff Development:**

278
279 The District will periodically provide staff development for District administrators and periodically
280 distribute the Board’s Non-Discrimination policies and the implementing administrative regulations to
281 staff, students and parents in an effort to maintain an environment free of discrimination, harassment and
282 retaliation.
283

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

285
286 Any student and/or parent/guardian also may file a complaint with the Office for Civil Rights, U.S.
287 Department of Education (“OCR”):
288

289 Office for Civil Rights, Boston Office
290 U.S. Department of Education
291 8th Floor
292 5 Post Office Square
293

294 Boston, MA 02109- 3921
295 (617-289-0111)
296 <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>
297

298 Any student and/or parent/guardian may also file a complaint with the Connecticut Commission on
299 Human Rights and Opportunities:
300

301 Connecticut Commission on Human Rights and Opportunities
302 450 Columbus Blvd.
303 Hartford, CT 06103-1835
304 (860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)
305

306 Anyone who has questions or concerns about these regulations,
307 and/or who may wish to request or discuss accommodations based on religion, may contact:
308

309 **Office of the Superintendent**
310 **10 Campus Drive**
311 **Madison, CT 06443**
312 **(203) 245-6322**
313

314 Anyone who has questions or concerns about the Board’s policies regarding discrimination or
315 harassment on the basis of gender/sex, gender identity, or sexual orientation may contact the Board’s
316 Title IX Coordinator:
317

318 **Director of Special Education**

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

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

326
327 **Director of Special Education**
328 **10 Campus Drive**
329 **Madison, CT 06443**
330 **(203) 245-6341**

331

DISCRIMINATION/HARASSMENT COMPLAINT FORM

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

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Name of the complainant _____

Date of the complaint _____

Date of the alleged discrimination/harassment _____

Name or names of the discriminator(s) or harasser(s) _____

Location where such discrimination/harassment occurred _____

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

Detailed statement of the circumstances constituting the alleged discrimination or harassment

Proposed remedy _____

Americans with Disabilities Act/Section 504

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

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

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

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

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

38
39 Office for Civil Rights, Boston Office
40 U.S. Department of Education
41 8th Floor
42 5 Post Office Square
43 Boston, MA 02109- 3921
44 (617) 289-0111
45

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

49
50 Legal References:

51
52 29 U.S.C. §§ 705, 794
53 34 C.F.R. Part 104
54 42 U.S.C. § 12101 et seq.
55 28 C.F.R. Part 35
56

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

60
61 *Dear Colleague Letter*, United States Department of Education, Office for Civil Rights (January 19,
62 2012)

63
64 *Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline Under*
65 *Section 504 of the Rehabilitation Act of 1973*, Office for Civil Rights (July 2022), available at
66 [https://www2.ed.gov/about/offices/list/ocr/docs/504-discipline-](https://www2.ed.gov/about/offices/list/ocr/docs/504-discipline-guidance.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term)
67 [guidance.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term](https://www2.ed.gov/about/offices/list/ocr/docs/504-discipline-guidance.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term)

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76 Dated Adopted: March 7, 2023

Regulation #5200

Americans with Disabilities Act/Section 504

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

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

I. Definitions

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

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

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

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

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

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

- A. Any eligible person, including any student, parent/guardian, staff member or other employee who feels that they have been discriminated against on the basis of disability (including differential treatment, harassment and retaliation) may submit a written complaint to the district’s designated Section 504/ADA Coordinator (*see* contact information below) for the Madison Public Schools (the “District”) within thirty (30) school days of the alleged occurrence. Complaints by students and/or parents/guardians alleging discrimination involving students will be investigated under these procedures; complaints by employees or other non-students will be investigated under the appropriate administrative regulation. Administrative Regulation #4116.1 Sex Discrimination and Sexual Harassment.

- B. Timely reporting of complaints facilitates the prompt investigation and resolution of such complaints. If a complaint is filed relating to alleged discrimination occurring more than thirty (30) school days after the alleged occurrence, the Board’s ability to investigate the allegations may be limited by the passage of time. Therefore, complaints received after thirty (30) school days of the alleged occurrence shall be investigated to the extent possible, given the passage of time and the impact on available information, witnesses and memory. If a complaint is made verbally, the individual taking the complaint will reduce the complaint to writing.

- C. At any time, when a complaint involves discrimination that is directly related to a claim regarding the identification, evaluation or educational placement of a student under Section 504, the complainant may request that the Section 504/ADA Coordinator submit the complaint directly to an impartial hearing officer and request a due process hearing in accordance with Section III.D. Complaints regarding a student’s rights with respect to the student’s identification, evaluation or educational placement shall be addressed in accordance with the procedures set forth below in Section III.

- D. Retaliation against any individual who complains pursuant to the Board’s policy and regulations listed herein is strictly prohibited. The District will not tolerate any retaliation that occurs as a result of the good faith reporting or complaint of disability-based discrimination or as a result of an individual’s participation or cooperation in the investigation of a complaint. The District will take necessary actions to prevent retaliation as a result of filing a complaint or the participation in an investigation of a complaint.

- E. If the Section 504/ADA Coordinator is the subject of the complaint, the complaint should be submitted directly to the Superintendent who may conduct the investigation or appoint a designee to conduct the investigation in accordance with these procedures. If the

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

95
96 F. Complaints will be investigated promptly. Timeframes may be extended as needed given
97 the complexity of the investigation, availability of individuals with relevant information
98 and other extenuating circumstances. Confidentiality will be maintained by all persons
99 involved in the investigation to the extent possible.

100
101 G. If a disability discrimination complaint raises a concern about bullying behavior, the
102 Section 504 Coordinator shall notify the Safe School Climate Specialist or designee who
103 shall coordinate any bullying investigation with the Section 504 Coordinator, so as to
104 ensure that any such bullying investigation complies with the requirements of applicable
105 Board policies.

106
107 H. The complaint should contain the following information:

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

115
116
117 However, all complaints will be investigated to the extent possible, even if such
118 information is not included in the complaint. In such circumstances, additional information
119 may be requested by the investigator as part of the investigation process.

120
121 I. Upon receipt of the complaint, the individual investigating the complaint shall:

- 122 1. Provide a copy of the written complaint to the Superintendent of Schools;
- 123 2. Meet separately with the complainant and the respondent within ten (10) school days
124 to discuss the nature of the complaint, identify individuals the complainant and
125 respondent believe have relevant information, and obtain any relevant documents the
126 complainant and respondent may have;
- 127 3. Provide the complainant and the respondent with a copy of the applicable Board
128 Section 504/ADA Policy and these administrative regulations;
- 129 4. Consider whether and which interim measures might be appropriate for an alleged
130 victim and the respondent pending the outcome of the District's investigation;
- 131 5. Conduct an investigation of the factual basis of the complaint that is adequate, reliable,
132 and impartial, including conducting interviews with individuals with information and
133 review of documents relevant to the complaint;
- 134 6. Maintain confidentiality to the extent practicable throughout the investigative process
135 in accordance with state and federal law;
- 136 7. Communicate the outcome of the investigation in writing to the complainant, and to
137 the respondent (to the extent permitted by state and federal confidentiality
138

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

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

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

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

The Superintendent or designee's decision shall be final. Upon receipt of an appeal, the Superintendent shall appoint a decisionmaker(s) for the appeal, who may be the Superintendent or superintendent's designee. The decisionmaker(s) for the appeal will provide the appealing party's written statement to the non-appealing party. The non-appealing party will then have ten (10) school days to submit to the decision-maker(s) for the appeal a written statement in support of, or challenging, the outcome of the investigation.

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

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

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

A. Submission of Complaint to Section 504/ADA Coordinator

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

230 f. Remedy requested.
231

232 However, all complaints will be investigated to the extent possible even if such information
233 is not included in the written complaint. In such circumstances, additional information
234 may be requested by the investigator as part of the investigation process.
235

236 3. Complaints will be investigated promptly within timeframes identified below. Timeframes
237 may be extended as needed given the complexity of the investigation, availability of
238 individuals with relevant information and other extenuating circumstances.
239

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

242 a. Forward a copy of the complaint to the Superintendent of Schools;
243

244 b. Meet with the complainant within ten (10) school days to discuss the nature of the
245 complainant's concerns and determine if an appropriate resolution can be reached, or
246 whether interim measures may be appropriate. If a complaint is made during summer
247 recess, the complaint will be reviewed and addressed as quickly as possible given the
248 availability of staff and other individuals who may have information relevant to the
249 complaint, and no later than ten (10) school days after the start of the following school
250 year;
251

252 c. If, following such a meeting, further investigation is deemed necessary, the Section
253 504/ADA Coordinator or designee shall promptly investigate the factual basis for the
254 complaint, consulting with any individuals reasonably believed to have relevant
255 information, including the student and/or complainant; and
256

257 d. Communicate the results of the investigation in writing to the complainant and any
258 persons named as parties to the complaint (to the extent permitted by state and federal
259 confidentiality requirements) within fifteen (15) school days from the date the
260 complaint was received by the Section 504/ADA Coordinator or designee.
261

262 e. In the event that the Section 504/ADA Coordinator or designee has a conflict of interest
263 that prevents such individual from serving in this role, the complaint shall be forwarded
264 to the Superintendent who shall appoint an investigator who does not have a conflict
265 of interest.
266

267 B. Review by Superintendent of Schools
268

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

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

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

C. Mediation Procedures:

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

- 321 a. Full name of the student, age, and grade level;
- 322 b. Name of parent(s);
- 323 c. Address and relevant contact information for parent/complainant;
- 324 d. Date of complaint;
- 325 e. Specific areas of disagreement relating to the student’s identification, evaluation
- 326 and/or placement; and
- 327 f. Remedy requested.
- 328
- 329 4. Upon receipt of a request for mediation,
- 330
- 331 a. The Section 504/ADA Coordinator shall:
- 332 i. Forward a copy of the request for mediation to the Superintendent of Schools; and
- 333 ii. Inform the parent/guardian or student 18 years old or older as to whether the
- 334 District agrees to mediation in writing.
- 335
- 336 b. If the District agrees to mediation, the Board shall retain a neutral mediator who is
- 337 knowledgeable about the requirements of Section 504/ADA and has an understanding of a
- 338 free appropriate public education (“FAPE”) under Section 504 and the distinctions between
- 339 and among Section 504, the ADA and the Individuals with Disabilities Education Act
- 340 (“IDEA”).
- 341
- 342 c. If the District does not agree to mediation, the Section 504/ADA Coordinator shall inform
- 343 the parent/guardian or student aged 18 or older of their right to request an impartial hearing.
- 344
- 345 5. The mediator shall inform all parties involved of the date, time and place of the mediation and
- 346 of the right to have legal counsel or other representation at the complainant’s own expense, if
- 347 desired.
- 348
- 349 6. The mediator shall meet with the parties jointly, or separately, as determined by the mediator,
- 350 and shall facilitate a voluntary settlement of the dispute between the parties, if possible.
- 351
- 352 7. All statements, offers, or discussions and/or information shared during the mediation process,
- 353 but not available from other means, shall be confidential, and may not be used in a subsequent
- 354 hearing or other administrative or judicial proceeding related to the disagreement that is the
- 355 subject of the mediation.
- 356
- 357 8. If the parties are not able to reach a voluntary settlement of the dispute, the complainant may
- 358 request an impartial hearing, as described below.
- 359

360 D. Impartial Hearing Procedures:

361 An impartial due process hearing is available to a parent/guardian of a student, or a student aged 18
362 years of age or older, who disagrees with the decisions made by the professional staff of the District
363 with respect to the identification, evaluation or educational placement of the student, or otherwise
364 makes a claim of discrimination relating to the identification, evaluation or educational placement of
365 the student.
366

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

E. Drug/Alcohol Violations

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

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

416
417 **IV. The Section 504/ADA Coordinator for the District is:**

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

423
424 **V. Complaints to Federal Agencies**

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

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

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434
435

MADISON PUBLIC SCHOOLS

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

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

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

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

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

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

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

- 482
483 5. If you suspect your child may have a disability, to request an evaluation, at no expense to you and to
484 have an eligibility determination under Section 504 (and if eligible, placement decisions made) by a
485 team of persons who are knowledgeable of your child, the assessment data, and any placement options;
486
487 6. If your child is eligible for services under Section 504, for your child to receive a free appropriate
488 public education (FAPE). This includes the right to receive regular or special education and related
489 services that are designed to meet the individual needs of your child as adequately as the needs of
490 students without disabilities are met;
491
492 7. For your child to receive reasonable accommodations and services to allow your child an equal
493 opportunity to participate in school, extra-curricular and school-related activities;
494
495 8. For your child to be educated with peers who do not have disabilities to the maximum extent
496 appropriate;
497
498 9. To have your child educated in facilities and receive services comparable to those provided to non-
499 disabled students;
500
501 10. To review all relevant records relating to decisions regarding your child's Section 504 identification,
502 evaluation, and educational placement;
503
504 11. To examine or obtain copies of your child's educational records at a reasonable cost unless the fee
505 would effectively deny you access to the records;
506
507 12. To request changes in the educational program of your child, to have your request and related
508 information considered by the team, a decision made by the team, and if denied, an explanation for
509 the team's decision/determination;
510
511 13. To request an impartial due process hearing if you disagree with the District's decisions regarding
512 your child's Section 504 identification, evaluation or educational placement. The costs for this hearing
513 are borne by the District. You and the student have the right to take part in the hearing and to have an
514 attorney represent you at your expense;
515
516 14. To file a local grievance/complaint with the District's designated Section 504/ADA Coordinator to
517 resolve complaints of discrimination including, but not limited to, claims of discrimination directly
518 related to the identification, evaluation or placement of your child; and
519
520 15. To file a formal complaint with the U.S. Department of Education, Office for Civil Rights.

521
522 The Section 504/ADA Coordinator for this district is:

523
524 **Director of Special Education**
525 **10 Campus Drive**
526 **Madison, CT 06443**
527 **(203) 245-6341**

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

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

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