

Board of Education Regular Meeting 2024

Thursday, November 7, 2024 7:00 PM

New Fairfield Community Room, 33 Route 37, New Fairfield, CT. In the event of inclement weather, this meeting will change to remote and a virtual link will be provided on our website and distributed. , 3 Brush Hill Road, New Fairfield, CT 06812

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF THE MINUTES

III.A. October 17, 2024 - Regular

IV. APPROVAL OF THE AGENDA

- V. **PUBLIC PARTICIPATION** - *The Board welcomes public participation. Pursuant to our Board Policy, public participation is limited to no more than three (3) minutes per speaker and a total of no more than thirty (30) minutes total for the entire meeting. Individuals who wish to speak longer are encouraged to attend any and all related subcommittee meetings where most of the board's groundwork is done. We value your input, but due to these time limitations, we ask you to be concise and to observe the rules of common courtesy. [9320(a) of Board Bylaws]*

VI. BOARD AND ADMINISTRATIVE COMMUNICATIONS

VI.A. Chairman's Report

VI.B. Superintendent's Report

VI.C. Student Representatives' Report

VI.D. Committee Reports

VI.D.1. Business Operations/Resource Management (*Greg Flanagan*)

VI.D.2. Curriculum (*Tim Blair*)

VI.D.3. Policy (*Samantha Mannion*)

VI.E. Liaison Reports

VI.E.1. Board of Finance (*Ed Sbordone*)

VI.E.2. Parks and Recreation Committee (*K. LaTourette, G. Flanagan*)

VII. INFORMATION ITEMS

VII.A. NFPS 2024 Student Outcomes Presentation (*Curriculum and Instruction Goals*)

VII.B. NESDEC Enrollment Projections

VII.C. New Fairfield High School/Consolidated School
Building Project Update

VII.D. Board of Education 2025 Regular Meeting Dates

VII.E. Board of Education Policy (*First Reading*)

VII.E.1. Policy 5114 – Suspension and Expulsion/Due
Process

VIII. **ACTION ITEMS**

VIII.A. Personnel Report

VIII.B. District Priorities/Superintendent's Goals

VIII.C. FY25 Budget Transfers

VIII.D. New Fairfield Middle School Space Utilization
Feasibility Study

VIII.E. Board of Education Policy

VIII.E.1. Policy 6172.3 – Educational Instruction under
Parental Direction (Home Schooling)

VIII.F. Board of Education Policies

Suspension of the Rules [referring to Policy 3171.1, Policy
4000.1/4200.1 and Policy 5145.44]

VIII.F.1. Policy 3171.1 – Non-Lapsing Education Fund
(Non-Regional School Districts)

VIII.F.2. Policy 4000.1/4200.1 – Prohibition of Sex
Discrimination, Including Sex-Based Harassment

VIII.F.3. Policy 5145.44 – Prohibition of Sex
Discrimination, Including Sex-Based Harassment

VIII.G. Board of Education Policies

VIII.G.1. Rescind Policy 4118.112 – Sex Discrimination and
Sexual Harassment in the Workplace

VIII.G.2. Rescind Policy 5145.5 – Prohibition of Sex
Discrimination and Sexual Harassment

IX. **PUBLIC PARTICIPATION** - *The Board welcomes public participation. Pursuant to our Board Policy, public participation is limited to no more than three (3) minutes per speaker and a total of no more than thirty (30) minutes total for the entire meeting. Individuals who wish to speak longer are encouraged to attend any and all related subcommittee meetings where most of the board's groundwork is done. We value your input, but due to these time limitations, we ask you to be concise and to observe the rules of common courtesy. [9320(a) of Board Bylaws]*

X. FUTURE AGENDA ITEMS

XI. BOARD MEMBER COMMENTS

XII. ADJOURNMENT

**NEW FAIRFIELD BOARD OF EDUCATION
NEW FAIRFIELD, CT**

The New Fairfield Board of Education held a regular meeting on Thursday, October 17, 2024, at 7:00 pm via Zoom.

MINUTES – October 17, 2024

PRESENT: Dominic Cipollone (Chairman), Kathy Baker, Tim Blair, Greg Flanagan, Sue Huwer, Amy Johnson, Kimberly LaTourette, Samantha Mannion and Ed Sbordone

ABSENT: None

ALSO PRESENT: Superintendent of Schools Dr. Kenneth Crow, Assistant Superintendent of Curriculum and Instruction Dr. Kristine Woleck, Director of Business and Operations Carrie DePuy, High School Principal James D’Amico, High School Assistant Principal Scott Rohwedder, Director of Building and Grounds Phil Ross, Selectman Tom Perkins, Permanent Building Committee Chairman Don Kellogg and Scott Pellman from Colliers Project Leaders

I. CALL TO ORDER: Chairman Dominic Cipollone called the meeting to order at 7:01 p.m.

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MINUTES

- A. October 1, 2024 - Regular meeting - Approved by consensus.
- B. October 8, 2024 - Special meeting - Approved by consensus.

IV. APPROVAL OF AGENDA

MOTION: Ed Sbordone made a motion to add BOF update under the liaison reports. Greg Flanagan seconded the motion. **IN FAVOR:** Kathy Baker, Tim Blair, Dominic Cipollone, Greg Flanagan, Sue Huwer, Amy Johnson, Kimberly LaTourette, Samantha Mannion and Ed Sbordone

V. PUBLIC PARTICIPATION- Selectman Tom Perkins asked for an update on the water situation at the high school.

VI. BOARD AND ADMINISTRATIVE COMMUNICATIONS

- A. Chairman’s Report - Dominic Cipollone noted that the new cell phone policy will go into effect soon. He spoke of the benefits of reducing cell phone use. He further spoke of the possibility of looking into the criteria and standards for students to take AP classes.
- B. Superintendent’s Report - Dr. Kenneth Crow spoke of the following:
 - Spoke of Curriculum and Instruction updates. He thanked Dr. Woleck and some high school students for participating in focus groups about curriculum.
 - Thanked the K-5 Elementary teachers for starting the new Elementary Literacy Program.
 - The Library Media Center at the Middle School is now open.
 - Parent/Teacher Conferences for Grades K-8 will be held on Nov. 6, 7th and 8th.
 - PSAT’s will be held for Sophomores and Juniors on October 24th.
 - The STRIDES Open House will be held on November 5th.
 - There was a very successful Professional Development Day on October 4th. The next one will be on November 5th.

C. Student Representatives' Reports

Senior Representative Emilia Sedlak spoke of the following:

- Yearbooks are currently for sale.
- The Wellness Center is open for students after school from 2:15 to 3:35 on Mondays, Wednesdays and Fridays.
- The BETA Club is hosting a Drive-By Clothing Drive on October 19th from 8 a.m. to 11 a.m. at the high school parking lot. All clothing collected will be donated to schools in the Dominican Republic.
- Spirit Week will be held the week of Oct. 21st.
- Registration for Winter Sports opened on October 1st.

Junior Representative Ella Skogstrom spoke of the following:

- The National Honor Society has begun tutoring after school.
- PSAT's will be held on October 24th.
- Parent/Teacher Conferences at the high school will be on Thursday, Oct. 24th and Friday, Oct. 25th.
- The Homecoming Dance will be held on Saturday, October 26th.
- The new cell phone policy will go into effect on October 28th.
- The deposit for the Junior Trip to Washington, DC is due on Oct. 31st.
- The last day of the marking period is Friday, November 1st.
- A mock Presidential Election will be held on November 1st.

D. Committee Reports

1. Business Operations/Resource Management - Greg Flanagan noted that this subcommittee met on Oct. 17th and reviewed budget vs. actual and everything is on track. There is a surplus of approximately \$200,000 for fiscal year 2023-2024. The subcommittee reviewed legislative rules for depositing surplus money into non-lapsing accounts. They discussed the contracted services and negotiations for plowing and mowing services. The STRIDES lease was discussed.

E. Liaison Reports

1. Board of Finance - Ed Sbordone noted that the BOF Capital Subcommittee met on October 7th with the main topic of discussion being the Middle School. This subcommittee will meet again on October 28th. The Medical Subcommittee met on October 16th and discussed medical claims and the possibility of promoting "Wellness Initiatives" for employees. This subcommittee will meet again on November 14th.

VII. INFORMATION ITEMS

A. New Fairfield High School/Consolidated School Building Project Update

Carrie DePuy noted that the propane project has been approved by the PBC and it is hopeful that this project will be complete ASAP.

Phil Ross spoke of water leak that happened late at night on October 16th. He spoke of the process of fixing the water pump. He clarified that there was heat at the high school and noted that the issue was strictly the water pump. He further clarified that the water is tested regularly and there are no issues.

B. Legislative Update

• High School Graduation Requirements

Assistant Superintendent of Curriculum and Instruction Dr. Kristine Woleck spoke of Legislative changes for high school graduation requirements, specifically the State requirement for the class of 2027 that no longer requires the one credit mastery-based diploma assessment (SEE Project). It was noted that Boards of Education may continue to require it for their respective districts. The second change is that the Personal Financial Management and Financial Literacy one-semester class can now be counted towards the students' STEM requirement beginning with the Class of 2027. Dr. Woleck suggested that these topics be reviewed at the Curriculum subcommittee meetings for future consideration.

- School Climate

Dr. Woleck spoke of new School Climate legislation beginning with the 2025-2026 school year that requires districts to develop a new School Climate Policy that includes a School Climate Survey for students, school employees and families and must develop a School Climate Improvement Plan and the BOE must establish a Restorative Practice Response Policy.

- CT General Statute 10-248a Non-Lapsing Account

Carrie DePuy spoke of the new law that states that surplus funds can be deposited into a non-lapsing account as long as it does not exceed 2% of the budgeting appropriation for education of the prior fiscal year.

C. Board of Education Policy (Second Reading)

1. Policy 6172.3 - Educational Instruction under Parental Direction (Home Schooling)

VIII. ACTION ITEMS

A. Personnel Report

MOTION: Kimberly LaTourette made a motion to recommend to the full Board the approval of the Personnel Report for October 11, 2024, as recommended by the administration. Greg Flanagan seconded the motion. **IN FAVOR:** Kathy Baker, Tim Blair, Dominic Cipollone, Greg Flanagan, Sue Huwer, Amy Johnson, Kimberly LaTourette, Samantha Mannion and Ed Sbordone

Dr. Craw noted that Stephanie Rufini is leaving New Fairfield to take a job as an Assistant Principal in another district. He wished her well in this position.

B. STRIDES Lease

MOTION: Kimberly LaTourette made a motion to recommend to the full Board the approval of the STRIDES Lease as presented. Greg Flanagan seconded the motion. **IN FAVOR:** Kathy Baker, Tim Blair, Dominic Cipollone, Greg Flanagan, Sue Huwer, Amy Johnson, Kimberly LaTourette, Samantha Mannion and Ed Sbordone

C. Acceptance of Donation

1. Fitzpatrick Media Group, LLC

MOTION: Greg Flanagan made a motion to recommend to the full Board to accept with gratitude the Fitzpatrick Media Group, LLC donation of \$1,000 to be put towards the construction of a new storage shed at Rebel Stadium. Ed Sbordone seconded the motion. **IN FAVOR:** Kathy Baker, Tim Blair, Dominic Cipollone, Greg Flanagan, Sue Huwer, Amy Johnson, Kimberly LaTourette, Samantha Mannion and Ed Sbordone

There was a brief discussion of the timeline for this project.

IX. PUBLIC PARTICIPATION - Tom Perkins spoke of concerns with using the same material for the propane that was used before.

X. FUTURE AGENDA ITEMS - None

XI. BOARD MEMBER COMMENTS

Chairman Dominic Cipollone spoke of the Clothing Drive at the high school to be held this Saturday, October 19th. He noted that the donations will be sent to the Dominican Republic with students from the UConn School of Medicine during their mission trip. He encouraged residents to donate clothing if possible.

XII. ADJOURNMENT

MOTION: Dominic Cipollone made a motion to adjourn the meeting at 7:54 p.m. Kimberly LaTourette seconded the motion. **IN FAVOR:** Kathy Baker, Tim Blair, Dominic Cipollone, Greg Flanagan, Sue Huwer, Amy Johnson, Kimberly LaTourette, Samantha Mannion and Ed Sbordone

Respectfully submitted,
Suzanne Kloos



NFHS School Counseling Program 2024 Outcomes & Supports

Mrs. Kimberly Laughlin
School Counseling Department Chair
College and Career Counselor
NFPS BOE Presentation, November 7, 2024

Class of 2024 Outcomes

71%

4 Year College

19%

**2 Year College/
Trade School**

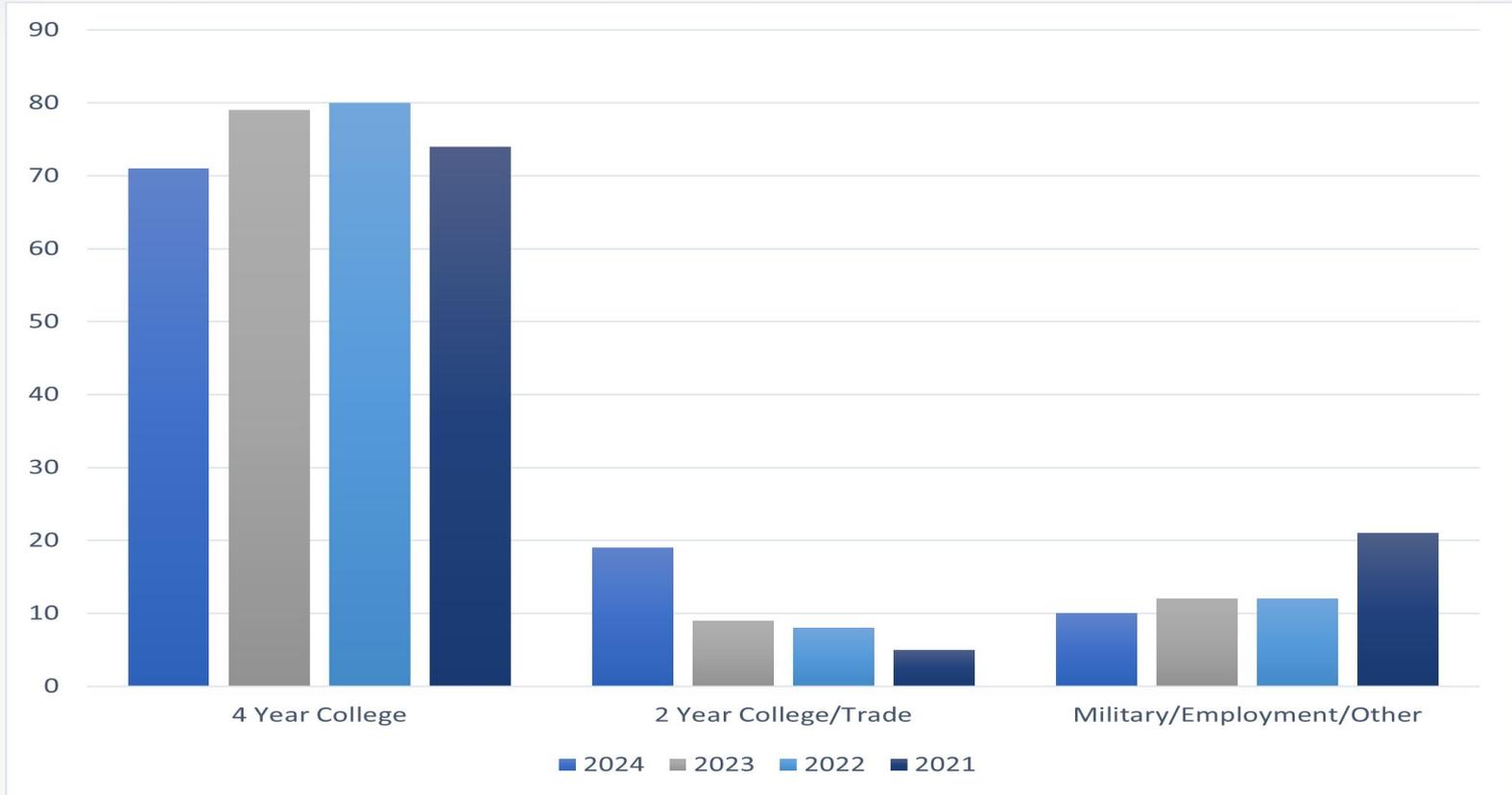
10%

**Military/Work/
Gap Year**





Post High School Plans





Average Number of Applications

Graduation Year	Average # of apps per student	Total # of applications processed through counseling office
2024	11.4	1742
2023	9.6	1476
2022	7.7	1392





Class of 2024

COLLEGE ACCEPTANCES

The members of the Class of 2024 were accepted to over 180 institutions and are attending over 60 different universities. In addition to all of the Connecticut state universities, the following is a sampling of the schools accepted into by the Class of 2024:

Bentley University
Boston College
Boston University
Bryant University
Clemson University
Colgate University
Culinary Institute of America
Duke University
Florida State University
Ithaca College
Loyola University Maryland
Manhattan University
Marist College
Michigan State University
Ohio State University

Purdue University
Rensselaer Polytechnic Institute
Rutgers University
Saint Joseph's University
Stony Brook University
Syracuse University
The George Washington University
United States Air Force Academy
University of Connecticut
University of Delaware
University of Florida
University of Massachusetts-Amherst
University of Pennsylvania
University of Scranton
University of Virginia
Virginia Tech



Class of 2024 College Frequencies

Most Accepted

1. Western Connecticut State University (66)
2. University of Connecticut (60)
3. Eastern Connecticut State University (24)
4. Central Connecticut State University (24)
5. University of New Hampshire (18)

Honorable Mention | 10-15 acceptances

University of Delaware
Iona University
Quinnipiac University
University of Rhode Island
Southern Connecticut State University
Sacred Heart University

Most Attended

1. Western Connecticut State University (37)
2. CT State Community College (21)
3. University of Connecticut (18)
4. University of New Hampshire (7)
5. Iona University (3)

Honorable Mention | 2 or more students attending

Eastern Connecticut State University
Universal Technical Institute
Loyola University Maryland
University of Hartford
Pennsylvania State University-Main Campus
University of Massachusetts-Amherst
Quinnipiac University
University of Rhode Island



NFHS School Counseling



Mrs. Dighton

Class of 2025: A-D, T-V
Class of 2026: A-D
Class of 2027: A-C
Class of 2028: A-C



Mr. Garofola

Class of 2025: G-L, O-R
Class of 2026: L-O
Class of 2027: L-P
Class of 2028: L-P



Mrs. Severino

Class of 2025: E, M, N
Class of 2026: E-K
Class of 2027: D-K
Class of 2028: D-K



Mr. Waymire

Class of 2025: F, S, W-Z
Class of 2026: P-Z
Class of 2027: R-Z
Class of 2028: R-Z



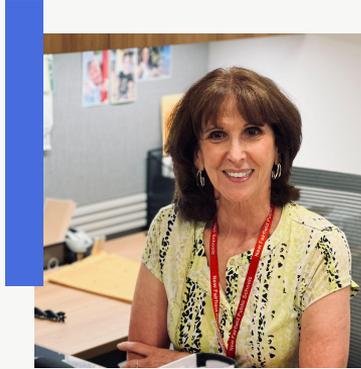


NFHS School Counseling



Mrs. Vengalli

School Counseling
Secretary



Ms. Montalvo

Registrar



Mrs. Romanello

College & Career



Mrs. Laughlin

School Counseling
Department Chair

College & Career
Counselor





School Counselor Duties

1

Caseload

On average, 174 students each.

2

Case Manager

On average, 30 504 students each. Also, attend PPTs for ~ 28 students each.

3

Program Implementation

Grade level assemblies, F Day REBEL classroom lessons, targeted groups, as well as individual sessions to support academic, career, and social emotional needs.

4

College and Career Counseling

Support access to and understanding of Naviance Inventories, meet individually with all students for post high school planning support, write letters of recommendation, complete required forms and send transcripts.

Foundations of School Counseling Programming

1. **American School Counselor Association (ASCA) National Model:**
 - Guides program design to focus on **academic, career, and social/emotional development.**
 - Encourages the use of data to shape and assess programs.
2. **Student Needs & Data:**
 - Programs are informed by needs assessments, surveys, and student performance data.
 - Emphasizes responsive services tailored to the unique needs of the school population.
3. **School & District Goals:**
 - Aligns with the school's mission and improvement plans.
 - Supports academic success, equity, and student well-being.



NFHS

Comprehensive School Counseling Program (CSCP)

Delivery of timely and relevant programming to students throughout the year, focusing on:

- Academic development
- Career planning
- Social/emotional well-being

Examples of student support include:

- Academic goal setting
 - Exploring career options
 - Building interpersonal skills
 - Developing coping strategies
- 



NFHS

Comprehensive School Counseling Program

CSCP



Grade Level



Grade level assemblies delivering timely focus areas for grade (e.g. Junior Post High School Planning Assembly).



F-Day REBEL



Classroom lessons with academic, career, and social emotional focus (avg. 22 students per group).

Groups



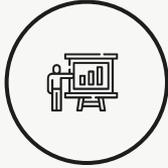
Based on specific data from student responses (e.g. indicated career interest, or indicated need for support with applications).

Individual



Academic, career, and social emotional support as needed or scheduled in advance (e.g. scheduled post high school planning sessions).

24/25 Department Focus



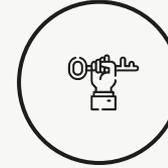
Curriculum Development

Further Enhance and
Document 9 - 12 CSCP
Curriculum



Program Implementation

Implement New F Day
REBEL Plan



Vertical Alignment

Increased 6-12 Resource
and Program Alignment



24/25 Department Focus



Year Two of Junior JumpStart

Post High School Planning Program Spring of Junior Year (e.g. Resume Building, 2 yr/4 yr Program Information, Trade Information, Military information)



Trade Career Panel/Career Fair

Develop and Facilitate Trade Career Panel Discussion/Career Fair



Program Information

Increase access to post high school program information for School Counselors (e.g. invitational program for selective College Consortium, Career and Trade Informational Sessions, UConn School Counselor Day, etc.).

Looking Ahead

- **Representative Visits (80+)**
- **EdAdvance Medical Shadowing Internship**
- **CT Community College Partnership Program**
- **Onsite Admission Days**
 - CT Community Colleges - NVCC (2 yr and Certificate Programs)
 - Western Connecticut State University
- **Financial Aid Night**
- **Alumni Return Day **NEW!****
- **Trade Career Panel/Career Fair **NEW!****
- **Junior Planning Night**
- **Scholarship Kickoff**
- **Junior JumpStart**



**New Fairfield Public Schools
New Fairfield, CT**

School Year 2024-25 Enrollment Projection Report

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Enrollment Summary

NESDEC is pleased to send you this report displaying the past, present, and projected enrollments for your District. It is important to update enrollment projections every year to identify changes in enrollment patterns. Ten-year projections are designed to provide your District with yearly, up-to-date enrollment information that can be used by boards and administrators for effective planning and allocation of resources. We received the enrollment data from the District, and we assume that the method of collecting this data has been consistent from year to year.

Birth data informs Kindergarten enrollment. Each fall, NESDEC secures birth data from State sources, providing a snapshot in time as to actual and provisional births as reported by the State, and then uses this birth data to predict Kindergarten enrollments. We only use Fall birth data to assure consistency in reporting from year to year. Estimated births, which are an average of the previous five years of birth data, are based on this same snapshot. NESDEC acknowledges the variability of the provisional and the estimated birth data, and notes that the projected Kindergarten enrollments may serve as a guide to future planning.

Enrollment projections are more reliable in Years #1-3 in the future. Projections four to ten years out may serve as a guide to future enrollments and are useful for planning purposes. In light of this, NESDEC has added a “Spring Update Refresher” enrollment projection at no cost to affiliates. For more information, please refer to the Projection Methodology and Reliability section of this document.

The NESDEC enrollment projection fell within 18 students of the K-12 total, 2,057 students projected vs. 2,039 enrolled. In Grades K-2, 417 were projected vs. 406 enrolled; in Grades 3-5, 456 were projected vs. 458 enrolled; in Grades 6-8, 484 were projected vs. 467 enrolled; and in Grades 9-12, 700 were projected vs. 708 enrolled.

Births increased by 10 from a previous ten-year average of 98 to a projected average of 108. In most districts, Grades 1-8 are very stable in enrollments. However, there have been increases in 8 of the 8 most recent years, leading to a net increase averaging 26 students per year, indicating the in-migration of students in Grades 1-8.

Over the next three years, Grades K-2 enrollments are projected to increase by 35 students, Grades 3-5 enrollments are projected to decrease by 20 students, Grades 6-8 enrollments are projected to increase by 19 students, and Grades 9-12 enrollments are projected to decrease by 38 students, as students move through the grades.

Historical Enrollment

School District: **New Fairfield, CT**

10/31/2024

Historical Enrollment By Grade																			
Birth Year	Births*	School Year	PK	K	1	2	3	4	5	6	7	8	9	10	11	12	UNGR	K-12	PK-12
2009	85	2014-15	85	139	158	162	174	154	199	209	204	216	213	240	240	268	0	2576	2661
2010	117	2015-16	67	153	130	151	165	173	152	193	198	199	230	213	228	245	0	2430	2497
2011	102	2016-17	77	136	153	138	152	164	172	152	190	201	188	226	211	235	0	2318	2395
2012	100	2017-18	74	150	139	153	137	153	170	180	154	190	190	186	225	206	0	2233	2307
2013	85	2018-19	77	112	157	139	156	141	161	174	184	158	183	189	194	223	0	2171	2248
2014	95	2019-20	89	143	115	152	144	161	139	174	175	189	152	179	185	187	0	2095	2184
2015	95	2020-21	71	119	149	116	153	149	169	144	179	174	181	151	182	194	0	2060	2131
2016	93	2021-22	68	129	137	153	132	159	153	176	160	183	169	178	147	189	0	2065	2133
2017	98	2022-23	76	126	140	142	156	135	169	157	179	160	183	178	182	164	0	2071	2147
2018	110	2023-24	84	146	128	146	138	156	142	173	157	180	160	177	176	191	0	2070	2154
2019	97	2024-25	83	123	151	132	145	146	167	137	174	156	188	163	176	181	0	2039	2122

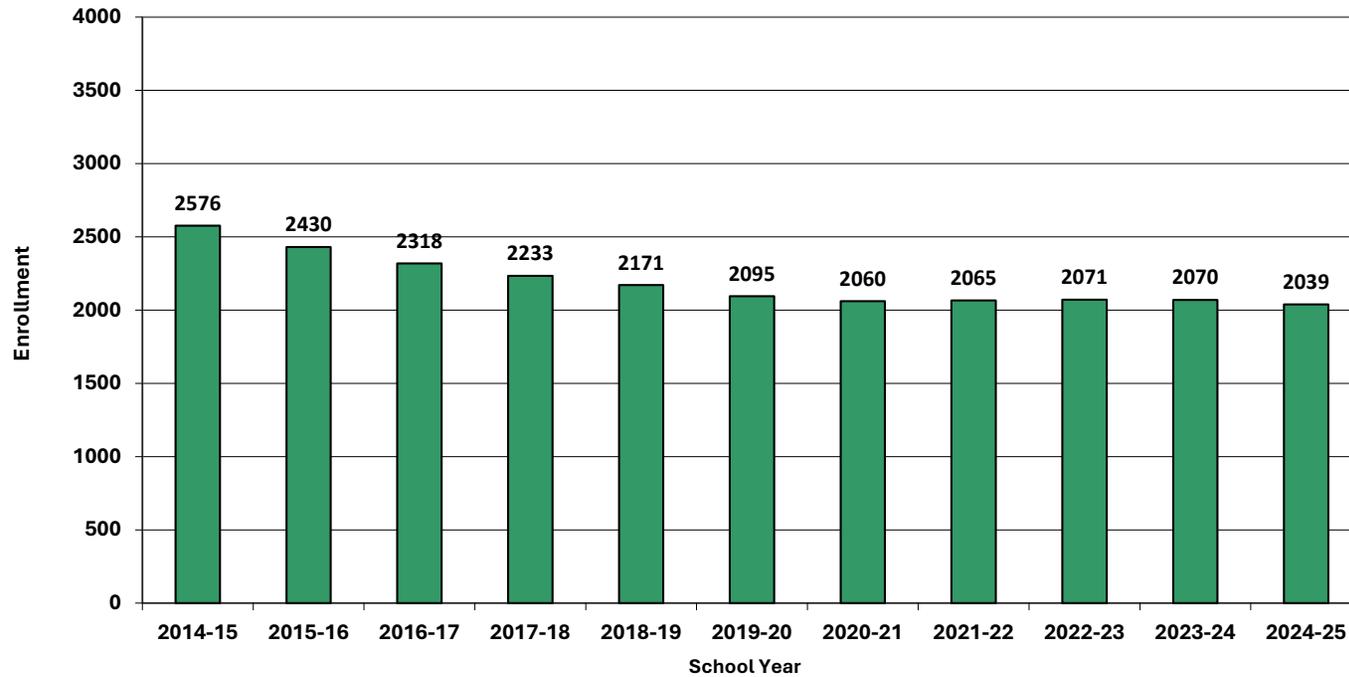
*Birth data provided by Public Health Vital Records Departments in each state.

** < 10 Not reported, to protect subgroups with fewer than 10 students.

Historical Enrollment in Grade Combinations									
School Year	PK-5	K-5	PK-2	K-2	3-5	6-8	PK-8	K-8	9-12
2014-15	1071	986	544	459	527	629	1700	1615	961
2015-16	991	924	501	434	490	590	1581	1514	916
2016-17	992	915	504	427	488	543	1535	1458	860
2017-18	976	902	516	442	460	524	1500	1426	807
2018-19	943	866	485	408	458	516	1459	1382	789
2019-20	943	854	499	410	444	538	1481	1392	703
2020-21	926	855	455	384	471	497	1423	1352	708
2021-22	931	863	487	419	444	519	1450	1382	683
2022-23	944	868	484	408	460	496	1440	1364	707
2023-24	940	856	504	420	436	510	1450	1366	704
2024-25	947	864	489	406	458	467	1414	1331	708

Historical Percentage Changes			
School Year	K-12	Diff.	%
2014-15	2576		
2015-16	2430	-146	-5.7%
2016-17	2318	-112	-4.6%
2017-18	2233	-85	-3.7%
2018-19	2171	-62	-2.8%
2019-20	2095	-76	-3.5%
2020-21	2060	-35	-1.7%
2021-22	2065	5	0.2%
2022-23	2071	6	0.3%
2023-24	2070	-1	0.0%
2024-25	2039	-31	-1.5%
Change		-537	-20.8%

Grades K-12 Historical Enrollment



Projected Enrollment

School District: **New Fairfield, CT**

10/31/2024

Enrollment Projections By Grade*																				
Birth Year	Births*		School Year	PK	K	1	2	3	4	5	6	7	8	9	10	11	12	UNGR	K-12	PK-12
2019	97		2024-25	83	123	151	132	145	146	167	137	174	156	188	163	176	181	0	2039	2122
2020	91		2025-26	83	118	129	157	132	149	153	169	138	174	156	189	163	186	0	2013	2096
2021	134		2026-27	83	174	124	134	157	136	156	155	171	138	174	157	189	172	0	2037	2120
2022	99	(prov.)	2027-28	84	129	183	129	134	161	143	158	157	171	138	175	157	200	0	2035	2119
2023	114	(prov.)	2028-29	84	148	135	190	129	138	169	145	160	157	171	139	175	166	0	2022	2106
2024	107	(est.)	2029-30	84	139	155	140	190	132	145	171	146	160	157	172	139	185	0	2031	2115
2025	109	(est.)	2030-31	85	142	146	161	140	195	139	147	173	146	160	158	172	147	0	2026	2111
2026	113	(est.)	2031-32	85	146	149	151	161	144	205	141	148	173	146	161	158	182	0	2065	2150
2027	108	(est.)	2032-33	85	141	153	154	151	165	151	208	142	148	173	147	161	167	0	2061	2146
2028	110	(est.)	2033-34	86	143	148	159	154	155	173	153	210	142	148	174	147	170	0	2076	2162
2029	109	(est.)	2034-35	86	142	150	153	159	158	163	175	155	210	142	149	174	155	0	2085	2171

Note: Ungraded students (UNGR) often are high school students whose anticipated years of graduation are unknown, or students with special needs - UNGR not included in Grade Combinations for 7-12, 9-12, etc.

 Based on an estimate of births

 Based on children already born

 Based on students already enrolled

*Birth data provided by Public Health Vital Records Departments in each state.

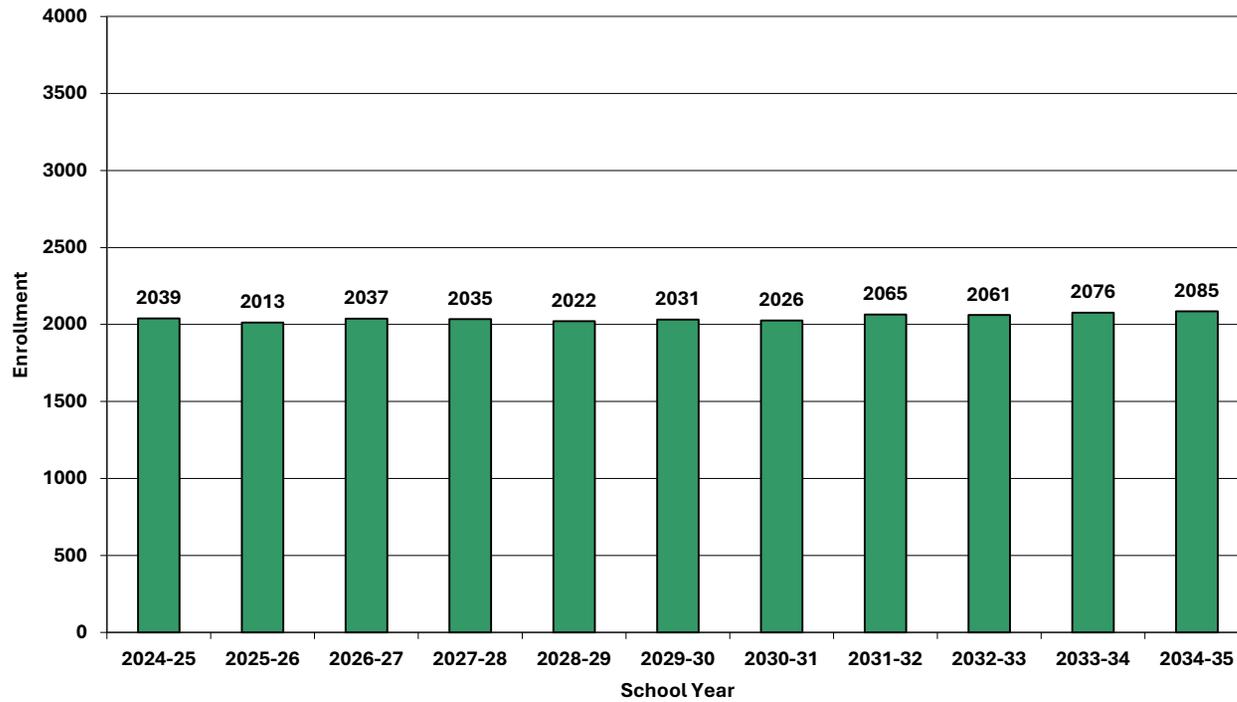
** < 10 Not reported, to protect subgroups with fewer than 10 students.

Projected Enrollment in Grade Combinations*									
School Year	PK-5	K-5	PK-2	K-2	3-5	6-8	PK-8	K-8	9-12
2024-25	947	864	489	406	458	467	1414	1331	708
2025-26	921	838	487	404	434	481	1402	1319	694
2026-27	964	881	515	432	449	464	1428	1345	692
2027-28	963	879	525	441	438	486	1449	1365	670
2028-29	993	909	557	473	436	462	1455	1371	651
2029-30	985	901	518	434	467	477	1462	1378	653
2030-31	1008	923	534	449	474	466	1474	1389	637
2031-32	1041	956	531	446	510	462	1503	1418	647
2032-33	1000	915	533	448	467	498	1498	1413	648
2033-34	1018	932	536	450	482	505	1523	1437	639
2034-35	1011	925	531	445	480	540	1551	1465	620

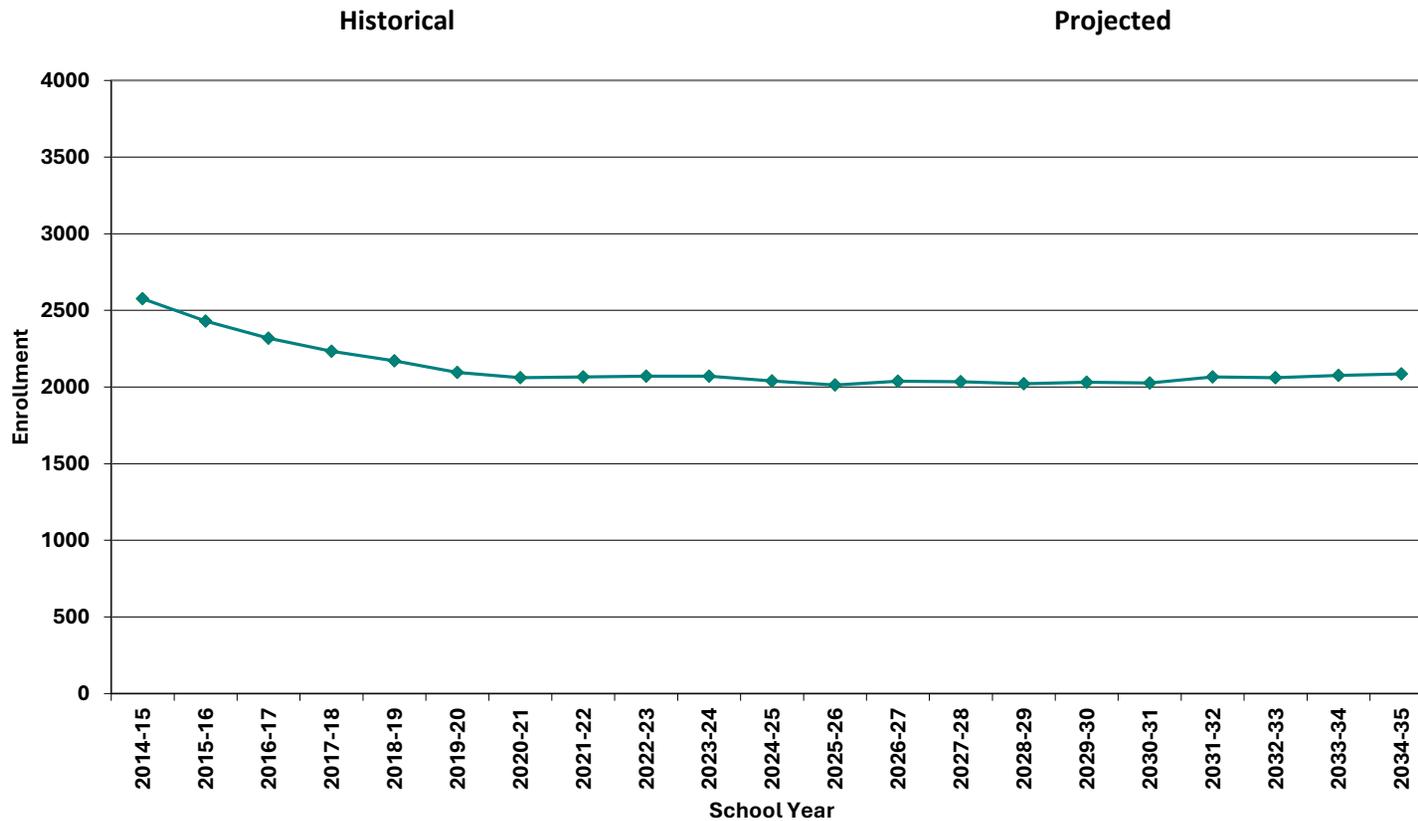
Projected Percentage Changes			
School Year	K-12	Diff.	%
2024-25	2039		
2025-26	2013	-26	-1.3%
2026-27	2037	24	1.2%
2027-28	2035	-2	-0.1%
2028-29	2022	-13	-0.6%
2029-30	2031	9	0.4%
2030-31	2026	-5	-0.2%
2031-32	2065	39	1.9%
2032-33	2061	-4	-0.2%
2033-34	2076	15	0.7%
2034-35	2085	9	0.4%
Change		46	2.3%

*Projections should be updated annually to reflect changes in in/out-migration of families, real estate sales, residential construction, births, and similar factors.

Grades K-12 Projected Enrollment



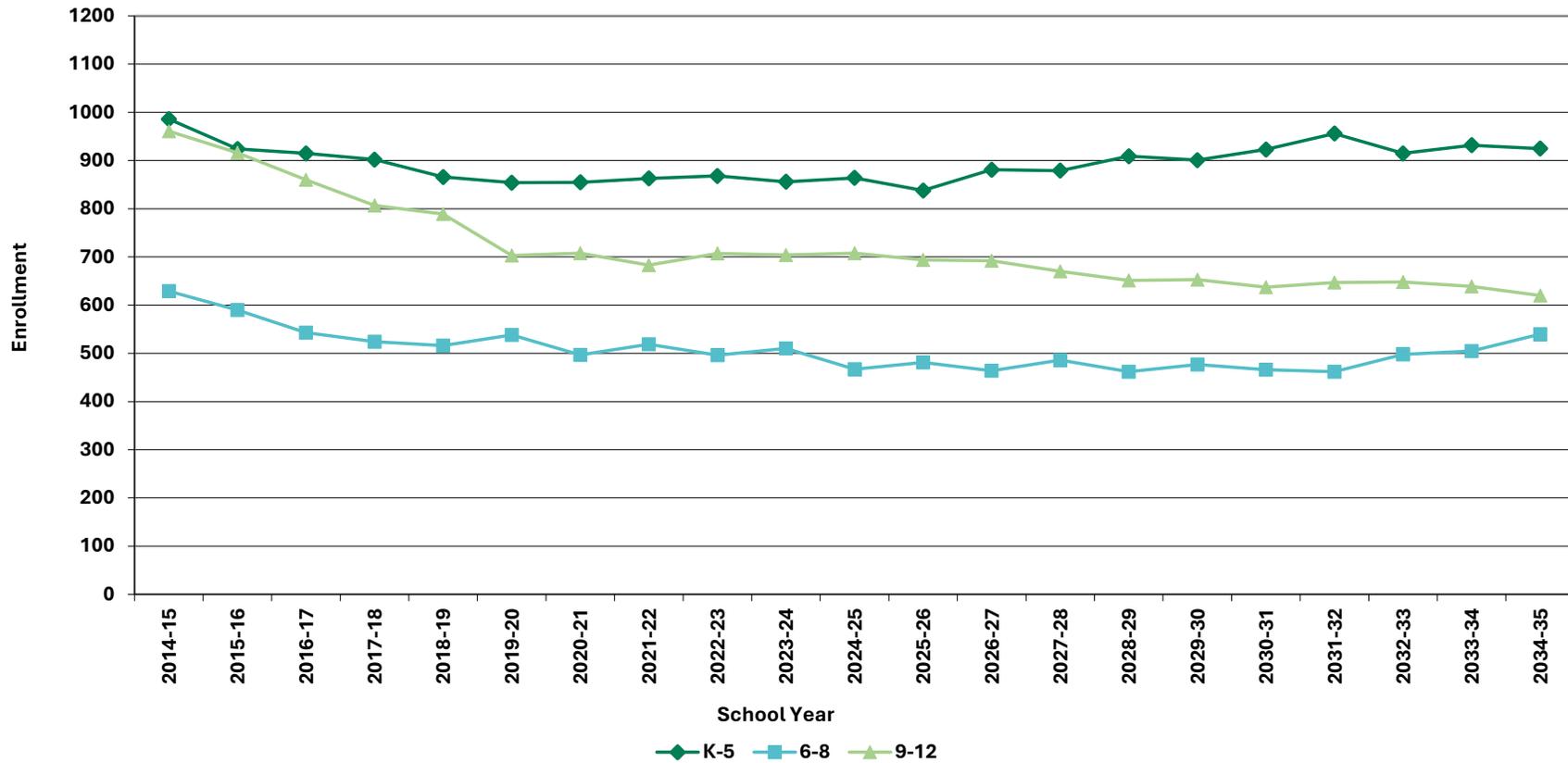
Grades K-12 Historical & Projected Enrollment



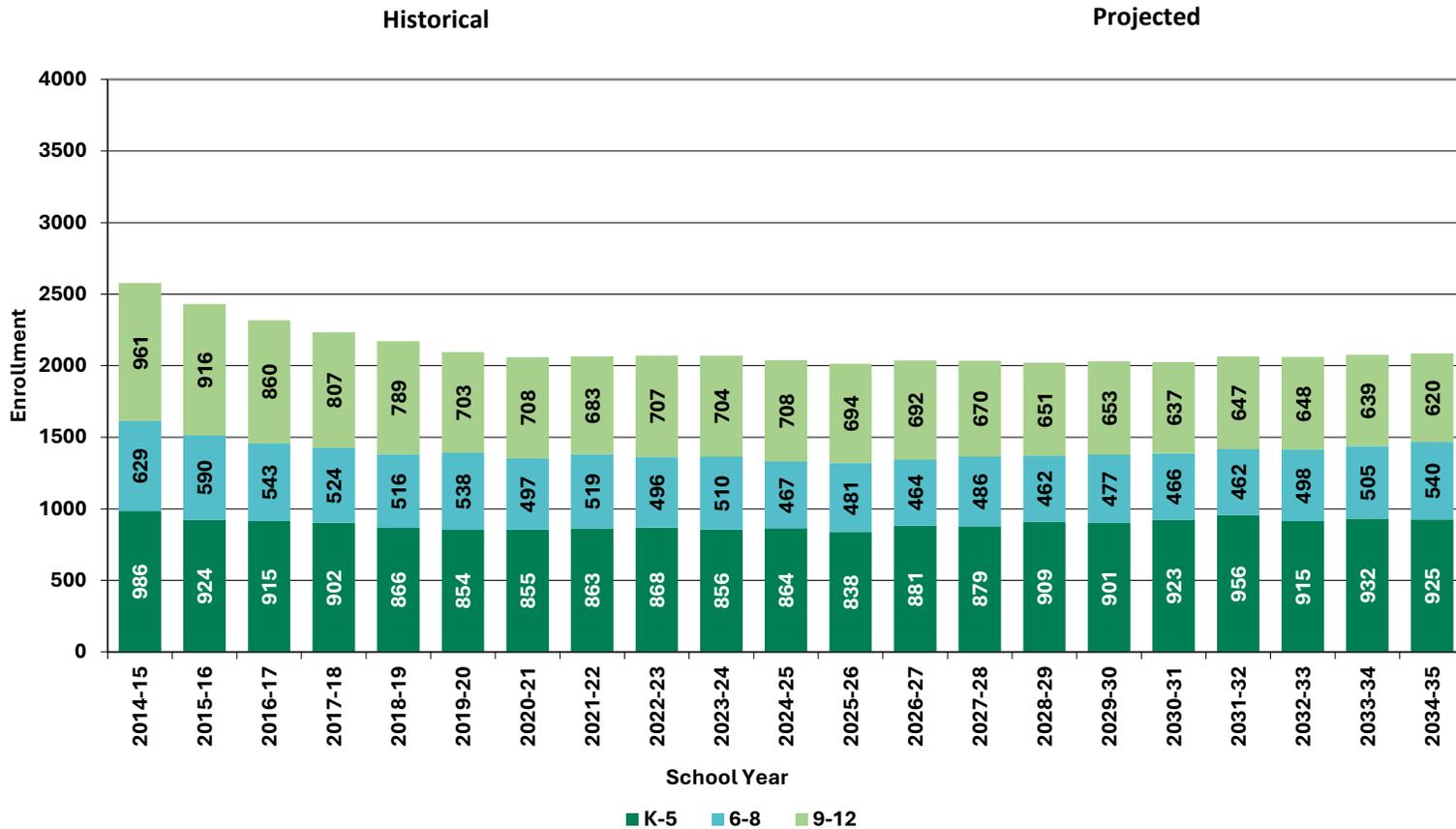
Historical & Projected Enrollments in Grade Combinations

Historical

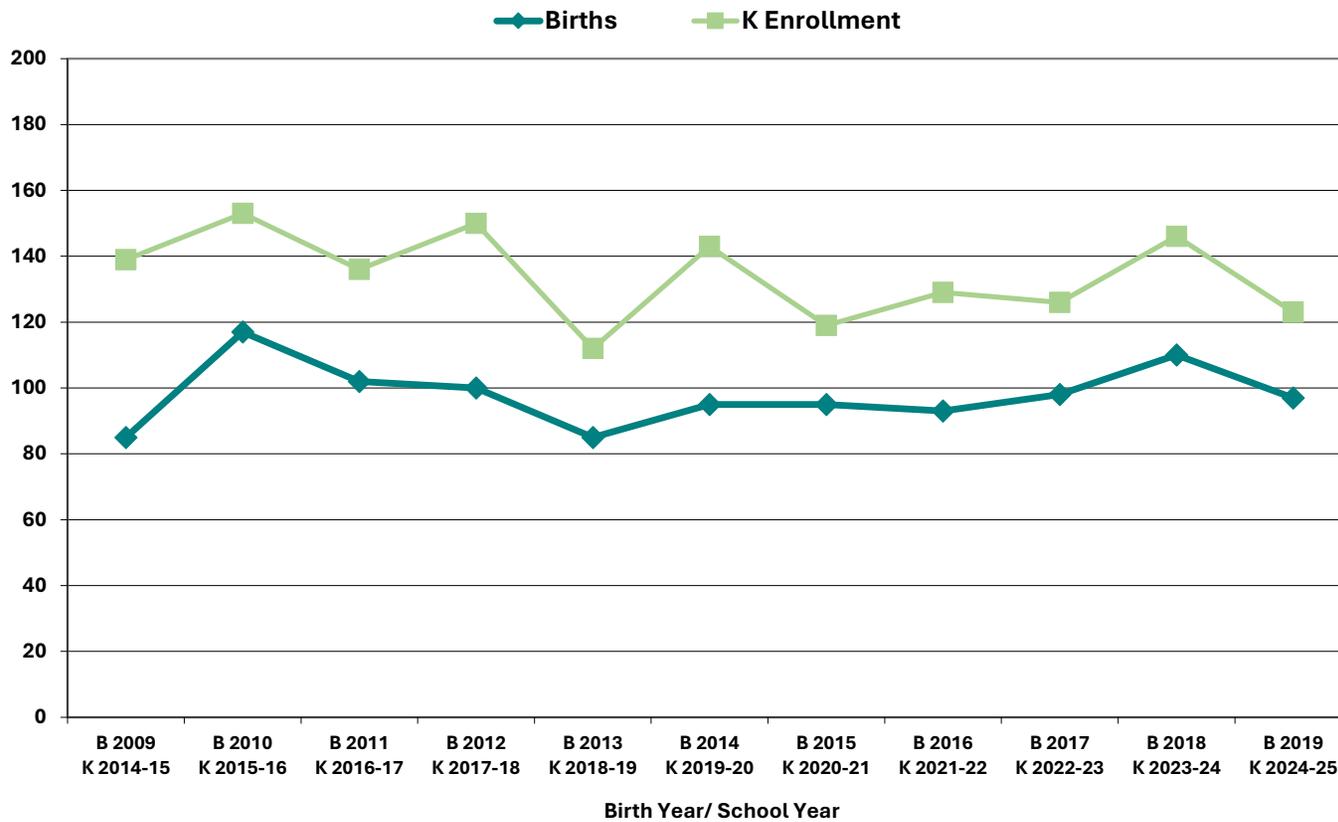
Projected



Historical & Projected Enrollments in Grade Combinations



Birth-to-Kindergarten Relationship



Additional Information

School Year	9-12 CTE	K-12 Non-Public	K-12 Choice-In	K-12 Choice-Out	K-12 Out District SPED	K-12 Homeschool
2020-21	48	n/a	0	15	< 10 **	39
2021-22	57	n/a	0	25	< 10 **	25
2022-23	43	n/a	0	17	< 10 **	14
2023-24	43	n/a	0	18	< 10 **	14
2024-25	44	n/a	0	18	10	19

* Data provided by District.

"n/a" signifies that information was not provided by District.

** < 10 Not reported, to protect subgroups with fewer than 10 students.

Building Permits Issued		
Year	Single-Family	Multi-Units
2020	9	0
2021	5	0
2022	1	0
2023	1	0
2024	4 to date	0 to date

*Building permit data from HUD.

New England's PK-12 Enrollments Trends

From 2022 to 2031, the US Department of Education anticipates changes in PK-12 enrollment of -1.8% in the South, -9.7% in the West, -5.0% in the Midwest, -9.1% in the Northeast, and a total of -5.5% nationwide.

State	Fall 2022 PK - 12	Fall 2031 Projected	PK-12 Decline	% Change 2022-2031
USA	49,618,464	46,889,600	-2,728,864	-5.5%
CT	513,513	465,200	-48,313	-9.4%
ME	173,853	162,900	-10,953	-6.3%
MA	923,349	857,100	-66,249	-7.2%
NH	168,909	156,600	-12,309	-7.3%
RI	137,449	127,900	-9,549	-6.9%
VT	83,654	77,300	-6,354	-7.6%

Source: U.S. Department of Education, National Center for Education Statistics, Enrollment in public elementary and secondary schools, by region, state, and jurisdiction: Selected years, fall 1990 through fall 2031, Table 203.20, Report Generated Dec. 2023, NESDEC 2.8.24

Although most New England Districts are seeing a decline in the number of births, NESDEC's experience indicates that the impact on enrollment varies from District to District. Almost half of New England Districts have been growing in PK-12 enrollment, and a similar number are declining (often in rural areas), with the other Districts remaining stable.

Projection Methodology and Reliability

PROJECTION METHODOLOGY

Cohort component (survival) technique is a frequently used method of preparing enrollment forecasts. NESDEC uses this method, but modifies it in order to move away from forecasts that are wholly computer- or formula-driven. Such modification permits the incorporation of important, current district-specific demographic information into the generation of enrollment forecasts (such as in/out-migration of students, resident births, HUD-reported building permits, etc.). Percentages are calculated from the historical enrollment data to determine a reliable percentage of increase or decrease in enrollment between any two grades. For example, if 100 students enrolled in Grade 1 in 2023-24 increased to 104 students in Grade 2 in 2024-25, the percentage of survival would be 104%, or a ratio of 1.04. Ratios are calculated between each pair of grades or years in school over several recent years.

After study and analysis of the historical ratios, and based upon a reasonable set of assumptions regarding births, migration rates, retention rates, etc., ratios most indicative of future growth patterns are determined for each pair of grades. The ratios thus selected are applied to the present enrollment statistics to project into future years. The ratios are the key factors in the reliability of the projections, assuming validity of the data at the starting point.

RELIABILITY OF ENROLLMENT PROJECTIONS

Projections can serve as useful guides to school administrators for educational planning. Enrollment projections are more reliable in Years #1-3 in the future and less reliable in the “out-years.” Projections four to ten years out may serve as a guide to future enrollments and are useful for planning purposes, but they should be viewed as subject to change given the likelihood of potential shifts in underlying assumptions/trends, such as student migration, births as they relate to Kindergarten enrollment, and other factors.

Projections that are based upon **the children who already are in the district** (the current K-12 population only) will be the most reliable. The second level of reliability will be for those children already **born into the community but not yet old enough to be in school**. The least reliable category is the group for which an estimate must be made **to predict the number of births**, thereby adding additional uncertainty. See these three multi-colored groupings on the “Projected Enrollment” tab.

Annual updates allow for early identification of recent changes in historical trends. When the actual enrollment in a grade is significantly different (higher or lower) from the projected number, it is important (yet difficult) to determine whether this is a one-year aberration or whether a new trend may have begun. **In light of this possibility, NESDEC urges all school districts to have updated enrollment forecasts developed by NESDEC each October.** This service is available at no cost to affiliated school districts.

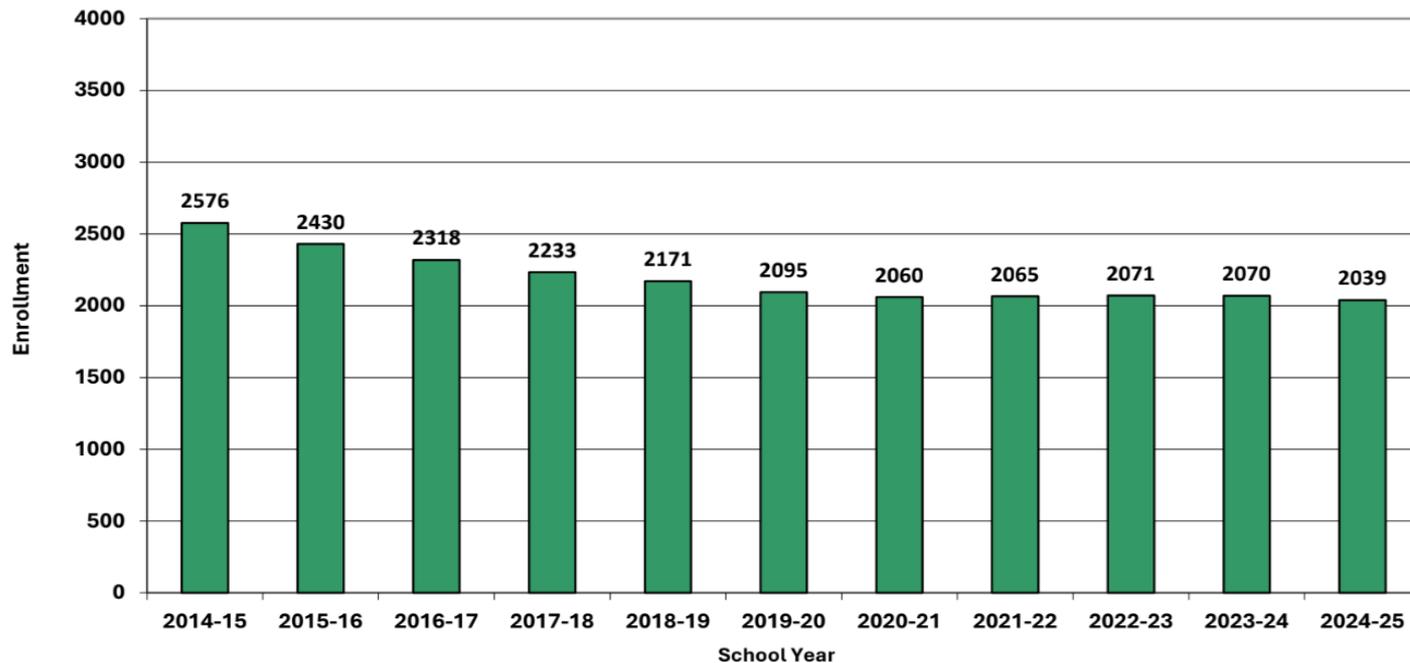


New England School Development Council

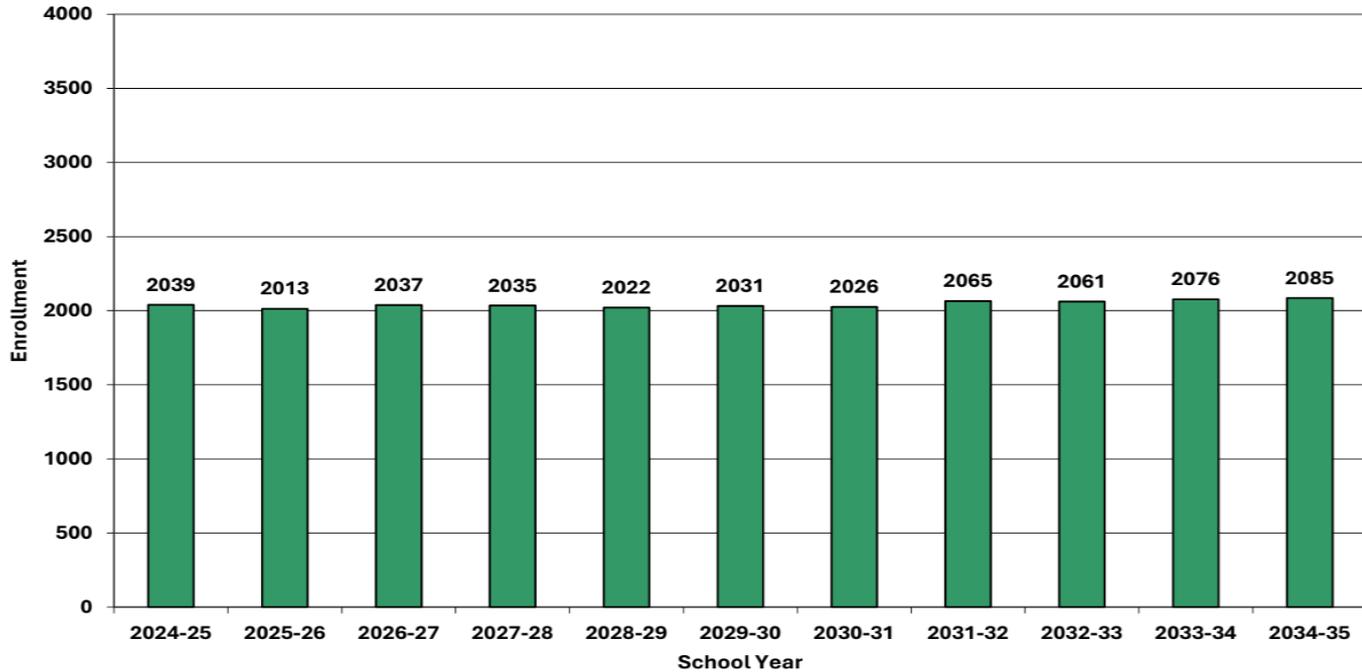
**New Fairfield Public Schools
New Fairfield, CT**

School Year 2024-25 Enrollment Projection Report

Grades K-12 Historical Enrollment



Grades K-12 Projected Enrollment



Projected Percentage Changes			
School Year	K-12	Diff.	%
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2033-34	1018	932	536	450	482	505	1523	1437	639
2034-35	1011	925	531	445	480	540	1551	1465	620

Projections by School

School	October 1, 2024	Projected 2025-26	Change
NFES (PK-5)	947	921	-26
NFMS (6-8)	467	481	+14
NFHS (9-12)	708	694	-14
Total	2,122	2,096	-26

Questions

*New Fairfield Board of Education
3 Brush Hill Road
New Fairfield, CT 06812*

**NEW FAIRFIELD BOARD OF EDUCATION
SCHEDULE OF REGULAR MEETINGS
2025**

January 16	June 12
February 6	August 21
March 6	September 18
March 20	September 30* (Oct. 2-Yom Kippur) <i>(*This meeting occurs on the fifth Tuesday of September.)</i>
April 3	October 16
May 1	November 6
May 15	December 4
June 5	December 18

The Board of Education is scheduled to meet at 7:00 p.m. on the first and third Thursdays of the month. There are no meetings scheduled for July. Unless otherwise posted, the first meeting of the month will be held in the New Fairfield Community Room, 33 Route 37, New Fairfield, CT. In the event of inclement weather, this meeting will change to remote and a virtual link will be provided on our website and distributed. The second meeting of the month will be remote.

*New Fairfield Board of Education
3 Brush Hill Road
New Fairfield, CT 06812*

TERMINATE

**NEW FAIRFIELD HIGH SCHOOL START AND END TIME
AD HOC SUBCOMMITTEE
SCHEDULE OF REGULAR MEETINGS**

~~The New Fairfield High School Start and End Time Ad Hoc Subcommittee is scheduled to meet at 6:00 p.m. prior to the first regular Board of Education meeting of the month. There are no meetings scheduled for February, April, June, July, August, September, October, November, and December. Unless otherwise posted, all meetings will be held in the New Fairfield Community Room, 33 Route 37, New Fairfield, CT.~~

*New Fairfield Board of Education
3 Brush Hill Road
New Fairfield, CT 06812*

**SPECIAL EDUCATION AD HOC SUBCOMMITTEE
SCHEDULE OF REGULAR MEETINGS
2025**

February 6

April 3

June 5

September 30* (Oct. 2-Yom Kippur)
*(*This meeting occurs on the fifth
Tuesday of September.)*

December 4

The Special Education Ad Hoc Subcommittee is scheduled to meet at 6:00 p.m. prior to the first regular Board of Education meeting of the month. There are no meetings scheduled for January, March, May, July, August, September, and November. Unless otherwise posted, all meetings will be held in the New Fairfield Community Room, 33 Route 37, New Fairfield, CT. In the event of inclement weather, this meeting will change to remote and a virtual link will be provided on our website and distributed.

*New Fairfield Board of Education
3 Brush Hill Road
New Fairfield, CT 06812*

**BUSINESS OPERATIONS/RESOURCE MANAGEMENT
SUBCOMMITTEE
SCHEDULE OF REGULAR MEETINGS
2025**

January 16

February 20

March 20

April 23*

*(*This meeting occurs on the
fourth Wednesday of April.)*

May 15

September 18

October 16

November 6

*(*This meeting occurs on the
first Thursday of November.)*

December 18

The Business Operations/Resource Management Subcommittee is scheduled to meet at 6:00 p.m. prior to the second Board of Education meeting of the month. There are no meetings scheduled for June, July, and August. Unless otherwise posted, all meetings will be remote.

*New Fairfield Board of Education
3 Brush Hill Road
New Fairfield, CT 06812*

**CURRICULUM/INSTRUCTION SUBCOMMITTEE
SCHEDULE OF REGULAR MEETINGS
2025**

January 27

February 24

March 24

April 28

May 27*

*(*This meeting occurs on the
fourth Tuesday of May.)*

September 29*

*(*This meeting occurs on the
fifth Monday of September.)*

October 27

November 24

The Curriculum/Instruction Subcommittee is scheduled to meet at 7:00 p.m. on the fourth Monday of the month. There are no meetings scheduled for June, July, August, and December. Unless otherwise posted, all meetings will be remote.

*New Fairfield Board of Education
3 Brush Hill Road
New Fairfield, CT 06812*

**POLICY SUBCOMMITTEE
SCHEDULE OF REGULAR MEETINGS
2025**

January 22

February 26

March 26

April 23

May 28

June 11*

*(*This meeting occurs on the
Wednesday second of June.)*

September 25*

*(*This meeting occurs on the
fourth Thursday of September.)*

October 22

November 19*

*(*This meeting occurs on the
third Wednesday of November.)*

December 17*

*(*This meeting occurs on the
third Wednesday of December.)*

The Policy Subcommittee is scheduled to meet at 7:00 p.m. on the fourth Wednesday of the month. There are no meetings scheduled for July and August. Unless otherwise posted, all meetings will be remote.

CABE's newest version of this policy.

Students

Suspension and Expulsion/Due Process

The New Fairfield Board of Education is committed to creating a safe, orderly, and supportive learning environment for all students, staff, and visitors. This policy aims to balance the necessity of maintaining safety and order within our schools while adhering to progressive discipline and restorative practices, which seeks to address and correct inappropriate behavior while promoting accountability, personal growth, and the repair of harm.

Students are expected to comply with school rules and Board policies and may be disciplined for conduct on school grounds or at any school-sponsored activity that endangers persons or property, is seriously disruptive of the educational process, or that violates a publicized policy of the Board. Students may be disciplined for conduct off school grounds if such conduct is seriously disruptive to the educational process and violates Board policy.

Policy Objectives

1. **Ensure Safety and Order:** Maintain a secure and disciplined school environment conducive to learning and free from violence, threats, and disruptive behaviors.
2. **Promote Equity and Fairness:** Apply disciplinary measures in an equitable, consistent, and unbiased manner, ensuring that all students are treated with dignity and respect.
3. **Support Progressive Discipline:** Implement a progressive discipline model that focuses on intervention and prevention strategies to address and correct student behavior before it escalates.
4. **Implement Restorative Practices:** Incorporate restorative practices that emphasize accountability, reparation of harm, and the restoration of relationships within the school community.
5. **Encourage Personal Responsibility:** Foster a sense of personal responsibility and self-discipline in students, helping them to understand the consequences of their actions and to make better choices in the future.
6. **Engage Families and Communities:** Involve parents, guardians, and community members in the disciplinary process to support students in their behavioral and academic growth.

Policy Guidelines

1. **Clear Expectations and Communication:**
 - Establish and communicate clear behavioral expectations and the consequences of violating them.
 - Ensure that all students, staff, and parents/guardians are aware of the discipline policy and procedures.

Students

Suspension and Expulsion/Due Process

Policy Guidelines (continued)

2. Progressive Discipline Framework:

- Utilize a tiered approach to discipline that escalates in response to the severity and frequency of the behavior.
- Implement early intervention strategies such as counseling, mentoring, and behavior modification plans to address minor infractions.

3. Restorative Practices:

- Employ restorative practices such as mediation, peer counseling, and restorative circles to address conflicts and repair harm.
- Encourage students to take responsibility for their actions and to actively participate in the resolution process.

4. Consistent and Fair Application:

- Ensure that disciplinary measures are applied consistently and fairly across all student populations.
- Monitor and address any disparities in the application of disciplinary actions to prevent discrimination or bias.

5. Supportive Interventions:

- Provide support services such as counseling, social work, and mental health resources to help students address underlying issues contributing to behavioral problems.
- Develop individualized behavior plans for students with recurring or severe behavioral issues.

6. Engagement and Collaboration:

- Engage families in the disciplinary process through regular communication and involvement in restorative practices.
- Collaborate with community organizations and resources to support students and families in addressing behavioral and social-emotional needs.

7. Training and Professional Development:

- Provide ongoing training for staff on progressive discipline, restorative practices, and culturally responsive approaches to student behavior.
- Encourage staff to develop skills in conflict resolution, de-escalation techniques, and positive behavior support.

Students

Suspension and Expulsion/Due Process

Policy Guidelines (continued)

Review and Accountability

The New Fairfield Board of Education will regularly review the effectiveness of its discipline policy, incorporating feedback from students, staff, parents, and the community. Data on disciplinary actions and their outcomes will be collected and analyzed to ensure continuous improvement and the achievement of policy objectives.

By adopting this balanced approach to discipline, the New Fairfield Public School District aims to create a school environment where all students can learn, grow, and succeed while feeling safe and supported.

A. Definitions

1. **“Exclusion”** shall be defined as any denial of public school privileges to a student for disciplinary purposes.
2. **“Removal”** shall be defined as an exclusion from a classroom for all or a part of single class period, provided such exclusion shall not extend beyond ninety (90) minutes.
3. **“In-School Suspension”** means an exclusion from regular classroom activity for no more than five consecutive days, but not exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed. Such suspensions shall be served in any school building under the jurisdiction of the Board of Education.
4. **“Suspension”** means an exclusion from school privileges or from transportation services, provided such exclusion shall not extend beyond the end of the school year in which suspension was imposed. An out-of-school suspension for students in grades 3-12 shall not exceed ten days. An out-of-school suspension imposed for children in preschool to second grade shall not exceed five days.

All suspensions shall be in-school unless the administration determines for any student in grades three through twelve that (1) the student being suspended poses such a danger to persons or property or such a disruption of the educational process that the student (grades three to twelve) shall be excluded from school during the period of the suspension, or (2) that an out-of-school suspension is appropriate based on evidence of previous disciplinary issues that have led to suspensions or expulsion of the student and efforts by the administration to address such disciplinary issues through means other than out-of-school suspension or expulsion, including positive support strategies.

Students

Suspension and Expulsion/Due Process

A. Definitions (continued)

4. Suspension (continued)

A student in grades preschool to two, inclusive, may be given an out-of-school suspension if it is determined by the administration that such suspension is appropriate based on evidence that the student's conduct on school grounds is of a violent or sexual nature that endangers persons. In addition, a person's duty as a mandated reporter to report suspected child abuse or neglect is not limited by this provision.

5. **"Expulsion"** shall be defined as an exclusion from school privileges for any student in grades three to twelve, inclusive, for more than ten (10) consecutive school days and shall be deemed to include but not be limited to, exclusion from the school to which such student was assigned at the time such disciplinary action was taken, provided that assignment to a regular classroom program in a different school in the district shall not constitute a suspension or an expulsion. Such period of exclusion may extend to the school year following the school year in which the exclusion was imposed, up to one calendar year. To be expelled, the student's conduct must be found to be both violative of a Board policy and either seriously disruptive of the educational process or endangering persons or property.

Unless an emergency exists, no student shall be expelled without a formal hearing provided whenever such student is a minor, the notice shall also be given to the parents or guardians of the student at least five business days before such hearing, not including the day of such hearing. If an emergency exists, such hearing shall be held as soon after the expulsion as possible. The notice shall include information concerning the parent's or guardian's and the student's legal rights and concerning legal services provided free of charge or at a reduced rate that are available locally and how to access such services. An attorney or other advocate may represent any student subject to expulsion proceedings. The parent or guardian of the student shall have the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation, except that if an emergency exists, such hearing shall be held as soon after the expulsion as possible.

6. **"Emergency"** shall be defined as a situation under which the continued presence of the student in the school imposes such a danger to persons or property or such a disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of such student as possible.
7. **"Days"** is defined as days when school is in session.
8. **"School-sponsored activity"** is defined as any activity sponsored, recognized or authorized by the Board of Education and includes activities conducted on or off school property.
9. **"Possess"** means to have physical possession or otherwise to exercise dominion or control over tangible property.

Students

Suspension and Expulsion/Due Process

A. Definitions (continued)

10. **“Deadly weapon”** means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles. A weapon such as a pellet gun and/or airsoft pistol may constitute a deadly weapon if such weapon is designed for violence and is capable of inflicting death or serious bodily harm.
11. **“Firearm”** as defined in 18 U.S.C. §921, means 1) any weapon (including a starter gun) which will or is designed to or readily be converted to expel a projectile by the action of an explosive; 2) the frame or receiver of any such weapon; 3) any firearm muffler or firearm silencer; or 4) any destructive device. Firearm does not include any antique firearm. For purposes of this definition “destructive device” means any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than 4 ounces, missile having an explosive or incendiary charge of more than ¼ ounce, mine, or device similar to any of the weapons described herein. A “destructive device” does not include an antique firearm; a rifle intended to be used by the owner solely for sporting, recreational, or cultural purposes; or any device which is neither designed nor redesigned for use as a weapon.
12. **“Vehicle”** means a **“motor vehicle”** as defined in Section 14-1 of the Connecticut General Statutes, snow mobile, any aircraft, or any vessel equipped for propulsion by mechanical means or sail.
13. **“Martial arts weapon”** means a nunchakum kama, kasari-fundo, octagon sai, tonfa or chinese star.
14. **“Dangerous Drugs and Narcotics”** is defined as any controlled drug in accordance with Connecticut General Statutes §219-240.
15. **“Alternate education”** means a school or program maintained and operated by the Board of Education that is offered to students in a nontraditional setting and addresses their social, emotional, behavioral and academic needs. Such program must conform to SBE guidelines and conform to C.G.S. 10-15 and 16 (180 days/900 hours).
16. **“Dangerous Instrument”** means any instrument, article, or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury, and includes a “vehicle” or a dog that has been commanded to attack.
17. **“Seriously disruptive of the educational process”** means, as applied to off-campus conduct, any conduct that markedly interrupts or severely impedes the day-to-day operation of a school.

Students

Suspension and Expulsion/Due Process (continued)

B. Removal from Class

1. All teachers are hereby authorized to remove a student from class when such student causes a serious disruption of the educational process within the classroom.
2. Such teacher shall send the student to a designated area and shall immediately inform the building Principal or his/her designee as to the name of the student and the reason for removal.
3. No student shall be removed from class more than six (6) times in any year nor more than twice in one week, unless such student is referred to the Building Principal or his/her designee and granted an informal hearing in accordance with the provisions of this policy, as stated in G(3).
4. A school principal or other school administrator shall notify a parent or guardian of a student whose behavior has caused a serious disruption to the instruction of other students, caused self-harm or caused physical harm to a teacher, another student or other school employee not later than twenty-four hours after such behavior occurs. Such notice shall include, but not be limited to, informing such parent or guardian that the teacher of record in the classroom in which such behavior occurred may request a behavior intervention meeting.

Any teacher of record in a classroom may request a behavior intervention meeting with the crisis intervention team for the school, for any student whose behavior has caused a serious disruption to the instruction of other students, or caused self-harm or physical harm to such teacher or another student or staff member in such teacher's classroom. The crisis intervention team shall, upon the request of such teacher and notifying such student's parent or guardian, convene a behavior intervention meeting regarding such student. The participants of such behavior intervention meeting shall identify resources and support to address such student's social, emotional and instructional needs. Not later than seven days after the behavior intervention meeting, the crisis intervention team shall submit to the parent or guardian of such student, in the dominant language of such parent or guardian, a written summary of such meeting, including, but not limited to, the resources and supports identified.

C. Exclusion from Co-Curricular and Extra-Curricular Activities

Participation in co-curricular and extra-curricular activities is a privilege and not an entitlement. Students involved in such programs are expected to follow all school rules and demonstrate good citizenship. Failure to do so may result in partial or complete exclusion from said activities and programs. Activities include, but are not limited to, athletic programs, musical or drama productions, clubs, field trips, and school trips out-of-state and abroad.

Students

Suspension and Expulsion/Due Process

D. Actions Leading to Disciplinary Action, including Removal from Class, Suspension and/or Expulsion

Conduct which may lead to disciplinary action (including, but not limited to, removal from class, suspension and/or expulsion in accordance with this policy) includes conduct on school grounds or at a school-sponsored activity (including on a school bus), and conduct off school grounds, as set forth above. Such conduct includes, but is not limited to, the following:

1. Striking or assaulting a student, members of the school staff or other persons.
2. Theft.
3. The use of obscene or profane language or gestures, the possession and/or display of obscenity or pornographic images or the unauthorized or inappropriate possession and/or display of images, pictures or photographs depicting nudity.
4. Violation of smoking, dress, transportation regulations, or other regulations and/or policies governing student conduct.
5. Refusal to obey a member of the school staff, law enforcement authorities, or school volunteers, or disruptive classroom behavior.
6. Any act of harassment based on an individual's sex, sexual orientation, race, color, religion, disability, national origin or ancestry.
7. Refusal by a student to identify himself/herself to a staff member when asked, misidentification of oneself to such person(s), lying to school officials or otherwise engaging in dishonest behavior.
8. Inappropriate displays of public affection of a sexual nature and/or sexual activity on school grounds or at a school-sponsored activity.
9. A walk-out from or sit-in within a classroom or school building or school grounds.
10. Blackmailing, threatening or intimidating school staff or students (or acting in a manner that could be construed to constitute blackmail, a threat, or intimidation, regardless of whether intended as a joke).
11. Possession of any weapon, weapon facsimile, deadly weapon, martial arts weapon, electronic defense weapon, pistol, knife, blackjack, bludgeon, box cutter, metal knuckles, pellet gun, air pistol, explosive device, firearm, whether loaded or unloaded, whether functional or not, or any other dangerous object or instrument. The possession and/or use of any object or device that has been converted or modified for use as a weapon.
12. Possession of any ammunition for any weapon described above in paragraph 11.
13. Unauthorized entrance into any school facility or portion of a school facility or aiding or abetting an unauthorized entrance.
14. Possession or ignition of any fireworks, combustible or other explosive materials, or ignition of any material causing a fire. Possession of any materials designed to be used in the ignition of combustible materials, including matches and lighters.

Students

Suspension and Expulsion/Due Process

D. Actions Leading to Disciplinary Action, including Removal from Class, Suspension and/or Expulsion (continued)

15. Unlawful possession, sale, distribution, use, or consumption of tobacco, electronic nicotine delivery systems (e.g. e-cigarettes), vapor products, drugs, narcotics or alcoholic beverages (or any facsimile of tobacco, drugs, narcotics or alcoholic beverages), including being under the influence of any such substances or aiding in the procurement of any such substances. For the purposes of this Paragraph 15, the term “electronic nicotine delivery system” shall mean an electronic device that may be used to simulate smoking in the delivery of nicotine or other substance to a person inhaling from the device and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device. For the purposes of Paragraph 15, the term “vapor product” shall mean any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may or may not include nicotine that is inhaled by the user of such product. For the purposes of this Paragraph 15, the term “drugs” shall include, but shall not be limited to, any medicinal preparation (prescription and non-prescription) and any controlled substance whose possession, sale, distribution, use or consumption is illegal under state and/or federal law.
16. Sale, distribution, or consumption of substances contained in household items; including, but not limited to glue, paint, accelerants/propellants for aerosol canisters, and/or items such as the aerators for whipped cream; if sold, distributed or consumed for the purpose of inducing a stimulant, depressant, hallucinogenic or mind-altering effect.
17. Unlawful possession of paraphernalia used or designed to be used in the consumption, sale or distribution of drugs, alcohol or tobacco, as described in subparagraph (15) above. For purposes of this policy, drug paraphernalia includes any equipment, products and materials of any kind which are used, intended for use or designed for use in growing, harvesting, manufacturing, producing, preparing, packaging, storing, containing or concealing, or injecting, ingesting, inhaling or otherwise introducing controlled drugs or controlled substances into the human body, including but not limited to items such as “bongs,” pipes, “roach clips,” vials, tobacco rolling papers, and any object or container used, intended or designed for use in storing, concealing, possessing, distributing or selling controlled drugs or controlled substances.
18. The destruction of real, personal or school property, such as, cutting, defacing or otherwise damaging property in any way.
19. Accumulation of offenses such as school and class tardiness, class or study hall cutting, or failure to attend detention.

Students

Suspension and Expulsion/Due Process

D. Actions Leading to Disciplinary Action, including Removal from Class, Suspension and/or Expulsion (continued)

20. Trespassing on school grounds while on out-of-school suspension or expulsion.
21. Making false bomb threats or other threats to the safety of students, staff members, and/or other persons.
22. Defiance of school rules and the valid authority of teachers, supervisors, administrators, other staff members and/or law enforcement authorities.
23. Throwing snowballs, rocks, sticks and/or similar objects, except as specifically authorized by school staff.
24. Unauthorized and/or reckless and/or improper operation of a motor vehicle on school grounds or at any school-sponsored activity.
25. Leaving school grounds, school transportation or a school-sponsored activity without authorization.
26. Use of or copying of the academic work of another individual and presenting it as the student's own work, without proper attribution; or any other form of academic dishonesty, cheating or plagiarism.
27. Possession and/or use of a cellular telephone, radio, walkman, CD player, blackberry, personal data assistant, walkie talkie, Smartphone, mobile or handheld device, or similar electronic device, on school grounds or at a school-sponsored activity in violation of Board policy and/or administrative regulations regulating the use of such devices.
28. Possession and/or use of a beeper or paging device on school grounds or at a school-sponsored activity without the written permission of the principal or his/her designee.
29. Unauthorized use of any school computer, computer system, computer software, Internet connection or similar school property or system, or the use of such property or system for inappropriate purposes.
30. Possession and/or use of a laser pointer, unless the student possesses the laser pointer temporarily for an educational purpose while under the direct supervision of a responsible adult.
31. Hazing.

Students

Suspension and Expulsion/Due Process

D. Actions Leading to Disciplinary Action, including Removal from Class, Suspension and/or Expulsion (continued)

32. Bullying, defined as the repeated use by one or more students of a written, oral or electronic communication, such as cyberbullying directed at another student attending school in the same district, or a physical act or gesture by one or more students repeatedly directed at another student attending school in the same school district, which:
- a) causes physical or emotional harm to such student or damage to such student's property;
 - b) places such student in reasonable fear of harm to himself or herself, or of damage to his or her property;
 - c) creates a hostile environment at school for such student;
 - d) infringes on the rights of such student at school; or
 - e) substantially disrupts the education process or the orderly operation of a school.

Bullying includes, but is not limited to, repeated written, oral or electronic communications or physical acts or gestures based on any actual or perceived differentiating characteristics, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socioeconomic status, academic status, physical appearance, or mental, physical, developmental or sensory disability, or by association with an individual or group who has or is perceived to have one or more of such characteristics.

33. Cyberbullying, defined as any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices or any electronic communications.
34. Acting in any manner that creates a health and/or safety hazard for staff members, students, or the public, regardless of whether the conduct is intended as a joke.
35. Engaging in a plan to stage or create a violent situation for the purposes of recording it by electronic means; or recording by electronic means acts of violence for purposes of later publication.
36. Engaging in a plan to stage sexual activity for the purposes of recording it by electronic means; or recording by electronic means sexual acts for purposes of later publication.
37. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.
38. Use of a privately owned electronic or technological device in violation of school rules, including the unauthorized recording (photographic or audio) of another individual without permission of the individual or a school staff member.

Students

Suspension and Expulsion/Due Process (continued)

E. Scope of the Student Discipline Policy

a. Conduct on School Grounds or at a School-Sponsored Activity

Students may be disciplined for conduct on school grounds or at any school-sponsored activity that endangers persons or property, is seriously disruptive of the educational process, or that violates a publicized policy of the Board.

b. Conduct off School Grounds

1. Students may be disciplined for conduct off school grounds if such conduct is seriously disruptive of the educational process and violative of a publicized policy of the Board. In making a determination as to whether such conduct is seriously disruptive of the educational process, the Administration and the Board of Education may consider, but such consideration shall not be limited to, the following factors: (1) whether the incident occurred within close proximity of a school; (2) whether other students from the school were involved or whether there was any gang involvement; (3) whether the conduct involved violence, threats of violence, or the unlawful use of a weapon, as defined in section Conn. Gen. Stat. § 29-38, and whether any injuries occurred; and (4) whether the conduct involved the use of alcohol.

In making a determination as to whether such conduct is seriously disruptive of the educational process, the Administration and/or the Board of Education may also consider whether such off-campus conduct involved the illegal use of drugs.

F. Mandatory Expulsion

It shall be the policy of the Board to expel a student, grades preschool, and kindergarten to twelve, inclusive, for one full calendar year if:

1. The student, on grounds or at a school-sponsored activity, was in possession of a firearm, as defined in 18 U.S.C. 921*, as amended from time to time, or deadly weapon, dangerous instrument or martial arts weapon, as defined in C.G.S. 53A-3; or the student, off school grounds, did possess such firearm in violation of C.G.S. 29-35 or did possess and use such a firearm, instrument or weapon in the commission of a crime; or the student, on or off school grounds offered for sale or distribution a controlled substance, as defined in subdivision (9) of C.G.S. 21a-240, whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under C.G.S. 21-277 and 21a-278.
2. Such a student shall be expelled for one calendar year if the Board of Education or impartial hearing officer finds that the student did so possess or so possess and use, as appropriate, such a weapon or firearm, instrument or weapon or did so offer for sale or distribution such a controlled substance.
3. The Board may modify the period of a mandatory expulsion on a case-by-case basis.

Students

Suspension and Expulsion/Due Process

F. Mandatory Expulsion (continued)

4. A firearm, as defined by C.G.S. 53a-3 includes any sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver, or other weapon, whether loaded or unloaded from which a shot may be discharged, or a switchblade knife, a gravity knife, billy, black jack, bludgeon or metal knuckles.
5. A student enrolled in a preschool program provided by the Board of Education, state or local charter school or interdistrict magnet school shall not be expelled from such school except that a student shall be expelled for one calendar year from such preschool program pursuant to the mandatory expulsion requirement in compliance with the Gun-Free School Act, as described in this section.

G. Suspension Procedure (as modified in Public Act 24-45, Sections 13 and 14)

1. ~~The administration of each school shall have the authority to invoke suspension for a period of up to ten days or to invoke in-school suspension for a period of up to ten school days of any student for one or more of the reasons stated in paragraph D, above, in accordance with the procedure outlined in this paragraph. Suspensions shall be in-school suspensions unless the administration determines that the student being suspended poses such a danger to persons or property or such a disruption of the educational process that the student shall be excluded from school during the period of suspension. The administration may also consider a student's previous disciplinary problems when deciding whether an out-of-school suspension is warranted, as long as the school previously attempted to address the problems by means other than an out-of-school suspension or an expulsion.~~

~~The administration is expected to use the guidelines developed and promulgated by the Commissioner of Education to help determine whether a student should receive an in-school or out-of-school suspension.~~

All suspensions shall be in-school suspensions, except the Board of Education may authorize the administration of schools under its direction to impose an out-of-school suspension on any student in:

1. Grades three to twelve, inclusive, if, resulting from a due process hearing:
 - a. The administration determines that the student being suspended poses such a danger to persons or property or such a disruption of the educational process that the student shall be excluded from school during the period of suspension;
 - b. The administration determines that an out-of-school suspension is appropriate for such student based on evidence of:

**A firearm; currently defined by 18 U.S.C. 921, is any weapon that can expel a projectile by an explosive action and includes explosive devices, incendiaries, poison gases, and firearm frames, receivers, mufflers or silencers.*

Students

Suspension and Expulsion/Due Process

G. Suspension Procedure (as modified in Public Act 24-45, Sections 13 and 14 (continued))

- i. Previous disciplinary problems that have led to suspensions or expulsion of such student, and
 - ii. Efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies; **or for grades preschool to two if during the due process hearing:**
2. The administration determines that an out-of-school suspension is appropriate for such student based on evidence that such student's conduct on school grounds is behavior that causes physical harm;
3. Requires that such student receives services that are trauma-informed and developmentally appropriate and align with any behavioral intervention plan, individualized education program, or plan pursuant to Section 504 of the Rehabilitation Act of 1973, as amended from time to time, for such student upon such student's return to school immediately following the out-of-school suspension; and
4. Considers whether to convene a planning and placement team meeting for the purposes of conducting an evaluation to determine whether such student may require special education or related services.

An out-of-school suspension shall not exceed ten school days for students in grades 3-12.

An out-of-school suspension shall not exceed five school days for children in preschool through 2 grade.

An in-school suspension may be served in the student's school or any school building under the jurisdiction of the local or regional board of education, as determined by such board.

The administration shall also have the authority to suspend a student from transportation services whose conduct while awaiting or receiving transportation violates the standards set forth in paragraph D, above. The administration shall have the authority to immediately suspend from school any student when an emergency exists as that term is defined in paragraph A, above.

If an emergency situation exists, the hearing outlined in paragraph G (3) shall be held as soon as possible after the exclusion of the student.

5. In the case of suspension, the administration shall notify the student's parents and the Superintendent of Schools not later than twenty-four (24) hours of the suspension as to the name of the student who has been suspended and the reason therefore. Any student who is suspended shall be given an opportunity to complete any class work including, but not limited to, examinations which such student missed during the period of his/her suspension.

Students

Suspension and Expulsion/Due Process (continued)

G. Suspension Procedure (as modified in Public Act 24-45, Sections 13 and 14 (continued))

6. Except in the case of an emergency, as defined in paragraph A, above, a student shall be afforded the opportunity to meet with the administration and to respond to the stated charges prior to the effectuation of any period of suspension or in-school suspension. If, at such a meeting the student denies the stated charges, he/she may at that time present his/her version of the incident(s) upon which the proposed suspension is based. The administration shall then determine whether or not suspension or in-school suspension is warranted. In determining the length of a suspension period, the administration may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, in-school suspension, or expulsion.
7. For any student who is suspended for the first time and who has never been expelled, the school administration may shorten the length of or waive the suspension period if the student successfully completes an administration-specified program and meets any other administration-required conditions. Such program shall be at no expense to the student or his/her parents/guardians.
8. No student shall be suspended more than ten times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion, unless a hearing as provided in paragraph H(5) is first granted.
9. No student shall be placed on in-school suspension more than fifteen times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion, unless a hearing as provided in paragraph H(5) is first granted.

H. Expulsion Procedures

1. The Board of Education may, upon recommendation of the Superintendent of Schools, expel any student for one or more of the reasons stated in this policy if in the judgment of the Board of Education, such disciplinary action is in the best interest of the school system.
2. Upon receipt of a recommendation for expulsion from the Superintendent of Schools the Board shall, after giving written notice, at least five (5) business days before such hearing, to the student and his parents or guardian, if said student is less than 18 years of age, conduct a hearing prior to taking any action on the expulsion of said student, provided however, that in the event of an emergency as defined in this policy, the student may be expelled prior to the hearing but in such case even a hearing shall be held as soon after the expulsion as possible. The notice shall include information concerning the student's and his/her parent's/guardian's legal rights and concerning legal services that are provided free of charge or at a reduced rate that are available locally (CT Legal Service a source of such services) and how to access such services. An attorney or other advocate may represent any student subject to expulsion proceedings. The parent/guardian of the student has the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation, except that if an emergency exists, such hearing shall be held as soon after the expulsion as possible.

Students

Suspension and Expulsion/Due Process

H. Expulsion Procedures (continued)

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

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

4. A special education student's handicapping conditions shall be considered before making a decision to expel. A Planning and Placement Team (PPT) meeting must be held to determine whether the behavior or student actions violative of Board of Education standards set forth in policy governing suspension and expulsion are the result of the student's handicapping condition.
5. The procedure for any hearing conducted under this paragraph shall at least include the right to:
 - a. Notice prior to the date of the proposed hearing which shall include a statement of the time, place and nature of the hearing and a statement of the legal jurisdiction under which the hearing is to be held and a statement that students under sixteen years old who are expelled and students between sixteen and eighteen who have been expelled for the first time and who comply with conditions set by the Board of Education, must be offered an alternative educational opportunity;
 - b. A short and plain statement of the matters asserted, if such matters have not already been provided in a statement of reasons requested by the student;
 - c. The opportunity to be heard in the student's own defense;
 - d. The opportunity to present witnesses and evidence in the student's defense;
 - e. The opportunity to cross-examine adverse witnesses;
 - f. The opportunity to be represented by counsel at the parents'/student's own expense; and
 - g. Information concerning legal services provided free of charge or at a reduced rate that are available locally and how to access such services;
 - h. The opportunity to have the services of a translator, to be provided by the Board of Education whenever the student or his/her parent or legal guardian do not speak the English language;
 - i. The prompt notification of the decision of the Board of Education, which decision shall be in writing if adverse to the student concerned.

Students

Suspension and Expulsion/Due Process

H. Expulsion Procedures (continued)

6. The record of the hearing held in any expulsion case shall include the following:
 - a. All evidence received and considered by the Board of Education;
 - b. Questions and offers of proof, objections and ruling on such objections;
 - c. The decision of the Board of Education rendered after such hearing; and
 - d. A copy of the initial letter of notice of proposed expulsion, a copy of any statement of reasons provided upon request, a statement of the notice of hearing and the official transcript, if any or if not transcribed, any recording or stenographic record of the hearing.
7. Rules of evidence at expulsion hearings shall assure fairness, but shall not be controlled by the formal rules of evidence, and shall include the following:
 - a. Any oral or documentary evidence may be received by the Board of Education but, as a matter of policy, irrelevant, immaterial or unduly repetitious evidence may be excluded. In addition, other evidence of past disciplinary problems which have led to removal from a classroom, in-school suspension, suspension, or expulsion may be received for considering the length of an expulsion and the nature of the alternative educational opportunity, if any, to be offered;
 - b. The Board of Education shall give effect to the rules of privilege by law;
 - c. In order to expedite a hearing, evidence may be received in written form, provided the interest of any party is not substantially prejudiced thereby;
 - d. Documentary evidence may be received in the form of copies or excerpts;
 - e. A party to an expulsion hearing may conduct cross-examination of witnesses where examination is required for a full and accurate disclosure of the facts;
 - f. The Board of Education may take notice of judicially cognizable facts in addition to facts within the Board's specialized knowledge provided, however, the parties shall be notified either before or during the hearing of the material noticed, including any staff memoranda or data, and an opportunity shall be afforded to any party to contest the material so noticed;
 - g. A stenographic record or tape-recording of any oral proceedings before the Board of Education at an expulsion hearing shall be made provided, however, that a transcript of such proceedings shall be furnished upon request of a party with the cost of such transcript to be paid by the requesting party. Findings of fact made by the Board after an expulsion hearing shall be based exclusively upon the evidence adduced at the hearing.

Students

Suspension and Expulsion/Due Process

H. Expulsion Procedures (continued)

- h. Decisions shall be in writing if adverse to the student, and shall include findings of fact and conclusions necessary for the decision. Findings of fact made by the Board after an expulsion hearing shall be based exclusively upon the evidence adduced at the hearing.
8. For any student expelled for the first time and who has never been suspended, except for a student who has been expelled based on possession of a firearm or deadly weapon, the Board of Education may shorten the length of or waive the expulsion period if the student successfully completes a Board specified program and meets any other conditions required by the Board. Such a Board specified program shall not require the student or the parent/guardian of such student to pay for participation in the program.

I. Notification

1. All students and parents within the jurisdiction of the Board of Education shall be informed, annually, of Board Policy governing student conduct by the delivery to each said student of a written copy of said Board Policy.
2. The parents or guardian of any minor student either expelled or suspended shall be given notice of such disciplinary action no later than 24 hours of the time of the institution of the period of expulsion or suspension.
3. The notice of an expulsion hearing shall be given at least five (5) business days before such hearing to the student and his/her parents or guardians, if said student is less than 18 years of age shall include information concerning the parent's/guardian's and the student's legal rights and concerning legal services that are provided free of charge or at a reduced rate that are available and how to access such services. The notification shall **reference the maximum number of suspension days before the expulsion days proceed. (5 consecutive days for students in pre-school to second grade, 10 consecutive days for students in grades 3-12)**, a statement that an attorney or other advocate may represent any student subject to expulsion proceedings. The parent/guardian of the student shall be notified of the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation, except that if an emergency exists, such hearing shall be held as soon after the expulsion as possible.

J. Stipulated Agreements

In lieu of the procedures used in this section, the Administration and the parents (or legal guardians) of a student facing expulsion may choose to enter into a Joint Stipulation of the Facts and a Joint Recommendation to the Board concerning the length and conditions of expulsion. Such Joint Stipulation and Recommendation shall include language indicating that the parents (or legal guardians) understand their right to have an expulsion hearing held pursuant to these procedures, and language indicating that the Board, in its discretion, has the right to accept or reject the Joint Stipulation of Facts and Recommendation.

Students

Suspension and Expulsion/Due Process

J. Stipulated Agreements (continued)

If the Board rejects either the Joint Stipulation of Facts or the Recommendation, an expulsion hearing shall be held pursuant to the procedures outlined herein. If the Student is eighteen years of age or older, the student shall have the authority to enter into a Joint Stipulation and Recommendation on his or her own behalf.

If the parties agree on the facts, but not on the disciplinary recommendation, the Administration and the parents (or legal guardians) of a student facing expulsion may also choose to enter into a Joint Stipulation of the Facts and submit only the Stipulation of the Facts to the Board in lieu of holding the first part of the hearing, as described above. Such Joint Stipulation shall include language indicating that the parents understand their right to have a hearing to determine whether the student engaged in the alleged misconduct and that the Board, in its discretion, has the right to accept or reject the Joint Stipulation of Facts. If the Board rejects the Joint Stipulation of Facts, a full expulsion hearing shall be held pursuant to the procedures outlined herein.

K. Students identified as eligible for services under the Individuals with Disabilities Education Act (“IDEA”)

If the Board of Education expels a student who has been identified as eligible for services under the Individuals with Disabilities Education Act (“IDEA”), it shall off an alternative educational opportunity to such student in accordance with the requirements of IDEA, as it may be amended from time to time.

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

A. Suspension of IDEA students

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

1. The administration shall make reasonable attempts to immediately notify the parents of the student of the decision to suspend on the date on which the decision to suspend was made, and a copy of the special education procedural safeguards must either be hand-delivered or sent by mail to the parents on the date that the decision to suspend was made.
2. During the period of suspension, the school district is not required to provide any educational services to the IDEA student beyond that which is provided to all students suspended by the school district.

Students

Suspension and Expulsion/Due Process

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

B. **Expulsion and Suspensions that Constitute Changes in Placement for IDEA Students**

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

1. The parents of the student must be notified of the decision to recommend for expulsion (or to suspend if a change in placement) on the date on which the decision to suspend was made, and a copy of the special education procedural safeguards must either be hand-delivered or sent by mail to the parents on the date that the decision to recommend for expulsion (or to suspend if a change in placement) was made.
2. The school district shall immediately convene the student’s planning and placement team (“PPT”), but in no case later than ten (10) school days after the recommendation for expulsion or the suspension that constitutes a change in placement was made.

The student’s PPT shall consider the relationship between the student’s disability and the behavior that led to the recommendation for expulsion or the suspension which constitutes a change in placement, in order to determine whether the student’s behavior was a manifestation of his/her disability.
3. If the student’s PPT finds that the behavior was a manifestation of the student’s disability, the Administration shall not proceed with the recommendation for expulsion or the suspension that constitutes a change in placement.
4. If the student’s PPT finds that the behavior was not a manifestation of the student’s disability, the Administration may proceed with the recommended expulsion or suspension that constitutes a change in placement.
5. During any period of expulsion, or suspension of greater than ten (10) days per school year, the Administration shall provide the student with an alternative education program in accordance with the provisions of the IDEA.
6. When determining whether to recommend an expulsion or a suspension that constitutes a change in placement, the building administrator (or his or her designee) should consider the nature of the misconduct and any relevant educational records of the student.

Students

Suspension and Expulsion/Due Process

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

C. Transfer of IDEA Students for Certain Offenses:

School personnel may transfer an IDEA student to an appropriate interim alternative educational setting for not more than forty-five (45) school days if the student:

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

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

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

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

- A. Except as provided in subsection B below, notwithstanding any provision to the contrary, if the Administration recommends for expulsion a student identified as eligible for educational accommodations under Section 504 who has violated any rule or code of conduct of the school district that applies to all students, the following procedures shall apply:
 1. The parents of the student must be notified of the decision to recommend the student for expulsion.

Students

Suspension and Expulsion/Due Process

M. Procedures Governing Expulsions for Students Identified as Eligible under Section 504 of the Rehabilitation Act of 1973 (“Section 504”) (continued)

2. The district shall immediately convene the student’s Section 504 team (“504 team”) for the purpose of reviewing the relationship between the student’s disability and the behavior that led to the recommendation for expulsion. The 504 team will determine whether the student’s behavior was a manifestation of his/her disability.
 3. If the 504 team finds that the behavior was a manifestation of the student’s disability, the Administration shall not proceed with the recommended expulsion.
 4. If the 504 team finds that the behavior was not a manifestation of the student’s disability, the Administration may proceed with the recommended expulsion.
- B. The Board may take disciplinary action for violations pertaining to the use or possession of illegal drugs or alcohol against any student with a disability who currently is engaging in the illegal use of drugs or alcohol to the same extent that such disciplinary action is taken against nondisabled students. Thus, when a student with a disability is recommended for expulsion based solely on the illegal use or possession of drugs or alcohol, the 504 team shall not be required to meet to review the relationship between the student’s disability and the behavior that led to the recommendation for expulsion.

N. Procedures Governing Expulsions for Students Committed to a Juvenile Detention Center

- A. Any student who commits an expellable offense and is subsequently committed to a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement for such offense may be expelled by the Board in accordance with the provisions of this section. The period of expulsion shall run concurrently with the period of commitment to a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement.
- B. If a student who committed an expellable offense seeks to return to a school district after participating in a diversionary program or having been detained in a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement and such student has not been expelled by the board of education for such offense under subdivision (A) of this subsection, the Board shall allow such student to return and may not expel the student for additional time for such offense.

O. Alternative Educational Opportunity

The Board of Education recognizes its obligation to offer any student under the age of sixteen (16) who is expelled, an alternative educational opportunity which shall be equivalent to alternative education, as defined, by C.G.S. 10-74j with an individualized learning plan, (1) if the Board provides such alternative education, or (2) in accordance with the standards adopted by the State Board of Education (by 8/15/17), which includes the kind of instruction to be provided and the number of hours to be provided, during the period of expulsion.

Students

Suspension and Expulsion/Due Process

O. Alternative Educational Opportunity (continued)

Any parent or guardian of such student who does not choose to have his or her child enrolled in an alternative educational opportunity shall not be subject to the provision of Section 10-184 of the Connecticut General Statutes. Any expelled student who is between the ages of sixteen (16) and eighteen (18) not previously expelled and who wishes to continue his or her education shall be offered such an alternative educational opportunity if he or she complies with conditions established by the Board of Education. other than the one from which the student has been excluded.

Such alternative educational opportunity may include, but shall not be limited to, the assignment of a student (who is seventeen (17) years of age or older) to any such adult education program or placement of such student in a regular classroom program of a school

Any student participating in an adult education program during a period of expulsion shall not be required to withdraw from school under C.G.S. 10-184. In determining the nature of the alternative education opportunity to be offered under this Section, the Board of Education may receive and consider evidence of past disciplinary issues which have led to removal from a classroom, suspension, or expulsion.

The Board of Education is not obligated to provide such alternative educational opportunity to any student eighteen years of age or older. The Board of Education is also required to offer such alternative educational opportunity, as defined, to any student between the ages of sixteen and eighteen who is expelled because of conduct which endangers persons, and involved the following, on school grounds or at a school-sponsored event:

1. Possession of a firearm, deadly weapon, dangerous instrument or martial arts weapon, or
2. Offering an illegal drug for sale or distribution.

If the Board expels a student for the sale or distribution of a controlled substance, the Board shall refer the student to an appropriate state or local agency for rehabilitation, intervention or job training, or any combination thereof, and inform the agency of its action. If a student is expelled for possession of a firearm, deadly weapon, dangerous instruments (those that can be used to cause death or serious injury) or martial arts weapons the Board shall report the violation to the local police department.

This provision shall not apply to students requiring special education who are described in subdivision (1) of sub-section (e) of C.G.S. 10-76a. The alternative educational opportunity for any such student shall be established by the IEP team (PPT) in accordance with the procedures described above.

P. Other Considerations

1. If a student is expelled, notice of the expulsion and the conduct for which the student was expelled shall be included on the student's cumulative educational record. Such notice, except for the notice of an expulsion of a student in grades nine through twelve, inclusive, based on possession of a firearm or deadly weapon, shall be expunged from the cumulative educational record by the Board if the Board determines that the student's conduct and behavior in the years following such expulsion warrants an expungement or if the student graduates from high school.

Students

Suspension and Expulsion/Due Process

P. Other Considerations (continued)

2. If a student's expulsion is shortened or the expulsion period waived based upon the fact that the student was expelled for the first time, had never been suspended, and successfully completed a Board specified program and/or met other conditions required by the Board, the notice of expulsion shall be expunged from the cumulative educational record if the student graduates from high school or, if the Board so chooses, at the time the student completes the Board specified program and meets any other conditions required by the Board.
3. If a student in grades preschool to eight, is expelled based on possession of a firearm or deadly weapon, the Board may expunge from the students' cumulative education record the notice of the expulsion and the conduct for which the student was expelled if the Board determines that the conduct and behavior of the student in the years following such expulsion warrants an expungement.
4. The Board may adopt the decision of a student expulsion hearing conducted by another school district provided such Board of Education held a hearing pursuant to C.G.S.10-233d(a). Adoption of such a decision shall be limited to a determination of whether the conduct which was the basis for the expulsion would also warrant expulsion under the policies of this Board. The student shall be excluded from school pending such hearing. The excluded student shall be offered an alternative education opportunity in accordance with item K above.
5. Whenever a student against whom an expulsion hearing is pending withdraws from school and after notification of such hearing but before the hearing is completed and a decision rendered, (1) notice of the pending expulsion hearing shall be included on the student's cumulative educational record and (2) the Board shall complete the expulsion hearing and render a decision.
6. A student expelled for possession of a firearm, deadly weapon, dangerous instrument or martial arts weapon shall have the violation reported to the local police department.
7. The period of expulsion shall not extend beyond a period of one calendar year. A period of exclusion may extend into the next school year.
8. An expelled student may apply for early readmission to school. Such readmission shall be at the discretion of the Board of Education/Superintendent of Schools (choose which). Readmission decisions shall not be subject to appeal to Superior Court. The Board or Superintendent, as appropriate, may condition such readmission on specified criteria.
9. Any student who commits an expellable offense and is subsequently committed to a juvenile detention center, The Connecticut Juvenile Training School or any other residential placement for such offense may be expelled by the local Board of Education. The period of expulsion shall run concurrently with the period of commitment to a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement.

Students

Suspension and Expulsion/Due Process (continued)

Q. Change of Residence During Expulsion Proceedings (continued)

A. Student moving into the school district

1. If a student enrolls in the district while an expulsion hearing is pending in another district, such student shall not be excluded from school pending completion of the expulsion hearing unless an emergency exists, as defined above. The Board shall retain the authority to suspend the student or to conduct its own expulsion hearing.
2. Where a student enrolls in the district during the period of expulsion from another public school district, the Board may adopt the decision of the student expulsion hearing conducted by such other school district. The student shall be excluded from school pending such hearing. The excluded student shall be offered an alternative educational opportunity in accordance with statutory requirements. The Board shall make its determination based upon a hearing held by the Board, which hearing shall be limited to a determination of whether the conduct which was the basis of the previous public school district's expulsion would also warrant expulsion by the Board.

B. Student moving out of the school district:

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

R. Compliance with Documentation and Reporting Requirements

- A. The Board of Education shall include on all disciplinary reports the individual student's state-assigned student identifier (SASID).
- B. The Board of Education shall report all suspensions and expulsions to the State Department of Education.
- C. If the Board of Education expels a student for sale or distribution of a controlled substance, the Board shall refer such student to an appropriate state or local agency for rehabilitation, intervention or job training and inform the agency of its action.
- D. If the Board of Education expels a student for possession of a deadly weapon or firearm, as defined in Conn. Gen. Stat. §53a-3, the violation shall be reported to the local police.

Students

Suspension and Expulsion/Due Process (continued)

Readmission of Student from a Residential Placement

A District student who has committed an expellable offense who seeks to return to a District school, after participating in a diversionary program or having been detained in a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement, for one year or more, in lieu of expulsion from the District, shall be permitted to return to the appropriate school setting within the District. Further, the District shall not expel the student for any additional time for the offense(s).

Students and parents shall be notified of this policy annually.

Legal Reference: Connecticut General Statutes
4-176e through 4-180a. Contested Cases. Notice. Record, as amended
10-74j Alternative education (PA 15-133)
10-222d Safe school climate plans. Definitions. Safe school climate assessments.
10-233a through 10-233f Suspension, removal and expulsion of students, as amended by PA 95-304, PA 96-244, PA 98-139, PA 07-66, PA 07-122, PA 08-160, PA 09-82, PA 09-6 (September Special Session), PA 10-111, PA 11-126, PA 14-229, PA 15-96, PA 16-147 and PA 17-220, and PA 19-91.
10-233l Expulsion and suspension of children in preschool programs
19a-342a Use of electronic nicotine delivery system or vapor product prohibited.
29-38 Weapons in vehicles
53a-3 Definitions.
53a-217b Possession of Firearms and Deadly Weapons on School Grounds.
53-344b Sale and delivery of electronic nicotine delivery system or vapor products to minors.
53-206 Carrying of dangerous weapons prohibited.
PA 15-96 An Act Prohibiting Out-of-School Suspensions and Expulsions for Students in Preschool and Grades Kindergarten to Two.
GOALS 2000: Educate America Act, Pub. L. 103-227.
Title III - Amendments to the Individuals with Disabilities Education Act. Sec. 314 (Local Control Over Violence)

Students

Suspension and Expulsion/Due Process (continued)

Legal Reference: (continued)

Elementary and Secondary Act of 1965 as amended by the Gun Free Schools Act of 1994

P.L. 105-17 The Individuals with Disabilities Act, Amendments of 1997.

Kyle P. Packer PPA Jane Packer v. Thomaston Board of Education.

P.L. 108-446 The Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C. 1400 et seq.

18 U.S.C. §921 – Definitions of “firearms”

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

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

21 U.S.C. §812(c) – Identifying “controlled substances”

Public Act 24-45 An Act Concerning Education Mandate Relief, School Discipline and Disconnected Youth, Sections 13-14

Public Act 24-93 An Act Concerning Various and Assorted Revisions to the Education Statutes, Section 11 and Section 12

Policy adopted: May 2, 2002
Policy amended: September 19, 2002
Policy amended: October 6, 2005
Policy amended: December 20, 2007
Policy amended: September 18, 2008
Policy amended: December 17, 2009
Policy amended: August 19, 2010
Policy amended: November 17, 2011
Policy amended: October 30, 2014
Policy amended: November 19, 2015
Policy amended: March 2, 2017
Policy amended: December 5, 2019

NEW FAIRFIELD PUBLIC SCHOOLS
New Fairfield, Connecticut

Provision of an Alternative Educational Opportunity for Eligible Expelled Students

The following procedures shall be followed, in concert with policy #5114/5131/5144 (*choose which*) by District personnel pertaining to the required provision of an alternative educational opportunity for expelled students eligible for such program.

Options for Alternative Educational Opportunity

The District shall provide an alternative educational opportunity for eligible expelled students by exercising one of the following two permissible options.

1. Enroll the student in an alternative education program which is compliant with requirements for such programs, including the length of school year and number of hours, with an individualized learning plan IF the district provides such alternative education, (*use of this option requires the alternative education program to comply with C.G.S. 10-74j which requires adherence to C.G.S. 10-15 and 10-6 requiring a minimum of 180 days and 900 hours of actual school work per year*) and the program is appropriate for the student.
OR
2. Provide the student with an alternative educational opportunity in accordance with the State Board of Education (SBOE) adopted standards, including through an alternative education program offered by another school district or operator. (*A standard program for its alternative educational opportunity providing such program meets the other requirements of the Standards, including the individualized learning plan.*)

State Department of Education (SDE) Positions to Consider

1. In order to properly implement the provision of an alternative educational opportunity to expelled students, whether the District implements option #1 or #2 above, the District must comply with the SBOE adopted (1/3/18) Standards.
2. SDE “expects that, in most cases, school districts will determine that enrollment in an alternative education program...is the appropriate alternative educational opportunity” for an expelled student. Such an alternative education program could be operated by the local district or another provider.
3. There may be “unusual cases” where placement in an alternative education program may not be appropriate or available.
4. The alternative educational opportunity must be “full-time” and “comprehensive,” and such opportunity for learning is comparable to a regular school setting. (*This provides the district that does not provide placement for the expelled student in alternative educational program some flexibility in developing an alternative educational opportunity that provides comparable learning opportunities for the expelled student without dictating a certain number of minimum instructional hours, but, per the Standards, must be “full-time” and “comprehensive.”*)
5. Assignment to homebound instruction will not satisfy the “Guiding Principles” of the Standards.

Requirements of Standards for Alternative Educational Opportunities for Students Who Have Been Expelled

Guiding Principles

Consistent with the *Guidelines for Alternative Education Settings*, these standards are grounded in the conviction that alternative educational opportunities for students who have been expelled should exhibit the following characteristics:

- whole student approach that addresses the personal, social, emotional, intellectual, work skills, safety, and security needs of all students in addition to academic content (including the Connecticut Core Standards);
- full time, comprehensive experience, where the learning is comparable to what the student would experience in a regular school environment;
- instruction that is based on a curriculum aligned to the Connecticut Core Standards unless modified as indicated by goals and objectives of an Individualized Education Program (IEP);
- high expectations that are consistent with LEA goals and Connecticut state standards including the belief that all students are capable and can be successful regardless of their discipline history; and
- research/evidence-based practices with student success in mind including the engagement of parents/guardians and families as well as community partners, as appropriate.

These principles are unlikely to be satisfied by assignment to homebound instruction.

Requirements of Standards for Alternative Educational Opportunities for Students Who Have Been Expelled

The SBOE adopted Standards for Alternative Educational Opportunities require the District to:

1. Provide a full time, comprehensive alternative educational opportunity, with a focus on an opportunity for learning that is comparable to those in a regular school setting.
2. Notify parents/students at the time of expulsion of the right to apply for early readmission, which can be granted at the discretion of the Board of Education or the Superintendent, if the Board delegates this authority to the Superintendent (C.G.S. 10-233(j)). (*The criteria for early readmission should be recorded in the individualized learning plan (ILP)*).
3. Meet with parents/guardians prior to placement to provide information about potential alternative educational opportunities and a placement meeting to finalize such placement. (*Such meeting can take place directly after the expulsion hearing.*)
4. Consult with relevant school personnel knowledgeable about the student's academic, social and behavioral history to help in the determination of an appropriate alternative educational opportunity.

5. Involve the PPT for expelled special education students who are determined to have educational programming and placement during the period of expulsion in accordance with the Individuals with Disabilities Act (IDEA).
6. Develop an Individualized Learning Plan (ILP) to address:
 - Information pertaining to the student’s academic and behavioral needs and appropriate academic and behavioral goals and interventions including the core classes and current placement or progress in the curriculum of those classes at the time of expulsion.
 - Benchmarks to measure progress towards the goals and progress towards graduation. *(This will include monitoring attendance, work completion, and progress toward meeting the coursework’s academic standards.)*
 - Reviewing the student’s progress and communicating that progress to parent/guardian or student. *(What would be done for students generally.)*
 - Transfer of records to/from the alternative educational provider and the school from which the student was expelled.
 - Language pertaining to the possibility of early readmission to the school from which the student was expelled.
7. Monitor progress of student performance and placement. *(This must be done and documented at least once per marking period, review of the student’s ILP and make any needed adjustments.)*
8. Adopt procedures to address a student’s transition from an alternate educational opportunity to the student’s regular school. *(The criterion for readmission is the completion of the expulsion period.)*

Procedural Steps to be taken by District following the Expulsion of a Student to Provide the Required Alternative Educational Opportunity

The Superintendent or his/her designee is responsible for the fulfillment of the following:

1. Determine the eligibility of the expelled student for an alternative education opportunity.
 - a. The student is under the age of sixteen (16) and must be offered an alternative educational opportunity.
 - b. The student is between the ages of sixteen (16) and eighteen (18) and has not been previously expelled and wishes to continue his or her education shall be offered such an alternative educational opportunity. *(The District is not obligated to provide an alternative educational opportunity to students in this age bracket who have been previously expelled, even if the prior expulsion occurred before the student was sixteen years of age.)*
 - c. The student is eighteen years of age or older and the Board of Education is not obligated to provide an alternative educational opportunity.

- d. Other considerations:
 - i. Any parent/guardian of an expelled student who does not choose to have his or her child enrolled in an alternative educational opportunity shall not be subject to the provision of Section 10-184 of the Connecticut General Statutes regarding school attendance.
 - ii. A student seventeen (17) years of age or older may be assigned to an adult education program and not be required to withdraw from school per C.G.S. 10-184.
 - iii. The student may be placed in a regular classroom program of a school other than the one from which the student has been excluded.
 - iv. A student expelled for the sale or distribution of a controlled substance, shall be referred to an appropriate state or local agency for rehabilitation, intervention or job training, or any combination thereof.
 - v. A student expelled for possession of a firearm, deadly weapon, dangerous instruments (those that can be used to cause death or serious injury) or martial arts weapons shall be reported to the local police department.
 - vi. An expelled special education student's alternative educational opportunity shall be established by the IEP team (PPT).
2. Determine the appropriate option for the alternative educational opportunity option to be offered to the expelled student.
 - a. Enroll the student in an alternative education program operated by the District which is compliant with requirements for such programs, (hours, length of school year and number of hours) with an individualized learning plan IF the district provides such alternative education.
 - b. Provide the student with an alternative educational opportunity in accordance with the SBOE adopted standards, including through an alternative education program offered by another school district or operator. (A standard program for its alternative educational opportunity providing such program meets the other requirements of the Standards, including the individualized learning plan.)
3. Consult with relevant school personnel knowledgeable about the student to obtain information regarding the student's academic, social and behavioral history that will help inform the decision concerning an appropriate alternative educational opportunity. The input shared by school personnel may be gathered via written reports.
4. Meet with the student's parent(s)/guardian(s) prior to placement to provide information concerning the potentially appropriate alternative educational opportunities for the student.

5. Hold a placement meeting after parents/guardians have been informed and the appropriate school personnel have shared information regarding the student.
 - a. Explore all alternative educational opportunities at this meeting.
 - b. The placement decision should be made at this meeting.
 - c. Other considerations:
 - i. Parents/students, at the time of expulsion, should be informed of the right to apply for early readmission, which can be granted at the discretion of the Board of Education or Superintendent (*if the BOE delegates this authority to the Superintendent under C.G.S. Section 10-233d(j)*).
 - ii. Any criteria for early readmission to the school from which the student has been expelled should be recorded in the Individualized Learning Plan (ILP).
6. Development of an Individualized Learning Plan (ILP) to inform and direct the student's learning goals and activities for the duration of the expulsion.
 - a. After placement in the alternative education opportunity, an ILP must be developed to govern the student's programming during period of the expulsion.
 - b. Develop the ILP through collaboration among school personnel, the student and the parent/guardian.
 - c. Reference student records with information relevant to the alternative educational opportunity. (*student success plan, Individualized Education Program (IEP) under special education, Section 504 Plan, Individualized Health Plan, and/or other academic and behavioral data.*)
 - d. The student's ILP is to contain:
 - i. The student's academic and behavioral needs and appropriate academic and behavioral goals and interventions;
 - ii. The student's core classes at the time of expulsion;
 - iii. The student's current placement or progress in the curriculum of those classes so that the student has an opportunity to continue to progress in the LEA's academic program and earn graduation credits, if applicable;
 - iv. Benchmarks to measure progress towards the goals and ultimately, progress towards graduation;
 - v. Timing and method for reviewing the student's progress and for communicating that progress to the parent/guardian or student; (*For most students, monitoring and reviewing the student's progress will include monitoring the student's attendance, work completion and progress toward meeting the relevant academic standards for particular coursework, and thus progressing toward graduation, if applicable.*)
 - The progress monitoring of student performance and placement must be done and documented at least once per marking period, including a review of the ILP and the making of any necessary adjustments.

- vi. Such progress to be communicated to the parent/guardian and/or student with the same frequency as similar progress for students in the regular school environment is reported and communicated to parents/guardians or students;
 - vii. Provision for the timely transfer of the student's records both from the student's school to the alternative educational opportunity provider, and also from the alternative educational opportunity provider to the student's school; and
 - viii. The possibility of early readmission to the school from which the student was expelled and the early readmission criteria.
 - ix. A process for transition planning based upon the following considerations:
 - Efforts to readmit students at semester start points at the high school level to facilitate re-entry;
 - A plan to transfer the student's credits and record back to the school from which the student was expelled;
 - The student's needs for academic and other supports upon return to the home school environment; and
 - Efforts to connect returning students with opportunities to participate in extracurricular activities to support student engagement and general health and development.
7. If a determination is made that placement in the current alternative educational opportunity is no longer beneficial to an expelled student but it is also inappropriate to have the student return to the school from which the student was expelled, a plan for different alternative educational opportunities should be developed, following the procedure outlined above.
 8. Students who have a student success plan as mandated by state law, such plan may inform the ILP but does not replace the ILP.

Procedures for Alternative Educational Opportunities for Expelled Students

Applicability of these Administrative Regulations

These procedures apply in cases when, pursuant to state law, a District student school is entitled to an alternative educational opportunity during an expulsion.

Responsible Personnel

The building principal or his/her designee of the school from which the student has been expelled, is responsible for compliance with these procedures relative to the student who is being provided with the alternative educational opportunity.

Student Placement Procedures

- A. After a student has been expelled, and unless extraordinary circumstances exist, the building principal, or his/her designee(s), will take the following steps:
 - a. Meet with the expelled student's parent(s)/guardian(s) prior to the student's placement in an alternative educational setting to provide information concerning the potentially appropriate alternative educational opportunities for the student and to inform the parent(s)/guardian(s) and student of the right to apply for early readmission to school in accordance with Conn. Gen. Stat. Section 10-233d(j).
 - b. Consult with relevant school personnel from the school from which the student was expelled, who are knowledgeable about the student, to obtain information regarding the student's academic, social, and behavioral history that will help inform the decision concerning an appropriate alternative educational opportunity. Such information may be gathered by written reports.
 - c. After placement options have been shared with the parent(s)/guardian(s), a placement meeting is to be convened to explore all alternative educational opportunities and a placement decision is made.
- B. The educational programming and placement for expelled students who are eligible to receive special education and related services under the Individuals with Disabilities Education Act ("IDEA") shall be determined by the student's Planning and Placement Team ("PPT"). In such case, the above procedural steps (Section "A" shall not apply.)

Individualized Learning Plan

A. Development of the Individualized Learning Plan

After student placement into an alternative educational placement, the principal, or his/her designee, will develop an Individualized Learning Plan (“ILP”) that will govern the programming for the student for the period of expulsion. To develop the ILP, the principal, or his/her designee, will collaborate with school personnel from the student’s school, the student and the parent/guardian, and all relevant student records will be reviewed.

B. Contents of the Individualized Learning Plan

- a. The ILP will reference student records with information relevant to the provision of an alternative educational opportunity. These records may include:
 - i. Student success plan (for students who have a student success plan as mandated by state law, the student success plan may inform the ILP but does not replace the ILP);
 - ii. Individualized education program (“IEP”);
 - iii. Section 504 Plan;
 - iv. Individualized health care plan or emergency care plan; and/or
 - v. Other relevant academic and behavioral data.
- b. The ILP will address the following:
 - i. The student’s academic and behavioral needs and appropriate academic and behavioral goals and interventions, including the student’s core classes at the time of expulsion and the student’s current placement or progress in the curriculum for those classes so that the student has an opportunity to continue to progress in the Board’s academic program and earn graduation credits, if applicable;
 - ii. Benchmarks to measure progress towards the goals and ultimately, progress towards graduation;
 - iii. Provision for the timing and method for reviewing the student’s progress in the alternative educational opportunity and for communicating that progress to the parent/guardian or student. For most students, monitoring and reviewing the student’s progress will include monitoring the student’s attendance, work completion and progress toward meeting the relevant academic standards for particular coursework, and thus progressing toward graduation, if applicable. The student’s progress and grades will be communicated to the parents/guardians or student with the same frequency as similar progress for students in the regular school environment is reported and communicated to parents/guardians or students. The student’s progress and grades will also be reported to the school from which the student was expelled;

- iv. Provision for the timely transfer of the student's records both from the student's school to the alternative educational opportunity provider, and also from the alternative educational opportunity provider to the student's school; and
- v. The possibility of early readmission to the school from which the student was expelled and the early readmission criteria, if any, established by the Board of Education or Superintendent, as applicable.

Review of Student's Placement in Alternative Educational Opportunity and Individualized Learning Plan

- A. A review of the appropriateness of the placement must occur at least once per marking period.
- B. The placement review must include:
 - a. Review of the ILP to (1) assess progress and make adjustments as necessary and (2) determine its alignment with the goals of the student's IEP, where applicable; and
 - b. Consideration of opportunities for early readmission as set forth in the ILP, as established by the Board of Education or Superintendent, as applicable.

Transition Plan for Readmission

- A. Before a student is readmitted to the school from which the student was expelled, relevant staff should provide an opportunity to meet with the parents/guardians and student to discuss the student's readmission. As part of the readmission process and the student's ILP, the principal, or his/her designee, should consider:
 - a. Efforts to readmit the student at a semester starting point (at the high school level);
 - b. A plan to transfer the student's credits and records back to the school from which the student was expelled:
 - i. The District will award an expelled high school student appropriate high school credit for work satisfactorily completed during the period the student participates in the alternative educational opportunity and will transfer relevant records back to the school from which the student was expelled;
 - ii. The District will provide an expelled student transferring to a new school district a progress summary of all work completed during the course of the student's expulsion, and will indicate the course credit earned by the student for that work.
 - c. The student's need for academic and other supports upon returning to his/her school; and
 - d. Efforts to connect the returning student with opportunities to participate in extracurricular activities.

- B. In the event the principal, or his/her designee, determines that a student's alternative educational opportunity is no longer beneficial to the student, but it remains inappropriate to return the student to the school from which the student was expelled, a plan for a different alternative educational opportunity may be developed in accordance with these procedures.

Legal References: Connecticut General Statutes:
10-233d Expulsion of students

Federal law:
Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, as amended by the Individuals with Disabilities Education Improvement Act of 2004, Pub. L. 108-446.
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794(a).
Connecticut State Department of Education, *Standards for Educational Opportunities for Students Who Have Been Expelled* (January 3, 2018).

[BOE LETTERHEAD]

(Date)

CERTIFIED MAIL - RETURN RECEIPT REQUESTED & U.S. MAIL

(Parent)¹
(Parent's Address)

(Non-custodial Parent, if applicable)
(Parent's Address)

Re: Expulsion Hearing Concerning Student Name; d.o.b.

Dear (Parent/Guardian):

In accordance with the (*name of district*) Board of Education Policy (*policy # & title*), I am writing to advise you that the (*name of district*) Board of Education (the "Board") will hold a formal hearing concerning your (*child*), (*Name of Student*) to consider the recommendation of (*name of administrator*) that (*he/she*) be expelled from school. [*In cases where the district uses a hearing officer, add the following: Please be advised that the Board has appointed Attorney [Name], Shipman & Goodwin LLP, to serve as an impartial hearing officer in this matter.*] This hearing is being held pursuant to Section 10-233d and Sections 4-176e to 4-180a, inclusive, and Section 4-181a of the Connecticut General Statutes and the (*name of district*) Board of Education Policy (*policy # & title*), a copy of which is enclosed. The Board (*OR the hearing officer*) intends to conduct the hearing in executive session, due to the confidential nature of this hearing.

The hearing will address the allegations that your (*child*) violated Board Policy (*cite Student Discipline Policy number and any other specific policy number on date*), by engaging in the following conduct:

(The law governing these hearings requires a short, plain statement of the facts to be included within this notice letter, and should be inserted here.

Example: carrying a knife on the school bus on a specified date and brandishing it at other students on the bus).

(State whether you considered such conduct to endanger persons or to be seriously disruptive of the educational process).

¹ If the student is aged 18 or older, this notice should be sent directly to the student, with copies to the parent(s).

5114
APPENDIX A
LETTER
(continued)

(If the student has admitted to this conduct, note the admission here).

The hearing has been scheduled for *(date, time, place)*. (this notice must be given to the students/parents/guardian at least five (5) business days before the hearing.) You and your *(son/daughter)* are asked to attend this hearing. Your *(child)* has the right to be represented by an attorney or other advocate at your expense, has the right to cross-examine administration witnesses, and may present relevant evidence, both documentary and testimonial, concerning the allegations. The hearing will be the parties' sole opportunity to present such evidence. The Board *(OR the hearing officer)* may also question witnesses. An opportunity will also be given for the administration and your *(child)* or his/her representatives to present argument concerning the evidence presented at the hearing. If you need the services of a translator or an interpreter for this hearing, please let me know as soon as possible.

(If a manifest determination must be held prior to the expulsion hearing, add the following language: "Prior to the expulsion hearing, your son's/daughter's PPT team or Section 504 Team will determine if your child's conduct constitutes a manifestation of his/her disability." The expulsion hearing will be cancelled if the PPT or Section 504 Team determines that the conduct was a manifestation of your child's disability, otherwise, the hearings will proceed as scheduled.

You have the right to have the hearing postponed for up to one week to allow time to obtain representation except that if an emergency exists, such hearing shall be held as soon after the expulsion as possible.

The administration may recommend expulsion from school for up to one calendar year. The Board *(OR the hearing officer)* has discretion to adopt any period of expulsion up to one calendar year.

As mentioned above, your *(child)* has a right to be represented, at your own expense, by legal counsel or other advocate at the expulsion hearing, has the right to cross-examine administration witnesses and may present relevant evidence, both documentary and testimonial, concerning the allegations. Obtaining an attorney or other representative is the responsibility of the family. Very low income families may be able to obtain free advice or legal representation through Statewide Legal Services, Inc. ("SLS"). To apply for such assistance, those families should contact SLS immediately at 1-800-453-3320.

In the event your *(child)* is expelled as a result of the scheduled hearing, and your *(child)* is between the ages of sixteen (16) and eighteen (18) and has not been expelled before, the Board shall offer to your *(child)* an alternative educational opportunity if she/he wishes to continue her/his education. Please be aware that the Board is not required to offer an alternate educational opportunity to any student between sixteen (16) and eighteen (18) years of age who have been previously expelled or to students eighteen (18) years of age or older.

If you have any questions, please call my office at *(number)*.

Sincerely,
(Name of Superintendent)
(Name of District) Public Schools

cc: *(Name of District)*, Chairman, *(Name of District)* Board of Education
(Name of Special Education director)
(Name of Principal at school that student attends)
(Name of Board of Education Attorney, where applicable)
(Name of Administration's Attorney, where applicable)

AGREEMENT

NAME OF SUPERINTENDENT, (Superintendent of Schools for NAME OF DISTRICT), NAME OF STUDENT and NAME(S) OF PARENTS (the parents of NAME OF STUDENT) agree as follows with respect to the Superintendent's request that NAME OF STUDENT be expelled from _____ School:

1. NAME OF STUDENT (D.O.B. _____) is currently enrolled as a _____ grade student at _____ School.
2. NAME OF STUDENT admits that he/she engaged in the following conduct on or about _____, 20__:
3. NAME OF STUDENT's conduct, as described above, violates _____ Board of Education Policy _____ (Student Discipline). (Cite other policies as appropriate. State whether such conduct is considered to endanger persons or be seriously disruptive of the educational process.) (If the student has admitted to this conduct, note the admissions here.)
4. Students are notified of applicable Board policies regarding prohibited conduct by publication in the student handbook.
5. A manifestation determination was made on _____ (*date*) concerning this conduct and it was determined that the conduct was not a manifestation of the student's disability. (optional for student with disabilities)
6. Subject to the approval of the _____ Board of Education (the "Board"), NAME OF STUDENT shall be expelled from school, effective _____, 20__ and continuing through _____, 20__, under the following conditions:

- a. During the period of expulsion, the Board will provide NAME OF STUDENT with an alternative education program deemed appropriate by the Administration, in accordance with the standards adopted by the State Board of Education. The student and his/her parent(s)/guardian(s) acknowledge that C.G.S. 10-233d provides that the District will provide, during the expulsion period, an alternative education, defined in C.G.S. 10-74j, with an individualized learning plan, if the District provides such alternative education,

OR

In lieu of a statutory alternative educational opportunity, the student and his/her parent(s)/guardian(s) agree that the District will provide said student with an alternative educational opportunity as follows. (Describe the alternative educational opportunity agreed to by the parties.)

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Appendix B
AGREEMENT
(continued)

- b. During the period of expulsion, NAME OF STUDENT will not be permitted to be on school grounds and will not be permitted to attend or participate in any school-sponsored activities, with the sole exception of his participation in the alternative education program.
- c. Prior to _____, the Superintendent will review NAME OF STUDENT's conduct, as well as his/her attendance and effort level in the alternative educational program, for the purpose of determining, in the Superintendent's sole discretion, whether NAME OF STUDENT should be readmitted to school on or about _____.
- d. If the Superintendent determines that NAME OF STUDENT should be readmitted to school early in accordance with the preceding section, and if NAME OF STUDENT subsequently commits any offense that would warrant suspension and/or expulsion under the policies of the Board, the Superintendent may reinstate NAME OF STUDENT's expulsion for the remainder of the expulsion period, through _____, without the need for any further proceedings before the Board.
- (optional section for expungement if this is the student's first expulsion):*
- e. Prior to _____, the Superintendent will review NAME OF STUDENT's conduct, attendance, and effort level since the expulsion, in order to determine, in the Superintendent's sole discretion, whether the record of the expulsion hearing should be expunged from the student's educational record as of _____.
7. All parties to this Agreement request that this Agreement be presented to the Board for the Board's consideration, in lieu of the submission of any other evidence by the Superintendent and/or NAME OF STUDENT or his/her parents, and they agree that this Agreement is sufficient for the Board to expel NAME OF STUDENT from school.
8. NAME OF STUDENT and HOME OF PARENT(S)/GUARDIAN(S) understand and acknowledge that, pursuant to C.G.S. 10-233d and Board policy, NAME OF STUDENT, is entitled to an expulsion hearing before the _____ Board of Education to contest said student's proposed expulsion. The student and his/her parent(s)/guardian(s) understands and acknowledge that at such hearing the student and his/her parent(s)/guardian(s) would have the right to call witnesses, to introduce documentary evidence, to cross examine Administration witnesses and to be represented by an attorney or other advocate at their own expense. Accordingly, NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) waive said student's right to an expulsion hearing pursuant to (C.G.S. 10-233(d)).

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Appendix B
AGREEMENT
(continued)

9. The Superintendent, NAME OF STUDENT and NAME OF PARENT understand that this Agreement is subject to the approval of the Board. In the event that the Board does not approve this Agreement, the Superintendent, NAME OF STUDENT and NAME OF PARENT agree that the expulsion hearing concerning NAME OF STUDENT shall be rescheduled to a mutually agreeable date for the purposes of conducting an evidentiary hearing before the Board concerning the Superintendent's expulsion request. NAME OF STUDENT and NAME OF PARENT agree that NAME OF STUDENT will remain out of school until the evidentiary hearing has been completed. NAME OF STUDENT and NAME OF PARENT also agree that the Board's consideration of this proposed Agreement will not disqualify any member of the Board from serving as a Board member in the evidentiary hearing, and they hereby waive any right to make such a claim in any proceeding in any forum.
10. NAME OF STUDENT and NAME OF PARENT enter into this Agreement voluntarily and with a full understanding of the provisions of this Agreement.

NAME OF SUPERINTENDENT
Superintendent of Schools

Date: _____

NAME OF STUDENT
Student

Date: _____

NAME OF MOTHER and/or
NAME OF FATHER
Parents of NAME OF STUDENT

Date: _____

Suggested sample regulation.

Students

Suspension and Expulsion/Due Process

Suspension

When the Principal or designee has determined that there is cause for suspension of a student, the following procedures shall be observed:

1. The student shall be given a hearing before the Principal or designee, at which time the charges against the student will be stated and the student will be given an opportunity to respond to the charge. This hearing must be granted except when an emergency situation exists, in which case the hearing must be held as soon after the suspension as possible. Nothing in the informal hearing shall be taken to prevent a more formal hearing from being held if the circumstances warrant. **An out-of-school suspension shall not exceed ten days for students in grades 3-12 and not exceed five days for children in pre-school to 2nd grade.**
2. The Principal or designee may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, suspension or expulsion of the student.
3. The Principal or designee shall make every possible attempt to reach the parent or guardian of the student stating the charges against the student and the terms and conditions of the suspension.
4. Whether the telephone contact is made or not the Principal or designee shall forward a letter to the parent or guardian at the last known address according to school records (unless a newer address is determined) not later than twenty-four hours of the suspension, and offering the parent or guardian the opportunity for a conference to discuss the suspension.
5. Notice of the suspension shall be transmitted by the Principal to the Superintendent of Schools by the close of the school day following the commencement of the suspension, but no later than twenty-four hours of the commencement of the suspension.
6. Following a conference with the Principal or designee the parent or guardian may request the Superintendent to review the Principal's decision. Such review shall be completed and a written report issued to the student and parent or guardian, and to the Board of Education, within three (3) days of the receipt of such request. In examining the Principal's decision to suspend, the Superintendent shall obtain oral or written statements from the Principal or designee, the student, and the person(s) who witnessed and reported the incident(s) which resulted in the suspension. The Superintendent may call all concerned parties together for a conference, and take whatever other action is needed to determine the true facts of the matter.
7. If a student is eighteen or older, any notice required by Board policy and this regulation shall be given to the student.

Students**Suspension and Expulsion/Due Process** (continued)**Suspension** (continued)

8. Textbooks and homework are to be provided each student for the duration of the suspension period and the student shall be allowed to complete any classwork, including examinations, without penalty, which was missed during suspension.
9. The Superintendent shall report any unusually serious cases of student suspension to the Board of Education at the first meeting following such action.
10. Notice of a suspension for conduct endangering persons or property or seriously disruptive of the educational process and a description of the conduct leading to such suspension shall be included on the student's cumulative educational record. Such notice shall be expunged from the cumulative record by the Board if the student graduates from high school, except if such notice of expulsion is based on possession of a firearm or deadly weapon.
11. All suspensions shall be in-school suspensions unless the administration (1) determines that the student, in grades three through twelve, inclusive, being suspended poses such a danger to persons or property or such a disruption of the educational process that the student shall be excluded from school during the period of suspension or (2) that an out-of-school suspension is appropriate based on evidence of previous disciplinary problems that have led to suspensions or expulsion of the student and efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive support strategies.

A student in grades preschool through grade two, inclusive, may be given an out-of-school suspension if it is determined by the administration that such suspension is appropriate based on evidence that the student's conduct on school grounds is of a violent or sexual nature that endangers persons.

12. The administration will use the guidelines developed and promulgated by the Commissioner of Education to help determine whether a student should receive an in-school or out-of-school suspension.
13. In-school suspension will be served in the school attended by the student. (or: In-school suspensions will be served by assigning the suspended student to one of the following schools: _____.)
14. For any student who is suspended for the first time and who has never been expelled, the school administration may shorten the length of or waive the suspension period if the student successfully completes an administration-specified program and meets any other administration-required conditions. Such program shall be at no expense to the student or his/her parents/guardians.

Students

Suspension and Expulsion/Due Process (continued)

Suspension (continued)

The foregoing procedure will be followed unless the student has had a total of ten (10) suspensions during the current school year, or has been suspended for a total of fifty (50) days during the current school year. If the student's proposed suspension would exceed either figure the suspension shall not take effect until so ordered by the Board of Education after a formal hearing such as that required for expulsion. If the Principal has reason to believe that the student's conduct endangers persons or property, is seriously disruptive of the educational process or is in violation of a Board policy, expulsion may be recommended.

Expulsion

The Board of Education or an impartial hearing officer, as defined in C.G.S. 10-233d, may expel any student in grades three through twelve, inclusive, whose conduct on school grounds or at a school sponsored activity has been found to be both violative of a Board policy and either seriously disruptive of the educational process or endangers persons or property.

In making a determination as to whether conduct is “seriously disruptive of the educational process,” the administration, Board of Education or impartial hearing officer may consider, but such consideration shall not be limited to; (1) whether the incident occurred within close proximity of a school; (2) whether other students from the school were involved or whether there was any gang involvement; (3) whether the conduct involved violence, threats of violence or the unlawful use of a weapon as defined in Section 29-38 and whether any injuries occurred, and (4) whether the conduct involved the use of alcohol.

The procedures leading to expulsion are as follows:

1. Requests for expulsion are to be directed to the Board of Education through the Superintendent of Schools.
2. Upon receipt of an expulsion request the Superintendent will conduct an inquiry within two (2) school days.
3. If after the inquiry the Superintendent or designee determines the student should be expelled, the Superintendent shall forward such request to the Board of Education within five days, after receipt of the request to expel.
4. Except in an emergency situation requiring the student's immediate removal, the Board shall conduct a hearing to be governed by the following procedures:
 - A. The student and parent or legal guardian must be given notice at least five business days prior to the date of the hearing.

Students

Suspension and Expulsion/Due Process (continued)

Expulsion (continued)

- B. The notice shall contain:

The date, time and place of the scheduled hearing.

The details of the grounds for the expulsion, including a narrative of the events leading to the expulsion, the names of any witnesses against the student, copies of any statements or affidavits of those witnesses, a detailed summary of any other information to be used in support of expulsion, including any record of past offenses or misbehavior, and whether any prior warnings or suspensions have been given, and the proposed penalty.

A statement of the student's, parent's/guardian's rights.

A statement that the Board is not required to offer an alternative educational opportunity to any student between 16 and 18 who was previously expelled. A student between the ages of 16 and 18 who is expelled for the first time and who complies with conditions set by the Board will be offered an alternative educational opportunity that is equivalent to "Alternative Education" as defined in Section 10-74, with an individualized learning plan.

- C. At the hearing the student shall have the right to testify and produce witnesses and other evidence in his/her defense and shall have the right to demand that any witnesses against him/her appear in person to answer questions.

In exceptional circumstances the Board or the impartial hearing panel may refuse to allow a witness against the accused student to appear, when the Board or panel believes that fear on the part of the witness would prevent the giving of accurate testimony. In such cases a verbatim statement of the witness's testimony must be given to the student.

A witness's unsubstantiated desire to remain anonymous is not such an exceptional circumstance as to justify dispensing with confrontation and questioning by the student.

- D. A student may be represented by any third party of his/her choice, including an attorney. The parent/guardian of the student have the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation, except that if an emergency exists, such hearing shall be held as soon after the expulsion as possible.
- E. A student is entitled to the services of a translator, to be provided by the Board of Education, whenever the student or his/her parent or legal guardian do not speak the English language.

Students

Suspension and Expulsion/Due Process (continued)

Expulsion (continued)

- F. The Board or impartial hearing officer shall keep verbatim record of the hearing and the student or his/her parent or legal guardian shall be entitled to a copy of that record at his/her own expense.
 - G. The Board or impartial hearing officer shall report its final decision in writing to the student, stating the reasons on which the decision is based, and the penalty to be imposed. Said decision shall be based on evidence produced and derived at the hearing.
 - H. Except under unusual circumstances the parent or a minor student shall be notified of the Board action within twenty-four hours.
 - I. Whenever an emergency exists, the hearing provided for the above procedure shall be held as soon as possible after the expulsion.
5. Whenever the Board of Education or impartial hearing officer expels a student it shall offer an alternative education opportunity to students under the age of sixteen which shall be (1) alternative education* as defined by C.G.S. 10-74j with an individualized learning plan if the Board provides such alternative education or in accordance with State Board of Education standards indicating the kind of instruction and number of hours to be provided by a student enrolled in an alternative educational opportunity. The parent or guardian of such student has the legal right to reject such a program without being subject to the truancy law. The Board of Education shall make provisions for an alternative educational opportunity to expelled students between the ages of sixteen and eighteen, conditional upon the desire of the student to continue his/her education and compliance with conditions established by the Board. A student age 17 or older may be placed in an adult education program as an alternative educational opportunity. Any student participating in an adult education program during a period of expulsion shall not be required to withdraw from school under C.G.S. 10-184. Any special education student expelled for a misconduct not caused by the student's disability must be offered an alternative educational opportunity consistent with the student's needs during the period of expulsion.
6. If the Board expels a student for the sale or distribution of a controlled substance, the Board shall refer the student to an appropriate state or local agency for rehabilitation, intervention or job training, or any combination thereof, and shall inform the agency of its action.

**Alternative education is a school or program maintained and operated by a school board that is offered to students in a non-traditional setting and addresses their social, emotional, and behavioral and academic needs. (C.G.S. 10-74j)*

Students**Suspension and Expulsion/Due Process** (continued)**Expulsion** (continued)

7. Notice of the expulsion and the conduct for which the student was expelled shall be included on the student's cumulative educational record. Such notice, except for the notices of an expulsion of a student in grades nine through 12, inclusive, based on possession of a firearm or deadly weapon, shall be expunged from the cumulative educational record by the Board if the Board determines that the student's conduct or behavior in the years following such expulsion warrant an expungement or if the student graduates from high school.
8. If a student in grades kindergarten to eight, is expelled based on possession of a firearm or deadly weapon, the Board may expunge from the students' cumulative education record the notice of the expulsion and the conduct for which the student was expelled if the Board determines that the conduct and behavior of the student in the years following such expulsion warrants an expungement.
9. The Board may adopt the decision of a student expulsion hearing conducted by another school district provided such Board of Education held a hearing pursuant to C.G.S. 10-233d(a). Adoption of such a decision shall be limited to a determination of whether the conduct which was the basis for the expulsion would also warrant expulsion under the policies of this Board. The student shall be excluded from school pending such hearing. The excluded student shall be offered an alternative education opportunity in accordance with the provisions of 5 and 6 above.
10. Whenever a student against whom an expulsion hearing is pending withdraws from school and after notification of such hearing but before the hearing is completed and a decision rendered, (1) notice of the pending expulsion hearing shall be included on the student's cumulative educational record and (2) the Board shall complete the expulsion hearing and render a decision.
11. The Superintendent shall recommend an expulsion hearing if there is reason to believe a student possessed a firearm or other dangerous instrument in or on real property, comprising any public school or at any school activity as defined in C.G.S. 10-233a or in conduct displayed off school grounds.
12. If a student enrolled in grades preschool through grade twelve, inclusive, is found to have possessed a firearm, dangerous instrument, dangerous weapon or martial arts weapon in or on the real property or a school or at any school function as defined in Section 10-233a, or on or off school property offered for sale or distribution a dangerous drug, he or she must be expelled for one calendar year. The expulsion period may be modified on a case by case basis by the Board of Education or hearing officer.
13. A student expelled for possession of a firearm, deadly weapon, dangerous instrument or martial arts weapon shall have the violation reported to the local police department or State Police if the student is enrolled in a regional vocational-technical school.

Students

Suspension and Expulsion/Due Process (continued)

Expulsion (continued)

14. The Board will report annually to the Commission of Education, as prescribed, information pertaining to expulsions for weapons and/or dangerous instruments.
15. An expelled student may apply for early readmission to school. Such readmission shall be at the discretion of the Board of Education (*alternative language - "at the discretion of the Superintendent of Schools"*) Readmission decisions shall not be subject to appeal to Superior Court. The Board or Superintendent, as appropriate, may condition such readmission on specified criteria.
16. For any student expelled for the first time and who has never been suspended, the Board of Education may shorten the length of or waive the expulsion period if the student successfully completes a Board specified program and meets any other conditions required by the Board. Such a Board specified program shall not require the student or the parent/guardian of such student to pay for participation in the program.
17. If a student's expulsion is shortened or the expulsion period waived based upon the fact that the student was expelled for the first time, had never been suspended, and successfully completed a Board specified program and/or met other conditions required by the Board, the notice of expulsion shall be expunged from the cumulative educational record if the student graduates from high school or, if the Board so chooses, at the time the student completes the Board specified program and meets any other conditions required by the Board.
18. The record of a student, grades 9 to 12 inclusive, expelled for possession of a firearm or deadly weapon, shall not be expunged.
19. The Board may expunge an expulsion in the years following the expulsion if the student has demonstrated conduct warranting an expungement.
20. A student in grades K-8 inclusive, shall have any expulsion, including for possession of a firearm or deadly weapon expunged from the record upon graduation.

Prior Notice

The Superintendent shall provide for an effective means of informing all students and their parents or guardians of the Board's policy and this regulation at the beginning of each school year, or when the student enrolls or transfers during the school year.

Students

Suspension and Expulsion/Due Process

Legal Reference: Connecticut General Statutes
4-176e through 4-185 Uniform Administrative Procedure Act, as amended.
10-74j Alternative education (PA 15-133)
10-233a through 10-233f Suspension, removal and expulsion of students, as amended by PA 95-304, PA 96-244, PA 98-139, PA 07-66, PA 07-122, PA 08-160, PA 09-82, PA 09-6 (September Special Session), PA 10-111, PA 11-126, PA 14-229, PA 15-96n, PA 16-147, PA 17-220 and PA 19-91.
53a-3 Firearm and deadly weapons
53a - 217b Possession of firearm and deadly weapons on school grounds.
PA 94-221 An Act Concerning School Discipline and Security.
PA 15-96 An Act Concerning Out-of-School Suspensions and Expulsions for Students in Preschool and Grades Kindergarten to Two
GOALS 2000: Educate America Act Pub. L. 103-227.
18 U.S.C. 921 Definitions.
Title III - Amendments to the Individuals with Disabilities Education Act Sec. 314 (Local Control Over Violence)
Elementary and Secondary, Education Act of 1965 as amended by the Gun Free Schools Act of 1994.
Kyle P. Packer PPA Jane Packer v. Thomaston Board of Education.
Public Act 24-45 An Act Concerning Education Mandate Relief, School Discipline and Disconnected Youth, (Sections 13-14)

Regulation approved:

rev 7/19
rev 7/24

EXPULSION HEARING CHECK LIST

Student Name _____ Parent/Guardian Name _____ Home Phone _____
 School _____ Id # _____ Grade _____ Parent Work Phone _____

- _____ 1) Obtain Student Discipline Incident Report and other relevant documentation
- _____ 2) Is the student a Special Education student? Was he/she ever in Special Education?
- _____ 3) Set up the file
- _____ 4) Call Hearing Officer or BOE Members to set a hearing date _____
- _____ 5) Get an attorney to represent the BOE (if BOE members conducting hearing) _____
- _____ 6) Get 4 Board members to participate in hearing (if not Hearing Officer) _____
- _____ 7) Get an attorney to represent Central Office Administration _____
- _____ 8) Notify the Town Clerk in writing and then e-mail notice to all Board of Education members, Superintendent, and two Assistant Superintendents
- _____ 9) Line up witnesses (i.e. principal/assistant principal, security officer, police officer).
- _____ 10) Hand deliver & send via regular mail initial letter to parent/guardian at least five business days before the scheduled expulsion proceedings, (& copy to student) which includes copies of Board of Education Suspension/Expulsion Policy & Regulations and the student's disciplinary record. Deliver or mail copies of letter and all documentation to both attorneys.
- _____ 11) Prepare Proof of hand-delivery & mailing of documents to parent/guardian and have courier sign.
- _____ 12) Prepare Superintendent's recommendation
- _____ 13) Prepare sets of copies (five (5) if hearing officer / nine (9) if BOE members)

a) ___ BOE Policy & Regulations	g) ___ Student academic record
b) ___ Student Handbook	h) ___ Student attendance record
c) ___ Letter/attachments to parent/guardian	i) ___ Posted Meeting Notice
d) ___ Proof of Delivery receipt	j) ___ Arrest report if applicable
e) ___ Incident Report	Other: _____
f) ___ Student disciplinary record	

- _____ 14) Arrange for any evidence (weapon, etc.) to be brought to hearing and/or make copies of photo(s).
- _____ 15) Manifestation Letter (PPT) (if applicable)
- _____ 16) Prepare DRAFT of Minutes for hearing officer or Board Secretary
- _____ 17) Set up room (tape recorder, pads/pencils, coffee, etc.)
- _____ 18) Keep small conference room free for breakout meetings

AFTER HEARING:

- _____ 19) Obtain hearing minutes from Hearing Officer OR finalize Board Secretary's minutes
- _____ 20) Prepare outcome letter from Superintendent to parent/guardian outlining disposition
- _____ 21) If Board presided, prepare outcome letter from Board Chair to parent/guardian. If Hearing Officer presided, obtain copy of Hearing Officer's outcome letter to parent/guardian for file.
- _____ 22) If tutoring and/or counseling to be provided, prepare memo to Asst. Superintendent for Curriculum/Instruction requesting services to be arranged for student.

Expulsion Hearings - Order of Copies

If presided over by Hearing Officer make five (5) sets

If presided over by Board Members nine (9) sets

PHASE I

Initial letter to Parent(s), Proof of delivery of initial letter to Parent(s), and Posted Meeting Notice (stapled together in this order)

Policy and Regulations (Policy/Regs #5114)

Student Handbook (one original and 5 or 9 copies depending on who is presiding)

Incident Report (redacted)

Statements (redacted)

Photo of weapon/instrument (and actual weapon/instrument) (if applicable)

PHASE II

Discipline Records (current year first followed by previous years)

Attendance Records (current year first followed by previous years)

Transcript (Report Card) (current year first followed by previous years)

**New Fairfield Public Schools
District Priorities
2024-2025**

<p>I. Curriculum Goal</p>	<ul style="list-style-type: none"> ● Define a cohesive PreK-12 curriculum approach, to include a curriculum design tool and design criteria, NFPS Curriculum Guidebook outline, and electronic curriculum platform. ● Implement a comprehensive curriculum design process to include Stage 1 mapping and transfer goals for PreK-12 across all disciplines and PreK-12 Science full curriculum design as a model.
<p>II. Instruction Goal</p>	<ul style="list-style-type: none"> ● Implement data protocol cycles to monitor student learning progress and inform instruction. ● Implement instructional practices that foster students’ engagement, critical thinking, and inquiry. ● Launch AI study group to investigate instructional opportunities with AI to deepen student critical thinking skills. ● Map indicators and levels of competency that operationalize the NFPS Vision of the Learner with curriculum connections. ● Continue to build staff capacity and provide relevant professional learning for Special Education Teachers, Related Service staff, and Paraeducators in the areas of writing high quality IEPs, structured literacy, and behavior management/strategies
<p>III. Wellness Goal</p>	<ul style="list-style-type: none"> ● Begin articulation of a vertically-aligned PreK-12 continuum to foster students’ social-emotional wellness, including the design and implementation of a developmental guidance curriculum in grades 9-12. ● Enhance community and family partnerships in support of student wellness, including family education programs and resources to address technology use, challenging behaviors, and mental health.
<p>IV. Attendance</p>	<ul style="list-style-type: none"> ● Continue efforts to reduce the student chronic absenteeism rate to 8%. ● Partner with collective bargaining units to achieve at least a 95% staff attendance rate.
<p>V. Resources to Support Learning</p>	<p>Provide the necessary resources for learning--defined as finances, facilities, operational systems, and human resources. Adequate resources are a foundational component for New Fairfield to achieve its Vision of the Learner.</p>
<p>A. <u>Finance</u></p>	<ul style="list-style-type: none"> ● Develop and present a FY 26 Operational and Capital Budget request to the community that is transparent, fiscally responsible and ensures continuous improvement. ● Manage the FY 25 Operational and Capital Budget to provide resources as planned and to address unanticipated expenses.

B. <u>Transportation</u>	<ul style="list-style-type: none"> ● Continue to provide leadership and collaborate with town leaders on the identification of the permanent bus lot location.
C. <u>Facilities</u>	<ul style="list-style-type: none"> ● Close out the New Fairfield Elementary and High School building projects and continue to monitor large punch list items such as the elementary playground and lack of propane at the high school. ● Identify appropriate classroom space for middle school programs: chorus, orchestra, general music, talented and gifted, and world language expansion). Consider relocation of central office departments in the lower level of the middle school. ● Work in partnership with the PBC to complete the underground oil tank removal and replacement by July 2025 deadline. ● Upgrade the Middle School Cafeteria and servery without impact to operational budget using our food service fund. ● Execute documents and monitor stadium project for summer 2025 completion. ● Launch partnership between STRIDES and another district as part of move to a larger space and enhanced program.
D. <u>Human Resources</u>	<ul style="list-style-type: none"> ● Assess HR functions across the district and standardize and optimize processes, such as all aspects of recruitment including Frontline Software and OLAS, the hiring process and flow of information, onboarding, best practices with Human Resource Information Systems (HRIS) and benefits management. ● Promote multiple channels for HR information and updates to strengthen relationships districtwide via newsletters, email blasts, one on one meetings with HR and visiting buildings. ● Foster a positive workplace culture by proactively addressing employee concerns and creating pathways to increase satisfaction and reduce turnover - utilizing data from future climate surveys and exit interviews.
E. <u>Technology</u>	<ul style="list-style-type: none"> ● Begin the process of thoughtfully integrating AI tools into the classroom to enhance the delivery of high-quality instruction. ● Continue to enhance access to educational support technology for K-12 curriculum initiatives. (SmartBoards, document cameras, projection and sound reinforcement) ● Continue to grow into our upgraded facilities to cultivate STEM initiatives to full potential with industry leading hardware and software. (K-5 STEM lab, new HS Robotics, digital media, and art/music labs) ● Continue maintaining and bolstering the digital repository of online tools and resources increasing efficiency in delivering high-quality instruction.

District Priorities 2024-25

Overview & Highlights

Board of Education Meeting
November 7, 2024

Five Priority Areas

Curriculum

Instruction

Wellness

Student & Staff Attendance

Resources for Learning

Student and Staff Attendance

- Continue to address chronic absenteeism rate, which was over 20% two years ago and was reduced to 10% last year. Further reduce **chronic absenteeism rate to 8%**.
- Achieve **at least a 95% staff attendance rate** to support the success of the strategic plan and maximize the impact educators have on our students. The US Department of Education uses a benchmark of **10 absences for chronic absenteeism** for educators.

Resources to Support Learning

Finance

- Present an FY 26 Operational and Capital Budget request that is **transparent** and **fiscally responsible**.

Transportation

- Continue to provide leadership and collaborate with town leaders on the identification of the **permanent bus lot location**.

Facilities

- Replace **MS Oil Tank**.
- Identify appropriate space for MS programs (5 classrooms): **Music, Talented & Gifted, and World Language**.

Resources to Support Learning

Human Resources

- Assess HR functions (e.g. hiring, onboarding) across the district to standardize and optimize processes.
- Continue recruitment and retention efforts by attending area job fairs and fostering a positive workplace environment.

Technology

- Begin the process of integrating AI tools into the classroom.
- Continue to cultivate our STEAM initiatives at the three schools.

Questions

November 4, 2024

Dr. Kenneth Craw
Superintendent of Schools
Town of New Fairfield
3 Brush Hill Road
New Fairfield, CT 06812
craw.kenneth@newfairfieldschools.org

Re: New Fairfield Board of Education – Middle School Feasibility Study
JCJ Project No. H23276.00

Dear Dr. Craw

On behalf of JCJ Architecture (JCJ), we are pleased to submit to the New Fairfield Board of Education our AE design services related to preparing additional feasibility studies for renovations to the existing New Fairfield Middle School located at 56 Gillotti Road and the existing New Fairfield Elementary School located at 24A Gillotti Rd.

Set forth below is our understanding of the project, the basic services we propose to provide for this first phase of the project which will be a feasibility study in order to define the scope of work for future phase(s):

SCOPE:

- Feasibility study to add six additional classrooms at the middle school: chorus, orchestra, general music, talented and gifted and 2 world language classrooms.
- Feasibility study to consolidate the elementary school nurse's office into one centralized location.
- Meeting with BOE and administration to understand the needs and develop a preliminary program and concept design.
- Site visit for all trades.

DELIVERABLES:

- Preliminary space program.
- Report on existing systems in the scope areas and their condition.
- Diagrammatic conceptual design layouts and MEP implications/recommendations.
- Rough Order of Magnitude Costs – done internally by JCJ based on recent project costs.

EXCLUSIONS:

The following services are not included in the scope of services of this feasibility proposal. If any of these services are required they can be provided as an additional service:

- Environmental/Hazardous Materials Studies and Reports
- Whole Building Energy Model
- Structural Analysis
- Life Cycle Cost Analysis
- Architectural Renderings
- Detailed Cost Estimates
- Other services not expressly described in this proposal.

COMPENSATION FOR FEASIBILITY STUDY SERVICES (EXCLUDING ROUGH ORDER OF MAGNITUDE ESTIMATES):

We propose to provide the services listed in this proposal, for this phase of the project, on an hourly rate basis and

recommend a budget not-to-exceed **Ten Thousand and 00/100 Dollars (\$10,000.00)** be established for AE services and reimbursables. We will not exceed these budgets without prior authorization by the Town.

Reimbursable Expenses: Reimbursable Expenses are in addition to our compensation for services and include expenses reasonably incurred by JCJ, JCJ's consultants and employees, and directly related to the Project (i.e., travel, lodging and sustenance, printing and plotting, express or overnight mail service, presentation materials such as models and renderings, computer-generated animations, and physical models). Reimbursable Expenses are invoiced at 1.10 times the cost incurred by JCJ.

Invoicing: JCJ will submit monthly invoices for fees and Reimbursable Expenses (3 paper copies and 1 via e-mail). Payments are due within 30 days of the date of invoice. Past due invoices, in excess of 45 days from the date of the invoice, are subject to interest at the rate of 1.0% per month.

All services provided by JCJ will be conducted and provided consistent with the norms of professional practice and as described in an AIA Document B133-2019 Standard Form of Agreement Between Owner and Architect.

If this proposal is acceptable, please execute in the space provided below and return to the attention of Kim Goodenow at kgoodenow@jcj.com. Once executed by New Fairfield, this letter shall serve as our Agreement for this engagement and authorization to proceed.

On behalf of JCJ, I want to thank you for this opportunity to present this proposal for this exciting Project and to continue JCJ's relationship with the Town of New Fairfield. If you have any questions or would like to discuss any aspect of our proposal in more depth, please do not hesitate to call.

Please let me know if you have any questions.

Regards,



Christine O'Hare
Senior Project Manager



Peter N. Stevens, LEED AP
Agent, Duly Authorized

Total revision

Instruction

Educational Instruction under Parental Direction (Home Schooling)

Guidelines for Home Instruction

Parents wishing to educate children in the home may do so in compliance with Connecticut General Statutes and regulations of the Connecticut State Board of Education. Parents file with the Superintendent of Schools in the town in which they reside a Notice of Intent form (attached to this policy) that provides basic information about the program to be provided to their child. A Notice of Intent is effective for up to one school year and is filed annually.

If decisions are made by parents or guardians to return children who for a time have been educated at home to local schools, school staff shall provide an appropriate return to the public schools.

Children educated at home are considered to be non-public school students and are not part of the system’s educational responsibility and are not part of the school system.

Legal Reference: Connecticut General Statutes

[10-184 Duties of parents.](#)

[10-220 Duties of Boards of Education.](#)

[Regulations of the Connecticut State Board of Education](#)

Policy adopted:	December 19, 2002	NEW FAIRFIELD PUBLIC SCHOOLS
Policy readopted:	February 1, 2007	New Fairfield, Connecticut
Policy readopted:	November 6, 2008	
Policy revised:	August 13, 2020	Suspension of Partial Enrollment Section of Policy
Policy revised:		

NEW FAIRFIELD PUBLIC SCHOOLS
New Fairfield, Connecticut

NOTICE OF INTENT INSTRUCTION OF STUDENT AT HOME

Name of Student _____ Date of Birth: _____

Name of Parent/Guardian: _____

Address: _____

Home Phone #: _____ Cell Phone #: _____

Parent/Guardian Email Address: _____

Name of Teacher/Program: _____

The subjects to be taught are:	YES	NO
Required:		
Reading/Language Arts	_____	_____
Reading	_____	_____
Writing	_____	_____
Spelling	_____	_____
English Grammar	_____	_____
Geography	_____	_____
Mathematics	_____	_____
Science	_____	_____
U. S. History	_____	_____
Citizenship (Including a study of Town, State and Federal Governments)	_____	_____
Physical Education/Health	_____	_____

Total Number of Days Scheduled for Instruction: _____

Teacher's Methods of Assessment of Student Progress: _____

I acknowledge and accept full responsibility for the education of my child in accordance with the requirements of state law.

Parent Signature Date

I only acknowledge receipt of this form and render no opinion as to the appropriateness of the planned program.

Superintendent Signature

NON-LAPSING ACCOUNT/EDUCATION FUND

(BACKGROUND INFORMATION FOR POLICY REVIEW COMMITTEE)

***2024 Legislative Update Impacting Board of Education Non-Lapsing Account/Education Fund**

Prior to the passage of Public Act 24-45 An Act Concerning Education Mandate Relief, School Discipline, and Disconnected Youth, Section 7 state law (Connecticut General Statutes §10-248a) allowed a town board of finance (or the board of selectmen in a town with no board of finance, or the authority otherwise making budget appropriations for the school district) to deposit unexpended funds from the education budget into a non-lapsing account.

Beginning with the **2023-2024 fiscal year**, Section 7 of Public Act 24-45 will allow the local board of education to make this deposit. Current restrictions in the law will continue to apply: 1) the deposited amount cannot exceed 2% of the prior fiscal year's education budget; 2) any expenditures from this account are only made for educational purposes; and 3) any expenditure must be authorized by the town's board of education. However, this new provision will allow local boards of education to decide how much, if any, to place into such an account (up to the 2% cap) or create one if one does not exist. Previously, local boards of education were reliant upon the willingness of a town's fiscal authority to create such an account (and then make any deposits into it), and often, a town's fiscal authority would refrain from doing so, since any unexpended monies would otherwise revert back to the town at the end of the fiscal year.

Regional Boards of Education: Authority to Use Reserve Funds for any Educational Purpose

Prior to the same Act, Section 8, state law (Connecticut General Statutes §10-51(d)(2) allowed regional boards of education to create reserve funds for "capital and non-recurring expenditures," to be financed by appropriated funds and year end surplus operating (budget) funds. **Beginning with the 2023-2024 fiscal year**, Section 8 of Public Act 24-45 will allow *regional boards of education* to create (and expend monies from) these funds *for any "educational expenditure,"* not just capital projects/improvements and equipment purchases. The Act renames the account "**the reserve fund for educational expenditures**" instead of the former "reserve fund for capital and nonrecurring expenditures." The other current restrictions for these reserve funds will remain in effect (for example, that such accounts be created by a majority vote of the regional board of education's members, the aggregate amount of annual appropriations and supplemental appropriations from the surplus by the regional district to the fund cannot exceed 2% of the annual district budget for the fiscal year). However, this revision provides an additional tool for regional school districts to consider when determining what to do with any surplus, and whether to 1) reduce the budget assessments to their member towns for the next year, or 2) use the surplus for educational purposes in the future via a deposit into a reserve fund.

Policy Implications

A revision to policy, #3171.1, taking into consideration 2024's Public Act 24-45, Section 7, "Non-Lapsing Education Fund," and Section 8 "Reserve Fund for Educational Expenditures" follows for consideration. This is considered an optional policy for inclusion in a district's policy manual.

A "Memorandum of Agreement" between the board of education and the board of finance is no longer required.

April 2015

Revised July 2019

Revised July 2024

Business and Non-Instructional Operations

Non-Lapsing Education Fund (Non-Regional School Districts)

The New Fairfield Board of Education (Board) may deposit into a non-lapsing account any unexpended funds from the Board's prior fiscal year general operating budget, provided such deposited amount does not exceed two percent (2%) of the total budgeted appropriation for education for such prior fiscal year pursuant to C.G.S. 10-248a.

Any expenditure from the Non-Lapsing Education Fund shall be authorized solely by the Board of Education. Each expenditure from such account shall be made only for educational purposes and under the following conditions:

- (1) such deposited amount does not exceed two percent (2%) of the total budgeted appropriation for education for such prior fiscal year;
- (2) each expenditure from such account shall be made only for educational purposes; and
- (3) each such expenditure shall be authorized by the New Fairfield Board of Education.

The Board of Education shall create the non-lapsing account and be responsible for the accounting of the funds in accordance with Governmental Accounting Standards and Generally Accepted Accounting Principles (GAAP). The account shall be subject to the annual audit as required by State statute.

Legal Reference: Connecticut General Statutes

10-51 (d) (2) Fiscal year. Budget. Payments by member towns; adjustments to payments. Investment of funds. Temporary borrowing. Reserve funds. (as amended by PA 21-2, JSS, Section 363)

10-222 Appropriations and budget

10-248a Unexpended education funds account (as amended by PA 19-117, Section 285)

Public Act 24-45 An Act Concerning Education Mandate Relief, School Discipline and Disconnected Youth (Sections 7-8)

Policy adopted:

NEW FAIRFIELD PUBLIC SCHOOLS
New Fairfield, Connecticut

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination, Including Sex-Based Harassment

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

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

For Staff

Human Resources Director
3 Brush Hill Road
New Fairfield, CT 06812
Telephone Number (203) 312-5660
lloyd.rebecca@newfairfieldschools.org

For Students

Assistant Superintendent
3 Brush Hill Road
New Fairfield, CT 06812
Telephone Number (203) 312-5668
woleck.kristine@newfairfieldschools.org

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

Sex discrimination occurs when a person, because of the person’s sex, is denied participation in or the benefits of any education program or activity receiving federal financial assistance. This includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. **Sex discrimination includes sex-based harassment**, as defined below.

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

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

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Prohibition of Sex Discrimination, Including Sex-Based Harassment

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

Reporting Sex Discrimination:

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

1. A "complainant," which includes:
 - a. a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or

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Prohibition of Sex Discrimination, Including Sex-Based Harassment

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

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

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

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

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

Any Board employee who has information about conduct that reasonably may constitute sex discrimination must as immediately as practicable notify the Title IX Coordinator. If the Title IX Coordinator is alleged to have engaged in sex discrimination, Board employees shall instead notify their building principal or the Superintendent of Schools, if the employee is not assigned to a school building.

Individuals may also make a report of sex discrimination to the U.S. Department of Education: Office for Civil Rights, Boston Office, U.S. Department of Education, 9th Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone (617) 289-0111) and/or to the Connecticut Commission on Human Rights and Opportunities, 450 Columbus Boulevard, Hartford, CT 06103-1835 (Telephone: 860-541-3400 or Connecticut Toll Free Number: 1-800-477-5737).

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

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

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Prohibition of Sex Discrimination, Including Sex-Based Harassment

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

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

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

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

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

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

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

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

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

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

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

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

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

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination, Including Sex-Based Harassment

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

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

Sex discrimination occurs when a person, because of the person’s sex, is denied participation in or the benefits of any education program or activity receiving federal financial assistance. This includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. **Sex discrimination includes sex-based harassment**, as defined below.

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

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

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

SECTION I: REPORTING SEX DISCRIMINATION

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

For Staff

Human Resources Director
3 Brush Hill Road
New Fairfield, CT 06812
Telephone Number (203) 312-5660
lloyd.rebecca@newfairfieldschools.org

For Students

Assistant Superintendent
3 Brush Hill Road
New Fairfield, CT 06812
Telephone Number (203) 312-5668
woleck.kristine@newfairfieldschools.org

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination, Including Sex-Based Harassment

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

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

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

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

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

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

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination, Including Sex-Based Harassment

SECTION II: DEFINITIONS

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

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

- Affirmative consent is the standard used in determining whether consent to engage in sexual activity was given by all persons who engaged in the sexual activity.
- Affirmative consent may be revoked at any time during the sexual activity by any person engaged in the sexual activity.
- It is the responsibility of each person engaging in a sexual activity to ensure that the person has the affirmative consent of all persons engaged in the sexual activity to engage in the sexual activity and that the affirmative consent is sustained throughout the sexual activity.

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination, Including Sex-Based Harassment

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

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

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

SECTION III: RESPONSE TO SEX DISCRIMINATION

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

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

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

C. Informal Resolution Process. In lieu of resolving a complaint of sex discrimination through the District's formal grievance procedures (outlined below), the parties may instead elect to participate in an informal resolution process. The District has discretion to determine whether it is appropriate to offer an informal resolution process and may decline to offer informal resolution despite one or more of the parties' wishes. The District does not offer informal resolution to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of a student, or when such a process would conflict with the law. Upon the District offering the informal resolution process to both parties, that parties shall have seven (7) school days to decide if they would like to participate in the process. The District shall obtain the parties' voluntary consent to proceed with the informal resolution process. If the informal resolution process proceeds, the Title IX Coordinator shall appoint an informal resolution facilitator, who will not be the same person as the investigator or the decisionmaker.

- a. *Notice of Informal Resolution Process.* Promptly upon obtaining the parties' voluntary consent to process with the informal resolution process and before initiation of the informal resolution process, the District must provide to the parties written notice that explains:
 - i. the allegations;
 - ii. the requirements of the informal resolution process;
 - iii. that, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume the formal grievance procedures;
 - iv. that the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming the formal grievance procedures arising from the same allegations;

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- v. the potential terms that may be requested or offered in an informal resolution agreement (which may include, but are not limited to, restrictions on contact, restrictions on the respondent's participation in the District's programs or activities, other disciplinary sanctions, and/or sensitivity training), including notice that an informal resolution agreement is binding only on the parties; and
 - vi. what information the District will maintain and whether and how the District could disclose such information for use in formal grievances procedures.
- b. *Intake Meeting(s)*. From the date of the written notice provided in subsection III.3.a, above, the parties will have thirty (30) school days to reach a resolution. The Title IX Coordinator may extend this timeframe for the same reasons identified in subsection IV.1.d, below. If a resolution is not reached, the District will continue resolving the complaint through the grievance procedures as outlined below. The informal resolution process will be designed to be collaborative, focusing on the needs of both parties. When the parties have agreed to pursue the informal resolution process, the informal resolution facilitator shall have a separate intake meeting with each party to determine the appropriate path for resolution. During the intake meeting(s), each party will have the opportunity to share their perspective on the allegations, and the informal resolution facilitator will ascertain the party's goals and motivation in pursuing an informal resolution process.
- c. *Informal Resolution Process*. Depending on the allegations of sex discrimination, the District may offer, or the parties may request (subject to the District's approval), one or more of the following types of informal resolution processes:
- i. Facilitated Dialogue: After the intake meeting(s), the parties engage in a direct conversation about the alleged sex discrimination with the assistance of the informal resolution facilitator. In a facilitated dialogue, the parties are communicating directly and sharing the same space (virtually or in-person). During a facilitated dialogue, the parties will have the opportunity to discuss their individual experiences and listen to the experiences of others with the intention of reaching a mutually agreeable resolution.
 - ii. Mediation: After the intake meeting, the parties will engage in back-and-forth communication to reach an agreed-upon resolution. Mediation may take place electronically or in-person or virtually, with the parties in different locations (e.g. not face-to-face). The parties will have the opportunity to speak with the informal resolution facilitator, and the informal resolution facilitator will communicate

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each party's perspective to the opposing party. Mediation may be completed in one session or may require multiple sessions.

- d. *Informal Resolution Agreement.* After the parties have reached an agreed-upon resolution, the informal resolution facilitator shall memorialize such agreement in writing. Such resolutions may include, but are not limited to, mutual no-contact orders; agreed upon sensitivity training; restrictions on the respondent's participation in the District's programs or activities or other disciplinary sanctions; or other mutually agreed upon resolutions. Both parties shall sign the informal resolution agreement, at which point the matter will be considered resolved.
- e. *Retaliation and Subsequent Conduct.* Nothing in this section precludes an individual from filing a complaint of retaliation for matters related to an informal resolution, nor does it preclude either party from filing complaints based on conduct that is alleged to occur following the District's facilitation of the informal resolution.

- D. **Emergency Removal.** The District will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination. However, the District may remove a respondent from the District's program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, determines that an imminent and serious threat to the health or safety of the complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.
- E. **Students with Disabilities.** If a complainant or respondent is a student with a disability, the Title IX Coordinator shall consult with one or more members of the student's Planning and Placement Team or Section 504 Team to determine how to comply with the requirements of the Individuals with Disabilities Education Act ("IDEA") and Section 504 of the Rehabilitation Act throughout the implementation of the grievance procedures, including in the implementation of supportive measures.
- F. **Absence of a Complaint.** In the absence of a complaint, or the withdrawal of any or all allegations in the complaint, and in the absence or termination of the informal resolution process, the Title IX Coordinator shall make a fact-specific determination regarding whether the Title IX Coordinator should initiate a complaint of sex discrimination. In

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making this determination, the Title IX Coordinator shall consider, at a minimum, the following factors:

- a. The complainant's request not to proceed with initiation of a complaint;
- b. The complainant's reasonable safety concerns regarding initiation of a complaint;
- c. The risk that additional acts of sex discrimination would occur if a complaint is not initiated;
- d. The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from the District's program or activity or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- e. The age and relationship of the parties, including whether the respondent is a Board employee;
- f. The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
- g. The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
- h. Whether the District could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures.

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

SECTION IV: GRIEVANCE PROCEDURES FOR COMPLAINTS OF SEX DISCRIMINATION

1. Basic Requirements for the Grievance Procedures.

- a. The District will treat complainants and respondents equitably.
- b. The District prohibits any Title IX Coordinator, investigator, or decisionmaker from having a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- c. The District presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of the grievance procedures.
- d. The District has established timeframes for the major stages of the grievance procedures. The District has also established the following process that allows for the

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reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay:

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

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- determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:
- 1) Evidence that is protected under a privilege recognized by Federal or Connecticut law, unless the person to whom the privilege is owed has voluntarily waived the privilege;
 - 2) A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the District obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
 - 3) Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.
- h. The District will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination. However, the District may remove a respondent from the District's program or activity on an emergency basis, as discussed above.
2. **Filing a Complaint.** A complainant (as defined above) and/or their parent or guardian may file a written or oral complaint with the Title IX Coordinator or an administrator to initiate the District's grievance procedures. Complaints should be filed within thirty (30) school days of the alleged occurrence. If a complaint is filed after thirty (30) school days of the alleged occurrence, the District may be limited in its ability to investigate the complaint.
 3. **Notice of District Grievance Procedures.** If not already done, within five (5) school days of receiving a complaint, the Title IX Coordinator shall inform the complainant and their parent or guardian about the District's Title IX grievance procedures, offer the complainant supportive measures, and, where appropriate, inform the complainant and their parent or guardian about the District's informal resolution process. Through this notification, the Title IX Coordinator shall confirm that the complainant is requesting the District to conduct an investigation and make a determination regarding their allegations of sex discrimination.

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When the Title IX Coordinator is named as the respondent, the building principal or administrator responsible for the program shall notify the complainant and their parent or guardian.

- 4. Jurisdiction and Dismissal.** Prior to initiating an investigation into the alleged sex discrimination and prior to issuing the notice of allegations, the Title IX Coordinator shall review the complaint and determine jurisdiction. If the alleged conduct occurred in the District's program or activity or the conduct is otherwise subject to the District's disciplinary authority, then the District has jurisdiction. If there is no jurisdiction, the Title IX Coordinator must dismiss the complaint. The Title IX Coordinator shall make a determination regarding jurisdiction within five (5) school days of receiving the complaint.
 - a. The Title IX Coordinator or the investigator may dismiss a complaint of sex discrimination prior to issuing the notice of allegations and prior to reaching a determination regarding responsibility where:
 - 1) The District is unable to identify the respondent after taking reasonable steps to do so;
 - 2) The respondent is not participating in the District's education program or activity and/or is not employed by the Board;
 - 3) The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the Title IX Coordinator determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
 - 4) The Title IX Coordinator determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the District will make reasonable efforts to clarify the allegations by communicating with the complainant to discuss the allegations in the complaint.
 - b. Upon dismissal of the complaint, the Title IX Coordinator will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the Title IX Coordinator will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing. When a complaint is dismissed, the District will, at a minimum:
 - 1) Offer supportive measures to the complainant as appropriate;
 - 2) If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and

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- 3) Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the District's education program or activity.
 - c. Appeal of Dismissal. The Title IX Coordinator will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the Title IX Coordinator will also notify the respondent that the dismissal may be appealed. The District's appeal procedures will be implemented equally for all parties.
 - 1) Dismissals may be appealed on the following bases:
 - a) Procedural irregularity that would change the outcome;
 - b) New evidence that would change the outcome and that was not reasonably available when the dismissal was issued; and
 - c) The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.
 - 2) If the dismissal is appealed, an administrator who did not take part in the investigation of the allegations or the dismissal of the complaint will be the appeal decisionmaker for the dismissal. The District's appeal process for the dismissal of a complaint provides the following:
 - a) The appealing party shall have five (5) school days, from the receipt of the dismissal, to submit a written statement in support of, or challenging the outcome of the dismissal;
 - b) The appeal decisionmaker must promptly notify the other party of the appeal;
 - c) The other party shall have five (5) school days, from receiving notice from the appeal decisionmaker to submit a written a statement in support of, or challenging, the outcome; and
 - d) Within ten (10) school days following the other party's opportunity to provide a statement, the appeals decisionmaker shall provide the parties the result of the appeal and the rationale for the result.
5. Notice of Allegations. Upon receipt or filing by the Title IX Coordinator of a complaint, and after determining that the District retains jurisdiction over the complaint, the Title IX Coordinator must provide a notice of allegations to the parties that includes the following:

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- a. The District's Title IX grievance procedures and availability of the informal resolution process;
- b. Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- c. A statement that retaliation is prohibited; and
- d. A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence; and if the District provides a description of the evidence, the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.

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

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

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

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

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

8. **Determination of Whether Sex Discrimination Occurred.** Following an investigation and evaluation of all relevant and not otherwise impermissible evidence and within sixty (60) school days of issuing the initial notice of allegations, the decisionmaker(s) will:
 - a. Use the preponderance of the evidence standard to determine whether sex discrimination occurred. The standard requires the decisionmaker(s) to evaluate relevant and not otherwise impermissible evidence and determine if it is more likely than not that the conduct occurred. If the decisionmaker(s) is not persuaded by a preponderance of the evidence that sex discrimination occurred, the decisionmaker(s) shall not determine that sex discrimination occurred;
 - b. Notify the parties in writing of the determination whether sex discrimination occurred under Title IX and/or the Board’s policy and these Administrative Regulations, including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal;
 - c. Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination;
 - d. Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
 - e. Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.
9. **Remedies and Disciplinary Sanctions.** If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:

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- a. Coordinate the provision and implementation of remedies to a complainant and other people the District identified as having had equal access to the District's education program or activity limited or denied by sex discrimination. These remedies may include, but are not limited to: continued supports for the complainant and other people the District identifies; follow-up inquiries with the complainant and witnesses to ensure that the discriminatory/harassing conduct has stopped and that they have not experienced any retaliation; training or other interventions for the larger school community designed to ensure that students, staff, parents, Board members and other individuals within the school community understand the types of behavior that constitute discrimination/harassment, that the District does not tolerate it, and how to report it; counseling supports; other remedies as may be appropriate for a particular circumstance as determined by the Title IX Coordinator.
 - b. Coordinate the imposition of disciplinary sanctions, as appropriate, for a respondent, including notification to the complainant of any such disciplinary sanctions. The possible sanctions may include, but are not limited to, discipline up to and including expulsion for students and termination of employment for employees; resolution through restorative practices; and/or restrictions from athletics and other extracurricular activities.
 - c. Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the District's education program or activity.
 - d. Communicate with a student's PPT or Section 504 team prior to disciplining a respondent to ensure compliance with the requirements of the IDEA and Section 504 with respect to discipline of students.
 - e. If expulsion is recommended, refer a student respondent to the Board for expulsion proceedings pursuant to Connecticut law.
- 10. Appeal of Determination.** After receiving the written determination of the outcome, parties shall have ten (10) school days to submit a formal written statement of appeal, if they so choose, to the Title IX Coordinator challenging the outcome of the grievance procedures and explaining the basis for appeal.

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

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

SECTION V: PREGNANCY OR RELATED CONDITIONS

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

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

SECTION VI: RETALIATION

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

SECTION VII: RECORDKEEPING

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

1. For each complaint of sex discrimination, records documenting the informal resolution process or the grievance procedures and the resulting outcome;
2. For each notification the Title IX Coordinator received of information about conduct that reasonably may constitute sex discrimination under Title IX, records documenting the actions the District took in response; and

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination, Including Sex-Based Harassment

3. All materials used to provide training to employees pursuant to this Administrative Regulation. The District will make these training materials available upon request for inspection by members of the public.

SECTION VIII: TRAINING

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

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

SECTION IX: FURTHER REPORTING

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

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination, Including Sex-Based Harassment

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

FKA Regulation 4118.112 adopted: June 17, 2021
Regulation 4118.112 rescinded: November 7, 2024
Regulation revised:

NEW FAIRFIELD PUBLIC SCHOOLS
New Fairfield, Connecticut

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

Name of the complainant: _____

Date of the alleged conduct: _____

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

Location where such conduct occurred: _____

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

Detailed statement of the circumstances: _____

Remedy requested:

Signature: _____

Date: _____

Students

Prohibition of Sex Discrimination, Including Sex-Based Harassment

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

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

For Students

Assistant Superintendent
3 Brush Hill Road
New Fairfield, CT 06812
Telephone Number (203) 312-5668
woleck.kristine@newfairfieldschools.org

For Staff

Human Resources Director
3 Brush Hill Road
New Fairfield, CT 06812
Telephone Number (203) 312-5660
lloyd.rebecca@newfairfieldschools.org

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

Sex discrimination occurs when a person, because of the person’s sex, is denied participation in or the benefits of any education program or activity receiving federal financial assistance. This includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. **Sex discrimination includes sex-based harassment**, as defined below.

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

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

Students

Prohibition of Sex Discrimination, Including Sex-Based Harassment

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

Reporting Sex Discrimination:

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

1. A "complainant," which includes:
 - a. a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
 - b. a person other than a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the Board's education program or activity;

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2. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; and
3. The District's Title IX Coordinator.

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

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

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

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

Any Board employee who has information about conduct that reasonably may constitute sex discrimination must as immediately as practicable notify the Title IX Coordinator. If the Title IX Coordinator is alleged to have engaged in sex discrimination, Board employees shall instead notify their building principal or the Superintendent of Schools, if the employee is not assigned to a school building.

Individuals may also make a report of sex discrimination to the U.S. Department of Education: Office for Civil Rights, Boston Office, U.S. Department of Education, 9th Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone (617) 289-0111) and/or to the Connecticut Commission on Human Rights and Opportunities, 450 Columbus Boulevard, Hartford, CT 06103-1835 (Telephone: 860-541-3400 or Connecticut Toll Free Number: 1-800-477-5737).

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

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

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

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

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

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

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

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Prohibition of Sex Discrimination, Including Sex-Based Harassment

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

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

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

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

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

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

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

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

Students

Prohibition of Sex Discrimination, Including Sex-Based Harassment

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

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

Sex discrimination occurs when a person, because of the person’s sex, is denied participation in or the benefits of any education program or activity receiving federal financial assistance. This includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. **Sex discrimination includes sex-based harassment**, as defined below.

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

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

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

SECTION I: REPORTING SEX DISCRIMINATION

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

For Students

Assistant Superintendent
3 Brush Hill Road
New Fairfield, CT 06812
Telephone Number (203) 312-5668
woleck.kristine@newfairfieldschools.org

For Staff

Human Resources Director
3 Brush Hill Road
New Fairfield, CT 06812
Telephone Number (203) 312-5660
loyd.rebecca@newfairfieldschools.org

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

1. A "complainant," which includes:
 - a. a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
 - b. a person other than a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the District's education program or activity;

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2. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant (collectively, “parent or guardian”); and
3. The District’s Title IX Coordinator.

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

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

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

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

SECTION II: DEFINITIONS

- **Bias** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decisionmaker(s) demonstrate actual bias, rather than the appearance of bias. Actual bias includes, but is not limited to, demonstrated personal animus against the respondent or the complainant and/or prejudice of the facts at issue in the investigation.
- **Complainant** means (1) a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or (2) a person other than a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in the District’s education program or activity at the time of the alleged sex discrimination. When a complainant is a student of the District, reference in these Administrative Regulations to complainant includes the student’s parent or guardian.

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- **Complaint** means oral or written requests to the District that objectively can be understood as a request for the District to investigate and make a determination about alleged discrimination under Title IX or its regulations and under the Board's policy and these Administrative Regulations.
- A **conflict of interest** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decisionmaker(s) have personal, financial and/or familial interests that affected the outcome of the investigation.
- **Consent** means an active, clear and voluntary agreement by a person to engage in sexual activity with another person (also referred to hereafter as "affirmative consent").

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

- Affirmative consent is the standard used in determining whether consent to engage in sexual activity was given by all persons who engaged in the sexual activity.
 - Affirmative consent may be revoked at any time during the sexual activity by any person engaged in the sexual activity.
 - It is the responsibility of each person engaging in a sexual activity to ensure that the person has the affirmative consent of all persons engaged in the sexual activity to engage in the sexual activity and that the affirmative consent is sustained throughout the sexual activity.
 - It shall not be a valid excuse to an alleged lack of affirmative consent that a respondent to the alleged violation believed that a complainant consented to the sexual activity:
 - because the respondent was intoxicated or reckless or failed to take reasonable steps to ascertain whether the complainant consented, or
 - if the respondent knew or should have known that the complainant was unable to consent because such individual was unconscious, asleep, unable to communicate due to a mental or physical condition, unable to consent due to the age of the individual or the age difference between the individual and the respondent, or incapacitated due to the influence of drugs, alcohol or medication.
 - The existence of a past or current dating or sexual relationship between a complainant and a respondent, in and of itself, shall not be determinative of a finding of consent.
- **Disciplinary sanctions** mean consequences imposed on a respondent following a determination under Title IX or under the Board's policy and these Administrative Regulations that the respondent violated the District's prohibition on sex discrimination.

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Prohibition of Sex Discrimination, Including Sex-Based Harassment

- For purposes of investigations and complaints of sex discrimination, **education program or activity** includes buildings owned or controlled by the Board and conduct that is subject to the District's disciplinary authority. The District has an obligation to address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the District's education program or activity or outside the United States.
- **Employee** means (A) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or working in a public elementary, middle or high school; or (B) any other individual who, in the performance of the individual's duties, has regular contact with students and who provides services to or on behalf of students enrolled in a public elementary, middle or high school, pursuant to a contract with the Board.
- **Party** means a complainant or respondent.
- **Pregnancy or related conditions** mean (A) pregnancy, childbirth, termination of pregnancy, or lactation; (B) medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or (C) recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.
- **Relevant** means related to the allegations of sex discrimination under investigation as a part of the District's Title IX grievance procedures. Questions are **relevant** when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.
- **Remedies** means measures provided, as appropriate, to a complainant or any other person the District identifies as having had their equal access to the District's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the District's education program or activity after the District determines that sex discrimination occurred.
- **Respondent** means an individual who is alleged to have violated the District's prohibition on sex discrimination. When a respondent is a student of the District, reference in these Administrative Regulations to respondent includes the student's parent or guardian.
- **Retaliation** means intimidation, threats, coercion, or discrimination against any person by a student or an employee or other person authorized by the District to provide aid, benefit, or service under the District's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or Title VII or their regulations or Connecticut law, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, hearing or informal resolution process conducted pursuant to

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federal Title IX regulations or under the Board’s policy and these Administrative Regulations. This also includes **peer retaliation**, which means retaliation by a student against another student.

- **School days** means the days that school is in session as designated on the calendar posted on the District’s website. In its discretion, and when equitably applied and with proper notice to the parties, the District may consider business days during the summer recess as “school days” if such designation facilitates the prompt resolution of the grievance procedures.
- **Supportive measures** means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to: (1) restore or preserve that party’s access to the District’s education program or activity, including measures that are designed to protect the safety of the parties or the District’s educational environment; or (2) provide support during the District’s grievance procedures or during the informal resolution process. Supportive measures may include counseling; extensions of deadlines or other course-related adjustments; increased security and monitoring; restrictions on contact; changes to class schedules or extracurriculars; training and education programs related to sex-based harassment, and other similar measures as determined appropriate by the Title IX Coordinator.

SECTION III: RESPONSE TO SEX DISCRIMINATION

- A. **Notification of Procedures.** When notified of conduct that reasonably may constitute sex discrimination, including sex-based harassment, the Title IX Coordinator shall notify the complainant or, if the complainant is unknown, the individual who reported the conduct, of the grievance procedures, and the informal resolution process, if available and appropriate. If a complaint is made, the Title IX Coordinator shall also notify the respondent of the grievance procedures and the informal resolution process, if available and appropriate.
- B. **Supportive Measures.** When notified of conduct that reasonably may constitute sex discrimination, including sex-based harassment, an administrator will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person’s access to the District’s education program or activity or provide support during the District’s Title IX grievance procedures or during the informal resolution process. The District will not disclose information about any supportive measures to persons other than the person to whom they apply and their parent or guardian unless necessary to provide the supportive measure or restore or preserve a party’s access to the educational program or activity.

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- a. Where a supportive measure has been implemented, a party may seek the modification or termination of the supportive measure, if the supportive measure is applicable to them and if the party's circumstances have materially changed. The District may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures or at the conclusion of the informal resolution process.
- b. *Challenge to Supportive Measures.* Upon an administrator's decision to provide, deny, modify or terminate a supportive measure, either a respondent or a complainant may challenge that decision. The challenged supportive measure must be applicable to the challenging party. A party's challenge may be based on, but is not limited to, concerns regarding whether the supportive measure is reasonably burdensome; reasonably available; being imposed for punitive or disciplinary reasons; imposed without fee or charge; or otherwise effective in meeting the purposes for which it is intended, including to restore or preserve access to the education program or activity, provide safety, or provide support during the grievance procedures. Such challenge shall be made in writing to the Title IX Coordinator.

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

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

- C. Informal Resolution Process. In lieu of resolving a complaint of sex discrimination through the District's formal grievance procedures (outlined below), the parties may instead elect to participate in an informal resolution process. The District has discretion to determine whether it is appropriate to offer an informal resolution process and may decline to offer informal resolution despite one or more of the parties' wishes. The District does not offer informal resolution to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of a student, or when such a process would conflict with the law. Upon the District offering the informal resolution process to both parties, that parties shall have seven (7) school days to decide if they would like to participate in the process. The District shall obtain the parties' voluntary consent to proceed with the informal resolution process. If the informal resolution process proceeds, the Title IX Coordinator shall appoint an informal resolution facilitator, who will not be the same person as the investigator or the decisionmaker.

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- a. *Notice of Informal Resolution Process.* Promptly upon obtaining the parties' voluntary consent to process with the informal resolution process and before initiation of the informal resolution process, the District must provide to the parties written notice that explains:
 - i. the allegations;
 - ii. the requirements of the informal resolution process;
 - iii. that, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume the formal grievance procedures;
 - iv. that the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming the formal grievance procedures arising from the same allegations;
 - v. the potential terms that may be requested or offered in an informal resolution agreement (which may include, but are not limited to, restrictions on contact, restrictions on the respondent's participation in the District's programs or activities, other disciplinary sanctions, and/or sensitivity training), including notice that an informal resolution agreement is binding only on the parties; and
 - vi. what information the District will maintain and whether and how the District could disclose such information for use in formal grievances procedures.

- b. *Intake Meeting(s).* From the date of the written notice provided in subsection III.3.a, above, the parties will have thirty (30) school days to reach a resolution. The Title IX Coordinator may extend this timeframe for the same reasons identified in subsection IV.1.d, below. If a resolution is not reached, the District will continue resolving the complaint through the grievance procedures as outlined below. The informal resolution process will be designed to be collaborative, focusing on the needs of both parties. When the parties have agreed to pursue the informal resolution process, the informal resolution facilitator shall have a separate intake meeting with each party to determine the appropriate path for resolution. During the intake meeting(s), each party will have the opportunity to share their perspective on the allegations, and the informal resolution facilitator will ascertain the party's goals and motivation in pursuing an informal resolution process.

- c. *Informal Resolution Process.* Depending on the allegations of sex discrimination, the District may offer, or the parties may request (subject to the District's approval), one or more of the following types of informal resolution processes:
 - i. Facilitated Dialogue: After the intake meeting(s), the parties engage in a direct conversation about the alleged sex discrimination with the assistance of the informal resolution facilitator. In a facilitated dialogue, the parties are communicating directly and sharing the same space (virtually or in-person). During a facilitated dialogue, the parties will have the opportunity to discuss their

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individual experiences and listen to the experiences of others with the intention of reaching a mutually agreeable resolution.

- ii. Mediation: After the intake meeting, the parties will engage in back-and-forth communication to reach an agreed-upon resolution. Mediation may take place electronically or in-person or virtually, with the parties in different locations (e.g. not face-to-face). The parties will have the opportunity to speak with the informal resolution facilitator, and the informal resolution facilitator will communicate each party's perspective to the opposing party. Mediation may be completed in one session or may require multiple sessions.
 - d. *Informal Resolution Agreement*. After the parties have reached an agreed-upon resolution, the informal resolution facilitator shall memorialize such agreement in writing. Such resolutions may include, but are not limited to, mutual no-contact orders; agreed upon sensitivity training; restrictions on the respondent's participation in the District's programs or activities or other disciplinary sanctions; or other mutually agreed upon resolutions. Both parties shall sign the informal resolution agreement, at which point the matter will be considered resolved.
 - e. *Retaliation and Subsequent Conduct*. Nothing in this section precludes an individual from filing a complaint of retaliation for matters related to an informal resolution, nor does it preclude either party from filing complaints based on conduct that is alleged to occur following the District's facilitation of the informal resolution.
- D. Emergency Removal**. The District will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination. However, the District may remove a respondent from the District's program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, determines that an imminent and serious threat to the health or safety of the complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.
- E. Students with Disabilities**. If a complainant or respondent is a student with a disability, the Title IX Coordinator shall consult with one or more members of the student's Planning and Placement Team or Section 504 Team to determine how to comply with the requirements of the Individuals with Disabilities Education Act ("IDEA") and Section 504 of the Rehabilitation Act throughout the implementation of the grievance procedures, including in the implementation of supportive measures.
- F. Absence of a Complaint**. In the absence of a complaint, or the withdrawal of any or all allegations in the complaint, and in the absence or termination of the informal resolution process, the Title IX Coordinator shall make a fact-specific determination regarding

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whether the Title IX Coordinator should initiate a complaint of sex discrimination. In making this determination, the Title IX Coordinator shall consider, at a minimum, the following factors:

- a. The complainant's request not to proceed with initiation of a complaint;
- b. The complainant's reasonable safety concerns regarding initiation of a complaint;
- c. The risk that additional acts of sex discrimination would occur if a complaint is not initiated;
- d. The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from the District's program or activity or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- e. The age and relationship of the parties, including whether the respondent is a Board employee;
- f. The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
- g. The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
- h. Whether the District could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures.

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

SECTION IV: GRIEVANCE PROCEDURES FOR COMPLAINTS OF SEX DISCRIMINATION

1. Basic Requirements for the Grievance Procedures.

- a. The District will treat complainants and respondents equitably.
- b. The District prohibits any Title IX Coordinator, investigator, or decisionmaker from having a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- c. The District presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of the grievance procedures.
- d. The District has established timeframes for the major stages of the grievance procedures. The District has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay:

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

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

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

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

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

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6. Investigation. The District will provide for the adequate, reliable, and impartial investigation of complaints. In most circumstances, the District will institute a unified investigative model in which an administrator, or a team of administrators, will serve as both the investigator and the decisionmaker. In rare circumstances, the Title IX Coordinator may implement a bifurcated investigative model in which the investigator and the decisionmaker are separate administrators, or separate teams of administrators. The implementation of a bifurcated investigative model shall be in the sole discretion of the District, based on a review by the Title IX Coordinator of the complexity of the investigation and the resources needed. The following applies to all investigations, except as otherwise provided herein:
 - a. The burden is on the District—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.
 - b. The investigator(s) will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible.
 - c. The investigator(s) will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.
 - d. *Disclosure of Evidence*: Prior to making a determination, the investigator(s) will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible.
 - 1) Access to such evidence shall be accomplished by the investigator(s) providing the parties with a description of such evidence or the actual relevant and not otherwise impermissible evidence.
 - 2) The parties shall have five (5) school days to review a description of the evidence or the actual evidence.
 - 3) If not already provided, the parties may request to review the relevant and not otherwise impermissible evidence, rather than a description of the evidence. Parties requesting a review of the evidence must do so within the five (5) school day review period identified above.
 - 4) The parties may submit a written response to the evidence, which must be received by the investigator(s) no later than the end of the five (5) school day review period identified above.
 - 5) Based on the complexity and amount of the evidence, the investigator(s) may provide the parties with additional time to review and respond to the evidence.
 - 6) The District strictly prohibits the unauthorized disclosure of information and evidence obtained solely through the grievance procedures by parties or any other individuals involved in the Title IX grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

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- e. *Only when using a bifurcated investigative model*, the investigator(s) will draft an investigative report that summarizes the relevant and not otherwise impermissible evidence. The investigator(s) will provide this report to the parties and to the decisionmaker(s).
7. Questioning the Parties and Witnesses. The decisionmaker(s) shall question parties and witnesses to adequately assess the credibility of a party or witness, to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination. Credibility may be considered to be in dispute where the decisionmaker(s) must choose between competing narratives to resolve the complaint. The decisionmaker(s), at their discretion, may conduct individual meetings with the parties or witnesses to evaluate credibility. The decisionmaker(s) may consider the following factors in making this evaluation:
- a. Plausibility – Whether the testimony is believable on its face; whether the party or witness experienced or perceived the conduct firsthand; and/or whether there are any inconsistencies in any part of the party’s or witness’s testimony;
 - b. Corroboration – Whether there is other testimony or physical evidence that tends to prove or disprove the party’s or witness’s testimony;
 - c. Motive to Falsify – Whether the party or the witness had a motive to lie; whether a bias, interest or other motive exists; and/or whether there is a fear of retaliation;
 - d. Demeanor – Evaluating the party’s or witness’s body language, including whether there is a perceived nervousness and/or they make tense body movements.
- The decisionmaker(s) shall consider the credibility of any party and witness based on the factors above, as well as the evidence and information gathered during the investigation.
8. Determination of Whether Sex Discrimination Occurred. Following an investigation and evaluation of all relevant and not otherwise impermissible evidence and within sixty (60) school days of issuing the initial notice of allegations, the decisionmaker(s) will:
- a. Use the preponderance of the evidence standard to determine whether sex discrimination occurred. The standard requires the decisionmaker(s) to evaluate relevant and not otherwise impermissible evidence and determine if it is more likely than not that the conduct occurred. If the decisionmaker(s) is not persuaded by a preponderance of the evidence that sex discrimination occurred, the decisionmaker(s) shall not determine that sex discrimination occurred;
 - b. Notify the parties in writing of the determination whether sex discrimination occurred under Title IX and/or the Board’s policy and these Administrative Regulations, including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal;
 - c. Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination;

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- d. Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
 - e. Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.
9. Remedies and Disciplinary Sanctions. If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
- a. Coordinate the provision and implementation of remedies to a complainant and other people the District identified as having had equal access to the District's education program or activity limited or denied by sex discrimination. These remedies may include, but are not limited to: continued supports for the complainant and other people the District identifies; follow-up inquiries with the complainant and witnesses to ensure that the discriminatory/harassing conduct has stopped and that they have not experienced any retaliation; training or other interventions for the larger school community designed to ensure that students, staff, parents, Board members and other individuals within the school community understand the types of behavior that constitute discrimination/harassment, that the District does not tolerate it, and how to report it; counseling supports; other remedies as may be appropriate for a particular circumstance as determined by the Title IX Coordinator.
 - b. Coordinate the imposition of disciplinary sanctions, as appropriate, for a respondent, including notification to the complainant of any such disciplinary sanctions. The possible sanctions may include, but are not limited to, discipline up to and including expulsion for students and termination of employment for employees; resolution through restorative practices; and/or restrictions from athletics and other extracurricular activities.
 - c. Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the District's education program or activity.
 - d. Communicate with a student's PPT or Section 504 team prior to disciplining a respondent to ensure compliance with the requirements of the IDEA and Section 504 with respect to discipline of students.
 - e. If expulsion is recommended, refer a student respondent to the Board for expulsion proceedings pursuant to Connecticut law.
10. Appeal of Determination. After receiving the written determination of the outcome, parties shall have ten (10) school days to submit a formal written statement of appeal, if they so choose, to the Title IX Coordinator challenging the outcome of the grievance procedures and explaining the basis for appeal.

Upon receipt of an appeal, the Superintendent shall appoint a decisionmaker(s) for the appeal, who shall be someone other than the Title IX Coordinator, investigator(s), or initial decisionmaker(s). The decisionmaker(s) for the appeal will provide the appealing party's written statement to the non-appealing party. The non-appealing party will then have ten

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(10) school days to submit to the decision-maker(s) for the appeal a written statement in support of, or challenging, the outcome of the grievance procedures.

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

SECTION V: PREGNANCY OR RELATED CONDITIONS

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

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

SECTION VI: RETALIATION

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

SECTION VII: RECORDKEEPING

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

1. For each complaint of sex discrimination, records documenting the informal resolution process or the grievance procedures and the resulting outcome;

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

SECTION VIII: TRAINING

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

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

SECTION IX: FURTHER REPORTING

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

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

FKA Regulation 5145.5 adopted: June 17, 2021
Regulation 5145.5 rescinded: November 7, 2024
Regulation revised:

NEW FAIRFIELD PUBLIC SCHOOLS
New Fairfield, Connecticut

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

Name of the complainant: _____

Date of the alleged conduct: _____

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

Location where such conduct occurred: _____

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

Detailed statement of the circumstances: _____

Remedy requested:

Signature: _____

Date: _____

Personnel -- Certified/Non-Certified

Sex Discrimination and Sexual Harassment in the Workplace

It is the policy of the New Fairfield Board of Education (the “Board”) for the New Fairfield Public Schools that any form of sex discrimination or sexual harassment is prohibited in the Board’s education programs and activities, whether by students, Board employees or third parties subject to substantial control by the Board. It is the policy of the Board to maintain a working environment free from harassment, insults or intimidation on the basis of an employee’s sex and free from discrimination based on sex. Verbal or physical conduct by a supervisor or co-worker relating to an employee’s sex that has the effect of creating an intimidating, hostile or offensive work environment, unreasonably interfering with the employee’s work performance, or adversely affecting the employee’s employment opportunities is prohibited.

The Board does not discriminate on the basis of sex in the education programs or activities that it operates and the Board is required by Title IX of the Education Amendments of 1972 and its implementing regulations (“Title IX”) not to discriminate in such a manner. Students, Board employees and third parties are required to adhere to a standard of conduct that is respectful of the rights of all parties. Any employee or student who engages in conduct prohibited by this Policy shall be subject to disciplinary action, up to and including termination or expulsion, respectively. Third parties who engage in conduct prohibited by this Policy shall be subject to other sanctions, which may include exclusion from Board property and/or activities. Individuals who engage in acts of sex discrimination or sexual harassment may also be subject to civil and criminal penalties.

For conduct to violate this Policy, the conduct must have occurred in an education program or activity of the Board; the conduct must have occurred within the United States of America; and the complainant must be participating in or attempting to participate in the education program or activity of the Board. Conduct that does not meet these requirements still may constitute a violation of another Board policy.

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

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

Personnel -- Certified/Non-Certified

Sex Discrimination and Sexual Harassment in the Workplace

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

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

Reporting Sex Discrimination or Sexual Harassment

It is the express policy of the Board to encourage victims of sex discrimination and/or sexual harassment to report such claims. Employees are encouraged to report complaints of sex discrimination and/or sexual harassment promptly in accordance with the appropriate process set forth in the Administrative Regulations. The Board directs its employees to respond to such complaints in a prompt and equitable manner. Violations of this Policy by employees will not be permitted and may result in discipline up to and including discharge from employment. Individuals who engage in acts of sex discrimination or sexual harassment may also be subject to civil and criminal penalties. Retaliation against any employee for complaining about sex discrimination or sexual harassment is prohibited under this Policy and illegal under state and federal law.

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

The New Fairfield Public Schools administration (the "Administration") shall provide training to Title IX Coordinator(s), investigators, decision-makers, and any person who facilitates an informal resolution process (as set forth in the Administrative Regulations). Such training will include information on the definition of sex discrimination and sexual harassment, the scope of the Board's education program and activity, how to conduct an investigation and implement the grievance process, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The Administration shall make the training materials used to provide these trainings publicly available on the Board's website.

Personnel -- Certified/Non-Certified

Sex Discrimination and Sexual Harassment in the Workplace

Reporting Sex Discrimination or Sexual Harassment (continued)

The Administration shall also periodically provide training to all Board employees on the topic of sex discrimination and sexual harassment under Title IX, which shall include but not be limited to when reports of sex discrimination and/or sexual harassment must be made. The Administration shall distribute this Policy and the Administrative Regulations to employees, union representatives, students, parents and legal guardians and make the Policy and the Administrative Regulations available on the Board's website to promote an environment free of sex discrimination and sexual harassment.

Title IX Coordinators

The Title IX Coordinators for the New Fairfield Board of Education are listed below. Any individual may make a report of sex discrimination and/or sexual harassment directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:

For Students

Assistant Superintendent
3 Brush Hill Road
New Fairfield, CT 06812
Telephone Number (203) 312-5668
luby.julie@newfairfieldschools.org

For Staff

Human Resources Director
3 Brush Hill Road
New Fairfield, CT 06812
Telephone Number (203) 312-5660
kmehler@newfairfield.org

Any individual may also make a report of sexual harassment and/or sex discrimination to the U.S. Department of Education: Office for Civil Rights, Boston Office, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone: 617-289-0111).

Employees may also make a report of sexual harassment and/or sex discrimination to the Connecticut Commission on Human Rights and Opportunities, 450 Columbus Boulevard, Hartford, CT 06103-1835 (Telephone: 860-514-3400).

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

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

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

Personnel -- Certified/Non-Certified

Sex Discrimination and Sexual Harassment in the Workplace

Legal References: (continued)

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

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

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

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

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

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

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

Policy adopted: June 17, 2021
Policy rescinded: November 7, 2024

NEW FAIRFIELD PUBLIC SCHOOLS
New Fairfield, Connecticut

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination and Sexual Harassment

It is the policy of the New Fairfield Board of Education (the “Board”) for the New Fairfield Public Schools that any form of sex discrimination or sexual harassment is prohibited in the Board’s education programs and activities, whether by students, Board employees or third parties subject to substantial control by the Board. Students, District employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students, District employees, and third parties. It is the policy of the Board to maintain a working environment free from harassment, insults or intimidation on the basis of an employee’s sex and free from discrimination based on sex. Verbal or physical conduct by a supervisor or co-worker relating to an employee’s sex that has the effect of creating an intimidating, hostile or offensive work environment, unreasonably interfering with the employee’s work performance, or adversely affecting the employee’s employment opportunities is prohibited.

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

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

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

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

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination and Sexual Harassment (continued)

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

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

Notice of The Title IX Coordinator

Title IX Coordinators

The Title IX Coordinators for the New Fairfield Board of Education are listed below. Any individual may make a report of sex discrimination and/or sexual harassment directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:

For Students

Assistant Superintendent
3 Brush Hill Road
New Fairfield, CT 06812
Telephone Number (203) 312-5668
luby.julie@newfairfieldschools.org

For Staff

Human Resources Director
3 Brush Hill Road
New Fairfield, CT 06812
Telephone Number (203) 312-5660
kmehler@newfairfield.org

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination and Sexual Harassment

Notice of The Title IX Coordinator (continued)

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

[Note: Additional Persons May be Added. The federal regulations provide that each recipient of federal financial assistance must designate and authorize "at least one Employee" to coordinate its efforts to comply with its responsibilities under the federal regulations.]

Explanation of Complaint Process and Procedure

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

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

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

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination and Sexual Harassment (continued)

Section I. Grievance Process for Complaints of Sexual Harassment

A. Definitions

- **Bias** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decision-maker(s) demonstrate actual bias, rather than the appearance of bias. Actual bias includes, but is not limited to, demonstrated personal animus against the respondent or the complainant and/or prejudice of the facts at issue in the investigation.
- **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- A **conflict of interest** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decision-maker(s) have personal, financial and/or familial interests that affected the outcome of the investigation.
- For purposes of investigations and complaints of sexual harassment, **education program or activity** includes locations, events, or circumstances over which the Board exercises substantial control over both the respondent and the context in which the sexual harassment occurs.
- **Employee** means (A) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or working in a public elementary, middle or high school; or (B) any other individual who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in a public elementary, middle or high school, pursuant to a contract with the Board.
- **Formal complaint** means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the Administration investigate the allegation of sexual harassment. A “document filed by a complainant” means a document or electronic submission that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
- **Respondent** means an individual who has been alleged to be the perpetrator of conduct that could constitute sexual harassment.

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination and Sexual Harassment (continued)

Section I. Grievance Process for Complaints of Sexual Harassment

A. Definitions

- **Supportive measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, increased security and monitoring, and other similar measures.

B. Reporting Sexual Harassment

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

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination and Sexual Harassment

Section I. Grievance Process for Complaints of Sexual Harassment (continued)

C. Formal Complaint and Grievance Process

1. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the District's education programs or activity. A formal complaint may be signed by the Title IX Coordinator. If the complaint being filed is against the Title IX Coordinator, the formal complaint should be filed with the Superintendent. If the formal complaint being filed is against the Superintendent, the formal complaint should be filed with the Board Chair, who will then retain an independent investigator to investigate the matter.
2. The District may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. If possible, formal complaints should be filed within ten (10) school days of the alleged occurrence in order to facilitate the prompt and equitable resolution of such claims. The District will attempt to complete the formal grievance process within ninety (90) school days of receiving a complaint. This timeframe may be temporarily delayed or extended in accordance with Subsection G of this Section.
3. Upon receipt of a formal complaint, if the Title IX Coordinator or designee has not already discussed the availability of supportive measures with the complainant, the Title IX Coordinator or designee will promptly contact the complainant and respondent separately to discuss the availability of such measures and consider the complainant's wishes with respect to them. The District will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide supportive measures.
4. Within ten (10) school days of receiving a formal complaint, the District will provide the known parties with written notice of the allegations potentially constituting sexual harassment and a copy of this grievance process. The written notice must also include the following:
 - i. The identities of the parties involved in the incident, if known;
 - ii. The conduct allegedly constituting sexual harassment as defined above;
 - iii. The date and the location of the alleged incident, if known;

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination and Sexual Harassment

Section I. Grievance Process for Complaints of Sexual Harassment

C. Formal Complaint and Grievance Process (continued)

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

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

5. The parties may have an advisor of their choice accompany them during any grievance proceeding at which the party's attendance is required. The District may, in its discretion, establish certain restrictions regarding the extent to which an advisor may participate in the proceedings. If any such restrictions are established, they will be applied equally to all parties.
6. The Title IX Coordinator will, as applicable, promptly commence an investigation of the formal complaint, designate a school administrator to promptly investigate the formal complaint, or dismiss the formal complaint in accordance with Subsection F of this Section. The standard of evidence to be used to determine responsibility is the preponderance of the evidence standard (i.e., more likely than not). *[Note: A school district may choose to use a "clear and convincing evidence" standard instead. A clear and convincing evidence standard is a higher evidentiary burden than the preponderance of evidence standard. The clear and convincing evidence standard is understood to mean that a decision-maker must conclude that a fact is highly probable to be true, as opposed to a "more likely than not" under the preponderance of the evidence standard. The same standard of evidence for formal complaints must be used for both employees and students. Districts may wish to consult legal counsel regarding selection of an evidentiary standard.]* The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the District and not on the parties.

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination and Sexual Harassment

Section I. Grievance Process for Complaints of Sexual Harassment

C. Formal Complaint and Grievance Process (continued)

7. The parties will be given an equal opportunity to discuss the allegations under investigation with the investigator(s) and are permitted to gather and present relevant evidence. This opportunity includes presenting witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.
8. Both parties will be given an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. Prior to completion of the investigative report, the District will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have ten (10) school days to submit a written response, which the investigator(s) will consider prior to completion of the investigative report, as described in Paragraph 9 of this section.
9. The investigator(s) will create an investigative report that fairly summarizes relevant evidence. The investigator(s) will send the investigative report, in an electronic format or hard copy, to each party and to each party's advisor for their review and written response at least ten (10) school days prior to ***[Insert "a hearing or" if a District chooses to conduct live hearings]*** the time a determination regarding responsibility is made.
10. ***[The Title IX regulations provide that school districts "may, but need not, provide for a hearing." If school districts choose to hold a hearing (live or otherwise), the regulations provide school districts significant discretion as to how to conduct such a hearing. If a school district would like to include the procedures for holding a live hearing in its administrative regulations, Shipman & Goodwin LLP would be happy to assist in crafting specific hearing procedures that satisfies the school district's needs.]***

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination and Sexual Harassment

Section I. Grievance Process for Complaints of Sexual Harassment

C. Formal Complaint and Grievance Process (continued)

11. The Superintendent will appoint a decision-maker(s), who shall be a District employee or third-party contractor and who shall be someone other than the Title IX Coordinator or investigator(s). If the complaint filed is against the Superintendent, the Board Chair shall appoint the decision-maker, who shall be someone other than the Title IX Coordinator or investigator(s). The investigator(s) and the decision-maker(s) shall not discuss the investigation's facts and/or determination while the complaint is pending. The decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) will explain to the party proposing the questions any decisions to exclude a question as not relevant.
12. The decision-maker(s) will issue a written determination regarding responsibility. The written determination will include: (1) identification of the allegations potentially constituting sexual harassment; (2) a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; (3) findings of fact supporting the determination; (4) conclusions regarding the application of the District's code of conduct to the facts; (5) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District will impose on the respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and (6) the District's procedures and permissible bases for the complainant and respondent to appeal. The written determination will be provided to both parties simultaneously.

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination and Sexual Harassment

Section I. Grievance Process for Complaints of Sexual Harassment

C. Formal Complaint and Grievance Process (continued)

13. Student respondents found responsible for violating the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) may be subject to discipline up to and including expulsion. Employee respondents found responsible for violating the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) may be subject to discipline up to and including termination of employment. Other respondents may be subject to exclusion from the District's programs, activities and/or property. In appropriate circumstances, the District may make a criminal referral. Remedies will be designed to restore or preserve equal access to the District's education programs or activities.
14. After receiving notification of the decision-maker(s)' decision, or after receiving notification that the District dismissed a formal complaint or any allegation therein, both complainant and respondent may avail themselves of the appeal process set forth in Section E of this Regulation.

D. Informal Resolution

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

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

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

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination and Sexual Harassment

Section I. Grievance Process for Complaints of Sexual Harassment

D. Informal Resolution (continued)

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

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

E. Appeal Process

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

Appeals will be appropriate only in the following circumstances:

- new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- procedural irregularity that affected the outcome of the matter;
- the Title IX Coordinator, investigator(s), and/or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter. A conflict of interest or bias does not exist solely because the Title IX Coordinator, investigators(s), and/or decision-maker(s) previously worked with or disciplined the complainant or respondent.
- *[Note: School districts may add other bases for appeal so long as they are offered equally to both parties]*

The District will provide the other party with written notice of such appeal. Both parties will then have an opportunity to submit a written statement in support of, or challenging, the outcome. Such written statement must be submitted ten (10) school days after receiving written notice of the appeal.

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination and Sexual Harassment

Section I. Grievance Process for Complaints of Sexual Harassment

E. Appeal Process (continued)

Upon receipt of an appeal, the Superintendent shall appoint a decision-maker(s) for the appeal, who shall be someone other than the Title IX Coordinator, investigator(s), or initial decision-maker(s). The decision-maker(s) for the appeal, in their discretion, will determine the appropriate procedure for the appeal. After considering the parties' written statements, the decision-maker(s) for the appeal will provide a written decision. If it is found that one of the bases for appeal exists, the decision-maker(s) for the appeal will issue an appropriate remedy.

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

F. Dismissal of a Formal Complaint

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

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

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

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

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination and Sexual Harassment

Section I. Grievance Process for Complaints of Sexual Harassment (continued)

G. Miscellaneous

1. Any timeframe set forth in these Administrative Regulations may be temporarily delayed or extended for good cause. Good cause may include, but is not limited to, considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; concurrent activity by the Department of Children and Families; or the need for language assistance or accommodation of disabilities. If any timeframe is altered on a showing of good cause, written notice will be provided to each party with the reasons for the action.
2. If a sexual harassment complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the District (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.
3. If the sexual harassment complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.
4. Retaliation against any individual who complains pursuant to the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) and these Administrative Regulations is strictly prohibited. The District will take actions designed to prevent retaliation as a result of filing a complaint. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described herein.
5. The District will maintain for a period of seven (7) years records of:
 - i. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the Board's education program or activity;

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination and Sexual Harassment

Section I. Grievance Process for Complaints of Sexual Harassment (continued)

G. Miscellaneous

- ii. Any appeal and the result therefrom;
- iii. Any informal resolution and the result therefrom; and
- iv. All material used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The Board will make these training materials publicly available on its website.

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

Section II. Grievance Procedures for Claims of Sex Discrimination (Other Than Sexual Harassment)

A. Definitions

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

B. Reporting Sex Discrimination Other than Sexual Harassment

It is the express policy of the Board to encourage victims of sex discrimination to report such claims. Any person may report sex discrimination (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator.

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination and Sexual Harassment

Section II. Grievance Procedures for Claims of Sex Discrimination (Other Than Sexual Harassment)

B. Reporting Sex Discrimination Other than Sexual Harassment

If the District receives notice of sex discrimination or alleged sex discrimination against a person in the District's education program or activity, the Title IX Coordinator or designee will promptly notify the complainant of the grievance process. The District will treat complainants and respondents equitably during the grievance process. Sexual harassment is a form of sex discrimination, and any incident of sexual harassment, as defined above, should be handled pursuant to Section I of these Administrative Regulations.

C. Grievance Procedures

1. As soon as an employee feels that he or she has been subjected to sex discrimination other than sexual harassment, he/she should make a written complaint to the Title IX Coordinator or to the building principal, or his/her designee. The employee will be provided a copy of the Board's policy and Administrative Regulations and made aware of his or her rights. Preferably, complaints should be filed within ten (10) school days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints.
2. The complaint should state the:
 - i. Name of the complainant;
 - ii. Date of the complaint;
 - iii. Date(s) of the alleged discrimination;
 - iv. Name(s) of the discriminator(s);
 - v. Location where such discrimination occurred;
 - vi. Names of any witness(es) to the discrimination;
 - vii. Detailed statement of the circumstances constituting the alleged discrimination; and
 - viii. Remedy requested.
3. Any employee who makes an oral complaint of sex discrimination to any of the above-mentioned personnel will be provided a copy of these Administrative Regulations and will be requested to make a written complaint pursuant to the above procedure.

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination and Sexual Harassment

Section II. Grievance Procedures for Claims of Sex Discrimination (Other Than Sexual Harassment)

C. Grievance Procedures (continued)

4. All complaints are to be forwarded immediately to the Building Principal or designee unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent of Schools or his/her designee. In addition, a copy of any complaint filed under this policy shall be forwarded to the Title IX Coordinator. If the complaint being filed is against the Title IX Coordinator, the complaint should be filed with the Superintendent. If the complaint being filed is against the Superintendent, the complaint should be filed with the Board Chair, who will then retain an independent investigator to investigate the matter.
5. The Title IX Coordinator or designee shall investigate all complaints of sexual discrimination against an employee, regardless of whether the conduct occurred on or off-school grounds. Complaints will be investigated promptly within the timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information, and other extenuating circumstances. The investigation shall be conducted discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation.
6. Any employee who makes a complaint shall be notified of the District's intent to investigate the complaint. In the event the employee requests confidentiality or that an investigation not be conducted, the District will take reasonable steps to investigate and respond to the complaint to the extent possible, given the request for confidentiality or that the District not investigate the complaint. If the employee insists that his/her information not be shared with the alleged discriminator(s), the employee will be informed that the District's ability to investigate and/or take corrective action may be limited.
7. Upon receipt of a sex discrimination complaint, the Title IX Coordinator shall either promptly commence an investigation of the complaint, or shall designate a school administrator to promptly investigate the complaint. The Title IX Coordinator or designee shall:

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination and Sexual Harassment

Section II. Grievance Procedures for Claims of Sex Discrimination (Other Than Sexual Harassment)

C. Grievance Procedures (continued)

- i. offer to meet with the complainant and respondent (if applicable) separately within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant and respondent (if applicable) believe have relevant information, and obtain any relevant documents the complainant and respondent may have;
- ii. provide the complainant and respondent (if applicable) with a copy of the Board's sex discrimination policy and accompanying regulations;
- iii. consider whether any interim measures may be appropriate to protect the complainant or respondent (if applicable), pending the outcome of the investigation;
- iv. conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;
- v. consider whether alleged sex discrimination has created a hostile work environment, including consideration of the effects of off-campus conduct on the school;
- vi. communicate the outcome of the investigation in writing to the complainant, to the respondent, and to any individual properly identified as a party to the complaint (to the extent permitted by state and federal confidentiality requirements), within ninety (90) school days from the date the complaint was received by the Superintendent's office. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant and respondent (if applicable) shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the District will remedy the discrimination, adhering to the requirements of state and federal law; and
- vii. when sex discrimination has been found, take steps that are reasonably calculated to end the discrimination, take corrective and/or disciplinary action aimed at preventing the recurrence of the discrimination, as deemed appropriate by the Superintendent or his/her designee, and take steps to remedy the effects of the sex discrimination.

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination and Sexual Harassment

Section II. Grievance Procedures for Claims of Sex Discrimination (Other Than Sexual Harassment)

C. Grievance Procedures (continued)

8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, the complainant and respondent will receive notice and interim measures may be implemented as necessary.
9. If the complainant or respondent (if applicable) is dissatisfied with the findings of the investigation, he or she may file a written appeal within five (5) school days to the Title IX Coordinator, or, if he/she conducted the investigation, to the Superintendent of Schools, who shall review the Title IX Coordinator or designee's written report, the information collected by the Title IX Coordinator or designee together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes sex discrimination. The Title IX Coordinator or Superintendent of Schools may determine if further action and/or investigation is warranted. After completing this review, the Title IX Coordinator or Superintendent of Schools shall respond to the complainant and respondent (if applicable), in writing, within fifteen (15) school days following the receipt of the written request for review.

D. Miscellaneous

1. If a sexual discrimination complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the District (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.
2. If the sexual discrimination complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination and Sexual Harassment

Section II. Grievance Procedures for Claims of Sex Discrimination (Other Than Sexual Harassment)

D. Miscellaneous

3. Retaliation against any individual who complains pursuant to the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) and these Administrative Regulations is strictly prohibited. The District will take actions designed to prevent retaliation as a result of filing a complaint. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described herein.

Section III. Further Reporting

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

Employees may also make a report of sexual harassment and/or sex discrimination to the Connecticut Commission on Human Rights and Opportunities, 450 Columbus Boulevard, Hartford, CT 06103-1835 (Telephone: 860-514-3400).

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

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

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

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

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

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

Incest – Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape – Non-forcible sexual intercourse with a person who is under the statutory age of consent.

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

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

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

Affirmative Consent means an active, clear and voluntary agreement by a person to engage in sexual activity with another person.

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

- A. Affirmative consent is the standard used in determining whether consent to engage in sexual activity was given by all persons who engaged in the sexual activity.
- B. Affirmative consent may be revoked at any time during the sexual activity by any person engaged in the sexual activity.
- C. It is the responsibility of each person to ensure that he or she has the affirmative consent of all persons engaged in the sexual activity to engage in the sexual activity and that the affirmative consent is sustained throughout the sexual activity.
- D. It shall not be a valid excuse to an alleged lack of affirmative consent that the respondent to the alleged violation believed that the complainant consented to the sexual activity:
 - i. because the respondent was intoxicated or reckless or failed to take reasonable steps to ascertain whether the complainant affirmatively consented, or
 - ii. if the respondent knew or should have known that the complainant was unable to consent because such individual was unconscious, asleep, unable to communicate due to a mental or physical condition, unable to consent due to the age of the individual or the age difference between the individual and the respondent, or incapacitated due to the influence of drugs, alcohol or medication.
- E. The existence of a past or current dating or sexual relationship between the complainant and the respondent, in and of itself, shall not be determinative of a finding of affirmative consent.

COMPLAINT FORM REGARDING SEXUAL HARASSMENT (PERSONNEL)

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

Name of the complainant _____

Date of the complaint _____

Date of the alleged sexual harassment _____

Name or names of the sexual harasser(s) _____

Location where such sexual harassment occurred _____

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

Detailed statement of the circumstances constituting the alleged sexual harassment

Remedy requested _____

Signature of Complainant or Title IX Coordinator _____

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

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

Name of the complainant _____

Date of the complaint _____

Date of the alleged sex discrimination _____

Name or names of the sex discriminator(s) _____

Location where such sex discrimination occurred _____

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

Detailed statement of the circumstances constituting the alleged sex discrimination

Remedy requested _____

Signature _____

**SAMPLE WRITTEN NOTICE FOR FORMAL COMPLAINTS OF SEXUAL
HARASSMENT**

NOTICE OF SEXUAL HARASSMENT ALLEGATIONS

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

Identities of the parties involved, if known:

_____ (Complainant(s))
_____ (Respondent(s))

The conduct allegedly constituting sexual harassment: _____

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

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

For Students

Assistant Superintendent
3 Brush Hill Road
New Fairfield, CT 06812
Telephone Number (203) 312-5668
luby.julie@newfairfieldschools.org

For Staff

Human Resources Director
3 Brush Hill Road
New Fairfield, CT 06812
Telephone Number (203) 312-5660
kmeehler@newfairfield.org

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

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

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

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

**SAMPLE WRITTEN NOTICE FOR THE INFORMAL RESOLUTION PROCESS FOR
SEXUAL HARASSMENT COMPLAINTS**

[LETTERHEAD]

**NOTICE OF INFORMAL RESOLUTION PROCESS FOR SEXUAL HARASSMENT
COMPLAINTS**

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

The conduct allegedly constituting sexual harassment: _____

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

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

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

I voluntarily consent to the informal resolution process:

Complainant

Date

Respondent

Date

Students

Title IX of the Education Amendments of 1972

Prohibition of Sex Discrimination and Sexual Harassment

It is the policy of the New Fairfield Board of Education (the “Board”) for the New Fairfield Public Schools that any form of sex discrimination or sexual harassment is prohibited in the Board’s education programs and activities, whether by students, Board employees or third parties subject to substantial control by the Board. The Board does not discriminate on the basis of sex in the education programs or activities that it operates and the Board is required by Title IX of the Education Amendments of 1972 and its implementing regulations (“Title IX”) not to discriminate in such a manner. Students, Board employees and third parties are required to adhere to a standard of conduct that is respectful of the rights of students, employees and third parties. Any student or employee who engages in conduct prohibited by this policy shall be subject to disciplinary action, up to and including expulsion or termination, respectively.

For conduct to violate this Policy, the conduct must have occurred in an education program or activity of the Board; the conduct must have occurred within the United States of America; and the complainant must be participating in or attempting to participate in the education program or activity of the Board. Conduct that does not meet these requirements still may constitute a violation of another Board policy.

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

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

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

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

Students

Title IX of the Education Amendments of 1972

Prohibition of Sex Discrimination and Sexual Harassment (continued)

Reporting Sex Discrimination or Sexual Harassment

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

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

The New Fairfield Public Schools administration (the “Administration”) shall provide training to Title IX Coordinator(s), investigators, decision-makers, and any person who facilitates an informal resolution process (as set forth in the Administrative Regulations) on the definitions of sex discrimination and sexual harassment, the scope of the Board’s education program and activity, how to conduct an investigation and grievance process, and how to serve impartially, including by avoiding prejudice of the facts at issue, conflicts of interest, and bias. The Administration shall make the training materials used to provide these trainings publicly available on the Board’s website. The Administration shall also periodically provide training to all Board employees on the topic of sex discrimination and sexual harassment under Title IX, which shall include but not be limited to when reports of sex discrimination and/or sexual harassment must be made. The Administration shall distribute this Policy and the Administrative Regulations to staff, students and parents and legal guardians and make the Policy and the Administrative Regulations available on the Board’s website to promote an environment free of sex discrimination and sexual harassment.

Title IX Coordinators

The Title IX Coordinators for the New Fairfield Board of Education are listed below. Any individual may make a report of sex discrimination and/or sexual harassment directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:

For Students

Assistant Superintendent
3 Brush Hill Road
New Fairfield, CT 06812
Telephone Number (203) 312-5668
luby.julie@newfairfieldschools.org

For Staff

Human Resources Director
3 Brush Hill Road
New Fairfield, CT 06812
Telephone Number (203) 312-5660
kmehler@newfairfield.org

Students

Title IX of the Education Amendments of 1972

Prohibition of Sex Discrimination and Sexual Harassment

Reporting Sex Discrimination or Sexual Harassment (continued)

Any individual may also make a report of sexual harassment and/or sex discrimination to the U.S. Department of Education: Office for Civil Rights, Boston Office, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone (617) 289-0111).

Legal References: Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.
Title IX of the Education Amendments of 1972, 34 C.F.R § 106.1, et seq.
Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)
Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)

Policy adopted: June 17, 2021
Policy rescinded: November 7, 2024

NEW FAIRFIELD PUBLIC SCHOOLS
New Fairfield, Connecticut

Students

Title IX of the Education Amendments of 1972

Prohibition of Sex Discrimination and Sexual Harassment

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

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

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

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

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

1. Statements or other conduct indicating that a student’s submission to, or rejection of, sexual overtures or advances will affect the student’s grades and/or other academic progress.
2. Unwelcome attention and/or advances of a sexual nature, including verbal comments, sexual invitations, leering and physical touching.

Students

Title IX of the Education Amendments of 1972

Prohibition of Sex Discrimination and Sexual Harassment

3. Display of sexually suggestive objects, or use of sexually suggestive or obscene remarks, invitations, letters, emails, text messages, notes, slurs, jokes, pictures, cartoons, epithets or gestures.
4. Touching of a sexual nature or telling sexual or dirty jokes.
5. Transmitting or displaying emails or websites of a sexual nature.
6. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students).

Title IX Coordinators

The Title IX Coordinators for the New Fairfield Board of Education are listed below. Any individual may make a report of sex discrimination and/or sexual harassment directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:

For Students

Assistant Superintendent
3 Brush Hill Road
New Fairfield, CT 06812
Telephone Number (203) 312-5668
luby.julie@newfairfieldschools.org

For Staff

Human Resources Director
3 Brush Hill Road
New Fairfield, CT 06812
Telephone Number (203) 312-5660
kmehler@newfairfield.org

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

[Note: Additional Persons May be Added. The federal regulations provide that each recipient of federal financial assistance must designate and authorize "at least one Employee" to coordinate its efforts to comply with its responsibilities under the federal regulations.]

Students

Title IX of the Education Amendments of 1972

Prohibition of Sex Discrimination and Sexual Harassment

Explanation of Complaint Process and Procedure

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

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

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

Section I. Grievance Process for Complaints of Sexual Harassment

A. Definitions

- **Bias** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decision-maker(s) demonstrate actual bias, rather than the appearance of bias. Actual bias includes, but is not limited to, demonstrated personal animus against the respondent or the complainant and/or prejudice of the facts at issue in the investigation.
- **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- A **conflict of interest** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decision-maker(s) have personal, financial and/or familial interests that affected the outcome of the investigation.
- For purposes of investigations and complaints of sexual harassment, **education program or activity** includes locations, events, or circumstances over which the Board exercises substantial control over both the respondent and the context in which the sexual harassment occurs.

Students

Title IX of the Education Amendments of 1972

Prohibition of Sex Discrimination and Sexual Harassment

Section I. Grievance Process for Complaints of Sexual Harassment

A. Definitions (continued)

- **Employee** means (A) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or working in a public elementary, middle or high school; or (B) any other individual who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in a public elementary, middle or high school, pursuant to a contract with the Board.
- **Formal complaint** means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the Administration investigate the allegation of sexual harassment. A “document filed by a complainant” means a document or electronic submission that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
- **Respondent** means an individual who has been alleged to be the perpetrator of conduct that could constitute sexual harassment.
- **Supportive measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, increased security and monitoring, and other similar measures.

Students

Title IX of the Education Amendments of 1972

Prohibition of Sex Discrimination and Sexual Harassment

Section I. Grievance Process for Complaints of Sexual Harassment (continued)

B. Reporting Sexual Harassment

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

C. Formal Complaint and Grievance Process

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

Students

Title IX of the Education Amendments of 1972

Prohibition of Sex Discrimination and Sexual Harassment

Section I. Grievance Process for Complaints of Sexual Harassment

C. Formal Complaint and Grievance Process (continued)

2. The District may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. If possible, formal complaints should be filed within ten (10) school days of the alleged occurrence in order to facilitate the prompt and equitable resolution of such claims. The District will attempt to complete the formal grievance process within ninety (90) school days of receiving a complaint. This timeframe may be temporarily delayed or extended in accordance with Subsection G of this Section.
3. Upon receipt of a formal complaint, if the Title IX Coordinator or designee has not already discussed the availability of supportive measures with the complainant, the Title IX Coordinator or designee will promptly contact the complainant and respondent separately to discuss the availability of such measures and consider the complainant's wishes with respect to them. The District will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide supportive measures.
4. Within ten (10) school days of receiving a formal complaint, the District will provide the known parties with written notice of the allegations potentially constituting sexual harassment and a copy of this grievance process. The written notice must also include the following:
 - i. The identities of the parties involved in the incident, if known;
 - ii. The conduct allegedly constituting sexual harassment as defined above;
 - iii. The date and the location of the alleged incident, if known;
 - iv. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
 - v. A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence; and
 - vi. A statement of any provision in the District's Student Discipline Policy or any other policy that prohibits knowingly making false statements of knowingly submitting false information during the grievance process.

Students

Title IX of the Education Amendments of 1972

Prohibition of Sex Discrimination and Sexual Harassment

Section I. Grievance Process for Complaints of Sexual Harassment

C. Formal Complaint and Grievance Process (continued)

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

5. The parties may have an advisor of their choice accompany them during any grievance proceeding at which the party's attendance is required. The District may, in its discretion, establish certain restrictions regarding the extent to which an advisor may participate in the proceedings. If any such restrictions are established, they will be applied equally to all parties.
6. The Title IX Coordinator will, as applicable, promptly commence an investigation of the formal complaint, designate a school administrator to promptly investigate the formal complaint, or dismiss the formal complaint in accordance with Subsection F of this Section. The standard of evidence to be used to determine responsibility is the preponderance of the evidence standard (i.e., more likely than not). *[Note: A school district may choose to use a "clear and convincing evidence" standard instead. A clear and convincing evidence standard is a higher evidentiary burden than the preponderance of evidence standard. The clear and convincing evidence standard is understood to mean that a decision-maker must conclude that a fact is highly probable to be true, as opposed to a "more likely than not" under the preponderance of the evidence standard. The same standard of evidence for formal complaints must be used for both employees and students. Districts may wish to consult legal counsel regarding selection of an evidentiary standard.]* The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the District and not on the parties.
7. The parties will be given an equal opportunity to discuss the allegations under investigation with the investigator(s) and are permitted to gather and present relevant evidence. This opportunity includes presenting witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

Students

Title IX of the Education Amendments of 1972

Prohibition of Sex Discrimination and Sexual Harassment

Section I. Grievance Process for Complaints of Sexual Harassment

C. Formal Complaint and Grievance Process (continued)

8. Both parties will be given an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. Prior to completion of the investigative report, the District will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have ten (10) school days to submit a written response, which the investigator(s) will consider prior to completion of the investigative report, as described in Paragraph 9 of this section.
9. The investigator(s) will create an investigative report that fairly summarizes relevant evidence. The investigator(s) will send the investigative report, in an electronic format or hard copy, to each party and to each party's advisor for their review and written response at least ten (10) school days prior to *[Insert "a hearing or" if a District chooses to conduct live hearings]* the time a determination regarding responsibility is made.
10. *[The Title IX regulations provide that school districts "may, but need not, provide for a hearing." If school districts choose to hold a hearing (live or otherwise), the regulations provide school districts significant discretion as to how to conduct such a hearing. For example, the Title IX Coordinator may determine it is appropriate to hold a live hearing where the students are above a certain age, where the students are in high school, or where both parties request or consent to a hearing. If a school district would like to include the procedures for holding a live hearing in its administrative regulations, Shipman & Goodwin LLP would be happy to assist in crafting specific hearing procedures that satisfies the school district's needs.]*
11. The Superintendent will appoint a decision-maker(s), who shall be a District employee or third-party contractor and who shall be someone other than the Title IX Coordinator or investigator(s). If the complaint filed is against the Superintendent, the Board Chair shall appoint the decision-maker, who shall be a District employee or third-party contractor and who shall be someone other than the Title IX Coordinator or investigator(s). The investigator(s) and the decision-maker(s) shall not discuss the investigation's facts and/or determination while the complaint is pending.

Students**Title IX of the Education Amendments of 1972****Prohibition of Sex Discrimination and Sexual Harassment****Section I. Grievance Process for Complaints of Sexual Harassment****C. Formal Complaint and Grievance Process (continued)**

The decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) will explain to the party proposing the questions any decisions to exclude a question as not relevant.

12. The decision-maker(s) will issue a written determination regarding responsibility. The written determination will include: (1) identification of the allegations potentially constituting sexual harassment; (2) a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; (3) findings of fact supporting the determination; (4) conclusions regarding the application of the District's code of conduct to the facts; (5) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District will impose on the respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and (6) the District's procedures and permissible bases for the complainant and respondent to appeal. The written determination will be provided to both parties simultaneously.
13. Student respondents found responsible for violating the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students) may be subject to discipline up to and including expulsion. Employee respondents found responsible for violating the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students) may be subject to discipline up to and including termination of employment. Other respondents may be subject to exclusion from the District's programs, activities and/or property. In appropriate circumstances, the District may make a criminal referral. Remedies will be designed to restore or preserve equal access to the District's education programs or activities.

Students

Title IX of the Education Amendments of 1972

Prohibition of Sex Discrimination and Sexual Harassment

Section I. Grievance Process for Complaints of Sexual Harassment

C. Formal Complaint and Grievance Process (continued)

14. After receiving notification of the decision-maker(s)' decision, or after receiving notification that the District dismissed a formal complaint or any allegation therein, both complainant and respondent may avail themselves of the appeal process set forth in Section V of this Regulation.

D. Informal Resolution

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

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

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

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

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

Students

Title IX of the Education Amendments of 1972

Prohibition of Sex Discrimination and Sexual Harassment

Section I. Grievance Process for Complaints of Sexual Harassment (continued)

E. Appeal Process

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

Appeals will be appropriate only in the following circumstances:

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

[Note: School districts may add other bases for appeal so long as they are offered equally to both parties]

The District will provide the other party with written notice of such appeal. Both parties will then have an opportunity to submit a written statement in support of, or challenging, the outcome. Such written statement must be submitted ten (10) school days after receiving written notice of the appeal. Upon receipt of an appeal, the Superintendent shall appoint a decision-maker(s) for the appeal, who shall be someone other than the Title IX Coordinator, investigator(s), or initial decision-maker(s). The decision-maker(s) for the appeal, in their discretion, will determine the appropriate procedure for the appeal. After considering the parties' written statements, the decision-maker(s) for the appeal will provide a written decision. If it is found that one of the bases for appeal exists, the decision-maker(s) for the appeal will issue an appropriate remedy.

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

Students

Title IX of the Education Amendments of 1972

Prohibition of Sex Discrimination and Sexual Harassment

Section I. Grievance Process for Complaints of Sexual Harassment (continued)

F. Dismissal of a Formal Complaint

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

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

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

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

G. Miscellaneous

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

Students

Title IX of the Education Amendments of 1972

Prohibition of Sex Discrimination and Sexual Harassment

Section I. Grievance Process for Complaints of Sexual Harassment (continued)

G. Miscellaneous

2. If a sexual harassment complaint raises a concern about bullying behavior, the Title IX Coordinator or designee shall notify the Safe School Climate Specialist or designee who shall coordinate any bullying investigation with the Title IX Coordinator, to promote the alignment of any such bullying investigation with the requirements of applicable Board policies and state law. Additionally, if a sexual harassment complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the District (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.
3. If the sexual harassment complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.
4. Retaliation against any individual who complains pursuant to the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students) and these Administrative Regulations is strictly prohibited. The District will take actions designed to prevent retaliation as a result of filing a complaint. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described herein.
5. The District will maintain for a period of seven (7) years records of:
 - i. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the Board's education program or activity;
 - ii. Any appeal and the result therefrom;

Students

Title IX of the Education Amendments of 1972

Prohibition of Sex Discrimination and Sexual Harassment

Section I. Grievance Process for Complaints of Sexual Harassment

G. Miscellaneous (continued)

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

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

Section II. Grievance Procedures for Claims of Sex Discrimination (Other than Sexual Harassment)

A. Definitions

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

B. Reporting Sex Discrimination Other than Sexual Harassment

It is the express policy of the Board to encourage victims of sex discrimination to report such claims. Any person may report sex discrimination (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator.

Students

Title IX of the Education Amendments of 1972

Prohibition of Sex Discrimination and Sexual Harassment

Section II. Grievance Procedures for Claims of Sex Discrimination (Other than Sexual Harassment)

B. Reporting Sex Discrimination Other than Sexual Harassment (continued)

If the District receives notice of sex discrimination or alleged sex discrimination against a student in the District's education program or activity, the Title IX Coordinator or designee will promptly notify the complainant of the grievance process. The District will treat complainants and respondents equitably during the grievance process. Sexual harassment is a form of sex discrimination, and any incident of sexual harassment, as defined above, should be handled pursuant to Section I of these Administrative Regulations.

C. Grievance Procedures

1. As soon as a student feels that he or she has been subjected to sex discrimination other than sexual harassment, he/she or his/her parent/legal guardian should make a written complaint to the Title IX Coordinator or to the building principal, or his/her designee. The student will be provided a copy of the Board's policy and Administrative Regulations and made aware of his or her rights. Preferably, complaints should be filed within ten (10) school days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints.
2. The complaint should state the:
 - i. Name of the complainant;
 - ii. Date of the complaint;
 - iii. Date(s) of the alleged discrimination;
 - iv. Name(s) of the discriminator(s);
 - v. Location where such discrimination occurred;
 - vi. Names of any witness(es) to the discrimination;
 - vii. Detailed statement of the circumstances constituting the alleged discrimination; and
 - viii. Remedy requested.
3. Any student who makes an oral complaint of sex discrimination to any of the above-mentioned personnel will be provided a copy of these Administrative Regulations and will be requested to make a written complaint pursuant to the above procedure. In appropriate circumstances, such as due to the age of the student making the complaint, a parent or school administrator may be permitted to fill out the form on the student's behalf.

Students

Title IX of the Education Amendments of 1972

Prohibition of Sex Discrimination and Sexual Harassment

Section II. Grievance Procedures for Claims of Sex Discrimination (Other than Sexual Harassment)

C. Grievance Procedures (continued)

4. All complaints are to be forwarded immediately to the building principal or designee unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent of Schools or his/her designee. In addition, a copy of any complaint filed under this policy shall be forwarded to the Title IX Coordinator. If the complaint being filed is against the Title IX Coordinator, the complaint should be filed with the Superintendent. If the complaint being filed is against the Superintendent, the complaint should be filed with the Board Chair, who will then retain an independent investigator to investigate the matter.
5. The Title IX Coordinator or designee shall investigate all complaints of sexual discrimination against a student, regardless of whether the conduct occurred on or off-school grounds. Complaints will be investigated promptly within the timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information, and other extenuating circumstances. The investigation shall be conducted discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation.
6. Any student who makes a complaint shall be notified of the District's intent to investigate the complaint. In the event the student requests confidentiality or that an investigation not be conducted, the District will take reasonable steps to investigate and respond to the complaint to the extent possible, given the request for confidentiality or that the District not investigate the complaint. If the student insists that his/her personally identifiable information not be shared with the alleged discriminator(s), the student will be informed that the District's ability to investigate and/or take corrective action may be limited.
7. Upon receipt of a sex discrimination complaint, the Title IX Coordinator shall either promptly commence an investigation of the complaint, or shall designate a school administrator to promptly investigate the complaint. The Title IX Coordinator or designee shall:
 - i. offer to meet with the complainant and respondent (if applicable) separately within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant and respondent (if applicable) believe have relevant information, and obtain any relevant documents the complainant and respondent may have;

Students

Title IX of the Education Amendments of 1972

Prohibition of Sex Discrimination and Sexual Harassment

Section II. Grievance Procedures for Claims of Sex Discrimination (Other than Sexual Harassment)

C. Grievance Procedures (continued)

- ii. provide the complainant and respondent (if applicable) with a copy of the Board's sex discrimination policy and accompanying regulations;
 - iii. consider whether any interim measures may be appropriate to protect the complainant or respondent (if applicable), pending the outcome of the investigation;
 - iv. conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;
 - v. consider whether alleged sex discrimination has created a hostile school environment, including consideration of the effects of off-campus conduct on the school;
 - vi. communicate the outcome of the investigation in writing to the complainant, to the respondent, and to any individual properly identified as a party to the complaint (to the extent permitted by state and federal confidentiality requirements), within ninety (90) school days from the date the complaint was received by the Superintendent's office. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant and respondent (if applicable) shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the District will remedy the discrimination, adhering to the requirements of state and federal law; and
 - vii. when sex discrimination has been found, take steps that are reasonably calculated to end the discrimination, take corrective and/or disciplinary action aimed at preventing the recurrence of the discrimination, as deemed appropriate by the Superintendent or his/her designee, and take steps to remedy the effects of the sex discrimination.
8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, the complainant and respondent will receive notice and interim measures may be implemented as necessary.

Students

Title IX of the Education Amendments of 1972

Prohibition of Sex Discrimination and Sexual Harassment

Section II. Grievance Procedures for Claims of Sex Discrimination (Other than Sexual Harassment)

C. Grievance Procedures (continued)

9. If the complainant or respondent (if applicable) is dissatisfied with the findings of the investigation, he or she may file a written appeal within five (5) school days to the Title IX Coordinator, or, if he/she conducted the investigation, to the Superintendent of Schools, who shall review the Title IX Coordinator or designee's written report, the information collected by the Title IX Coordinator or designee together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes sex discrimination. The Title IX Coordinator or Superintendent of Schools may determine if further action and/or investigation is warranted. After completing this review, the Title IX Coordinator or Superintendent of Schools shall respond to the complainant and respondent (if applicable), in writing, within fifteen (15) school days following the receipt of the written request for review.

D. Miscellaneous

1. If a sexual discrimination complaint raises a concern about bullying behavior, the Title IX Coordinator shall notify the Safe School Climate Specialist or designee who shall coordinate any bullying investigation with the Title IX Coordinator, to promote the alignment of any such bullying investigation with the requirements of applicable Board policies and state law. Additionally, if a sexual discrimination complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the District (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.
2. If the sexual discrimination complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.

Students

Title IX of the Education Amendments of 1972

Prohibition of Sex Discrimination and Sexual Harassment

Section II. Grievance Procedures for Claims of Sex Discrimination (Other than Sexual Harassment)

D. Miscellaneous (continued)

3. Retaliation against any individual who complains pursuant to the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students) and these Administrative Regulations is strictly prohibited. The District will take actions designed to prevent retaliation as a result of filing a complaint. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described herein.

Section III. Further Reporting

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

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

Regulation approved: June 17, 2021
Regulation rescinded: November 7, 2024

NEW FAIRFIELD PUBLIC SCHOOLS
New Fairfield, Connecticut

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

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

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

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

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

Incest – Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape – Non-forcible sexual intercourse with a person who is under the statutory age of consent.

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

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

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

Affirmative Consent means an active, clear and voluntary agreement by a person to engage in sexual activity with another person.

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

- A. Affirmative consent is the standard used in determining whether consent to engage in sexual activity was given by all persons who engaged in the sexual activity.
- B. Affirmative consent may be revoked at any time during the sexual activity by any person engaged in the sexual activity.
- C. It is the responsibility of each person to ensure that he or she has the affirmative consent of all persons engaged in the sexual activity to engage in the sexual activity and that the affirmative consent is sustained throughout the sexual activity.
- D. It shall not be a valid excuse to an alleged lack of affirmative consent that the respondent to the alleged violation believed that the complainant consented to the sexual activity:
 - i. because the respondent was intoxicated or reckless or failed to take reasonable steps to ascertain whether the complainant affirmatively consented, or
 - ii. if the respondent knew or should have known that the complainant was unable to consent because such individual was unconscious, asleep, unable to communicate due to a mental or physical condition, unable to consent due to the age of the individual or the age difference between the individual and the respondent, or incapacitated due to the influence of drugs, alcohol or medication.
- E. The existence of a past or current dating or sexual relationship between the complainant and the respondent, in and of itself, shall not be determinative of a finding of affirmative consent.

COMPLAINT FORM REGARDING SEXUAL HARASSMENT (STUDENTS)

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

Name of the complainant _____

Date of the complaint _____

Date of the alleged sexual harassment _____

Name or names of the sexual harasser(s) _____

Location where such sexual harassment occurred _____

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

Detailed statement of the circumstances constituting the alleged sexual harassment _____

Remedy requested _____

Signature of Complainant or Title IX Coordinator: _____

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

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

Name of the complainant _____

Date of the complaint _____

Date of the alleged sex discrimination _____

Name or names of the sex discriminator(s) _____

Location where such sex discrimination occurred _____

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

Detailed statement of the circumstances constituting the alleged sex discrimination _____

Remedy requested _____

Signature: _____

SAMPLE WRITTEN NOTICE FOR FORMAL COMPLAINTS OF SEXUAL HARASSMENT

NOTICE OF SEXUAL HARASSMENT ALLEGATIONS

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

Identities of the parties involved, if known:

_____ (Complainant(s))
_____ (Respondent(s))

The conduct allegedly constituting sexual harassment: _____

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

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

For Students

Assistant Superintendent
3 Brush Hill Road
New Fairfield, CT 06812
Telephone Number (203) 312-5668
luby.julie@newfairfieldschools.org

For Staff

Human Resources Director
3 Brush Hill Road
New Fairfield, CT 06812
Telephone Number (203) 312-5660
kmehler@newfairfield.org

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

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

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

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

**SAMPLE WRITTEN NOTICE FOR THE INFORMAL RESOLUTION
PROCESS FOR SEXUAL HARASSMENT COMPLAINTS**

[LETTERHEAD]

**NOTICE OF INFORMAL RESOLUTION PROCESS FOR SEXUAL
HARASSMENT COMPLAINTS**

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

The conduct allegedly constituting sexual harassment: _____

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

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

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

I voluntarily consent to the informal resolution process:

Complainant Date

Parent/Guardian of Complainant Date

Respondent Date

Parent/Guardian of Respondent Date