

**Please Note: These minutes are pending Board approval.**  
**Board of Education**  
**Newtown, Connecticut**

Minutes of the Board of Education meeting held virtually on September 8, 2021 at 7:00 p.m.

M. Ku, Chair	L. Rodrigue
D. Delia, Vice Chair (absent)	A. Uberti
D. Cruson, Secretary	1 Staff
D. Leidlein (absent)	24 Public
J. Vouros	1 Press
R. Harriman	
D. Zukowski	

Mrs. Ku called the meeting to order at 7:17 p.m. after some technical problems. The meeting could be accessed by phone and was being live-streamed.

Item 1 – Pledge of Allegiance

Item 2 – Consent Agenda

MOTION: Mr. Cruson moved that the Board of Education approve the consent agenda which includes the donation to Hawley School and the correspondence report.

Mr. Vouros seconded. Motion passes unanimously.

Item 3 – Public Participation

Nancy White, 14 Butternut Ridge Road, shared her concerns about the new i-Ready assessment and that parents didn't know about the NWEA testing change. There was no time for the public to weigh in without parent notice. She asked where the money was coming from for this. NWEA is important to benchmark students. It's not the time to change our standardized test.

Kristen Alesovich, 11A Taunton Lane, also spoke about the NWEA testing change. We should track the students in the same way as in the past years. Put this change off for one or two years.

Item 4 – Reports

Chair Report: Dr. Ku noted that the CAFE/CAPSS Convention was also open to those running for the Board of Education. She was hoping to have a Board workshop just after the election run by Nick Caruso from CAFE on December 11, 14 or 16 and asked Board members to let her know if they are available. The Hawley HVAC project was approved by the Legislative Council. We will have a celebration of excellence for the CAFE awards we received for Board leadership, the budget book and an honorable mention for communications for the Board newsletter.

Superintendent's Report: Dr. Rodrigue thanked all staff and leaders for the first week of school. We've had busing issues with staffing concerns. The issues are temporary with more drivers joining in September. Anne Dalton will maintain our dashboard again. We had 12 Covid cases with 8 quarantining. We received information from the State regarding flexibility in hiring substitutes and she also spoke about the staffing updates.

Committee Reports:

Mr. Vouros spoke about the Curriculum and Instruction meeting on September 2 where they discussed the i-Ready assessment pilot which will provide clear information about students that NWEA didn't provide.

Mrs. Harriman said the Policy Committee met last week. They hope to begin to review personnel policies.

Item 5 – Old Business

Action on CIP

MOTION: Mr. Cruson moved that the Board of Education approve the CIP for 2022-2032.

Mrs. Harriman seconded.

Mr. Gerbert spoke about the Hawley project funding and Bob Tait said we should leave it as is. He will explain the finance piece when it goes to other boards. The high school turf cost on the back fields is \$760,000 which is a savings. Park and Rec will help with the cost also. He also spoke about potential outside funding sources.

Dr. Rodrigue said some fees could offset this cost even further as well as potential donors which is not confirmed yet. The other piece is how this field is used. The Town uses it for parks and rec so it's not just used by the high school. Matt Memoli is putting together a visual so they can see how important that field is.

Motion passes unanimously.

Second Read of Policies:

MOTION: Mr. Cruson moved that the Board of Education approve Policy 4118.11/4218.11 Nondiscrimination (new). Mr. Vouros seconded. Motion passes unanimously...

MOTION: Mr. Cruson moved that the Board of Education approve Policy 0521 Nondiscrimination (Mission-Goals-Objectives) (revised). Mrs. Harriman seconded.

Ms. Zukowski noted that policies 0521 and 4218 include the same form and asked if this was intentional.

Mrs. Harriman said it was.

Ms. Zukowski noted that policy 0521 doesn't include the form that is in the policy 4112 policy.

Dr. Rodrigue would check into that.

Motion passes unanimously.

MOTION: Mr. Cruson moved that the Board of Education approve Policy 4118.112/4218.112 Sex Discrimination and Sexual Harassment in the Workplace (new). Mrs. Harriman seconded. Motion passes unanimously.

MOTION: Mr. Cruson moved that the Board of Education approve Policy 5145.5 Title IX of the Education Amendment of 1972 – Prohibition of Sex Discrimination and Sexual Harassment (revised) Mrs. Harriman seconded.

Ms. Zukowski appreciated the concerns she had which were beautifully addressed. She also asked to make two amendments to the policy.

MOTION: Ms. Zukowski moved to amend the motion to add the language "A summary of all such incidents and their dates of resolutions shall be included in the annual report required as outlines in Policy 0523 as the second paragraph in the "Reporting Sex Discrimination or Sexual Harassment" section. Mrs. Harriman seconded.

Motion passes unanimously.

MOTION: Ms. Zukowski moved to amend the motion to change the title to Sex Discrimination and Sexual Harassment. Mr. Cruson seconded.

Ms. Zukowski said this policy is not just about title IX but around the legal frameworks around sexual harassment.

Mrs. Harriman said we received confirmation from legal counsel who said the title was appropriate as it stood. She prefers to go with the framework in the absence of legal opinion. Dr. Rodrigue noted it was clear our attorney want Title IX emphasized in the title.

Vote: 1 aye, 4 nays (Dr. Ku, Mr. Cruson, Mrs. Harriman, Mr. Vouros) Motion fails.

Ms. Zukowski referred to the administrative regulations for the grievance procedures which will be significantly different and asked if at one time the Board had a step in the procedure and why it doesn't now.

Mrs. Harriman said the administration put this together with our legal counsel. We can ask Dr. Rodrigue and Mrs. Uberti to look at it again.

Dr. Rodrigue said she would have to go back and see where Ms. Zukowski might have seen the board piece and why it isn't here.

Ms. Zukowski said it's on page "b" under student grievance procedures and states that at level four, a student can appeal to the Board of Education.

Mrs. Harriman noted it was being rescinded because of new legal language.

Dr. Ku asked Dr. Rodrigue to see if Board involvement should be considered.

Main motion as amended passes unanimously.

MOTION: Mr. Cruson moved that the Board of Education approve Policy 5145.6 Student Grievance Procedure (to be rescinded). Mr. Vouros seconded.

Motion passes unanimously.

#### Item 6 – New Business

i-Ready Districtwide Assessment:

Mrs. Uberti spoke about NWEA testing which was brought into the district in 2013 for students in grades 1-8. During this past school year we provided more training and support for teachers. The feedback remained the same. It's not a teacher friendly tool to identify students' strengths and areas of need. Universally, the feeling was teachers would support this change.

Dr. Purcaro presented the assessment, instruction, and intervention report for the i-Ready assessment pilot.

Mr. Cruson understands concerns we heard earlier and asked if there was a plan within the district to be able to track and handle learning loss with other tools than NWEA. Is there a plan if NWEA is not there as a tool?

Dr. Purcaro said NWEA gives us comparison data but we are looking for something directly linked to the grade level standards. We have other tools but don't have the wide scale assessments. We delivered a Smarter Balanced assessment in the spring and are looking for the final results to see where the assessment lines up. We are looking for something to measure this fall. We will have more detail in i-Ready than NWEA.

Ms. Zukowski referred to the SBAC testing.

Dr. Purcaro said that i-Ready will provide extra resources. SBAC is given in the spring and i-Ready in the fall.

Mrs. Uberti said i-Ready also provides normative data and projected proficiency. We have to take care with any data from last year because the experience of the learners was so disruptive. We should compare the results from this year.

Mr. Vouros asked who would train the teachers to give this assessment.

Dr. Purcaro said the system would recommend small group work. Students can work on computer by themselves. We would want teachers to get online support. There would be professional development around administering the test. We believe we can find the time to train the teachers.

Mrs. Harriman suggested that regarding the comparative data we can get, she suggested there be a document the parents can have to understand the data. We have to make sure we are communicating with parents on how to look at the data. How does the cost compare with NWEA?

Mrs. Uberti said we can renew NWEA at any time. The cost is comparable to NWEA. The funding is in the operational budget.

Mr. Vouros felt it was key that parents understand and should be addressed at the open houses.

Dr. Ku understood why people were concerned about making this change. This is important for the Board, teachers for how their students are doing, and for parents to know if their child is growing and not just meeting the standards. It's the students that are most important. The teacher piece is if they can take action on the data they have.

MOTION: Mr. Cruson moved that the Board of Education approve the i-Ready assessment pilot for the 2021-2022 school year. Mrs. Harriman seconded. Motion passes unanimously.

Cricut Proposal:

MOTION: Mr. Cruson moved that the Board of Education approve the employee's proposal to enter into a confidentiality and non-disclosure agreement with Cricut. Mr. Vouros seconded.

Dr. Rodrigue reported that one of our World Language teachers would like to enter into this agreement. Cricut is an American cutting machine used to cut paper and felt and fabric including leather, mat board and wood. We saw some of the decorations for her door. The company is willing to enter into an agreement which allows her to keep the machine by taking a photo of her door and posting it on social media. The machine would be hers and stay at school and be available to colleagues.

Mrs. Harriman asked when posting on social media if she would have to put that she was a teacher at Newtown High School

Dr. Rodrigue said she would not. You also can't identify the subject or classroom. The union president was also present for the discussion and was fine with this. Legal counsel said it had to go to the Board.

Mr. Cruson questioned why there would be a non-disclosure agreement for a machine.

After additional discussion, the following motion was made.

MOTION: Ms. Zukowski moved to hold on this discussion. Mr. Cruson seconded to postpone to the next meeting.

Motion on the amendment passes unanimously.

**First Read of Policies:**

Mrs. Harriman noted Policy 4118.237/4218.237/5141.8 Face Masks/Coverings expanded the use of masks and expanded the definition making it broader.

Mrs. Harriman said Policy 4118.12 Freedom of Speech we adapted from other districts. The regulation was provided by legal counsel.

Ms. Zukowski said this policy states the “administrative regulation adopted by the Board of Education.” She thought the Board didn’t adopt administrative regulations.

Mrs. Harriman said they could make that change.

**Minutes of August 24, 2021:**

MOTION: Mr. Cruson moved that the Board of Education approve the minutes of August 24, 2021. Mr. Vouros seconded. Vote: 4 ayes, 1 abstained (Mrs. Harriman)  
Motion passes.

**Item 7 – Public Participation**

Justin Birtwell, 13 Roosevelt Drive, said critical race theory in Newtown schools. He asked the Board to not choose sides or accept political ideologies.

Tom Milligan, 17 Currituck Road, said the first day of school his child’s teacher asked students to raise their hand if they were vaccinated. It’s none of her business and the principal addressed it. If a student is not vaccinated, the student must quarantine and, if you are vaccinated, you don’t have to. This is not giving everyone the same level of education. He will have his attorney submit documentation if this happens to one of his children. If one goes home, everyone should.

Lisa Terrifay, 11 Longview Terrace, thanked the Board and was impressed with the initiatives the schools have undertaken with professional development about racial equity, hiring a firm to help, and the Board’s diversity and equity resolution. She asked to get real and lasting change until children and parents of color are comfortable and do better in the hiring process.

Jessica Velasco, 103 Brushy Hill Road, thanked the Board for what they’ve done during the pandemic and for diversity and inclusion. The schools need consistency in handling racism and bullying. Children are being discriminated against and are afraid to speak up. Think about their mental health. We want a culturally responsible education.

Nancy White, 14 Butternut Ridge, referred to the NWEA discussion and wished that would have been postponed. She would rather have the 8<sup>th</sup> grade have the NWEA assessment. Most of the open houses have been moved to later in September.

Joseph Crosby, 5 Blanches Walk, is a junior at the high school. He drives to school and wants to try to reduce the traffic to be able to get to school on time.

MOTION: Mr. Cruson moved that the Board of Education go into Executive Session regarding a personnel matter. Mrs. Harriman seconded. Motion passes unanimously.

**Item 8 – Executive Session**

Executive session began at 9:34 p.m. and ended at 10:00 p.m.

**Item 9 – Public Session**

MOTION: Mr. Cruson that the Board of Education approve the leave of absence with pay for Elizabeth Ward following her FMLA and through the end of the 2021-2022 school year. Mrs. Harriman seconded. Motion passes unanimously.

MOTION: Mr. Cruson moved to adjourn. Mrs. Harriman seconded. Motion passes unanimously.

Item 10 – Adjournment

The meeting adjourned at 10:00 p.m.

Respectfully submitted:

---

Daniel J. Cruson, Jr.  
Secretary



The Blackbaud Giving Fund  
by its agent, YourCause  
65 Fairchild Street  
Charleston, SC 29492

Check No. 1170149076  
Date: 8/20/2021  
Page 1 OF 1

The Blackbaud Giving Fund is pleased to present HAWLEY ELEMENTARY SCHOOL with the enclosed grant of \$20.00 made on behalf of PepsiCo Foundation United Way Worldwide DAF and its donors.

Grant Amount \$20.00

**Donor Details**

Donor information related to these funds can be accessed securely by going to our Nonprofit Portal: <https://nonprofit.yourcause.com>.

- View donor details by going to "Giving" then "Payments and Transactions".
- Donor information is only available on our Nonprofit Portal.

**First Time Users, Establish an Account**

- Visit NPOconnect <https://nonprofit.yourcause.com> and click on "Sign up".
- Proceed with creating your account, verifying your email, and selecting your organization.

**ACH (Direct Deposit)**

YourCause and The Blackbaud Giving Fund encourage you to sign up for ACH through <https://nonprofit.yourcause.com>.

- Click on "Administration" then "Disbursement Information" to sign up for ACH.
- ACH is our preferred method of payment because it's ecofriendly, secure, and faster.
- ACH can prevent the loss of funds if a check remains uncashed.

**Have Questions?**

If you have questions or concerns, please contact our Nonprofit Support Team at [charity@yourcause.com](mailto:charity@yourcause.com).

**US Grant Terms:** Any grant issued by The Blackbaud Giving Fund is subject to the following terms. By accepting any grant from The Blackbaud Giving Fund, you represent to The Blackbaud Giving Fund that (i) your organization is formed under the laws of the U.S. and its territories and is a public charity described in IRC secs. 509(a)(1)-(3), a political subdivision of the United States, a State, a possession of the United States within the meaning of Section 170(c)(1) of the Code of the Internal Revenue Code of 1986 or a private operating foundation described in IRC sec. 4942(j)(3); (ii) this grant will be used exclusively for your organization's exempt purposes; (iii) neither the recommending donor nor any other party will receive goods, services or impermissible benefits ( e.g., tuition, memberships, dues, admission to events or goods bought at action, or anything of more than incidental benefit) as a result of the grant; (iv) the grant will not be used for political contributions or campaign activities; and (v) your organization does not devote more than an insubstantial part of its activities to attempting to influence legislation by propaganda or otherwise

You should not provide a tax receipt for this grant. This gift was made from a donor advised fund account and The Blackbaud Giving Fund has already provided the donor with a tax receipt for this donation.

The Blackbaud Giving Fund is an independent public charity that sponsors a donor advised fund program. Donors make irrevocable charitable contributions to The Blackbaud Giving Fund and have the privilege of recommending grants to qualified public charities.

**FOR SECURITY PURPOSES, THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK**



The Blackbaud Giving Fund  
by its agent, YourCause  
65 Fairchild Street  
Charleston, SC 29492

Check NO. 1170149076

BBVA Compass  
88-1054/1130

DATE	AMOUNT
8/20/2021	\$*****20.00

VOID AFTER 120 DAYS

Grant terms found here: [nonprofit.yourcause.com/grantterms](https://nonprofit.yourcause.com/grantterms)

PAY EXACTLY Twenty And 0/100 Dollars

PAY TO THE ORDER OF HAWLEY ELEMENTARY SCHOOL  
29 CHURCH HILL RD  
NEWTOWN, CT 06470-1612

340

*Matthew J. Neek*  
AUTHORIZED SIGNATURE

SIGNATURE HAS A BLUE-GREEN BACKGROUN • BORDER CONTAINS MICROPRINTING MP

⑈ 1170149076 ⑆ 113010547⑆ 6720708734 ⑆

Correspondence Report  
08/24/2021 – 09/07/2021

<b>Date</b>	<b>Name</b>	<b>Subject</b>
8/24/21	Kathy June	Minutes Correction
8/24/21	Kiley Gottschalk	BOF 8/26/21 Agenda
8/24/21	Alexa Pignone	Streaming down on BOE MEETING
8/25/21	Liz Van Sickle	Please Keep Masks in School!
8/26/21	Lorrie Rodrigue	Bus Driver Shortage
8/27/21	Anthony Mascaro	Our children with masks
8/29/21	Christine Irwin	Re: Some Questions
8/30/21	Suzie Spiro	Teacher's wearing masks
9/1/21	Lorrie Rodrigue	Condolences
9/3/21	Kathy June	BOE Mailing – September 8, 2021
9/7/21	Kathy June	Revised Agenda
9/7/21	Kathy June	Minor change on agenda
9/7/21	Donna Norling	Curriculum and Instruction Minutes
9/7/21	Kathy June	Policy 4118.12 Freedom of Speech

TO: Lorrie Rodrigue, Superintendent  
FROM: Suzanne D'Eramo, Director of Human Resources  
RE: Superintendent's Report – Certified Staffing Update for JULY/AUGUST 2021  
DATE: September 3, 2021

---

JUNE/JULY/AUGUST 2021

**CERTIFIED RESIGNATIONS (July/August):**

Carley Donath – HAW/HOM art

Drew Hall – RIS Grade 6

Aliya Tomasulo – RIS SPED

**CERTIFIED NEW HIRES:**

**HAW**

Carley Sollazzo – school counselor

**SHS**

Kristen Godin – classroom teacher

Emily Martel – classroom teacher

Nicole Weintraub – classroom teacher

Lauren Ioli - school psychologist

**MGS**

Caitlin Jones – classroom teacher

Timothy Nott – classroom teacher

Olivia Sabbagh – classroom teacher

Harley Ventura – classroom teacher

April Mignone - .5 FTE reading

Meghan Plunkett – SPED

Samantha Velazquez – SPED

**HOM**

Rebecca Gregoire – SPED

**HAW/MGS**

Marissa Basso - Spanish

**HAW/HOM**

Jennifer Giddings - art

**RIS**

Noreen Guman – classroom teacher

Lauren Moore – classroom teacher

Shannon Ottowell – classroom teacher (starting Sept. 23)

Myranda Panagrosso – classroom teacher

Meghan Quinn – classroom teacher

Rebecca Simon – classroom teacher

Lisa Valinsky – classroom teacher

Laura Wyman – classroom teacher

Marlo Verrastro-Ruggiero – reading/LA consultant

Lindsey Maillet - art

Sara Wasley – LMS

Melissa Janco – SPED (starting Sept. 20)

Anjali Illescas – social worker

### **NMS**

Tania Santiago – Spanish  
Chelsea Wuhrer – Spanish  
Francis Sarenceni – Project Challenge  
Kerry Begin – SPED (starting Sept. 27)  
Amanda Garrison – SPED

### **NHS**

Elizabeth Mouchantat – social studies  
Aaron Ovsiew – music/band director  
Deb Howard - SPED  
Amy Nyitray – SPED  
Angela LoRusso - SLP

### **POSITION CHANGES – EXISTING CERTIFIED STAFF**

#### **HAW**

Melissa Massett – kindergarten  
Carla Tischio – lead teacher

#### **HAW/SHS/MGS/HOM**

Kristen Delgado – math interventionist (was MG only, now at both MGS and HOM)  
Kristina Pierce – math interventionist

#### **RIS**

Jenna Connors – assistant principal  
Induk Song – math interventionist

#### **NMS**

Meg Johnson – math specialist  
Kerry McKeegan – math interventionist  
Ron Chivinski – project adventure  
Beth Iacofano – kitchen science

#### **NHS**

Theresa Talluto – English  
Ryan Eberts – academic officer

#### **DISTRICT**

Cristina Montanez – ELL teacher

### **CERTIFIED OPEN POSITIONS:**

HAW/HOM – .5 FTE Spanish  
MGS – SPED (PAL program)

### **ADDITIONAL DISTRICT HIRING NOTES:**

Here is a recap of all certified and non-certified staff hired for the months of June/July/August:

Certified teachers = 38  
Building subs/LT subs = 7  
Paraeducators/para sub/Job coaches = 12  
SSO/ASSO = 2  
Clerical = 2  
NELC = 3

Of the 64 newly hired employees, 5 indicated a diverse ethnicity or race other than white. This equates to a total of 8% broken down as follows:

Black/African American = 1, Hispanic = 3, Other = 1

**NEWTOWN PUBLIC SCHOOLS**  
Newtown, Connecticut

**REVISED ENROLLMENT REPORT AS OF AUGUST 30, 2021**

Current Monthly Enrollment

Cumulative Year-to-Date

<u>Grade</u>	<u>Aug 30</u> <u>2021</u>	<u>Added</u>	<u>Left</u>	<u>Aug 30</u> <u>2021</u>	<u>Aug 30</u> <u>2021</u>	<u>Added</u>	<u>Left</u>	<u>Aug 30</u> <u>2021</u>
K	284	0	0	284	284	0	0	284
1	278	0	0	278	278	0	0	278
2	265	0	0	265	265	0	0	265
3	283	0	0	283	283	0	0	283
4	<u>272</u>	<u>0</u>	<u>0</u>	<u>272</u>	<u>272</u>	<u>0</u>	<u>0</u>	<u>272</u>
Total Elementary	1,382	0	0	1,382	1,382	0	0	1,382
5	279	0	0	279	279	0	0	279
6	<u>301</u>	<u>0</u>	<u>0</u>	<u>301</u>	<u>301</u>	<u>0</u>	<u>0</u>	<u>301</u>
Total Intermediate	580	0	0	580	580	0	0	580
7	296	0	0	296	296	0	0	296
8	<u>292</u>	<u>0</u>	<u>0</u>	<u>292</u>	<u>292</u>	<u>0</u>	<u>0</u>	<u>292</u>
Total Middle	588	0	0	588	588	0	0	588
9	351	0	0	351	351	0	0	351
10	336	0	0	336	336	0	0	336
11	363	0	0	363	363	0	0	363
12	<u>360</u>	<u>0</u>	<u>0</u>	<u>360</u>	<u>360</u>	<u>0</u>	<u>0</u>	<u>360</u>
Total High	1,410	0	0	1,410	1,410	0	0	1,410
<u>Special Education</u>								
Pre-Kdg	63	0	0	63	63	0	0	63
NCP, PAL, RISE	33	0	0	33	33	0	0	33
Out-of-Town	<u>38</u>	<u>0</u>	<u>0</u>	<u>38</u>	<u>38</u>	<u>0</u>	<u>0</u>	<u>38</u>
TOTAL K-12	4,094	0	0	4,094	4,094	0	0	4,094
	=====	===	===	=====	=====	===	===	=====

ENROLLMENT BY SCHOOL

Hawley	302	0	0	302	302	0	0	302
Sandy Hook	373	0	0	373	373	0	0	373
Middle Gate	391	0	0	391	391	0	0	391
Head O' Meadow	<u>316</u>	<u>0</u>	<u>0</u>	<u>316</u>	<u>316</u>	<u>0</u>	<u>0</u>	<u>316</u>
Total	1,382	0	0	1,382	1,382	0	0	1,382
Reed Intermediate	580	0	0	580	580	0	0	580
Middle School	588	0	0	588	588	0	0	588
High School	1,410	0	0	1,410	1,410	0	0	1,410
<u>Special Education</u>								
Pre-Kdg	63	0	0	63	63	0	0	63
NCP, PAL, RISE	33	0	0	33	33	0	0	33
Out-of-Town	<u>38</u>	<u>0</u>	<u>0</u>	<u>38</u>	<u>38</u>	<u>0</u>	<u>0</u>	<u>38</u>
TOTAL K-12	4,094	0	0	4,094	4,094	0	0	4,094
	=====	===	===	=====	=====	===	===	=====

check      0            0            0            0            0            0            0            0

**NEWTOWN PUBLIC SCHOOLS**  
Newtown, Connecticut

ELEMENTARY CLASS SIZES AS OF AUGUST 30, 2021

Grade	Hawley	Sandy Hook	Middle Gate	Head O' Meadow	Reed	TOTAL	check
Pre K		63				63	0
K	16	17	17	18			
	16	17	17	18			
	16	17	18	18			
	16	17	14				
		15	17				
<b>Total K</b>	<b>64</b>	<b>83</b>	<b>83</b>	<b>54</b>		<b>284</b>	0
1	20	15	16	17			
	20	18	18	17			
	19	17	17	17			
		15	17	17			
			18				
<b>Total 1</b>	<b>59</b>	<b>65</b>	<b>86</b>	<b>68</b>		<b>278</b>	0
2	19	19	19	18			
	20	20	20	18			
	19	19	19	17			
		19	19				
<b>Total 2</b>	<b>58</b>	<b>77</b>	<b>77</b>	<b>53</b>		<b>265</b>	0
3	21	18	18	20			
	20	18	17	19			
	20	18	18	21			
		17	18	20			
<b>Total 3</b>	<b>61</b>	<b>71</b>	<b>71</b>	<b>80</b>		<b>283</b>	0
4	20	19	17	20			
	20	20	19	20			
	20	19	19	21			
		19	19				
<b>Total 4</b>	<b>60</b>	<b>77</b>	<b>74</b>	<b>61</b>		<b>272</b>	0
<b>Total K-4</b>	<b>302</b>	<b>373</b>	<b>391</b>	<b>316</b>		<b>1,382</b>	0
check	0	0	0	0		0	

PowerSchool 9/3/19

-302      -373      -391      -316

2021-22

Actual & Prowda Projection for 2021-22

	8/30/21 Actual	9/8/21 Actual	2021-22 Prowda Projection	Actual to Budget	Budgeted Number of Classes	Actual Number of Classes
--	-------------------	------------------	---------------------------------	---------------------	----------------------------------	--------------------------------

**HAWLEY**

k	64	63	67	-4	4	4
1	59	59	57	2	3	3
2	58	58	61	-3	4	3
3	61	61	70	-9	3	3
4	60	60	63	-3	3	3
Total	302	301	318	-17	17	16

**SANDY HOOK**

k	83	84	64	20	4	5
1	65	63	86	-23	5	4
2	77	77	78	-1	4	4
3	71	71	75	-4	4	4
4	77	77	85	-8	4	4
Total	373	372	388	-16	21	21

**MIDDLEGATE**

k	83	83	74	9	5	5
1	86	86	86	0	5	5
2	77	77	71	6	4	4
3	71	71	66	5	3	4
4	74	74	75	-1	4	4
Total	391	391	372	19	21	22

**HEAD O'MEADOW**

K	54	53	41	12	3	3
1	68	68	56	12	3	4
2	53	53	58	-5	3	3
3	80	79	72	7	4	4
4	61	60	61	-1	3	3
Total	316	313	288	25	16	17

**ELEMENTARY SUMMARY**

k	284	283	246	37		
1	278	276	285	-9		
2	265	265	268	-3		
3	283	282	283	-1		
4	272	271	284	-13		
Total	1,382	1,377	1,366	11		

	8/30/21 Actual	9/8/21 Actual	2021-22 Prowda Projection	Actual to Budget
--	-------------------	------------------	---------------------------------	---------------------

**REED**

5	279	278	284	-6
6	301	301	312	-11
Total	580	579	596	-17

**MIDDLE**

7	296	294	288	6
8	292	290	289	1
Total	588	584	577	7

**HIGH**

9	351	348	341	7
10	336	336	336	0
11	363	362	349	13
12	360	359	370	-11
Total	1,410	1,405	1,396	9

**DISTRICT SUMMARY**

HAW	302	301	318	-17
SHS	373	372	388	-16
MG	391	391	372	19
HOM	316	313	288	25
REED	580	579	596	-17
MIDDLE	588	584	577	7
HIGH	1,410	1,405	1,396	9
Total	3,960	3,945	3,935	10

Pre Kdg	63	63	76	-13
NCP, PAL, RISE	33	33	31	2
Out of District	38	38	41	-3
Total	4,094	4,079	4,083	-4
Decline		-15		

**NEWTOWN BOARD OF EDUCATION SUMMARY - CAPITAL IMPROVEMENT PLAN 2022/23 TO 2026/27**

<b>INITIAL FIVE YEARS</b>			<b>Year 1</b>	<b>Year 2</b>	<b>NO BONDING Year 3</b>	<b>Year 4</b>	<b>Year 5</b>	
<b>CIP Item #</b>	<b>Location</b>	<b>Description of Project</b>	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>	<b>2025/26</b>	<b>2026/27</b>	<b>TOTALS</b>
1	Hawley Elem.	Ventilation, HVAC Renovations	\$2,500,000	\$4,000,000				\$ 6,500,000
10	Middle Gate Elem.	Window replacement					\$ 1,100,000	\$ -
12		Bathroom renovations (2 staff, 2 student)					\$ 200,000	\$ 1,300,000
2	Head O'Meadow	Boilers, VFDs, Water Heater	\$ 424,500					\$ 1,174,500
7		Replace Condensing Units, Piping, Coils		\$ 750,000				
4	Reed Intermediate	Replace Chiller, Upgrade BMS controls/VAVs, Fence	\$ 750,000					\$ 750,000
5	Middle School	Engineering for HVAC Improvements (incl CM)		\$ 450,000				\$ 8,450,000
8		HVAC Improvements				\$ 8,000,000		
3	High School	HVAC Replacements A-wing (incl VAV upgrades)	\$ 850,000	\$ -				\$ 3,810,000
6		HVAC Replacements B-wing (incl VAV upgrades)		\$ 850,000				
13		Rear Turf Field					\$ 760,000	
9		Replace F-wing chiller					\$ 500,000	
11		HVAC Replacements (Pool area)					\$ 400,000	
9		Re-roof BUR areas (B-wing, Pool, Gym, 17000sf)					\$ 450,000	
<b>TOTAL COSTS OF ALL PROJECTS</b>			\$ 4,524,500	\$ 6,050,000	\$ -	\$ 8,000,000	\$ 3,410,000	\$ 21,984,500
<b>TOTAL TO BE BONDED</b>			\$ 4,524,500	\$ 6,050,000	\$ -	\$ 8,000,000	\$ 3,410,000	\$ 21,984,500

Eligibility for project inclusion on the CIP is that the cost must exceed \$200,000.

2017-18 Reimbursement rate 36.43%

Construction inflation estimate

6.0%

**NEWTOWN BOARD OF EDUCATION SUMMARY - CAPITAL IMPROVEMENT PLAN 2027/28 TO 2031/32**

**SECOND FIVE YEARS**

CIP Item #	Location	Description of Project	Year 6	Year 7	NO BONDING Year 8	Year 9	Year 10	TOTALS
			2027/28	2028/29	2029/30	2030/31	2031/32	
	Hawley Elem	Re-roof 1997 wing (BUR, 18500sf) Repave entire parking lot, curbing, sidewalks (80000sf)	\$ 500,000	\$ 275,000				\$ 775,000
	Sandy Hook Elem.							
	Middle Gate Elem.	Repave entire parking lot, curbing, sidewalks (69000sf) HVAC design HVAC Improvements	\$ 250,000	\$ 200,000		\$ 2,000,000		\$ 2,450,000
	Head O'Meadow	Roof restoration (66500sf) Repave entire parking lot, curbing, sidewalks (90000sf)	\$ 300,000				\$ 400,000	\$ 700,000
	Reed Intermediate	Repave entire parking lot, curbing, sidewalks (162000sf)		\$ 525,000				\$ 525,000
	Middle School	Repave entire parking lot, curbing, sidewalks (174000sf)	\$ 575,000					\$ 575,000
	High School	Replace Windows (B-wing)		\$ 450,000				\$ 450,000
TOTAL COSTS OF ALL PROJECTS			\$ 1,625,000	\$1,450,000		\$ 2,000,000	\$ 400,000	\$ 5,475,000
TOTAL TO BE BONDED			\$ 1,625,000	\$1,450,000		\$ 2,000,000	\$ 400,000	\$ 5,475,000

**Notes:**

- 1) Hawley numbers are carried from approved 2021 CIP
- 2) Middle School HVAC design includes an allowance for CM preconstruction to assist with scope, phasing, and budget
- 3) Middle School HVAC budget is using Hawley HVAC as a benchmark
- 4) Middle Gate Window budget includes design
- 5) High School Windows (B-wing) budget includes design
- 6) Paving budgets are based on milling of existing asphalt, 3" of new asphalt, and line striping
- 7) High School HVAC Replacements includes upgrades to VAV and BMS controls



# Assessment, Instruction and Intervention

*Current Practices & Proposed Changes*



# Types of Assessments – A Review

- **Universal Screeners/Benchmarks**– Given to all students to assess critical skills and concepts, typically given 3x a year, track student progress, identify students in need of intervention.
- **Diagnostics** - Given to selected students. Aid educators in understanding the causes for student performance on a universal screening or other assessment. Help teachers identify where a student's understanding breaks down. Information is used to plan, modify and/or differentiate instruction & provide intervention.
- **Progress Monitoring** – Assess the students response to intervention, typically administered in between universal screenings.
- Outcome Assessments - Given to determine what students have learned at the end of instruction.

# Universal Screening – Current Practices

- NWEA was adopted by the district during the 13-14 school year
- Reading and Math assessments
- Assessment delivered 2-3x a year
- Online, adaptive, and untimed
- Student performance on the test reported out as a RIT Score, connected to percentage of questions a student answered correctly
- Student performance also reported out as a percentile, indicating how a student compares to other students in the district and nation - (Normed Referenced)



# NWEA – What we've learned over eight years.



## The Pros..

- District and school data reports provide a detailed view of student performance across grade levels.
- District and school data reports show clear trends in reading and math performance overtime.
- Strong SBAC correlation

## The Cons...

- Student score reports for teachers and families are overly complex.
- Classroom data for teachers is not immediately actionable.
- The Learning Continuum is time consuming and stops short of providing instructional tools for intervention.
- Information attained not viewed as useful by staff.
- Primarily a normed referenced test, not criterion referenced.

# Why Change?



- Teachers desire data that is immediately actionable and can inform their instructional practice.
- As instructional time becomes more precious each year, teachers need a platform that goes beyond just reporting data and includes individualized learning pathways with recommended lesson activities.
- Both administrators and teachers are looking for student performance related directly to their understanding of grade level standards - adjust instruction and prepare for statewide assessments.
- Feedback from teachers and administrators overwhelmingly supportive of changing platforms.

# Why Now?

- Multiple attempts were made throughout these last three years to make NWEA more easily accessible and actionable for teachers. These methods proved to be time consuming and as a result data became “old” and not relevant.
- The inability for NWEA to provide individual learning pathways with corresponding lesson activities.
- The Learning Continuum is complex and intricate to understand.
- Teachers do not view the current data reports as useful.
- EOY support was not constructive.
- Contract is expired and due for renewal.
- A fresh start - Return to in-person instruction gives us a chance to build a new baseline instead of using a system that we do not foresee using past next year.
- It's the right thing to do...



# Why i-Ready?



- Provides user-friendly dashboards and clear reports with actionable data that give teachers a foundational understanding of students' strengths and areas of need.
- Teachers can confidently determine each student's on-grade level proficiency based on state and national standards.
- Delivers individualized learning paths in *i-Ready Personalized Instruction*.
- Provides teachers with readily accessible “Tools for Instruction” (lessons) to address skills gaps identified by the diagnostic screener.
- Saves time by automatically grouping students and offering targeted instructional recommendations
- Its ability to help teachers make instructional decisions about differentiated small group and one-on-one instruction, informed by data

# What we are excited about...



- Digital resources readily available for teachers to use to differentiate instruction and provide individualized classroom support to identified students.
- Differentiated growth targets for each student (typical and stretch).
- Seamless integration with our new data warehousing tool, EduClimber.
- Clear identification of students in need of tiered supports, resources for intervention and growth monitoring all in one system.
- Data reports that are clear and actionable to classroom teachers and administrators.
- i-Ready is willing to provide an historical crosswalk of our NWEA scores to i-Ready scores.
- Flexible usage by intervention specialist, paraprofessionals, or classroom aids.

## Additional Information



- Assessment for all students in grades 2-8 and potentially select students for math in grade 9.
- Students in grades K and 1 will be given the time needed to get acclimated into schools and will not be assessed.
- Initial PD includes - Set-up and administration training for a small team of specialists and lead teachers.
- Follow-Up PD includes - Classroom teacher training on understanding and interpreting data reports following the first assessment.

# Questions / Comments



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

### **Nondiscrimination**

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

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

For the purposes of this policy, “race” is inclusive of ethnic traits historically associated with race, including but not limited to, hair texture and protective hairstyles. “Protective hairstyles” includes, but is not limited to, wigs, headwraps and hairstyles such as individual braids, cornrows, locs, twists, Bantu knots, afros and afro puffs.

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

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

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

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

### **Nondiscrimination**

Any employee wishing to file a complaint regarding discrimination may obtain a copy of the Board's complaint procedures and complaint form, which are included in the Board's Administrative Regulations Regarding Non-Discrimination/Personnel. These regulations accompany Board Policies P 4118.11/P 4218.11 and are available online at <https://newtown-policies.campuscontact.com/> or on request from the main office of any district school.

If a complaint involves allegations of discrimination or harassment based on reasons such as gender/sex, disability, or pregnancy, such complaints will be handled under other appropriate policies P4118.112/P 4218.112, Sex Discrimination/Harassment in the Workplace and policies P 4118.14/P 4218.14, Nondiscrimination on the Basis of Disabilities.

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

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

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

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

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

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

**P4118.11(c)**  
**P4218.11**

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

## **Nondiscrimination**

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

Office of the Assistant Superintendent of Schools  
3 Primrose Street  
Newtown, CT 06470  
(203) 426-7617  
(email address may be found in the Administrative Regulations)

### Legal References:

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

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

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

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

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

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

Title II of the Genetic Information Nondiscrimination Act of 2008, Pub.L.110-233, 42 U.S.C. § 2000ff; 29 CFR 1635.1 et seq.

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

Connecticut General Statutes § 10-153, Discrimination on the basis of sex, gender or expression or marital status prohibited

Connecticut General Statutes § 46a-51, Definitions

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

Connecticut Fair Employment Practices Act, Connecticut General Statutes § 46a-60

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

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

**R4118.11 (a)**  
**R4218.11**

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

### **Nondiscrimination**

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

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

If a complaint involves allegations of discrimination or harassment based on reasons such as gender/sex, disability, or pregnancy, such complaints will be handled, as appropriate, in accordance with other Board policies P 4118.112/P 4218.112, Sex Discrimination/Harassment in the Workplace; policies P 4118.14/P 4218.14, Nondiscrimination on the Basis of Disabilities.

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

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

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

#### Complaint Procedure

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

**R4118.11 (b)**  
**R4218.11**

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

#### **Nondiscrimination**

The complaint should state the:

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

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

All complaints received by staff members are to be forwarded immediately to the Assistant Superintendent. Upon receipt of a complaint alleging harassment or discrimination under this complaint procedure, the Assistant Superintendent or his/her designee shall promptly investigate the complaint. During the course of the investigation, the Assistant Superintendent or designee shall interview or consult with all individuals reasonably believed to have relevant information, including the complainant, the alleged harasser/discriminator (“respondent”), and any witnesses to the conduct. Complaints will be investigated promptly within the timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information and other extenuating circumstances. Confidentiality will be maintained by all persons involved in the investigation to the extent possible, as determined by the investigator.

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

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

**R4118.11 (c)**  
**R4218.11**

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

### **Nondiscrimination**

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

3. Investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;
4. Conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis for the complaint, including conducting interviews with individuals with information and review of documents relevant to the complaint;
5. Maintain confidentiality to the extent practicable throughout the investigative process, in accordance with state and federal law;
6. Communicate the outcome of the investigation in writing to the complainant and respondent (if any) (to the extent permitted by state and federal confidentiality requirements), within thirty (30) business days (provided that such timeframe may be extended by fifteen (15) business days during periods of time when school is in session or reasonably extended based on the availability of necessary witnesses and/or participants during periods of time when school is not in session) from the date the complaint was received by the Assistant Superintendent's office. The complainant and respondent (if any) shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the district will remedy the discrimination or harassment, adhering to the requirements of state and federal law;
7. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, the complainant and respondent (if any) will receive notice and interim measures may be implemented as necessary (see sub-paragraph 6);
8. Whenever allegations are verified, ensure that appropriate corrective action is taken (including, but not limited to, disciplinary action) aimed at preventing the recurrence of the harassment or discrimination. Corrective action should include steps to avoid continuing discrimination;
9. If either party to the complaint is not satisfied with the findings and conclusions of the investigation, the complainant may present the complaint and written outcome to the Superintendent within thirty (30) calendar days of receiving the findings. Upon review of a written request from the party requesting an appeal, the Superintendent shall review the

**R4118.11 (d)**  
**R4218.11**

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

### **Nondiscrimination**

investigative results of the investigator and determine if further action and/or investigation is warranted. Such action may include consultation with a designated investigator (if applicable), complainant, and respondent (if any) and meeting with appropriate individuals to attempt to resolve the complaint, or a decision affirming or overruling a designated investigator's conclusions or findings (if applicable). The Superintendent shall provide written notice to the complainant and respondent (if any) of the proposed actions within fifteen (15) business days (provided that such timeframe may be reasonably extended based on the availability of

necessary witnesses and/or participants during periods of time when school is not in session) following the receipt of the written request for review.

If a complaint involves allegations of discrimination or harassment based on reasons such as gender/sex, disability, or pregnancy, such complaints will be handled under other appropriate policies P4118.112/P 4218.112, Sex Discrimination/Harassment in the Workplace; policies P 4118.14/P 4218.14, Nondiscrimination on the Basis of Disabilities.

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

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

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

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

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

Connecticut Commission on Human Rights and Opportunities

**R4118.11 (e)**  
**R4218.11**

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

### **Nondiscrimination**

450 Columbus Blvd.  
Hartford, CT 06103-1835  
(800-477-5737)

Anyone who has questions or concerns about these regulations, or about the Board’s policies regarding discrimination on the basis of gender/sex or discrimination on the basis of disability may contact:

Mrs. Anne Uberti

Assistant Superintendent of Schools  
3 Primrose Street  
Newtown, CT 06470  
(203) 426-7617  
ubertia@newtown.k12.ct.us

**DISCRIMINATION COMPLAINT FORM**

**(For complaints based on race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, genetic information, veteran status, or gender identity or expression)**

Name of the complainant \_\_\_\_\_

Date of the complaint \_\_\_\_\_

Date of the alleged discrimination/harassment \_\_\_\_\_

Name or names of the discriminator(s) or harasser(s) \_\_\_\_\_

\_\_\_\_\_

Location where such discrimination/harassment occurred \_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

Detailed statement of the circumstances constituting the alleged discrimination or harassment

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Proposed remedy \_\_\_\_\_

\_\_\_\_\_

Signature of Complainant \_\_\_\_\_

## Mission – Goals – Objectives

### Nondiscrimination

The District shall promote nondiscrimination and an environment free of harassment based on an individual's race, color, religion, age, sex, marital status, sexual orientation, national origin, alienage, ancestry, disability, pregnancy, genetic information, veteran status, or gender identity or expression, or any other basis prohibited by state or federal law, whether by students, Board employees or third parties subject to the control of the Board. The Board's prohibition of discrimination or harassment in its educational programs or activities expressly extends to academic, nonacademic, and extracurricular activities, including athletics. It is also the policy of the Board of Education to provide for the prompt and equitable resolution of complaints alleging any discrimination on the basis of protected characteristics such as race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, genetic information, veteran status, or gender identity or expression. ~~race, color, religion, sex, sexual orientation, gender identity/expression, national origin, ancestry, disability, (including, but not limited to, intellectual disability, past or present history of mental disorder, physical disability or learning disability), genetic information, marital status or age or because of the race, color, religion, sex, sexual orientation, gender identity or expression, national origin, disability, genetic information, marital status or age of any other persons with whom the individual associates.~~ The District provides equal access to the Boy Scouts and other designated youth groups.

For the purposes of this policy, "race" is inclusive of ethnic traits historically associated with race, including but not limited to, hair texture and protective hairstyles. "Protective hairstyles" includes, but is not limited to, wigs, headwraps and hairstyles such as individual braids, cornrows, locs, twists, Bantu knots, afros and afro puffs.

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

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

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

## Mission – Goals – Objectives

### Nondiscrimination

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

In keeping with requirements of federal and state law, the District strives to remove any vestige of discrimination in employment, assignment and promotion of personnel; in educational opportunities and services offered to students; in student assignment to schools and classes; in student discipline; in location and use of facilities; in educational offerings and materials; and in accommodating the public at public meetings.

The Board encourages staff to improve human relationships within the schools and to establish channels through which citizens can communicate their concerns to the administration and the Board.

The Superintendent shall appoint and make known the individuals to contact on issues concerning the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1974, Title VI, Title VII, Title IX and other civil rights or discrimination issues. The Board will adopt and the District will publish grievance procedures providing for prompt and equitable resolution of student and employee complaints.

Federal civil rights laws prohibit discrimination against an individual because he/she has opposed any discrimination act or practice or because that person has filed a charge, testified, assisted or participated in an investigation, proceeding or hearing. ADA further prohibits anyone from coercing, intimidating, threatening or interfering with an individual for exercising the rights guaranteed under the Act.

(cf. 4111/4211 – Recruitment and Selection)

(cf. 4111.1/4211.1 – Equal Employment Opportunity/ Minority Recruitment)

(cf. 4118.11/4218.11 – Nondiscrimination)

(cf.4118.112/4218.112 - Sex Discrimination and Sexual Harassment in the Workplace)

(cf. 4118.14/4218.14 – Nondiscrimination on the Basis of Disability)

(cf. 5145.5 – Sexual Harassment)

(cf. 5145.6 – Student Grievance Procedure)

## Mission – Goals – Objectives

### Nondiscrimination

Legal Reference: Title VII, Civil Rights Act, 42 U.S.C. 2000e, et seq.  
 29 CFR 1604.11, EEOC Guidelines on Sex Discrimination.  
 Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq.  
 34 CFR Section 106.8(b), OCR Guidelines for Title IX.  
 Definitions, OCR Guidelines on Sexual Harassment, Fed. Reg. Vol 62, #49, 29  
 CFR Sec. 1606.8 (a) 62 Fed Reg. 12033 (March 13, 1997) and 66 Fed. Reg.  
 5512 (January 19, 2001)  
 20 U.S.C. 7905 (Boy Scouts of America Equal Access Act contained in No  
 Child Left Behind Act of 2001)  
*Meritor Savings Bank. FSB v. Vinson*, 477 U.S. 57 (1986)  
*Faragher v. City of Boca Raton*, No. 97-282 (U.S. Supreme Court, June 26,1998)  
*Gebbs v. Lago Vista Indiana School District*, No. 99-1866, (U.S. Supreme  
 Court, June 26,1998)  
*Davis v. Monro County Board of Education*, No. 97-843, (U.S. Supreme Court,  
 May 24, 1999.)  
 The Vietnam Era Veterans’ Readjustment Act of 1974, as amended, 38U.S.C.  
 §4212  
 Title II of the Genetic Information Nondiscrimination Act of 2008  
 Connecticut General Statutes  
 46a-60 Discriminatory employment practices prohibited.  
 10-15c Discrimination in public schools prohibited. School attendance by five-  
 year olds. (Amended by P.A. 97-247 to include “sexual orientation” and P.A. 11-  
 55 to include “gender identity or expression”)  
 10-153 Discrimination on account of marital status.  
 17a-101 Protection of children from abuse.  
 The Americans with Disabilities Act as amended by the ADA Amendments Act  
 of 2008  
 Public Law 111-256  
*Meacham v. Knolls Atomic Power Laboratory* 128 S.Ct. 2395, 76 U.S.L.W. 4488  
 (2008)  
*Federal Express Corporation v. Holowecki* 128 S.Ct. 1147, 76 U.S.L.W. 4110  
 (2008)  
*Kentucky Retirement Systems v. EEOC* 128 S.Ct. 2361, 76 U.S.L.W. 4503 (2008)  
*Sprint/United Management Co. v. Mendelsohn* 128 S.Ct. 1140, 76 U.S.L.W.  
 4107 (2008)

Policy adopted: December 2, 2014

NEWTOWN PUBLIC SCHOOLS  
 Newtown, Connecticut

**DISCRIMINATION COMPLAINT FORM**

**(For complaints based on race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, genetic information, veteran status, or gender identity or expression)**

Name of the complainant \_\_\_\_\_

Date of the complaint \_\_\_\_\_

Date of the alleged discrimination/harassment \_\_\_\_\_

Name or names of the discriminator(s) or harasser(s) \_\_\_\_\_

\_\_\_\_\_

Location where such discrimination/harassment occurred \_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

Detailed statement of the circumstances constituting the alleged discrimination or harassment

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Proposed remedy

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature of Complainant

\_\_\_\_\_

## Personnel - Certified/Non-Certified

### Sex Discrimination and Sexual Harassment in the Workplace

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

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

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

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

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

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

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

## Personnel - Certified/Non-Certified

### Sex Discrimination and Sexual Harassment in the Workplace

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

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

#### Reporting Sex Discrimination or Sexual Harassment

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

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

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

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

**P4118.112(c)**  
**P 4218.112**

## Personnel - Certified/Non-Certified

## Sex Discrimination and Sexual Harassment in the Workplace

Administrative Regulations available on the Board's website to promote an environment free of sex discrimination and sexual harassment.

The Board's Title IX Coordinator is the Assistant Superintendent of Schools. Any individual may make a report of sex discrimination and/or sexual harassment directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:

Office of the Assistant Superintendent of Schools

3 Primrose Street

Newtown, CT 06470

(203) 426-7617

(Electronic mail address is included in the Administrative Regulations)

Any individual may also make a report of sexual harassment and/or sex discrimination to the U.S.

Department of Education:

Office for Civil Rights, Boston Office

U.S. Department of Education

8th Floor

5 Post Office Square

Boston, MA 02109-3921

(617-289-0111)

Employees may also make a report of sexual harassment and/or sex discrimination to the Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities

450 Columbus Blvd.

Hartford, CT 06103-1835

(860-514-3400)

Legal References:

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

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

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

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

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

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

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

**P4118.112(d)**  
**P 4218.112**

**Personnel - Certified/Non-Certified**

**Sex Discrimination and Sexual Harassment in the Workplace**

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

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

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

**R4118.112(a)**  
**R4218.112**

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

### **Sex Discrimination and Sexual Harassment in the Workplace**

It is the policy of the Newtown Board of Education (the “Board”) for the Newtown Public Schools that any form of sex discrimination or sexual harassment is prohibited in the Board’s education programs and activities, whether by students, Board employees or third parties subject to substantial control by the Board. Students, District employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students, District employees, and third parties. It is the policy of the Board to maintain a working environment free from

harassment, insults or intimidation on the basis of an employee's sex and free from discrimination based on sex. Verbal or physical conduct by a supervisor or co-worker relating to an employee's sex that has the effect of creating an intimidating, hostile or offensive work environment, unreasonably interfering with the employee's work performance, or adversely affecting the employee's employment opportunities is prohibited.

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

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

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

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

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

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

**R4118.112(b)**  
**R4218.112**

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

### **Sex Discrimination and Sexual Harassment in the Workplace**

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

1. Unwelcome sexual advances from a co-worker or supervisor, such as unwanted hugs, touches, or kisses;
2. Unwelcome attention of a sexual nature, such as degrading, suggestive or lewd remarks or noises;

3. Dirty jokes, derogatory or pornographic posters, cartoons or drawings;
4. The threat or suggestion that continued employment advancement, assignment or earnings depend on whether or not the employee will submit to or tolerate harassment;
5. Circulating, showing, or exchanging emails, text messages, digital images or websites of a sexual nature;
6. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel).

### **NOTICE OF THE TITLE IX COORDINATOR**

The District's Title IX Coordinator is the Assistant Superintendent. Any individual may make a report of sex discrimination and/or sexual harassment directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:

Mrs. Anne Uberti  
Assistant Superintendent of Schools  
3 Primrose Street  
Newtown, CT 06470  
(203) 426-7617  
ubertia@newtown.k12.ct.us

The Title IX Coordinator manages the District's compliance with Title IX, Title VII and Connecticut law with respect to sexual harassment and/or sex discrimination and is an available resource to anyone seeking information or wishing to file a formal complaint of same. When a

**R4118.112(c)**  
**R4218.112**

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

### **Sex Discrimination and Sexual Harassment in the Workplace**

student, District employee, or other participant in the District's programs and activities feels that such person has been subjected to discrimination on the basis of sex in any District program or activity, including without limitation being subjected to sexual harassment, such person may contact the Title IX Coordinator or utilize the Title IX, Title VII and Connecticut law grievance systems set forth herein to bring concerns forward for the purpose of obtaining a prompt and equitable resolution.

### **EXPLANATION OF COMPLAINT PROCESS AND PROCEDURE**

The federal regulations implementing Title IX require the adoption and publication of two separate grievance systems: a grievance process for complaints of sex discrimination involving allegations of sexual harassment and grievance procedures for complaints of sex discrimination

that are not sexual harassment. Accordingly, the Administration will process any complaints of sex discrimination involving allegations of sexual harassment, as defined above, pursuant to the **grievance process** set forth in Section I of these regulations. The Administration will process any complaints of sex discrimination that are not sexual harassment pursuant to the **grievance procedures** set forth in Section II of these regulations.

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

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

## **SECTION I. GRIEVANCE PROCESS FOR COMPLAINTS OF SEXUAL HARASSMENT**

### A. Definitions

- **Bias** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decision-maker(s) demonstrate actual bias, rather than the appearance of bias. Actual bias includes, but is not limited to, demonstrated personal animus against the respondent or the complainant and/or prejudgment of the facts at issue in the investigation.
- **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

**R4118.112(d)**  
**R4218.112**

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

#### **Sex Discrimination and Sexual Harassment in the Workplace**

- A **conflict of interest** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decision-maker(s) have personal, financial and/or familial interests that affected the outcome of the investigation.
- For purposes of investigations and complaints of sexual harassment, **education program or activity** includes locations, events, or circumstances over which the Board exercises substantial control over both the respondent and the context in which the sexual harassment occurs.
- **Employee** means (A) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or working in a public elementary, middle or high school; or (B) any other individual who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in a public elementary, middle or high school, pursuant to a contract with the Board.

- **Formal complaint** means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the Administration investigate the allegation of sexual harassment. A “document filed by a complainant” means a document or electronic submission that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
- **Respondent** means an individual who has been alleged to be the perpetrator of conduct that could constitute sexual harassment.
- **Supportive measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, increased security and monitoring, and other similar measures.

**R4118.112(e)**  
**R4218.112**

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

### **Sex Discrimination and Sexual Harassment in the Workplace**

#### **B. Reporting Sexual Harassment**

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

pendency of the grievance process. Further, nothing in these Administrative Regulations shall limit or preclude the District from removing a respondent from the District's education program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. If a respondent is removed on an emergency basis, the District shall provide the respondent with notice and an opportunity to challenge the decision immediately following the removal.

### C. Formal Complaint and Grievance Process

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

**R4118.112(f)**  
**R4218.112**

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

### **Sex Discrimination and Sexual Harassment in the Workplace**

2. The District may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. If possible, formal complaints should be filed within ten (10) school days of the alleged occurrence in order to facilitate the prompt and equitable resolution of such claims. The District will attempt to complete the formal grievance process within ninety (90) school days of receiving a complaint. This timeframe may be temporarily delayed or extended in accordance with Subsection G of this Section.
3. Upon receipt of a formal complaint, if the Title IX Coordinator or designee has not already discussed the availability of supportive measures with the complainant, the Title IX Coordinator or designee will promptly contact the complainant to discuss the availability of such measures and consider the complainant's wishes with respect to them. The Title IX Coordinator or designee may also contact the respondent, separately from the complainant, to discuss the availability of supportive measures for the respondent. The District will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide supportive measures.
4. Within ten (10) school days of receiving a formal complaint, the District will provide the known parties with written notice of the allegations potentially constituting sexual

harassment and a copy of this grievance process. The written notice must also include the following:

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

**R4118.112(g)**

**R4218.112**

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

### **Sex Discrimination and Sexual Harassment in the Workplace**

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

5. The parties may have an advisor of their choice accompany them during any grievance proceeding at which the party's attendance is required. The District may, in its discretion, establish certain restrictions regarding the extent to which an advisor may participate in the proceedings. If any such restrictions are established, they will be applied equally to all parties.
6. The Title IX Coordinator will, as applicable, promptly commence an investigation of the formal complaint, designate a school administrator to promptly investigate the formal complaint, or dismiss the formal complaint in accordance with Subsection F of this Section. The standard of evidence to be used to determine responsibility is the preponderance of the evidence standard (i.e., more likely than not). The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the District and not on the parties.
7. The parties will be given an equal opportunity to discuss the allegations under investigation with the investigator(s) and are permitted to gather and present relevant evidence. This opportunity includes presenting witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. The District will provide to a party whose participation is invited or expected (including a witness) written notice of the date, time, location, participants, and purpose of all

hearings (if applicable), investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

8. Both parties will be given an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. Prior to completion of the investigative report, the District will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have ten (10) school days to submit a written response, which the investigator(s) will consider prior to completion of the investigative report, as described in Paragraph 9 of this section.

**R4118.112(h)**  
**R4218.112**

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

### **Sex Discrimination and Sexual Harassment in the Workplace**

9. The investigator(s) will create an investigative report that fairly summarizes relevant evidence. The investigator(s) will send the investigative report, in an electronic format or hard copy, to each party and to each party's advisor for their review and written response at least ten (10) school days prior to the time a determination regarding responsibility is made.
10. The Superintendent will appoint a decision-maker(s), who shall be a District employee or third-party contractor and who shall be someone other than the Title IX Coordinator or investigator(s). If the complaint filed is against the Superintendent, the Board Chair shall appoint the decision-maker, who shall be someone other than the Title IX Coordinator or investigator(s). The investigator(s) and the decision-maker(s) shall not discuss the investigation's facts and/or determination while the complaint is pending. The decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) will explain to the party proposing the questions any decisions to exclude a question as not relevant.
11. The decision-maker(s) will issue a written determination regarding responsibility. The written determination will include: (1) identification of the allegations potentially constituting sexual harassment; (2) a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other

evidence, and hearings held; (3) findings of fact supporting the determination; (4) conclusions regarding the application of the District's code of conduct to the facts; (5) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District will impose on the respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and (6) the District's procedures and permissible bases for the complainant and respondent to appeal. If the respondent is found responsible for violating the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel), the written determination shall indicate whether the respondent engaged in sexual harassment as defined by the Board's Policy and these Administrative Regulations. The written determination will be provided to both parties simultaneously.

**R4118.112(i)**

**R4218.112**

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

### **Sex Discrimination and Sexual Harassment in the Workplace**

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

#### **D. Informal Resolution**

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

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

Prior to agreeing to any resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint. If a

satisfactory resolution is reached through this informal process, the matter will be considered resolved. If these efforts are unsuccessful, the formal grievance process will continue.

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

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

**R4118.112(j)**  
**R4218.112**

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

### **Sex Discrimination and Sexual Harassment in the Workplace**

#### **E. Appeal Process**

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

Appeals will be appropriate only in the following circumstances:

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

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

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

#### **F. Dismissal of a Formal Complaint**

The Title IX Coordinator shall dismiss any formal complaint that, under Title IX, 1) would not constitute sexual harassment as defined under Title IX even if proved, 2) did not occur in the

District's education program or activity, or 3) did not occur against a person in the United States. Such dismissal does not preclude action under another Board policy.

The District may dismiss a formal complaint or any allegations therein, if at any time during the investigation or hearing a complainant notifies the Title IX Coordinator in writing that 1) the

**R4118.112(k)**  
**R4218.112**

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

### **Sex Discrimination and Sexual Harassment in the Workplace**

complainant would like to withdraw the formal complaint or any allegations therein; 2) the respondent is no longer enrolled or employed in the District; or 3) specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

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

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

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

#### **G. Miscellaneous**

1. Any timeframe set forth in these Administrative Regulations may be temporarily delayed or extended for good cause. Good cause may include, but is not limited to, considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; concurrent activity by the Department of Children and Families; or the need for language assistance or accommodation of disabilities. If any timeframe is altered on a showing of good cause, written notice will be provided to each party with the reasons for the action.
2. If a sexual harassment complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the District (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.
3. If the sexual harassment complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a nonaccidental physical injury, or injury

which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report

**R4118.112(I)**  
**R4218.112**

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

### **Sex Discrimination and Sexual Harassment in the Workplace**

4. such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.
5. Retaliation against any individual who complains pursuant to the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) and these Administrative Regulations is strictly prohibited. The District will take actions designed to prevent retaliation as a result of filing a complaint. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described herein.
6. The District will maintain for a period of seven (7) years records of:
  - i. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the Board's education program or activity;
  - ii. Any appeal and the result therefrom;
  - iii. Any informal resolution and the result therefrom; and
  - iv. All material used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The Board will make these training materials publicly available on its website.

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

## Personnel - Certified/Non-Certified

### Sex Discrimination and Sexual Harassment in the Workplace

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

##### A. Definitions

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

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

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

##### C. Grievance Procedures

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

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

### **Sex Discrimination and Sexual Harassment in the Workplace**

2. The complaint should state the:
  - i. Name of the complainant;
  - ii. Date of the complaint;
  - iii. Date(s) of the alleged discrimination;
  - iv. Name(s) of the discriminator(s);
  - v. Location where such discrimination occurred;
  - vi. Names of any witness(es) to the discrimination;
  - vii. Detailed statement of the circumstances constituting the alleged discrimination; and
  - viii. Remedy requested.
3. Any employee who makes an oral complaint of sex discrimination to any of the above-mentioned personnel will be provided a copy of these Administrative Regulations and will be requested to make a written complaint pursuant to the above procedure.
4. All complaints are to be forwarded immediately to the building principal or designee unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent of Schools or his/her designee. In addition, a copy of any complaint filed under this Policy shall be forwarded to the Title IX Coordinator. If the complaint being filed is against the Title IX Coordinator, the complaint should be filed with the Superintendent. If the complaint being filed is against the Superintendent, the complaint should be filed with the Board Chair, who will then retain an independent investigator to investigate the matter.
5. The Title IX Coordinator or designee shall investigate all complaints of sex discrimination against an employee, regardless of whether the conduct occurred on or off-school grounds. Complaints will be investigated promptly within the timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information, and other extenuating circumstances. The investigation shall be conducted discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation.
6. Any employee who makes a complaint shall be notified of the District's intent to investigate the complaint. In the event the employee requests confidentiality or that an investigation not be conducted, the District will take reasonable steps to investigate and respond to the complaint to the extent possible, given the request for confidentiality or that the District not investigate the complaint. If the employee insists that his/her information not be shared with the alleged discriminator(s), the employee will be informed that the District's ability to investigate and/or take corrective action may be limited.

**R4118.112(o)**  
**R4218.112**

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

### **Sex Discrimination and Sexual Harassment in the Workplace**

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

**R4118.112(p)**  
**R4218.112**

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

### **Sex Discrimination and Sexual Harassment in the Workplace**

8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met,

the complainant and respondent will receive notice and interim measures may be implemented as necessary.

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

#### D. Miscellaneous

1. If a sex discrimination complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the District (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.
2. If the sex discrimination complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.
3. Retaliation against any individual who complains pursuant to the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) and these Administrative Regulations is strictly prohibited. The District will take actions designed to prevent retaliation as a result of filing a complaint. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described herein.

**R4118.112(q)**  
**R4218.112**

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

### **Sex Discrimination and Sexual Harassment in the Workplace**

#### **Section III. Further Reporting**

At any time, a complainant alleging sex discrimination or sexual harassment may also file a formal complaint with the U.S. Department of Education:

Office for Civil Rights, Boston Office

U.S. Department of Education

8th Floor

5 Post Office Square

Boston, MA 02109-3921

(617-289-0111)

Employees may also make a report of sexual harassment and/or sex discrimination to the Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities

450 Columbus Blvd.

Hartford, CT 06103-1835

(860-514-3400).

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

## Appendix A

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Name of the complainant \_\_\_\_\_

Date of the complaint \_\_\_\_\_

Date of the alleged sexual harassment \_\_\_\_\_

Name(s) of the sexual harasser(s) \_\_\_\_\_

\_\_\_\_\_

Location where such sexual harassment occurred \_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

Detailed statement of the circumstances constituting the alleged sexual harassment

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Remedy requested \_\_\_\_\_

\_\_\_\_\_

Signature of Complainant or Title IX Coordinator: \_\_\_\_\_

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

Name of the complainant \_\_\_\_\_

Date of the complaint \_\_\_\_\_

Date(s) of the alleged sex discrimination \_\_\_\_\_

Name(s) of the sex discriminator(s) \_\_\_\_\_

\_\_\_\_\_

Location where such sex discrimination occurred \_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

Detailed statement of the circumstances constituting the alleged sex discrimination

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Remedy requested \_\_\_\_\_

\_\_\_\_\_

Signature: \_\_\_\_\_

**[To be posted in a conspicuous place readily available for viewing by employees and emailed to employees within three months of hire with the subject line “Sexual Harassment Policy” or words of similar import]**

**SEXUAL HARASSMENT IS ILLEGAL**

**AND IS PROHIBITED BY**

**THE CONNECTICUT DISCRIMINATION EMPLOYMENT PRACTICES ACT**

**(Section 46a-60(a)(8) of the Connecticut General Statutes)**

**AND**

**TITLE VII OF THE CIVIL RIGHTS ACT OF 1964**

**(42 United States Code Section 2000e et seq.)**

Sexual harassment means any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

**EXAMPLES OF SEXUAL HARASSMENT INCLUDE:**

UNWELCOME SEXUAL ADVANCES  
SUGGESTIVE OR LEWD REMARKS  
UNWANTED HUGS, TOUCHES, KISSES  
REQUESTS FOR SEXUAL FAVORS  
RETALIATION FOR COMPLAINING ABOUT SEXUAL HARASSMENT  
DEROGATORY OR PORNOGRAPHIC POSTERS, CARTOONS, OR DRAWINGS.

**REMEDIES FOR SEXUAL HARASSMENT MAY INCLUDE:**

CEASE AND DESIST ORDERS  
BACK PAY  
COMPENSATORY DAMAGES  
PUNITIVE DAMAGES  
HIRING, PROMOTION, OR REINSTATEMENT

RETALIATION AGAINST ANY EMPLOYEE FOR COMPLAINING ABOUT SEXUAL HARASSMENT IS PROHIBITED UNDER THIS POLICY AND ILLEGAL.

VIOLATION OF THIS POLICY IS GROUNDS FOR DISCIPLINE, INCLUDING DISCHARGE.

INDIVIDUALS WHO ENGAGE IN ACTS OF SEXUAL HARASSMENT MAY ALSO BE SUBJECT TO CIVIL AND CRIMINAL PENALTIES.

AN INFRACTION OF THIS POLICY BY SUPERVISORS OR CO-WORKERS SHOULD BE REPORTED IMMEDIATELY TO ANNE UBERTI, ASSISTANT SUPERINTENDENT OF SCHOOLS. CONFIDENTIALITY WILL BE MAINTAINED TO THE EXTENT POSSIBLE.

ANY EMPLOYEE WHO BELIEVES THAT HE OR SHE HAS BEEN HARASSED OR DISCRIMINATED AGAINST IN THE WORKPLACE IN VIOLATION OF THIS POLICY MAY ALSO CONTACT:

THE CONNECTICUT COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES  
450 COLUMBUS BLVD.  
HARTFORD, CT 06103-1835  
(860-514-3400)

AND/ OR:

THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
BOSTON AREA OFFICE  
JOHN F. KENNEDY FEDERAL BUILDING  
475 GOVERNMENT CENTER  
BOSTON, MA 02203  
PHONE (800) 669-4000

CONNECTICUT LAW REQUIRES THAT A FORMAL WRITTEN COMPLAINT BE FILED WITH THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES WITHIN THREE HUNDRED (300) DAYS OF THE DATE WHEN THE ALLEGED HARASSMENT/ DISCRIMINATION OCCURRED.

## Students

### **Title IX of the Education Amendments of 1972 – Prohibition of Sex Discrimination and Sexual Harassment**

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

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

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

**Sex discrimination** occurs when a person, because of the person’s sex, is denied participation in or the benefits of any education program or activity receiving federal financial assistance. Sex discrimination involves treating someone unfavorably because of that person's sex. Discrimination against an individual because of gender identity, including transgender status, or sexual orientation is also in violation of this policy.

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

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

Sexual harassment under Connecticut law means conduct in a school setting that 1) is sexual in nature; 2) is unwelcome; and 3) denies or limits a student’s ability to participate in or benefit from a school’s educational program. Sexual harassment can be verbal, nonverbal or physical. Sexual violence is a form of sexual harassment.

## P 5145.5 (b)

### Reporting Sex Discrimination or Sexual Harassment

Students and staff are expected to report any incidents of sexual discrimination or harassment that occur on school grounds, during after school activities, or during off campus school events. School personnel are required to follow appropriate protocols, laid out in the regulation, for handling issues brought forward, including reporting incidents to school administrators who are responsible for investigating and employing appropriate disciplinary measures consistent with school policy. Students in grades K-12 are encouraged to reach out to trusted adults when they either witness or experience issues related to sexual discrimination and harassment. **An Anonymous Alert app is available to students in grades K-12 for students and families to report issues of concern confidentially.**

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

Any Board employee with notice of sex discrimination and/or sexual harassment allegations shall immediately report such information to the building principal and/or the Title IX Coordinator, or if the employee does not work in a school building, to the Title IX Coordinator. **Reports made to the building principal will be reported to the Title IX Coordinator for investigation.-**

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

The Board’s Title IX Coordinator is the Assistant Superintendent of Schools. Any individual may make a report of sex discrimination and/or sexual harassment directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:

Office of the Assistant Superintendent of Schools  
3 Primrose Street  
Newtown, CT 06470

**Telephone** (203) 426-7617

(Electronic mail address is included in the Administrative Regulations)

**Any individual may also make a report of sexual harassment and/or sex discrimination to the U.S. Department of Education:**

Office for Civil Rights, Boston Office  
U.S. Department of Education  
8th Floor  
5 Post Office Square  
Boston, MA 02109-3921  
Telephone (617) 289-0111

Legal References:

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

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

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

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

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

## **Administrative Regulations Regarding Title IX of the Education Amendments of 1972 – Prohibition of Sex Discrimination and Sexual Harassment**

It is the policy of the Newtown Board of Education (the “Board”) for the Newtown Public Schools (“the District”) that any form of sex discrimination or sexual harassment is prohibited whether by students, District employees or third parties subject to substantial control by the Board. Students, District employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students, District employees, and third parties.

Any student or employee who engages in conduct prohibited by the Board’s Policy regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students) shall be subject to disciplinary action. Any third party who engages in conduct prohibited by the Board’s Policy regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students) shall be subject to remedial measures, which may include exclusion from school property.

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

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

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

**Sexual harassment under Connecticut law means conduct in a school setting that 1) is sexual in nature; 2) is unwelcome; and 3) denies or limits a student’s ability to participate in or benefit from a school’s educational program. Sexual harassment can be verbal, nonverbal or physical. Sexual violence is a form of sexual harassment.**

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

1. Statements or other conduct indicating that a student’s submission to, or rejection of, sexual overtures or advances will affect the student’s grades and/or other academic progress.

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

### **NOTICE OF THE TITLE IX COORDINATOR**

The District's Title IX Coordinator is Anne Uberti, Assistant Superintendent of Schools. Any individual may make a report of sex discrimination and/or sexual harassment directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:

Mrs. Anne Uberti  
Assistant Superintendent of Schools  
3 Primrose Street  
Newtown, CT 06470  
Telephone (203) 426-7617  
ubertia@newtown.k12.ct.us

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

### **EXPLANATION OF COMPLAINT PROCESS AND PROCEDURE**

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

**R 5145.5(c)**

any complaints of sex discrimination that are not sexual harassment pursuant to the **grievance procedures** set forth in Section II of these regulations.

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

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

## **SECTION I. GRIEVANCE PROCESS FOR COMPLAINTS OF SEXUAL HARASSMENT**

### **A. Definitions**

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

**R 5145.5(d)**

physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

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

#### B. Reporting Sexual Harassment

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

### C. Formal Complaint and Grievance Process

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

**R 5145.5(f)**

- vi. A statement of any provision in the District's policies that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

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

5. The parties may have an advisor of their choice accompany them during any grievance proceeding at which the party's attendance is required. The District may, in its discretion, establish certain restrictions regarding the extent to which an advisor may participate in the proceedings. If any such restrictions are established, they will be applied equally to all parties.
6. The Title IX Coordinator will, as applicable, promptly commence an investigation of the formal complaint, designate a school administrator to promptly investigate the formal complaint, or dismiss the formal complaint in accordance with Subsection F of this Section. The standard of evidence to be used to determine responsibility is the preponderance of the evidence standard (i.e., more likely than not). The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the District and not on the parties.
7. The parties will be given an equal opportunity to discuss the allegations under investigation with the investigator(s) and are permitted to gather and present relevant evidence. This opportunity includes presenting witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. The District will provide to a party whose participation is invited or expected (including a witness), written notice of the date, time, location, participants, and purpose of all hearings (if applicable), investigative interviews or other meetings, with sufficient time for the party to prepare to participate.
8. Both parties will be given an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. Prior to completion of the investigative report, the District will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have ten (10) school days to submit a written response, which the investigator(s) will consider prior to completion of the investigative report, as described in Paragraph 9 of this section.
9. The investigator(s) will create an investigative report that fairly summarizes relevant evidence. The investigator(s) will send the investigative report, in an electronic format or hard copy, to each party and to each party's advisor for their review and written response

**R 5145.5(g)**

at least ten (10) school days prior to the time a determination regarding responsibility is made.

10. The Superintendent will appoint a decision-maker(s), who shall be a District employee or third-party contractor and who shall be someone other than the Title IX Coordinator or investigator(s). If the complaint filed is against the Superintendent, the Board Chair shall appoint the decision-maker, who shall be a District employee or third party contractor and who shall be someone other than the Title IX Coordinator or investigator(s). The investigator(s) and the decision-maker(s) shall not discuss the investigation's facts and/or determination while the complaint is pending. The decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) will explain to the party proposing the questions any decisions to exclude a question as not relevant.
11. The decision-maker(s) will issue a written determination regarding responsibility. The written determination will include: (1) identification of the allegations potentially constituting sexual harassment; (2) a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; (3) findings of fact supporting the determination; (4) conclusions regarding the application of the District's code of conduct to the facts; (5) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District will impose on the respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and (6) the District's procedures and permissible bases for the complainant and respondent to appeal. If the respondent is found responsible for violating the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment, the written determination shall indicate whether the respondent engaged in sexual harassment as defined by the Board's Policy and these Administrative Regulations. The written determination will be provided to both parties simultaneously.
12. Student respondents found responsible for violating the Board's Policy regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students) may be subject to discipline up to and including expulsion. Employee respondents found responsible for violating the Board's Policy regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students) may be subject to discipline up to and including termination of employment. Other respondents may be subject to exclusion from the District's

**R 5145.5(h)**

programs, activities and/or property. In appropriate circumstances, the District may make a criminal referral. Remedies will be designed to restore or preserve equal access to the District's education programs or activities.

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

#### D. Informal Resolution

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

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

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

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

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

#### E. Appeal Process

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

### **R 5145.5(i)**

Appeals will be appropriate only in the following circumstances:

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

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

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

#### F. Dismissal of a Formal Complaint

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

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

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

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

**R 5145.5(j)**

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

G. Miscellaneous

1. Any timeframe set forth in these Administrative Regulations may be temporarily delayed or extended for good cause. Good cause may include, but is not limited to, considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; concurrent activity by the Department of Children and Families; or the need for language assistance or accommodation of disabilities. If any timeframe is altered on a showing of good cause, written notice will be provided to each party with the reasons for the action.
2. If a sexual harassment complaint raises a concern about bullying behavior, the Title IX Coordinator or designee shall notify the Safe School Climate Specialist or designee who shall coordinate any bullying investigation with the Title IX Coordinator, to promote the alignment of any such bullying investigation with the requirements of applicable Board policies and state law. Additionally, if a sexual harassment complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the District (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.
3. If the sexual harassment complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.
4. Retaliation against any individual who complains pursuant to the Board's Policy regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students) and these Administrative Regulations is strictly prohibited. The District will take actions designed to prevent retaliation as a result of filing a complaint. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described herein.
5. The District will maintain for a period of seven (7) years records of:
  - i. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the Board's education program or activity;
  - ii. Any appeal and the result therefrom;
  - iii. Any informal resolution and the result therefrom; and

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

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

## **SECTION II. GRIEVANCE PROCEDURES FOR CLAIMS OF SEX DISCRIMINATION (OTHER THAN SEXUAL HARASSMENT)**

### A. Definitions

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

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

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

### C. Grievance Procedures

1. As soon as a student feels that he or she has been subjected to sex discrimination other than sexual harassment, as defined under Title IX (including, without limitation, sexual harassment under Connecticut law), he/she or his/her parent/legal guardian should make a written complaint to the Title IX Coordinator or to the building principal, or his/her designee. The student will be provided a copy of the Board's policy and Administrative

**R 5145.5(I)**

Regulations and made aware of his or her rights. Preferably, complaints should be filed within ten (10) school days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints.

2. The complaint should state the:
  - i. Name of the complainant;
  - ii. Date of the complaint;
  - iii. Date(s) of the alleged discrimination;
  - iv. Name(s) of the discriminator(s);
  - v. Location where such discrimination occurred;
  - vi. Names of any witness(es) to the discrimination;
  - vii. Detailed statement of the circumstances constituting the alleged discrimination; and
  - viii. Remedy requested.
3. Any student who makes an oral complaint of sex discrimination to any of the above-mentioned personnel will be provided a copy of these Administrative Regulations and will be requested to make a written complaint pursuant to the above procedure. In appropriate circumstances, such as due to the age of the student making the complaint, a parent or school administrator may be permitted to fill out the form on the student's behalf.
4. All complaints are to be forwarded immediately to the building principal or designee unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent of Schools or his/her designee. In addition, a copy of any complaint filed under this Policy shall be forwarded to the Title IX Coordinator. If the complaint being filed is against the Title IX Coordinator, the complaint should be filed with the Superintendent. If the complaint being filed is against the Superintendent, the complaint should be filed with the Board Chair, who will then retain an independent investigator to investigate the matter.
5. The Title IX Coordinator or designee shall investigate all complaints of sex discrimination against a student, regardless of whether the conduct occurred on or off-school grounds. Complaints will be investigated promptly within the timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information, and other extenuating circumstances. The investigation shall be conducted discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation.
6. Any student who makes a complaint shall be notified of the District's intent to investigate the complaint. In the event the student requests confidentiality or that an investigation not be conducted, the District will take reasonable steps to investigate and respond to the complaint to the extent possible, given the request for confidentiality or that the District not investigate the complaint. If the student insists that his/her personally identifiable information not be shared with the alleged discriminator(s), the student will be informed that the District's ability to investigate and/or take corrective action may be limited.

**R 5145.5(m)**

7. Upon receipt of a sex discrimination complaint, the Title IX Coordinator shall either promptly commence an investigation of the complaint, or shall designate a school administrator to promptly investigate the complaint. The Title IX Coordinator or designee shall:
  - i. offer to meet with the complainant and respondent (if applicable) separately within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant and respondent (if applicable) believe have relevant information, and obtain any relevant documents the complainant and respondent may have;
  - ii. provide the complainant and respondent (if applicable) with a copy of the Board's sex discrimination policy and accompanying regulations;
  - iii. consider whether any interim measures may be appropriate to protect the complainant or respondent (if applicable), pending the outcome of the investigation;
  - iv. conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;
  - v. consider whether alleged sex discrimination has created a hostile school environment, including consideration of the effects of off-campus conduct on the school;
  - vi. communicate the outcome of the investigation in writing to the complainant, to the respondent, and to any individual properly identified as a party to the complaint (to the extent permitted by state and federal confidentiality requirements), within ninety (90) school days from the date the complaint was received by the Superintendent's office. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant and respondent (if applicable) shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the District will remedy the discrimination, adhering to the requirements of state and federal law; and
  - vii. when sex discrimination has been found, take steps that are reasonably calculated to end the discrimination, take corrective and/or disciplinary action aimed at preventing the recurrence of the discrimination, as deemed appropriate by the Superintendent or his/her designee, and take steps to remedy the effects of the sex discrimination.
8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met,

## R 5145.5(n)

the complainant and respondent will receive notice and interim measures may be implemented as necessary.

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

### D. Miscellaneous

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

**Section III. Further Reporting**

At any time, a complainant alleging sex discrimination or sexual harassment may also file a formal complaint with the Office for Civil Rights:

Office for Civil Rights, Boston Office

U.S. Department of Education

8th Floor

5 Post Office Square

Boston, MA 02109-3921

Telephone (617-289-0111)

Students may also make a report of sexual harassment and/or sexual discrimination to the

Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities

450 Columbus Boulevard

Hartford, CT 06103-1835

Telephone (860) 514-3400

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

## Appendix A

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

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

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

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

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

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

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

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

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

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

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

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

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

**COMPLAINT FORM REGARDING SEXUAL HARASSMENT UNDER TITLE IX**

*This complaint form should be used for complaints of sexual harassment as defined on page 1 of the Board's Administrative Regulations Regarding Title IX of the Education Amendments of 1972 – Prohibition of Sex Discrimination and Sexual Harassment (Students)*

Name of the complainant \_\_\_\_\_

Date of the complaint \_\_\_\_\_

Date of the alleged sexual harassment \_\_\_\_\_

Name or names of the sexual harasser(s) \_\_\_\_\_

\_\_\_\_\_

Location where such sexual harassment occurred \_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

Detailed statement of the circumstances constituting the alleged sexual harassment

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Remedy requested \_\_\_\_\_

\_\_\_\_\_

Signature of Complainant or Title IX Coordinator: \_\_\_\_\_

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

Name of the complainant \_\_\_\_\_

Date of the complaint \_\_\_\_\_

Date(s) of the alleged sex discrimination \_\_\_\_\_

Name **or names** of the sex discriminator(s) \_\_\_\_\_

\_\_\_\_\_

Location where such sex discrimination occurred \_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

Detailed statement of the circumstances constituting the alleged sex discrimination

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Remedy requested \_\_\_\_\_

\_\_\_\_\_

Signature: \_\_\_\_\_

## **Students**

### **Student Grievance Procedures (Title IX)**

#### **Designation of Responsible Employee**

The Board of Education shall designate an individual as the responsible employee to coordinate school district compliance with Title IX and its administrative regulations.

The designee, the District's Compliance Officer, shall formulate procedures for carrying out the policies in this statement and shall be responsible for continuing surveillance of district educational programs and activities with regard to compliance with Title IX and its administrative regulations.

The designee shall, upon adoption of this policy and once each academic year thereafter, notify all students and employees of the District of the name, office address and telephone number of the designee. Notification shall be by posting and/or other means sufficient to reasonably advise all students and employees.

#### **Grievance Procedure**

Any student or employee shall have a ready means of resolving any claim of discrimination on the basis of sex in the educational programs or activities of the District. Grievance procedures are set forth in administrative regulations.

#### **Dissemination of Policy**

The Superintendent of Schools shall notify applicants for admission, students, parents/guardians of elementary and secondary school students, sources of referral of applicants for admission, employees and applicants for employment that it does not discriminate on the basis of sex in the educational programs or activities which it operates and that it is required by Title IX and its administrative regulations not to discriminate in such a manner. The notification shall be made in the form and manner required by law or regulation.

Legal Reference: 20 U.S.C. 1681 – Title IX of the Educational Amendments of 1972

34 C.F.R. Part 106 – Title IX of the Educational Amendments of 1972

Policy adopted:

cps 9/05

## **Students**

### **Student Grievance Procedures**

Any student may bring a grievance before a student grievance committee using the following procedures:

#### **Purpose of Student Grievance Procedures**

1. To define the correct procedure for students to follow in resolving grievances.
2. To allow students to come before a committee with peer representation.
3. To secure at the lowest possible level an equitable solution to the problem for those parties involved with the grievance.

#### **General Conditions**

1. Procedures described herein do not limit the right of any student having a problem to discuss it with the principal or any appropriate administrator without the assistance of the student grievance committee.
2. The student must initiate definite action on the grievance within ten (10) days following the event or occurrence which gives rise to the grievance or it shall be considered waived.
3. This procedure shall be used only when direct negotiation between parties involved would aggravate existing relationships.
4. Failure at any level of a school district administrator or the Board of Education to submit a written decision within the specified time limits shall permit the aggrieved student to take said grievance to the next level.

Failure by the student to take the grievance to the next level within the specified time limit shall be considered acceptance of the decision rendered at the particular level.

5. Days indicated at each level should be considered as maximum, and every effort should be made to expedite the grievance process. Specified time limits may be extended by mutual written agreement of involved parties.
6. Formal grievances and decisions shall be in writing.
7. In the event a grievance is filed after June 1 of any year and this procedure will not allow for settlement prior to completion of the school year, all parties shall attempt to resolve the grievance within ten (10) weekdays of the event or occurrence.

## Students

### Student Grievance Procedures (continued)

#### Procedures

1. **Level One.** The student takes up the grievance with the person immediately concerned.
  - A. In those cases where the student believes a relationship is already such that further contact with the other party can only make matters worse, he/she may complete a grievance identification form, obtained in the principal's office, and return it to the student grievance committee within five (5) days.
  - B. One committee member shall be assigned to contact the student. Within five (5) days, a grievance committee meeting will be held to render a validity judgment on the grievance. At this time the student will be advised by the committee as to whether he/she must make another effort to resolve the problem at level one or continue to level two.
2. **Level Two.** If the problem is not resolved at level one, the student may submit a formal grievance to the grievance committee. The committee shall immediately refer the grievance to the appropriate administrator who will discuss the grievance with all parties involved, including parents of the student if necessary. The student may choose a committee representative to assist him/her in discussion. Following the discussion, the administrator shall render a decision in writing to all parties involved within ten (10) days after receiving the grievance form.
3. **Level Three.** If the student is not satisfied at level two, the student may appeal to the Superintendent, or the Superintendent's designee, within five (5) days of receiving the written decision. The Superintendent or designee will discuss the grievance with the parties including the parents of the student if necessary. The student may choose a representative of the committee to assist him/her in discussion. Following the discussion the Superintendent or the Superintendent's designee shall render a written decision to the parties within ten (10) days of receiving the appeal.
4. **Level Four.** If the student is not satisfied with the decision at level three, within five (5) days of receiving the written decision, he/she may appeal to the Board of Education. Within one (1) month of receiving the appeal, the grievance shall be placed on the agenda of a Board meeting and all involved parties notified of the meeting at which the grievance will be discussed. The student may choose a representative of the committee to assist him/her in discussion. Following the discussion and consideration, the Board of Education shall render a decision in writing to all parties involved.
5. **Level Five.** If the student and/or the student's parents wish to pursue the grievance, he/she must involve due process of the court system. The committee may assist the student's legal representative with any information regarding the grievance.

## **Students**

### **Student Grievance Procedures (continued)**

#### **Committee Membership**

1. Three committee members from each grade level shall be appointed by the president of the student council.
2. One of the three senior committee members shall be appointed chairperson by the president of the student council.
3. The student members of the committee shall select two faculty members to participate on the committee.
4. The faculty shall select two teachers to participate as committee members.
5. An administrator shall be named by the school principal to act as a direct communications link to the committee. The administrator acts as a consultant in matters concerning administrative practice and procedure and shall have no voting powers and is not a committee member.
6. The committee should reflect broad and diverse points of view, and, whenever reasonably possible, there should be some overlap of committee members to insure continuity.

“Days” as used in these regulations, shall mean days when school is in session. During vacation periods or summer months when school is not in session “days” shall mean calendar days other than Saturdays, Sundays and holidays.

Legal Reference: U.S.O.E. Title IX (Final Title IX Regulation Implementing Education Amendments of 1972 Prohibiting Sex Discrimination in Education, eff. date 7/21/75 20 U.S.C. @ 1681 et seq.)

Regulation approved:

P4118.237(a)  
4218.237  
5141.8

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

### **Students**

#### **Face Masks/Coverings**

The Newtown Board of Education (the “Board”) recognizes the importance of protecting the health and safety of students, staff, and the community during ~~the COVID-19 pandemic~~ a public health emergency. As such, and in accordance with requirements and guidelines issued by ~~the Connecticut State Department of Education (“SDE”)~~ a federal authority or the Governor of the State of Connecticut or their designated authority, the Board requires that all individuals entering a school building, a Newtown Public Schools (“District”) facility, or a District transportation vehicle wear an appropriate face covering. An appropriate face covering shall consist of a cloth mask or disposable procedure-style mask that completely covers the individual’s nose and mouth. Any individual who presents for entrance into a school building, District facility or District transportation vehicle who is not wearing an appropriate face covering shall be provided an appropriate face covering by the District.

Compliance with this policy shall be mandatory for all individuals while in a school building, District facility and/or District transportation vehicle, unless an applicable exception applies. Any individual who refuses to wear an appropriate face covering at all times while in a school building, District facility or District transportation vehicle shall be denied admission and/or required to leave the premises, unless an applicable exception applies. In addition, failure to comply with this policy may lead to disciplinary action for students and staff, and exclusion from school property for members of the community, in accordance with applicable laws, rules, regulations, and/or Board policies.

***All individuals participating in or attending any school-sponsored activities must wear an appropriate face covering, whether or not those activities occur in a school building, District facility or District transportation vehicle, unless an applicable exception applies or the Administration, in consultation with the local health department, determines that face coverings are not required certain activities and athletics.***

The Board authorizes the Superintendent or designee to develop administrative regulations and/or protocols to implement this policy. Such administrative regulations and/or protocols shall outline authorized exceptions to the requirement that all individuals wear an appropriate face covering in the school buildings, District facilities and District transportation vehicles and may identify additional face covering rules as related to the safe operation of the school community.

**P4118.237(b)**  
**4218.237**  
**5141.8**

**Personnel Certified/Non-Certified**

**Students**

**Face Masks/Coverings**

**Legal References:**

Connecticut General Statutes § 10-221

Adapt, Advance, Achieve: Connecticut's Plan to Learn and Grow Together, Connecticut State Department of Education, as amended. ~~by Addendums 1-11 (June 29, 2020 through August 31, 2020).~~

Adopted: November 17, 2020

Newtown Public Schools

**R4118.237(a)**  
**4218.237**  
**5141.8**

**Personnel Certified/Non-Certified**  
**Students**  
**Face Masks/Coverings**

In accordance with requirements and guidelines issued by ~~the Connecticut State Department of Education (“SDE”)~~ a federal authority or the Governor of the State of Connecticut or their designated authority, the Newtown Public Schools (“District”) requires that all individuals entering a school building, a District facility, or a District transportation vehicle wear an appropriate face covering. An appropriate face covering shall consist of a cloth mask or disposable procedure-style mask that completely covers the individual’s nose and mouth. Any individual who presents for entrance into a school building, District facility or District transportation vehicle who is not wearing an appropriate face covering shall be provided an appropriate face covering by the District.

Compliance with these protocols shall be mandatory for all individuals while in a school building, District facility and/or District transportation vehicle, unless an applicable exception applies. Any individual who refuses to wear an appropriate face covering at all times while in a school building, District facility or District transportation vehicle shall be denied admission and/or required to leave the premises, unless an applicable exception applies. In addition, failure to comply with these protocols may lead to disciplinary action for students and staff, and exclusion from school property for members of the community, in accordance with applicable laws, rules, regulations, and/or Board policies.

***All individuals participating in or attending any school-sponsored activities must wear an appropriate face covering, whether or not those activities occur in a school building, District facility or District transportation vehicle, unless an applicable exception applies or the Administration, in consultation with the local health department, determines that face coverings are not required for certain activities and athletics.***

Students and all individuals being transported on District transportation vehicles are required to wear appropriate face coverings (face coverings must be worn prior to boarding and while exiting the vehicle), in accordance with the District’s Transportation Protocols. Please see below for additional procedures for face covering exemption requirements.

Students, staff and all individuals inside school buildings and District facilities are required to wear appropriate face coverings except if: (i) the individual cannot wear the face covering because the individual has difficulty breathing, is unconscious, or

## Personnel Certified/Non-Certified

### Students

#### Face Masks/Coverings (continued)

incapacitated; (ii) the individual cannot remove the face covering without assistance; (iii) the individual has a documented medical reason making it unsafe to wear a mask; (iv) the student is in preschool; or (v) the individual has a disability that causes the individual to be unable to wear a face covering.

**Important Note: The need for a medical exemption for the wearing of face coverings of the styles recommended for use in schools for source control is rare. Medical contraindications to the wearing of cloth or other similar loose fitting masks generally are limited to individuals suffering from severe chronic obstructive pulmonary disease (COPD) such as might be seen with cystic fibrosis, severe emphysema, heart failure, or significant facial burns that would cause extreme pain or interfere with the healing of a skin graft. These severe medical conditions will be rare in students or staff capable of presenting to the school for work or instruction (in most cases these individuals would not be able to move about freely without significant assistance). ~~In addition, for anyone suffering from any of these underlying conditions, the strong recommendation would be for that person to remain at home and engage in fully virtual learning due to their risk of developing severe complications if they did become infected with COVID-19.~~ Mild or intermittent respiratory or other common conditions such as asthma, cardiovascular diseases, kidney disease, or other similar conditions generally are not considered contraindications to the wearing of loose-fitting face coverings.**

Face coverings may only be removed within the school building for the following reasons: (i) eating/drinking; (ii) on school grounds with appropriate social distancing implemented; and (iii) educational or medical activities requiring removal of masks (speech and language, evaluations, etc.) ONLY under circumstances when the school has implemented appropriate and District-approved mitigating measures (such as gowns, face shields, additional social distancing, physical barriers for District employees and/or students).

If a student claims a medical or disability-related exemption from wearing a face covering, the District shall follow the Decision Tree - Face Covering Exemptions in these Protocols. If the District determines the request is based on medical need, the parent or guardian and the **student's treating physician** must complete the Face Covering Exemption Request Form. If the District determines the request is based on disability (skill deficit), the District shall promptly convene a Planning and Placement Team ("PPT") Meeting or Section 504 Team meeting as appropriate to discuss and consider necessary programming revisions, accommodations, modifications, etc.

**R4118.237(c)**  
**4218.237**  
**5141.8**

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

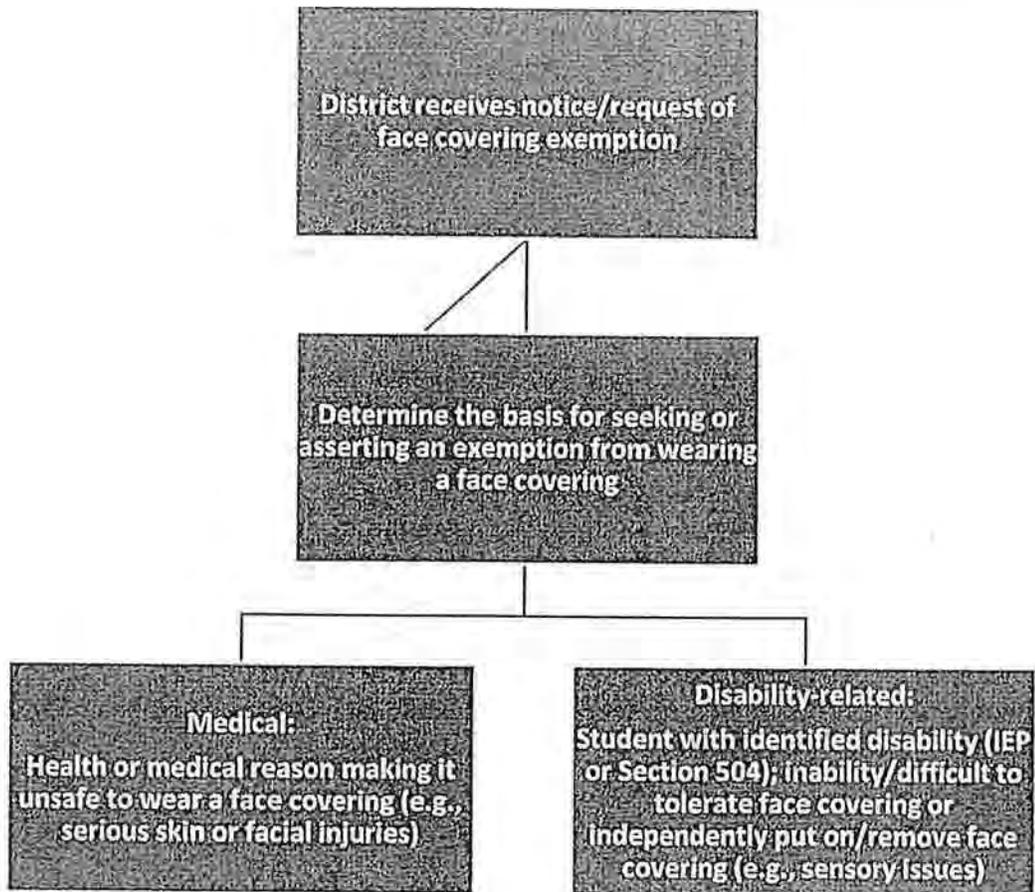
### **Students**

#### **Face Masks/Coverings (continued)**

If a staff member claims a medical or disability-related exemption from wearing a face covering, the District shall comply with all applicable laws, rules, regulations, and requirements regarding the evaluation of, and response to, any such claim.

Students shall be offered face covering breaks during the school day as determined appropriate by the Administration. A face covering break consists of the student removing the face covering from the student's own nose and mouth for a short period of time. ~~School district personnel supervising students shall only permit a face covering break when individuals who are indoors or outdoors are a minimum of 6 feet apart whenever possible or other District approved mitigating measures (such as physical barriers) have been implemented.~~ Additional Protective measures would be implemented whenever possible, such measures may include social distancing, physical barriers, increased ventilation, hand hygiene, cleaning and disinfection, and exclusion of ill individuals. When practicable, school personnel supervising students shall schedule face covering breaks outdoors.

## Decision-Making Tree - Face Covering Exemptions





NEWTOWN PUBLIC SCHOOLS  
3 PRIMROSE STREET  
NEWTOWN, CT 06470

FACE COVERING

MEDICAL/HEALTH EXEMPTION FORM

*COVID-19 is a highly contagious virus that spreads by respiratory droplets released when individuals talk, cough or sneeze. Many individuals infected with COVID-19 are asymptomatic and contagious. Federal and state public health agencies, including the United States Centers for Disease Control and Prevention (CDC), recommend that individuals wear a face covering to limit the spread of COVID-19.*

*The Connecticut State Department of Education and \_\_\_\_\_ Public Schools require ALL students, beginning in kindergarten, to wear face coverings during the school day. Any student seeking a medical exemption to the face covering requirement must have the student's treating physician complete the below Medical/Health Exemption Form. As noted below, \_\_\_\_\_ Public Schools will consult with the student's treating physician to determine what reasonable accommodations, if any, would allow the student to wear a face covering during the school day. In light of the significant public health and safety requirements, the \_\_\_\_\_ Public Schools require that any request for medical exemption be completed and submitted to \_\_\_\_\_, the [title] at \_\_\_\_\_ [email].*

*Students submitting requests for medical exemption are subject to COVID-19 containment strategies pending the completion of the exemption review process. COVID-19 containment strategies may include assignment to home-based remote learning to mitigate the possibility of infection to the student or others in the physical school building.*

Name of Child: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address of Child: \_\_\_\_\_

Name of Parent(s): \_\_\_\_\_

Address of Parent(s): \_\_\_\_\_

(if different from child)

Contact Information for Treating Physician

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

THE \_\_\_\_\_ PUBLIC SCHOOLS RESERVES THE RIGHT TO DENY MASK EXEMPTION REQUESTS WITHOUT SUFFICIENT INFORMATION TO DETERMINE THE HEALTH-RELATED NECESSITY OF SUCH REQUEST.

I HEREBY CONSENT TO SCHOOL OFFICIALS OF THE \_\_\_\_\_ PUBLIC SCHOOLS CONSULTING WITH THE ABOVE-NAMED TREATING PHYSICIAN IN CONNECTION WITH THE REQUEST FOR A MEDICAL EXEMPTION FROM WEARING A FACE COVERING DURING THE COVID-19 PANDEMIC. I UNDERSTAND THAT MY CHILD'S TREATING PHYSICIAN IS AUTHORIZED TO EXCHANGE HEALTH/MEDICAL AND EDUCATIONAL INFORMATION RELATED TO THE FACE COVERING MEDICAL EXEMPTION REQUEST SUBMITTED ON BEHALF OF MY CHILD, \_\_\_\_\_ [NAME OF STUDENT], WITH THE \_\_\_\_\_ PUBLIC SCHOOLS . I UNDERSTAND THAT THE PURPOSE OF THE EXCHANGE OF SUCH INFORMATION IS TO DETERMINE WHETHER A MEDICAL EXEMPTION IS NECESSARY AND/OR WHETHER THERE ARE ANY REASONABLE ACCOMMODATIONS THAT SHOULD BE CONSIDERED IN CONNECTION WITH THE FACE COVERING EXEMPTION REQUEST. I UNDERSTAND THAT THIS AUTHORIZATION WILL EXPIRE ON JUNE 30, 2021, UNLESS I REVOKE THIS AUTHORIZATION AT AN EARLER TIME BY SUBMITTING WRITTEN NOTICE OF THE WITHDRAWAL OF CONSENT. I ACKNOWLEDGE THAT HEALTH/MEDICAL RECORDS, ONCE SHARED WITH THE \_\_\_\_\_ PUBLIC SCHOOLS, WILL BE EDUCATION RECORDS UNDER FEDERAL EDUCATION RECORD LAWS (FERPA) AND MAY NOT BE

PROTECTED BY THE HIPAA PRIVACY RULE. I ALSO UNDERSTAND THAT REFUSAL  
TO CONSENT TO THE EXCHANGE OF INFORMATION DESCRIBED ABOVE WILL NOT  
AFFECT ACCESS TO HEALTHCARE.

---

PRINT NAME  
PARENT/GUARDIAN

---

DATE

---

SIGNATURE  
PARENT/GUARDIAN

The section below must be completed by the student's treating physician to verify a health or medical reason that prohibits the student from wearing a face covering in the school building and/or on school grounds or to identify possible accommodations for the student to wear a face covering within the school building or on school grounds. Upon completion, this form must be provided by the treating physician directly to the \_\_\_\_\_ Public Schools, care of [insert contact name] at [address].

The treating physician **MUST** consult with school health supervisory personnel prior to completing this form. The contact information for the school health supervisory personnel for this matter (COVID-19 Liaison at \_\_\_\_\_ Public Schools) is:

Medical Verification

Yes    No

       I have consulted with school health supervisory personnel regarding the student's ability to wear a face covering due to a verified medical or health reason.

       After consultation with school health supervisory personnel, I have determined that reasonable accommodations would permit the student to wear a face covering for parts or all of the school day.

If yes, to the above question:

I have determined that the following reasonable accommodations would permit the student to wear a face covering during the school day (examples include, without limitation, face covering breaks at specified intervals, use of face shield when a face covering is contraindicated, use of bandana or looser fitting face covering):

- 
- 
- 

       After consultation with school health supervisory personnel, I have determined that the student cannot wear a face covering during the entire school day due to a verified medical or health reason.

The student has been diagnosed with the following medical condition(s) that prevent the student from wearing a face covering at all times during the school day:

---

---

---

---

**\* Documentation supporting the above diagnosis MUST be submitted to the \_\_\_\_\_ Public Schools along with this Medical Verification Form.**

By signing below, I verify that the above information is accurate to the best of my professional knowledge.

\_\_\_\_\_  
Signature of Treating Physician

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name of Treating Physician

\_\_\_\_\_  
CT License No.

## Personnel – Certified/Non-Certified

### Freedom of Speech

#### Public Communications by Employees

The Board of Education recognizes and respects the First Amendment Rights of all of its employees to make public statements and to otherwise participate in the public discourse through any and all media, including social media. The Board of Education also recognizes that inappropriate content authored by educators that is made available for public consumption can interfere with educational effectiveness. Therefore, Newtown Public School employees shall be expected to strike an appropriate balance between exercising their right to freedom of expression and maintaining their effectiveness and credibility as educators.

Ordinarily, the use of public discourse by employees, including employees' use of personal online accounts, will not be a legal or policy issue. While a policy cannot address every instance of inappropriate public discourse, employees must refrain from discourse that:

- 1) interferes, disrupts or undermines the effective operation of the school district;
- 2) is used to engage in harassing, defamatory, obscene, abusive, discriminatory or threatening or similarly inappropriate communications;
- 3) creates a hostile work environment;
- 4) breaches confidentiality obligations of school district employees; or
- 5) violates the law, board policies and/or other school rules and regulations.

The Board of Education, through its Superintendent, will adopt and maintain administrative regulations to implement this policy.

Legal Reference: Connecticut General Statutes  
53a-193 through 53a-200  
*Keyishian v. Board of Regents*, 395 U.S. 589, 603 (1967)  
*Perry v. Sindermann*, 408 U.S. 593 (1972)  
*Pickering v. Board of Education*, 391 U.S. 563 (1968)  
*Connick v. Myers*, 461 U.S. 138 (1983)  
*Garcetti v. Ceballos*, 547 U.S. 126 S.Ct. 1951 (2006)  
*Sterzing v. Fort Bend Independent School District*, 376F. Supp. 657 (S.D. Tex 1972)  
*Grayned v. City of Rockford*, 408 U.S. 104 (1972)  
*Miller v. California*, 413 U.S. 15 (1973)  
Amendment to U.S. Constitution, Article I

Connecticut Constitution, ARTICLE FIRST, Declaration of Rights, Sections  
4, 5

Academic Freedom Policy (adopted by Connecticut State Board of  
Education, 9/8/81)

NEWTOWN PUBLIC SCHOOLS  
Newtown, Connecticut

**Please Note: These minutes are pending Board approval.**  
**Board of Education**  
**Newtown, Connecticut**

Minutes of the Board of Education meeting held August 24, 2021 at 7:00 p.m. in the Council Chamber, Municipal Office Building, 3 Primrose Street.

M. Ku, Chair	L. Rodrigue
D. Delia, Vice Chair	A. Uberti
D. Cruson, Secretary	1 Staff
D. Leidlein (absent)	22 Public
J. Vouros	1 Press
R. Stites (absent)	
D. Zukowski	

Mrs. Ku called the meeting to order at 7:00 p.m. and can be accessed by phone and was also being live streamed.

Item 1 – Pledge of Allegiance

Item 2 – Consent Agenda

MOTION: Mr. Delia moved that the Board of Education approve the consent agenda which includes the minutes of July 20, 2021 and the donations to Hawley School, Reed Intermediate School and Continuing Education, and the correspondence report. Mr. Cruson seconded Motion passes unanimously.

Item 3 – Public Participation

Item 4 – Reports

Chair Report: Dr. Ku reported that CAFE sent out a notice for the CAFE/CAPSS Convention in November which will only be one day this year. She asked the Board to let her or Kathy know if they wanted to attend. The Board of Selectmen passed the resolution to approve bonding for the Hawley HVAC project. The Board of Finance will meet to recommend the resolution to the Legislative Council.

Superintendent's Report: Dr. Rodrigue spoke about the Convocation held August 25 welcoming staff back to school and staff beginning their 25<sup>th</sup> year in the district. She plans to recognize our custodians with a luncheon for their work in preparing our schools. Dr. Rodrigue thanked Bob Gerbert for creating a positive culture with that group. All students will be required to wear masks in alignment with the Governor's order and our mask changes are posted on our website. The ESSER Grant information is also on our website. She recognized the work Kristin Larson has done in securing grants.

Committee Reports:

Mr. Delia reported that the CFF Committee met and discussed items on tonight's agenda. He also attended an EdAdvance meeting and they are excited about their new space in Bethel.

June 30, 2021 Year-end Financial Report:

MOTION: Mr. Delia moved that the Board of Education approve the June 30, 2021 Year-end Financial report. Mr. Cruson seconded. Motion passes unanimously.

Mr. Delia said the CFF Committee was in full support of this report.

Mrs. Vadas presented the report.

Motion passes unanimously.

Financial Report for Month Ending July 31, 2021:

MOTION: Mr. Delia moved that the Board of Education approve the July 31, 2021 financial report. Mr. Cruson seconded.

Mr. Delia noted the CFF Committee was in favor of this report.  
Mrs. Vadas presented the report.

MOTION: Mr. Delia moved to amend the motion to approve the transfer of \$73,000 from other savings from turnover to district benefits for early retirement. Mr. Cruson seconded.  
Amendment passes unanimously.

Mr. Delia thanked Mrs. Vadas for this wonderful report and that her reports have been exceptional.

Dr. Ku referred to school enrollment and what changes there have been in the district since we approved the budget.  
Mrs. Vadas would address that at the next meeting.  
Main motion passes unanimously.

Item 5 – Old Business (none)

Item 6 – New Business

Open Houses Date Changes:

MOTION: Mr. Delia moved that the Board of Education approve the revisions to the Open House dates on the 2021-2022 school calendar. Mr. Cruson seconded.

Dr. Rodrigue would rather have the students and staff get back into the schools and get settled so the open houses can be in person. The new dates are September 29 and 30 for the elementary schools, September 23 for Reed Intermediate School (which didn't change), September 27 and 28 for the middle school, and September 22 for the high school.  
Mrs. Uberti said this also gives us time to see where things are going.

Motion passes unanimously.

Discussion and Possible Action on CIP:

Dr. Ku suggested having the discussion tonight and taking action at the next meeting.

Mr. Gerbert said we have a number of schools with older HVAC equipment and added these to the plan because of the units we are using as repairs could be costly. They discussed the middle school and increased some funding there. The second five years consists of roofing work. We learned yesterday that there is the possibility of some private money being donated for the high school rear field work which is not on the plan.

Dr. Rodrigue said we are prioritizing what was important which is why we held off. Matt Memoli will be talking with the turf people so he thinks the price might come down. Dan Rosenthal said there might be private donations for this work.

Ms. Zukowski noted that the Hawley HVAC project is #1 on the CIP for \$6.5M. The First Selectman just put forward an \$8M request to cover that.

Mr. Gerbert stated last year it was tabled for years 1, 2 and 3 and year 1 had an amount of \$1.5M. Bob Tait said they can bond for whatever the amount is and this was to bring it up over 3 years. He will reach out to the Town to see if we need to adjust these numbers.

Dr. Ku requested that for the next meeting.

Ms. Zukowski said this CIP will culminate in April. The \$1.5 will be on the November referendum is part of the prior CIP. She was not sure if these numbers need to be changed but recognized they are part of parts 2 and 3 of this CIP process.

Dr. Ku asked why having a debt holiday every 5 years was beneficial for the Town  
Mr. Gerbert said that was a Legislative Council decision trying to offset some debt.

Mr. Gerbert noted that the HOM boilers were in year 3 last year and he pushed it up to year 1. Last week at the Sustainable Energy meeting they suggested exploring geothermal technologies for the project.

Unexpended Funds:

MOTION: Mr. Delia moved that the Board of Education request of the Board of Finance that the unexpended funds from the 2020-2021 fiscal year budget appropriation in the amount of \$27,238 be deposited into the Non-Lapsing account, established in accordance with Connecticut General Statute Section 10-248a, for educational purposes. Further to this action, is that the source of these funds are detailed on the year-end financial report as previously approved by this Board of Education. Mr. Cruson seconded.

MOTION: Ms. Zukowski moved to amend the motion that \$20,000 of that \$27,000 be designated as special education. Mr. Cruson seconded.

Ms. Zukowski said we have a resolution that \$100,000 is dedicated to SPED in the contingency and if not spent it should go into the non-lapsing account for special education. This year we had encumbrances for special education that looked like we would exceed the \$100,000. Some of the services were not used and we only needed \$80,000 of that money. We now have \$20,000 in our balance earmarked for special education.

Mrs. Vadas agreed with Ms. Zukowski and said we have \$20,377 for out-of-district tuition which is a positive number. There is a balance of \$270,000 in the non-lapsing account as of now which includes the \$63,000 for special education.

MOTION: Ms. Zukowski moved to amend the amount to \$20,377. Mr. Cruson seconded.  
Motion passes unanimously.

Motion on first amendment passes unanimously.  
Main motion passes unanimously.

Minutes of August 11, 2021:

MOTION: Mr. Delia moved that the Board of Education approve the minutes of August 11, 2021. Mr. Cruson seconded. Vote: 5 ayes, 1 abstained (Mr. Vouros) Motion passes.

#### Item 7 – Public Participation

Konrad Miller, 72 Forest Drive, spoke about critical race theory and that we don't teach our nation's history in our schools. He believes reflecting is the desired outcome of getting critical race theory into our mainstream.

Laura Main, 42 The Old Road, thanked the Board for their service and dedication. February 3 the State Board of Education adopted a mission statement on culturally responsible education which affirmed the importance of this education for all students. They are developing policies for teachers to nurture students to have a lifelong respect for themselves and others. She offered to assist in any way.

Kenneth Miller, 72 Forest Drive, was 10 years old. He experienced racism and said most of the time history is whitewashed or not talked about. The truth is ignored and contributions of black people are not seen. He asked the truth be taught in the schools because it is the right thing to do.

Wendy Leon Gambetta, 189 Saw Mill Ridge Road, hears the fear that children will learn to hate America and being white. Recognize their fear and go forward and adopt a culturally responsible education. We are not regularly acknowledging racism. Her son was taught racism happened in the past. Children will learn values at home and continue to adulthood.

Item 8 – Executive Session

MOTION: Mr. Delia moved that the Board of Education go into executive session regarding the Nursing Supervisor contract. Mr. Cruson seconded. Motion passes unanimously.  
8:19 p.m.

Item 9 – Public Session

MOTION: Mr. Delia moved that the board of Education approve the adjustments to the Nursing Supervisor contract as recommended by the Superintendent. Mr. Cruson seconded.

Dr. Rodrigue said we are looking at the adjustments in the nursing supervisor contract to make sure we keep her in alignment with the nurses and this would do that.

Motion passes unanimously.

MOTION: Mr. Cruson moved to adjourn. Mr. Vouros seconded. Motion passes unanimously.

Item 10 – Adjournment

The meeting adjourned at 8:32 p.m.

Respectfully submitted:

---

Daniel J. Cruson, Jr.  
Secretary