

# **Special Darien Board of Education**

## **Policy Committee Meeting**

**Thursday, January 21, 2021  
8:30 a.m.**

**Darien Public Schools' Administrative Offices  
35 Leroy Avenue  
Board of Education Meeting Room**

### **AGENDA**

- 1. Proposed Revised Policy 5275 - Title IX of the Education Amendments of 1972 – Prohibition of Sex Discrimination and Sexual Harassment (Students)**
- 2. Proposed Revised Policy 4118 - Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Personnel)**
- 3. Proposed Revised Policy 5200 – Homeless Children and Youth**
- 4. Proposed Revised Policy 5075 – Physical Activity, Undirected Play and Student Discipline**
- 5. Proposed Revised Policy 5395 - Transportation**
- 6. Public Comment\***
- 7. Adjournment**

**Due to the current COVID-19 regulations and restrictions pertaining to public indoor gatherings, the Board of Education meeting will be available to the public via Zoom.**

**Those members of the community wishing to view only, should do so through the Darien Youtube link: <https://www.youtube.com/channel/UCUnvyKBFbFrTWQRuoB6OZA>**

**Those members of the community wishing to participate in public comment should join the meeting via Zoom:**

**<https://darienps.zoom.us/j/93496399238>**

**In order to reduce audio interference, members of the community are requested not to simultaneously view by Youtube while participating on Zoom.**

# Memorandum

To: Policy Committee

From: Kathrine Stein  
Marjorie Cion

Date: January 21, 2021

Re: Revisions to Board Policies 4118, 5275, 5200, 5075 and 5395

The Administration is recommending revisions to **Board Policies 4118 and 5275 regarding Sexual Harassment, Sex Discrimination and Title IX for both District personnel and students**. These policies have been revised in accordance with the new Title IX regulations that became effective on August 14, 2020. The new federal regulations are broad, restrictive and require major changes in the way the District handles issues of sexual harassment complaints and investigations. District administrators have already been trained on the required changes in procedure.

We are also requesting that the Policy Committee revise **Board Policy 5200 regarding Homeless Children and Youth** in accordance with Public Act 19-179 to incorporate changes concerning the hearing and appeal process afforded to school-age homeless children and youth who are denied access to school accommodations, under Connecticut General Statutes Section 10-186. The policy was further revised to clarify the rights of unaccompanied youth (youth not in the physical custody of a parent or guardian).

In July 2019, the legislature revised the law requiring a minimum of 20 minutes of physical exercise daily for all elementary schools to allow Boards of Education the option to include additional time devoted to undirected play during the school day. The proposed revisions to **Policy 5075 Physical Activity, Undirected Play and Student Discipline** make it clear that school employees may not prevent students from taking part in either the period of physical exercise or undirected play as a form of discipline.

Finally, the Board of Education has asked the Policy Committee to review **Board Policy 5395, Transportation**. In addition to the general review, we are requesting that the Policy Committee consider several changes to this Policy that have been recommended by Shipman and Goodwin. The first recommendation would clarify that it is not a hazardous condition for a student whose residence abuts a public street, road, or highway to either (1) wait on the private property for the bus to arrive, or (2) exit a school bus on the public street, road, or highway so that the student can access the private property where he or she resides. Further revisions to this Policy include the statutory requirement that the Superintendent of Schools report to the Commissioner of the Department of Motor Vehicles any (1) complaints received during a twelve-month period and (2) accidents involving pedestrian students at or in the area of a school bus stop. These changes allow the policy to track the language of the existing statute, Connecticut General Statute 10-221c.

For your convenience, here is the reference key for the proposed changes to the policies included in this information packet:

Legend:
<u>Insertion</u>
<del>Deletion</del>
<del>Moved from</del>
<u>Moved to</u>
<del>Moved deletion</del>

**DARIEN PUBLIC SCHOOLS**  
**Darien, CT**

**Series 5000**  
**Students**

**Policy 5275**

**POLICY REGARDING TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 - PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT (STUDENTS)**

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

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

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

**Definitions**

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

**Sexual harassment:** ~~In a school setting, sexual harassment is conduct 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. Sexual harassment creates a hostile environment if the conduct is sufficiently severe or pervasive such that it interferes with or limits a student’s ability to participate in or benefit from the school’s program. Although not an exhaustive list, the following are examples of sexual conduct prohibited by this policy:~~ means conduct on the basis of sex that satisfies one or more of the following:

# DARIEN PUBLIC SCHOOLS

## Darien, CT

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 this policy.~~

**~~Sexual Violence:~~** ~~Sexual violence is a form of sexual harassment. For the purposes of this policy, sexual violence refers to physical acts that are sexual in nature, perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol~~

(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).

### Procedure

#### Reporting Sex Discrimination or Sexual Harassment

It is the express policy of the Board ~~of Education~~ to encourage victims of sex discrimination and/or sexual harassment to report such claims. Students are encouraged to ~~promptly~~ report complaints of sex discrimination and/or sexual harassment ~~to promptly~~ in accordance with the appropriate ~~personnel, as process~~ set forth in the Administrative Regulations ~~implementing this Policy. The district will investigate such complaints~~

# **DARIEN PUBLIC SCHOOLS**

## **Darien, CT**

~~promptly, take interim measures, and take corrective action where appropriate. The district will.~~ 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.~~The district will~~ and not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of ~~sexual harassment or~~ sex discrimination and/or sexual harassment. Any such reprisals or retaliation will result in disciplinary action against the retaliator, up to and including expulsion or termination as appropriate.

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

The Darien Public Schools administration (the "Administration") shall provide training to Title IX Coordinator(s), investigators, decision-makers, and any person who facilitates an informal resolution process (as set forth in the Administrative Regulations) on the definitions of sex discrimination and sexual harassment, the scope of the Board's education program and activity, how to conduct an investigation and grievance process, and how to serve impartially, including by avoiding 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, 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 Marjorie Cion, Director of Human Resources. 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~~The school district will periodically provide staff development for district administrators, and periodically **distribute this Policy and the implementing Administrative Regulations** to staff and students in an effort to maintain an environment free of sexual discrimination and sex harassment.~~

**Darien Public Schools**  
**35 Leroy Avenue**  
**Darien, CT 06820**  
**203.656.7406**  
**[mcion@darienps.org](mailto:mcion@darienps.org)**

~~Sex discrimination and/or sexual harassment may also constitute bullying behavior under the Board's Bullying Behavior in the Schools Policy.~~ Any individual may also make a

**DARIEN PUBLIC SCHOOLS**  
**Darien, CT**

[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, 8<sup>th</sup> Floor, 5 Post Office Square, Boston, MA 02109-3921 \(Telephone \(617\) 289-0111\).](#)

Legal References: ~~United States Constitution, Amendment XIV~~  
Education Amendments of 1972, 20 U.S.C. §

Title IX of the  
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)

~~Office for Civil Rights, U.S. Department of Education, Revised  
Sexual Harassment Guidance: Harassment of Students by School  
Employees, Other Students, or Third Parties, 66 Fed. Reg. 5512  
(Jan. 19, 2001).~~

~~Office for Civil Rights, U.S. Department of Education Dear  
Colleague Letter: Sexual Violence (April 4, 2011).~~

~~Constitution of the State of Connecticut, Article I, Section 20.~~

ADOPTED: June 14, 2005  
REVISED: August 27, 2013  
REVISED:

**DARIEN PUBLIC SCHOOLS**  
**Darien, CT**

**Series 5000**  
**Students**

**Policy 5275**

**Series 5000**

**Students**

**POLICY REGARDING TITLE IX OF THE EDUCATION AMENDMENTS OF  
1972 - PROHIBITION OF SEX DISCRIMINATION AND SEXUAL  
HARASSMENT (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.

~~Foreible~~ Rape—(Except Statutory Rape) The carnal knowledge of a person, ~~forcibly and/or against that person's will or not forcibly or against the person's will in~~ 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.

~~Foreible~~ Sodomy—Oral or anal sexual intercourse with another person, ~~forcibly and/or against that person's will or not forcibly or against the person's will in~~ without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's ~~youth~~ 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, ~~forcibly and/or against that person's will or not forcibly or against the person's will in~~ without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's ~~youth~~ age or because of the person's temporary or permanent mental or physical incapacity.

~~Foreible~~ Fondling—The touching of the private body parts of another person for the purpose of sexual gratification, ~~forcibly and/or against that person's will or not forcibly or against the person's will in~~ without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's ~~youth~~ 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.



# **DARIEN PUBLIC SCHOOLS**

## **Darien, CT**

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:

**DARIEN PUBLIC SCHOOLS**  
**Darien, CT**

- (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.

ADOPTED: June 14, 2005  
REVISED: August 27, 2013  
REVISED:

# DARIEN PUBLIC SCHOOLS

## Darien, Connecticut

### POLICY

Series 4000  
Personnel

Policy 4118

#### POLICY REGARDING PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT IN THE WORKPLACE (PERSONNEL)

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

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

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

#### Discrimination

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

**Sex discrimination** ~~is defined as~~ 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

# DARIEN PUBLIC SCHOOLS

## Darien, Connecticut

### POLICY

on the basis of the individual's sex. Sex discrimination ~~is~~ also ~~defined as~~ occurs when a person, because of ~~his or her~~ the person's sex, is denied participation in, or the benefits of, a any education program ~~that receives~~ or activity receiving federal financial assistance.

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

(1) An employee of the Board conditioning the provision of an aid, benefit, or service of the Board on an individual's participation in unwelcome sexual conduct (i.e., quid pro quo);

(2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Board's education programs or activities; or

(3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

#### Reporting Sex Discrimination or Sexual Harassment

~~—— Sexual harassment is a form of sex discrimination. While it is difficult to define sexual harassment precisely, it does include any 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 work environment.~~

~~—— Although not an exhaustive list, the following are examples of the type of conduct prohibited by the policy against sexual harassment:~~

- ~~—— 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;~~

# DARIEN PUBLIC SCHOOLS

## Darien, Connecticut

### POLICY

~~3. Dirty jokes, derogatory or pornographic posters, cartoons or drawings;~~  
It is the express policy of the Board to encourage victims of sex discrimination and/or sexual harassment to report such claims. Employees are encouraged to report complaints of sex discrimination and/or sexual harassment promptly in accordance with the appropriate process set forth in the Administrative Regulations. The Board directs its employees to respond to such complaints in a prompt and equitable manner. Violations of this Policy by employees will not be permitted and may result in discipline up to and including discharge from employment. Individuals who engage in acts of sex discrimination or sexual harassment may also be subject to civil and criminal penalties. Retaliation against any employee for complaining about sex discrimination or sexual harassment is prohibited under this Policy and illegal under state and federal law.

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

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

~~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;~~

The Board's Title IX Coordinator is Marjorie Cion, Director of Human Resources. 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:  
Marjorie Cion  
Director of Human Resources

# DARIEN PUBLIC SCHOOLS

## Darien, Connecticut

### POLICY

[Darien Public Schools](#)  
[35 Leroy Avenue](#)  
[Darien, CT 06820](#)  
[203-656-7406](#)  
[mcion@darienps.org](mailto:mcion@darienps.org)

- ~~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 this policy.~~

[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, 8<sup>th</sup> Floor, 5 Post Office Square, Boston, MA 02109-3921 \(Telephone: 617-289-0111\).](#)

~~Any infraction of this policy by supervisors or co-workers should be reported immediately to the Title IX Coordinator, the Superintendent, or his/her designee in accordance with the district's sex discrimination and sexual harassment grievance procedure. Retaliation against any employee for complaining about sex discrimination or sexual harassment is prohibited under this policy and illegal under state and federal law. Violations of this policy 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.~~ Employees may also make a report of sexual harassment and/or sex discrimination to the [Connecticut Commission on Human Rights and Opportunities, 450 Columbus Boulevard, Hartford, CT 06103-1835 \(Telephone: 860-514-3400\).](#)

#### Legal References:

~~United States Constitution, Amendment XIV~~

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.

# **DARIEN PUBLIC SCHOOLS**

## **Darien, Connecticut**

### **POLICY**

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

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

~~Public Act 19-16, “An Act Combatting Sexual Assault and Sexual Harassment”~~

~~Public Act 19-93, “An Act Concerning Sexual Harassment and Sexual Assault”~~

~~Constitution of the State of Connecticut, Article I, Section 20~~  
Conn. Gen. Stat. § 46a-54 - Commission powers Connecticut

General Statutes § 46a-60 - Discriminatory employment practices prohibited.

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

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

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

ADOPTED: June 14, 2005  
REVISED: August 27, 2013

# DARIEN PUBLIC SCHOOLS

## Darien, Connecticut

### POLICY

Series 4000  
Personnel

Policy 4118

#### POLICY REGARDING PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT IN THE WORKPLACE (PERSONNEL)

##### 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.

~~Foreible~~ Rape—(Except Statutory Rape) The carnal knowledge of a person, ~~forcibly and/or against that person's will or not forcibly or against the person's will in~~ 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.

~~Foreible~~ Sodomy—Oral or anal sexual intercourse with another person, ~~forcibly and/or against that person's will or not forcibly or against the person's will in~~ without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's ~~youth~~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, ~~forcibly and/or against that person's will or not forcibly or against the person's will in~~ without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's ~~youth~~age or because of the person's temporary or permanent mental or physical incapacity.

~~Foreible~~ Fondling—The touching of the private body parts of another person for the purpose of sexual gratification, ~~forcibly and/or against that person's will or not forcibly or against the person's will in~~ without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's ~~youth~~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.



# **DARIEN PUBLIC SCHOOLS**

## **Darien, Connecticut**

### **POLICY**

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:

**DARIEN PUBLIC SCHOOLS**  
**Darien, Connecticut**

**POLICY**

- (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.

ADOPTED: June 14, 2005  
REVISED: August 27, 2013

**DARIEN PUBLIC SCHOOLS**  
**Darien, Connecticut**

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**SERIES 5000: STUDENTS~~L~~**  
**POLICY 5200**

**HOMELESS CHILDREN AND YOUTH**

In accordance with federal law, it is the policy of the Darien Board of Education to prohibit discrimination against, segregation of, or stigmatization of, homeless children and youth. The Board authorizes the Administration to establish regulations setting forth procedures necessary to implement the requirements of law with respect to homeless children and youth. In the event of conflict between federal and/or state law and these administrative regulations, the provisions of law shall control.

Legal References:

State Law:

Public Act ~~17-194, 19-179~~ An Act Concerning Homeless Students' Access to Student Records for Certain Unaccompanied Youths Education

10-186 Duties of local and regional boards of education re school attendance. Hearings. Appeals to state board. Establishment of hearing board. Readmission. Transfers

10-253 School privileges for children in certain placements, non-resident children and children in temporary shelters

Federal Law:

The McKinney-Vento Homeless Education Assistance Act, 42 U.S.C. §§ 11431 et seq., as amended by Every Student Succeeds Act, Pub. L. 114-95.

ADOPTED: January 27, 2015

REVISED: June 12, 2018

**DARIEN PUBLIC SCHOOLS**  
**Darien, Connecticut**

**ADMINISTRATIVE REGULATIONS REGARDING HOMELESS CHILDREN  
AND YOUTH**

In accordance with federal law, the Darien Board of Education (the "Board") does not permit discrimination against, segregation of, or stigmatization of, homeless children and youth. The following sets forth the procedures to implement the requirements of law with respect to homeless children and youth. In the event of conflict between federal and/or state law and these regulations with respect to homeless children and youth, the provisions of law shall control.

**I. Definitions:**

- A. **Enroll and Enrollment:** includes attending classes and participating fully in school activities.
- B. **Homeless Children and Youth:** means children and youth twenty-one (21) years of age and younger who lack a fixed, regular, and adequate nighttime residence, including children and youth who:
  - 1. Are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason.
  - 2. Are living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations.
  - 3. Are living in emergency or transitional shelters.
  - 4. Are abandoned in hospitals.
  - 5. Have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.
  - 6. Are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.
  - 7. Are migratory children living in the above described circumstances.
- C. **School of Origin:** means the school that a homeless child or youth attended when permanently housed or the school in which the homeless child was last enrolled. School of origin may include preschool

# DARIEN PUBLIC SCHOOLS

## Darien, Connecticut

administered by the District and, when a homeless child or youth completes the final grade level served by the school of origin, school of origin also includes the designated receiving school at the next grade level for all feeder schools.

- D. **Unaccompanied Youth:** means a homeless child or youth not in the physical custody of a parent or guardian.

### II. Homeless Liaison:

- A. The District's Homeless Liaison is the Assistant Superintendent for Curriculum and Instruction.

- B. The duties of the Homeless Liaison include:

1. Ensuring that homeless children and youth are identified by school personnel and through outreach and coordination with other entities and agencies.
2. Ensuring that homeless children and youth enroll in, and have full and equal opportunity to succeed in the District's schools, including ensuring that such homeless children and youth have opportunities to meet the same challenging State academic standards as other children and youths.
3. Ensuring that homeless families, children, and youths receive educational services for which such families, children and youth are eligible, including services through Head Start and Even Start, early intervention services under Part C of the Individuals with Disabilities Education Act and preschool programs administered by the District.
4. Ensuring that parents and guardians of homeless children and youth and unaccompanied youth receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services.
5. Ensuring that parents and guardians of homeless children and youth and unaccompanied youth are informed of educational and related opportunities available to their homeless children and youth, including extracurricular activities, and that parents and guardians of homeless children and youth are provided with meaningful opportunities to participate in the education of their children.

## DARIEN PUBLIC SCHOOLS

### Darien, Connecticut

6. Ensuring that public notice of the educational rights of homeless children under the McKinney-Vento Act is disseminated in locations frequented by parents, guardians, and unaccompanied youth in a manner and form that is understandable to them.
7. Ensuring that enrollment disputes are mediated in accordance with the McKinney-Vento Act, including carrying out the initial dispute resolution process and ensuring that homeless students are immediately enrolled pending resolution of any enrollment dispute.
8. Ensuring that parent(s)/guardian(s) of homeless children and youth ~~or~~ and unaccompanied youth are fully informed of all transportation services, including transportation to and from the school of origin, and are assisted in accessing those services.
9. Assisting homeless children and youth in enrolling in school and accessing school services and removing barriers to enrollment and retention due to outstanding fees, fines or absences.
10. Informing parent(s)/guardian(s) of homeless children and youth and unaccompanied youth, school personnel, and others of the rights of such ~~children and youth~~ students.
11. Assisting homeless children and youth who do not have immunizations or immunization/medical records to obtain necessary immunizations or immunization/medical records.
12. Assisting unaccompanied youth in placement/enrollment decisions, including considering the unaccompanied youth's wishes in those decisions, and providing notice to the unaccompanied youth of his or her right to appeal such decisions.
13. Ensuring that high school age homeless children and youth receive assistance from counselors to advise such youths on preparation and readiness for college, including informing such children and youths of their status as independent students under the Higher Education Act of 1965 and that they may obtain assistance from the district to receive verification of this status for purposes of the Free Application for Federal Student Aid (FAFSA).
14. Ensuring collaboration with community and school personnel responsible for providing education and related support services to homeless children and youth.

## **DARIEN PUBLIC SCHOOLS**

### **Darien, Connecticut**

15. Collaborating with and participating in professional development and technical assistance activities offered by the State Office of the Coordinator for the Education of Homeless Children and Youth.
16. Ensuring that school personnel providing services to homeless children and youths receive professional development and other technical assistance activities regarding the McKinney-Vento Act.
17. Ensuring that unaccompanied youth are enrolled in school and that procedures are implemented to identify and remove barriers that prevent them from receiving credit for full or partial coursework satisfactorily completed at a prior school, in accordance with State, local, and school policies.
18. With appropriate training, affirming that a child or youth who is eligible for and participating in a program provided by the District, or the immediate family of such a child or youth, is eligible for homeless assistance programs administered under Title IV of the McKinney-Vento Act.

### III. Enrollment of Homeless Children and Youth:

- A. Enrollment of homeless children and youth may not be denied or delayed due to the lack of any document normally required for enrollment. However, administrators shall require the parent/guardian or unaccompanied youth to provide contact information prior to enrollment.
- B. To facilitate enrollment, administrators:
  1. May permit parents/guardians of homeless children and youth and unaccompanied youth to sign affidavits of residency to replace typical proof of residency.
  2. May permit unaccompanied youth to enroll with affidavits to replace typical proof of guardianship.
  3. Shall refer parent/guardian/unaccompanied youth to the Liaison who will assist in obtaining immunizations.
  4. Shall contact previous schools for records and assistance with placement decisions.
  5. Shall maintain records so that the records are available in a timely fashion when the student enters a new school or school district.

### IV. School Selection:

# **DARIEN PUBLIC SCHOOLS**

## **Darien, Connecticut**

### **A. Standards for School Selection:**

1. The District is required to make a determination as to the best interests of a homeless child or youth in making a determination as to the appropriate school of placement.
2. In making such a determination, the District is required to keep a homeless child or youth in his/her school of origin for the duration of homelessness when a family homeless child or youth becomes homeless between academic years or during an academic year; or for the remainder of the academic year if the homeless child or youth becomes permanently housed during an academic year, to the extent feasible, unless it is against the wishes of the parent or guardian. or unaccompanied youth Otherwise, the homeless child or youth shall be enrolled in a public school that non-homeless students who live in the area where the homeless child or youth is actually living are eligible to attend.
3. The District must presume that keeping the homeless child or youth in the school of origin is in the child's or youth's best interest unless doing so is contrary to the request of the child's or youth's parent or guardian, or in the case of an unaccompanied youth, the unaccompanied youth. In considering the child's or youth's best interest, the District must consider student-centered factors related to the child's or youth's best interest, giving priority to the request of the parent or guardian or unaccompanied youth.

### **B. Procedures for Review of School Selection Recommendation:**

1. The Principal or his/her designee of the school in which enrollment is sought review an enrollment request in accordance with the standards discussed above, and shall make an initial recommendation regarding same. If the Principal or his/her designee's recommendation is to select a placement other than the school desired by the parent(s) or guardian(s) of the homeless child or youth or the unaccompanied youth, then the Principal or his/her designee shall refer the matter to the Superintendent or his/her designee for review of the recommendation and the reasons therefor, and shall notify the District's Homeless Liaison of same.
2. The Superintendent or his/her designee shall review the matter and consult with the District Homeless Liaison concerning same. If the Superintendent or his/her designee agrees with the recommendation of the Principal or his/her designee, and a dispute remains between



## DARIEN PUBLIC SCHOOLS

### Darien, Connecticut

the District and the parent(s) or guardian(s) of a homeless child or youth or an unaccompanied youth about a school selection and/or enrollment decision; the Superintendent or his/her designee shall provide the parent(s) or guardian(s) of a homeless child or youth or an unaccompanied youth with a written explanation of the District's decision regarding this matter, and the right to appeal such decision to the Board ~~of Education~~.

#### C. Dispute Resolution Process:

1. The District's Homeless Liaison shall be responsible for promoting objective and expeditious dispute resolutions, and adherence to these administrative regulations.
2. If the parent(s) or guardian(s) of a homeless child or youth or an unaccompanied youth disputes the school placement decision or enrollment, the District must immediately enroll the homeless child or youth in the school in which enrollment is sought, pending resolution of the dispute. The homeless child or youth shall also have the right to all appropriate educational services, including transportation to and from the school in which enrollment is sought, while the dispute is pending.
3. If necessary, the District Homeless Liaison shall assist parent(s) or guardian(s) of a homeless child or youth or an unaccompanied youth with completion of the necessary appeal paperwork required to file for an appeal to the Board ~~of Education~~, and provide the parent(s) or guardian(s) of a homeless child or youth or an unaccompanied youth with a copy of Section 10-186(b).
4. ~~Within~~ Not later than ten (10) days ~~of after~~ receipt of an appeal to the Board ~~of Education~~ by a parent(s) or guardian(s) of a homeless child or youth or an unaccompanied youth, the District shall hold a hearing before the Board ~~of Education~~ concerning such appeal, and such hearing shall be shall be conducted in accordance with Section 10-186(b).
5. If the Board ~~of Education~~ finds in favor of the Superintendent or his/her designee, a parent or guardian of a homeless child or youth or unaccompanied youth may appeal the Board ~~of Education~~'s decision to the State Board ~~of Education~~ within twenty (20) days of receipt of the Board of Education's written decision, in accordance with Section 10-186(b). If necessary, the District Homeless Liaison shall assist a parent or guardian of a homeless child or youth or unaccompanied youth with filing the necessary appeal paperwork to

## **DARIEN PUBLIC SCHOOLS**

### **Darien, Connecticut**

the State Board of Education. The homeless child or youth or unaccompanied youth shall remain in his or her school of origin pending resolution of the dispute, including all available appeals.

#### **V. Services:**

- A. Homeless children and youth shall be provided with services comparable to those offered other students in the selected school including:
  - 1. Title I services or similar state or local programs, educational programs for students with disabilities, programs for students with limited English proficiency, and preschool programs.
  - 2. Transportation services.
  - 3. Vocational and technical education.
  - 4. Programs for gifted and talented students.
  - 5. School nutrition programs.
  - 6. Before and after school programs.
- B. The District shall coordinate with local social service agencies, other service providers, housing assistance providers and other school districts to ensure that homeless children and youth have access and reasonable proximity to available education and support services.

#### **VI. Transportation:**

- A. The District shall provide transportation comparable to that available to other students.
- B. Transportation shall be provided, at a parent or guardian or unaccompanied youth's request, to and from the school of origin for a homeless child or youth. Transportation shall be provided for the entire time the child or youth is homeless and until the end of any academic year in which they move into permanent housing. Transportation to the school of origin shall also be provided during pending disputes. The Liaison shall request transportation to and from the school of origin for an unaccompanied youth. Parents and unaccompanied youth shall be informed of this right to transportation before they select a school for attendance.
- C. To comply with these requirements:

# **DARIEN PUBLIC SCHOOLS**

## **Darien, Connecticut**

1. Parents/guardians, schools, and liaisons shall use the district transportation form to process transportation requests.
2. If the homeless child or youth is living and attending school in this District, the District shall arrange transportation.
3. If the homeless child or youth is living in this District but attending school in another, or attending school in this District and living in another, the District will follow the inter-district transportation agreement to determine the responsibility and costs for such transportation. If there is no inter-district transportation agreement, the District shall confer with the other school district's Homeless Liaison to determine an apportionment of the responsibility and costs.
4. If no mutually agreeable arrangement can be reached, then the District shall:
  - (a) arrange transportation immediately;
  - (b) bring the matter to the attention of the State Coordinator for the Education of Homeless Children and Youth; and
  - (c) ensure that such disputes do not interfere with the homeless child or youth attending school.

### **VII. Records**

An unaccompanied youth, as defined in section I.D., above, is entitled to knowledge of and access to all educational, medical, or similar records in the cumulative record of such unaccompanied youth maintained by this District.

### **VIII. Contact Information**

- A. Local Contact: for further information, contact:

[Christopher Tranberg](#)

Assistant Superintendent for Curriculum and Instruction  
203-656-7414

- B. State Contact: for further information or technical assistance, contact:

Louis Tallarita, State Coordinator  
Connecticut Department of Education

# DARIEN PUBLIC SCHOOLS

## Darien, Connecticut

~~25 Industrial Park Road~~

~~Middletown, CT 06457-1543~~450 Columbus Boulevard

~~Hartford, CT 06103~~

(860) 807-2058

[Louis.Tallarita@ct.gov](mailto:Louis.Tallarita@ct.gov)

### Legal References:

#### State Law:

Public Act ~~17-194~~19-179, An Act Concerning Homeless Students' Access to Student Records for Certain Unaccompanied Youths Education

10-186 Duties of local and regional boards of education re school attendance. Hearings. Appeals to state board. Establishment of hearing board. Readmission. Transfers

10-253 School privileges for children in certain placements, non-resident children and children in temporary shelters

#### Federal Law:

The McKinney-Vento Homeless Education Assistance Act, 42 U.S.C. §§ 11431 et seq., as amended by Every Student Succeeds Act, Pub. L. 114-95.

ADOPTED: January 27, 2015

REVISED: June 12, 2018

REVISED:

**DISPUTE RESOLUTION PROCESS  
UNDER CONNECTICUT GENERAL STATUTES SECTION 10-186**

(1) If any board of education denies such accommodations, the parent or guardian of any child who is denied schooling, or an emancipated minor or a pupil eighteen years of age or older who is denied schooling, or an agent or officer charged with the enforcement of the laws concerning attendance at school, may, in writing request a hearing by the board of education. The board of education may

- (A) conduct the hearing,
- (B) designate a subcommittee of the board composed of three board members to conduct the hearing, or
- (C) establish a local impartial hearing board of one or more persons not members of the board of education to conduct the hearing.

The board, subcommittee or local impartial hearing board shall give such person a hearing within ten days after receipt of the written request, make a stenographic record or tape recording of the hearing and make a finding within ten days after the hearing. Hearings shall be conducted in accordance with the provisions of sections 4-176e to 4-180a, inclusive, and section 4-181a. Any child, emancipated minor eighteen years or older who is denied accommodations on the basis of residency may continue in attendance in the school district at the request of the parent or guardian of such child or emancipated minor or pupil eighteen years of age or older, pending a hearing pursuant to this subdivision. The party claiming ineligibility for school accommodations shall have the burden of proving such ineligibility by a preponderance of the evidence, except in cases of denial of schooling based on residency, the party denied schooling shall have the burden of proving residency by a preponderance of the evidence.

(2) Any such parent, guardian, emancipated minor, pupil eighteen years of age or older, or agent or officer, aggrieved by the finding shall, upon request, be provided with a transcript of the hearing within thirty days after such request and may take an appeal from the finding to the State Board of Education. A copy of each notice of appeal shall be filed simultaneously with the local or regional board of education and the State Board of Education. Any child, emancipated minor or pupil eighteen years of age or older who is denied accommodations by a board of education as the result of a determination by such board, or a subcommittee of the board or local impartial hearing board, that the child is not a resident of the school district and therefore is not entitled to school accommodations in the district may continue in attendance in the school district at the request of the parent or guardian of such child or such minor or pupil, pending a determination of such appeal. If an appeal is not taken to the State Board of Education within twenty days of the mailing of the finding to the aggrieved party, the decision of the board, subcommittee or local impartial hearing board shall be final. The local or regional board of education shall, within ten days after receipt of notice of an appeal, forward the record of the hearing to the State Board of Education. The State Board of Education shall, on receipt of a written request for a hearing made in accordance with the provisions of this subsection, establish an impartial hearing board of one or more persons to hold a public hearing in the local or

regional school district in which the cause of the complaint arises. Members of the hearing board may be employees of the state Department of Education or may be qualified persons from outside the department. No member of the board of education under review nor any employee of such board of education shall be a member of the hearing board. Members of the hearing board, other than those employed by the state of Connecticut, shall be paid reasonable fees and expenses as established by the State Board of Education within the limits of available appropriations. Such hearing board may examine witnesses and shall maintain a verbatim record of all formal sessions of the hearing. Either party to the hearing may request that the hearing board join all interested parties to the hearing, or the hearing board may join any interested party on its own motion. The hearing board shall have no authority to make a determination of the rights and responsibilities of a board of education if such board is not a party to the hearing. The hearing board may render a determination of actual residence of any child, emancipated minor or pupil eighteen years of age or older where residency is at issue.

(3) The hearing board shall render its decision within forty-five days after receipt of the notice of appeal except that an extension may be granted by the Commissioner of Education upon an application by a party or the hearing board describing circumstances related to the hearing which require an extension.

(4) If, after the hearing, the hearing board finds that any child is illegally or unreasonably denied schooling, the hearing board shall order the board of education under whose jurisdiction it has been found such child should be attending school to make arrangements to enable the child to attend public school. Except in the case of a residency determination, the finding of the local or regional board of education, subcommittee of such board or a local impartial hearing board shall be upheld unless it is determined by the hearing board that the finding was arbitrary, capricious or unreasonable. If such school officers fail to take action upon such order in any case in which such child is currently denied schooling and no suitable provision is made for such child within fifteen days after receipt of the order and in all other cases, within thirty days after receipt of the order, there shall be a forfeiture of the money appropriated by the state for the support of schools amounting to fifty dollars for each child for each day such child is denied schooling. If the hearing board makes a determination that the child was not a resident of the school district and therefore not entitled to school accommodations from such district, the board of education may assess tuition against the parent or guardian of the child or the emancipated minor or pupil eighteen years of age or older based on the following: One one-hundred-eightieth of the town's net current local educational expenditure, as defined in section 10-261, per pupil multiplied by the number of days of school attendance of the child in the district while not entitled to school accommodations provided by that district. The local board of education may seek to recover the amount of the assessment through available civil remedies.

**APPENDIX B**

**SAMPLE WRITTEN NOTIFICATION OF ENROLLMENT DECISION**

[Month] \_\_, 20\_\_

VIA HAND DELIVERY AND U.S. MAIL

[Insert Name of Parent]

[Insert Home Address]

Re: Notification of Enrollment Decision

Dear [Parent/Guardian]:

After reviewing your request to enroll the student(s) listed above [name(s)], the enrollment request is denied. This determination is based upon the following factors:

[List factors]

Under the McKinney-Vento Homeless Education Assistance Act, you have the right to appeal this decision by completing the form attached to this notice or by contacting the school district's homeless education liaison:

[Name of Liaison]

[Title]

[Telephone No.]

In addition, the student listed above has the right to immediately enroll in the school of choice pending resolution of the dispute. You may provide written or verbal evidence to support your position. You may seek the assistance of advocates or attorneys at your own expense; however, you may qualify for free legal services. To inquire about free legal assistance, please call Statewide Legal Services at 1-800-453-3320. You may also contact the state coordinator for homeless education:

Louis Tallarita, State Coordinator  
State Department of Education  
25 Industrial Park Road  
Middletown, CT 06457-1543  
(860) 807-2058

|

A copy of the dispute resolution process under section 10-186 is attached to this notice.

Please contact the District Liaison listed above if you have any questions.

Sincerely,

**[Name]**  
Superintendent of Schools

cc: **[Superintendent of Schools in which enrollment is sought, if appropriate]**



APPENDIX C

**SAMPLE NOTIFICATION OF DECISION  
TO APPEAL EDUCATIONAL PLACEMENT**

This form is to be completed by the parent, guardian, caretaker, or unaccompanied youth when a dispute arises. If you need assistance in preparing this form, you may meet with the District Liaison, \_\_\_\_\_, who can be reached at \_\_\_\_\_.

Person completing form: \_\_\_\_\_

Relation to Student: \_\_\_\_\_

Contact Information: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I am requesting a Board of Education Hearing under Section 10-186 of the Connecticut General Statutes to appeal the enrollment decision made by [Name of District], [Name of School]. I have been provided with a written explanation of the District's decision, contact information for the District's homeless education liaison, and a copy of the Dispute Resolution Process under Connecticut General Statutes Section 10-186.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

Optional. You may also include a written explanation to support your appeal in the space below or provide your explanation verbally to the District Liaison.

**APPENDIX D**

**SAMPLE NOTIFICATION OF HEARING  
REGARDING ENROLLMENT DISPUTE**

[Month] \_\_, 20\_\_

VIA HAND DELIVERY AND U.S. MAIL

[Insert Name of Parent]

[Insert Home Address]

Re: Educational Placement

Dear [Name of Parent]:

You have requested a hearing before the [town] Board of Education regarding the educational placement of your child(ren), [insert name(s) of student(s)] at [name of school]. The [town] Board of Education will conduct a hearing regarding your claim on [date] at [time]. The hearing will be held at the offices of the [town] Board of Education, which are located at [insert address].

The hearing will be conducted in accordance with the provisions of Section 10-186 of the Connecticut General Statutes, a copy of which is enclosed. The hearing will be conducted in executive session, and the Board of Education will make either a tape recording or a stenographic record of the hearing. You may be represented by counsel or by an advocate, at your expense, if you so desire; however, you may qualify for free legal services. To inquire about free legal assistance, please call Statewide Legal Services at 1-800-453-3320.

Please contact the District Liaison, [insert name], if you have any questions.

Sincerely,

**[Name]**

Superintendent of Schools

**Ceccc: [Superintendent of Schools in which enrollment is sought, if appropriate]**

**APPENDIX E**

**STUDENT RESIDENCY AFFIDAVIT**

[Name of District]

Name of student: \_\_\_\_\_

Birthdate: \_\_\_\_\_

Name and Location of School Last Attended: \_\_\_\_\_

I, \_\_\_\_\_ declare and affirm as follows:

I am of legal age and believe in the obligations of an oath.

I am the parent/legal guardian/caregiver of \_\_\_\_\_ (name of student) who is of school age and is seeking admission to [School District].

Since \_\_\_\_\_ (date), \_\_\_\_\_ (name of student) has not had a permanent home. He/she is currently staying at \_\_\_\_\_ (may list multiple addresses, if applicable). He/she has been staying there since \_\_\_\_\_ (date).

This location is:

- \_\_\_\_\_ a shelter
- \_\_\_\_\_ a motel/hotel
- \_\_\_\_\_ a campsite
- \_\_\_\_\_ shared housing with other persons
- \_\_\_\_\_ other \_\_\_\_\_

If the location is shared housing with other persons, please specify the reason why the student is living in such housing:

\_\_\_\_\_.

Prior to staying at this location, the student was staying at

\_\_\_\_\_  
From \_\_\_\_\_ (date) to \_\_\_\_\_ (date).

I regularly receive my mail at: \_\_\_\_\_.

I am currently staying at the following address(es): \_\_\_\_\_,  
\_\_\_\_\_. I plan to stay at this/these  
location(s) until: \_\_\_\_\_ (date). I can be reached at the following telephone number:  
\_\_\_\_\_. I can be reached for emergencies at: \_\_\_\_\_.

I authorize school district officials to contact \_\_\_\_\_ (case worker/shelter staff/other) at \_\_\_\_\_ to obtain further information in order to verify the information contained in this affidavit and in order to coordinate necessary services for the student.

I declare under penalty of perjury under the laws of Connecticut that the information provided is true and correct and of my own personal knowledge. I understand that giving false or

otherwise untrue information on this form could result in a criminal charge of perjury being brought against me.

AFFIANT,

---

Signature of Affiant

---

Print Name of Affiant

Subscribed and sworn to before me  
this \_\_\_\_ day of \_\_\_\_, 20\_\_.

---

NOTARY PUBLIC

**APPENDIX F**

**AFFIDAVIT FOR MISSING ENROLLMENT DOCUMENTATION**

[District]

I, \_\_\_\_\_, being duly sworn upon oath and based on my personal knowledge hereby state and affirm the following information regarding [name of student's] missing enrollment documentation for the following:

\_\_\_ Proof of residency  
\_\_\_ Proof of guardianship  
\_\_\_ Proof of identity  
\_\_\_ Birth Certificate

\_\_\_ Immunization Record  
\_\_\_ School Health Record  
\_\_\_ School Records

I am of legal age and believe in the obligations of an oath.

I am unable to present a copy of the document(s) requested above for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The name and location of the last school the student attended is

\_\_\_\_\_.

I understand that I must obtain the necessary immunization and health records and provide a copy to the District. I understand that the Homeless Liaison is available to assist me in obtaining any such immunization or health records. The Homeless Liaison is \_\_\_\_\_ and can be reached at \_\_\_\_\_.

AFFIANT,

\_\_\_\_\_  
Signature of Affiant

\_\_\_\_\_  
Print Name of Affiant

Subscribed and sworn to before me  
this \_\_\_\_ day of \_\_\_\_, 20\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

**DARIEN PUBLIC SCHOOLS**  
**Darien, Connecticut**

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**SERIES 5000: STUDENTS**  
**POLICY 5075**

**PHYSICAL ACTIVITY AND STUDENT DISCIPLINE**

It is the policy of the Board to promote the health and well-being of district students by encouraging healthy lifestyles including promoting physical exercise and activity as part of the school day.

**Prohibition on Deprivation of Physical Exercise Period as a Form of Discipline:**

For elementary school students, the Board includes a time of not less than twenty (20) minutes in total, during the regular school day, to be devoted to physical exercise, except that a planning and placement team (“PPT”) may develop a different schedule for students requiring special education and related services.

The administration may include additional time, beyond the twenty minutes required for physical exercise, devoted to undirected play during the regular school day for elementary school students.

In an effort to promote physical exercise and undirected play, the Board prohibits school employees from disciplining elementary school students by preventing them from participating in the full 20 minutes of time devoted to physical exercise or additional time devoted to undirected play during the regular school day, except in instances where the student’s behavior poses a health and/or safety concern or as determined by a student’s Section 504 or planning and placement team.

**Prohibition on Compulsion of Physical Activity as a Form of Discipline:**

For all students, the Board prohibits school employees from disciplining students by requiring students to engage in physical activity as a form of discipline during the regular school day.

**Definition:**

For the purposes of this policy, a “school employee” is defined as (1) 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 the district schools, or (2) 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 the district schools pursuant to a contract with the Board.

### **Disciplinary Action for Failure to Follow Policy:**

Any employee who fails to comply with the requirements of this policy may be subject to discipline, up to and including termination of employment. Any contracted individual who provides services to or on behalf of students enrolled in the district and who fails to comply with the requirements of this policy may be subject to having his/her contract for services suspended by the district.

### **Legal References:**

Public Act 19-173. An Act Concerning the Inclusion of Additional Time Devoted to Undirected Play to the Regular School Day.

Connecticut General Statutes: § 10-221o Lunch periods. Recess

§ 10-221u Boards to adopt policies addressing the use of physical activity as discipline

APPROVED BY THE BOARD OF EDUCATION: January 13, 2015

**REVISED:**

*Transportation policies EE1, EE1.1, EE1.2, EE1.3 and EE1.4 (formerly in the Support Services section) were repealed by the Board of Education on June 9, 2009.*

**Darien Public Schools  
Darien, Connecticut**

**POLICY**

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**Series 5300  
Welfare**

**Policy 5395**

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**TRANSPORTATION**

**Statement of Policy**

The Board of Education will provide transportation for students under provisions of state law and regulations. In determining the provision of transportation, the superintendent of schools, or his/her designee, shall consider the guidelines contained in this policy and shall administer the operation so as to:

1. provide for the safety of students, including consideration of hazardous conditions whether or not described in this policy;
2. provide for appropriate supervision for students while on school transportation, consistent with the Board's student discipline policy~~supplement and reinforce desirable student behavior patterns.~~
3. assist disabled students ~~appropriately-~~ by providing appropriate specialized transportation when required by law.
4. enrich the instructional program through carefully planned field trips as recommended by the staff.

**Definitions**

1. "School transportation" means the procedure, program, or implemented plan by which a pupil is transported to and/or from school from his/her residence or the assigned bus stop



at public expense, whether by use of publicly owned equipment or by contract. Such transportation shall be over public roads approved and maintained by the municipality or the State of Connecticut or private roads approved pursuant to C.G.S. Section 10-220c.

2. “Walking distance” means the linear measure of a prescribed or authorized pedestrian route between the pupil’s residence and his/her school from a point at the curb or edge of a public or private road nearest the pupil’s residence to a point at the entrance of the school, or a safe entrance to the school grounds located within one hundred feet of the school building entrance or the bus pick-up area, or the route from the point on the public thoroughfare nearest the residence to the school bus or vehicle embarkation point established by the Darien Board of Education.
3. “One mile walking distance” means a reasonable measurement of a route to be traversed extending from the point of measurement at least 5,280 feet, but not more than 5,380 feet.
4. “Grade K” means kindergarten, or a school program appropriate to a beginning pupil.
5. “Hazard” means a thing or condition, as prescribed in this policy under “Hazardous Conditions” that affects the safety of pupils walking to and-or from school and/or to or from a designated bus pick-up area.
6. “Sidewalk” means a portion of the landscape right of way approximately three feet wide, usually parallel to the traffic lanes which may be paved or unpaved, and marked by curbing, drainage ditch, grass area or fencing, apart from and independent of any white line safety markings along the street pavement.
7. “Raised walk area” means a portion of the landscape right of way approximately three feet wide, usually parallel to the traffic lanes which may be paved or unpaved, distinguished by some elevation above the street pavement level and marked by curbing, drainage ditch, grass area or fencing, apart from and independent of any painted safety markings along the street pavement.
8. “Walking route” means the route that the student is expected to travel between his/her residence to and from school and/or an assigned bus stop.
9. “Bus stop” shall be defined as a geographical location designated by the Board of Education, school administration or their designee where students can safely wait for purposes of embarking or disembarking a school bus.
810. “Pupil” means any individual of school age enrolled in a public or nonprofit private school located within the school district or contiguous school district as the case may be.

#### Provision of Transportation

Transportation by private carrier may be provided whenever such practice is more economical than using school district-owned/leased facilities. If parents volunteer, and the

administration permits, parents may be reimbursed for transportation of eligible students whenever such practice is more economical or convenient for the school district.

In determining the provision of transportation for resident public and eligible private school students, the following guidelines regarding walking distances will be considered. Distance measurements will be based on the most direct route from the student's home beginning at a point at the curb, or edge of a public road or highway, nearest the home to the edge of the school property or bus pickup areas.

<u>Grade</u>	<u>Limit</u>
K-5	1/2 mile
6-8	1 mile
9-12	2 miles

Students living within the stated distance limits will receive transportation when, in the opinion of the Board, it is in the best interests of the district to provide transportation.

### **Hazardous Conditions**

The administration shall consider the following guidelines for hazardous conditions when making decisions regarding the transportation of children:

1. ~~A street or road~~ Except as provided in Paragraph 7 of this Section, a street or road along a designated walking route to or from school and/or to or from a designated bus pick-up area, having an adjacent or parallel sidewalk or raised walk area shall be deemed hazardous when any one of the following conditions exist:
  - a) For pupils under age ten, or enrolled in grades K through 3:
    - (i) the absence of a pedestrian crossing light or crossing guard where three or more streets intersect; OR
    - (ii) street crossings where there are no stop signs or crossing guards and the traffic count during the time that pupils are walking to or from school exceeds sixty vehicles per hour at the intersection.
  - b) For pupils over age ten, or enrolled in grades 4 through 12, the absence of a traffic light or stop signs or crossing guard at an intersection where three or more streets intersect that has a traffic count that exceeds ninety vehicles per hour during the time that pupils are walking to or from school;
  - c) For all pupils:
    - (i) any street, road, or highway with speed limits in excess of forty miles per hour that does not have pedestrian crossing lights or crossing guards or other safety provisions at points where pupils must cross when going to or from school or the bus stop; OR

- (ii) the usual or frequent presence of any nuisance such as open man-holes, construction, snow plowed or piled on the walk area making walkways unusable, loading zones where delivery trucks are permitted to park on walkways, commercial entrances and exits where cars are crossing walking areas at speeds in excess of five miles per hour, and the like, including such nuisances that are hazardous or attractive to children.
- 2. Any street, road, or highway , along a designated walking route to or from school and/or to or from a designated bus pick-up area, that has no sidewalks or raised walk areas shall be deemed hazardous if any one of the following conditions exist:
  - a) For pupils under age ten, or enrolled in grade K through 3:
    - (i) any street, road, or highway possessing a traffic count of sixty or more vehicles per hour at the time that pupils are walking to or from school; OR
    - (ii) any street, road, or highway possessing a speed limit in excess of thirty miles per hour.
  - b) For all pupils:
    - (i) the presence of man-made hazards including attractive nuisances, as stated in 1(c)(ii) above; OR
    - (ii) any roadway available to vehicles that does not have a minimum width of approximately twenty-two feet; OR
    - (iii) any roadway available to vehicles that, when plowed free of snow accumulations, does not have a minimum width of approximately twenty feet; OR
    - (iv) any street, road, or highway where the line-of-sight visibility together with posted speed limits do not permit vehicular braking/stopping in accordance with the Connecticut Drivers Manual or Department of Transportation, Division of Design Standard, or other reasonable standard.
- 3. Any walkway, path, or bridge , along a designated walking route to or from school and/or to or from a designated bus pick-up area, in an area adjacent or parallel to railroad tracks shall be considered hazardous unless a suitable physical barrier along the entire pedestrian route is present and fixed between pupils and the track; and any crossing of railroad tracks carrying moving trains during hours that pupils are walking to or from school or to and from a designated bus pick-up area shall be deemed hazardous unless:
  - a) a crossing guard is present; OR
  - b) for pupils under age ten, an automatic control bar is present at crossings; OR
  - c) for pupils over age ten, a bar or red flashing signal light is operational.
- 1. For pupils in grades K through 4, the following conditions shall be deemed hazardous:

- a) a lake, pond, stream, culvert, water-way, or bridge shall be deemed a hazard in the absence of a fence or other suitable barrier fixed between the pupil and the water;  
OR
  - b) any area adjacent to a roadway, sidewalk, or bridge, along a designated walking route to or from school and/or to or from a designated bus pick-up area, having a drop of three or more feet per four feet of travel length on either side of the established lanes, in the absence of a fence or other suitable barrier.
5. For pupils in grades K through 8, walking to or from school or the bus stop at any time prior to one-half hour before sunrise or any time one-half hour after sunset shall be deemed hazardous.
6. For all students, walking along any street, road, walkway, sidewalk, or path designated as a walking route that passes through an area that has a history of aggressive acts of molestation resulting in actual or threatened physical harm or moral degradation during the hours when pupils ordinarily walk to or from school shall be deemed hazardous.
7. It shall not be a “hazard” or “hazardous condition” for a pupil whose residence abuts a public street, road or highway to (1) wait for the bus on the private property where the pupil resides for the school bus, until the school bus’s flashing red lights are activated to stop traffic so that the student can enter onto or cross the public street, road or highway to get on a school bus; or (2) exit a school bus that is stopped on the public street, road or highway, when the bus’s flashing red lights are activated to stop traffic so that the pupil can enter onto or cross such street, road or highway to access the private property where the pupil resides.

#### Applicability and Exceptions

- 1. This policy is applicable to public roads approved and maintained by the municipality or state of Connecticut, or private roads approved for passage of school transportation vehicles in accordance with C.G.S. Section 10-220c.
- 2. Special Education pupils and pupils eligible for accommodations under Section 504 of the Rehabilitation Act shall be judged on an individual basis, and provided appropriate transportation.
- 3. The Superintendent of Schools may grant an exception to any guideline set forth in this policy where a peculiar condition or combination of conditions render such condition(s) a hazard based upon reasonable judgment, or where under the circumstances, other conditions exist under which the safety of students necessitates a variance from the guidelines within this policy.

## School Bus Safety

The safety and welfare of all students shall be the first consideration in all matters pertaining to student transportation. Students in each school shall be instructed in safe bus riding practices and emergency evacuation drills shall be conducted to thoroughly acquaint all students with the procedures in emergency situations, in accordance with state law and regulations.

## Complaint Procedure

1. All complaints concerning school transportation safety shall be made in writing to the Superintendent of Schools or designee. The Superintendent or designee shall maintain a written record of all such complaints, and shall conduct appropriate investigations of the allegations in a timely manner. The investigation shall include 1) the review of the complaint raised with appropriate personnel responsible for transportation of students and 2) the opportunity for the parent or other person making the complaint to meet with the Superintendent to discuss the complaint and any possible resolution thereof.
2. Annually, within thirty (30) business days of the end of the school year, the Superintendent of Schools or designee shall provide the Commissioner of Motor Vehicles ("Commissioner") with a copy of the written record of complaints received during the previous twelve (12) month period.
3. The Superintendent of Schools or designee shall make a written report of the circumstances of any accident within the Board's jurisdiction and knowledge, involving a motor vehicle and any pedestrian who is a student, which occurs at a designated school bus stop or in the immediate vicinity thereof, to the Commissioner within ten (10) business days thereafter on a form prescribed by the Commissioner.
4. If a complaint covered by Section 10-186 of the Connecticut General Statutes, is not resolved by the Superintendent, the Superintendent shall inform parent or guardian, or an emancipated minor or a pupil eighteen years of age or older, of his or her right to request a hearing regarding the complaint. Such hearing, if requested, shall be held in accordance with Section 10-186 of the Connecticut General Statutes, as it may be amended from time to time.

## Legal Reference:

### Connecticut General Statutes

10-186 Duties of local and regional boards of education ; re: school attendance. Hearings. Appeals to state board. Establishment of hearing board. Readmission. Transfers.

10-187 Appeal from finding of hearing board

10-220 Duties of boards of education.

10-220c Transportation of children over private roads. Immunity from Liability.

10-221c Development of policy for reporting complaints regarding school transportation safety

10-273a Reimbursement for transportation to and from elementary and secondary

schools.

10-280a Transportation for students in non-profit private schools outside school district.

10-281 Transportation for pupils in nonprofit private schools within school district.

14-275 Equipment and color of school buses.

14-275b Transportation of mobility impaired students.

14-275c Regulations re: school buses and motor vehicles used to transport special education students.

Regulations of Connecticut State Agencies

14-275c-16 Pupil Instruction

ADOPTED: June 9, 2009

REVISED: