Policy Committee

Monday, December 4, 2017 6:00 PM
Policy Committee, L.P. Wilson Community Center, Room 17, 601 Matianuck Avenue, Windsor, CT 06095

1. **Call to Order, Pledge to the Flag and Moment of Silence**
2. **Audience to Visitors**
3. **Review Policy Committee Protocols**
4. **Review New P 3523.11 Unmanned Aerial Systems (Drones)**
5. **Review Revised P 4112.3 Employment Checks**
6. **Review Revised P/AR 4118.11 Non-Discrimination (Personnel)**
7. **Review Revised P/AR 5113 Student Attendance and Truancy**
8. **Review Revised P/AR 5145.4 Non-Discrimination (Students)**
9. **Adjournment**

Unmanned Aerial Systems (Drones)

In an effort to maintain the safety, security, and privacy of students, staff and visitors, the Windsor Public School District has determined that the operation of unmanned aerial vehicles (UAV), also commonly referred to as drones, is prohibited by any persons on or over District property, including all buildings and grounds, during school hours and at District sponsored events.

For the purposes of this policy, a UAV or drone is any aircraft without a human pilot aboard the device.

An exception to this policy may be made in specific cases where circumstances warrant, such as the filming of sporting practice or instructional purposes, but must be approved in advance by the Superintendent of Schools or his/her designee. In addition, staff or students operating any and all District aerial drones shall be in accordance with this policy and all applicable Federal Aviation Administration regulations such as FAA Advisory Circular 91-57A, and FAA registration requirements.

Legal References:

Connecticut General Statutes: FAA Circular No. 91-57A

Public Law 112-95, The FAA Modernization and Reform Act of 2012

Title 49 U.S.C. §40101

FAA 14 CFR, Parts 1, 45, 47, 48, 91, 375

Policy adopted:

Windsor Public Schools
Windsor, CT

SHIPMAN & GOODWIN LLP
COUNSELORS AT LAW

Rational for Revised Policy

P 4112.3 Employment Checks

This policy has been revised based on Public Act 17-68 and Public Act 17-220 . Public Act 17-68 requires applicants for employment in a school district to provide information about any prior employment at a nonpublic school, in addition to existing requirements to report other categories of prior employment. Public Act 17-220 defines the term "former employer," as used in Conn. Gen. Stat. § 10-222c. The policy was updated to incorporate this new definition, which limits the applicability of certain provisions of the law to employment that occurred during the previous twenty years.

EMPLOYMENT CHECKS

As set forth below, each applicant for a position with the district shall be asked whether he/she has ever been convicted of a crime, whether there are any criminal charges pending against him/her and whether the applicant is included on the Abuse and Neglect Registry of the Connecticut Department of Children and Families ("DCF") (the "Registry"). ~~If the applicant's current or most recent employment occurred out of state, the applicant will also be asked whether he/she is included on an equivalent database and/or abuse/neglect registry maintained in that other state.~~ Applicants shall not be required to disclose any arrest, criminal charge or conviction that has been erased.

~~In addition, the district shall conduct an employment history check for each applicant for a position, as set forth below.~~
In addition, the district shall conduct an employment history check for each applicant for a position, as set forth below.

For the purposes of this policy:

"Sexual misconduct means" any verbal, nonverbal, written, or electronic communication, or any other act directed toward or with a student that is designed to establish a sexual relationship with the student, including a sexual invitation, dating or soliciting a date, engaging in sexual dialog, making sexually suggestive comments, self-disclosure or physical exposure of a sexual or erotic nature, and any other sexual, indecent, or erotic contact with a student.

"Abuse or neglect" means abuse or neglect as described in Conn. Gen. Stat. § 46b-120, and includes any violation of Conn. Gen. Stat. §§ 53a-70 (sexual assault in the first degree), 53a-70a (aggravated sexual assault in the first degree), 53a-71 (sexual assault in the second degree), 53a-72a (sexual assault in the third degree), 53a-72b (sexual assault in the third degree with a firearm), or 53a-73a (sexual assault in the fourth degree).

"Former employer" means any person, firm, business, educational institution, nonprofit agency, corporation, limited liability company, the state, any political subdivision of the state, any governmental agency, or any other entity that such applicant was employed by during any of the previous twenty years prior to applying for a position with a local or regional board of education.

I. Employment History Check Procedures

A. The district shall not offer employment to an ~~application~~applicant for a position, including any position that is contracted for, if such applicant would have direct student contact, prior to the district:

1. Requiring the applicant:

a. to list the name, address, and telephone number of each current employer or former employer ~~of the applicant, if~~ (please note the definition of "former

employer" employer above, including the applicable twenty year reporting period) during any of the previous twenty years), if:

(i) such current or former employer is/was a local or regional board of education, council ~~or operator or if such employment otherwise~~of a state or local charter school, interdistrict magnet school operator, or a supervisory agent of a nonpublic school, and/or

(ii) the applicant's employment with such current or former employer caused the applicant to have contact with children~~;~~.

such current or former employer was a local or regional board of education, council or operator or if such employment otherwise caused the applicant to have contact with children;

b. to submit a written authorization that

(i) consents to and authorizes disclosure by the employers listed under paragraph I.A.1.a of this policy of the information requested under paragraph I.A.2 of this policy and the release of related records by such employers,

(ii) consents to and authorizes disclosure by the Department of Education of the information requested under paragraph I.A.3 of this policy and the release of related records by the department, and

(iii) releases those employers and the Department of Education from liability that may arise from such disclosure or release of records pursuant to paragraphs I.A.2 or I.A.3 of this policy; and

c. to submit a written statement of whether the applicant

(i) has been the subject of an abuse or neglect or sexual misconduct investigation by any employer, state agency or municipal police department, unless the investigation resulted in a finding that all allegations were unsubstantiated,

(ii) has ever been disciplined or asked to resign from employment or resigned from or otherwise separated from any employment while an allegation of abuse or neglect was pending or under investigation by DCF, or an allegation of sexual misconduct was pending or under investigation or due to an allegation substantiated pursuant to Conn. Gen. Stat. § 17a-101g or abuse or neglect, or of sexual misconduct or a conviction for abuse or neglect or sexual misconduct, or

(iii) has ever had a professional or occupational license or certificate suspended or revoked or has ever surrendered such a license or certificate while an allegation of abuse or neglect was pending or under investigation by DCF or an investigation of sexual misconduct was pending or under investigation, or due to an allegation substantiated by DCF of abuse or neglect or of sexual misconduct or a conviction for abuse or neglect or sexual misconduct;

2. Conducting a review of the employment history of the applicant by contacting those employers listed by the applicant under paragraph I.A.1.a of this policy. Such review shall be conducted using a form developed by the Department of Education, which shall request the following:

   a. the dates employment of the applicant, and

   b. a statement as to whether the employer has knowledge that the applicant:

      (i) was the subject of an allegation of abuse or neglect or sexual misconduct for which there is an investigation pending with any employer, state agency, or municipal police department or which has been substantiated;

      (ii) was disciplined or asked to resign from employment or resigned from or otherwise separated from any employment while an allegation of abuse or neglect or sexual misconduct was pending or under investigation, or due to a substantiation of abuse or neglect or sexual misconduct; or

      (iii) has ever had a professional or occupational license, certificate, authorization or permit suspended or revoked or has ever surrendered such a license, certificate, authorization or permit while an allegation of abuse or neglect or sexual misconduct was pending or under investigation, or due to a substantiation of abuse or neglect or sexual misconduct. Such review may be conducted telephonically or through written communication. Notwithstanding the provisions of subsection (f) of Conn. Gen. Stat. § 31-51i, not later than five (5) business days after the district receives a request for such information about an employee or former employee, the district shall respond with such information. The district may request more information concerning any response made by a current or former employer for information about an applicant, and, notwithstanding subsection (f), such employer shall respond not later than five (5) business days after receiving such request.

3. Requesting information from the Department of Education concerning:

   a. the eligibility status for employment of any applicant for a position requiring a certificate, authorization or permit,

b. whether the Department of Education has knowledge that a finding has been substantiated by DCF pursuant to Conn. Gen. Stat. § 17a-101g of abuse or neglect or of sexual misconduct against the applicant and any information concerning such a finding, and

c. whether the Department of Education has received notification that the applicant has been convicted of a crime or of criminal charges pending against the applicant and any information concerning such charges.

B. Notwithstanding the provisions of subsection (f) of Conn. Gen. Stat. § 31-51i, if the district receives information that an applicant for a position with or an employee of the board has been disciplined for a finding of abuse or neglect or sexual misconduct, it shall notify the Department of Education of such information.

C. The district shall not employ an applicant for a position involving direct student contact who does not comply with the provisions of paragraph I.A.1 of this policy.

D. The district may employ or contract with an applicant on a temporary basis for a period not to exceed ninety (90) calendar days, pending the district's review of information received under this section, provided:

1. The applicant complied with paragraph I.A.1 of this policy;

2. The district has no knowledge of information pertaining to the applicant that would disqualify the applicant from employment with the district; and

3. The applicant affirms that the applicant is not disqualified from employment with the district.

E. The district shall not enter into a collective bargaining agreement, an employment contract, an agreement for resignation or termination, a severance agreement, or any other contract or agreement or take any action that:

1. Has the effect of suppressing information relating to an investigation of a report of suspected abuse or neglect or sexual misconduct by a current or former employee;

2. Affects the ability of the district to report suspected abuse or neglect or sexual misconduct to appropriate authorities; or

3. Requires the district to expunge information about an allegation or a finding of suspected abuse or neglect or sexual misconduct from any documents maintained by the district, unless, after investigation, such allegation is dismissed or found to be false.

F. The district shall not offer employment to a person as a substitute teacher, unless such person and the district comply with the provisions of paragraph I.A.1 of this policy. The district shall determine which such persons are employable as substitute teachers and maintain a list of such persons. The district shall not hire any person as a substitute teacher who is not on such list.

Such person shall remain on such list as long as such person is continuously employed by the district as a substitute teacher as described in paragraph III.B.2 of this policy, provided the district does not have any knowledge of a reason that such person should be removed from such list.

G. In the case of an applicant who is a contractor, the contractor shall require any employee with such contractor who would be in a position involving direct student contact to supply to such contractor all the information required of an applicant under paragraphs I.A.1.a. and I.A.1.c of this policy and a written authorization under paragraph I.A.1.b. of this policy. Such contractor shall contact any current or former employer (please note the definition of "former employer" employer above, including the applicable twenty year reporting period) of such employee that was a local or regional board of education, council~~, or operator or if such~~ of a state or local charter school, interdistrict magnet school operator, or a supervisory agent of a nonpublic school, or if the employee's employment with such current or former employer~~, or operator or if such employment~~ caused the employee to have contact with children, and request, either telephonically or through written communication, any information concerning whether there was a finding of abuse or neglect or sexual misconduct against such employee. Notwithstanding the provisions of subsection (f) of Conn. Gen. Stat. § 31-51i, such employer shall report to the contractor any such finding, either telephonically or through written communication. If the contractor receives any information indicating such a finding or otherwise receives any information indicating such a finding or otherwise has knowledge of such a finding, the contractor shall, notwithstanding the provisions of subsection (f) of Conn. Gen. Stat. § 31-51i, immediately forward such information to the district, either telephonically or through written communication. If the district receives such information, it shall determine whether such employee may work in a position involving direct student contact at any school in the district. No determination by the district that any such employee shall not work under any such contract in any such position shall constitute a breach of such contract.

H. Any applicant who knowingly provides false information or knowingly fails to disclose information required in subdivision (1) of subsection (A) of this section shall be subject to discipline by the district that may include

1. denial of employment, or

2. termination of the contract of a certified employee, in accordance with the provisions of Conn. Gen. Stat. § 10-151.

I. If the district provides information in accordance with paragraph I.A.2. or I.G. of this policy, the district shall be immune from criminal and civil liability, provided the district did not knowingly supply false information.

J. Notwithstanding the provisions of Conn. Gen. Stat. § 10-151c and subsection (f) of Conn. Gen. Stat. § 31-51i, the district shall provide, upon request by another local or regional board of education, governing council of a state or local charter school or interdistrict magnet school operator, or supervisory agent of a nonpublic school for the purposes of an inquiry pursuant to paragraphs I.A.2 or I.G. of this policy or to the Commissioner of Education pursuant to

paragraph I.B. of this policy any information that the district has concerning a finding of abuse or neglect or sexual misconduct by a subject of any such inquiry.

K. ~~For the purposes of this policy:~~

~~1. "Sexual misconduct means" any verbal, nonverbal, written, or electronic communication, or any other act directed toward or with a student that is designed to establish a sexual relationship with the student, including a sexual invitation, dating or soliciting a date, engaging in sexual dialog, making sexually suggestive comments, self-disclosure or physical exposure of a sexual or erotic nature, and any other sexual, indecent, or erotic contact with a student~~

~~2. "Abuse or neglect" means abuse or neglect as described in Conn. Gen. Stat. § 46b-120, and includes any violation of Conn. Gen. Stat. §§ 53a-70 (sexual assault in the first degree), 53a-70a (aggravated sexual assault in the first degree), 53a-71 (sexual assault in the second degree), 53a-72a (sexual assault in the third degree), 53a-72b (sexual assault in the third degree with a firearm), or 53a-73a (sexual assault in the fourth degree).~~

Prior to offering employment to an applicant, the district shall make a documented good faith effort to contact each current and any former employer(please note the definition of "former employer" employer above, including the applicable twenty year reporting period) of the applicant that was a local or regional board of education, governing council of a state or local charter school ~~or~~, interdistrict magnet school operator , or supervisory agent of a nonpublic school, or if ~~such~~the applicant's employment ~~otherwise~~with such current or former employer caused the applicant to have contact with children in order to obtain information and recommendations that may be relevant to the applicant's fitness for employment. Such effort, however, shall not be construed to require more than three telephonic requests made on three separate days.

~~M~~L. The district shall not offer employment to any applicant who had any previous employment contract terminated by a local or regional board of education, ~~governing~~ council of a state or local charter school ~~or~~, interdistrict magnet school operator, or a supervisory agent of a nonpublic school, or who resigned from such employment, if the person has been convicted of a violation of Conn. Gen. Stat. § 17a-101a, when an allegation of abuse or neglect or sexual assault has been substantiated.

II. DCF Registry Checks

Prior to hiring any person for a position with the district, the district shall require such applicant to submit to a records check of information maintained on the Registry concerning the applicant.

For any applicant whose current or most recent employment occurred out of state, the district shall request that the applicant provide the district with authorization to access information maintained concerning the applicant by the equivalent state agency in the state of most recent employment, if such state maintains information about abuse and neglect and has a procedure by which such information can be obtained. Refusal to permit the district to access such information shall be considered grounds for rejecting any applicant for employment.

The district shall request information from the Registry or its out of state equivalent promptly, and in any case no later than thirty (30) calendar days from the date of employment. Registry checks will be processed according to the following procedure:

A. No later than ten (10) calendar days after the Superintendent or his/her designee has notified a job applicant of a decision to offer employment to the applicant, or as soon thereafter as practicable, the Superintendent or designee will either obtain the information from the Registry or, if the applicant's consent is required to access the information, will supply the applicant with the release form utilized by DCF, or its out of state equivalent when available, for obtaining information from the Registry.

B. If consent is required to access the Registry, no later than ten (10) calendar days after the Superintendent or his/her designee has provided the successful job applicant with the form, the applicant must submit the signed form to DCF or its out of state equivalent, with a copy to the Superintendent or his/her designee. Failure of the applicant to submit the signed form to DCF or its out of state equivalent within such ten-day period, without good cause, will be grounds for the withdrawal of the offer of employment.

C. Upon receipt of Registry or out-of-state registry information indicating previously undisclosed information concerning abuse or neglect investigations concerning the successful job applicant/employee, the Superintendent or his/her designee will notify the affected applicant/employee in writing of the results of the Registry check and will provide an opportunity for the affected applicant/employee to respond to the results of the Registry check.

D. If notification is received by the Superintendent or designee that that the applicant is listed as a perpetrator of abuse or neglect on the Registry, the Superintendent or designee shall provide the applicant with an opportunity to be heard regarding the results of the Registry check. If warranted by the results of the Registry check and any additional information provided by the applicant, the Superintendent or designee shall revoke the offer of employment and/or terminate the applicant's employment if he or she has already commenced working for the district.

III. Criminal Records Check Procedure

A. Each person hired by the district shall be required to submit to state and national criminal record checks within thirty (30) calendar days from the date of employment. Each ~~worker~~person otherwise placed within a school under ~~a~~any public assistance employment program, employed by a provider of supplemental services pursuant to ~~the No Child Left Behind Act~~federal law or in a nonpaid, noncertified position completing preparation requirements for the issuance of an educator certificate, who performs a service involving direct student contact shall also be required to submit to state and national criminal record checks within thirty (30) calendar days from the date such worker begins to perform such service. Record checks will be processed according to the following procedure:*

1. No later than five (5) calendar days after the Superintendent or his/her designee has notified a job applicant of a decision to hire the applicant, or as soon thereafter as practicable, the Superintendent or his/her designee will provide the applicant with a packet containing all documents and materials necessary for the applicant to be

fingerprinted by Biometric ID Services. This packet shall also contain all documents and materials necessary for the police department to submit the completed fingerprints to the State Police Bureau of Identification for the processing of state and national criminal record checks. The Superintendent or his/her designee will also provide each applicant with the following notifications before the applicant obtains his/her fingerprints: (1) Agency Privacy Requirements for Noncriminal Justice Applicants; (2) Noncriminal Justice Applicant's Privacy Rights; (3) and the Federal Bureau of Investigation, United States Department of Justice Privacy Act Statement.

2. No later than ten (10) calendar days after the Superintendent or his/her designee has provided the successful job applicant with the fingerprinting packet, the applicant must arrange to be fingerprinted by Biometric ID Services. Failure of the applicant to have his/her fingerprints taken within such ten-day period, without good cause, will be grounds for the withdrawal of the offer of employment.

3. Any person for whom criminal records checks are required to be performed pursuant to this policy must pay all fees and costs associated with the fingerprinting process and/or the submission or processing of the requests for criminal record checks.

4. Upon receipt of a criminal record check indicating a previously undisclosed conviction, the Superintendent or his/her designee will notify the affected applicant/employee in writing of the results of the record check and will provide an opportunity for the affected applicant/employee to respond to the results of the criminal record check. The affected applicant/employee may notify the Superintendent or his/her designee in writing within five (5) calendar days that the affected/employee will challenge his/her criminal history record check. Upon written notification to the Superintendent or his/her designee of such a challenge, the affected applicant/employee shall have ten (10) calendar days to provide the Superintendent or his/her designee with necessary documentation regarding the affected applicant/employee's record challenge. The Superintendent or his/her designee may grant an extension to the preceding ten-day period during which the affected applicant/employee may provide such documentation for good cause shown.

5. Decisions regarding the effect of a conviction upon an applicant/employee, whether disclosed or undisclosed by the applicant/employee, will be made on a case-by-case basis. Notwithstanding the foregoing, the falsification or omission of any information on a job application or in a job interview, including but not limited to information concerning criminal convictions or pending criminal charges, shall be grounds for disqualification from consideration for employment or discharge from employment.

6. Notwithstanding anything in paragraph III.A.5 of this Policy, above, no decision to deny employment or withdraw an offer of employment on the basis of an applicant/employee's criminal history record shall be made without affording the applicant/employee the opportunities set forth in paragraph III.A.4 of this Policy, above.

B. **Criminal Records Check for Substitute Teachers:**

A substitute teacher who is hired by the district must submit to state and national criminal history record checks according to the procedures outlined above, subject to the following:

1. If the state and national criminal history record checks for a substitute teacher have been completed within one year prior to the date the district hired the substitute teacher, and if the substitute teacher arranged for such prior criminal history record checks to be forwarded to the Superintendent, then the substitute teacher will not be required to submit to another criminal history record check at the time of such hire.

2. If a substitute teacher submitted to state and national criminal history record checks upon being hired by the district, then the substitute teacher will not be required to submit to another criminal history record check so long as the substitute teacher is continuously employed by the district, that is, employed for at least one day of each school year, by the district, provided a substitute teacher is subjected to such checks at least once every five years.

IV. Sex Offender Registry Checks

School district personnel shall cross-reference the Connecticut Department of Public Safety's sexual offender registry prior to hiring any new employee. Registration as a sexual offender constitutes grounds for denial of employment opportunities.

V. Credit Checks

The district may also ask a prospective employee for a credit report for employment for certain district positions, where the district's receipt of a credit report is substantially related to the employee's potential job. Substantially related is defined to mean "the information contained in the credit report is related to the position for which the employee or prospective employee who is the subject of the report is being evaluated." Prior to asking for a credit report, the district will determine whether the position falls within one of the categories as described in this paragraph. The position must: (1) be a managerial position which involves setting the direction or control of the district; (2) involve access to employees' personal or financial information; (3) involve a fiduciary responsibility to the district, including, but not limited to, the authority to issue payments, collect debts, transfer money or enter into contracts; (4) provide an expense account or district debit or credit card; or (5) involve access to the district's nonfinancial assets valued at two thousand five dollars or more.

When a credit report will be requested as part of the employment process, the district will provide written notification to prospective employee regarding the use of credit checks. That notification must be provided in a document separate from the employment application. The notification must state that the district may use the information in the consumer credit report to make decisions related to the individual's employment.

The district will obtain consent before performing the credit or other background checks. If the district intends to takes an action adverse to a potential employee based on the results of a credit report, the district must provide the prospective employee with a copy of the report on which the district relied in making the adverse decision, as well as a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act," which should be provided by the company that provides the results of the credit check. The district will notify the prospective employee either orally, in writing or via electronic means that the adverse action was taken based on the information in the consumer report. That notice must include the name, address and phone number of the

consumer reporting company that supplied the credit report; a statement that the company that supplied the report did not make the decision to take the unfavorable action and cannot provide specific reasons for the district's actions; and a notice of the person's right to dispute the accuracy or completeness of any information the consumer reporting company furnished, and to get an additional free report from the company if the person asks for it within sixty (60) calendar days.

VI. Notice of Conviction

If, at any time, the Board of Education receives notice of a conviction of a crime by (1) a person holding a certificate, authorization or permit issued by the State Board of Education, or (2) a person employed by a provider of supplemental services, the Board shall send such notice to the State Board of Education.

VII. School Nurses

School nurses or nurse practitioners appointed by, or under contract with, the Board of Education shall also be required to submit to a criminal history records check in accordance with the procedures outlined above.

VIII. Personal Online Accounts

For purposes of these Administrative Regulations, "personal online account" means any online account that is used by an employee or applicant exclusively for personal purposes and unrelated to any business purpose of the Board, including, but not limited to, electronic mail, social media and retail-based Internet web sites. "Personal online account" does not include any account created, maintained, used or accessed by an employee or applicant for a business purpose of the Board.

A. During the course of an employment check, the Board may not:

1. request or require that an applicant provide the Board with a user name and password, password or any other authentication means for accessing a personal online account;

2. request or require that an applicant authenticate or access a personal online account in the presence of the Board; or

3. require that an applicant invite a supervisor employed by the Board or accept an invitation from a supervisor employed by the Board to join a group affiliated with any personal online account of the applicant.

B. The Board may request or require that an applicant provide the Board with a user name and password, password or any other authentication means for accessing:

1. any account or service provided by Board or by virtue of the applicant's employment relationship with the Board or that the applicant uses for the Board's business purposes, or

2. any electronic communications device supplied or paid for, in whole or in part, by the Board.

C. In accordance with applicable law, the Board maintains the right to require an applicant to allow the Board to access his or her personal online account, without disclosing the user name and password, password or other authentication means for accessing such personal online account, for the purpose of:

1. conducting an investigation for the purpose of ensuring compliance with applicable state or federal laws, regulatory requirements or prohibitions against work-related employee misconduct based on the receipt of specific information about activity on an applicant's personal online account; or

2. conducting an investigation based on the receipt of specific information about an applicant's unauthorized transfer of the Board's proprietary information, confidential information or financial data to or from a personal online account operated by an applicant or other source.

IX. Policy Inapplicable to Students Employed by the School District

A. This policy shall also not apply to a student employed by the local or regional school district in which the student attends school.

X. Falsification of Records.

Notwithstanding any other provisions of this policy, the falsification or omission of any information on a job application or in a job interview, including but not limited to information concerning abuse or neglect investigations or pending criminal applications, shall be grounds for disqualification from consideration for employment or discharge from employment.

Legal References:

Conn. Gen. Stat. § 10-~~212.~~212

Conn. Gen. Stat. § 10-221d~~.~~

Conn. Gen. Stat. § 10-222c

Conn. Gen. Stat. § 31-40x

Conn. Gen. Stat. § 31-51i

Conn. Gen. Stat. § 31-51tt

Public Act ~~16~~17-~~67, "An Act Concerning the Disclosure of Certain Education Personnel Records, Criminal Penalties for Threatening in Education Settings and the Exclusion of a Minor's Name from Summary Process Complaints."~~ 68, "An Act Concerning Various Revisions and Additions to the Education Statutes."

Public Act 17-220, "An Act Concerning Education Mandate Relief."

~~No Child Left Behind Act of 2001, Public Law 107-110~~Elementary and Secondary Education Act, reauthorized as the Every Student Succeeds Act, Pub. L. 114-95, codified at 20 U.S.C.§ 1001 *et seq.*

Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq*.

ADOPTED: 1/18/06
REVISED: 1/14/14
REVISED: 11/15/16

Windsor Public Schools
Windsor, CT

Agency Privacy Requirements for Noncriminal Justice Applicants

Authorized governmental and non-governmental agencies/officials that conduct a national fingerprint-based criminal history record check on an applicant for a noncriminal justice purpose (such as a job or license, immigration or naturalization matter, security clearance, or adoption) are obligated to ensure the applicant is provided certain notice and other information and that the results of the check are handled in a manner that protects the applicant's privacy.

- Officials must provide to the applicant written notice[1] that his/her fingerprints will be used to check the criminal history records of the FBI.
- Officials using the FBI criminal history record (if one exists) to make a determination of the applicant's suitability for the job, license, or other benefit must provide the applicant the opportunity to complete or challenge the accuracy of the information in the record.
- Officials must advise the applicant that procedures for obtaining a change, correction, or updating of an FBI criminal history record are set forth at Title 28, Code of Federal Regulations (CFR), Section 16.34.
- Officials should not deny the job, license, or other benefit based on information in the criminal history record until the applicant has been afforded a reasonable time to correct or complete the record or has declined to do so.
- Officials must use the criminal history record solely for the purpose requested and cannot disseminate the record outside the receiving department, related agency, or other authorized entity.[2]

The FBI has no objection to officials providing a copy of the applicant's FBI criminal history record to the applicant for review and possible challenge when the record was obtained based on positive fingerprint identification. If agency policy permits, this courtesy will save the applicant the time and additional FBI fee to obtain his/her record directly from the FBI by following the procedures found at 28 CFR 16.30 through 16.34. It will also allow the officials to make a more timely determination of the applicant's suitability.

Each agency should establish and document the process/procedures it utilizes for how/when it gives the applicant notice, what constitutes "a reasonable time" for the applicant to correct or complete the record, and any applicant appeal process that is afforded the applicant. Such documentation will assist State and/or FBI auditors during periodic compliance reviews on use of criminal history records for noncriminal justice purposes.

If you need additional information or assistance, contact:

Connecticut Records:	Out-of-State Records:
Department of Emergency Services and Public Protection **State Police Bureau of Identification (SPBI)** **1111 Country Club Road** **Middletown, CT 06457** **860-685-8480**	**Agency of Record** **OR** **FBI CJIS Division-Summary Request** **1000 Custer Hollow Road** **Clarksburg, West Virginia 26306**

[1] **Written notification includes electronic notification, but excludes oral notification.**

[2] **See 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 42 U.S.C. 14616, Article IV(c); 28 CFR 20.21(c), 20.33(d), 50.12(b) and 906.2(d).**

Noncriminal Justice Applicant's Privacy Rights

As an applicant who is the subject of a national fingerprint-based criminal history record check for a noncriminal justice purpose (such as an application for a job or license, an immigration or naturalization matter, security clearance, or adoption), you have certain rights which are discussed below.

- You must be provided written notification[3] by Windsor Board of Education that your fingerprints will be used to check the criminal history records of the FBI.

- If you have a criminal history record, the officials making a determination of your suitability for the job, license, or other benefit must provide you the opportunity to complete or challenge the accuracy of the information in the record.

- The officials must advise you that the procedures for obtaining a change, correction, or updating of your criminal history record are set forth at Title 28, Code of Federal Regulations (CFR), Section 16.34.

- If you have a criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the officials deny you the job, license, or other benefit based on information in the criminal history record.[4]

- You have the right to expect that officials receiving the results of the criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.[5]

- If agency policy permits, the officials may provide you with a copy of your FBI criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, you may obtain a copy of the record by submitting fingerprints and a fee to the FBI. Information regarding this process may be obtained at http://www.fbi.gov/about-us/cjis/background-checks.

- If you decide to challenge the accuracy or completeness of your FBI criminal history record, you should send your challenge to the agency that contributed the questioned information to the FBI. Alternatively, you may send your challenge directly to the FBI at the same address as provided above. The FBI will then forward your challenge to the agency that contributed the questioned information and request the agency to verify or correct the challenged entry. Upon receipt of an official communication from that agency, the FBI will make any necessary changes/corrections to your record in accordance with the information supplied by that agency. (See 28 CFR 16.30 through 16.34.)

- If you need additional information or assistance, please contact:

Connecticut Records:	**Out-of-State Records:**
Department of Emergency Services and Public Protection	**Agency of Record**
State Police Bureau of Identification (SPBI)	**OR**
1111 Country Club Road	**FBI CJIS Division-Summary Request**
Middletown, CT 06457	**1000 Custer Hollow Road**
860-685-8480	**Clarksburg, West Virginia 26306**

[3] **Written notification includes electronic notification, but excludes oral notification.**

[4] **See 28 CFR 50.12(b).**

[5] **See 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 42 U.S.C. 14616, Article IV(c); 28 CFR 20.21(c), 20.33(d) and 906.2(d).**

Federal Bureau of Investigation
United States Department of Justice
Privacy Act Statement

Authority: The FBI's acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Pub. L. 92-544, Presidential Executive Orders, and federal. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.

Social Security Account Number (SSAN). Your SSAN is needed to keep records accurate because other people may have the same name and birth date. Pursuant to the Federal Privacy Act of 1974 (5 USC 552a), the requesting agency is responsible for informing you whether disclosure is mandatory or voluntary, by what statutory or other authority your SSAN is solicited, and what uses will be made of it. Executive Order 9397 also asks Federal agencies to use this number to help identify individuals in agency records.

Principal Purpose: Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI's Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or otherwise responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI.

Routine Uses: During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Routine Uses as may be published at any time in the Federal Register, including the Routine Uses for the NGI system and the FBI's Blanket Routine Uses. Routine uses include, but are not limited to, disclosures to: employing, governmental or authorized non-governmental agencies responsible for employment, contracting licensing, security clearances, and other suitability determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.

Additional Information: The requesting agency and/or the agency conducting the application-investigation will provide you additional information pertinent to the specific circumstances of this application, which may include identification of other authorities, purposes, uses, and consequences of not providing requested information. In addition, any such agency in the Federal Executive Branch has also published notice in the Federal Register describing any systems(s) of records in which that agency may also maintain your records, including the authorities, purposes, and routine uses for the system(s).

SHIPMAN & GOODWIN LLP
COUNSELORS AT LAW

Rational for Revised Policy/Administrative Regulation/Form

P/AR 4118.11 Non-Discrimination (Personnel)

This policy was revised based on Pubic Act 17-127. Public Act 17-127 prohibits discrimination by certain entities against an individual on the basis of his/her "status as a veteran." The Act defines a "veteran" as "any person honorably discharged from, or released under honorable conditions from active service in, the United States Army, Navy, Marine Corps, Coast Guard and Air Force and any reserve component thereof, including the Connecticut National Guard." The list of protected classes in this Policy was updated to include veteran status. This policy was further revised based on guidance from the Office for Civil Rights in the United States Department of Education.

NON-DISCRIMINATION (PERSONNEL)

The Board of Education will not make employment decisions (including decisions related to hiring, assignment, compensation, promotion, demotion, disciplinary action and termination) on the basis of race, color, religion, age, sex, marital status, sexual orientation, national origin, ancestry, disability **(including** pregnancy**)**, genetic information, veteran status or gender identity or expression, except in the case of a bona fide occupational qualification.

It is the policy of the Board of Education that any form of discrimination or harassment on the basis of race, religion, color, national origin, sex, sexual orientation, marital status, age, disability, pregnancy, genetic information, veteran status or gender identity or expression, or any other basis prohibited by state or federal law is prohibited, whether by students, Board employees or third parties subject to the control of the Board. The Board's prohibition of discrimination or harassment in its educational programs or activities expressly extends to academic, nonacademic and extracurricular activities, including athletics. It is also the policy of the Board of Education to provide for the prompt and equitable resolution of complaints alleging any discrimination on the basis of protected characteristics such as race, color, religion, age, sex, sexual orientation, marital status, national origin, disability (including pregnancy), veteran status or gender identity or expression.

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

For the purposes of this policy, "veteran" means any person honorably discharged from, or released under honorable conditions from active service in, the United States Army, Navy, Marine Corps, Coast Guard and Air Force and any reserve component thereof, including the Connecticut National Guard.

For the purposes of this policy, "gender identity or expression" means a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity

or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose.

Any employee wishing to file a complaint regarding discrimination may obtain a copy of the Board's complaint procedures and complaint form which are included in the Board's Administrative Regulations Regarding Non-Discrimination/Personnel. These regulations accompany Board Policy # 4118.11 and are available online at **www.windsorct.org** or upon request from the main office of any district school.

If a complaint involves allegations of discrimination or harassment based on reasons such as gender/sex or disability, such complaints will be handled under other appropriate policies Policy #4115.1 Sex Discrimination and Sexual Harassment in the Workplace; P#5145 Policy Regarding Section 504 of the Rehabilitation Act of 1973.

Any employee also may file a complaint with the Office for Civil Rights, U.S. Department of Education ("OCR"):

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

Employees may also file a complaint regarding employment discrimination with the Equal Employment Opportunity Commission:

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

Employees may also file a complaint with the Connecticut Commission on Human Rights and Opportunities:

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

~~The following person has been designated to handle inquiries regarding the Board's non-~~ Anyone who has questions or concerns about this policy, or would like a copy of the Board's complaint procedures or complaint forms related to claims of discrimination ~~polices:~~ may contact:

Terrell Hill, Assistant Superintendent for Human Resources
Windsor Public Schools
601 Matianuck Avenue
Windsor, CT 06095
860-687-2000 x 233

~~The Board's Title IX Coordinator is:~~

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

Terrell Hill, Assistant Superintendent for Human Resources
Windsor Public Schools
601 Matianuck Avenue
Windsor, CT 06095
860-687-2000 x 233

~~The~~ Anyone who has questions or concerns about the Board's policies regarding discrimination on the basis of gender/sex may contact the Board's Section 504/ADA Coordinator ~~is~~:

Steven Carvalho, Director of Pupil and Special Education Services
Windsor Public Schools
601 Matianuck Avenue
Windsor, CT 06095
860-687-2000 x 238

Legal References:

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*
Title IX of the Education Amendments of 1972, 20 USCS § 1681, *et seq.*
Age Discrimination in Employment Act, 29 U.S.C. § 621
Americans with Disabilities Act, 42 U.S.C. § 12101
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794
Title II of the Genetic Information Nondiscrimination Act of 2008, Pub.L.110 233, 42 USC 2000ff; 34 CFR 1635
Connecticut General Statutes § 10-153. Discrimination on basis of marital status
Connecticut Fair Employment Practices Act, Connecticut General Statutes § 46a-60
Connecticut General Statutes § 46a-81a Discrimination on basis of sexual orientation: Definitions
Connecticut General Statutes § 46a-81c Sexual orientation discrimination: Employment.
Public Act 17-127, An Act Concerning Discriminatory Practices Against Veterans, Leaves of Absence for National Guard Members, Application for Certain Medicaid Programs, and Disclosure of Certain Records to Federal Military Law Enforcement.

ADOPTED: July 9, 2009
REVISED: June 18, 2013
REVISED: November 15, 2016

Windsor Public Schools
Windsor, CT

ADMINISTRATIVE REGULATIONS REGARDING DISCRIMINATION COMPLAINTS (PERSONNEL)

It is the policy of the Windsor Board of Education that any form of discrimination or harassment on the basis of protected characteristics such as race, color, religion, age, sex, sexual orientation, marital status, national origin, disability (including pregnancy), genetic information, veteran status or gender identity or expression is forbidden, whether by students, Board employees or third parties subject to the control of the Board. Students, Board employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of ~~students~~ all members of the school community.

It is the express policy of Board to provide for the prompt and equitable resolution of complaints alleging any discrimination on the basis of protected characteristics such as race, color, religion, age, sex, marital status, sexual orientation, national origin, ancestry, disability (including pregnancy), genetic information, veteran status or gender identity or expression. ~~In order to facilitate the timely resolution of such complaints and/or grievances, any employee who feels that he/she has been discriminated against on the basis of these protected characteristics should file a written complaint with:~~

~~**Office of the Superintendent of Schools**~~
~~**Craig A. Cooke, Ph.D.**~~
~~**601 Matianuck Avenue**~~
~~**Windsor, CT 06095**~~
~~**860-687-2000 ext. 236**~~
~~**ccooke@windsorct.org**~~

If a complaint involves allegations of discrimination or harassment based on reasons such as gender/sex or disability, such complaints will be handled under other appropriate policies Policy #4115.1 Sex Discrimination and Sexual Harassment in the Workplace; P#5145 Policy Regarding Section 504 of the Rehabilitation Act of 1973.
0

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

The district will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of harassment or discrimination on the basis of race, color, religion, age, sex, sexual orientation, marital status, national origin, disability (including pregnancy), genetic information, gender identity or expression, or veteran status. Any such reprisals or retaliation will result in disciplinary action against the retaliator, and other corrective actions as appropriate.

The school district will periodically provide staff development for district administrators and periodically distribute this Policy and implementing Administrative Regulations to staff and students in an effort to maintain an environment free of harassment and discrimination.

Complaint Procedure

As soon as an individual feels that he or she has been subjected to discrimination or harassment on the basis of race, color, religion, age, sex, sexual orientation, marital status, national origin, disability (including pregnancy), genetic information, gender identity or expression, or veteran status he/she should make a written complaint to the Superintendent, or his/her designee. The individual and any respondent (if applicable) will be provided a copy of the Board's policy and regulation and made aware of his/her rights.

The complaint should state the:

A. Name of the complainant,

B. Date of the complaint,

C. Date(s) of the alleged harassment/discrimination,

D. Name(s) of the harasser(s) or discriminator(s),

E. Location where such harassment/discrimination occurred,

F. Names of any witness(es) to the harassment/discrimination,

G. Detailed statement of the circumstances constituting the alleged harassment/discrimination; and

H. Proposed remedy.

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

~~Complaints and/or grievances will be investigated promptly and corrective action will be taken when allegations are verified.~~

All complaints received by staff members are to be forwarded immediately to the Superintendent or his/her designee. Upon receipt of a complaint alleging harassment or discrimination under this complaint procedure, the Superintendent or his/her designee shall promptly investigate the complaint. During the course of the investigation, the investigator shall interview or consult with all individuals reasonably believed to have

relevant information, including the complainant, the alleged harasser/discriminator ("respondent") and any witnesses to the conduct. 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. Confidentiality will be maintained by all persons involved in the investigation to the extent possible, as determined by the investigator.

~~Specifically, upon~~ **Upon** receipt of a written complaint of discrimination, ~~the Superintendent and/or his or her designee~~ investigator should:

1. offer to meet with the complainant and respondent (if applicable) within ten (10) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants during periods of time when school is not in session) to discuss the nature of ~~his/her complaint~~ the complaint, identify individuals the complainant believes has relevant information, and obtain any relevant documents the complainant may have;

2. provide the complainant and respondent (if applicable) with a copy of the Board's non-discrimination policy and accompanying regulations;

3. investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;

4. ~~conduct the investigation in a confidential manner, to the extent practicable, adhering to the requirements of state and federal law~~; an investigation that is adequate, reliable, and impartial. Investigate the factual basis for the complaint, including conducting interviews with individuals with information and review of documents relevant to the complaint;

5. ~~communicate the findings and/or results of any investigation to the complainant; and~~ maintain confidentiality to the extent practicable throughout the investigative process, in accordance with state and federal law;

6. ~~take appropriate corrective and disciplinary action, as deemed appropriate by the Superintendent and/or his or her designee~~. communicate the outcome of the investigation in writing to the complainant and respondent (if any) (to the extent permitted by state and federal confidentiality requirements), within thirty (30) business days (provided that such timeframe may be extended by fifteen (15) business days during periods of time when school is in session or reasonably extended based on the availability of necessary witnesses and/or participants during periods of time when school is not in session) from the date the complaint was received by the Superintendent's office. The complainant and respondent (if any) shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the district will remedy the discrimination or harassment, adhering to the requirements of state and federal law.
7. 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 (if any) will receive notice and interim measures may be implemented as necessary (see sub-paragraph 6);

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

9. if either party to the complaint is not satisfied with the findings and conclusions of the investigation, the complainant may present the complaint and written outcome to the Superintendent within thirty (30) calendar days of receiving the findings. Upon review of a written request from the party requesting an appeal, the Superintendent shall review the investigative results of the investigator and determine if further action and/or investigation is warranted. Such action may include consultation with a designated investigator (if applicable), complainant, and respondent (if any) and meeting with appropriate individuals to attempt to resolve the complaint, or a decision affirming or overruling a designated investigator's conclusions or findings (if applicable). The Superintendent shall provide written notice to the complainant and respondent (if any) of the proposed actions within fifteen (15) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants during periods of time when school is not in session) following the receipt of the written request for review.

If ~~the~~ **a** complaint involves ~~an allegation~~ allegations of discrimination ~~based on~~ ~~on~~or harassment based on reasons such as gender/sex or ~~disability or sex, the complainant should be referred to the Board's policies and procedures related to Section 504 of the Rehabilitation Act/Americans with Disabilities Act (ADA) (for claims of discrimination and/or harassment based on disability) and~~ such complaints will be handled under other appropriate policies Policy #4115.1 Sex Discrimination~~/Sexual Harassment (for claims of discrimination and/or harassment based on sex).~~ **and Sexual** Harassment in the Workplace; Policy # P 5145 Policy Regarding Section 504 of the Rehabilitation Act of 193.

~~For allegations pertaining to race, color or national origin discrimination, at any stage in this complaint procedure, the complainant has the right to file formal complaints regarding such matters with~~ Any employee also may file a complaint with the Office for Civil Rights, U.S. Department of Education ("OCR"):

:

Office of Civil Rights
U.S. Department of Education
8th Floor
5 Post Office Square, Suite 900
Boston, MA 02109-3921

~~Tel.~~ (617) 289-0111
~~ocr.boston@ed.gov~~

~~If a complaint is filed with the Office of Civil Rights, it must be filed in writing no later than one hundred eighty (180) days after the occurrence of the alleged discrimination.~~
http://www2.ed.gov/about/offices/list/ocr/docs/howto.html

~~A complainant~~ may also file a complaint regarding employment discrimination with ~~the Connecticut Commission on Human Rights and Opportunities, 25 Sigourney Street, Hartford, CT 06116 (TELEPHONE NUMBER 800-477-5737) and/or~~ the Equal Employment Opportunity Commission, Boston Area Office, John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203 ~~(TELEPHONE NUMBER~~ (800-669-4000).

~~The Board's Title IX Coordinator is:~~

Employees may also file a complaint with the Connecticut Commission on Human Rights and Opportunities:

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

Anyone who has questions or concerns about these regulations may contact:

Terrell Hill, Assistant Superintendent for Human Resources
Windsor Public Schools
601 Matianuck Avenue
Windsor, CT 06095
860-687-2000 x 233

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

Terrell Hill, Assistant Superintendent for Human Resources
Windsor Public Schools
601 Matianuck Avenue
Windsor, CT 06095
860-687-2000 x 233

~~The~~ Anyone who has questions or concerns about the Board's policies regarding discrimination on the basis of gender/sex may contact the Board's Section 504/ADA Coordinator is:

Steven Carvalho, Director of Pupil and Special Education Services
Windsor Public Schools
601 Matianuck Avenue
Windsor, CT 06095

860-687-2000 x 238

Administrative Regulation Approved: October 3, 2016

Craig A. Cooke, Ph.D.
Superintendent of Schools

Windsor Public Schools
Windsor, CT

F 4118.11

Windsor Public Schools
601 Matianuck Avenue
Windsor, CT 06095

DISCRIMINATION COMPLAINT FORM

(For Complaints Based on race, color, religion, age, sex, marital status, sexual orientation, national origin, ancestry, disability (including pregnancy), genetic information, veteran status or gender identity or expression)

Name of the complainant _____

Date of the complaint _____

Date of the alleged discrimination/harassment _____

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

_____

Location where such discrimination/harassment occurred _____

_____

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

_____

Detailed statement of the circumstances constituting the alleged discrimination or harassment _____

_____

_____

_____

_____

_____

_____

Proposed remedy _____

SHIPMAN & GOODWIN LLP
COUNSELORS AT LAW

Rational for Revised Policy/Administrative Regulation

P/AR 5113 Student Attendance and Truancy

This policy and accompanying administrative regulations have been revised based on Public Act 16-147 and Public Act 17-14. Public Act 16-147, which is effective August 15, 2017, removes the Family with Service Needs (FWSN) process as a response for schools to address truancy issues and further provides that the State will provide a truancy intervention models that must be used by districts with a (yet to be defined) disproportionately high rate of truancy by August 15, 2018. Public Act 17-14, effective July 1, 2017, removes in-school suspensions that are greater than or equal to one-half of a school day from the definition of "absence" for purposes of calculating chronic absenteeism rates.

STUDENT ATTENDANCE AND TRUANCY

Regular and punctual student attendance in school is essential to the educational process. Connecticut state law places responsibility for assuring that students attend school with the parent or other person having control of the child. To assist parents and other persons in meeting this responsibility, the Board of Education, through its Superintendent, will adopt and maintain procedures to implement this policy.

In addition, the Board of Education takes seriously the issue of chronic absenteeism. To address this issue, the Board of Education, through its Superintendent, will adopt and maintain procedures regarding chronic absenteeism in accordance with state law.

Legal References:

Public Act 17-14, An Act Implementing the Recommendations of the Department of Education

Public Act 16-147, An Act Concerning the Recommendations of the Juvenile Justice Policy and Oversight Committee

Connecticut General Statutes §10-220

Connecticut General Statutes §10-184

Connecticut General Statutes §10-186

Connecticut General Statutes §10-198a

Connecticut General Statutes § 10-198b

Connecticut General Statutes § 10-198c

Connecticut General Statutes § 10-198d

Connecticut General Statutes § 10-198e

~~Public Act 15-225, "An Act Concerning Chronic Absenteeism"~~

Guidelines for Reporting Student Attendance in the Public School Information System (Connecticut State Department of Education, January 2008)

~~Connecticut State Department of Education Circular Letter C-2, *Utilizing Local Support Resources Prior to Referral of Students for Family with Service Needs* (August 4, 2009)~~

Connecticut State Board of Education Memorandum, *Definitions of Excused and Unexcused Absences* (June 27, 2012)

Connecticut State Department of Education, *Guidelines for Implementation of the Definitions of Excused and Unexcused Absences and Best Practices for Absence Prevention and Intervention* (April 2013)

~~Public Act 14-198, An Act Concerning Excused Absences from School for Children of Service Members~~

Connecticut State Department of Education, *Reducing Chronic Absence in Connecticut's Schools: A Prevention and Intervention Guide for Schools and Districts* (April 2017)

Policy Revised: September 20, 2016
Policy Revised: March 17, 2015
Policy Revised: June 18, 2013
Policy Adopted: March 18, 2008

Windsor Public Schools
Windsor, CT

STUDENT ATTENDANCE, TRUANCY AND CHRONIC ABSENTEEISM

I. Attendance and Truancy

A. Definitions for Section I

1. "Absence" - any day during which a student is not considered "in attendance" at his/her assigned school, or on a school sponsored activity (e.g. field trip), for at least one half of the school day.

2. "Disciplinary absence" – Any absence as a result of school or district disciplinary action. Any student serving an out-of-school suspension or expulsion should be considered absent. Such absence is not considered excused or unexcused for attendance and truancy purposes.

3. "Educational evaluation" - for purposes of this policy, an educational evaluation is an assessment of a student's educational development, which, based upon the student's presenting characteristics, would assess (as appropriate) the following areas: health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities.

4. "Excused absence" – a student is considered excused from school if the school has received written documentation describing the reason for the absence within ten (10) days of the student's return to school, or the child has been excluded from school in accordance with section 10-210 of the Connecticut General Statutes, and meets the following criteria:

    a. Any absence before the student's tenth absence, is considered excused when the student's parent/guardian approves such absence and submits appropriate written documentation in accordance with this regulation.

    b. For the student's tenth absence and all absences thereafter, a student's absences from school are, with appropriate documentation in accordance with this regulation, considered excused only for the following reasons:

        i. student illness (verified by an appropriately licensed medical professional);

        ii. religious holidays;

        iii. mandated court appearances (documentation required);

        iv. funeral or death in the family, or other emergency beyond the control of the student's family;

v. extraordinary educational opportunities pre-approved by the district administrators and in accordance with Connecticut State Department of Education guidance and this regulation;

vi. lack of transportation that is normally provided by a district other than the one the student attends.

c. A student, age five to eighteen, whose parent or legal guardian is an active duty member of the armed forces who has been called for duty, is on leave from or has immediately returned from deployment to a combat zone or combat support posting, shall be granted ten (10) days of excused absences in any school year, and, in the discretion of the administration, additional excused absences to visit such student's parent or legal guardian with respect to the parent's leave or deployment. In the case of such excused absences, the student and parent or legal guardian are responsible for obtaining assignments from the student's teacher prior to any period of excused absence, and for ensuring that such assignments are completed by the student prior to his or her return to school.

5. "In Attendance" - any day during which a student is not considered to be absent from his/her assigned school, or from an activity sponsored by the school (e.g. field trip), for at least one half of the school day.

6. "Student" - a student enrolled in the Windsor Public Schools.

7. "Truant" - any student five (5) to eighteen (18) years of age, inclusive, who has four (4) unexcused absences from school in any one month or ten (10) unexcused absences from school in any school year.

8. "Unexcused absence" - any absence from a regularly scheduled school day for at least one half of the school day, unless the absence an excused absence as defined above or the absence is a disciplinary absence.

The determination of whether an absence is excused will be made by the building principal or his/her designee. Parents or other persons having control of the child may appeal that decision to the Superintendent or his/her designee, whose decision shall be final.

B. Written Documentation Requirements for Absences

"Written Documentation" - includes a signed note from the student's parent/guardian, a signed note from a school official that spoke in person with the parent/guardian regarding the absence, or a note confirming the absence by the school nurse or by a licensed medical professional, as appropriate, that explains the nature of and the reason for the absence as well as the length of the absence.

C. Truancy Exceptions:

1. A student five (5) or six (6) years of age shall not be considered truant if the parent or person having control over such student has appeared personally at the school district office and exercised the option of not sending the child to school at five (5) or six (6) years of age.

2. A student seventeen (17) years of age shall not be considered truant if the parent or person having control over such student consents to such student's withdrawal from school. Such parent or person shall personally appear at the school district office and sign a withdrawal form indicating such consent. Such withdrawal form must include an attestation from a guidance counselor or school administrator from the school that the district provided the parent (or person having control of the child) with information on the educational options available in the school system and community.

3. If a parent or guardian of an expelled student chooses not to enroll the student in an alternative program, the student shall not be considered to be "truant."

D. Readmission to School Following Voluntary Withdrawal

1. Except as noted in paragraph 2 below, if a student voluntarily withdraws from school (in accordance with Section ~~B~~C.2, above) and subsequently seeks readmission, the Board may deny school accommodations to the student for up to ninety (90) school days from the date of the student's withdrawal from school.

2. If a student who has voluntarily withdrawn from school (in accordance with Section C.2, above) seeks readmission within ten (10) school days of his/her withdrawal, the Board shall provide school accommodations to the student not later than three (3) school days after the student requests readmission.

E. Determinations of Whether a Student is "In Attendance":

1. A student serving an out of school suspension or expulsion shall be reported as absent unless he or she receives an alternative educational program for at least one half of the regular school day. In any event, the absence is considered a disciplinary absence, and will not be designated as excused or unexcused.

2. On early dismissal days and days shortened due to inclement weather, the regular school day for attendance purposes is considered to be the amount of instructional time offered to students on that day. For example, if school is open for four hours on a shortened day scheduled, a student must be present for a minimum of two hours in order to be considered "in attendance."

3. Students placed on homebound instruction due to illness or injury in accordance with applicable regulations and requirements are counted as being "in attendance" for every day that they receive instruction from an appropriately certified teacher for an amount of time deemed adequate by the administration

so as to ensure that the student is able to successfully return to the regular classroom setting.

F. Procedures for students in grades K-8*

1. Notification

   a. Annually at the beginning of the school year and upon the enrollment of any child during the school year, the administration shall notify the parent or other person having control of the student enrolled in grades K - 8 in writing of the obligations pursuant to Conn. Gen. Stat. §10-184 to assure that such a student attends school regularly or to show that the child is elsewhere receiving equivalent instruction in the studies taught in the Windsor Public Schools.

   b. Annually at the beginning of the school year and upon the enrollment of any child during the school year, the administration shall obtain from the parent or other person having control of the student in grades K-8 a telephone number or other means of contacting such parent or other person during the school day.

2. Monitoring

   Each school shall implement a system of monitoring individual unexcused absences of students in grades K-8. Whenever such a student fails to report to school on a regularly scheduled school day, school personnel under the direction of the building principal [or his/her designee] shall make a reasonable effort to notify the parent or other person having control of such student by telephone and by mail of the student's absence, unless school personnel have received an indication that the parent or other person is aware of the student's absence. [Reasonable efforts shall include two (2) attempts to reach the parent or other person at the telephone number provided by the parent or other person. Such attempts shall be recorded on a form provided by the Superintendent.] ~~Mailed notice of the student's absence shall include a warning that two unexcused absences from school in a month or five unexcused absences in a school year may result in a complaint filed with the Superior Court pursuant to section 46b-149 of the Connecticut General Statutes alleging the belief that the acts or omissions of the child are such that the child's family is a family with service needs.~~ Any person who, in good faith, gives or fails to give such notice shall be immune from liability, civil or criminal, which might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding which results from such notice or failure to give notice.

G. Procedures applicable to students ages five (5) to eighteen (18)

1. Intervention

   a. When a student is truant, the building principal or his/her designee shall schedule a meeting with the parent (or other person having control of such student) and appropriate school personnel to review

and evaluate the reasons for the student's truancy. This meeting shall be held no later than ten (10) days after the student becomes truant. The district shall document the meeting, and if parent or other person declines to attend the meeting, or is otherwise is non responsive, that fact shall also be documented and the meeting shall proceed with school personnel in attendance.

b. When a student is truant, the Superintendent or his/her designee shall coordinate services with and referrals of students to community agencies providing child and family services, as appropriate. The district shall document efforts to contact and include families and to provide early intervention in truancy matters.

c. ~~If the parent or other person having control of a student who is truant fails to attend the meeting held pursuant to subsection a., above, or otherwise fails to cooperate with the school in attempting to solve the truancy problem, the Superintendent shall file, within fifteen calendar days of such failure to attend the meeting or other failure to cooperate with the school in attempting to solve the truancy problem, for such truant a written complaint with the Superior Court pursuant to Conn. Gen. Stat. § 46b—149 alleging the belief that the acts or omissions of the truant are such that his/her family is a family with service needs.~~ On or before August 15, 2018, if the Commissioner of Education determines that any school under the jurisdiction of Windsor Board of Education has a disproportionately high rate of truancy, the district shall implement a truancy intervention model identified by the Department Education pursuant to Conn. Gen. Stat. § 10-198e.

d. In addition to the procedures specified in subsections (a) through (c) above, a regular education student who is experiencing attendance problems should be referred to the building Child Study Team [or other appropriate school based team] to consider the need for additional interventions and/or assistance. The Team will also consider whether the student should be referred to a planning and placement team ("PPT") meeting to review the student's need and eligibility for special education. A special education student who is experiencing attendance problems should be referred to a PPT meeting for program review.

e. ~~If a family with service needs petition is filed and the court orders an educational evaluation of the student, the district shall conduct an appropriate educational evaluation if no such evaluation has been performed within the preceding year.~~

~~i. For a regular education student, the educational evaluation will be conducted or arranged for by appropriate school personnel and coordinated through the Child Study Team~~

~~[or other appropriate school based team]. Upon completion of the evaluation of a regular education student, the Child Study Team [or other appropriate school based team] shall review the evaluations and make appropriate recommendations for alternative procedures, programs or interventions. Such recommendations may include a referral of the student for further evaluation and/or consideration for special education eligibility.~~

~~ii. In the case of a student who requires or may require special education and related services, the district shall convene a PPT to determine what evaluations may be appropriate to assess any specific areas of concern. The PPT shall reconvene to review the evaluations and make appropriate recommendations regarding the student's need for special education services and the need, if any, to write and/or revise the student's individualized education program ("IEP").~~

H. Attendance Records

All attendance records developed by the Board shall include the individual student's state-assigned student identifier (SASID).

II. Chronic Absenteeism

A. Definitions for Section II

1. "Chronically absent child" - a child who is enrolled in a school under the jurisdiction of the Windsor Board of Education and whose total number of absences at any time during a school year is equal to or greater than ten percent (10%) of the total number of days that such student has been enrolled at such school during such school year;

2. "Absence" - ~~(a)~~ an excused absence, unexcused absence or disciplinary absence, as those terms are defined by the State Board of Education pursuant to section 10-198b of the general statutes and these administrative regulations~~, or (b) an in-school suspension, as defined in section 10-233a of the general statutes, that is greater than or equal to one-half of a school day~~;

3. "District chronic absenteeism rate" - the total number of chronically absent children under the jurisdiction of the Windsor Board of Education in the previous school year divided by the total number of children under the jurisdiction of the Board of Education for such school year; and

4. "School chronic absenteeism rate" - the total number of chronically absent children for a school in the previous school year

divided by the total number of children enrolled in such school for such school year.

B. Establishment of Attendance Review Teams

If the Windsor Board of Education has a district chronic absenteeism rate of ten percent (10%) or higher, it shall establish an attendance review team for the school district.

If a school under the jurisdiction of the Windsor Board of Education has a school chronic absenteeism rate of fifteen percent (15%) or higher, it shall establish an attendance review team for that school.

If the Windsor Board of Education has more than one school with a school chronic absenteeism rate of fifteen percent (15%) or higher, it shall establish an attendance review team for the school district or at each such school.

If the Windsor Board of Education has a district chronic absenteeism rate of ten percent (10%) or higher and one or more schools with a school chronic absenteeism rate of fifteen percent (15%) or higher, it shall establish an attendance review team for the school district or at each such school.

C. Composition and Role of Attendance Review Teams

Any attendance review team established under these regulations may include school administrators, guidance counselors, school social workers, teachers, representatives from community-based programs who address issues related to student attendance by providing programs and services to truants, and chronically absent children and their parents or guardians.

Each attendance review team shall be responsible for reviewing the cases of truants and chronically absent children, discussing school interventions and community referrals for such truants and chronically absent children and making any additional recommendations for such truants and chronically absent children and their parents or guardians. Each attendance review team shall meet at least monthly.

D. State Chronic Absenteeism Prevention and Intervention Plan

The Windsor Board of Education and its attendance review teams, if any, will consider any chronic absenteeism prevention and intervention plan developed by the State Department of Education.

III. Reports to the State Regarding Truancy Data:

Annually, each local and regional board of education shall include information regarding the number of truants and chronically absent children in the strategic school profile report

for each school under its jurisdiction and for the school district as a whole submitted to the Commissioner of Education. Measures of truancy include the type of data that is required to be collected by the Department of Education regarding attendance and unexcused absences in order for the department to comply with federal reporting requirements and the actions taken by the board of education to reduce truancy in the school district.

Legal References:

Public Act 17-14, An Act Implementing the Recommendations of the Department of Education

Public Act 16-147, An Act Concerning the Recommendations of the Juvenile Justice Policy and Oversight Committee

Connecticut General Statutes § 10-220

Connecticut General Statutes § 10-184

Connecticut General Statutes § 10-186

Connecticut General Statutes § 10-198a

Connecticut General Statutes § 10-198b

Connecticut General Statutes § 10-198c

Connecticut General Statutes § 10-198d

~~Public Act 16-147, "An Act Concerning the Recommendations of the Juvenile Justice Policy and Oversight Committee"~~
Connecticut General Statutes § 10-198e

Guidelines for Reporting Student Attendance in the Public School Information System (Connecticut State Department of Education, January 2008)

~~Connecticut State Department of Education Circular Letter C-2, *Utilizing Local Support Resources Prior to Referral of Students for Family with Service Needs* (August 4, 2009)~~

Connecticut State Board of Education Memorandum, *Definitions of Excused and Unexcused Absences* (June 27, 2012)

Connecticut State Department of Education, *Guidelines for Implementation of the Definitions of Excused and Unexcused Absences and Best Practices for Absence Prevention and Intervention* (April 2013)

Connecticut State Department of Education, *Reducing Chronic Absence in Connecticut's Schools: A Prevention and Intervention Guide for Schools and Districts* (April 2017)

Regulation Revised: June 6, 2016
Regulation Revised: March 17, 2015
Regulation Approved: June 18, 2013

Craig A. Cooke, Ph.D.
Superintendent of Schools

Windsor Public Schools
Windsor, CT

SHIPMAN & GOODWIN LLP
COUNSELORS AT LAW

Rational for Revised Policy/Administrative Regulation/Form

P/AR 5145.4 Non-Discrimination (Students)

This policy was revised based on Pubic Act 17-127. Public Act 17-127 prohibits discrimination by certain entities against an individual on the basis of his/her "status as a veteran." The Act defines a "veteran" as "any person honorably discharged from, or released under honorable conditions from active service in, the United States Army, Navy, Marine Corps, Coast Guard and Air Force and any reserve component thereof, including the Connecticut National Guard." The list of protected classes in this Policy was updated to include veteran status. This policy was further revised based on guidance from the Office for Civil Rights in the United States Department of Education.

Students

NON-DISCRIMINATION (STUDENTS)

The Board of Education complies with all applicable federal, state and local laws prohibiting the exclusion of any person from any of its educational programs or activities, or the denial to any person of the benefits of any of its educational programs or activities because of race, religion, color, national origin, sex, sexual orientation, marital status, age, disability (including pregnancy), veteran status or gender identity or expression, subject to the conditions and limitations established by law.

It is the policy of the Board that any form of discrimination or harassment on the basis of race, religion, color, national origin, sex, sexual orientation, marital status, age, disability (including pregnancy), veteran status, gender identity or expression, or any other basis prohibited by state or federal law is prohibited, whether by students, Board employees or third parties subject to the control of the Board. The Board's prohibition of discrimination or harassment in its educational programs or activities expressly extends to academic, nonacademic and extracurricular activities, including athletics. It is also the policy of the Board to provide for the prompt and equitable resolution of complaints alleging any discrimination on the basis of protected characteristics such as race, color, religion, age, sex, sexual orientation, marital status, national origin, disability (including pregnancy), veteran status or gender identity or expression.

For the purposes of this policy, "veteran" means any person honorably discharged from, or released under honorable conditions from active service in, the United States Army, Navy, Marine Corps, Coast Guard and Air Force and any reserve component thereof, including the Connecticut National Guard.

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

Any student and/or parent/guardian wishing to file a complaint regarding discrimination may obtain a copy of the Board's complaint procedures and complaint form which are included in the Board's Administrative Regulations Regarding Non-Discrimination/Students. These regulations accompany Board Policy # 5145.4 **for Students/Non-Discrimination Policy** and are available online at **www.windsorct.org** or upon request from the main office of any district school.

If a complaint involves allegations of discrimination or harassment based on reasons such as gender/sex or disability, such complaints will be handled under other

appropriate policies **Policy #5145.5** Students/Sex Discrimination and Harassment; Policy# 5145 Policy Regarding Section 504 of the Rehabilitation Act of 1973.

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

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

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

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

Anyone who has questions or concerns about this policy, or would like a copy of the Board's complaint procedures or complaint forms related to claims of discrimination may contact:

Terrell Hill, Assistant Superintendent for Human Resources
Windsor Public Schools
601 Matianuck Avenue
Windsor, CT 06095
860-687-2000 x 233

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

Terrell Hill, Assistant Superintendent for Human Resources
Windsor Public Schools
601 Matianuck Avenue
Windsor, CT 06095
860-687-2000 x 233

Anyone who has questions or concerns about the Board's policies regarding discrimination on the basis of gender/sex may contact the **Board's Section 504/ADA Coordinator:**

Steven Carvalho, Director of Pupil and Special Education Services
Windsor Public Schools
601 Matianuck Avenue
Windsor, CT 06095

860-687-2000 x 238

Legal References:

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, *et seq.*
Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, *et seq.*
Americans with Disabilities Act, 42 U.S.C. § 12101, *et seq.*
Connecticut General Statutes § 10-15c , § 46a-58 and § 46a-81a, *et seq.* ~~Discrimination on basis of sexual orientation~~
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, *et seq.*
Public Act 17-127, An Act Concerning Discriminatory Practices Against Veterans, Leaves of Absence for National Guard Members, Application for Certain Medicaid Programs, and Disclosure of Certain Records to Federal Military Law Enforcement.

ADOPTED: July 9, 2009
REVISED: June 18, 2013

ADMINISTRATIVE REGULATIONS REGARDING DISCRIMINATION COMPLAINTS (STUDENTS)

It is the policy of the Board of Education that any form of discrimination or harassment on the basis of protected characteristics such as race, color, religion, age, sex, sexual orientation, marital status, national origin, disability (including pregnancy), veteran status or gender identity or expression is forbidden, whether by students, Board employees or third parties subject to the control of the Board. Students, Board employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of ~~students~~all members of the school community.

It is also the policy of the Board to provide for the prompt and equitable resolution of complaints alleging any discrimination on the basis of protected characteristics such as race, color, religion, age, sex, sexual orientation, marital status, national origin, disability (including pregnancy), veteran status or gender identity or expression.

Any student and/or parent/guardian wishing to file a complaint regarding discrimination may obtain a copy of the Board's complaint procedures and complaint form which are included in the Board's Administrative Regulations Regarding Non-Discrimination/Students. These regulations accompany Board Policy # 5145.4 **Non-Discrimination Policy** and are available online at **www.windsorct.org** or upon request from the main office of any district school.

If ~~the~~a complaint involves ~~an allegation~~allegations of discrimination or harassment based on reasons such as gender/sex or disability ~~or sex, the complainant should be referred to the Board's student policies and procedures related to Section 504 of the Rehabilitation Act/Americans with Disabilities Act (ADA) (for claims of discrimination and/or harassment based on disability) and~~, such complaints will be handled under other appropriate policies **Policy # 5145.5** Students/Sex Discrimination~~/Sexual~~ and Harassment ~~(for claims of discrimination and/or harassment based on sex).~~ **[Insert ~~relevant cross references for non-discrimination, sex discrimination/sexual harassment~~Policy # 5145 Policy Regarding Section 504 of the Rehabilitation Act of 1973, ~~policies for students~~]**

All other complaints by a student or other individuals alleging discrimination on the basis of the protected characteristics listed herein should file a written complaint with:

Office of the Superintendent of Schools
Craig A. Cooke, Ph.D.
601 Matianuck Avenue
Windsor, CT 06095
860-687-2000 ext. 236
ccooke@windsorct.org

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

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

The district will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of harassment or discrimination on the basis of race, color, religion, age, sex, sexual orientation, marital status, national origin, disability (including pregnancy), veteran status or gender identity or expression. Any such reprisals or retaliation will result in disciplinary action against the retaliator, and other corrective actions as appropriate.

The school district will periodically provide staff development for district administrators and periodically distribute this Policy and the implementing Administrative Regulations to staff and students in an effort to maintain an environment free of harassment and discrimination.

Complaint Procedure

As soon as an individual feels that he or she has been subjected to discrimination or harassment on the basis of race, color, religion, age, sex, sexual orientation, marital status, national origin, disability (including pregnancy), veteran status or gender identity or expression, he/she should make a written complaint to Steven Carvalho, Director of Pupil and Special Education Services or to the building principal, or his/her designee. The student will be provided a copy of the Board's policy and regulation and made aware of his or her rights.

The complaint should state the:

A. Name of the complainant,

B. Date of the complaint,

C. Date(s) of the alleged harassment/discrimination,

D. Name(s) of the harasser(s) or discriminator(s),

E. Location where such harassment/discrimination occurred,

F. Names of any witness(es) to the harassment/discrimination, and

G. Detailed statement of the circumstances constituting the alleged harassment/discrimination.

H. Proposed remedy.

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

All complaints are to be forwarded immediately to the Superintendent or his/her designee. Upon receipt of a complaint alleging harassment or discrimination under this complaint procedure, the Superintendent shall designate a district or school administrator to promptly investigate the complaint. During the course of the investigation, the investigator shall interview or consult with all individuals reasonably believed to have relevant information, including the complainant, the alleged harasser/discriminator and any witnesses to the conduct. 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. Confidentiality will be maintained by all persons involved in the investigation to the extent possible **as determined by the investigator.**

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

1. offer to meet with the complainant ~~within ten (10) school days~~(and respondent, if applicable) within ten (10) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants during periods of time when school is not in session) to discuss the nature of the complaint, identify individuals the complainant believes has relevant information, and obtain any relevant documents the complainant may have;

2. provide the complainant (and respondent, if applicable) with a copy of the Board's anti-discrimination policy and accompanying regulations;

3. investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;

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

5. ~~conduct the investigation in a confidential manner~~, **maintain confidentiality** to the extent practicable, **through the investigative process, in accordance** ~~adhering to the requirements of~~ **with** state and federal law;

~~6. take corrective and/or disciplinary action aimed at preventing the recurrence of the harassment or discrimination, as deemed appropriate by the Superintendent or his/her designee;~~

~~5~~6. communicate the outcome of the investigation in writing to the complainant~~, and to any individual properly identified as a party to the complaint~~ (and respondent, if applicable) (to the extent permitted by state and federal confidentiality requirements), within thirty (30) ~~school days~~business days (provided that such timeframe may be extended by fifteen (15) business days during periods of time when school is in session or reasonably extended based on the availability of necessary witnesses and/or participants during periods of time when school is not in session) 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~~any extension of the investigation timeline. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the district will remedy the discrimination or harassment, adhering to the requirements of state and federal law;

7. 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, if applicable) will receive notice and interim measures may be implemented as necessary (see sub-paragraph 6); ~~whenever allegations are verified, ensure that appropriate corrective action is taken (including, but not limited to, disciplinary action) aimed at preventing the recurrence of the harassment or discrimination.~~

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8. **whenever allegations are verified, ensure that appropriate corrective action is taken (including, but not limited to, disciplinary action) aimed at preventing the recurrence of the harassment or discrimination.** Corrective action should include steps to avoid continuing discrimination;

~~8. take corrective and/or disciplinary action aimed at preventing the recurrence of the harassment or discrimination, as deemed appropriate by the Superintendent or his/her designee;~~

9. if the complainant (and/or respondent, if applicable) is not satisfied with the findings and conclusions of the investigation, the complainant (and/or respondent, if applicable) may present the complaint and written outcome to the Superintendent within thirty (30) calendar days of receiving the findings. Upon review of a written request from the complainant (and/or respondent, if applicable), the Superintendent shall review the investigative results of the investigator and determine if further action and/or investigation is warranted. Such action may include consultation with the investigator and complainant (and/or respondent, if applicable), a meeting with appropriate individuals to attempt to resolve the complaint, or a decision affirming or overruling the investigator's conclusions or findings. The Superintendent shall provide written notice to the complainant (and respondent, if applicable) of the proposed actions within fifteen (15) ~~school days~~business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants during periods of time when school is not in session) following the receipt of the written request for review.

~~At any time, a complainant alleging race, color or national origin discrimination or harassment has the right to file a formal complaint with the Boston Office, Office for Civil Rights, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921 (TELEPHONE NUMBER (617) 289-0111).~~

~~complainant~~Any student and/or parent/guardian also may ~~also~~ file a complaint with the ~~Connecticut Commission on Human~~Office for Civil Rights ~~and Opportunities, 25 Sigourney~~

~~Street, Hartford, CT 06106 (TELEPHONE NUMBER 800-477-5737).~~, U.S. Department of Education ("OCR"):

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

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

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

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Terrell Hill, Assistant Superintendent for Human Resources
Windsor Public Schools
601 Matianuck Avenue
Windsor, CT 06095
860-687-2000 x 233

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

Terrell Hill, Assistant Superintendent for Human Resources
Windsor Public Schools
601 Matianuck Avenue
Windsor, CT 06095
860-687-2000 x 233

Anyone who has questions or concerns about the Board's policies regarding discrimination on the basis of gender/sex may contact the **Board's Section 504/ADA Coordinator:**

Steven Carvalho, Director of Pupil and Special Education Services
Windsor Public Schools
601 Matianuck Avenue
Windsor, CT 06095
860-687-2000 x 238

Regulation Revised: June 6, 2016
Regulation Approved: June 18, 2013

Craig A. Cooke, Ph.D.
Superintendent of Schools

Windsor Public Schools
Windsor, CT

F 5145.4

Windsor Public Schools
601 Matianuck Avenue
Windsor, CT 06095

DISCRIMINATION COMPLAINT FORM
(For Complaints Based on Race, Color, Religion, Age, Sex, Marital Status, Sexual Orientation, National Origin, Ancestry, Disability, (including Pregnancy), or Veteran Status, Gender Identity or Expression)

Name of the complainant _____

Date of the complaint _____

Date of the alleged discrimination/harassment _____

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

_____

Location where such discrimination/harassment occurred _____

_____

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

_____

Detailed statement of the circumstances constituting the alleged discrimination or harassment _____

_____

_____

_____

_____

_____

Proposed remedy _____