

**NEW MILFORD BOARD OF EDUCATION**

**New Milford Public Schools  
50 East Street  
New Milford, Connecticut 06776**

**POLICY SUB-COMMITTEE  
MEETING NOTICE**

GEORGE C. BUCKBEE  
TOWN CLERK

2011 SEP 19 P 3:04

NEW MILFORD, CT

**DATE:** September 20, 2011  
**TIME:** 6:30 P.M.  
**PLACE:** Lillis Administration Building, Rm. 2 *JS*

**REVISED AGENDA**

**New Milford Public Schools Mission Statement**

The mission of the New Milford Public Schools, a collaborative partnership of students, educators, family, and community, is to prepare each and every student to compete and excel in an ever-changing world, embrace challenges with vigor, respect and appreciate the worth of every human being, and contribute to society by providing effective instruction and dynamic curriculum, offering a wide range of valuable experiences, and inspiring students to pursue their dreams and aspirations.

**1. Call to Order**

**2. Public Comment**

The Board welcomes Public Participation and asks that speakers please limit their comments to three minutes. Speakers may offer objective comments of school operations and programs that concern them. The Board will not permit any expression of personal complaints or defamatory comments about Board of Education personnel and students, nor against any person connected with the New Milford Public School System.

**3. Discussion and Possible Action Items**

**A. Policies Recommended for Revision:**

1. 4111.1/4211.1 Equal Employment Opportunity
2. 4118.112/4218.112 Sexual and Other Unlawful Harassment
3. 5000 Equal Educational Opportunity
4. 5113 Admissions/Excuses/Dismissal/Truancy
5. 5114 Removal/Suspension/Expulsion
6. 5141 Student Health Services
7. 5141.3 Health Assessments and Immunizations
8. 5145.5 Sexual and Other Unlawful Harassment of Students
9. 6146 Graduation Requirements
10. 3541 Transportation Services

**4. Items of Information**

**A. Revision of Regulations**

1. 4111.1/4211.1 Procedures for Employee Complaints of Discrimination

2. 4118.112/ 4218.112 Sexual and Other Unlawful Harassment
3. 5000 Equal Educational Opportunity
4. 5125 Student Education Records; Access, Confidentiality and Amendment
5. 5145.5 Procedures for Complaints of Sexual, Racial, and Other Unlawful Harassment
6. 6146.1 Grade Point Average/Grade Weighting/ Class Ranking

**5. Adjourn**

**Sub-Committee Members:** Mrs. Nancy Tarascio-Latour, Chair  
Mrs. Lynette Celli Rigdon  
Mr. David A. Lawson  
Mrs. Alexandra Thomas

**Alternates:** Mr. Daniel W. Nichols  
Mr. Bill Wellman

<p><b><i>Bold italicized</i></b> language constitutes an addition. <del>Stricken</del> language constitutes a deletion.</p>
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*COMMENTARY - September 2011 revision: Public Act 11-55, which becomes effective on October 1, 2011, prohibits discrimination on the basis of gender identity or expression in a variety of contexts, including employment and education.*

*Pursuant to Board By-Law 9311, since the proposed revision is due to changes in Connecticut General Statutes §46a-60(a), this revision may be approved by the Board at the initial presentation.*

**4111.1(a)**

**4211.1(a)**

## **Personnel – Certified/Non-Certified**

### **Equal Employment Opportunity**

The New Milford Board of Education provides equal employment opportunities for all employees and applicants for employment. All employment decisions are made without regard to race, color, sex, religion, national origin, sexual orientation, ***gender identity or expression***, disability, marital status, age, ancestry, genetic information, veteran status, or any other basis prohibited by local, state and federal laws. Employment decisions include, but are not limited to, recruitment, hiring, promotion, transfer, compensation, benefits, training, layoff and termination.

The school district hires people based on their qualifications for the position being filled by virtue of job related standards of suitability. Unless provided otherwise by contract, the school district's promotional decisions are based upon an employee's performance and qualifications as they relate to the new responsibilities.

Reasonable accommodations shall be available to disabled employees in a manner consistent with state and federal law. Pre-employment inquiries shall be made only regarding an applicant's ability to perform job-related functions. Medical records shall be kept separate from other employee information and shall be treated confidentially in accordance with applicable state and federal law.

Any employee or applicant who feels there has been a violation of this policy should bring the matter to the immediate attention of the Building Principal or the Title IX Coordinator, unless the Title IX Coordinator is the subject of the complaint, in which case it should be brought to

the Superintendent. Any staff member or administrator who receives a complaint should bring the matter to the immediate attention of the Title IX Coordinator, unless he or she feels the Title IX Coordinator is the inappropriate person to handle the matter under the particular circumstances, in which case, it should be brought to the attention of the Superintendent of Schools. The Title IX Coordinator, the Director of Human Resources, may be reached at 50 East Street, New Milford, CT 06776, 860-210-2200.

The Superintendent of Schools is authorized to develop administrative regulations to establish a complaint procedure for reporting violations of this policy. The Title IX Coordinator shall have responsibility for coordinating compliance with this policy and investigating or supervising the investigation of complaints.

A copy of this policy shall be distributed to all present and future employees.

**4111.1(b)**  
**4211.1(b)**

## **Personnel – Certified/Non-Certified**

### Legal Reference:

#### Connecticut General Statutes

10-153 (Discrimination Based on Marital Status)  
46a-60(a) (Connecticut Fair Employment Practices Act)  
46a-81c (Sexual Orientation Discrimination- Employment)  
R.S.C.A. 46a-54-200 through 46a-54-207

#### United States Code

20 U.S.C. 1681 (Title IX of the Education Amendments of 1972)  
29 U.S.C. 623 (Age Discrimination in Employment Act)  
29 U.S.C. 794 (Section 504 of the Rehabilitation Act of 1973)  
38 U.S.C. 4301 (Uniformed Services Employment and Re-employment Rights Act)  
42 U.S.C. 2000ff Genetic Information Nondiscrimination Act of 2008  
42 U.S.C. 2000d and 2000e (Titles VI and VII of the Civil Rights Act of 1964)  
42 U.S.C. 12101 (Americans with Disabilities Act)  
29 C.F.R. 1604.11 (EEOC Guidelines on Sexual Harassment)

Policy adopted: December 9, 2003  
Policy revised: November 7, 2005  
Policy revised: November 10, 2009  
Policy revised: June 14, 2011  
Policy revised:

NEW MILFORD PUBLIC SCHOOLS  
New Milford, Connecticut

<p><b><i>Bold italicized</i></b> language constitutes an addition. <del>Stricken</del> language constitutes a deletion.</p>
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*Commentary – September 2011: Public Act 11-55, which becomes effective on October 1, 2011, prohibits discrimination on the basis of gender identity or expression in a variety of contexts, including employment and education. As with your equal employment opportunity policy and regulation, you must therefore update harassment policies and regulations.*

*Pursuant to Board By-Law 9311, since the proposed revision is due to changes in Connecticut General Statutes §46a-60(a), this revision may be approved by the Board at the initial presentation.*

**4118.112(a)**  
**4218.112(a)**

## **Personnel -- Certified/Non-Certified**

### **Sexual and Other Unlawful Harassment**

It is the policy of the New Milford Board of Education to maintain a working and learning environment that is free from sexual and other unlawful harassment. The Board will not tolerate the harassment of any applicant, employee, independent contractor, volunteer, student or visitor based on sex, sexual orientation, ***gender identity or expression***, race, color, religion, national origin, ancestry, marital status, age, disability or genetic information. All forms of harassment are prohibited whether verbal, physical or visual, and regardless of the medium through which it occurs. Such harassment violates Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 and the Connecticut Fair Employment Practices Act.

This policy prohibits sexual and other unlawful harassment by employees, teachers, administrators, Board members, volunteers, and others contractually or otherwise under the control of the school system. It also protects against harassment by any third person who is on school premises, at a school workplace or who otherwise comes in contact with school personnel in connection with their employment at the school system.

#### Definition of Unlawful Harassment

Unlawful harassment means unwelcome and offensive conduct that has the purpose or effect of unreasonably interfering with an employee's performance and/or employment opportunities or that is sufficiently severe, pervasive or persistent so as to create an intimidating, hostile or offensive working environment. All forms of harassment are prohibited whether verbal, written, visual or physical and regardless of the medium through which it occurs.

### Definition of Sexual Harassment

Unwelcome sexual advances, requests for sexual favors and other inappropriate verbal, non-verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of the conduct by an individual is used as the basis of employment decisions affecting the individual;

**4118.112(b)**  
**4218.112(b)**

## **Personnel -- Certified/Non-Certified**

### **Sexual and Other Unlawful Harassment Cont'd.**

#### Definition of Sexual Harassment (continued)

- The conduct has the purpose or effect of substantially interfering with an individual's work performance, and/or is sufficiently severe, pervasive or persistent that it creates an intimidating, hostile or offensive work environment; or

Such conduct constitutes sexual harassment whether or not a threat of adverse job consequences is carried out and whether or not the employee actually suffers any tangible adverse job consequences.

Sexual harassment includes a wide range of behaviors – from pressure or requests for sexual activities to unwelcome sexual comments and innuendo to verbal abuse of a sexual nature. Unwelcome sexual flirtations and advances, offensive touching of an individual, graphic or verbal commentaries about an individual's body, sexually degrading words used to describe an individual, and displays in the work place of sexually suggestive objects or pictures are some of the additional behaviors that constitute sexual harassment. Behavior appropriate in a school setting may not be appropriate in the workplace. Sexual harassment may be subtle and even unintentional. It may be directed towards members of the opposite or same sex.

#### Examples of Sexual Harassment

While an exhaustive list is not possible, the following are examples of specific conduct that violate the law and policy and which, if severe and pervasive, constitute sexual harassment. In each case, such a determination will depend upon the totality of the circumstances, including the severity of the conduct and its pervasiveness. Sexual harassment includes, but is not limited to:

- Suggestive or obscene letters, notes, all electronic messages, voice mail messages, invitations, derogatory comments, slurs, jokes, epithets, touching, impeding or blocking movement, leering, gestures, noises, pulling at clothes, display of sexually suggestive objects, pictures or cartoons, sexual assault, attempted sexual assault;
- Continuing to express sexual interest after learning of or being informed that the interest is unwelcome;
- Coercive sexual behavior used to control, influence, or affect the career, salary and/or work environment of another employee, such as threats of reprisal, implying or withholding support for an appointment, promotion, transfer, or change of assignment;
- Discussion of one's own sexual activities or inquiries into others' sexual experiences;

**4118.112(c)**  
**4218.112(c)**

## **Personnel -- Certified/Non-Certified**

### **Sexual and Other Unlawful Harassment Cont'd.**

#### Examples of Sexual Harassment

- Suggesting a poor performance evaluation will be prepared or that a probationary period of employment will not be completed successfully;
- The creation of an atmosphere of sexual harassment or intimidation, or a hostile or offensive working environment; and
- Inappropriate attention of a sexual nature.

#### Relationships at the Workplace

Sexual or romantic relationships between employees and students are unacceptable whether or not they constitute sexual harassment as defined in this policy. In addition, those working for the school system, and especially those in position of authority, should be sensitive to the questions about mutuality of consent that may be raised, and to the conflicts of interest that may exist, in personal relationships with other school personnel.

#### Examples of Other Unlawful Harassment

Unwelcome speech or conduct of an offensive or hostile nature based on an individual's race, color, national origin, sex, age, disability, religion, sexual orientation, ***gender identity or expression***, marital status, ancestry, or genetic information is also prohibited by this policy. Examples of such unlawful harassment include, but are not limited to, the following:

- Intimidation and implied or overt threats of physical violence or physical acts of aggression or assault upon another or damage to another's property that is motivated by race, color, national origin, sex, age, disability, religion, sexual orientation, ***gender identity or expression***, marital status, ancestry, or genetic information or any other basis prohibited by local, state and federal law;



- Depending upon the circumstances and context, demeaning jokes, taunting, slurs, derogatory nicknames, innuendos or other negative or offensive remarks relating to an individual's race, color, national origin, sex, age, disability, religion, sexual orientation, ***gender identity or expression***, marital status, ancestry, or genetic information or any other basis prohibited by local, state and federal law;
- Depending upon the circumstances and context, graffiti, slogans, or visual displays such as cartoons, graphics or posters depicting slurs or derogatory sentiments relating to an individual's race, color, national origin, sex, age, disability, religion, sexual orientation, ***gender identity or expression***, marital status, ancestry, or genetic information or any other basis prohibited by local, state and federal law.

**4118.112(d)**  
**4218.112(d)**

## **Personnel -- Certified/Non-Certified**

### **Sexual and Other Unlawful Harassment Cont'd.**

#### Complaint Procedure

All members of the school community are responsible for helping to assure that sexual and other unlawful harassment is avoided. Any person who has observed or otherwise become aware of the conduct prohibited by this policy should bring the matter to the immediate attention of the Title IX Coordinator. The District's Title IX Coordinator is:

Director of Human Resources  
 50 East Street  
 New Milford, CT 06776  
 860-210-2200

Supervisors and administrators who become aware of possible violations of this policy and fail to report them may be subject to discipline.

The Superintendent of Schools is authorized to develop and maintain regulations establishing a complaint procedure for reporting violations of this policy. Any person who feels he or she has been harassed or victimized in violation of this policy should process a complaint in accordance with the Complaint Procedure described in the accompanying regulations.

All complaints will be promptly investigated in as confidential a manner as practical and appropriate corrective action will be taken when warranted. Any employee, volunteer or other individual under the control of the school system who is determined after an investigation to have engaged in harassment in violation of this policy will be subject to discipline, including

possible dismissal. He or she may also be personally liable in any legal action brought against him or her.

### Retaliation

Retaliation against an individual because she or he has reported harassment or has cooperated in an investigation of alleged harassment is a violation of Board policy and state and federal law. Such retaliation is a form of harassment and will be handled in the same manner as other forms of unlawful harassment.

**4118.112(e)**  
**4218.112(e)**

## **Personnel -- Certified/Non-Certified**

### **Sexual and Other Unlawful Harassment Cont'd.**

#### Responsibilities of the Title IX Coordinator

The Title IX Coordinator is responsible for the following:

1. Ensuring that all complaints of unlawful harassment are investigated in a prompt and objective manner;
2. Ensuring the school district's compliance with various statutory record keeping, notice and training requirements in the area of harassment. This includes the requirement of posting in a prominent and accessible location information concerning the illegality of sexual harassment and remedies available to victims of sexual harassment;
3. Reviewing the Board's policy on harassment and these accompanying administrative regulations periodically for appropriate updating, and monitors them on an on-going basis for effective implementation;
4. Ensures that the Board's policy and administrative regulations are distributed to all employees annually;
5. Ensuring that the definition of "harassment" as well as the process by which any person may make a complaint of sexual, racial or other unlawful harassment is part of the orientation for all employees at the start of the school year and new employees during the school year;
6. Ensuring employees are aware of who is serving as Title IX Coordinator for personnel for the District and how he or she may be reached.

#### Sexual Harassment Training for Administrators and Supervisory Employees

Administrators and others with supervisory responsibilities must attend a school-sponsored sexual

harassment training program within six months of assuming such position with the school district and thereafter when required by the school district. Such training shall include, at minimum, a description of the state and federal laws prohibiting sexual harassment, the definition of sexual harassment, a discussion of the types of conduct that may constitute sexual harassment, a description of the remedies available in such cases, a discussion of strategies to prevent sexual harassment and the warning that individuals who commit acts of sexual harassment may be subject to civil and criminal penalties.

A copy of this policy or appropriate summary shall be periodically distributed to all employees.

**4118.112(f)**  
**4218.112(f)**

## **Personnel -- Certified/Non-Certified**

### **Sexual and Other Unlawful Harassment Cont'd.**

#### **Legal References:**

##### **Connecticut General Statutes**

- 10-153 Discrimination Based on Marital Status
- 46a-54(15) Commission powers
- 46a-60(a) Connecticut Fair Employment Practices Act
- 46a-81c Sexual Orientation Discrimination- Employment
- R.S.C.A. 46a-54-200 through 46a-54-207

##### **United States Code**

- 20 U.S.C. 1681 Title IX of the Education Amendments of 1972
- 29 U.S.C. 623 Age Discrimination in Employment Act
- 29 U.S.C. 794 Section 504 of the Rehabilitation Act of 1973
- 42 U.S.C. 2000d and 2000e Titles VI and VII of the Civil Rights Act of 1964
- 42 U.S.C. 2000ff Genetic Information Nondiscrimination Act of 2008
- 42 U.S.C. 6101 Age Discrimination Act of 1975
- 42 U.S.C. 12101 Americans with Disabilities Act
- 29 C.F.R. 1604.11 EEOC Guidelines on Sexual Harassment

Policy adopted: December 9, 2003  
Policy revised: November 7, 2005  
Policy revised: June 14, 2011  
Policy revised:

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*Pursuant to Board By-Law 9311, since the proposed revision is due to changes in Connecticut General Statutes §10-15c, this revision may be approved by the Board at the initial presentation.*

**5000**

## **Students**

### **Equal Educational Opportunity**

It is the policy of the New Milford Board of Education that students shall be provided an equal opportunity to participate in and benefit from the activities, programs, and courses of study offered by the school district without discrimination on account of race, color, national origin, sex, disability, religion, sexual orientation, ***gender identity or expression***, marital status, parenthood, pregnancy, alienage or any other basis prohibited by local, state and federal law. Additionally, pursuant to Title IX and relevant state law, no individual shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

The New Milford Board of Education complies with all laws pertaining to student disabilities, including but not limited to Section 504 and the Rehabilitation Act of 1973, as amended from time to time, and the Individuals with Disabilities Educational Act, as amended from time to time (IDEA), and applicable state laws and federal and state regulations.

Any student or other individual who feels he or she has been denied an equal opportunity in violation of this policy should immediately bring his or her complaint to the attention of the Building Principal or Assistant Principal, Guidance Counselor or the Title IX Coordinator, unless the Title IX Coordinator is the subject of the complaint in which case it may be brought to the Superintendent of Schools. The Title IX Coordinator may be reached at the Office of the Assistant Superintendent, 50 East Street, New Milford, CT 06776, 860-354-3235.

Legal References:     Connecticut General Statutes  
                             10-15c (Discrimination in public schools prohibited)  
                             46a-58 (Deprivation of rights)  
                             United States Code  
                             20 U.S.C. 1400 (Individuals with Disabilities Education Act)

20 U.S.C. 1681 (Title IX of the Education Amendments of 1972)  
29 U.S.C. 794 (Section 504 of the Rehabilitation Act of 1973)  
42 U.S.C. 2000d (Title VI of the Civil Rights Act of 1964)  
42 U.S.C. 12101 (Americans with Disabilities Act)

Policy adopted: June 12, 2001  
Policy revised: June 12, 2007  
Policy revised: June 8, 2010  
Policy revised:

NEW MILFORD PUBLIC SCHOOLS  
New Milford, Connecticut

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*Commentary September 2011: Public Act 11-136 amended the state law regarding truancy to require school districts to mail to parents of students in K-8 who have an unexcused absence a notice warning that two unexcused absences in a month and 5 in a year may result in a truancy complaint in Superior Court. A form letter for this notice needs to be developed. (Notwithstanding the substance of the written notice, the definition of truancy was not changed—it still requires 4 unexcused absences in a month or 10 in a year.) The new law also sets a timeline within which a school district must file a complaint regarding a student who is truant.*

*Pursuant to Board By-Law 9311, since the proposed revision is due to changes in Connecticut General Statutes §10-198a, this revision may be approved by the Board at the initial presentation.*

**5113(a)**

## **Students**

### **Admission/Excuses/Dismissal/Truancy**

#### **Attendance**

Classroom learning experiences are the basis for public school education. Time lost from class is lost instructional opportunity. The attendance policy is intended to promote student success.

The New Milford Board of Education requires parents to ensure that their children attend school regularly during the hours and terms the public schools are in session.

Regular attendance at school is not only required by state law, but is an integral component in student success and a matter of self-discipline which will prove important later in life. Class time is an invaluable opportunity for students and teachers to interact with each other and exchange ideas. It is also the forum for a wide range of learning opportunities which cannot be duplicated outside of the classroom. Therefore, in order to avail themselves of the maximum opportunity for learning, students need to be present in each and every class.

The success of a student is determined by the cooperative effort of the student, parents, school, and the community. Failure of these groups to live up to their responsibilities can result in failure for the student. For this reason, responsibilities must be clearly defined and followed.

The procedures and regulations shall be in accordance with Board policy and Connecticut State law. The Superintendent shall insure that administrative procedures and disciplinary actions for student attendance will be contained in each student/parent handbook.

Procedures and regulations shall be maintained and implemented for the schools to provide age-appropriate measures which promote regular and punctual attendance. Schools that share the same grade levels shall have the same procedures and regulations. The procedures and regulations shall clearly define

the responsibilities of parents and students regarding attendance in class and school, tardiness, early dismissal, completion of missed work, and other areas which affect the classroom learning experience.

The Principal will give annual written notice to parents/guardian of their obligations according to Connecticut General Statute 10-184. At the beginning of each academic year -- or, in the case of students who enroll during the school year, at the time of enrollment -- the school district will require from the parents/guardians a telephone number where they can be contacted during the school day (i.e. from first bell to dismissal).

The official school day, during which all students are the responsibility of the high school, begins when the student either boards a school bus to come to school or otherwise when the student arrives on campus for the day. Students may neither get off the bus prior to arrival at school nor may they leave campus once they have arrived, without prior approval of the Principal or the Principal's designee.

**5113(b)**

## **Students**

### **Admission/Excuses/Dismissal/Truancy**

#### **Standards**

##### **A. Student Responsibilities**

1. To attend all classes except for reasons stated under "Excused Absence" and to be punctual.
2. To report directly to the Attendance Office or School Office when tardy to school, in accordance with school procedures.
3. To notify teachers of anticipated absence and to make arrangements to make up work promptly upon return from an excused absence. In the case of an extended absence, to seek faculty assistance if needed and to make up work in a reasonable time frame.
4. To communicate with parents, teachers, and/or school administrators any problems related to lack of attendance and/or tardiness to school or any class.
5. To report one's own absences from school or class in accordance with school procedures if one is legally emancipated.

##### **B. Parent Responsibilities:**

1. To communicate and work cooperatively with the school for the benefit of the student.
2. To emphasize the importance of regular attendance and punctuality. To authorize only those absences that are included under "Excused Absence." Also, to make every effort to schedule appointments and vacations outside of school hours.



3. To contact the school regarding an absence or tardy the morning of that absence or tardy.
4. To assist students with arrangements to seek faculty assistance and make up missed work resulting from an absence.

**C. School Responsibilities:**

1. To take all actions necessary to ensure the success of the student, including parent conferences, counseling, and interaction with the community in making use of community services.
2. To keep accurate attendance records.
3. To notify parents promptly (when parents have not called the school) of all absences whether, for one class or the entire school day.
4. To arrange opportunities for the students to make up missed tests, quizzes and assignments resulting from absences, upon their return to school. In the case of extended absence, to prepare with the student a plan for faculty assistance and an opportunity to make up work in a reasonable time frame.

**5113(c)**

## **Students**

### **Admission/Excuses/Dismissal/Truancy**

#### **Standards (continued)**

**D. Community Responsibilities:**

1. To realize that the success of students contributes to the success of the community.
2. To encourage regular school attendance as a prerequisite for student employment.
3. To encourage area businesses to refrain from allowing students to congregate during school hours.
4. To encourage medical and dental offices to arrange student appointments outside of school hours.
5. To do all that is possible under current state law to ensure that all students attend school regularly.

#### **Definitions**

1. **Truant** - Shall mean a student age 5 – 18 inclusive who has four unexcused absences in any one month or ten unexcused absences in once school year.
2. **Tardy** - A student shall be considered tardy if he/she arrives at class after classes have begun.
3. **Excused Absences** - An absence shall be considered “excused” when a child does not attend school due to illness or injury, death in the immediate family, religious obligation, court appearance, school-related activity, an emergency, or other exceptional circumstances. Written excuse for such absences should be

submitted to school officials by the child's parent or guardian. All other absences, with or without written explanation, shall be considered unexcused.

Students who plan to be absent for reasons other than those listed above, should seek approval by presenting a note from home to the Principal. Responsibility for completion of missed class work lies with the student, not the teacher. Unless a student has an extended illness, all make-up work will be complete within five days after the student returns to school.

4. **Dismissal** - No school, grade, or class may be dismissed before the regularly scheduled dismissal time without the approval of the Superintendent or his/her designee.

No teacher may permit any individual student to leave school prior to the regular hour of dismissal without the permission of the Principal.

No student may be permitted to leave school at any time other than at regular dismissal without the approval of the student's parent/guardian. If a court official with legal permission to take custody of a child, or if a police officer arrests a student, the parent/guardian should be notified of these situations by the administration.

**5113(d)**

## **Students**

### **Admission/Excuses/Dismissal/Truancy**

#### **Definitions** (continued)

##### **Attendance**

Connecticut state law requires parents to cause their children, ages five through eighteen inclusive, to attend school regularly during the hours and terms the public school is in session. Parents or persons having control of a child five years of age have the option of not sending the child to school until age six or seven. The parent or person having control of a child of age five or six shall exercise such option by personally appearing at the school district office and signing an option form. At such time, school personnel shall provide the parent or person with information on the educational opportunities available in the school system. Mandatory attendance terminates upon graduation or withdrawal with written parent/guardian consent at age sixteen or seventeen.

Classroom learning experiences are the basis for public school education. Time lost from class is lost instructional opportunity. The Board of Education requires that accurate records be kept of the attendance of each child, and students should not be absent from school without parental knowledge and consent.

### **Excessive Absences/Truancy**

It is the policy of the Board of Education to monitor school attendance so as to identify students who are truant, and to enlist the cooperation of parents and, when necessary, the juvenile justice system, in order to address the problem when it arises. The following truancy procedures are hereby adopted:

For purpose of these procedures, "Parent" means the parent, guardian or other person having control of a child.

- 1. Whenever a student in grade K-8 is absent from school on a regularly scheduled school day and no indication has been received by school personnel that the parent or other person having control of the child is aware of the student's absence, school personnel or volunteers under the direction of the building principal shall make a reasonable effort to notify the parent of the student's absence. Notification shall be by telephone and by mail. The mailed notice shall include a warning that two unexcused absences from school in a month or five unexcused absences in a year may result in a complaint filed with the Superior Court that the child's family is a family with service needs.***
2. When a student is identified as a truant, the Superintendent or his/her designee will conduct a meeting with the parent, the student, if appropriate, and with such school personnel where involvement is determined appropriate. The meeting will occur not later than ten (10) school days after the child's fourth (4<sup>th</sup>) unexcused absence in a month or the tenth (10<sup>th</sup>) unexcused absences in a school year and will be for the purpose of reviewing and evaluating the reasons for truancy.
3. If the parent of a child who is a truant fails to attend the meeting held pursuant to paragraph 1 above, or fails to otherwise cooperate with the school in attempting to solve the truancy problem, the Superintendent will file ***not later than fifteen (15) calendar days after such failure to attend or failure to cooperate***, a written complaint with the Superior Court pursuant to Connecticut General Statutes §46b-149, alleging that the acts or omissions of the child are such that his/her family is a family with service needs.

**5113(e)**

## **Students**

### **Admission/Excuses/Dismissal/Truancy**

Legal Reference:	Connecticut General Statutes
	10-184 Duties of parents
	10-185 Penalty
	10-198a through 10-202 Attendance, truancy - in general

Policy adopted: June 12, 2001  
Policy revised: June 24, 2004  
Policy revised: June 12, 2007  
Policy revised: June 8, 2010

NEW MILFORD PUBLIC SCHOOLS  
New Milford, Connecticut

**NEW MILFORD PUBLIC SCHOOLS**  
**New Milford, Connecticut**

**ANNUAL NOTIFICATION OF PARENTAL OBLIGATIONS**  
**UNDER C.G.S. 10-184**

Dear (Parent Name),

Connecticut law requires that annually the school district provide you a written notice of your obligations under Connecticut General Statute 10-184. This law requires each parent or guardian of a child five years of age and older and under eighteen years of age to ensure that the child attends school regularly when school is in session — unless such parent or other person shows that the child is receiving equivalent instruction elsewhere, or that the child has graduated from high school. Parents or persons having control of a child five or six years of age have the option of not sending the child to school until age six or seven by personally appearing at the school district office and signing an option form. The parent or person having control of a child sixteen or seventeen years of age may consent to such child's withdrawal from school by signing a withdrawal form at the school district office.

Regular student attendance is essential to the educational process. So that we can inform you if your child is absent without a previous explanation, Connecticut laws also require that we obtain from you a telephone number or other means of contacting you during the school day. Please complete and return the form attached.

Thanks for your cooperation.

Sincerely,

Principal

***Bold italicized*** language constitutes an addition.

~~Stricken~~ language constitutes a deletion.

*COMMENTARY: September 2011- The “Definitions” section has been reorganized alphabetically, but the content remains the same, except for the definitions of bullying and cyberbullying. All of the revisions suggested incorporate the requirements of Public Acts 11-232 (An Act Concerning the Strengthening of School Bullying Laws), 11-115 (An Act Concerning Juvenile Re-entry and Education), and 11-126 (An Act Concerning Adult Education) and P.A. 11-55 (An Act Concerning Discrimination). Pursuant to Board By-Law 9311, since the proposed revision is due to changes in Connecticut General Statutes §10-15c, this revision may be approved by the Board at the initial presentation.*

*Pursuant to Board By-Law 9311, since the proposed revisions are due to changes in various Connecticut General Statutes, this revision may be approved by the Board at the initial presentation.*

**5114(a)**

## **Students**

### **Removal/Suspension/Expulsion**

#### **SECTION I DEFINITIONS**

- A. ***“Bullying” is defined as (A) the repeated use by one or more students of a written, oral or electronic communication directed at or referring to another student in the school district; or (B) a physical act or gesture by one or more students repeatedly directed at another student in the school district that (1) causes physical or emotional harm to such student or damage to the student’s property; (2) places such student in reasonable fear of harm to himself/herself or of damage to his/her property; (3) creates a hostile environment at school for such student; (4) infringes on the rights of such student at school; or (5) substantially disrupts the educational process or the orderly operation of the school. Bullying shall include but not be limited to a written, oral or electronic communication or physical act or gesture based on any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socio-economic status, academic status, physical appearance, or mental, physical developmental or sensory disability or by association with an individual or group who has or is perceived to have one or more of such characteristics.***
- B. ***“Cyberbullying” is defined as any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices or any electronic communications.***

- C. **“Dangerous instrument”** means any instrument, article or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury, and includes a motor vehicle and a dog that has been commanded to attack.
- D. **“Days”** is defined as days when school is in session.
- E. **“Deadly weapon”** means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles.
- F. **“Emergency”** is defined as a situation under which the continued presence of the student in the school imposes such a danger to persons or property or such a disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of such student as possible.
- G. **“Exclusion”** is defined as any denial of public school privileges to a student for disciplinary purposes.
- H. **“Expulsion”** is defined as an exclusion from school privileges for more than ten (10) consecutive school days and shall be deemed to include, but not be limited to, exclusion from the school to which such student was assigned at the time such disciplinary action was taken, provided such exclusion shall not extend beyond a period of one (1) calendar year. Such period of exclusion may extend to the school year following the school year in which such exclusion was imposed.
- I. **“Firearm”** means 1) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; 2) the frame or receiver of any such weapon; 3) any firearm muffler or firearm silencer; or 4) any destructive device. Firearm does not include any antique firearm. For purposes of this definition "destructive device" means any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than 4 ounces, missile having an explosive or incendiary charge of more than 1/4 ounce, mine, or device similar to any of the weapons described herein.
- J. **“In-school suspension”** is defined as an exclusion from regular classroom activity for not more than ten (10) consecutive school days, but not an exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed. An in-school suspension may be served in the school that the pupil attends, or in any school building under the jurisdiction of the board of education, as determined by such board. An in-school suspension may include reassignment to a regular classroom program in a different school in the school district; such reassignment shall not constitute a "suspension" or "expulsion" under this policy.
- K. **“Martial arts weapon”** means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or chinese star.

- L. **"Possess"** means to have physical possession or otherwise to exercise dominion or control over tangible property.
- M. **"Removal"** is defined as an exclusion from a classroom for all or part of a single class period, provided such exclusion shall not extend beyond 90 minutes.
- N. **"School sponsored activity"** is defined as any activity sponsored, recognized or authorized by the board of education and includes activities conducted on or off school property.
- O. **"Suspension"** is defined as an exclusion from school privileges and/or from transportation services for not more than ten (10) consecutive school days, provided such exclusion shall not extend beyond the end of the school year in which such suspension was imposed. Suspensions shall be in-school suspensions unless during the suspension hearing, (1) the administration determines that the pupil being suspended poses such a danger to persons or property or such a disruption of the educational process that the pupil shall be excluded from school during the period of suspension, or (2) the administration determines that an out-of-school suspension is appropriate for such pupil based on evidence of (A) previous disciplinary problems that have led to suspensions or expulsion of such pupil, and (B) efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies.
- P. **"Vehicle"** means a "motor vehicle" as defined in Section 14-1 of the Connecticut General Statutes, snow mobile, any aircraft, or any vessel equipped for propulsion by mechanical means or sail.
- F. **"Emergency"** is defined as a situation under which the continued presence of the student in the school imposes such a danger to persons or property or such a disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of such student as possible.
- G. **"Days"** is defined as days when school is in session.
- H. **"School sponsored activity"** is defined as any activity sponsored, recognized or authorized by the board of education and includes activities conducted on or off school property.
- I. **"Possess"** means to have physical possession or otherwise to exercise dominion or control over tangible property.
- J. **"Deadly weapon"** means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles.
- K. **"Dangerous instrument"** means any instrument, article or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing



death or serious physical injury, and includes a motor vehicle and a dog that has been commanded to attack.

- L. **"Firearm"** means 1) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; 2) the frame or receiver of any such weapon; 3) any firearm muffler or firearm silencer; or 4) any destructive device. Firearm does not include any antique firearm. For purposes of this definition "destructive device" means any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than 4 ounces, missile having an explosive or incendiary charge of more than 1/4 ounce, mine, or device similar to any of the weapons described herein.
- M. **"Vehicle"** means a "motor vehicle" as defined in Section 14-1 of the Connecticut General Statutes, snow mobile, any aircraft, or any vessel equipped for propulsion by mechanical means or sail.
- N. **"Martial arts weapon"** means a **nunchaku, kama, kasari-fundo, octagon sai, tonfa or chinese star.**

## **SECTION II REMOVAL FROM CLASS**

- A. Each teacher shall have the authority to remove a student from class when such student deliberately causes a serious disruption of the educational process within the classroom, provided that no student shall be removed from class more than six times in any year, nor more than twice in one week unless such student is referred to the building principal, or his/her designee, and granted an informal hearing as set forth in section IV C of this policy.
- B. Whenever any teacher removes a student from the classroom, such teacher shall send the student to a designated area and shall immediately inform the building principal or his/her designee as to the name of the student against whom such disciplinary action was taken and the reason therefore.

## **SECTION III STANDARDS GOVERNING SUSPENSION AND EXPULSION**

- A. Conduct on school grounds or at a school sponsored activity as set forth in Section C below will be cause for suspension and/or expulsion when such conduct:
  - 1. Violates a publicized policy or code of student conduct in effect in the schools; or
  - 2. Seriously disrupts the educational process; or
  - 3. Endangers persons or property
- B. Conduct off school grounds as described in paragraph C below will be cause for suspension and/or expulsion when such conduct:

1. Violates a publicized policy of the Board and
2. Seriously disrupts the educational process

**5114(d)**

## **Students**

### **Removal/Suspension/Expulsion**

#### **SECTION III STANDARDS GOVERNING SUSPENSION AND EXPULSION (continued)**

- C. The following conduct is prohibited and will be considered cause for suspension and/or expulsion:
1. Threatening in any manner, including orally, in writing, or via electronic communication, injury to a member of the school community, including any teacher, member of the school administration or any other employee, or a fellow student;
  2. Use of physical force against another person which is not reasonably necessary for self-defense;
  3. Theft of personal or school property, or taking or attempting to take personal property or money from another person, or from his/her presence, by means of force or fear;
  4. Willfully causing, or attempting to cause, damage to school property;
  5. Possession, use, transmission or being under the influence of any narcotic drug, hallucinogenic drug, performance enhancing drug, amphetamine, barbiturate, marijuana, cocaine, alcoholic beverage, or intoxicant of any kind including prescription drugs for which the possessor, user or transmitter has no legal prescription, or drug paraphernalia;
  6. Possession or transmission of a facsimile of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, or marijuana;
  7. Knowingly being in the presence of those who are in possession of, using, transmitting, or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind;
  8. Possession or transmission of any firearm, deadly weapon, dangerous instrument, martial arts weapon, knife, box cutter, razor, blade, chemical sprays, electroshock weapons or facsimile of any weapon or instrument;

9. Using or copying the academic work of another and presenting it as his/her own without proper attribution;

**5114(e)**

## **Students**

### **Removal/Suspension/Expulsion**

#### **SECTION III STANDARDS GOVERNING SUSPENSION AND EXPULSION (continued)**

10. Possessing or consuming tobacco products if other than a high school student, or consuming such products if a high school student;
11. Open defiance of the authority of any teacher or person having authority over the student, including verbal abuse;
12. Intentional and successful incitement of truancy by other students;
13. ~~Bullying, which includes any overt acts by a student or a group of students directed against another student with the intent to ridicule, humiliate, harass or intimidate the other student while on school grounds or at a school sponsored activity which acts are committed more than once against any student during the school year.~~ ***Bullying or cyberbullying, including such conduct that may occur outside of the school setting if such bullying (1) creates a hostile environment at school for the victim; (2) infringes on the rights of the victim at school; or (3) substantially disrupts the education process or the orderly operation of a school.***
14. Any violation of the Board's policies prohibiting sexual, racial and other unlawful harassment including any act of harassment based on an individuals' race, color, national origin, sex, age, disability, sexual orientation, ***gender identity or expression*** or religion;
15. Intentional incitement which results in an unauthorized occupation of any part of a school or other facility owned by any school district;
16. Participation in an unauthorized occupancy of any part of any school or school premises or other building owned by any school district and failure to leave such school premises or other facility promptly after having been directed to do so by the principal or other person in charge of such building or facility;
17. Making false bomb threats or other threats to the safety of students, staff members and/or other persons;

18. Unauthorized use of any school computer, computer system, computer software, Internet connection or similar school property system or the use of such property or system for unauthorized or non-school related purposes;
19. Violation of any other board policy, rule, agreement, or directive dealing with student conduct, including that dealing with conduct on school buses and the use of school district equipment and;

**5114(f)**

## **Students**

### **Removal/Suspension/Expulsion**

#### **SECTION III STANDARDS GOVERNING SUSPENSION AND EXPULSION** (continued)

20. Violation of any federal or state law which would indicate that the violator presents a danger to any person in the school community or to school property.

Expulsion proceedings pursuant to section V, shall be required whenever there is reason to believe that any student 1) was in possession of a firearm, deadly weapon, dangerous instrument or martial arts weapon, on school grounds or at a school-sponsored activity; 2) off school grounds, did possess a firearm in violation of Connecticut General Statutes §29-35, or did possess and use such a firearm, dangerous instrument, deadly weapon or martial arts weapon in the commission of a crime; or 3) on or off school grounds, offered for sale or distribution a controlled substance as defined in Connecticut General Statutes, §21a-240(9), whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under §§21a-277 and 21a-278. A student shall be expelled for a period of one calendar year if the Board of Education finds that the student engaged in any of the conduct described herein, provided the period of expulsion may be modified on a case-by-case basis.

In the event it is determined by the Superintendent that a student issued a threat against a member of the school community as described in paragraph C.1, above, the matter shall be referred to law enforcement officials for possible criminal prosecution and the Superintendent shall take all available measures to ensure the safety of persons in the school community in the event of the student's return to school.

#### **SECTION IV SUSPENSION PROCEDURE**

- A. The administration of each school is authorized to invoke suspension for a period of up to ten (10) days, or to invoke in-school suspension for a period of up to ten (10) days, of any student for one or more of the reasons stated in section III, above, in accordance with the procedure outlined in Paragraph C of this section. Moreover, the administration is

authorized to suspend a student from transportation services whose conduct while receiving transportation violates the standards set forth in section III, above. The school administration is authorized to immediately suspend any student when there is an emergency as defined in section I, above. Suspensions shall be in-school suspensions unless during the suspension hearing, (1) the administration determines that the pupil being suspended poses such a danger to persons or property or such a disruption of the educational process that the pupil shall be excluded from school during the period of suspension, or (2) the administration determines that an out-of-school suspension is appropriate for such pupil based on evidence of (A) previous disciplinary problems that

**5114(g)**

## **Students**

### **Removal/Suspension/Expulsion**

#### **SECTION IV SUSPENSION PROCEDURE (continued)**

have led to suspensions or expulsion of such pupil, and (B) efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies.

If an emergency exists, the hearing outlined in Paragraph C of this section shall be held as soon as possible after the suspension.

- B. In the case of suspension, the school administration shall notify the Superintendent of schools within twenty-four (24) hours of the suspension as to the name of the student who has been suspended and the reason for suspension. Any student who is suspended shall be given an opportunity to complete any class work including but not limited to examinations missed during the period of his/her suspension.
- C. Except in the case of an emergency as defined in section I, above, a student shall be afforded the opportunity to meet with the a member of the administration and to discuss the stated charges prior to the effectuation of any period of suspension or in-school suspension. If at such a meeting the student denies the stated charges he/she may at that time present his/her version of the incident(s) upon which the proposed suspension is based. The school administration shall then determine whether or not suspension or in-school suspension is warranted. In determining the length of a suspension period, the school administration may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, in-school suspension, suspension or expulsion.
- D. No student shall be suspended more than ten (10) times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion, unless a hearing as provided in section V B. of this policy is first granted.

- E. No student shall be placed on in-school suspension more than fifteen (15) times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion, unless a hearing as provided in Section V(B) of this policy is first granted.
- F. Whenever a student is suspended, notice of the suspension and the conduct for which the student was suspended shall be included on the student's cumulative educational record. Such notice shall be expunged from the cumulative educational record if the student graduates from high school.
- G. The administration may shorten or waive the suspension period of a student who is suspended for the first time and who has never been expelled if the student successfully

**5114(h)**

## **Students**

### **Removal/Suspension/Expulsion**

#### **SECTION IV SUSPENSION PROCEDURE (continued)**

completes a program and any other conditions specified by the administration. Any such program shall be at no expense to the student or his/her parents/guardians. For a student whose suspension period is shortened or waived, the notice of the disciplinary action must be expunged from the cumulative education record if the student graduates from high school or, if the administration chooses, at the time the student completes the specified program and any other conditions required by the administration, whichever is earlier.

#### **SECTION V EXPULSION PROCEDURES**

The Board of Education may expel any student for one or more of the reasons stated in section III if, in the Superintendent's judgment, such disciplinary action is in the best interests of the school system. An expulsion hearing is required in any instance in which the superintendent has reason to believe a student has engaged in the conduct described in section III D. The procedures outlined in Paragraphs A and B, below, shall be followed prior to the effectuation of any expulsion unless an "emergency" as defined in section I, above, exists. If an emergency exists, such a hearing shall be held as soon after the expulsion as possible.

- A. The Board of Education shall notify the student concerned and his/her parents, or the student if he/she has attained the age of eighteen (18), that expulsion is under consideration. Such notice shall contain the information required under Paragraph B of this section. Three members of the Board of Education shall constitute a quorum for an expulsion hearing. A student may be expelled if a majority of the Board members sitting in the expulsion hearing vote to expel, except that when only three Board members are presiding at the hearing, a unanimous vote shall be required for expulsion.
- B. The procedure for any hearing conducted under this section shall be determined by the hearing officer or board chairperson, as appropriate, but shall include the right to:

1. Notice of the proposed hearing which shall include:
  - a. a statement of the time, place, and nature of the hearing;
  - b. a statement of the legal authority and jurisdiction under which the hearing is to be held;
  - c. reference to the particular sections of the Connecticut General Statutes or school policies involved;

**5114(i)**

## **Students**

### **Removal/Suspension/Expulsion**

#### **SECTION V EXPULSION PROCEDURES (continued)**

- d. a short and plain statement of the matters asserted, if such matters have not already been provided in a statement of reasons requested by the student; the statement so provided may be limited to a statement of the issues involved if it is not possible to state the issues in detail at the time such notice is served. Upon request from the student concerned a more definite and detailed statement of the issues shall be furnished;
  - e. a statement, where appropriate, that the Board is not required to offer an alternative educational opportunity to any student between the ages of sixteen and eighteen who (1) has been expelled previously or (2) is found to have engaged in conduct which endangered persons and involved (a) possession on school property or at a school-sponsored activity of a firearm, deadly weapon, dangerous instrument or martial arts weapon, or (b) offering for sale or distribution on school property or at a school sponsored activity a controlled substance as defined by law. (See section VII on Alternative Educational Opportunity);
  - f. information concerning legal services provided free of charge or at a reduced rate that are available locally and how to access such services.
2. The opportunity to be heard;
3. The opportunity to present witnesses and introduce documentary evidence;
4. The opportunity to cross-examine adverse witnesses and challenge the introduction of documentary evidence;

5. The opportunity to be represented by counsel; and
  6. Prompt notification of the decision of the Board of Education which decision shall be in writing if adverse to the student concerned.
- C. The record of any hearing held in an expulsion case shall include the following:
1. All evidence received or considered by the Board of Education, including a copy of the initial letter of notice of proposed expulsion, if any, and a copy of all notices of hearing;

**5114(j)**

## **Students**

### **Removal/Suspension/Expulsion**

#### **SECTION V EXPULSION PROCEDURES (continued)**

2. Questions and offers of proof, objections and rulings on such objections;
  3. The decision of the Board of Education rendered after such hearing; and
  4. The official transcript, if any, of proceedings relating to the case or, if these are not transcribed, any recording or stenographic record of the proceedings.
- D. Rules of evidence at expulsion hearings shall include the following:
1. Any oral or documentary evidence may be received by the Board of Education, but as a matter of policy irrelevant, immaterial or unduly repetitious evidence shall be excluded;
  2. The Board of Education shall give effect to the rules of privilege recognized by law;
  3. In order to expedite a hearing, evidence may be received in written form, provided the interest of any party is not substantially prejudiced thereby;
  4. Documentary evidence may be received in the form of copies or excerpts if the original is not readily available provided, however, that any party to a hearing shall be given an opportunity to compare the copy with the original;
  5. A party to an expulsion hearing may conduct cross-examination of witnesses where examination is required for a full and accurate disclosure of the facts;
  6. The Board of Education may take notice of judicially cognizable facts in addition to



facts within the board's specialized knowledge provided, however, the parties shall be notified either before or during the hearing of material noticed, including any staff memoranda or data, and an opportunity shall be afforded to any party to contest the material so noted;

7. A record of any oral proceedings before the Board of Education at an expulsion hearing shall be made. A transcript of such proceedings shall be furnished upon request of a party with the cost of such transcript to be paid by the requesting party.

**5114(k)**

## **Students**

### **Removal/Suspension/Expulsion**

#### **SECTION V EXPULSION PROCEDURES (continued)**

- E. In determining the length of an expulsion, the Board of Education may receive and consider evidence of past disciplinary problems, which have led to removal from a classroom, in-school suspension, suspension, or expulsion.
- F. Decisions shall be in writing if adverse to the student and shall include findings of fact and conclusions necessary for the decision. Findings of fact made by the board after an expulsion hearing shall be based exclusively upon the evidence adduced at the hearing.
- G. Except as provided for in Section VII, any student who is expelled shall be offered an alternative educational opportunity consistent with the requirements of state law.
- H. Whenever a student is expelled pursuant to the provisions of this policy, notice of the expulsion and the conduct for which the student was expelled shall be included on the student's cumulative educational record. Such notice, except for notice of an expulsion based upon possession of a firearm or deadly weapon, shall be expunged from the cumulative educational record if the student graduates from high school.
- I. Whenever a student against whom an expulsion hearing is pending withdraws from school after notification of such hearing but before the hearing is completed and a decision rendered, notice of the pending expulsion hearing shall be included on the student's cumulative educational record and the board of education shall complete the expulsion hearing and render a decision.
- J. The Board of Education may shorten the length of or waive the expulsion period of a student who is expelled for the first time and who has never been suspended if the student successfully completes a program and any other conditions specified by the Board. Any such program shall be at no expense to the student or his/her parents/guardians. For a

student whose expulsion period is shortened or waived, the notice of the disciplinary action must be expunged from the cumulative education record if the student graduates from high school or, if the Board chooses, at the time the student completes the specified program and any other conditions required by the administration, whichever is earlier. Nothing herein shall be deemed to restrict the ability of the Board to shorten or waive the expulsion period, based upon completion of any program or meeting of conditions, for students who have been previously suspended or expelled, as may be permitted by law and as provided in Subsection L, below.

**5114(I)**

## **Students**

### **Removal/Suspension/Expulsion**

#### **SECTION V EXPULSION PROCEDURES (continued)**

- K. The Board of Education may adopt the decision of a student expulsion hearing conducted by another school district, provided that the board shall hold a hearing pursuant to this policy which shall be limited to a determination of whether the conduct which was the basis for the expulsion would also warrant expulsion under the policies of the board of education. The student shall be excluded from school pending such hearing. The excluded student shall be offered an alternative educational opportunity in accordance with statutory requirements and this policy.
- L. In addition to such rights specified in Section J, above, an expelled pupil may apply for early readmission to school. Such readmission shall be at the discretion of the Board of Education; however, the Board may delegate authority for readmission decisions to the Superintendent. If the Board delegates such authority, readmission shall be at the discretion of the Superintendent. The Board or Superintendent, as appropriate, may condition such readmission on specified criteria.
- M. A student requiring special education and related services as described in Connecticut General Statutes §10-76a(5)(A) shall not be referred to an expulsion hearing until a planning and placement team is convened to determine whether the misconduct was caused by the student's disability. If it is determined that the misconduct was caused by the child's disability, the child shall not be referred to an expulsion hearing and shall not be expelled. The planning and placement team shall reevaluate the child for the purpose of modifying the child's individualized education program to address the misconduct and to ensure the safety of other children and staff in the school. If it is determined that the misconduct was not caused by the student's disability, the student may be expelled in accordance with the provisions of this section applicable to children who do not require special education and related services. Notwithstanding the provisions of Section VII, below, whenever a student requiring such special education and related services is

expelled, an alternative educational opportunity, consistent with such child's educational needs shall be provided during the period of expulsion.

- N. *Any student who commits an expellable offense and is subsequently committed to a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement for such offense may be expelled using the procedures of this policy. The period of expulsion shall run concurrent with the period of commitment.* If a student who committed an expellable offense seeks to return to the school district after having been in a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement ~~for one year or more~~, *and the student has not been expelled for such offense*, the district shall allow such student to return and may not expel the student for additional time for such offense.

**5114(m)**

## **Students**

### **Removal/Suspension/Expulsion**

#### **SECTION V EXPULSION PROCEDURES** (continued)

- O. A student who has been identified as eligible for school accommodations pursuant to Section 504 of the Rehabilitation Act, shall not be referred to an expulsion hearing until the student's Section 504 Team is convened to determine whether the misconduct was caused by the student's disability. If it is determined that the misconduct was caused by the child's disability, the child shall not be referred to an expulsion hearing and shall not be expelled. Where appropriate, the Section 504 Team shall modify and otherwise review the student's accommodations plan to address the misconduct and to ensure the safety of other children and staff in the school. If it is determined that the misconduct was not caused by the student's disability, the student may be expelled in accordance with the provisions of this section applicable to non-disabled students.

#### **SECTION VI NOTIFICATION TO PARENTS OR GUARDIAN**

The parents or guardian of any minor student against whom disciplinary action is taken under this policy shall be given notice of such disciplinary action within twenty-four (24) hours of the time the student was excluded.

#### **SECTION VII ALTERNATIVE EDUCATIONAL OPPORTUNITY**

The Board of Education recognizes its obligation to offer any student under the age of sixteen (16) who is expelled an alternative educational opportunity during the period of expulsion. Any parent or guardian of such a student who does not choose to have his or her child enrolled in an alternative

program shall not be subject to the provisions of section 10-184 of the General Statutes. Any expelled student who is between the ages of sixteen (16) and eighteen (18) and who wishes to continue his or her education shall be offered an alternative educational opportunity if he or she complies with conditions established by the Board of Education. Such alternative may include, but shall not be limited to, the placement of such student in a regular classroom program of a school other than the one from which the student has been excluded and, for students at least sixteen (16) years of age, placement in an adult education program. *Any student participating in an adult education program during a period of expulsion shall not be required to withdraw from school.* In determining the nature of the alternative educational opportunity to be offered under this section the Board of Education may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, suspension, or expulsion.

**5114(n)**

## **Students**

### **Removal/Suspension/Expulsion**

#### **SECTION VII ALTERNATIVE EDUCATIONAL OPPORTUNITY**

State statutes do not require the Board of Education to offer an alternative educational opportunity to a student between the ages of sixteen (16) and eighteen (18) who has been expelled previously or who is expelled because of conduct which endangers persons and it was determined at the expulsion hearing that the conduct for which the student was expelled involved (a) possession on school property or a school-sponsored activity of a firearm, deadly weapon, dangerous instrument, or martial arts weapon or (b) offering for sale or distribution on school property or at a school sponsored activity a controlled substance as defined in subdivision (9) of C.G.S. §21a-240, whose manufacture, distribution, sale, prescription, dispensing, transporting, or possessing with the intent to sell or dispense, offering, or administration is subject to criminal penalties under C.G.S. §§21a-277 and 21a-278.

If the Board expels a student for the sale or distribution of such a controlled substance the Board shall refer the student to an appropriate state or local agency for rehabilitation, intervention or job training, or any combination thereof, and inform the agency of its action. If the Board expels a student for possession of a firearm or deadly weapon, the Board shall report the violation to the local police department. The Board shall give the name of the student and a summary of the Board's action in so referring the student, to the commissioner of education within thirty (30) days after the student is expelled.

The provisions of this section shall not apply to students requiring special education who are described in subdivision (1) of subsection (e) of Connecticut General Statutes §10-76a.

#### **SECTION VIII GUN FREE SCHOOLS ACT**

The Board of Education shall submit to the Commissioner of Education such information on expulsions for the possession of weapons as is required for purposes of the Gun Free Schools Act of 1994, 20 U.S.C. §8921, *et seq.*

Legal references:        20 U.S.C. §8921 et seq., Gun Free Schools Act  
                              20 U.S.C. §1415 Individuals with Disabilities Education Act

Connecticut General Statutes  
                              4-176e through 4-180a, 4-181a Administrative Procedures Act  
                              10-76a Definitions

**5114(o)**

## **Students**

### **Removal/Suspension/Expulsion**

Connecticut General Statutes (continued)

- 10-76d Duties and powers of boards of education to provide special education programs and services
- 10-233a Definitions
- 10-233b Removal of pupils from class
- 10-233c Suspension of pupils
- 10-233d Expulsion of pupils
- 10-233e Notice as to disciplinary policies and action
- 10-233f In-school suspension of pupils. Reassignment
- 10-233g Reports of principals to police authority concerning physical assaults upon school employees by students
- 10-233h Arrested students
- 21a-240 Definitions
- 21a-277 Penalty for illegal manufacture, distribution, sale, prescription, dispensing
- 21a-278 Penalty for illegal manufacture, distribution, sale, prescription or administration by non-drug-dependent person

Policy adopted: June 12, 2001  
Policy revised: June 24, 2004  
Policy revised: June 12, 2007  
Policy revised: November 13, 2007  
Policy revised: November 18, 2008  
Policy revised: December 14, 2010

NEW MILFORD PUBLIC SCHOOLS  
New Milford, Connecticut

<p><b><i>Bold italicized</i></b> language constitutes an addition. <del>Stricken</del> language constitutes a deletion.</p>
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**5141(a)**

## **Students**

### **Student Health Services**

#### **School District Medical Advisor**

The Board of Education shall appoint a school district medical advisor and appropriate medical support service personnel including nurses.

School health efforts shall be directed toward detection and prevention of health problems and to emergency treatment, including the following student health services:

1. Appraising the health status of student and school personnel;
2. Counseling students, parents, and others concerning the findings of health examination;
3. Encouraging correction of defects;
4. Helping prevent and control disease;
5. Providing emergency care for student injury and sudden illness;
6. Maintaining school health records.

#### **Health Records**

There shall be a health record for each student enrolled in the school district which will be maintained in the school nurse's room. No record of any medical examination made or filed in accordance with Sections 10-205, 10-206, 10-207 or 10-214 of the Connecticut General Statutes ["C.G.S."], or any psychological examination made under the supervision or at the request of a Board of Education, shall be open to public inspection. Furthermore, all other health records maintained by the school district shall be treated in the same manner as the student' cumulative academic record.

#### **Regular Health Assessments**

Prior to enrollment in kindergarten, each child shall have a health assessment by one of the following medical personnel of the parents or guardians choosing to ascertain whether the student has any physical disability or other health problem tending to prevent him or her from receiving the

full benefit of school work and to ascertain whether such school work should be modified in order to prevent injury to the student or to secure for the student a suitable program of education:

## **5141(b)**

### **Students**

#### **Student Health Services**

##### **Regular Health Assessments** (continued)

- 1. a legally qualified practitioner of medicine;*
- 2. an advanced practice registered nurse, or registered nurse; licensed pursuant to chapter 378*
- 3. a physician assistant licensed pursuant to chapter 370, [or by the]*
- 4. a school medical advisor, or*
- 5. a legally qualified practitioner of medicine, an advanced practice nurse or a physician assistant stationed at any military base.*

Students entering from out of state must meet State of Connecticut health requirements. All new students entering school district must fill out a questionnaire with the school nurse to assess the risk to exposure to tuberculosis. Any student who has any risk factors will have Mantoux test prior to entry.

Such health assessment shall include:

1. Physical examination which shall include hematocrit or hemoglobin tests, height, weight, and blood pressure;
2. Updating of immunizations required under C.G.S. §10-204a;
3. Vision, hearing, postural, gross dental screening and a chronic disease assessment, which shall include, but not be limited to, asthma as defined by the Commissioner of Public Health pursuant to C.G.S. §19a-62a;
4. A determination at each mandated examination as determined by the Connecticut Department of Public Health of the risk of exposure to tuberculosis. All students from high-risk countries (as defined by the Connecticut Department of Public Health) who are entering the system for the first time must receive a Mantoux test. A history of bacilli Calmette-Guerin (BCG) is not a contraindication to testing nor should it be considered



interpretation of the skin test results. Test should be read prior to entry. All students who are identified as positive reactors to the Mantoux test for the first time shall consult a physician and bring verification to the school nurse stating that they have had a chest x-ray and are free of active tuberculosis;

5. Any other information including a health and developmental history as the physician believes to be necessary and appropriate.

**5141(c)**

## **Students**

### **Student Health Services**

#### **Regular Health Assessments (continued)**

The assessment form shall include (A) a check box for the provider conducting the assessment to indicate an asthma diagnosis; (B) screening questions relating to appropriate public health concerns to be answered by the parent or guardian; and (C) screening questions be answered by the medical provider.

Health assessments shall also be required at school entry and in grades 6 and 9 (effective school year 2009-10) by a legally qualified physician of each student's parents or guardians own choosing, or by the school medical advisor, or the advisor' designee, to ascertain whether a student has any physical disability or other health problem. Such health assessments shall include:

1. Physical examination which shall include hematocrit or hemoglobin tests, height, weight, and blood pressure;
2. Updating of immunizations required under C.G.S. §10-204a;
3. Vision, hearing, postural, gross dental screening, and a chronic disease assessment which shall include, but not be limited to, asthma as defined by the Commissioner of Public Health pursuant to C.G.S. §19a-62a;
4. Students in high risk groups for TB who have not had a positive test should receive a Mantoux tuberculin skin test;
5. Any other information including a health and developmental history as the physician believes to be necessary and appropriate.

A child will not be allowed, as the case may be, to begin or continue in district schools unless health assessments are performed as required. Students transferring into the district must provide evidence

of required Connecticut vaccinations, immunizations, and health assessments at enrollment and prior to school attendance.

Health assessments will be provided by the school medical advisor or the advisor's designee without charge to all students whose parents or guardians meet the eligibility requirement of free and reduced priced meals under the National School Lunch Program or for free milk under the special milk program. The Board may utilize existing community resources and services in the provision of such assessments.

**5141(d)**

## **Students**

### **Student Health Services**

#### **Regular Health Assessments (continued)**

Health assessment results and recommendations signed by the examining physician or authorized medical personnel shall be recorded on forms provided by the Connecticut State Board of Education and kept on file in the school the student attends. If a student permanently leaves the jurisdiction of the board of education, the student's original cumulative health records shall be sent to the chief administrative officer of the school district to which such student moves and a true copy of the student's cumulative health records maintained with the student's academic records. Each physician, advanced practice registered nurse, physician assistant or registered nurse performing health assessments and screenings shall completely fill out and sign each form and any recommendations concerning the student shall be in writing. When in the judgment of appropriate school health personnel, the results and recommendations of such assessment reflect that a student is in need of further testing or treatment, the Superintendent of Schools, or designee, shall notify parents of any health-related problems detected in health assessments and shall make reasonable efforts to assure that further testing and treatment is provided, including advice on obtaining such required testing or treatment.

Students who are in violation of Board requirements for health assessments and immunizations will be excluded from school after appropriate parental notice and warning.

#### **Vision Screening**

All students in grades K-6, and grade 9 will be screened annually using a Snellen chart, or equivalent screening, by the school nurse or school health aide. Additional vision screening will also be conducted in response to appropriate requests from parents/guardians or professionals working with the student in question. Results will be recorded in the student's health record on forms supplied by the Connecticut State Board of Education, and the Superintendent or designee shall cause a written notice to be given to the parent or guardian of each student found to have any defect of vision or disease of the eyes, with a brief statement describing such defect or disease.

As necessary, modifications and/or accommodations shall be made for students with physical disabilities.

**5141(e)**

## **Students**

### **Student Health Services**

#### **Hearing Screening**

All students will be screened for possible hearing impairments in grades K-3, grade 5, and grade 8. Additional audiometric screening will be conducted in response to appropriate requests from parents/guardians or professionals working with the student. Results will be recorded in the student's health record on forms supplied by the Connecticut State Board of Education, and the Superintendent or designee shall cause a written notice to be given to the parent or guardian of each student found to have any defect of vision or disease of the eyes, with a brief statement describing such defect or disease.

As necessary, modifications and/or accommodations shall be made for students with physical disabilities.

#### **Postural Screening**

School nurses will screen all students in grades 5 through 9 inclusive for scoliosis or other postural problems. Additional postural screening will also be conducted in response to appropriate requests from parents/guardians or professionals working with the student. Results will be recorded in the student's health record on forms supplied by the Connecticut State Board of Education, and the Superintendent or designee shall cause a written notice to be given to the parent or guardian of each student found to have any postural defect of problem, with a brief statement describing such defect or disease.

As necessary, modifications and/or accommodations shall be made for students with physical disabilities.

#### **Immunizations/Vaccinations**

No student will be allowed to enroll in any program operated as part of the district schools without adequate immunization against the following diseases:

1. Measles
2. Rubella
3. Poliomyelitis
4. Diphtheria
5. Tetanus
6. Pertussis
7. Mumps
8. Hemophilus influenza type B

**5141(f)**

## **Students**

### **Student Health Services**

#### **Immunizations/Vaccinations** (continued)

9. Any other vaccine required by Section 19a-7f of Connecticut General Statutes.
10. Hepatitis B
11. Varicella (chickenpox)

Such list may be amended as required by State of Connecticut guidelines and schedules.

Before entering the seventh grade, each child shall show proof of having received 2 doses of measles-containing vaccine or serologic evidence of infection.

Students entering the eighth grade must show proof of 3 doses of Hepatitis B vaccine or serologic evidence of infection with Hepatitis B.

Students shall be exempt from the appropriate provisions of this policy when:

1. they present a certificate from a physician or local health agency stating that initial immunizations have been given and additional immunizations are in process under guidelines and schedules specified by the Commissioner of Health Services; or
2. they present a certificate from a physician stating that in the opinion of such physician, immunization is medically contraindicated because of the physical condition of such child; or
3. they present a statement from their parents or guardians that such immunization would be contrary to the religious beliefs of such child; or

4. in the case of measles, mumps or rubella, present a certificate from a physician or from the Director of Health in such child's present or previous town of residence, stating that the child has had a confirmed case of such disease; or
5. in the case of hemophilus influenza type B has passed his or her fifth birthday; or
6. in the case of pertussis, has passed his or her sixth birthday.

The school nurse will report to the local Director of Health any occurrence of State of Connecticut defined reportable communicable diseases.

**5141(g)**

## **Students**

### **Student Health Services**

#### **Health Assessments/Interscholastic Sports Programs**

Any student participating in an interscholastic sports program must have a health assessment, within one year prior to the first training session for the sport or sports. After the initial examination, repeat examinations are required every year. Each participant in a sport program must complete a health questionnaire before participating in each sport.

Parents are expected to use the services of their private physician. If a student is unable to obtain a health assessment from his/her personal physician for financial or other reasons, an examination can be arranged with school medical advisor. Health assessment results shall be recorded on forms provided by the Connecticut State Board of Education, signed by the examining physician, school medical advisor or advisor's designee, filed in the student's health folder, and maintained up to date by the school nurse.

Coaches and physical education staff shall insure appropriate monitoring of an athlete's physical condition.

#### **Student Medical Care at School**

Student medical problems and emergencies are outlined in Categories I through IV in administrative regulation #5143. Schools personnel are responsible for the immediate care necessary for a student whose sickness or injury occurs on the school premises during school hours or in school-sponsored and supervised activities. Depending upon specific circumstances, Category V issues may also be considered emergencies by attending school personnel.

Schools shall maintain files of emergency information cards for each student. If a child's injury requires immediate care, the parent or guardian will be called by telephone by the nurse, the building Principal, or other personnel designated by the principal, and advised of the student's condition. When immediate medical or dental attention is indicated, and when

parents or guardians cannot be reached, 911 will be called and the student will be transported to the nearest hospital. In this event, the family physician/dentist and school district medical advisor will be notified of school district actions.

(cf. 5142 - Student Safety)  
(cf. 5141.4 - Child Abuse and Neglect)  
(cf. 5141.5 - Suicide Prevention)  
(cf. 6142.1 - Family Life and Sex Education)  
(cf. 6145.2 - Interscholastic/Intramural Athletics)  
(cf. 6171 - Special Education)

**5141(h)**

## **Students**

Legal Reference: Connecticut General Statutes  
10-203 Compliance with public health statutes and regulations.  
  
10-204(a) Required immunizations.  
  
10-204(c) Immunity from liability  
  
10-205 Appointment of school medical advisors.  
  
10-206 Health assessments (*as amended by PA 11-179*).  
  
10-206(a) Free health assessments.  
  
10-206(c) Health assessments for adolescents (as amended by PA 07-58)  
  
10-207 Duties of medical advisers.  
  
10-208 Exemption from examination or treatment.  
  
10-208(a) Physical activity of student restricted; boards to honor notice.  
  
10-209 Records not to be public.  
  
10-210 Notice of disease to be given parent or guardian.  
  
10-212 School nurses and nurse practitioners.  
  
10-212(a) Administration of medicines by school personnel.

10-213 Dental hygienists.

10-214 Vision, audiometric and postural screening: When required; notification of parents re defects; record of results.

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**5141(i)**

## **Students**

Legal Reference: Cont'.

10-214(a) Eye protective devices.

10-214(b) Compliance report by local or regional Board of Education

10-217(a) Health services for children in private nonprofit schools. Payments from the state, towns in which children reside and private nonprofit schools.

Policy adopted:	June 12, 2001
Policy revised:	June 11, 2002
Policy revised:	June 10, 2003
Policy revised:	June 24, 2004
Policy revised:	June 12, 2007
Policy revised:	November 18, 2008
Policy revised:	

NEW MILFORD PUBLIC SCHOOLS  
New Milford, Connecticut

***Bold italicized*** language constitutes an addition.

~~Stricken~~ language constitutes a deletion.

## 5141.3

### Students

#### Health Assessments and Immunizations

The Board of Education recognizes the importance of periodic health assessments according to state health regulations.

To determine health status of students, facilitate the removal of handicaps to learning and find whether some special adaptation of the school program may be necessary, the Board of Education requires that students have health assessments.

The Board of Education adheres to those state laws and regulations that pertain to school immunizations and health assessments. It is the policy of the Board of Education to insure that all enrolled students are adequately immunized against communicable diseases. The Board may deny continued attendance in school to any student who fails to obtain the health assessments required under C.C.S. 10-206.

Parents wishing their children exempted or excused from health assessments must request such exemption to the Superintendent of Schools in writing. This request must be signed by the parent/guardian.

It is the responsibility of the Principal to insure that each student enrolled has been adequately immunized and has fulfilled the required health assessments. The school nurse shall check and document immunizations and health assessments on all students enrolling in school and to report the status to the school principal. The school nurse shall also contact parents or guardians to make them aware if immunizations and/or health assessments are insufficient or not up-to-date. The school nurse will maintain in good order the immunization and health assessment records of each student enrolled.

No record of any student's medical assessment may be open to the public.

(cf. 5111 - Admission)

(cf. 5141.31 - Physical Examinations for School Programs) (cf. 5/25 - Student Records)

Legal Reference: Connecticut General Statutes

10-204a Required immunizations as amended by PA 96-244.

10-204c Immunity from liability



10-205 Appointment of school medical adviser

10-206 Health assessments *as amended by PA 11-179*

Legal Reference (continued)

10-207 Duties of medical advisors

10-206a Free health assessments

10-208 Exemption from examination or treatment

10-208a Physical activity of student rest cites; board to hone notice

10-209 School nurses

10-212 School nurses

10-214 Vision, audiometric and postural screenings. When required. Notification of parents re defects; record of results, as amended by PA 96-229, An Act Concerning Scoliosis Screening

Policy adopted: June 12, 2001

Policy revised: June 12, 2007

Policy amended:

NEW MILFORD PUBLIC SCHOOLS

New Milford, Connecticut

***Bold italicized*** language constitutes an addition.

~~Stricken~~ language constitutes a deletion.

*COMMENTARY - September 2011 revision: Public Act 11-55, which becomes effective on October 1, 2011, prohibits discrimination on the basis of gender identity or expression in a variety of contexts, including employment and education.*

*Pursuant to Board By-Law 9311, since the proposed revision is due to changes in Connecticut General Statutes §10-15c, this revision may be approved by the Board at the initial presentation.*

## **5145.5(a)**

### **Students**

#### **Sexual and Other Unlawful Harassment of Students**

It is the policy of the New Milford Board of Education to maintain a working and learning environment that is free from sexual, racial and other unlawful harassment. The Board will not tolerate the harassment of any student based on race, color, national origin, sex, disability, religion, sexual orientation, ***gender identity or expression***, alienage or any other basis prohibited by law.

This policy prohibits unlawful harassment of students by employees, other students, or third parties. This includes protection from harassment by teachers, administrators, Board of Education members, volunteers, visitors and any other individuals who are on school premises, at school-sponsored activities and at other places where such persons may come in contact with students in connection with educational programs and activities.

Students are also prohibited from harassing teachers, administrators or other school personnel on the basis of race, color, national origin, sex, age, disability, religion, sexual orientation, ***gender identity or expression***, marital status, ancestry, genetic information or any other basis prohibited by law.

#### **Definition of Unlawful Harassment**

Unlawful harassment means unwelcome and offensive conduct that has the purpose or effect of unreasonably interfering with a student's performance and/or learning opportunities or that is sufficiently severe, pervasive or persistent so as to create an intimidating, hostile or offensive educational environment. All forms of harassment are prohibited whether verbal, written, visual or physical and regardless of the medium through which it occurs.

### **Definition of Sexual Harassment**

Unwelcome sexual advances, requests for sexual favors and other inappropriate verbal, non-verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education;
- Submission to or rejection of such conduct by a student is used as a basis for educational decisions affecting that student's education;
- Such conduct has the purpose or effect of substantially interfering with a student's educational performance, and/or is sufficiently severe, pervasive or persistent that it creates an intimidating, hostile or offensive educational environment.

**5145.5(b)**

## **Students**

### **Sexual and Other Unlawful Harassment of Students**

#### **Definition of Sexual Harassment** (continued)

Such conduct constitutes sexual harassment whether or not a threat of adverse consequences is carried out and whether or not the student actually suffers any tangible adverse consequences.

Sexual harassment includes a wide range of behaviors – from pressure or requests for sexual activities to unwelcome sexual comments and innuendo to verbal abuse of a sexual nature. Unwelcome sexual flirtations and advances, offensive touching of an individual, graphic or verbal commentaries about an individual's body, sexually degrading words used to describe an individual, and displays in the work place of sexually suggestive objects or pictures are some of the additional behaviors that constitute sexual harassment. Behavior appropriate outside the school setting may not be appropriate in the school environment. Sexual harassment may be subtle and even unintentional. It may be directed towards members of the opposite or same sex.

#### **Examples of Sexual Harassment**

While an exhaustive list is not possible, the following are examples of specific behaviors that, if unwelcome and of a sexual nature, could constitute sexual harassment:

- Suggestive or obscene letters, notes, e-mail messages, voice mail or text messages, invitations, derogatory comments, slurs, jokes, epithets, touching, impeding or blocking

movement, leering, gestures, noises, pulling at clothes, display or transmission of sexually suggestive objects, pictures or cartoons, graffiti, sexual assault, attempted sexual assault.

- Continuing to express sexual interest after learning of or being informed that the interest is unwelcome;
- Coercive sexual behavior used to control, influence, or affect educational opportunities, academic achievements, and/or learning environment of a student, such as threats of reprisal, implying or withholding support for an honor, program, recommendation, benefit or activity;
- Suggesting a poor grade or evaluation will be prepared;
- The creation of an atmosphere of sexual harassment or intimidation, or a hostile or offensive learning environment; and
- Inappropriate attention of a sexual nature.

**5145.5(c)**

## **Students**

### **Sexual and Other Unlawful Harassment of Students**

#### **Relationships in the Educational Environment**

Sexual or romantic relationships between employees and students are strictly prohibited whether or not they constitute sexual harassment as defined in this policy. Furthermore, such relationships may violate state and federal criminal laws.

#### **Examples of Other Unlawful Harassment**

Unwelcome speech or conduct of an offensive or hostile nature based on an individual's race, color, sex, religion, national origin, sexual orientation, ***gender identity or expression***, disability, or alienage is also prohibited by this policy. Examples of such unlawful harassment include, but are not limited to, the following:

- Intimidation and implied or overt threats of physical violence or physical acts of aggression or assault upon another or damage to another's property that is motivated by race, color, sex, religion, national origin, sexual orientation, ***gender identity or expression***, disability or alienage;
- Depending upon the circumstances and context, demeaning jokes, taunting, slurs, derogatory nicknames, innuendos or other negative or offensive remarks relating to an

individual's race, color, sex, religion, national origin, sexual orientation, ***gender identity or expression***, disability or alienage;

- Depending upon the circumstances and context, graffiti, slogans, or visual displays such as cartoons, graphics or posters depicting slurs or derogatory sentiments relating to an individual's race, color, sex, religion, national origin, sexual orientation, ***gender identity or expression***, disability or alienage.

### **Complaint Procedure**

All members of the school community are responsible for helping to assure that unlawful harassment is avoided. The Superintendent of Schools is authorized to develop and maintain regulations establishing a complaint procedure for reporting violations of this policy. Any student who feels he or she has been harassed or victimized in violation of this policy should promptly report such incidents to a Guidance Counselor, Principal, Assistant Principal, or the district's Title IX Coordinator in accordance with said regulations. Any staff member who has observed or otherwise become aware of conduct prohibited by this policy is required to bring the matter to the immediate attention of the Title IX Coordinator.

**5145.5(d)**

## **Students**

### **Sexual and Other Unlawful Harassment of Students**

#### **Complaint Procedure** (continued)

The district's Title IX Coordinator for students is:

**Dr. Maureen E. McLaughlin**  
**Assistant Superintendent**  
**50 East Street, New Milford, CT 06776**  
**(860) 354-3235**

All complaints will be promptly investigated in as confidential a manner as practical and appropriate corrective action will be taken as warranted. Any employee, student, volunteer or other individual under the control of the school system who is determined after an investigation to have engaged in harassment in violation of this policy will be subject to discipline, including possible dismissal or expulsion. He or she may also be personally liable in any civil or criminal legal action brought against him or her.

#### **Retaliation**

Retaliation against an individual because she or he has reported harassment or has co-operated in an investigation of alleged harassment is a violation of Board policy and state and federal law. Such retaliation is a form of harassment and will be handled in the same manner as other forms of unlawful harassment.

### **Responsibilities of the Title IX Coordinator**

The Title IX Coordinator is responsible for the following:

1. Ensuring that all complaints of unlawful harassment are investigated in a prompt and objective manner;
2. Ensuring the school district's compliance with various statutory record keeping, notice and training requirements in the area of harassment;
3. Reviewing the Board's policy on harassment and these accompanying administrative regulations periodically for appropriate updating, and monitors them on an on-going basis for effective implementation;
4. Ensures that the Board's policy and administrative regulations are distributed to all students annually;
5. Ensuring that the definition of "harassment" as well as the process by which any person may make a complaint of sexual, racial or other unlawful harassment is part of the orientation for all students at the start of the school year and new students during the school year;
6. Ensuring students are aware of who is serving as Title IX Coordinator for student for the District and how he or she may be reached.

**5145.5(e)**

## **Students**

### **Sexual and Other Unlawful Harassment of Students**

A copy of this policy or appropriate summary notice shall be distributed annually to all students and employees.

#### **Legal References:**

##### **Connecticut General Statutes**

10-15c Discrimination in public schools prohibited

46a-58 Deprivation of rights

##### **United States Code**

20 U.S.C. 1400 Individuals with Disabilities Education Act

20 U.S.C. 1681 Title IX of the Education Amendments of 1972

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

42 U.S.C. 2000d Title VI of the Civil Rights Act of 1964

42 U.S.C. 12101 Americans with Disabilities Act

Policy adopted: June 12, 2011

Policy revised: June 12, 2007

Policy revised: March 10, 2009

Policy rewritten: June 14, 2011

Policy revised:

**NEW MILFORD PUBLIC SCHOOLS**

New Milford, Connecticut

***Bold italicized*** language constitutes an addition.

~~Stricken~~ language constitutes a deletion.

*Commentary: September 2011- Suggested revision is in Section IV, (e). It permits the Board of Education to award a diploma to veterans of the Korean hostilities as well as World War II.*

*Pursuant to Board By-Law 9311, since the proposed revision is due to changes in Connecticut General Statutes §10-15c, this revision may be approved by the Board at the initial presentation.*

**6146(a)**

## **Instruction**

### **Graduation Requirements**

To graduate from the New Milford Public Schools, a student must earn a minimum number of 22.5 credits, fulfill credit distribution requirements and meet district performance standards.

#### **I. Academic credit distribution requirements**

A. Students must complete the following credits:

4	English
3	Mathematics
3	Social Studies (including a V2 credit in civics and I credit for U.S. government)
3	Science
1	Physical Education
1	Arts (Fine or Practical)
½	Health
7	Electives
<hr/>	
22.5	TOTAL CREDITS

B. A credit shall consist of not less than the equivalent of a forty-minute class period for each school day of a school year unless such credit is earned at an institution accredited by the Department of Higher Education or regionally accredited.

#### **II. District's performance standards**

These performance standards identify the basic skills that students are expected to achieve in order to graduate. A New Milford High School graduate must complete all academic requirements and demonstrate basic skills in Reading & Writing, Quantitative Thinking (Math & Science) and Information Literacy. The Superintendent of Schools or designee shall develop administrative regulations regarding performance standards for each basic skill, including the method(s) of assessing a student's level of competency in such skills. The assessment criteria must include, but not be based exclusively on, the results of the 10<sup>th</sup> grade state-wide mastery examination.

### **III. Options if graduation requirements are not met**

The Board of Education is dedicated to providing students who may have difficulty fulfilling these requirements with different options and multiple opportunities to meet the academic and performance standards for graduation.

**6146(b)**

## **Instruction**

### **Graduation Requirements**

#### **III. Options if graduation requirements are not met** (continued)

Those students who have not successfully completed the assessment criteria for graduation (a score of 3 or better on the Reading, Writing, Math, and Science portions of the CAPT in the 10<sup>th</sup> grade year) must retake only those portions of the CAPT in which the student is deficient in 11<sup>th</sup> grade. Seniors who have not attained a score of 3 or better on the CAPT will be afforded alternative means of meeting this criteria. The following is not an inclusive list:

- Pass 0.5 credit of English 4
- Completion of a research project, approved in advance by the Science Department, that involves data collection, and is graded according to an established rubric
- Pass Departmental Exam covering the topics of arithmetic, algebra, geometry and statistics
- Pass 0.5 credit of Practical Math and/or Consumer Math
- English Writing SAT I of 450 or better
- Math Reasoning SAT I of 450 or better
- Math SAT II Math Level 1C of 450 or better

Seniors who are not eligible for graduation with their class due to a failure to meet the district graduation requirements in one or more subjects may select one of the following options:

1. Successful completion of a summer course or summer courses comparable (as determined by the Principal) to the subject(s) in which the student was deficient
2. Enroll in an on-line course in accordance with Policy 6172.6 (Virtual/On-line Courses/College/University Courses)
3. Make arrangement for re-testing to meet performance standards
4. Return to school in September as a fifth year senior

#### **IV. Exemptions, modifications, and accommodations**

- A. If a physician certifies in writing that the physical education requirement is medically contraindicated because of the physical condition of the student, this requirement may be fulfilled by an elective.
- B. Exemptions; modifications and accommodations of graduation requirements will be



made for any student with a disability as determined by the planning and placement team or 504 team.

- C. Only credits for courses taken in grades nine through twelve shall satisfy graduation requirements except that the Superintendent of Schools or designee may grant credit for certain courses identified in subsection (e) of Section 10-221a of the Connecticut General Statutes.

**6146(c)**

## **Instruction**

### **Graduation Requirements**

#### **IV. Exemptions, modifications, and accommodations (continued)**

- D. The Board may permit a student to graduate during a period of expulsion pursuant to Connecticut General Statutes 10-233d if the Board determines that the student has satisfactorily completed the necessary credits for graduation.
- E. The Board of Education may award a high school diploma to a veteran of World War II ***or the Korean hostilities*** who left high school to serve in the armed forces and did not receive a diploma as a consequence of such service.

### **Early Graduation**

Students may finish in seven semesters provided all graduation requirements have been satisfied.

Any student interested in being considered for early graduation must notify his/her counselor of his/her intentions by May 1 of the junior year. Students applying for early graduation must obtain the **Early Graduation Policy** statement and related application form from the Guidance Office and take course no. 990.

<b>Course No.</b>	<b>Course</b>	<b>Prerequisites</b>
990	Early Graduation	By Special Arrangement Only

(cf. 5121 - Examination/Grading/Rating)

(cf. 5123 - Promotion/Acceleration/Retention)

(cf. 6111 - School Calendar)

(cf. 6145.6 - Travel and Exchange Programs)

(cf. 6142.2 – Statewide Proficiency/Mastery Examinations)

Legal reference:	Connecticut General Statutes
10-14n	State-wide mastery examination
10-161	Establishment of graduation date
10-18	Courses in United States history, government and duties and responsibilities of citizenship
10-19	Teaching about alcohol, nicotine or tobacco, drugs and acquired immune

	deficiency syndrome	
10-221a	High school graduation requirements	
10-223a	Promotion and graduation policies. Basic skills necessary for graduation, assessment process	
Policy adopted:	June 10, 2003	NEW MILFORD PUBLIC SCHOOLS
Policy revised:	June 27, 2005	New Milford, Connecticut
Policy revised:	June 8, 2010	
Policy revised:		

***Bold, italicized*** language constitutes revisions.  
~~Stricken~~ language represents deletions.

*Commentary: September 2011 revisions compatible with model state policy.*

**3541(a)**

## **Business/Non-Instructional Operations**

### **Transportation Services**

#### **Statement of Policy**

This policy applies to students enrolled in the New Milford Public Schools and such other schools as the district is mandated to provide pupil transportation services. The Superintendent of Schools shall administer the district's operations in such a manner as to:

1. provide for the reasonable safety of students.
2. supplement and reinforce desirable student behavior patterns.
3. assist handicapped students appropriately.
4. enrich the instructional program through carefully planned field trips as recommended by the staff.

#### **Definitions**

1. "Bus stop" means a geographical location designated by the Board of Education or School Administration where pupils can board or disembark from a school bus.
2. "School transportation" means the procedure, program, or fully effective and implemented plan by which a pupil is conveyed to and/or from school from his/her residence or the bus stop at public expense, whether by use of publicly owned equipment or by contract. Such transportation shall be over public roads approved by the municipality or private roads approved pursuant to C.G.S. Section 10-220c.
3. "Walking distance" means the linear measure of a prescribed or authorized pedestrian route between the pupil's residence and his/her school from a point at the curb or edge of a public or private road nearest the pupil's residence to a point at the entrance of the school, or a safe entrance to the school grounds located within one hundred feet of the school building entrance or the bus pick-up area, or route from the point on the public thoroughfare nearest the residence to the school bus vehicle embarkation point established by the New Milford Board of Education.
4. "One ~~half~~ mile walking distance" means a reasonable measurement of a route to be traversed extending from the point of measurement up to ~~2,640~~ **5,280** feet.
5. "Grade K" means kindergarten, or a school program appropriate to a beginning pupil.
6. "Hazard" means a thing or condition, as prescribed in this policy under "Hazardous Condition—Transportation Guidelines" that affects the safety of pupils walking to and from school, and/or bus stop.

## **Business/Non-Instructional Operations**

### **Transportation Services**

#### **Definitions Cont'd.**

7. "Sidewalk" means a portion of the landscape right of way approximately three feet wide, usually parallel to the traffic lanes which may be paved or unpaved, distinguished by some elevation above the street pavement level and marked by curbing, drainage ditch, grass area or fencing; apart from and independent of any painted safety markings along the street pavement.
8. "Raised walk area" means a portion of the landscape right of way approximately three feet wide, usually parallel to the traffic lanes which may be paved or unpaved, distinguished by some elevation above the street pavement level and marked by curbing, drainage ditch, grass area or fencing; apart from and independent of any painted safety markings along the street pavement.
9. "Pupil" means any individual of school age enrolled in a public or nonprofit private school located within the school district or contiguous school district as the case may be.

#### **Provision of Transportation**

Transportation by private carrier may be provided whenever such practice is more economical than using school district-owned/leased facilities.

The Board of Education will furnish transportation to resident public students living *outside* of the following limits, based on the most direct route from the students' home beginning at a point at the curb or edge of a public road or highway nearest the home to the edge of the school property or bus pickup area:

<u>Grades</u>	<u>Distance</u>
K-3 students	1 mile
4-8 students	1 mile
9-12 students	1 mile

Students living *within* these limits will receive transportation when, in the opinion of the Board, a hazard is present.

#### **Hazardous Conditions—Transportation Guidelines**

1. Any walking route to either the bus stop or the school which is in excess of the previously designated walking distances shall be deemed hazardous.

## Business/Non-Instructional Operations

### Transportation Services

#### Hazardous Conditions—Transportation Guidelines Cont'd.

2. A street or road having an adjacent or parallel sidewalk or raised walk area shall be deemed hazardous when any one of the following conditions exists:
  - (a) For pupils under age ten, or enrolled in grades K through 3, the absence of pedestrian crossing light or crossing guard where three or more streets intersect, and a street crossing where there are no stop signs or cross guards and the traffic count during the time that pupils are walking to or from school exceeds sixty vehicles per hour at the intersection;
  - (b) For pupils age ten or older, or enrolled in grades 4 through 12, the absence of pedestrian crossing light or crossing guard where three or more streets intersect, and a street crossing where there are no stop signs or cross guards and the traffic count during the time that pupils are walking to or from school exceeds ninety vehicles per hour at the intersection;
  - (c) For all pupils, any street, road, or highway with speed limits in excess of forty miles per hour which do not have pedestrian crossing lights or crossing guards or other safety provisions at points where pupils must cross when going to or from school or the bus stop;
  - (d) For all pupils, the usual or frequent presence of any nuisance such as open man-holes, construction, loading zones where delivery trucks are permitted to park on walkways, commercial entrances and exits where cars are crossing walking areas at speeds in excess of five miles per hour, and the like, including such nuisance which are hazardous or attractive to children.
  - (e) For all pupils, the usual or frequent presence of snow plowed or piled on the walk area making walkways unusable and the presence of any of the conditions described in Sections 3(a)-(c) immediately hereafter.
3. Any street, road, or highway which has *no sidewalks* or raised walk areas shall be deemed hazardous if any one of the following conditions exist:
  - (a) For ~~all~~ pupils ***under age ten or enrolled in grades K through 3***, any street, road or highway possessing a traffic count of sixty or more vehicles per hour at the time that pupils are walking to or from schools or bus stops;
  - (b) For all pupils, the presence of man-made hazards including attractive nuisances, as described in Section 2(c) immediately preceding this section;
  - (c) Any street, road, or highway possessing a speed limit in excess of thirty miles per hour;

## Business/Non-Instructional Operations

### Transportation Services

#### Hazardous Conditions—Transportation Guidelines Cont'd.

4. Any street, road, or highway which has no sidewalks or raised walk areas shall be deemed hazardous when the line-of-sight visibility together with posted speed limits do not permit vehicular braking/stopping in accordance with the Connecticut Department of Motor Vehicles, Connecticut Department of Transportation or other reasonable standard.
5. Any walkway, path, or bridge in an area adjacent or parallel to railroad tracks shall be considered hazardous unless a suitable physical barrier along the entire pedestrian route is present and fixed between pupils and the tracks; and any crossing of railroad tracks that carry moving trains during hours that pupils are walking to or from school shall be deemed hazardous unless, (1) a crossing guard is present; or (2) an automatic control bar is present at crossings used by pupils under age ten, or, a bar or red flashing signal light is operational when the crossing is used by pupils.
6. Any walkway, path, or bridge adjacent or parallel to a lake, pond, stream, culvert, water-way, or bridge shall be deemed a hazard *for pupils in grade K through 4* in the absence of a fence or other suitable barrier fixed between the pupil and the water.
7. Any area adjacent to a roadway, sidewalk, or bridge having a drop of three or more feet per four feet of travel length on either side of the established lanes, the absence of a fence or other suitable barrier shall be deemed hazardous for pupils *in grade K through 4*.
8. Any street, road, walkway, sidewalk, or path designated as a walking route for all school pupils that passes through an area which has a history of aggressive acts of molestation resulting in actual or threatened physical harm or moral degradation during the hours when pupils ordinarily walk to or from school shall be deemed hazardous.
9. Walking to or from school or the bus stop at any time prior to one-half hour before sunrise or any time one-half hour after sunset shall be deemed hazardous *for pupils in grade K through 8*.
10. These guidelines are applicable to private roads approved for passage of school transportation vehicles in accordance with C.G.S. Section 10-220c.
11. Pupils with physical handicaps and/or health conditions rendering them unable to walk to either the bus stop or school, as determined by their physician and the school district's medical advisor, shall receive appropriate transportation.

## **Business/Non-Instructional Operations**

### **Transportation Services**

#### 12. Exception:

The New Milford Board of Education may grant an exception to any provision of this guideline where a peculiar condition or combination of conditions renders such condition(s) a hazard based upon reasonable judgment.

### **Students Receiving Special Education**

Any modifications of these transportation services for special education pupils and pupils eligible for services under Section 504 of the Rehabilitation Act shall be determined on an individual basis.

### **Suspension of Transportation Services**

The New Milford Board of Education has the authority to suspend transportation services of any pupil whose conduct, while awaiting or receiving transportation to or from school, endangers persons or property or constitutes a violation of a publicized Board policy. The decision to suspend a student from transportation services for improper conduct is *not* reviewable under Connecticut General Statutes § 10-186. Suspension from school transportation will be carried out in accordance with the Board's Policy on Student Behavior on School Transportation [Policy 5131.1(a-b)]

### **Transportation Safety—Reporting of Complaints**

The Superintendent of Schools will develop and implement procedures for reporting of all complaints relative to school transportation.

Legal Reference:    Connecticut General Statutes  
                             §§10-186  
                             10-220  
                             10-220c  
                             10-221c  
                             14-275  
                             14-275a  
                             14-275b  
                             14-275c  
                             14-276a(c)

Conn. State Agencies Regs.

§10-76d-19.

Policy adopted: June 11, 2002  
Policy revised: December 12, 2006  
Policy revised: June 10, 2008  
Policy revised:

NEW MILFORD PUBLIC SCHOOLS  
New Milford, Connecticut



<p><b><i>Bold italicized</i></b> language constitutes an addition. <del>Stricken</del> language constitutes a deletion.</p>
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*Commentary- September 2011 revision: Public Act 11-55, which becomes effective on October 1, 2011, prohibits discrimination on the basis of gender identity or expression in a variety of contexts, including employment and education. There are three references to this phrase in this regulation.*

*Pursuant to Board By-Law 9311, since the proposed revision is due to changes in Connecticut General Statutes §46a-60(a), this revision may be approved by the Board at the initial presentation.*

**4111.1(a)**  
**4211.1(a)**

## **Personnel – Certified/Non-Certified**

### **Procedures for Employee Complaints of Discrimination**

The New Milford Board of Education provides equal employment opportunities for all employees and applicants for employment. All employment decisions are made without regard to race, color, national origin, sex, age, disability, religion, sexual orientation, ***gender identity or expression***, marital status, ancestry, genetic information, veteran status, or any other basis prohibited by law.

Although discrimination also includes sexual, racial or other unlawful harassment, the prohibition of such conduct is governed by a separate Board policy. Please refer to Board Policy 4118.112, 4218.112 and regulations for the procedure for complaints of sexual, racial or other unlawful harassment.

Employees who believe they have suffered discrimination in violation of this policy are encouraged to promptly report such incidents to a Building Principal or the district's Title IX Coordinator or both. Timely reporting of incidents of unlawful harassment enables the school district to properly investigate and resolve such complaints.

Complaints will be investigated promptly and corrective action will be taken when warranted. Any reprisals or retaliations found to have occurred as a result of reporting discrimination may result in disciplinary action against the retaliator.

#### **Reporting a Complaint of Discrimination**

Any applicant or employee who feels that he/she has been discriminated against on the basis of race, color, national origin, sex, age, disability, religion, sexual orientation, ***gender identity or***

***expression***, marital status, ancestry, genetic information, or veteran status or should immediately bring his/her complaint to the attention of one of the following school officials within 30 days of the alleged incident: Building Principal or Title IX Coordinator.

The district's Title IX Coordinator is:

**Ms. Ellamae Baldelli**  
Director of Human Resources  
50 East Street  
New Milford, CT 06776  
860-210-2202.

**4111.1(b)**  
**4211.1(b)**

## **Personnel – Certified/Non-Certified**

### **Procedures for Employee Complaints of Discrimination**

Although there is no requirement that the complaint be in writing, the school official should encourage the complainant to submit the complaint in writing and may assist the complainant in writing the complaint.

The written complaint should state the following (the form in Appendix A may be provided for the convenience of the complainant, but is not required):

1. name of the complainant;
2. date that the complaint was made;
3. name(s) of the person(s) who discriminated against complainant;
4. date and place of the alleged discriminatory conduct;
5. names of any witnesses;
6. list of documentary evidence, if any;
7. statement of the facts supporting the complaint of discrimination.

### **Investigation of Complaints of Discrimination other than Harassment**

*Investigator:* The Title IX Coordinator is responsible for designating the investigator of any complaint, which may be himself/herself or a properly trained staff member, administrator or outside investigator. The advice of legal counsel should be sought as necessary. The designation of the investigator, if other than the Title IX Coordinator, shall be done promptly. During any

stage of the investigation, the investigator may attempt to resolve the complaint in the least disruptive, most prompt and confidential manner.

*Interim measures:* The investigator shall assess whether there is a necessity to take immediate interim measures to prevent further allegations of discrimination or retaliation of any kind while the investigation is pending.

*Investigation:* The investigation shall be conducted with objectivity and completed in a timely manner. The investigator shall consult with all individuals believed to have relevant information, including the complainant, the person(s) accused of the discriminatory conduct, potential witnesses and other possible victims of the alleged conduct. The investigation shall be carried on discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation. Throughout the investigative process, the due process rights of the person(s) accused of discrimination shall be respected. The investigator shall keep the complainant apprised of the status of the investigation on a periodic basis.

**4111.1(c)**

**4211.1(c)**

## **Personnel – Certified/Non-Certified**

### **Procedures for Employee Complaints of Discrimination**

*Documentation:* The investigator should carefully document all aspects of the investigation, including any informal resolution of the complaint. Documentation should be maintained in an investigative file. Documentation of disciplinary actions taken should be maintained in the employee's personnel file or the student's disciplinary file.

*Written Report:* After an impartial and prompt investigation of the complaint, the investigator should ascertain (1) whether the alleged discrimination occurred and (2) whether such conduct constitutes a violation of the Board's policy. If there is a violation, the investigator should recommend any remedial action appropriate to redress the discrimination and/or prevent any recurrence of such conduct in the future. The investigator should commit the findings and recommendations to writing and forward the report to the Title IX Coordinator and Superintendent of Schools. Unless unusual circumstances exist, the written report shall be completed within 10 school days of receipt of the complaint. If the Superintendent is the subject of the investigation, the Board of Education shall receive the findings and recommendations.

*Notification of Results of Investigation:* The results of the investigation will be promptly communicated to the parties involved in a manner consistent with state and federal laws regarding data and records privacy.

*Request for Review:* If the complainant is unsatisfied with the results of the investigation, he/she may request a review by the Superintendent of Schools within 10 school days of the notification of the results of the investigation. The Superintendent (or designee) shall review the investigator's written report and further investigation may be conducted if necessary. The complainant may present additional evidence or witnesses for the reviewer to consider. Absent unusual circumstances, the review process shall be completed within 20 days of the request for the review. The Superintendent shall promptly notify the complainant in writing of the results of his/her review.

*Corrective Action:* If discrimination in violation of Board policy has been determined to have occurred, the school district will take prompt remedial action to redress the discrimination. School district action taken for violation of this policy shall be consistent with the requirements of applicable collective bargaining agreements, state and federal law, and other school district policies.

**4111.1(d)**  
**4211.1(d)**

## **Personnel – Certified/Non-Certified**

### **Procedures for Employee Complaints of Discrimination**

#### **Alternative Complaint Procedures**

The Connecticut Commission of Human Rights and Opportunities (CHRO) investigates complaints of employment discrimination based upon race, color, national origin, sex, age, disability, religion, sexual orientation, *gender identity or expression*, marital status, ancestry, or genetic information. CHRO may be contacted at 21 Grand Street, Hartford, CT 06106 (860-541-5737).

The U. S. Equal Employment Opportunity Commission (EEOC) investigates complaints of employment discrimination based upon race, color, sex, religion, national origin, age, or disability. The EEOC may be contacted at John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203, 1-800-669-4000.

The EEOC and CHRO apply a statute of limitation of one hundred and eighty (180) days to complaints of employment discrimination.

The U. S. Department of Labor, Veteran's Employment and Training Service investigates complaints of discrimination based upon veteran status. The Veteran's Employment and Training Service may be contacted at 1-866-4-USA-DOL.

Regulation adopted:

NEW MILFORD BOARD OF EDUCATION  
New Milford, Connecticut

***Bold italicized*** language constitutes an addition.  
~~Stricken~~ language constitutes a deletion.

Appendix A for 4111.1-4211.1 and 4118.112-4218.112

**Employee - Complaint of Discrimination and/or Unlawful Harassment**

Name of complainant: \_\_\_\_\_ Position/Location: \_\_\_\_\_

Date of complaint: \_\_\_\_\_ Contact information: \_\_\_\_\_

Name(s) of alleged unlawful harasser(s) and/or persons who allegedly discriminated against complainant:

\_\_\_\_\_

The alleged discrimination and/or harassment is based upon the complainant's (circle ALL that apply):  
RACE - COLOR - NATIONAL ORIGIN - SEX (includes sexual harassment) – AGE - DISABILITY -  
RELIGION - SEXUAL ORIENTATION - MARITAL STATUS – ANCESTRY – GENETIC INFO.-  
***GENDER IDENTITY OR EXPRESSION***

Date(s) and place(s) of alleged discrimination and/or harassment: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name(s) of any witness(es) (if any): \_\_\_\_\_

List of documentary evidence (if any): \_\_\_\_\_

\_\_\_\_\_

Statement of the facts supporting this complaint of discrimination and/or unlawful harassment (use back of form or attach additional pages if necessary):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

School Official who received the complaint

Signature of complainant

DATE: \_\_\_\_\_

<p><b><i>Bold italicized</i></b> language constitutes an addition. <del>Stricken</del> language constitutes a deletion.</p>
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*Commentary – September 2011: Public Act 11-55, which becomes effective on October 1, 2011, prohibits discrimination on the basis of gender identity or expression in a variety of contexts, including employment and education. As with your equal employment opportunity policy and regulation, you must therefore update harassment policies and regulations.*

*Pursuant to Board By-Law 9311, since the proposed revision is due to changes in Connecticut General Statutes §46a-60(a), this revision may be approved by the Board at the initial presentation.*

**4118.112(a)**  
**4218.112(a)**

## **Personnel – Certified/Non-Certified**

### **Sexual and Other Unlawful Harassment**

#### **Complaint Procedures**

It is the policy of the New Milford Board of Education to encourage victims of sexual, racial or harassment as defined by Board policy nos. 4218.112 and 4118.113 to promptly report such complaints. Timely reporting of complaints facilitates the investigation and resolution of such complaints.

Any employee who feels that he/she has been harassed on the basis of sex, sexual orientation, ***gender identity or expression***, race, color, religion, national origin, ancestry, marital status, age, disability or genetic information should bring this/her complaint to the Principal, Assistant Principal or District Title IX Coordinator. The Principal or Assistant Principal will immediately inform the District Title IX Coordinator upon receipt of any such complaint, or the Superintendent if the District Title IX Coordinator is the subject of the complaint.

All complaints will be investigated promptly and corrective action will be taken when allegations are verified. Confidentiality will be maintained to the extent practical. Any reprisals or retaliations found to have occurred as a result of reporting sexual or other unlawful harassment may result in disciplinary action against the retaliator, up to and including discharge. All reports of conduct that violates this policy shall be reviewed regardless of whether the report has been made in writing.



The school district will provide staff development for new district administrators and other supervisors and will publish its policy and complaint procedure to employees in an effort to maintain an environment free of sexual and other unlawful harassment.

### **Responsibilities of Personnel**

All Employees. Any staff member who feels that he or she is a victim of sexual, racial or other unlawful harassment is strongly urged to immediately report the incident to the Building Principal or Title IX Coordinator. If possible, the victim should consider firmly and immediately notifying the offender that his or her behavior is unwelcome and request that it stop. It is extremely important for victims to report any form of harassment to the Building Principal or Title IX Coordinator even if the offender has been told that his or her behavior is unwelcome and has been asked to stop the unwelcome conduct. If the Building Principal is the subject of the complaint, then the employee must make the complaint to the Title IX Coordinator. If the Title

## **Personnel – Certified/Non-Certified**

### **Sexual and Other Unlawful Harassment**

#### **Responsibilities of Personnel** (continued)

IX Coordinator is the subject of the complaint, then the employee must make the complaint to the Superintendent.

Any employee, supervisor or administrator who has not been victimized but is aware of a possible violation of the Board's policy on sexual and other unlawful harassment should likewise report such information verbally or in writing. Administrators and supervisors who fail to report possible violations of this policy may be subject to discipline.

Administrators. Any complaint or other communication from an applicant for employment, an employee, a visitor, a government agency, or an attorney concerning sexual and/or other harassment should be immediately shared with the District Title IX Coordinator, who has responsibility for the proper resolution of all reports and complaints. If notification to the District Title IX Coordinator is impractical or inappropriate under the circumstances, the Superintendent should be contacted. Any and all investigations should be conducted with the guidance of the District Title IX Coordinator or Superintendent of his or her designee.

Title IX Coordinator. The Title IX Coordinator shall be responsible for the investigation of all verbal and written complaints of alleged discrimination including unlawful harassment. The Title IX Coordinator shall ensure a prompt and equitable resolution of all complaints.

#### **Reporting a Complaint of Unlawful Harassment**

Any applicant or employee who feels that he/she has been harassed on the basis of race, color, national origin, sex, age, disability, religion, sexual orientation, ***gender identity or expression***, marital status, ancestry, or genetic information should immediately bring his/her complaint to the attention of one of the following school officials: Building Principal or district's Title IX Coordinator.

The district's Title IX Coordinator is:

Ms. Ellamae Baldelli  
Director of Human Resources  
50 East Street  
New Milford, CT 06776  
860-210-2200

## **Personnel – Certified/Non-Certified**

### **Sexual and Other Unlawful Harassment**

#### **Reporting a Complaint of Unlawful Harassment** (continued)

Upon any notice from an employee that illegal harassment may be occurring, the school official taking the complaint should inform the employee of the school district's policy and regulations, including the school district's legal obligation to investigate every report even where the complainant is hesitant to pursue the complaint. If the complaint is not in writing, the administrator should encourage the employee to commit the complaint to writing and provide the employee a form that he or she may use for this purpose. The administrator may assist the employee in writing the complaint.

The written complaint should state the following (the form in Appendix A may be provided for the convenience of the complainant, but is not required):

1. name of the complainant;
2. date that the complaint was made;
3. name(s) of the alleged harasser(s);
4. date and place of the alleged harassment;
5. names of any witnesses, if any;
6. list of documentary evidence, if any;
7. statement of the facts supporting this complaint of harassment.

The school official should document the complaint even if the complainant refuses to commit the complaint to writing. In such instance, the school official should ask the complainant to review the complaint for accuracy and ask the complainant sign. If the complainant chooses not to sign, the school official should note so on the official's report of the complaint.

The administrator should advise the employee that confidentiality will be maintained to the extent possible and should advise participants in the investigation not to discuss the subject with others in the workplace. The administrator cannot make a blanket promise of complete confidentiality since information gained from the investigation may have to be disclosed to other school personnel or may be needed in subsequent government or court proceedings.

The administrator should carefully document his or her knowledge of all communications and efforts concerning employee complaints, including any employee failure to take advantage of the opportunities provided by the school district's policy and procedure. Such documentation should be maintained in a separate investigative file.

The Building Principal shall immediately forward the complaint to the district's Title IX Coordinator without screening or investigating the report.

## **Personnel – Certified/Non-Certified**

### **Sexual and Other Unlawful Harassment**

#### **Reporting a Complaint of Unlawful Harassment** (continued)

If the Title IX Coordinator is the subject of the complaint, the complaint should be submitted to the Superintendent, who shall investigate or appoint a designee to do so. If the Superintendent is the subject of the complaint, it shall be submitted to the Board of Education and the Board shall appoint the investigator.

Administrators must attend a school approved sexual harassment training program within six months of assuming such position with the school district and thereafter when required by the school district.

#### **Investigation of the Complaint**

Investigator: The Title IX Coordinator is responsible for investigating or supervising the investigation of any complaints unlawful harassment. The advice of legal counsel should be sought as necessary. The investigation may also be conducted by outside counsel or an outside investigator.

Interim measures: The investigator shall assess whether there is a necessity to take immediate interim measures to prevent further allegations of unlawful harassment or retaliation of any kind while the investigation is pending.

Investigation: The investigation shall be conducted with objectivity and completed in a timely manner. The investigator shall consult with all individuals believed to have relevant information including the complainant, the person(s) accused of the unlawful harassment, potential witnesses and other possible victims of the alleged harassment. The investigation shall be carried on discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation. Throughout the investigative process, the due process rights of the alleged harasser(s) shall be preserved. The investigator shall keep the complainant apprised of the status of the investigation on a periodic basis.

Documentation: The investigator should carefully document all aspects of the investigation. Documentation should be maintained in an investigative file. Documentation of disciplinary actions taken should be maintained in the employee's personnel file or the student's disciplinary file.

## **Personnel – Certified/Non-Certified**

### **Sexual and Other Unlawful Harassment**

#### **Investigation of the Complaint** (continued)

Written Report: After an impartial and prompt investigation of the complaint, the investigator should ascertain (1) whether the alleged conduct occurred, and (2) whether such conduct constitutes a violation of the Board's policy. In determining whether there is a violation of the policy, the investigator should consider the surrounding circumstances, the nature of the behavior, past incidents or patterns of behavior, the relationships between the parties involved and context in which the incidents occurred. If there is a violation, the investigator should determine what remedial action is necessary to eradicate the harassment and prevent any recurrence of such conduct in the future. The investigator should commit the findings and recommendations to writing and forward the report to the Superintendent of Schools. Unless unusual circumstances exist, the written report shall be completed without delay. If the Superintendent is the subject of the investigation, the Board of Education shall receive the findings and recommendations.

Notification of Results of Investigation: The results of the investigation will be communicated to the parties involved in a manner consistent with state and federal laws regarding data and records privacy.

Request for Review: If the complainant is unsatisfied with the results of the investigation, he/she may request a review by the Superintendent of Schools within 10 school days of the notification of the results of the investigation. The Superintendent (or designee) shall review the investigator's written report and further investigation may be conducted if necessary. The complainant may present additional evidence or witnesses for the reviewer to consider. Absent unusual circumstances, the Superintendent shall promptly notify the complainant in writing of the results of his/her review.

Corrective Action: If unlawful harassment in violation of Board policy is determined to have occurred, the school district will take prompt corrective action that is reasonably calculated to stop the harassment and prevent any recurrence of such behavior. As part of such remedial action, the offender may be subject to appropriate disciplinary action which may include, but is not limited to one or a combination of the following: counseling, awareness training, warning, reprimand, reassignment, transfer, suspension, termination or expulsion. School district action taken for violation of this policy shall be consistent with the requirements of applicable collective bargaining agreements, state and federal law, and other school district policies.

**4118.112(f)**  
**4218.112**

**Personnel – Certified/Non-Certified**

**Sexual and Other Unlawful Harassment**

**Investigation of the Complaint** (continued)

**Alternative Complaint Procedures**

The Connecticut Commission of Human Rights and Opportunities (CHRO) investigates complaints of harassment based upon race, color, national origin, sex, age, disability, religion, sexual orientation, ***gender identity or expression***, marital status, ancestry, or genetic information. CHRO may be contacted at 21 Grand Street, Hartford, CT 06106 (860-541-5737).

The U. S. Equal Employment Opportunity Commission (EEOC) investigates complaints of harassment based upon race, color, sex, religion, national origin, age, or disability. The EEOC may be contacted at John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203, 1-800-669-4000.

The EEOC and CHRO apply a statute of limitation of one hundred and eighty (180) days to complaints of harassment

Regulation approved: December 9, 2003  
Regulation revised: November 7, 2005  
Regulation revised: June 14, 2011  
Regulation revised:

NEW MILFORD PUBLIC SCHOOLS  
New Milford, Connecticut

***Bold italicized*** language constitutes an addition.  
~~Stricken~~ language constitutes a deletion.

Appendix A for 4111.1-4211.1 and 4118.112-4218.112

**Employee - Complaint of Discrimination and/or Unlawful Harassment**

Name of complainant: \_\_\_\_\_ Position/Location: \_\_\_\_\_

Date of complaint: \_\_\_\_\_ Contact information: \_\_\_\_\_

Name(s) of alleged unlawful harasser(s) and/or persons who allegedly discriminated against complainant:

\_\_\_\_\_

The alleged discrimination and/or harassment is based upon the complainant's (circle ALL that apply):  
RACE - COLOR - NATIONAL ORIGIN - SEX (includes sexual harassment) – AGE - DISABILITY -  
RELIGION - SEXUAL ORIENTATION - MARITAL STATUS – ANCESTRY – GENETIC INFO.-  
***GENDER IDENTITY OR EXPRESSION***

Date(s) and place(s) of alleged discrimination and/or harassment: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name(s) of any witness(es) (if any): \_\_\_\_\_

List of documentary evidence (if any): \_\_\_\_\_

\_\_\_\_\_

Statement of the facts supporting this complaint of discrimination and/or unlawful harassment (use back of form or attach additional pages if necessary):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

School Official who received the complaint

Signature of complainant

DATE: \_\_\_\_\_



***Bold italicized*** language constitutes an addition.  
~~Stricken~~ language constitutes a deletion.

*Commentary - September 2011: This regulation mirrors, in pertinent part, regulation 5145.5 (Sexual and other Unlawful Harassment), as both address different forms of discrimination. The complaint form, Appendix A, is the same for this policy as it is for 5145.5.*

**5000**

## **Students**

### Equal Educational Opportunity

#### PROCEDURE FOR COMPLAINTS OF DISCRIMINATION

Students are entitled to an equal opportunity to participate in and benefit from the activities, programs, and courses of study offered by the school district without discrimination on the basis of race, color, national origin, sex, disability, religion, sexual orientation, ***gender identity or expression***, alienage or any other basis prohibited by law. Discrimination involves being excluded, rejected, or treated differently based upon one's membership (or perceived membership) in one of these protected groups.

Although discrimination also includes sexual, racial or other unlawful harassment, the prohibition of such conduct is governed by a separate Board policy. Please refer to Board Policy 5145.5 and regulations for the procedure for complaints of sexual, racial or other unlawful harassment.

Students who believe they have suffered discrimination in violation of this policy are encouraged to report such incidents promptly. Timely reporting of incidents of discriminatory conduct enables the school district to properly investigate and resolve such complaints.

Complaints will be investigated promptly and corrective action will be taken when warranted. Any reprisals or retaliations found to have occurred as a result of reporting discrimination are considered to be a violation of this policy and may result in disciplinary action against the retaliator.

Complaints regarding the identification, evaluation, or educational placement of a student with a disability will be addressed pursuant to the procedures established by Section 504 of the Rehabilitation Act of 1973 and/or the Individuals with Disabilities Education Act.

### **Reporting a Complaint of Discrimination**

Any student who feels that he/she has been discriminated against on the basis of race, color, national origin, sex, age, disability, religion, sexual orientation, ***gender identity or expression***, or alienage in violation of Board Policy 5000 should bring his/her complaint to

the attention any of the following school officials within 30 days of the alleged incident: Guidance Counselor, Assistant Principal, Building Principal, or the district's Title IX Coordinator.

The district's Title IX Coordinator is:

**Dr. Maureen E. McLaughlin, Assistant Superintendent of Schools  
50 East Street, New Milford, CT 06776, 860-354-3235.**

Although there is no requirement that the complaint be in writing, the school official should encourage the complainant to submit the complaint in writing and may assist the complainant in writing the complaint.

The written complaint should state the following (the form in Appendix A may be provided for the convenience of the complainant, but is not required):

1. name of the complainant;
2. date that the complaint was made;
3. name(s) of the person(s) who discriminated against complainant;
4. date and place of the alleged discriminatory conduct;
5. names of any witnesses;
6. list of documentary evidence, if any;
7. statement of the facts supporting the complaint of discrimination.

The Building Principal, Assistant Principal or Guidance Counselor shall immediately forward the complaint to the district's Title IX Coordinator without screening or investigating the report.

If the Title IX Coordinator is the subject of the complaint, the complaint should be submitted to the Superintendent, who shall investigate or appoint a designee to do so. If the Superintendent is the subject of the complaint, it shall be submitted to the Board of Education and the Board shall appoint the investigator.

### **Investigation of Complaints of Discrimination**

*Investigator:* The Title IX Coordinator is responsible for designating the investigator of any complaint, which may be himself/herself or a properly trained staff member, administrator or outside investigator. The advice of legal counsel should be sought as necessary. The designation of the investigator, if other than the Title IX Coordinator, shall be done promptly. During any stage of the investigation, the investigator may attempt to resolve the complaint in the least disruptive, most prompt and confidential manner.

*Interim measures:* The investigator shall assess whether there is a necessity to take immediate interim measures to prevent further allegations of discrimination or retaliation of any kind while the investigation is pending.

*Investigation:* The investigation shall be conducted with objectivity and completed in a timely manner. The investigation should not be delayed due to a pending criminal investigation by law enforcement authorities. The investigator shall consult with all individuals believed to have relevant information, including the complainant, the person(s) accused of the discriminatory conduct, potential witnesses and other possible victims of the alleged conduct. The investigation shall be carried on discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation. Throughout the investigative process, the due process rights of the person(s) accused of discrimination shall be respected and both parties shall have an equal opportunity to present evidence. The investigator shall keep the parties apprised of the status of the investigation on a periodic basis.

*Documentation:* The investigator should carefully document all aspects of the investigation, including any informal resolution of the complaint. Documentation should be maintained in an investigative file. Documentation of disciplinary actions taken should be maintained in the employee's personnel file or the student's disciplinary file.

*Written Report:* After an impartial and prompt investigation of the complaint, the investigator should ascertain (1) whether the alleged discrimination occurred and (2) whether such conduct constitutes a violation of the Board's policy. In making factual findings, the investigator shall use a preponderance of the evidence standard (i.e., it is more likely than not that the alleged discrimination occurred). If there is a violation, the investigator should recommend any remedial action appropriate to redress the discrimination and/or prevent any recurrence of such conduct in the future. The investigator should commit the findings and recommendations to writing and forward the report to the Title IX Coordinator and Superintendent of Schools. Unless unusual circumstances exist, the written report shall be completed within 40 school days of receipt of the complaint. If the Superintendent is the subject of the investigation, the Board of Education shall receive the findings and recommendations.

*Notification of Results of Investigation:* The outcome of the investigation will be promptly communicated in writing to the parties involved in a manner consistent with state and federal laws regarding data and records privacy. The notification will include a statement of the parties' right to appeal the decision by requesting a review within 10 school days of receiving the results.

*Request for Review:* If any party of the complaint is unsatisfied with the results of the investigation, he/she may request a review within 10 school days of the notification of the results of the investigation. The Board of Education authorizes the Superintendent of Schools to conduct the review. The Superintendent (or designee) shall review the investigator's written report and further investigation may be conducted if necessary. The parties may present additional evidence or witnesses for the reviewer to consider. Absent unusual circumstances, the review process shall be completed within 20 school days of the request for the review. The Superintendent shall promptly notify the parties in writing of the results of his/her review.

*Corrective Action:* If discrimination in violation of Board policy has been determined to have occurred, the school district will take prompt remedial action to redress the discrimination. School district action taken for violation of this policy shall be consistent with the requirements of applicable collective bargaining agreements, state and federal law, and other school district policies.

### **Alternative Complaint Procedures**

The federal and state agencies that investigate complaints of discrimination of students are the Office for Civil Rights, U.S. Department of Education (OCR) and the Connecticut Commission of Human Rights and Opportunities (CHRO). Any student who wants his or her complaint to be investigated by either of these agencies may do so by contacting the following: CHRO is located at 21 Grand Street, Hartford, CT 06106, (860)-541-5737; Office for Civil Rights-Boston, U.S. Department of Education, 8<sup>th</sup> Floor, 5 Post Office Square, Boston, MA 02109-3921 (617)289-0111. The OCR and CHRO apply a statute of limitations of one hundred and eighty (180) days to such complaints.

Regulation Approved:

***Bold italicized*** language constitutes an addition.  
~~Stricken~~ language constitutes a deletion.

Appendix A for 5000 and 5145.5

**Student - Complaint of Discrimination and/or Unlawful Harassment**

Name of complainant: \_\_\_\_\_ Grade/School: \_\_\_\_\_

Date of complaint: \_\_\_\_\_ Parent/Guardian: \_\_\_\_\_

Contact information: \_\_\_\_\_

Name(s) of alleged unlawful harasser(s) and/or persons who allegedly discriminated against complainant:

The alleged discrimination and/or harassment is based upon the complainant's (circle ALL that apply):

RACE - COLOR - NATIONAL ORIGIN - SEX (includes sexual harassment) - DISABILITY

RELIGION - SEXUAL ORIENTATION - ALIENAGE – ***GENDER IDENTITY OR  
EXPRESSION***

Date(s) and place(s) of alleged discriminatory conduct and/or harassment: \_\_\_\_\_

Name(s) of any witness(es) (if any): \_\_\_\_\_

List of documentary evidence (if any): \_\_\_\_\_

Statement of the facts supporting this complaint of discrimination and/or unlawful harassment (use back of form or attach additional pages if necessary):

\_\_\_\_\_  
School Official who received the complaint

\_\_\_\_\_  
Signature of complainant

DATE: \_\_\_\_\_

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~~Stricken~~ language constitutes a deletion.

*Commentary – September 2011: Revision is on page (j).*

*Pursuant to Board By-Law 9311, since the proposed revision is due to changes in Connecticut General Statutes §10-198a, this revision may be approved by the Board at the initial presentation.*

**5125(a)**

## **Students**

### **Student Education Records; Access, Confidentiality, and Amendment**

#### **Definitions**

##### **As used in this regulation:**

1. **“Education records”** Records directly related to a student which are collected, maintained or used by the District. It includes information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche. The term does not include records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record. Furthermore, this term does not include the records of a law enforcement unit of the District
2. **“Directory information”** means one or more of the following items: student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, photograph, grade levels, electronic mail address, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous public or private school attended by the student.
3. **“Parent”** means a natural parent, an adopted parent, or legal guardian or an individual acting as a parent in the absence of a parent or guardian. If parents are divorced or legally separated, both the parent granted custody and the parent not granted custody have the legal right of access to the academic, medical, hospital or other health records of the child, unless a court order prohibits access.

Whenever a student has attained eighteen (18) years or is attending an institution of post-secondary education, the permission or consent required of, and the rights accorded to, the parents or guardian of the student shall thereafter only be required of, and accorded to, the student. The parents of such a student may continue to have access to education records or personally identifiable information

without the prior written consent of their child if the child is their legal dependent (as defined by the U. S. tax code, section 152 of the Internal Revenue Code of 1986) or if the disclosure is in connection with health or safety emergency.



## Students

### Student Education Records; Access, Confidentiality, and Amendment

#### Definitions (continued)

##### As used in this regulation:

4. **“School official”** School officials are broadly defined as persons who are employed by the District in an administrative, counseling, supervisory, academic, student support services, research position, or a support person to these positions as well as certain contractors, consultants, volunteers or other parties engaged to perform a special task or service for the District. Using this criteria, the term “school official” includes, but is not limited to the following: employees of the school district such as the superintendent, administrators, supervisors, teachers, school nurses, medical advisors, psychologists, social workers, guidance counselors, occupational therapists, speech and language therapists, paraprofessionals, support or clerical staff, security personnel, members of the Board of Education, attorneys who represent the District, accountants, auditors, bus contractors, medical or educational consultants or therapists; or a person serving on a Board of Education committee or as a hearing officer in discipline cases.
5. **“Disclosure”** means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records, to any party, by any means including oral, written, or electronic means except the party identified as the party that provided or created the record.
6. **“Personally identifiable information”** The term includes, but is not limited to: the student's name; name of the student's parent or other family members; address of the student or student's family; a personal identifier, such as the student's social security number, student number, or biometric record (measurable characteristic such as handwriting, fingerprints, retina or iris pattern, voiceprints, DNA sequence, facial characteristics); other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the school district reasonably believes knows the identity of the student to whom the education record relates.
7. **“Access”** means a personal inspection and review of a record or an accurate copy of a record, an oral description or communication of a record or an accurate copy of a record and a request to release a copy of any record.
8. **“Student”** means a person who is or was enrolled in a school.

## **Students**

### **Student Education Records; Access, Confidentiality, and Amendment**

#### **Definitions (continued)**

#### **As used in this regulation:**

9. **“Eligible student”** means a student who has attained eighteen (18) years or is attending an institution of post-secondary education.

#### **Access to Education Records**

##### **1. Requests to review education records**

- A. Parents have the right to inspect and review education records related to their children which are maintained by the district.
- B. A parent's request for access to student records shall be made in writing to the custodian of student records. The District shall comply with a request for access to records within a reasonable period of time, but not more than 45 days after it has received the request.
- C. If the student who is the subject of the request receives special education, the District shall comply with a request of a parent or eligible student within ten (10) school days, or within three (3) school days if the request is in order to prepare for a meeting regarding an individualized education program or any due process proceeding.
- D. A requesting parent shall be notified of the location of all student records, if not centrally located.
- E. When a parent's dominant language is not English, the district shall make an effort to
  - (1) provide interpretation of the student record in the dominant language of the parent,
  - or
  - (2) assist the parent in securing an interpreter.

##### **2. Limitations**

- A. If the education records of a student contain information on more than one student, the parents may only have access to the specific information about their child.

## **Students**

### **Student Education Records; Access, Confidentiality, and Amendment**

#### **Access to Education Records (continued)**

- B. Administrators, teachers and nurses are not required to disclose information concerning a student's alcohol or drug problem if the information was revealed during a communication made privately and in confidence by the student to the professional employee.
- C. Any test instrument or portion of a test instrument for which the test manufacturer asserts a proprietary or copyright interest shall not be copied. The parent may review and inspect such information at the location where the records are kept if the records have been retained (state law allows test protocols to be discarded at the discretion of the school administration). The District shall respond to reasonable requests from the parent for explanations and interpretations of the copyrighted material.
- D. If the education records include confidential HIV-related information (whether a person has been counseled regarding HIV infection, has been the subject of an HIV-related test, or has HIV infection, HIV-related illness or AIDS, or information which identifies or reasonably could identify a person as having one or more of such conditions), such information may not be released without a written authorization specifically allowing for the disclosure of confidential HIV-related information.

#### **3. Fee for Reproducing Records**

- A. A fee based upon the actual cost of reproduction, handling and postage (if any) shall be charged for furnishing copies of any student record.
- B. The custodian of student records annually shall recommend a fee schedule for approval by the Board of Education.
- C. No fee shall
  - (1) effectively prevent the parents or guardians from exercising their right to inspect and review student records.
  - (2) be charged for searching or retrieving a student's record.

## **Students**

### **Student Education Records; Access, Confidentiality, and Amendment**

#### **Access to Education Records (continued)**

- (3) be made for furnishing
  - (a) up to two transcripts of former student's records.
  - (b) up to two verifications of various records of former students.
- (4) be charged if the student who is the subject of the request receives special education and the parents have requested, in writing, the one free copy of those records that parents are entitled to by law.

#### **Confidentiality of Education Records**

##### **1. Parental Consent Required**

- A. The custodian of student records may permit access to student records during regular school hours (a) to any person for whom a student's parent has executed a signed and dated written consent specifying the records to be disclosed, the purpose of the disclosure and identifying the party or class of parties to whom the records may be disclosed; or (b) to the student if he/she is an eligible student or emancipated minor.
- B. The recipient must be notified that they may use the information only for the purposes for which the disclosure was made and that they are obligated to not disclose the information to any other party without the prior consent of the parent or eligible student.
- C. The consent notices shall be kept permanently with the student record.
- D. Upon request, the district shall provide the parent/eligible student with a copy of the record which is disclosed, subject to payment of appropriate fees.

## Students

### Student Education Records; Access, Confidentiality, and Amendment

#### Confidentiality of Education Records (continued)

- E. The District uses reasonable methods to authenticate the identity of parents, students, school officials, and any other parties to whom personally identifiable information from education records is disclosed. “Signed and dated written consent” may include a record and signature in electronic form that identifies and authenticates a particular person as the source of the electronic consent; and indicates such person's approval of the information contained in the electronic consent.

### 3. Exceptions to Requirement of Parental Consent

Federal law gives the District discretion to disclose personally identifiable information from education records without the prior written consent of a parent or eligible student in a number of situations. Among these exceptions are the following:

- A. Parents of eligible students  
The disclosure is to the parents of an eligible student who is a dependent as defined in section 152 of the Internal Revenue Code of 1986.
- B. School officials who have a legitimate educational interest  
The disclosure is to other school officials, including teachers who have legitimate educational interests. A legitimate educational interest exists where access to information in a student's education records is necessary for a school official to fulfill his or her professional responsibility. Examples of this include but are not limited to: the employee has an instructional or supervisory responsibility toward the student that, in order to be fulfilled, requires knowledge of the contents of the student's records; the employee has an administrative duty that requires information contained in the student's records; the school official is engaged in a disciplinary proceeding that requires disclosure of all or part of the student's records in order to come to a just conclusion.
- C. Directory Information  
The disclosure is information deemed to be “directory information” by the District and the parent or eligible student has not refused disclosure of such directory information. The term “directory information” refers to information that would not generally be considered harmful or an invasion or privacy if disclosed.

## Students

### Student Education Records; Access, Confidentiality, and Amendment

#### Confidentiality of Education Records (continued)

- (1) Definition of “directory information:”  
The District considers the following categories to fall within the definition of directory information: the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, grade level, dates of attendance, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and the most recent school previously attended.
- (2) “Directory information” does NOT include either of the following: a student’s social security number; a student identification number that, by itself, may be used to gain access to education records.
- (3) Annual notice of right to refuse disclosure of directory information:  
On an annual basis, the school district shall provide parents and eligible students with notice of the right to refuse to let the District designate any or all of the above types of information about the student as directory information. The annual notice shall give the parent or eligible student two weeks to notify the District in writing that he or she does not want any or all of those types of information about the student designated as directory information.
- (4) The custodian of records will use his/her discretion and exercise care when releasing directory information about students. The custodian may limit or deny the disclosure of specific categories of directory information based upon the best interests of students or the requirements of law.

#### D. Recruiters- Military and Colleges

The disclosure of name, address, and telephone listing is to recruiters and the parent or eligible student has not requested that prior written consent be obtained.

- (1) Access to certain information:  
Upon a request made by military recruiters or an institution of higher education, the school district will provide access to secondary school students’ names, addresses, and telephone listings.
- (2) Annual notice of right to refuse recruiter access to information:

## Students

### Student Education Records; Access, Confidentiality, and Amendment

#### Confidentiality of Education Records (continued)

A secondary school student or the parent of the student may request that the student's name, address, and telephone listing not be released to recruiters without prior written consent. On an annual basis, the school district shall provide parents and eligible students with notice of the right to file such a request.

- E. Student's new school  
The District will forward education records to other agencies or institutions that have requested the records and in which a student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer. This includes the transfer of disciplinary records with respect to a suspension or expulsion.
- F. Health or safety emergency  
The school district may disclose personally identifiable information to appropriate parties (including the parents of an eligible student) if knowledge of the information is necessary to protect the health or safety of the student or other individuals. In making the decision to disclose information under this exception, the district must look at the totality of the circumstances. Disclosure is permitted where there is an articulable and significant threat to the health or safety of students, staff or other individuals. The disclosure should be limited to parties who need the information to address the emergency situation. The amount of information disclosed shall be narrowly tailored to the specific need and limited to the duration of the emergency. Disclosures for health and safety emergencies must be recorded in the student's education records (see "Management of Education Records," Section 4(D)(2) below).
- G. Financial Aid  
The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility, amount or conditions for the aid or enforce the terms and conditions of the aid.

## Students

### Student Education Records; Access, Confidentiality, and Amendment

#### Confidentiality of Education Records (continued)

- H     Organizations conducting studies  
The disclosure is to organizations conducting studies for, or on behalf of the school district to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction as long as specific conditions are met as provided by law. This exception shall only apply when the District has entered into a written agreement with the organization as required by FERPA.
- I.     Certain federal and state officials  
The disclosure is to authorized representatives of the Comptroller General of the United States; the Attorney General of the United States; the Secretary of the U.S. Department of Education; or state and local educational authorities.
- J.     Criminal justice involvement or dangerousness  
The disclosure is to state and local officials related to the juvenile justice system's ability to effectively serve the student whose records are released or about information received from state or local officials. This includes the following:
- (1) Physical assaults upon school employees by students  
School Principals shall report physical assaults made by a student upon a school employee to the local police when such assaults occur on school property or while the employee was in performance of school duties and the employee files a written report with the Principal.
  - (2) Students on probation  
For students who are on probation, the school district may release information to the courts as long as officials and authorities to whom the records are disclosed certify in writing to the school district that the information will not be disclosed to any other party, except as provided under State law, without the prior written consent of the parent of the student.



## Students

### Student Education Records; Access, Confidentiality, and Amendment

#### Confidentiality of Education Records (continued)

- (3) Arrested students  
When the Superintendent of Schools receives notice of a student's arrest from law enforcement authorities, the Superintendent may disclose such information to the Principal of the school that the student attends. The Superintendent shall maintain the written report of the arrest in a secure location. The Principal may disclose such information only to special services staff or a consultant (such as a psychiatrist, psychologist or social worker) for the purpose of assessing the risk of danger posed by such child and determining appropriate placement, educational plan or disciplinary action.
- (4) Potentially dangerous students  
When the Superintendent of Schools receives notice from the Department of Children and Families regarding a student's potential dangerousness, the Superintendent shall notify the Principal of the school that the student attends. The Principal may disclose such information only to special services staff or a consultant (such as a psychiatrist, psychologist or social worker) for the purpose of assessing the risk of danger posed by such child and determining appropriate placement, educational plan or disciplinary action.
- (5) Registered sex offenders  
The disclosure concerns sex offenders and other individuals required to register under the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, and the information was provided to the school district under 42 U.S.C. 14071 and applicable Federal guidelines.
- (6) *State operated detention facility of community detention facility*  
*Upon the request of a state operated or community detention facility, the board of education shall disclose the student's educational records. If the student's parent/guardian did not give prior written consent for the disclosure of such records, the board shall send notification of such disclosure to the parent or guardian at the same time that it discloses the records.*

#### 4. Court Order or Subpoena

- A. Information concerning a student shall be furnished in compliance with a court

order or lawfully issued subpoena.

- (1) Unless the law requires otherwise (based upon the type of subpoena or specific order of the court), the school district must make a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance so that the parent or eligible student may seek protective action.

## **Students**

### **Student Education Records; Access, Confidentiality, and Amendment**

#### **Confidentiality of Education Records (continued)**

- (2) Only those records related to the specific purpose of the court order shall be disclosed.
- (3) The service of a subpoena upon a district employee or official solely for the purpose of causing the employee to produce a school record pertaining to any student may be complied with by such employee, in lieu of personal appearance as witness in the proceeding, by submitting to the court, or other agency issuing the subpoena, at the time and place required by the subpoena, a copy of such record, accompanied by an affidavit certifying that such copy is a true copy of the original record on file in the school or school office. The copy of the record shall be in the form of a photograph, microfilm, micro card, or miniature photograph or other photographic copy or reproduction or an enlargement thereof.

#### **Management of Education Records**

##### **1. Custodian of Records**

- A. The Superintendent of Schools is hereby designated as custodian of student records. The address of the custodian is New Milford Board of Education, 50 East Street, New Milford, CT 06776-3099.
  - (1) The custodian is charged with district-wide responsibility for implementing Board of Education policies and administrative regulations relating to student records and ensuring that District personnel who collect or use personally identifiable information are adequately informed of their responsibilities regarding the confidentiality of student records and information.
  - (2) The custodian shall be responsible for ensuring the confidentiality of education records and shall use reasonable methods to protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.
  - (3) The custodian shall use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests.

## **Students**

### **Student Education Records; Access, Confidentiality, and Amendment**

#### **Management of Education Records** (continued)

- (4) The custodian shall maintain, for public inspection, a current listing of the positions of those employees within the agency who may have access to personally identifiable information.
  - (5) The custodian of records or a designated certified employee shall be responsible during the inspection for interpretation of the records where necessary and for prevention of their alteration, damage or loss.
- B. In each school, the principal, or a certified employee designated by the principal, is responsible for implementation of Board of Education policies and administrative regulations relating to student records maintained in that school.

## **2. Types of Records**

Upon request, the District shall provide parents with a list of the types and locations of education records collected, maintained, or used by the agency. The school district shall maintain only the following three categories of records:

- A. Mandatory Permanent Student Records are those records which are maintained in perpetuity and which schools have been directed to compile by statute, regulation, or authorized administrative directive. Such records shall include the following:
- (1) Legal name of student
  - (2) Date of birth
  - (3) Method of verification of birth date
  - (4) Sex of student
  - (5) Place of birth
  - (6) Name and address of parent of minor student
    - (a) Address of minor student if different than the above
    - (b) An annual verification of the name and address of the parent and the residence of the student
  - (7) Entering and leaving date of each school year and for any summer session or other extra session
  - (8) Subjects taken during each year, half-year, summer session, or quarter
  - (9) If marks or credit are given, the mark or number of credits toward graduation allowed for work taken

## Students

### Student Education Records; Access, Confidentiality, and Amendment

#### Management of Education Records (continued)

- (10) Verification or exemption from required immunizations
  - (11) Date of high school graduation or equivalent.
- B. Mandatory Interim Student records are those records which the schools are directed to compile and maintain for stipulated periods of time and are then destroyed as per statute, regulations, or authorized administrative directive. Such records include the following:
- (1) A log or record shall be maintained for each student's record which lists all persons, agencies or organizations requesting or receiving information from the record, and the legitimate interests therefore. (Exception from listing, see **Access Log**, (B))
  - (2) Health information, including Child Health Developmental Disabilities Prevention Program verification or waiver.
  - (3) Participation in special education programs including required tests, case studies, authorizations, and actions necessary to establish eligibility for admission or discharge.
  - (4) Language training records.
  - (5) Progress slips and/or notices.
  - (6) Parental restrictions regarding access to directory information or related stipulations.
  - (7) Parent or adult student rejoinders to challenged records and to disciplinary action.
  - (8) Parental authorizations or prohibitions of student participation in specific programs.
  - (9) Results of standardized tests administered within the preceding three years.
- C. Permitted Records are those records having clear importance only to the current educational process of the student. Such records may include the following:
- (1) Objective counselor and/or teacher ratings
  - (2) Standardized test results older than three years
  - (3) Routine discipline data
  - (4) Verified reports of relevant behavioral patterns
  - (5) All disciplinary notices
3. **Files**
- A. A record for each individual student shall be maintained in a central file at the school attended by the student, or when records are maintained in different locations, a notation shall be placed in the central file indicating where such records may be found.
  - B. Student records shall be stored in locked containers or rooms.

## Students

### Student Education Records; Access, Confidentiality, and Amendment

#### Management of Education Records (continued)

#### 4. Information

- A. All anecdotal information and assessment reports maintained as student records must be dated and signed by the individual who originated the record. Each school Principal shall keep on file a record of enrollment and scholarship for each student currently enrolled in that school.

#### 5. Access Log

- A. The school district shall maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student. Such access log shall be kept with the education records of the student.
- B. Such log need not include the following: parents or students to whom access is granted; parties to whom directory information is released; parties for whom written consent has been executed by the parent or eligible student, school officials or employees having a legitimate educational interest and *some* types of subpoenas.
- C. The log or record shall be open to inspection only by a parent or guardian and the custodian of student records, or the custodian's designee, and to other school officials with legitimate interests in the records, and to the Comptroller General of the United States, the Secretary of the Office of Education, an administrative head of an education agency as defined by law, and state educational authorities as a means of auditing the school system's operations.
- D. Information that must be documented in the access log
  - (1) For each request or disclosure this record must include the names of the parties requesting or receiving information from education records, the date access was given and the purpose the parties had in requesting or obtaining the information.
  - (2) In cases where personally identifiable information regarding a student has been disclosed due to a health or safety emergency, the record of the disclosure must include the articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure and the names of the parties to whom the District disclosed the information.

## Students

### Student Education Records; Access, Confidentiality, and Amendment

#### Management of Education Records (continued)

- (3) If the District discloses personally identifiable information to a party and authorizes the party to redisclose information on behalf of the District pursuant to 34 C.F.R. 99.33(b), the District shall record the names of the additional parties to which the receiving party may disclose the information and the legitimate interests under 34 C.F.R. 99.31 which the additional parties have in obtaining the information.

#### 6. Transfer of Student Records

- A. Whenever a student transfers to another Connecticut public school district, the following student records shall be forwarded upon written notification of the student's enrollment (or intent to enroll) from the other district:
  - (1) The student's Mandatory Permanent Student Record or a copy thereof. The original or a copy shall be retained by this district.
  - (2) The student's entire Mandatory Interim Student Record.
  - (3) Disciplinary records with respect to suspension and expulsion.
- B. The student's records shall be transferred to the new school district no later than ten days after receipt of such notification.
- C. Whenever a student transfers to a school district in another state or to a private school, the district shall transfer the student's Mandatory Permanent Student Record upon receipt of a written request.
- D. Permitted student records may be forwarded.
- E. Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or the student's parents or guardian.
- F. All student records shall be updated prior to transfer.
- G. Parent Notification
  - (1) If a student's parent did not give authorization for the transfer of such records, the district shall send notification of the transfer to the parent at the same time it transfers the records.
  - (2) If the transfer is a within-state transfer, the receiving school shall notify the parents of the record transfer.

## **Students**

### **Student Education Records; Access, Confidentiality, and Amendment**

#### **Management of Education Records (continued)**

- (3) If the student transfers out of state, the custodian of student records shall notify the parents or guardian at their last known address of the rights accorded them. (34 C.F.R. 99.34 disclosure to other agencies or institutions)
- (4) The notification shall include a statement of the parent's or guardian's right to review, challenge, and receive a copy of the student record, if desired.

#### **Amendment of Education Records**

The District recognizes its responsibility to permit parents and eligible students to seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights.

##### **1. Request for Amendment**

- A. Following an inspection and review of a student's records the parent or guardian of the student or former student may challenge the content of any student record. The parent or eligible student may file a written request with the Superintendent of Schools to correct or remove any information recorded in the written records concerning the parent's child which the parent alleges to be inaccurate, misleading or in violation of the student's rights of privacy.
- B. Within 30 days of receipt of such request, the Superintendent or designee shall meet with the parent or guardian and the certified employee who recorded the information in question, if any, and if such employee is presently employed by the school district.
- C. The information shall be corrected or removed if the Superintendent sustains any or all of the allegations.
- D. If the Superintendent denies any or all of the allegations and refuses to order the correction or the removal of the information, the parent will be notified of the right to a hearing regarding the request for amendment. Within 30 days of the refusal, the parent may appeal the decision by requesting a hearing, in writing to the Board of Education.

##### **2. Hearing Requirements**

- A. The District shall hold the hearing within a reasonable time after it has received the request for the hearing from the parent or eligible student.
- B. The District shall give the parent or eligible student notice of the date, time, and place, reasonably in advance of the hearing.



## **Students**

### **Student Education Records; Access, Confidentiality, and Amendment**

#### **Amendment of Education Records (continued)**

- C. The hearing may be conducted by any individual, including an official of the District, who does not have a direct interest in the outcome of the hearing.
- D. The District shall give the parent or eligible student a full and fair opportunity to present evidence relevant to the issues raised in the request for amendment. The parent or eligible student may, at their own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.
- E. The District shall make its decision in writing within a reasonable period of time after the hearing.
- F. The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.
  - (1) If the decision is in favor of the parent or eligible student, the education record shall be amended.
  - (2) If the decision is that the information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the District shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the District, or both. When such a statement is placed in the education records of a student the District shall: maintain the statement with the contested part of the record for as long as the record is maintained; and disclose the statement whenever it discloses the portion of the record to which the statement relates.

#### **Retention and Destruction of Student Records**

- 1. No additions, except routine updating, shall be made to a student's record after high school graduation or permanent departure without the parent's prior consent for those students who have not reached the age of eighteen years. Eligible students may give consent for themselves.
- 2. The District shall comply with all federal, state and local requirements regarding the retention and destruction of records. For disposal of education records, see Connecticut Public Records Administration, Schedule M8 - Disposition of Education Records.

## **Students**

### **Student Education Records; Access, Confidentiality, and Amendment**

#### **Retention and Destruction of Student Records (continued)**

3. Parents of students who receive special education must be informed when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the child. Also, such information must be destroyed at the request of the parents (subject to section 2 above). However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.
4. The method of destruction shall assure that records are not available to possible public inspection during the destruction process.

#### **Notification to Parents**

1. Annually, at the beginning of each school year, parents and eligible students will be provided the following notices:
  - A. Family Educational Rights and Privacy Act-Notification of Rights (Addendum A);
  - B. Notification of Disclosure of Directory Information without Prior Written Consent (Addendum B);
  - C. Notification to Parents of Secondary Students- Access to Student Information by Military and College Recruiters (Addendum C).
2. Annual notification of rights shall be by any means that are reasonably likely to inform the parents or eligible students of their rights and shall effectively notify parents who have a primary or home language other than English.

#### **Legal Reference:**

##### **Connecticut General Statutes:**

- 1-210(b) Access to public records. Exempt records.
- 7-109 Destruction of documents.
- 10-15b Access of parent or guardians to student's records.
- 10-94i Rights and liabilities of surrogate parents.
- 10-154a Professional communications between teacher or nurse and student.
- 10-209 Records not to be public.
- 10-221b Boards of education to establish written uniform policy re: treatment of recruiters.
- 10-233g Reports of principals to police authority concerning physical assaults upon school employees by students.
- 10-233h Arrested students. Reports by police, disclosure, confidentiality.

## Students

### Student Education Records; Access, Confidentiality, and Amendment

Legal Reference: (continued)

10-233i Students placed on probation by a court  
10-233k Notification of school officials of potentially dangerous students  
11-8b Transfer or disposal of public records.  
19a-583 Limitations on disclosure of HIV-related information  
46b-56 (e) Orders re custody, care, education, visitation and support of children.  
R.C.S.A. 10-76a-1 Definitions and 10-76d-18 Education records and reports  
Connecticut Public Records Administration, Schedule M8 - Disposition of Education Records

20 U.S.C. 1232g Family Educational Rights and Privacy Act of 1974  
34 C.F.R. Part 99 (FERPA regulations)  
20 U.S.C. 1412(a)(8) and 1417(c), Individuals with Disabilities Education Act  
34 C.F.R. 300.610-627 (IDEA regulations)  
29 U.S.C. 794 Section 504 of the Rehabilitation Act of 1974  
34 C.F.R. 104.36 (Section 504 regulations)  
20 U.S.C. 7908 Armed Forces recruiter access to students and student recruiting information. (Part of No Child Left Behind Act)  
20 U.S.C. 7165 Transfer of School Disciplinary Records  
29 U.S.C. 503 Access to secondary schools

Regulation approved: June 12, 2001  
Regulation revised: June 12, 2007  
Regulation revised: October 13, 2009  
Regulation revised: June 8, 2010  
Regulation revised:

NEW MILFORD PUBLIC SCHOOLS  
New Milford, Connecticut

## **FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT - ANNUAL NOTIFICATION OF RIGHTS-**

Consistent with the Family Educational Rights and Privacy Act (FERPA), parents of enrolled students and students over 18 years of age ("eligible students") have certain rights with respect to education records. They are as follows:

**The right to inspect and review the student's education records within 45 days of the day the school officials receive a request for access to the records.** Parents or eligible students should submit a written request that identifies the record(s) they wish to inspect to the school principal. The school will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

**The right to request the amendment of the student's education records that the parent or eligible student believes to be inaccurate or misleading.** Parents or eligible students may ask school officials to amend a record that they believe is inaccurate, misleading or otherwise in violation of the student's privacy rights. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate, misleading or a violation of privacy. If school officials decide not to amend the record as requested by the parent or eligible student, they will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

**The right to consent to disclosure of personally identifiable information contained in the student's education records except to the extent that the FERPA and federal regulations (34 C.F.R. §99.31) authorize disclosure without consent.** For example, the law allows disclosure of education records without prior written consent in the following situations:

- To other school officials within the school system who have a legitimate educational interest. A school official is defined as persons who are employed by the Board in an administrative, counseling, supervisory, academic, student support services, research position, or a support person to these positions AND contractors, consultants, volunteers or other parties engaged to perform a special task or service for the Board. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.
- To other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer .
- To comply with a judicial order or lawfully issued subpoena, provided that the school makes a reasonable effort to notify the parent or eligible student of the order or subpoena prior to compliance.
- To appropriate parties in the event of a health or safety emergency.

**The right to file a complaint with the U.S. Department of Education concerning alleged failures by school officials to comply with the requirements of FERPA.** The name and address of the Office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-5920

The Board of Education has adopted a comprehensive written policy concerning the access, confidentiality and amendment of students' education records. Copies of the complete "Education Records" policy are available at [www.newmilfordps.org](http://www.newmilfordps.org)

## ADDENDUM B

### NOTIFICATION OF DISCLOSURE OF DIRECTORY INFORMATION WITHOUT PRIOR WRITTEN CONSENT

Name of Student: \_\_\_\_\_

Date: \_\_\_\_\_

Name of School: \_\_\_\_\_

Dear Parent/Guardian and Student:

Federal law enables the School District to release “directory” information about the above named student to the public without your prior written consent. The term “directory information” refers to information that would not generally be considered harmful or an invasion of privacy if disclosed. Although the District uses its discretion and exercises caution when releasing directory information about its students, it is possible that information regarding your child may be released to parties such as the media, colleges, civic or school-related organizations, employment and military recruiters, as well as to the public via school district websites or in published programs for athletic, music, theater and other school sponsored presentations.

Directory information is the following categories of information:

1. Name of student
2. Address
3. Telephone number
4. Electronic mail address
5. Photograph
6. Date and place of birth
7. Major field of study
8. Grade level
9. Dates of attendance
10. Participation in officially recognized activities and sports
11. Weight and height of members of athletic teams
12. Degrees, honors and awards received (including publication of honor roll)
13. Most recent school previously attended

**IF YOU DO NOT WANT ANY OF THE ABOVE INFORMATION ABOUT YOUR CHILD TO BE RELEASED WITHOUT PRIOR WRITTEN CONSENT, YOU MUST NOTIFY THE SCHOOL DISTRICT WITHIN TWO WEEKS OF THE DATE OF THIS NOTICE BY COMPLETING AND RETURNING THE FOLLOWING FORM:**

#### Refusal to allow disclosure of directory information

I understand that the District has designated the above categories as directory information and may disclose such information about my child without my prior written consent. I refuse to allow disclosure of directory information to the following extent:

- ☐ Do NOT release information from the specific categories I have circled above without prior written consent.
- ☐ Do NOT release any category of directory information without prior written consent.

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date

ADDENDUM C

**-NOTIFICATION TO PARENTS OF SECONDARY STUDENTS-  
ACCESS TO STUDENT INFORMATION BY  
MILITARY and COLLEGE RECRUITERS**

Name of Student: \_\_\_\_\_

Date: \_\_\_\_\_

Name of School: \_\_\_\_\_

Dear Parent/Guardian and Secondary Students:

In compliance with federal law, our school district must, upon request, provide to military recruiters, colleges and universities, access to the names, addresses and telephone listings of secondary students.

A parent/guardian or student may request that the student's name, address, and telephone number not be released by the District without prior written parental consent. If you would like to make such a request, please complete the following and return it to your child's school. If we do not receive this request within two weeks of the date of this notice, we will give military recruiters, college and universities access to your child's name, address and telephone listing.

**IF YOU DO NOT WANT YOUR CHILD'S NAME, ADDRESS AND TELEPHONE NUMBER TO BE RELEASED TO MILITARY OR COLLEGE RECRUITERS WITHOUT PRIOR WRITTEN CONSENT, YOU MUST NOTIFY THE SCHOOL DISTRICT WITHIN TWO WEEKS OF THE DATE OF THIS NOTICE BY COMPLETING AND RETURNING THE FOLLOWING FORM:**

Request for non-disclosure of information to recruiters

I am aware the District must provide access to military recruiters and colleges or universities of student names, addresses and telephone listings. I am aware the District will provide this information upon request, unless I require that such information not be given to the following groups without prior written parental consent. I therefore request the following:

**Military Recruiters** (*please check one*)

- ☐ Do not release my secondary student's information to military recruiters at any time.
- ☐ Do not release my secondary student's information to military recruiters until you have first obtained my *prior written parental consent* before doing so.

**Colleges, Universities, or Institutions of Higher Learning** (*please check one*)

- ☐ Do not release my secondary student's information to colleges, universities or other institutions of higher learning at any time.
- ☐ Do not release my secondary student's information to colleges, universities or institutions of higher learning until you have first obtained my *prior written parental consent* before doing so.

Parent/Guardian Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Adult Student Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Students**

**Student Records; Confidentiality**

**NEW MILFORD PUBLIC SCHOOLS  
New Milford, Connecticut**

**APPLICATION TO REVIEW STUDENT'S RECORDS  
BY PARTIES ENTITLED THERETO  
WITHOUT CONSENT BY PARENT OR STUDENT**

I, \_\_\_\_\_

have hereby requested access to \_\_\_\_\_

records for the following reasons:

\_\_\_\_\_

Said records will not be made available to any other person or persons without the specific written  
consent of (Parent-Student) \_\_\_\_\_

DATED: \_\_\_\_\_

<p><b><i>Bold italicized</i></b> language constitutes an addition. <del>Stricken</del> language constitutes a deletion.</p>
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*COMMENTARY - September 2011 revision: Public Act 11-55, which becomes effective on October 1, 2011, prohibits discrimination on the basis of gender identity or expression in a variety of contexts, including employment and education.*

*Pursuant to Board By-Law 9311, since the proposed revision is due to changes in Connecticut General Statutes §10-15c, this revision may be approved by the Board at the initial presentation.*

**5145.5(a)**

## **Students**

### **Procedures for Complaints of Sexual, Racial and Other Unlawful Harassment**

The Board of Education does not tolerate sexual, racial or other unlawful harassment of any student by another student, school employee, or third person based upon race, color, national origin, sex, disability, religion, sexual orientation, ***gender identity or expression*** or alienage. This includes protection from harassment by people who are participating in, observing, or otherwise engaged in activities, including sporting events and other extra curricular activities under the auspices of the school district.

Students who believe they have been subjected to unlawful harassment as defined in Board Policy 5145.5 are encouraged to promptly report such incidents to a Guidance Counselor, Principal, Assistant Principal or the Assistant Superintendent/Title IX Coordinator. Timely reporting of incidents of discriminatory conduct enables the school district to properly investigate and resolve such complaints. All reports of conduct that violates these policies shall be reviewed regardless of whether the report has been made in writing.

Complaints will be investigated promptly and corrective action will be taken when warranted. Confidentiality will be maintained to the extent practical. Any reprisals or retaliations found to have occurred as a result of reporting unlawful harassment are considered to be a violation of this policy and may result in disciplinary action against the retaliator.

The school district will provide staff development for new district administrators and will publish its policy and complaint procedure and orient students and employees in an effort to maintain an environment free of sexual, racial and other unlawful harassment.

### **Responsibilities of Students and Personnel**

*All Students.* Any student who feels that he or she has been a victim of harassment in violation of school policy is strongly urged to immediately report the harassment to a Guidance Counselor,



Assistant Principal, Building Principal or Title IX Coordinator. Any student who is not the target of harassment but is aware of it occurring should likewise report such information.

*All Employees.* Any employee who observes or otherwise becomes aware of any incident of sexual, racial or other unlawful harassment of a student is required to immediately report such incident to the district's Title IX Coordinator.

## **5145.5(b)**

### **Students**

#### **Procedures for Complaints of Sexual, Racial and Other Unlawful Harassment**

##### **Responsibilities of Students and Personnel** (continued)

*Guidance Counselors and Administrators.* Any complaint, report or other communication from a student or other individual, a government agency, or an attorney concerning potential harassment against a student must be immediately shared with the Title IX Coordinator. If notification to the Title IX Coordinator is impractical or implausible under the circumstances, the Superintendent should be contacted. Any and all investigations should be conducted with the guidance of the Title IX Coordinator or Superintendent or his or her designee.

*Title IX Coordinator.* The Title IX Coordinator shall be responsible for the investigation of all verbal and written complaints of alleged discrimination including unlawful harassment. The Title IX Coordinator shall ensure a prompt and equitable resolution of all complaints.

##### **Reporting a Complaint of Unlawful Harassment**

Any student who feels that he/she has been harassed on the basis of race, color, national origin, sex, disability, religion, sexual orientation, ***gender identity or expression*** or alienage in violation of Board Policy 5145.5 should immediately bring his/her complaint to the attention any of the following school officials: Guidance Counselor, Assistant Principal, Building Principal, or district's Title IX Coordinator.

The district's Title IX Coordinator may be contacted at:

**Maureen E. McLaughlin  
Office of the Assistant Superintendent  
50 East Street, New Milford, CT 06776  
(860) 354-3235**

Upon any notice from a student or other individual that unlawful harassment of a student may be occurring, the school official should inform the student of the school district's policy and regulations, including the school district's legal obligation to investigate every report even where the complainant is hesitant to pursue the complaint.

If the complainant is a minor, the school official to whom the complaint is given should consider whether a child abuse report should be completed.

**5145.5(c)**

## **Students**

### **Procedures for Complaints of Sexual, Racial and Other Unlawful Harassment**

#### **Reporting a Complaint of Unlawful Harassment** (continued)

Although there is no requirement that the complaint be in writing, the school official should encourage the student to commit the complaint to writing and may assist the student in writing the complaint. The school official should document the complaint even if the student refuses to commit the complaint to writing.

The written complaint should state the following (the form in Appendix A may be provided for the convenience of the complainant, but is not required):

1. name of the complainant;
2. date that the complaint was made;
3. name(s) of the alleged harasser(s);
4. date and place of the alleged harassment;
5. names of any witnesses, if any;
6. list of documentary evidence, if any;
7. statement of the facts supporting this complaint of harassment.

The school official should advise the student that confidentiality will be maintained to the extent possible. The school official cannot make a blanket promise of complete confidentiality since information gained from the investigation may have to be disclosed to other students, school personnel or may be needed in subsequent government or court proceedings.

The school official should carefully document his or her knowledge of all communications and actions concerning student complaints, including any student efforts or failure to take advantage of the opportunities provided by the school district's policy and procedure. Such documentation should be maintained in a separate investigative file.

The Building Principal, Assistant Principal or Guidance Counselor shall immediately forward the complaint to the district's Title IX Coordinator without screening or investigating the report.

If the Title IX Coordinator is the subject of the complaint, the complaint should be submitted to the Superintendent, who shall investigate or appoint a designee to do so. If the Superintendent is the subject of the complaint, it shall be submitted to the Board of Education and the Board shall appoint the investigator.

**5145.5(d)**

## **Students**

### **Procedures for Complaints of Sexual, Racial and Other Unlawful Harassment**

#### **Investigation of Complaints of Unlawful Harassment**

***Investigator:*** The Title IX Coordinator is responsible for investigating or supervising the investigation of any complaints unlawful harassment. The advice of legal counsel should be sought as necessary. The investigation may also be conducted by outside counsel or an outside investigator.

***Interim measures:*** The investigator shall assess whether there is a necessity to take immediate interim measures to prevent further allegations of unlawful harassment or retaliation of any kind while the investigation is pending.

***Investigation:*** The investigation shall be conducted with objectivity and completed in a timely manner. The investigator shall consult with all individuals believed to have relevant information including the complainant, the person(s) accused of the unlawful harassment, potential witnesses and other possible victims of the alleged harassment. The investigation shall be carried on discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation. Throughout the investigative process, the due process rights of the alleged harasser(s) shall be preserved. The investigator shall keep the complainant apprised of the status of the investigation on a periodic basis.

***Documentation:*** The investigator should carefully document all aspects of the investigation. Documentation should be maintained in an investigative file. Documentation of disciplinary actions taken should be maintained in the employee's personnel file or the student's disciplinary file.

***Written Report:*** After an impartial and prompt investigation of the complaint, the investigator should ascertain (1) whether the alleged conduct occurred, and (2) whether such conduct constitutes a violation of the Board's policy. In determining whether there is a violation of the policy, the investigator should consider the surrounding circumstances, the nature of the behavior, past incidents or patterns of behavior, the relationships between the parties involved

and context in which the incidents occurred. If there is a violation, the investigator should determine what remedial action is necessary to eradicate the harassment and prevent any recurrence of such conduct in the future. The investigator should commit the findings and recommendations to writing and forward the report to the Superintendent of Schools. Unless unusual circumstances exist, the written report shall be completed without delay. If the Superintendent is the subject of the investigation, the Board of Education shall receive the findings and recommendations.

**5145.5(e)**

## **Students**

### **Procedures for Complaints of Sexual, Racial and Other Unlawful Harassment**

#### **Investigation of Complaints of Unlawful Harassment** (continued)

*Notification of Results of Investigation:* The results of the investigation will be communicated to the parties involved in a manner consistent with state and federal laws regarding data and records privacy.

*Request for Review:* If the complainant is unsatisfied with the results of the investigation, he/she may request a review by the Superintendent of Schools within 10 school days of the notification of the results of the investigation. The Superintendent (or designee) shall review the investigator's written report and further investigation may be conducted if necessary. The complainant may present additional evidence or witnesses for the reviewer to consider. Absent unusual circumstances, the Superintendent shall promptly notify the complainant in writing of the results of his/her review.

*Corrective Action:* If unlawful harassment in violation of Board policy is determined to have occurred, the school district will take prompt corrective action that is reasonably calculated to stop the harassment and prevent any recurrence of such behavior. As part of such remedial action, the offender may be subject to appropriate disciplinary action which may include, but is not limited to one or a combination of the following: counseling, awareness training, warning, reprimand, reassignment, transfer, suspension, termination or expulsion. School district action taken for violation of this policy shall be consistent with the requirements of applicable collective bargaining agreements, state and federal law, and other school district policies.

#### **Alternative Complaint Procedures**

The federal and state agencies that investigate complaints of unlawful harassment of students are the Office for Civil Rights, U.S. Department of Education (OCR) and the Connecticut Commission of Human Rights and Opportunities (CHRO). Any student who wants his or her complaint to be investigated by either of these agencies may do so by contacting the following: CHRO is located at 21 Grand Street, Hartford, CT 06106, (860)-541-5737; Office for Civil Rights-Boston, U.S. Department of Education, 8<sup>th</sup> Floor, 5 Post Office Square, Boston, MA

02109-3921 (617)289-0111. The OCR and CHRO apply a statute of limitations of one hundred and eighty (180) days to such complaints.

Regulation adopted: March 10, 2009  
Regulation rewritten: June 14, 2011  
Regulation revised:

NEW MILFORD PUBLIC SCHOOLS  
New Milford, Connecticut

***Bold italicized*** language constitutes an addition.

~~Stricken~~ language constitutes a deletion.

*Commentary: September 2011- The definition of “advanced placement” has been added to the first paragraph due to recent changes in the law.*

*Pursuant to Board By-Law 9311, since the proposed revision is due to changes in Connecticut General Statutes §10-221r, this revision may be approved by the Board at the initial presentation.*

**6146.1(a)**

## **Instruction**

### **Grade Point Average/Grade Weighting/Class Ranking**

#### **A. Grade Point Average & Weighting**

New Milford High School uses a letter grading system and a course “weighting system” for all courses offered in the curriculum. The basis of the system is developed on a 4.0 scale, where each letter grade has a corresponding numeric value. All courses are used to determine a student’s grade point average (GPA). In addition to the GPA, all students have a Weighted GPA (WGPA). Each course carries a different weight, depending on its difficulty and rigor. Courses with an Honors distinction carry a +0.83 weight and courses with an Advanced Placement distinction carry a weight of +1.33 from the 4.0 base weight. (See table below) ***“Advanced placement” means a program approved by the State Board of Education that provides college or university-level instruction as part of a course for which credit is earned at the high school level.***

		<b>Weight</b>	<b>+0.83</b>	<b>+1.33</b>
		<b>Academic</b>	<b>Honors</b>	<b>AP</b>
<b>A+</b>	<b>97-100</b>	<b>4.00</b>	<b>4.83</b>	<b>5.33</b>
<b>A</b>	<b>93 - 96</b>	<b>3.67</b>	<b>4.50</b>	<b>5.00</b>
<b>A-</b>	<b>90 - 92</b>	<b>3.33</b>	<b>4.17</b>	<b>4.67</b>
<b>B+</b>	<b>87 - 89</b>	<b>3.00</b>	<b>3.83</b>	<b>4.33</b>
<b>B</b>	<b>83 - 86</b>	<b>2.67</b>	<b>3.50</b>	<b>4.00</b>
<b>B-</b>	<b>80 - 82</b>	<b>2.33</b>	<b>3.17</b>	<b>3.67</b>
<b>C+</b>	<b>77 - 79</b>	<b>2.00</b>	<b>2.83</b>	<b>3.33</b>
<b>C</b>	<b>73 - 76</b>	<b>1.67</b>	<b>2.50</b>	<b>3.00</b>
<b>C-</b>	<b>70 - 72</b>	<b>1.33</b>	<b>2.17</b>	<b>2.67</b>
<b>D+</b>	<b>67 - 69</b>	<b>1.00</b>	<b>1.83</b>	<b>2.33</b>
<b>D</b>	<b>65 -66</b>	<b>0.67</b>	<b>1.50</b>	<b>2.00</b>
	<b>Below</b>			
<b>F</b>	<b>65</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

#### **B. Class Ranking**

Since courses differ in their levels of academic challenge, the weighted grade point average provides a more accurate representation of students’ academic achievement. The weighted

system of grading does NOT affect honor roll calculations. It is used only for the purpose of calculating class rank.

Rank in class is computed at the end of the junior year.

- A. Class rank will not be released until the beginning of the senior year. Counselors will inform students of their “individual” rank during September of the senior year, solely for the purpose of applications to college. Grade point average (GPA) and Weighted Grade Point Average (WGPA) will be calculated each semester.

Students will be identified/clustered according to these percentiles: Top 5%, 10%, 20%, 30%, 40%, 50%, and Bottom 60%, beginning in the Junior year.

**6146.1(b)**

## **Instruction**

### **Grade Point Average/Grade Weighting/Class Ranking**

#### **B. Class Ranking (continued)**

Students class rank for members of the graduating class and the determination of the Valedictorian and the Salutatorian will be based on courses taken through the seventh semester. Traditionally, the Valedictorian and Salutatorian speak at graduation. Other seniors in the top 5% of the graduating class may be invited to submit and deliver a speech for consideration at graduation. A committee of teachers and students will select the best speech for delivery at graduation. Speaking at graduation is considered a privilege bestowed by the school administration. The honor of speaking is contingent upon exemplary academic performance as well as exemplary record of social and disciplinary behavior.

#### **Rank in Class – Transfer Students**

Only course work completed at New Milford High School is utilized for ranking purposes. However, the work completed in another secondary school will be included on the New Milford High School transcript as part of the permanent record of the student.

A student must have completed a minimum of three semesters at New Milford High School, including all of the junior year, to receive an exact place in final class rank, unless approved by the Principal. (See exception below)

#### **Exception**

A New Milford High School student, spending a year abroad on an approved foreign exchange program, may be ranked with his/her class. To be ranked with their class, participating students would enter into an agreement with the subject department chairman. This agreement would include instructional objectives, activities and means of

assessment. This agreement should be in the form of a contract signed by both parties prior to the student's departure for all exchange programs.

Regulation approved: June 10, 2003  
Regulation revised: June 14, 2011  
Regulation revised:

NEW MILFORD PUBLIC SCHOOLS  
New Milford, Connecticut



**New Milford Board of Education  
Policy Sub-Committee  
September 20, 2011  
Lillis Administration Building, Room 2**

GEORGE C. BUCKBEE  
TOWN CLERK

2011 SEP 23 A 9 19

NEW MILFORD, CT

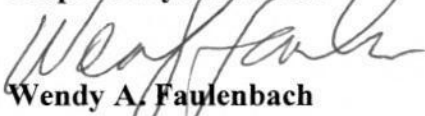
<b>Present:</b>	Mrs. Wendy Faulenbach, Ex-officio, Chair
	Mrs. Lynette Celli Rigdon
	Mrs. Alexandra Thomas
<b>Absent:</b>	Mrs. Nancy Tarascio-Latour
<b>Also Present:</b>	Dr. JeanAnn C. Paddyfote, Superintendent of Schools; Dr. Maureen McLaughlin, Assistant Superintendent Ms. Ellamae Baldelli, Director of Human Resources

1.	<b>Call to Order</b> <ul style="list-style-type: none"><li>Mrs. Faulenbach opened the meeting at 6:30 p.m.</li></ul>	<b>Call to Order</b>
2.	<b>Public Comment</b> <ul style="list-style-type: none"><li>No public comment.</li></ul>	<b>Public comment</b>
3.	<b>Discussion and Possible Action Items</b>	<b>Discussion and Possible Action Items</b>
3.A.	<b>Policies Recommended for Revision</b> <p>Mrs. Thomas moved to bring policies 1-9 as reflected on the agenda to the full Board for revision. Mrs. Rigdon seconded the motion.</p>	<b>Policies Recommended for Revision</b>
3.A.1.	<b>Policy 4111.1/4211.1 Equal Employment Opportunity</b> <ul style="list-style-type: none"><li>The policy has been updated to prohibit discrimination on the basis of gender identity or expression.</li></ul>	<b>Motion made to send Policy 4111.1/4211.1 Equal Employment Opportunity; 4118.112/4218.112 Sexual and Other Unlawful Harassment; 5000 Equal Educational Opportunity; 5113 Admissions/ Excuses/ Dismissal; 5114 Removal/Suspension/ Expulsion; 5141 Student Health Services; 5141.3 Health Assessments and Immunizations; 5145.5 Sexual and Other Unlawful Harassment of Students; 6146 Graduation Requirements; to the full Board for revision.</b>
3.A.2.	<b>Policy 4118.112/4218.112 Sexual and Other Unlawful Harassment</b> <ul style="list-style-type: none"><li>The change is for a new protective category prohibiting discrimination on the basis of gender identity or expression.</li></ul>	
3.A.3.	<b>Policy 5000 Equal Educational Opportunity</b> <ul style="list-style-type: none"><li>This policy incorporates language prohibiting discrimination on the basis of gender identity or expression.</li></ul>	
3.A.4.	<b>Policy 5113 Admissions/Excuses/Dismissal/Truancy</b> <ul style="list-style-type: none"><li>The policy incorporates a change in language regarding truancy and notification to parents regarding unexcused absences.</li></ul>	

3.A.5.	<b>Policy 5114 Removal/Suspension/Expulsion</b> <ul style="list-style-type: none"> <li>The section on definitions has been reorganized and updated to include language for the definitions of bullying and cyberbullying.</li> <li>All of the other changes incorporate the requirements of new legislation.</li> </ul>	
3.A.6.	<b>Policy 5141 Student Health Services</b> <ul style="list-style-type: none"> <li>The list of qualified health practitioners to perform health assessments has been updated in accordance with legislative changes.</li> <li>A legal reference has been updated.</li> </ul>	
3.A.7.	<b>Policy 5141.3 Health Assessments and Immunizations</b> <ul style="list-style-type: none"> <li>A legal reference has been updated.</li> <li>There is no change in policy language.</li> </ul>	
3.A.8.	<b>Policy 5145.5 Sexual and Other Unlawful Harassment of Students</b> <ul style="list-style-type: none"> <li>This policy has been updated to include the prohibition of discrimination on the basis of gender identity or expression.</li> </ul>	
3.A.9.	<b>Policy 6146 Graduation Requirements</b> <ul style="list-style-type: none"> <li>Language has been added to permit the Board of Education to award a diploma to veterans of the Korean hostilities as well as World War II.</li> </ul>	
	<b>Vote on the motion was unanimous: Mrs. Faulenbach, Mrs. Rigdon, Mrs. Thomas.</b>	<b>Motion passed unanimously.</b>
3.A.10.	<b>Policy 3541 Transportation Services</b> <ul style="list-style-type: none"> <li>Changes in this policy include the following: under 3541(c) number (a) adding "under age ten or enrolled in grades K through 3"; 3541 (d) number 6 adding: "for pupils in grade K through 4" and number 8 "for pupils in grade K through 6." Also, in definition number 4 changed half mile to one mile.</li> <li>All changes are currently in the State model policy.</li> <li>The committee decided to send the policies, with revisions, to the Board for approval at its next meeting.</li> </ul>	

	<p>Mrs. Thomas moved to bring Policy 3541 to the full Board for revision. Motion seconded by Mrs. Rigdon and passed unanimously: Mrs. Faulenbach, Mrs. Rigdon, Mrs. Thomas.</p>	<p><b>Motion made and passed unanimously to bring Policy 3541 Transportation Services to the full Board for revision.</b></p>
<b>4.</b>	<b>Items of Information</b>	<b>Items of Information</b>
<b>4.A.</b>	<b>A. Revision of Regulations</b>	<b>Revision of Regulations</b>
<b>4.A.1.</b>	<b>1. 4111.1/4211.1 Procedures for Employee Complaints of Discrimination</b>	<b>4111.1/4211.1 Procedures for Employee Complaints of Discrimination</b>
<b>4.A.2.</b>	<b>2. 4118.112/4218.112 Sexual and Other Unlawful Harassment;</b>	<b>4118.112/4218.112 Sexual and Other Unlawful Harassment</b>
<b>4.A.3.</b>	<b>3. 5000 Equal Educational Opportunities;</b>	<b>5000 Equal Educational Opportunities</b>
<b>4.A.4.</b>	<b>4. 5125 Student Education Records; Access, Confidentiality, and Amendment;</b>	<b>5125 Student Education Records; Access, Confidentiality, and Amendment;</b>
<b>4.A.5.</b>	<b>5. 5145.5 Procedures for Complaints of Sexual, Racial, and Other Unlawful Harassment;</b>	<b>5145.5 Procedures for Complaints of Sexual, Racial, and Other Unlawful Harassment;</b>
<b>4.A.6.</b>	<b>6. Policy 6146.1 Grade Point Average/Grade Weighing/Class Ranking</b>	<b>6146.1 Grade Point Average/Grade Weighing/Class Ranking</b>
	<p>These regulations complement the proposed policies.</p>	
<b>5.</b>	<b>Adjourn</b>	<b>Adjourn</b>
	<p>Mrs. Thomas moved to adjourn the meeting at 7:22 p.m., seconded by Mrs. Rigdon. Motion passed unanimously: Mrs. Faulenbach, Mrs. Rigdon, Mrs. Thomas.</p>	<p><b>Motion made and passed unanimously to adjourn the meeting at 7:22 p.m.</b></p>

Respectfully submitted:

  
Wendy A. Faulenbach  
Board Chairman