

**WESTPORT BOARD OF EDUCATION
POLICY COMMITTEE
NOTICE OF SPECIAL MEETING
AGENDA**

(Agenda Subject to Modification in Accordance with Law)

WORK SESSION:

8:00 a.m. Westport Town Hall, Room 307

DISCUSSION/ACTION:

1. Minutes: June 2, 2021, *pages 1-2*

DISCUSSION:

1. Continued Discussion of Policy 1230, "Booster Clubs" (New), *pages 3-20*
2. Update to Policy and Regulations 6114.82-C19, *page 21-22*
3. Review of Shipman & Godwin Model Policy Updates:
 - Use of School Facilities, *pages 28-35*
 - Visitors and Observations (compliance with school health mandates) , *pages 36-37*
 - Volunteers, *pages 38-40*
 - Non-Discrimination (personnel) , *pages 41-53*
 - Prohibition of Sex Discrimination and Sexual Harassment in the Workplace, *pages 54-85*
 - Immunizations, *pages 86-92*
 - Student Privacy, *pages 93-112*
4. Review of Environmental School Policy, *pages 113-116*
5. Any Other Policy Matters

ADJOURNMENT

It is the policy of the Town of Westport that all Town-sponsored public meetings and events are accessible to people with disabilities. If you need assistance in participating in a meeting or event due to a disability as defined under the Americans with Disabilities Act, please contact Westport's ADA Coordinator at 203-341-1043 or eflug@westportct.gov at least three (3) business days prior to the scheduled meeting or event to request an accommodation.

**WESTPORT BOARD OF EDUCATION
POLICY COMMITTEE WORK SESSION MINUTES**

Committee Members Present:

Karen Kleine Committee Chair
Lee Goldstein

Administrators Present

John Bayers Director of Human Resources

PUBLIC CALL TO ORDER: 8:02 a.m., Held Remotely Via Zoom Pursuant to Executive Orders 7B and 9H

MINUTES: Karen Kleine moved to approve the minutes of March 31 and May 12, 2021; seconded by Lee Goldstein. (2-0-0).

DISCUSSION

1. First Reading of the Following:

- Policy 3280, "Gifts" (Revision)

2. Continued Discussion of the Following:

- Policy 1230, "Booster Clubs" (New)
- Policy 3453, "School Activity Funds" (Revision)
- Policy 3516.5, "Sexual Offenders on School Property" (New)
- Policy 1700, "Deadly Weapons or Firearms" (New)
- Policy 5145.12, "Search and Seizure" (Revision)
- Review of COVID 19 Policies

3. Review April 2021 CABA Policy Service Update

The following policies will be moved to the full Board for discussion:

- Policy 3453, "School Activity Funds" (Revision)
- Policy 3516.5, "Sexual Offenders on School Property" (New)
- Policy 1700, "Deadly Weapons or Firearms" (new)
- Policy 5145.12, "Search and Seizure" (Revision)
- "Policy on Hate-based Conduct" (new)
- COVID Policies

The following policies were determined to not need revision at this time: Policy 1250, "Policy Regarding Visitors and Observations in Schools" and Policy 5142.4, "School Resource Officer."

ADJOURNMENT

Meeting adjourned at 9:44 a.m.

Respectfully submitted,
Jennifer Caputo

BOOSTER GROUPS AND PARENT ORGANIZATIONS

PAGE 1

(Background Information for Policy Review Committee)

Booster and parent organizations are composed of parents, community members and staff members coming together for the purpose of supporting specific school activities for the benefit of students, such as athletic teams, musical groups, drama groups or academic activities. Such groups are commonly referred to as school-connected organizations. They are an important means of connecting parents and other community members with the curricular and co-curricular activities of students.

In addition, many districts, in response to budget constraints, continue to rely more on alternate sources of revenue to support non-classroom and extracurricular activities. Fundraising by outside support organizations, such as booster clubs and parent groups is increasingly used to supply sports and band equipment, playground equipment, fund field trips and provide other activities or items that may be more difficult to fund through a district's operating budget.

This alternate source of revenue, however, may pose some legal and political consequences, but it remains unreasonable to expect that school districts would disassociate themselves with such outside support organizations and their valuable financial support. Some potential trouble spots are described in the following material. Taking a proactive approach in dealing with booster clubs and parent groups will result in school districts reaping the benefits of support from their dedicated community members and reducing potential liability issues.

Potential Trouble Areas

Typical fundraising activities by booster and parent groups include activities that may include some risk of injury, which may result without proper supervision or sufficient safety measures. The relationship between the outside organization and the school district may dictate who will be responsible in a potential negligence lawsuit. A booster or parent group which is indistinguishable from the school district could result in the district being held responsible for the group's negligence. Factors to consider include (1) whether the group is permitted special access to school facilities and communication forums; (2) school employees routinely assisting in the group's activities; (3) routine use is allowed of the school's name, mascot, or logo; (4) the group is not a separate legally established not-for-profit corporation; and (5) announcements for group-related functions do not provide a clear indication of whether the event is sponsored by the group or the school district.

Another potential problem pertains to the possibility of embezzlement of funds from these groups. There is often a public perception that the district oversees and controls the organizations. This creates a public relations situation for the school district if it fails to take an active role in recovering or reimbursing the embezzled funds, should embezzlement occur.

Discrimination is also a potential trouble spot. Under Title IX, donations by booster clubs may not create vast differences in benefits or services to female and male athletes. Even though the school district is not the direct source of the financial support, Title IX imputes liability to the school district if unequal treatment occurs as a result of the actions of a booster club. Districts have an obligation under Title IX to ensure that the contributions of a booster club do not create disparities in participation opportunities, equipment, and facilities between male and female athletic teams.

BOOSTER GROUPS AND PARENT ORGANIZATIONS

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Failure to ensure equity could result in court ordered penalties or sanctions administered by the Office of Civil Rights (OCR).

OCR stresses that it is the school district's responsibility under Title IX to ensure that boys' and girls' athletic teams are provided with equivalent benefits, services, or opportunities regardless of the source of funding. OCR has no jurisdiction to investigate independent booster groups, but it provides the following guidance on assessing a school district's ultimate responsibility for ensuring Title IX compliance in regards to booster donations:

Where booster clubs provide benefits and services that assist only teams of one sex, the institution shall ensure that teams of the other sex receive equivalent benefits and services. If booster clubs provide benefits and services to athletes of one sex that are greater than what the institution is capable of providing to athletes of the other sex, then the institution shall take action to ensure that benefits and services are equivalent to both sexes.

In short, school districts are responsible for Title IX compliance regardless of whether the disparate benefits are created by booster clubs or other sources of outside financial assistance.

In addition, it is important that booster clubs do not violate established athletic (CIAC) association regulations. Such violations could provide the basis for the association to impose various penalties.

In order to limit the risk of school district liability for the activities of booster clubs and parent groups, certain measures are recommended. These measures are outlined below.

Policies and Procedures

The adoption of appropriate board policies and administrative regulations is recommended. These should clarify the relationship between the school district and its booster clubs and parent groups. Groups and clubs that are not incorporated under law as not-for-profit corporations could be categorized as "internal groups" under school district policies. These groups would be subjected to greater district oversight, which would require the groups' income to be deposited in the school's internal accounts and subjects the groups to all policies and procedures related to receiving and disbursing funds.

Other groups and clubs that have incorporated could be classified as "external groups" or independent organizations with bank accounts separate from the school district. Booster groups and related parent organizations need to be properly organized and demonstrate fiscal responsibility by being a 501(c)(3) organization, obtaining a bond and/or arranging regular audits. In order to minimize liability, the school district's errors and omissions insurance should cover parent organizations and booster clubs.

The policy and/or regulations should provide parameters for using the school district's name, logo or mascot. Such use should be revocable and contingent upon complying with school district policies.

BOOSTER GROUPS AND PARENT ORGANIZATIONS

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The district could also require accounting procedures for “external groups.” Such procedures could include the following specific accounting practices to include (1) the treasurer of the group to handle all funds; (2) two signatures required for all checks; (3) funds to be always deposited into the authorized bank account; (4) two people count money and provide the treasurer with a signed proceeds receipt; (5) school employees shall not be authorized to sign checks drawn on the bank account; (6) sales slips, receipts, or invoices are provided for every expenditure; (7) bank statements are reconciled by the treasurer and reviewed by someone without check signing authority; and (8) a copy of the budget shall be provided to the school or district at the beginning of each school year.

The policy and/or procedures could also require prior written approval of the group’s activities by a building principal or designee. Announcements of the event should clearly indicate that it is sponsored by the group and not the school or school district.

Insurance

A general liability insurance policy should be maintained by booster clubs and parent groups. The policy should name the school district as an additional insured party. In some cases, coverage for liability claims made against individuals participating in booster club or parent organization events are limited to events that are sponsored by the school district in cooperation with the outside group. Some policies may only cover booster clubs and parent groups for events during school hours or on school property.

Therefore, it would be prudent for school districts to seek complete coverage by mandating that the outside support organizations obtain comprehensive liability policies and consider property coverage, officer’s liability, and bond coverage for the treasurer or fund custodian.

Audits

Audits help provide a defense against embezzlement and fraud. Therefore, booster clubs and parent groups should be encouraged, if not required, to conduct annual audits of their financial records. The audit should be performed by someone who is independent from the group’s day-to-day financial activities. The completed audit should be presented to the group’s board of directors and also filed with the school district.

Record Keeping

Compliance with Title IX places an obligation on school administrators to monitor the distribution of all benefits to athletic teams provided by the school district and booster clubs.

Sharing Information

Booster clubs and parent groups should receive information on policies relating to sexual harassment, nondiscrimination, fundraising, alcohol and drug-free schools, facility use, donations, advertising, and other issues that could affect the organization and their activities. The athletic booster clubs should also be made aware of pertinent high school athletic association regulations that cover undue influence, compensating coaches and out-of-season activity restrictions.

BOOSTER GROUPS AND PARENT ORGANIZATIONS

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Policy Implications

Policy #1230, “Parent Organizations and Booster Clubs,” and its accompanying administrative regulation pertain to this topic. This is considered an optional policy for inclusion in a district’s policy manual. It has been updated and follows for your consideration. In addition, a new version of this policy has also been developed and follows.

April 2020

Version #1 of this sample policy to consider.

Community Relations

Other School-Connected Organizations

Parent Organizations and Booster Clubs

Parent organizations and booster clubs are invaluable resources to the District's schools. The Board of Education (Board) recognizes that parent organizations and extracurricular support groups, or "booster clubs" provide important support to District schools, and can be valuable means of stimulating community interest in the aims and activities of District schools. All such groups must receive the approval of the school Principal, Superintendent and the Board in order to be recognized as a parent or booster organization.

Support organizations may be defined in two ways:

1. an organization which is created to foster community support and provide resources for a particular sport or activity in the school or school system; or
2. an organization which is created to foster community support and raise funds for the school's general extracurricular program.

While parent organizations and booster clubs have no administrative authority and cannot determine District policy, the Board welcomes their suggestions and assistance. It shall be the duty of the Superintendent and respective Building Principal to represent the best interest of the Board and school system in the functioning of these organizations.

Parent organizations and booster clubs are recognized by the Board of Education and permitted to use the District's name, a District school's name, or a District school's team name, or any logo attributable to the District provided they first receive the Superintendent or designee's express written consent.

The Superintendent or his/her designee may revoke the authorization to use the District's name, logo, or mascot if the Superintendent or designee determines that the booster or parent organization has failed to comply with the terms of this policy or any other District policies. The Superintendent or designee will notify the applicable organization in writing of the reasons for the revocation. The revocation decision may be appealed to the Board, whose decision shall be final.

Consent to use one of the above-mentioned names or logos will generally be granted if the organization or club has bylaws containing the following:

1. The organization's or club's name and purpose, such as, to enhance students' educational experiences, to help meet educational needs of students, to provide extra athletic benefits to students, to assist specific sports teams or academic clubs through financial support, or to enrich extracurricular activities.
2. The rules and procedures under which it operates.

Community Relations

Other School-Connected Organizations

Parent Organizations and Booster Clubs (continued)

3. An agreement to adhere to all Board policies and administrative procedures.
4. A statement that membership is open and unrestricted, meaning that membership is open to parents/guardians of students enrolled in the school, district staff, and community members or an agreement not to engage in discrimination based on someone's innate characteristics or membership in a suspect classification.
5. A statement that the District is not, and will not be, responsible for the organization's or club's business or the conduct of its members.
6. An agreement to maintain and protect its own finances. The group must maintain bank, financial, and tax exempt status separate from the school or District. The organization will provide to the Board annually or upon request a complete set of financial records or detailed treasurer's report.
7. A recognition that money given to a school cannot be earmarked for any particular expense. Booster clubs may make recommendations, but cash or other valuable consideration must be given to the District to use at its discretion. The Board of Education's legal obligation to comply with Title IX by providing equal athletic opportunity for members of both genders will supersede an organization or club's recommendation.

Parents and other interested community members who wish to organize a parent organization or booster club for the purpose of supporting a specific school program or activity are encouraged to do so as long as the activities of such organizations do not interfere unduly with the total educational program or disrupt District operations in any way. To this end, parent organizations/booster club/support organizations must follow these guidelines:

1. be voluntary;
2. submit an activity schedule in advance to the Superintendent of Schools or his/her designee for prior approval. Any time a booster club uses the name of the District or any language suggesting that the District has endorsed, sponsored or otherwise approved of the club's activities, there must be prior approval by the Superintendent or his/her designee;
3. seek advance approval for any use of school facilities and/or equipment and such use will comply with all policies and regulations established by the Board;
4. avoid interference with any previously approved student activity;
5. seek approval in advance of all fundraising activities by the Superintendent or building Principal;
6. understand and respect the authority of District employees in the administration of their duties;

Community Relations

Other School-Connected Organizations

Parent Organizations and Booster Clubs (continued)

7. assume all financial responsibility for the booster club, including but not limited to the provision of adequate insurance coverage, as appropriate; and
8. submit an annual financial report to the Superintendent or his/her designee (or Building Principal) giving a full accounting of its financial transactions for the year, including monies raised and expended. Adequate financial records shall be maintained at all times.

If a booster club wishes to make a contribution of money, service time or tangible property such as equipment or supplies, a representative of the organization should first meet with the Superintendent or his/her designee. The Superintendent or his/her designee must identify the District's terms and conditions of accepting such gifts in concert with the District's policy pertaining to gifts, grants and bequests.

All items donated become the property of the District and may be used or disposed of in accordance with District policy and any applicable state law. The District reserves the right to modify the use if the needs of the students or the District change.

Booster club proposed plans, projects and other activities must be evaluated and promoted in light of their stated contribution to the academic as well as the extracurricular school programs.

Careful consideration should be given to the total value of the contribution to all students, and not just to specific student groups.

The Board retains final responsibility and authority on all activities which have an impact on students, school programs and/or school owned property.

Further, the Board recognizes its responsibility to ensure that equivalent benefits and services are provided to members of both sexes. The Board will consider gender equity and budget implications before accepting booster club donations. Therefore, if booster clubs provide benefits, services or tangible property that assist only teams or programs of one gender, the Board shall ensure that teams or programs of the other gender receive equivalent benefits, services or tangible property. If a booster club provides benefits, services or tangible property which are greater than that which the District is capable of providing to the athletes or programs of the other gender, the administration shall take action, within policy parameters, to ensure equivalency for both sexes.

Community Relations

Other School-Connected Organizations

Parent Organizations and Booster Clubs (continued)

Alternative/Additional Language:

The Board of Education is responsible for providing funding for the safe and effective operation of the interscholastic sports program. There may be occasions when Board funding is unavailable to provide everything requested by a coach. All booster club donations must be approved by the Superintendent of Schools or his/her designee (Board of Education) in advance to ensure equity in all sports. "Necessary" expenditures must be provided by the Board of Education through its approved budget. Items that would be "nice" or "beneficial" to have are viewed as appropriate for booster club financial support. Any booster club purchase or expenditure must receive the approval of the team's head coach and the Athletic Director following the aforementioned approval by the Superintendent of Schools or his/her designee (Board of Education).

The Board reserves the right to revoke approval of any booster group if it is found that the group's operations and purposes are inconsistent with Board policies.

- (cf. 1110.1 - Parental Involvement)
- (cf. 1140 - Distribution of Materials by Students)
- (cf. 1210 - School Community Associations)
- (cf. 1323 - Gifts to Students)
- (cf. 1330 - Use of School Facilities)
- (cf. 3280 - Gifts, Grants and Bequests)
- (cf. 3281 - School Fund Raising)
- (cf. 3515 - Community Use of School Facilities)

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

34 C.F.R. §106.31(b) Education Programs or Activities: Specific Prohibitions (Implementing Title IX)

Policy adopted:

cps 1/01
rev 11/08
rev 4/20

Version #2 of this sample policy to consider.

Community Relations

Other School-Connected Organizations

Booster Clubs/Organizations

The Board of Education recognizes that booster clubs perform a valuable service to the schools, and the Board expects school personnel to support such organizations accordingly. It shall be the duty of the Superintendent and respective principals to represent the best interests of the Board, school system and schools in the functioning of such organizations.

Each booster club which is involved with school activities or school students shall develop and maintain a constitution and bylaws setting forth the purposes of the organization and the general rules and procedures by which it shall operate. Each booster club shall provide a copy of its constitution and bylaws, and any revision thereof, to the Superintendent or his/her designee.

Booster clubs shall secure the advice and approval of the Building Principal before planning any function, including fundraising activities, in which students are to participate while under supervision of the District.

A booster organization shall secure the prior advice and approval of the Building Principal before planning any fund-raising activity intended to benefit a school program. The Principal shall suggest needs of the school, including those not requiring fund-raising, that are conducive to the active involvement and significant numbers of interested parents in meaningful service to the school and its students.

Each booster organization shall establish its own system for handling and disbursing its funds; however, all applicable Board policies must be followed when expenditures are for school activities or when funds are to be raised through the use of students and District facilities.

Any item purchased by booster clubs for school or school activity use shall become the property of the District, and may be used or disposed of in accordance with District property and any applicable state law. The District reserves the right to modify the use if the needs of the students or District change.

The Board recognizes its responsibility to ensure that equivalent benefits and services are provided to members of both sexes. The Board will consider gender equity and budget implications before accepting booster club donations. Therefore, appropriate actions will be taken to ensure that benefits and services are equivalent for both sexes, regardless of funding sources.

The Superintendent is directed to develop regulations containing guidelines by which booster clubs shall operate in the District. Such guidelines shall include, but not be limited to, such topics as permissible awards, fund raising, insurance requirements, annual reporting, use of facilities, recognition functions, concessions at school events and expenditures for student equipment and supplies.

Community Relations

Other School-Connected Organizations

Booster Clubs/Organizations (continued)

Permission to use the name of the District or any District school, or logos or mascots may be rescinded at any time and does not constitute permission to act as the District's representative. At no time does the District accept responsibility for the actions of any parent organization or booster club regardless of whether it was recognized and/or permitted to use any of the above-mentioned names or logos. The Superintendent or his/her designee may revoke the authorization to use the District's name, logo, or mascot if the Superintendent or designee determines that the booster or parent organization has failed to comply with the terms of this policy or any other District policies.

Alternative Language:

The Board of Education is responsible for providing funding for the safe and effective operation of the interscholastic sports program. There may be occasions when Board funding is unavailable to provide everything requested by a coach. All booster club donations must be approved by the Superintendent of Schools or his/her designee (alternative: Board of Education) in advance to ensure equity in all sports. "Necessary" expenditures must be provided by the Board of Education through its approved budget. Items that would be "nice" to have are viewed as appropriate for booster club financial support. Any booster club purchase or expenditure must receive the approval of the team's head coach and the Athletic Director following the aforementioned approval by the Superintendent of Schools or his/her designee (and/or Board of Education).

The Board reserves the right to revoke approval of any booster group if it is found that the group's operations and purposes are inconsistent with Board policies.

- (cf. 1110.1 - Parental Involvement)
- (cf. 1140 - Distribution of Materials by Students)
- (cf. 1210 - School Community Associations)
- (cf. 1323 - Gifts to Students)
- (cf. 1330 - Use of School Facilities)
- (cf. 3280 - Gifts, Grants and Bequests)
- (cf. 3281 - School Fund Raising)
- (cf. 3515 - Community Use of School Facilities)

Legal Reference: Title IX of the Educational Amendments of 1972, 20 U.S.C.A § 1681.
34 C.F.R. §106.31(b) Education Programs or Activities: Specific Prohibitions (Implementing Title IX)

Policy adopted:

rev 11/08

rev 4/20

A detailed sample regulation to consider/modify.

Community Relations

Other School-Connected Organizations

Booster Clubs/Organizations

Booster organizations are important to the extracurricular activities provided for District students. Such organizations provide positive support to the students, the program, and the personnel in a particular program. Booster organizations shall comply with established guidelines in cooperation with the Superintendent or his/her designee. The following guidelines regulate booster organization within this District.

1. Constitution/Bylaws/Officers

Each booster organization involved with school activities or students shall develop and maintain a constitution and bylaws for the organization setting forth the purposes of the organization and the general rules and procedures by which it shall operate. A copy of the constitution and bylaws shall be forwarded to the Superintendent or his/her designee. Each booster organization shall submit a list of officers annually to the Superintendent or his/her designee.

2. Fund Raising Activities

Fund raising activities shall be requested in writing to the Building Principal, reviewed at the building level, approved by the Superintendent or his/her designee and conform to District guidelines. Two (2) major fund-raising activities involving students shall be permitted each year; exceptions may be granted by the Superintendent. Fund-raising activities may occur during the length of a particular athletic/sport season or as a special activity approved by the Superintendent or his/her designee. No student time during the regular school day shall be allowed for fund-raising activities for any booster organization. Student solicitation within the community for any booster organization shall be minimal.

Announcements of booster organization events and activities shall clearly indicate that it is sponsored by the group and not the school or District. Groups should warrant that the activities will be adequately supervised.

3. Permissible Awards

An approved booster organization may purchase a sweater, jacket, blazer, blanket, shorts, jersey, cap, watch, ring, photograph, medal, plaque, or similar trophy with appropriate insignia of comparable identification, for an athlete, in recognition of his/her athletic performance, and present such awards at a time appropriate to such recognition.

Community Relations

Other School-Connected Organizations

Booster Clubs/Organizations (continued)

4. Insurance

Each booster organization shall maintain appropriate insurance coverage recommended by the District for bodily injury and property damage, naming the District as additional insureds. Proof of such coverage shall be submitted to the District's Business Office.

5. Audit/Treasurer's Report

Booster organizations shall handle their own accounting and bookkeeping procedures and maintain their own separate accounts for income and expenditures.

Each booster organization shall prepare an audit or treasurer's report at least once a year. A copy of the audit/treasurer's report shall be submitted to the Superintendent or his/her designee and forwarded to the Board of Education upon request. Such report shall provide a full accounting of the organization's financial transactions for the year, including money raised and expended.

6. Use of Facilities

Booster organizations requesting use of facilities and/or services shall initiate those requests with the Building Principal and in compliance with the District's policy on facility usage. No activity shall be permitted without such approval.

7. Recognition Functions

A booster club may sponsor athletic banquets to which student athletes may be invited without charging admission to such athlete.

A booster club planning a recognition event shall request permission of the Building Principal to conduct such an event and to clear the date for the event.

8. Concessions

Booster organizations involved in concessions at school events shall follow applicable District guidelines.

Community Relations

Other School-Connected Organizations

Booster Clubs/Organizations (continued)

9. Expenditures for Equipment, Supplies, etc.

All game uniforms shall be purchased by the District. The “game uniform” shall include any clothing, headgear or shoes that (a) display the school colors or logo (except shoes), (b) are purchased by the District, (c) are worn in warm-up for a contest, during the contest, or immediately subsequent to the contest, and (d) is intended to be collected by the school at the conclusion of the season. Ancillary gear and apparel such as coaching aid equipment items, shoes, bags or totes, etc., may, however, be purchased and/or donated by booster groups, corporate sponsors, or other non-school sanctioned entities. Items purchased or donated other than by the District must meet the criteria as defined below:

- The donation/purchase of goods shall meet all applicable policies and procedures of the District;
- The donation/purchase of goods shall adhere to all applicable Board policies and guidelines;
- The donation/purchase of goods shall have the written approval of the Building Principal and Athletic Director prior to any deliberations commencing with a potential provider;
- Any donation of goods may not be in conflict with any District-level sponsorships that may be in effect;
- Any agreement or contract proposed shall be reviewed by the District’s attorney and the Superintendent or his/her designee;
- Consideration must be given to the impact of booster organization purchases, donations or services on Title IX compliance. Approval will be based on maintaining the necessary equivalence of benefits and services to both genders.

10. Compliance

Should any situation emerge between a booster organization and the administration regarding the management of any school-related activity, the Superintendent or his/her designee shall resolve the issue within these established guidelines or Board policy. No booster organization shall engage in any activity outside these guidelines. Further, in conducting its activities, booster organizations shall comply with all state and federal laws, as applicable.

Community Relations

Other School-Connected Organizations

Booster Clubs/Organizations (continued)

Other language to consider:

- *The organization may not use school materials in advertising its activities.*
- *All funds raised by the booster organization will be used to achieve the stated purposes and goals of the organization. No administrative fees or stipends to officers or others will be permitted.*
- *The booster organization must maintain bank, financial, and tax exempt status separate from the District.*

(cf. 1110.1 - Parental Involvement)

(cf. 1140 - Distribution of Materials by Students)

(cf. 1210 - School Community Associations)

(cf. 1323 - Gifts to Students)

(cf. 1330 - Use of School Facilities)

(cf. 3280 - Gifts, Grants and Bequests)

(cf. 3281 - School Fund Raising)

(cf. 3515 - Community Use of School Facilities)

Legal Reference: Title IX of the Educational Amendments of 1972

34 C.F.R. §106.31(b) Education Programs or Activities: Specific Prohibitions (Implementing Title IX)

Regulation approved:

rev 11/08

rev 4/20

Another version of this sample policy to consider.

Community Relations

Other School-Connected Organizations

Parent Organizations and Booster Clubs

The Board of Education (Board) recognizes the importance of athletic and extracurricular activities in the well-rounded development of public school students. Participation in such athletic and activities programs builds character, a sense of responsibility and discipline, and promotes proper conduct, all of which are central to the educational mission of the District.

The Board further recognizes the contribution and support which its athletic, extracurricular activities and educational programs receive from parents and members of the community who have organized booster clubs, parent-teacher organizations (PTO's/PTA's) and other support groups with similar purposes. This policy is adopted to define the relationship between the Board of Education and athletic booster clubs, PTO's and similar groups whose purpose is to support the school District's athletic activities and educational programs.

Group Status

Booster clubs and parent-teacher organizations (PTO's/PTA's) are neither school-sponsored clubs nor student-initiated clubs as those clubs or groups are defined in Board policy. Booster clubs and PTO's/PTA's shall constitute "outside clubs or groups" which are school-related but must meet the terms of this policy in order to use the School District's or an individual school's name, mascot or logo and to use School District facilities as a school-related organization.

Booster Clubs

Booster clubs for such activities including, but not limited to, athletics, band, cheerleading, drama, choir, fine arts or academic activities are welcome to form, support and assist such student activities or programs, both financially and with volunteer assistance. Booster clubs must comply with the requirements of this Policy in order to use the name of the individual school or School District, school or School District mascots or logos, and to have access to School District facilities as a school-related organization.

A booster club must prepare and submit to the Board of Education a copy of its organizational bylaws and constitution by presenting the same to the Superintendent of Schools prior to initiating such support or assistance. All booster organizations must operate within the applicable standards and guidelines set by the Connecticut Interscholastic Athletic Conference (CIAC), and shall not either promote, encourage or acquiesce in any violation of student or team eligibility requirements, conduct codes or sportsmanship standards.

Upon formation and annually thereafter, each booster club shall provide the Superintendent with the names, telephone numbers and addresses of each officer of the booster club, and the position held.

Community Relations

Other School-Connected Organizations

Parent Organizations and Booster Clubs (continued)

Parent Teacher Organizations

The Board encourages the formation and operation of parent-teacher organizations at each school site or campus in the School District to provide financial support or volunteer assistance to the school. Parent-teacher organizations must comply with the requirements of this policy in order to use the name of the individual school or School District, school or School District mascots or logos, and to have access to School District facilities as a school-related organization. Each parent teacher organization shall prepare and submit to the School Board a copy of its organizational bylaws and constitution to the Building Principal and the Superintendent prior to initiating such support or assistance. Upon formation and annually thereafter, each organization must provide the Building Principal and the Superintendent with the names, telephone numbers and addresses of each officer of the organization, and position held.

Accounting by Booster Clubs and PTO's/PTA's

Each booster club or parent teacher organization must have its own checking account and the bylaws for the group must require two signatures for any disbursement from that account. Booster club or PTO/PTA funds and accounts are not District accounts and will not be included in the District's budgeting and accounting for annual District audit purposes. Funds collected by the booster club or PTO/PTA are not to be deposited into the District's student activity accounts.

However, as an express condition to the Board's consent for the booster club or parent teacher organization to use the District's name, school name, school or District mascots or logos, or to use District facilities as a school-related organization, the booster club or PTO/PTA shall conduct an annual accounting or audit of its receipts and disbursements and submit a financial or audit report, performed in accordance with generally accepted auditing principles, to the Superintendent of Schools by October 1 of each calendar year. In the alternative, the booster club or parent teacher organization shall permit the District's school finance director or designee to audit the accounts of the booster club or PTO/PTA on request, no less than annually. Officers of a booster club or PTO/PTA shall be responsible for safeguarding any funds raised by the organization and to ensure that funds are spent only for purposes related to the goals and objectives of the booster club or PTO/PTA, and the published or advertised reasons for the particular fund-raising activity. The organization's bylaws shall specify reasonable procedures for internal financial control which shall be reviewed by the District's finance director.

Community Relations

Other School-Connected Organizations

Parent Organizations and Booster Clubs

Accounting by Booster Clubs and PTO's/PTA's (continued)

The booster club or PTO/PTA shall not represent or imply that its activities, contracts, purchases, or financial commitments are made on behalf of or binding upon any school of the School District or the School District itself. Such a statement shall appear on all purchase orders, contracts or other forms of financial commitment issued by the booster club or PTO/PTA.

Fundraising

Each booster club or parent teacher organization shall hold a limited number of (or: be limited to two) fundraisers each school year which involve students in fundraising activities outside of the school setting. Booster clubs and PTO's/PTA's shall notify and obtain the approval of the Superintendent of Schools or his/her designee to assure that scheduling of fundraisers does not conflict with District programs or activities, and that the fund-raising process is consistent with the goals and mission of the school or District.

School employees, including athletic coaches, trainers or sponsors of school-sponsored student groups, shall not act as the primary organizers or spokespersons for any booster club or PTO/PTA fundraising event. Participation in fundraising activities by a booster club or PTO/PTA shall not be considered as a factor in a student's level of participation in any school activity or athletic program.

Title IX Compliance

The Board discourages the formation or organization of booster clubs which sponsor, assist or support student activities or athletic programs which predominantly serve student participants of a single sex. In order to assure that contributions or support by booster clubs and PTO's/PTA's do not create inequities or significant disparities in the program, equipment and facilities made available to students participating in single sex sports, the booster club or PTO/PTA shall only donate funds or tangible personal property contributed to the District's educational, extracurricular or athletic programs, by program or sport, through Board Policy #3280. Support provided to a single athletic program, regardless of source, must be included in the District's evaluation of its overall athletic program and the comparability of benefits made available to male versus female athletes.

Community Relations

Other School-Connected Organizations

Parent Organizations and Booster Clubs

- (cf. 1110.1 - Parental Involvement)
- (cf. 1140 - Distribution of Materials by Students)
- (cf. 1210 - School Community Associations)
- (cf. 1323 - Gifts to Students)
- (cf. 1330 - Use of School Facilities)
- (cf. 3280 - Gifts, Grants and Bequests)
- (cf. 3281 - School Fund Raising)
- (cf. 3515 - Community Use of School Facilities)

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

34 C.F.R. §106.31(b) Education Programs or Activities: Specific Prohibitions (Implementing Title IX)

Policy adopted:

cps 4/20

Instruction**Policy Concerning Health and Safety Protocols Related to the COVID-19 Pandemic**

The Westport Board of Education (the "Board") recognizes the importance of developing health and safety protocols to protect the health and safety of students, staff, and the community during the COVID-19 pandemic. The Board thus directs the administration of the Westport Public Schools (the "Administration") to develop health and safety protocols consistent with applicable laws, rules, regulations and requirements, and to consider current guidance in the development of such protocols.

Compliance with such health and safety protocols shall be mandatory for all individuals while on school property or participating in a school-sponsored activity, unless a legally recognized exemption or exception applies. Failure to comply with such health and safety protocols may lead to disciplinary action for students and staff, and exclusion from school property or the school-sponsored activity for members of the community, in accordance with applicable laws, rules, regulations, and/or Board policies.

The Administration shall provide appropriate notice of such health and safety protocols. Notice may be provided by way of electronic mail, regular mail, website posting, student handbooks, employee handbooks, and/or any other appropriate methods.

Legal Reference:

Connecticut General Statutes § [10-221](#)

Adapt, Advance, Achieve: Connecticut's Plan to Learn and Grow Together, Connecticut State Department of Education (June 29, 2020)

Policy adopted: August 31, 2020 (sunsets July 1, 2022)

WESTPORT PUBLIC SCHOOLS

Westport, Connecticut

Series C-19
COVID-19 Policies and Regulations

**POLICY CONCERNING HEALTH AND SAFETY
PROTOCOLS RELATED TO THE COVID-19 PANDEMIC (NEW)**

The _____ Board of Education (the “Board”) recognizes the importance of developing health and safety protocols to protect the health and safety of students, staff, and the community during the COVID-19 pandemic. The Board thus directs the administration of the _____ Public Schools (the “Administration”) to develop health and safety protocols consistent with applicable laws, rules, regulations and requirements, and to consider current guidance in the development of such protocols.

Compliance with such health and safety protocols shall be mandatory for all individuals while on school property or participating in a school-sponsored activity, unless a legally recognized exemption or exception applies. Failure to comply with such health and safety protocols may lead to disciplinary action for students and staff, and exclusion from school property or the school-sponsored activity for members of the community, in accordance with applicable laws, rules, regulations, and/or Board policies.

The Administration shall provide appropriate notice of such health and safety protocols. Notice may be provided by way of electronic mail, regular mail, website posting, student handbooks, employee handbooks, and/or any other appropriate methods.

Legal References:

Connecticut General Statutes § 10-221

Adapt, Advance, Achieve: Connecticut’s Plan to Learn and Grow Together,
Connecticut State Department of Education (June 29, 2020)

ADOPTED: _____

REVISED: _____

Temporary Policy Rev. 7/10/2020



**MODEL POLICY CLIENTS
SUMMARY OF CHANGES TO MODEL POLICIES
SUMMER 2021**

Introduction

In December 2020, we provided you with updates to our model policies. We have since conducted a comprehensive review of our model policies, administrative regulations, and forms and made necessary revisions to individual policies based on statutory and/or regulatory changes, citation updates, and best practices. These updates are designed to ensure consistency among all of our model policies and intended to make other corrections as appropriate. The redlines for policy changes identified in this Memorandum are included in the 2021 Comparison Documents (Redlines) folder on the client portal. We anticipate completing revisions to additional policies shortly and will provide you with an updated Memorandum at that time.

Please note that some of these revisions have been made to administrative regulations and forms, rather than to policies. Generally, board of education bylaws do not require a board of education vote to approve or revise administrative regulations or forms. Districts are encouraged to review their bylaws to ensure compliance in adopting these revisions.

Many boards adopted our COVID-19 temporary policies, all of which were set to expire on June 30, 2021. In June 2021, we advised boards to renew the COVID-19 policy concerning Health and Safety Protocols, but to allow the remaining COVID-19 temporary policies to expire. In this Memorandum, we identify permanent policy revisions relating to the COVID-19 pandemic. As federal and state guidance becomes available closer to the start of the 2021-2022 school year, we may provide additional policy revisions.

For access to these policies, regulations, and accompanying documents, please visit our [client portal](#) and login with the credentials you created. If you need any assistance with your login and/or password, please contact Maria Ramsay, mramsay@goodwin.com. If you have any questions about the policy revisions, feel free to contact Dori Pagé Antonetti, dantonetti@goodwin.com, Sarah E. Gleason, segleason@goodwin.com, or Jessica Richman Smith, jsmith@goodwin.com.

Series 1000: Community/Board Operation

Deadly Weapons and Firearms (Version 9v8)

We have revised this policy to clarify that deadly weapons and firearms are prohibited on school transportation. The law has always prohibited possession of deadly weapons and firearms at school-sponsored activities, which includes school transportation. This revision specifies that school-sponsored activities include school transportation.

Green Cleaning (Version 7v6)

We have revised this policy to make permanent one of the COVID-19 temporary revisions, which specifies that, pursuant to Connecticut law, a board of education may use any cleaning product approved by federal law.

Non-Discrimination (Version 9v8)

We have revised this policy to reflect changes made by Public Act No. 21-79 to the statutory definition of “veteran,” which changes become effective October 1, 2021. We have also clarified that complaints can be filed regarding discrimination and harassment, and that individuals who wish to request or discuss accommodations based on religion or disability may contact relevant school officials. In light of the recent Notice of Interpretation issued by the U.S. Department of Education, Office for Civil Rights, we clarified that complaints based on allegations of discrimination or harassment for reasons such as gender identity or sexual orientation will be handled pursuant to the board’s policies regarding sex discrimination and sexual harassment. We have also revised the regulations to reflect that complaints against the Superintendent should be filed with the Board Chair, who will take appropriate steps to cause the matter to be investigated in a manner consistent with board policy and regulation. Finally, we have clarified when timelines for investigation of complaints may be reasonably extended.

Use of School Facilities (Version 15v14)

We have revised this policy to add a new Section F, which requires users of school facilities to comply with any applicable health and safety protocols.

Visitors and Observations in Schools (Version 6v5)

We have revised this policy to make permanent the language requiring visitors to comply with any health and safety protocols in place at the time of a visit.

Volunteers (Version 5v4)

We have revised this policy to make permanent the language requiring volunteers to comply with any health and safety protocols in place at the time of volunteering. As a best practice, we have added that “Group II” volunteers must have a background check at least every five (5) years and we included a five-year retention period for volunteer background check records.

Series 2000: Administration

Retention of Electronic Records (Version 16v14)

We have revised this policy in light of Section 147 of June Special Session, Public Act No. 21-1, which revises the definition of public records. We further revised the policy to clarify that it applies to all individuals granted access to the district’s computer systems and/or networks, not only employees.

Series 3000: Business

NONE

Series 4000: Personnel

Non-Discrimination (Version 23v22)

We have revised this policy to reflect changes made by Public Act No. 21-79 to the statutory definition of “veteran,” which changes become effective October 1, 2021. We have also clarified that complaints can be filed regarding discrimination and harassment, and that individuals who wish to request or discuss accommodations based on religion or disability may contact relevant school officials. In light of the recent Notice of Interpretation issued by the U.S. Department of Education, Office for Civil Rights, we clarified that complaints based on allegations of discrimination or harassment for reasons such as gender identity or sexual orientation will be handled pursuant to the board’s policies regarding sex discrimination and sexual harassment. We have also revised the regulations to reflect that complaints against the Superintendent should be filed with the Board Chair, who will take appropriate steps to cause the matter to be investigated in a manner consistent with board policy and regulation. Finally, we have clarified when timelines for investigation of complaints may be reasonably extended.

Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Version 15v14)

In light of the recent Notice of Interpretation issued by the U.S. Department of Education, Office for Civil Rights, we have revised this policy and administrative regulations to clarify that Title IX prohibits discrimination on the basis of sexual orientation and gender identity. We have further revised the administrative regulations to address practical application of Title IX’s requirements by, among other things, clarifying definitions and the appeal process.

Series 5000: Students

Bullying and Safe School Climate (Version 39v38)

We have revised this policy to conform with Public Act No. 19-166, regarding bullying and safe school climate. The law, which passed two years ago, contained various provisions that recently went into effect. Effective July 1, 2021, the law changes the definition of “bullying” and “school climate,” adds new statutory definitions, and expands on the parental notification requirements surrounding verified acts of bullying. We also revised the policy to reflect a board’s statutory obligation to post the following on their websites: 1) training materials for school administrators; and 2) a plain language explanation of rights and remedies under Connecticut General Statutes 10-4a and 10-4b. The law requires that the training materials be posted after consultation with the State Department of Education and the Connecticut Social and Emotional Learning and School Climate Advisory Collaborative. Shipman & Goodwin offers draft training materials, provided upon request, for boards to consider as they seek to comply with this requirement. The law also provides that the plain language explanation of rights and remedies will be developed and provided to boards of education by the Connecticut Social and Emotional Learning and School Climate Advisory Collaborative. Finally, we revised the policy in light of Public Act No. 21-95, which identifies additional individuals who must serve on a safe school climate committee, effective July 1, 2021.

Graduation Requirements (Version 6v5)

We revised this policy in light of Sections 10 and 12 of Public Act No. 21-144, which repealed the statutory provisions that permitted students to graduate from high school upon the successful

completion of the academic advancement program established by the State Board of Education. Specifically, we removed the section entitled “Academic Advancement Program.”

Health Assessments (Version 23v21)

We have revised this policy to conform with Public Act No. 21-95, regarding the implementation of vision screenings, and Public Act No. 21-121, regarding the reporting requirements for children with a diagnosis of asthma. Under the new law, districts must report, on a triennial basis, the total number of children having a diagnosis of asthma at the time of enrollment, in grade six or seven, and in grade nine or ten (rather than grade ten or eleven, as previously required). **Note:** If the district altered its health assessment requirements for the 2020-2021 school year in light of the COVID-19 public health emergency, and it reverts back to its usual timeline for assessment requirements, the district should ensure that it has health assessments on file for each student in accordance with existing state law.

Immunizations (Version 17v16)

We have revised these administrative regulations to comport with Public Act No. 21-6, which revised the religious exemption to the immunization requirements for school attendance.

Non-Discrimination (Version 24v23)

We have revised this policy to reflect changes made by Public Act No. 21-79 to the statutory definition of “veteran,” which changes become effective October 1, 2021. We have also clarified that complaints can be filed regarding discrimination and harassment, and that individuals who wish to request or discuss accommodations based on religion or disability may contact relevant school officials. In light of the recent Notice of Interpretation issued by the U.S. Department of Education, Office for Civil Rights, we clarified that complaints based on allegations of discrimination or harassment for reasons such as gender identity or sexual orientation will be handled pursuant to the board’s policies regarding sex discrimination and sexual harassment. We have also revised the regulations to reflect that complaints against the Superintendent should be filed with the Board Chair, who will take appropriate steps to cause the matter to be investigated in a manner consistent with board policy and regulation. Finally, we have clarified when timelines for investigation of complaints may be reasonably extended.

Student Privacy (PPRA) (Version 12v11)

In light of guidance issued by the U.S. Department of Education’s Student Privacy Policy Office, we have revised this policy, and the accompanying model notification, to clarify when the administration must obtain prior written consent of a parent or student before administering a student survey related to certain topics, and when the administration must provide parents or students notice and an opportunity to opt out of participation. We also made minor revisions to reflect statutory language.

Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Version 21v20)

In light of the recent Notice of Interpretation issued by the U.S. Department of Education, Office for Civil Rights, we have revised this policy and administrative regulations to clarify that Title IX prohibits discrimination on the basis of sexual orientation and gender identity. We have further revised the administrative regulations to address practical application of Title IX’s requirements by, among other things, clarifying definitions and the appeal process.

Transportation (Version 19v18)

We have revised this policy to make permanent a temporary COVID-19 provision concerning compliance with health and safety protocols. We have also added a provision to clarify that student behavior on school transportation must be in compliance with all school rules and regulations.

Series 6000: Instruction

Parent-Teacher Communication (Version 8v7)

We have revised this policy to comply with Public Act No. 21-46, as revised by the budget implementer, which requires boards of education to (1) offer parents the option of attending parent-teacher conferences remotely, and (2) conduct additional parent-teacher conferences during periods of remote learning in certain instances. The new law also requires, among other things, that school districts collect certain emergency contact information and provide, after January 1, 2022, a document to be developed by the State Department of Education concerning educational, safety, mental health, and food insecurity resources at any parent-teacher conference required during a period of remote learning. The revised policy is accompanied by administrative regulations addressing these requirements, which districts can further customize to reflect district-specific parent-teacher communication requirements.

Weighted Grading and Calculation of Grade Point Averages (formerly titled Weighted Grading for Honors Classes) (Version 5v4)

Section 13 of Public Act No. 21-199 revises Conn. Gen. Stat. § 10-220g to provide that a board of education must have a policy concerning the manner in which students' grade point averages are calculated, which policy must include whether grade point averages are weighted or not weighted. The Act further expands the classes and programs for which grades may be weighted. The law previously required that this policy concern only whether grades from honors and advanced placement classes are given more weight than grades from other classes. We have revised this policy, and its title, in accordance with these changes in the law.

Series 9000: Board Bylaws

NONE

Series 1000
Community/Board Operation

USE OF SCHOOL FACILITIES

In accordance with Conn. Gen. Stat. § 10-239, the [_____] Board of Education (the “Board”) may permit the use of any school facility for nonprofit educational or community purposes whether or not school is in session. The Board may also grant the temporary use of any school facility for public, educational or other purposes, including the holding of political discussion, at such time the facility is not in use for school purposes. In addition, the Board shall grant such use for any purpose of voting under the provisions of Title 9 of the Connecticut General Statutes whether or not school is in session. In accordance with 20 U.S.C. § 7905, the Board shall not deny equal access to or a fair opportunity to meet, or otherwise discriminate, against any group officially affiliated with the Boy Scouts of America (or any other youth group listed as a patriotic society in Title 36 of the United States Code) that wishes to conduct a meeting using school facilities pursuant to this policy. Such uses shall be governed by the following rules and procedures, and shall be subject to such restrictions as the Superintendent or his/her designee considers expedient.

Consistent with this policy, the Superintendent shall develop and promulgate Administrative Regulations and associated forms governing use of school buildings and facilities by community and other groups. Since the primary purpose of school facilities is for educational activities, such activities will have priority over all other requested uses.

A. Application Procedures

Applications for use of facilities shall be submitted to the following individuals, in accordance with the Administrative Regulations:

<u>Facility</u>	<u>Application Submitted To</u>
For use of school buildings	Building Principal
For use of athletic fields and facilities	Athletic Director
For use of other school facilities	Superintendent of Schools

Groups requesting use of school buildings and facilities must identify the specific facilities desired, and approval will be for those specific facilities only. All school equipment on the premises shall remain in the charge and control of the building principal or responsible administrator, and shall not be used without the express written permission of the administrator.

Principals and other responsible administrators shall submit copies of each building use form with a notation of whether such uses have been approved. Approval of school facilities by the principal or other responsible party may be revoked at any time by the Superintendent or his/her designee.

B. Eligible Organizations and Priority of Use

Administrators responsible for approving/disapproving requests for use of school district facilities will use the following guidelines regarding priority of usage of such facilities:

Order of priority:

1. School-sponsored programs and activities.
2. Activities of school-related organizations (*e.g.*, PTO, Booster Clubs, After Graduation Committees and similar organizations).
3. Town department or agency activities.
4. Activities of non-profit organizations operating within the Town, other than school-related organizations covered by category #2 above.
5. Activities of for-profit organizations operating within the Town.
6. Out-of-town organizations.

C. Restrictions on Use of School Facilities

The following restrictions shall apply to the use of school facilities:

1. Illegal activities will not be tolerated.
2. Use or possession of tobacco, vapor products, alcoholic beverages or unauthorized controlled substances shall not be permitted on school property.
3. Refreshments may not be prepared, served or consumed without the prior approval of the responsible administrator. Notwithstanding, only those beverages permitted by state law may be sold during the school day. The responsible administrator may permit other beverages to be sold at the location of events occurring after the end of the regular school day or on the weekend as long as they are not sold from a vending machine or at a school store. Upon approval by the administrator, refreshments may be

prepared, served and consumed only in areas designated by the responsible administrator.

4. Obscene advertising, decorations or materials shall not be permitted on school property.
5. Advertising, decorations or other materials that promote the use of illegal drugs, tobacco products, vapor products, or alcoholic beverages shall not be permitted.
6. Activities that are disruptive of the school environment are not permitted.

Any violation of this Policy or any applicable Administrative Regulations may result in permanent revocation of the privilege to use school facilities against the organization and/or individuals involved.

D. Fees and Other Costs

Users of school facilities shall be responsible for the fees and costs set out in a fee schedule established by the Superintendent with the approval of the Board of Education. The following guidelines shall be incorporated into such fee schedule:

<u>Category</u>	<u>Fee</u>
1. School-sponsored programs and activities.	No rental fee or associated costs.
2. Activities of school-related organizations (e.g., PTO, Booster Clubs, After Graduation Committees and similar organizations).	No rental fee or associated costs.
3. Town department or agency activities.	Associated costs.
4. Activities of non-profit organizations operating within the Town, other than school-related organizations covered by category #2 above.	Associated costs.
5. Activities of for-profit organizations operating within the Town.	Rental fee and associated costs.
6. Out-of-town organizations.	Rental fee and associated costs.

“Associated costs” shall include, but shall not be limited to, fees for the services of any custodial personnel, food service personnel, security personnel or other personnel deemed by the responsible administrator to be necessary in connection with the use of a school district facility. Such costs shall be at the rates set forth in the fee schedule.

Rental fees and/or associated costs otherwise applicable may be waived by the Superintendent or his/her designee if such waiver is deemed by the Superintendent or his/her designee to be in the best interest of the school system and/or the Town.

E. Responsibility for Damage to Property or Loss of Property

In order to use school district facilities, any organization or individual requesting such use must agree to assume responsibility for any damage to and/or theft or loss of any school district property arising out of the use of the facilities.

F. Health and Safety Protocols

In order to use school district facilities, any organization or individual requesting such use must agree to abide by all health and safety protocols in place by the school district at the time of use, including but not limited to protocols relating to cleaning of the facilities, signage, and health screenings of individuals requesting access to the facilities.

Legal References:

Conn. Gen. Stat. § 10-239
Conn. Gen. Stat. § 10-215f
Conn. Gen. Stat. § 10-221q
Conn. Gen. Stat. Title 9

Boy Scouts of America Equal Access Act, 20 U.S.C. § 7905
Patriotic and National Organizations, 36 U.S.C. § 1010 et seq.

ADOPTED:_____

REVISED:_____

7/5/2021

Business/Non-Instructional Operations/Community Relations

Use of School Facilities

In accordance with Conn. Gen. Stat. § 10-239, the Board of Education may permit the use of any school facility for nonprofit educational or community purposes whether or not school is in session. The Board of Education may also grant the temporary use of any school facility for public, educational or other purposes, including the holding of political discussion, at such time the facility is not in use for school purposes. In addition, the Board shall grant such use for any purpose of voting under the provisions of Title 9 of the Connecticut General Statutes whether or not school is in session. In accordance with 20 U.S.C. § 7905, the Board of Education shall not deny equal access to or a fair opportunity to meet, or otherwise discriminate, against any group officially affiliated with the Boy Scouts of America (or any other youth group listed as a patriotic society in Title 36 of the United States Code) that wishes to conduct a meeting using school facilities pursuant to this policy. Such uses shall be governed by the following rules and procedures, and shall be subject to such restrictions as the Superintendent or his/her designee considers expedient.

Consistent with this policy, the Superintendent shall develop and promulgate Administrative Regulations and associated forms governing use of school buildings and facilities by community and other groups. Since the primary purpose of school facilities is for educational activities, such activities will have priority over all other requested uses.

A. Authorized Users/Order Of Priority

1. The Westport public school program has 1st priority in the use of all school facilities.
2. The Westport Continuing Education (WCE) program (including Adult Education and Summer School) has next priority after the regular program.
3. The Westport Department of Parks & Recreation (DPR) has 3rd priority for use of facilities.
4. Activities of school-related organizations, e.g., PTA, booster clubs and parent support groups shall have 4th priority for use of school facilities.
5. When not being used by the above groups, school facilities may be made available to other users, limited to agencies of the Town of Westport, and Westport-based, private non-profit groups, at least 50% of whose membership and/or participants must be Westport residents, for uses not directly competitive with school-sponsored activities, e.g., adult education, summer school, etc.

6. Use by the media or individual photographers, filmmakers, etc., wishing to photograph, televise or film school facilities or activities, is governed by the media access policy.

B. Requirements and Application Procedures

1. Written permission from the Superintendent or designee is required for all outsiders' use of buildings and equipment, use of grounds for any purpose involving 25 or more people (including participants and spectators), or use of parking lots on a weekend or after school hours by Westport residents for guest parking for a wedding or other private (non-commercial) event. Non compliance with this stipulation will constitute trespassing.
2. Applicants shall file a complete application with the facilities manager in the maintenance office.
3. All users not covered by the Westport Town/Board of Education insurance policy must provide a liability insurance certificate of no less than \$5 million, naming the Westport Board of Education/Town of Westport as additional named insureds. Insurance limits will be reviewed and updated periodically by the Assistant Superintendent for Business.

B. Requirements and Application Procedures (continued)

4. Police and/or fire department protection may be required at the users' expense. This condition is to be determined by the supervisor of buildings, in consultation with the relevant departments.

C. Usage Types:

Standard Use is defined as routine meetings, programs, classes, etc.

Major Use which requires a surcharge, is defined as having one or more of the following characteristics:

- Creates significant wear and tear.
- Funds are raised through admission charges (including "voluntary" contributions), sale of merchandise, raffles, door prizes, etc.
- Event uses vendors' or exhibitors' booths.
- Event uses the Staples field house.
- Event at any school requires two major facilities: (gym, cafeteria, auditorium). Ten or more classrooms = major facility.
- Event involves more than 500 participants or attendees.

D. Classification Of Groups For Payment Of Fees And Rent

(Identified groups are examples; groups not listed will be classified by Superintendent or designee).

***Category I Users No Rent For Standard Use**

Category I includes:

- a) **School-Related:** e.g., student organizations, PTAs, parent support groups affiliated with school teams, clubs, etc., recognized parent advocate groups such as CLASP, etc.
- b) **Town Groups:** Town boards, commissions, and committees; DPR, Senior Center, Health District, Library, Transit District, Levitt Pavilion, First Night, etc.
- c) **Youth-Serving:** Westport-based non-profit youth-serving groups, such as: Boy & Girl Scouts, Little League, PAL, Babe Ruth League, Westport Soccer Association.
- d) **Grandfathered Groups:** Power Squadron, Red Cross, Westport Arts Center.
- e) **Others:** Superintendent or designee may waive or reduce fees for state/national professional or educational organizations; or for other groups serving the public interest; or for elected officials holding public meetings.

***Category II Users Basic Rent: Westport-Based Community Groups**

Category II includes:

- a) Westport agencies supported by the United Way, and non-profit service organizations that serve Westport, e.g., Rotary, Kiwanis, Masons, Westport Woman's Club, Westport Young Woman's League, Veterans' groups, Nursing and Home Care, etc.
- b) Westport political, religious and ecumenical groups. (Depending on the nature of the activity, e.g., summer camps or on-going programs for which fees are charged, these groups may be classified as Category III for rental fee purposes.)
- c) Westport YMCA: for use of pool only, with special financial arrangements.

***Category III Users Basic Rent Doubled: Westport-Based Private, Non-profit, Educational, Recreational, Cultural, Social or Athletic Groups**

Category III includes: private schools, private nursery schools, dance academies, drama groups, music groups, children's activity programs, etc., at least 50% of whose members or participants are Westport residents.

***Category I, II And III Users: Additional Charges For Major Use**

When a Category II or III group makes major use of facilities for fund-raising programs involving commercial, entrepreneurial, profit-making organizations or activities, Superintendent or designee may require a contribution to the school's student activity fund, amount to be determined by Superintendent, but no less than \$1000.)

Other Users: Under unusual circumstances, the Superintendent may permit one-time or occasional use of facilities to educational, civic, cultural, etc., organizations from neighboring towns, etc.; the Superintendent shall judge requests individually and determine rental category.

All Categories: Must pay custodial, kitchen workers' and other applicable fees, including fees for covering the gym and field house floors if necessary. All groups pay surcharge for major use. Superintendent may reduce surcharge by 50% for Categories I and II if event is a fund raiser benefiting the Westport schools or the public, or when the event itself is a public service. Rental fees, administrative fee and surcharge required in advance. Personnel charges are billed.

Special Conditions: Regardless of user's category, the Superintendent (or designee) may

impose special conditions or may deny permission when it is judged that the requested use may produce undue wear and tear on facilities, would cause disruption to the regular school program, be detrimental to the public image of the school system, impact negatively on the scheduled maintenance or cleaning of the schools or otherwise not be in the interest of the school system or the Town.

E. Restrictions On Use Of School Facilities

1. Illegal activities will not be tolerated.
2. School facilities may not be rented by individuals, businesses or trade organizations or used for private purposes.
3. No school facility may be used by individual entrepreneurs, either Westport Board of Education employees or others, to give private instruction for a fee to individuals or groups.
4. School facilities may not be used for the promotion of any commercial interest or private or corporate gain except in conjunction with a fund-raising activity by a permitted, non-profit user. In such cases, regardless of category, users may be required to make a donation to the student activity fund of the school of a minimum of \$1,000 in addition to paying custodial costs and applicable rental fees. The decision about whether to require a donation, and the amount of the donation, will be made by the Superintendent or designee, in consultation with the sponsor of the program.
5. Use or possession of tobacco, alcoholic beverages or unauthorized controlled substances shall not be permitted on school property.
6. Advertising, decorations or other materials that promote the use of illegal drugs, tobacco products or alcoholic beverages shall not be permitted.
7. Obscene advertising, decorations or materials shall not be permitted on school property.
8. Users must comply with all administrative regulations governing use of school facilities. Non-compliance may result in revocation of privileges.

All exceptions to this policy require approval of the Superintendent, whose decision on all aspects is final.

Legal Reference: Connecticut General Statutes
10-239 Use of School Facilities for Other Purposes

Series 1000
Community/Board Operation

POLICY REGARDING VISITORS AND OBSERVATIONS IN SCHOOLS

The _____ Board of Education (the “Board”) encourages visits by citizens, taxpayers, and parents to all school buildings. In order to promote a safe and productive educational environment for all students and staff, the Board requires all visitors to receive prior approval from the school Principal or designee before being permitted to visit any school building. The Board, through the administration, reserves the right to limit visits in accordance with administrative regulations.

The Board further desires to work collaboratively with parents with an educational nexus with the district, its educational programs or the student being observed, to observe their students in their current classrooms or observe proposed educational placements in the Board’s schools. The Board, through the administration, reserves the right to limit observations of current and proposed educational placements in accordance with administrative regulations and the Board’s Guidelines for Independent Educational Evaluations.

Upon arrival, all visitors and observers must comply with any and all applicable building security procedures, including but not limited to utilizing security buzzers for access, complying with requests for photo identification, reporting directly to and signing in and out at the visitors’ reception area of the school office, prominently displaying visitors’ badges or other identification required for visitors to the school buildings, limiting access to those areas of the buildings and grounds for which the visitors/observers have authorized access, and complying with directives of school officials at all times. All visitors and observers permitted into school buildings or on school grounds must comply with all school health and safety protocols in place at the time, including but not limited to any health screening protocols.

Legal References:

“Guidelines Regarding Independent Educational Evaluations at Public Expense and In-School Observations,” Connecticut State Department of Education (Mar. 28, 2018).

ADOPTED: _____

REVISED: _____

7/12/2021

Community Relations

POLICY REGARDING VISITORS AND OBSERVATIONS IN SCHOOLS

In order to promote a safe and productive educational environment for all students and staff, the Board requires all visitors to receive prior approval from the school Principal or his/her designee before being permitted to visit any school building during the school day. The Board, through the administration, reserves the right to grant access to school buildings in accordance with the school's prescribed procedure for scheduling, as applicable and administrative regulations.

The Board further desires to work collaboratively with parents with an educational nexus with the district, its educational programs or the student being observed, to observe their students in their current classrooms or observe proposed educational placements in the Board's schools. The Board, through the administration, reserves the right to limit observations of current and proposed educational placements in accordance with administrative regulations and the Board's Guidelines for Independent Educational Evaluations.

Upon arrival, all visitors and observers must comply with any and all applicable building security procedures, including but not limited to utilizing security buzzers for access, complying with requests for photo identification, reporting directly to and signing in and out at the visitors' reception area of the school office, prominently displaying visitors' badges or other identification required for visitors to the school buildings, limiting access to those areas of the buildings and grounds for which the visitors/observers have authorized access, and complying with directives of school officials at all times.

Legal References:

Expense and In-	“Guidelines Regarding Independent Educational Evaluations at Public School Observations,” Connecticut State Department of Education (Mar. 28, 2018).
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Policy Adopted: November 5, 2018

WESTPORT PUBLIC SCHOOLS
Westport, Connecticut

Series 1000
Community/Board Operation

**SCHOOL VOLUNTEERS, STUDENT INTERNS AND
OTHER NON-EMPLOYEES**

The [_____] Board of Education (the “Board”) recognizes the importance of school volunteers at all levels of schooling. Volunteers can enhance collaboration between the school and community, broaden the school’s educational environment and ultimately enrich students’ school experience. The Board further acknowledges that it may, from time to time, be asked to provide learning experiences for student interns within the school environments, which experiences are not part of the teacher preparation program, as defined in section 10-10a of the Connecticut General Statutes. In recognition of the benefit of having volunteers, interns and other such non-employees providing services within the schools, the Board supports the involvement of these individuals in accordance with suitable regulations and safeguards to be developed by the Administration.

Volunteers, interns and other such non-employees working within the schools (“volunteers”) must work under the supervision of [_____] Public Schools (“District”) staff. Volunteers are held to the same standards of conduct as school staff and must observe all Board policies, including applicable policies on the confidentiality of student information.

Volunteers may be required to submit to state and federal criminal record checks and a record check of the Department of Children and Families (“DCF”) Child Abuse and Neglect Registry. No person who is required to register as a sex offender under state or federal law, or whose name is currently listed on the DCF registry, may volunteer in the District.

All volunteers must comply with all school health and safety protocols in place at the time, including but not limited to any health screening protocols.

No employee of the District shall serve as a volunteer in any capacity, except as may be approved by the Superintendent or his/her designee based on the specific situation.

Persons interested in volunteering their services should contact the school principal.

Legal References:

Connecticut General Statutes § 10-4g

Parental and community involvement in schools; model program; school-based teams.

Connecticut General Statutes § 10-220

Duties of boards of education.

Connecticut General Statutes § 10-235

Indemnification of teachers, board members, employees and certain volunteers and students in damages suits; expenses of litigation.

Connecticut General Statutes § 54-250 et seq. Registration of sexual offenders.

ADOPTED: _____

REVISED: _____

7/12/2021

Community Relations

School Volunteers, Student Interns and Other Non-Employees

The Board of Education recognizes the importance of school volunteers at all levels of schooling. Volunteers can enhance collaboration between the school and community, broaden the school's educational environment and ultimately enrich students' school experience. The Board further acknowledges that it may, from time to time, be asked to provide learning experiences for student interns within the school environments. In recognition of the benefit of having volunteers, interns and other such non-employees providing services within the schools, the Board supports the involvement of these individuals in accordance with suitable regulations and safeguards to be developed by the Administration.

Volunteers, interns and other such non-employees working within the schools ("volunteers") must work under the supervision of Westport Public Schools staff. Volunteers are held to the same standards of conduct as school staff and must observe all Board of Education policies, including applicable policies on the confidentiality of student information.

Volunteers may be required to submit to state and federal criminal record checks and a record check of the Department of Children and Families ("DCF") Child Abuse and Neglect Registry. No person who is required to register as a sex offender under state or federal law, or whose name is currently listed on the DCF registry, may volunteer in the Westport Public Schools.

No employee of the Westport Public Schools shall serve as a volunteer in any capacity, except as may be approved by the Superintendent or his/her designee based on the specific situation.

Persons interested in volunteering their services should contact the school principal.

Legal Reference:

Connecticut General Statutes § 10-4g
Connecticut General Statutes § 10-220
Connecticut General Statutes § 10-235
Connecticut General Statutes § 54-250 et seq.

**Series 4000
Personnel**

NON-DISCRIMINATION

The 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 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.

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, released under honorable conditions from or released with an other than honorable discharge based on a qualifying condition 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. “Qualifying condition” means (A) a diagnosis of post-traumatic stress disorder or traumatic brain injury made by an individual licensed to provide health care services at a United States Department of Veterans Affairs facility, (B) an experience of military sexual trauma disclosed to an individual licensed to provide health care services at a United States Department of Veterans Affairs facility, or (C) a determination that sexual orientation, gender identity, or gender expression was more

likely than not the primary reason for an other than honorable discharge, as determined in accordance with Conn. Gen. Stat. §§ 27-103(c), (d).

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.

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.

Any employee wishing to file a complaint regarding discrimination or harassment may obtain a copy of the Board’s complaint procedures and complaint form, which are included in the Board’s Administrative Regulations Regarding Non-Discrimination/Personnel. These regulations accompany Board Policy #_____ **[Insert Policy # for Personnel/Non-Discrimination Policy]** and are available online at **[Insert website address for Board policies]** or upon request from the main office of any district school.

If a complaint involves allegations of discrimination or harassment based on reasons such as gender/sex, gender identity, sexual orientation, disability, or pregnancy, such complaints will be handled under other appropriate policies (e.g., Policy #_____ **[Insert Policy #]**, Sex Discrimination/Harassment in the Workplace; Policy #_____ **[Insert Policy #]**, Section 504/ADA).

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 or harassment 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
(860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

Anyone who has questions or concerns about this policy, and/or who may wish to request or discuss accommodations based on religion, and/or who would like a copy of the Board's complaint procedures or complaint forms related to claims of discrimination or harassment, may contact:

[Insert name/title, address, telephone number of person(s)]

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

[Insert name/title, address, telephone number. e-mail address]

Anyone who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of disability, and/or who may wish to request or discuss accommodations for a disability, may contact the Board's Section 504/ADA Coordinator:

[Insert name/title, address, telephone number]

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 § 27-103
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
Public Act No. 21-79, “An Act Redefining ‘Veteran’ and Establishing a
Qualifying Review Board”

ADOPTED:_____

REVISED:_____

6/28/2021

ADMINISTRATIVE REGULATIONS REGARDING DISCRIMINATION COMPLAINTS (PERSONNEL)

It is the policy of the _____ 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 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.

If a complaint involves allegations of discrimination or harassment based on reasons such as gender/sex, gender identity, sexual orientation, disability, or pregnancy, such complaints will be handled, as appropriate, in accordance with other Board policies (e.g., Policy # _____ **[Insert Policy #]**, Sex Discrimination/Harassment in the Workplace (Personnel) and Policy # _____ **[Insert Policy #]**, Section 504/ADA (Personnel)).

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 Superintendent or designee.

If the complaint being filed is against the Superintendent, the complaint should be filed with the Board Chair, who will take appropriate steps, such as retaining an independent investigator, to cause the matter to be investigated in a manner consistent with the Board's non-discrimination policy and regulation. If either the Superintendent or any other party to the complaint is not satisfied with the findings and conclusions of the investigation, within (30) calendar days of receiving the findings, such party may present the complaint and written outcome to the Board Chair, who will take appropriate steps, such as retaining an independent investigator different from the investigator who investigated the complaint, to cause the matter to be reviewed in a manner consistent with the Board's non-discrimination policy and regulation.

The individual and any respondent (if applicable) will be provided a copy of the Board's policy and regulation and made aware of the individual's rights under this policy and regulation. In the event the Superintendent or designee receives a complaint alleging discrimination or harassment based on gender/sex, gender identity, sexual orientation, disability, or pregnancy, the Superintendent or designee shall follow the procedures identified in the appropriate Board policies (e.g., Policy #_____ **[Insert Policy #]**, Sex Discrimination/Harassment in the Workplace (Personnel); Policy #_____ **[Insert Policy #]**, Section 504/ADA (Personnel), and Policy #_____ **[Insert Policy #]**), where applicable, rather than the complaint procedures provided in this policy.

The complaint should state the:

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

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

All complaints received by staff members are to be forwarded immediately to the Superintendent or designee. Upon receipt of a complaint alleging harassment or discrimination under this complaint procedure, the Superintendent or designee shall promptly investigate the complaint. During the course of the investigation, the investigator shall interview or consult with all individuals reasonably believed to have relevant information, including the complainant, the alleged harasser/discriminator (“respondent”), and any witnesses to the conduct. Complaints will be investigated promptly within the timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information and/or 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 or harassment, 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, the complexity of the investigation, and/or other extenuating circumstances) to discuss the nature of the complaint, identify individuals the complainant believes has relevant information, and obtain any relevant documents the complainant may have;
2. Provide the complainant and respondent (if applicable) with a copy of the Board’s 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 reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) from the date the complaint was received by the Superintendent's office. The complainant and respondent (if any) shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the district will remedy the discrimination or harassment, adhering to the requirements of state and federal law;

7. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, the complainant and respondent (if any) will receive notice and interim measures may be implemented as necessary (see subparagraph 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 discrimination or harassment. Corrective action should include steps to avoid continuing discrimination or harassment;
9. If either party to the complaint is not satisfied with the findings and conclusions of the investigation, such party may present the complaint and written outcome to the Superintendent within thirty (30) calendar days of receiving the findings. Upon review of a written request from the party requesting an appeal, the Superintendent shall review the investigative results of the investigator and determine if further action and/or investigation is warranted. Such action may include consultation with a designated investigator (if applicable), complainant, and respondent (if any) and meeting with appropriate individuals to attempt to resolve the complaint, or a decision affirming or overruling a designated investigator's conclusions or findings (if applicable). The Superintendent shall provide written notice to the complainant and respondent (if any) of the proposed actions within fifteen (15) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) following the receipt of the written request for review.

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 or harassment 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
(860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

Anyone who has questions or concerns about these regulations, and/or who may wish to request or discuss accommodations based on religion, may contact:

[Insert name/title, address, telephone number of person(s)]

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

[Insert name/title, address, telephone number, e-mail address]

Anyone who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of disability, and/or who may wish to request or discuss accommodations for a disability, may contact the Board's Section 504/ADA Coordinator:

[Insert name/title, address, telephone number]

7/9/2021

DISCRIMINATION/HARASSMENT 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 _____

6/28/2021

Personnel --Certified/Non-Certified

Non-Discrimination

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

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

For the purposes of this policy, "genetic information" means the information about genes, gene products, or inherited characteristics that may derive from an individual or a family member. "Genetic information" may also include an 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.

Any employee wishing to file a complaint regarding discrimination may obtain a copy of the Board's complaint procedures and complaint form which are included in the Board's Administrative Regulations Regarding Non-Discrimination/Personnel. These regulations accompany Board Policy #4111.1 and Board Policy #4211.1 and are available online at <http://www.westportps.org/district/policies> or upon request from the main office of any district school.

If a complaint involves allegations of discrimination or harassment based on reasons such as gender/sex or disability, such complaints will be handled under other appropriate policies (e.g., Policy #[4118.112](#) and Policy #[4218.112](#), Sex Discrimination/Harassment in the Workplace; Policy #[4111.4](#) and [4211.4](#), Section 504/ADA).

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)

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

The Office of the Superintendent, 203-341-1025

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

Director of Human Resources and General Administration, 203-341-1023

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

Assistant Superintendent of Pupil Personnel Services, 203-341-1250

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

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 § [10](#)-153. Discrimination on basis of marital status

Connecticut Fair Employment Practices Act, Connecticut General Statutes § [46a](#)-60

Connecticut General Statutes § [46a](#)-81a Discrimination on basis of sexual orientation: Definitions

Connecticut General Statutes § [46a](#)-81c Sexual orientation discrimination: Employment.

Public Act 17-127, An Act Concerning Discriminatory Practices Against Veterans, Leaves of Absence for National Guard Members, Application for Certain Medicaid Programs, and Disclosure of Certain Records to Federal Military Law Enforcement.

Policy adopted: October 1976

Policy amended: December 1978

Policy amended: March 2005

Policy amended: January 22, 2018

Policy amended: November 11, 2019

**Series 4000
Personnel**

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

It is the policy of the _____ Board of Education (the “Board”) for the _____ Public Schools (the “District”) 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. Discrimination or harassment on the basis of sex includes discrimination or harassment on the basis of gender identity or sexual orientation. 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).

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.

The _____ 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 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 _____ *[include name or title - this may be multiple individuals]*. Any individual may make a report of sex discrimination and/or sexual harassment to any Board employee or directly to the Title IX Coordinator using any one, or multiple, of the following points of contact *[must include all of this contact information]*:

OFFICE ADDRESS

ELECTRONIC MAIL ADDRESS

TELEPHONE NUMBER

Any Board employee in receipt of allegations of sex discrimination or sexual harassment, or in receipt of a formal complaint, shall immediately forward such information to the Title IX Coordinator. Board employees may also make a report of sexual harassment and/or sex discrimination to the U.S. Department of Education: Office for Civil Rights, Boston Office, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone: 617-289-0111).

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

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.

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:_____

REVISED:_____

7/30/2021

Series 4000
Personnel

[Note: The following administrative procedures are not part of the sex discrimination and sexual harassment policy and need not be approved by the Board. However, because a complaint procedure is legally required, these administrative regulations are included for your convenience.]

**ADMINISTRATIVE REGULATIONS REGARDING
THE PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT
(PERSONNEL)**

It is the policy of the _____ Board of Education (the “Board”) for the _____ Public Schools (the “District”) 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. Discrimination or harassment on the basis of sex includes discrimination or harassment on the basis of gender identity or sexual orientation. 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.

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 _____ *[include name or title - this may be multiple individuals]*. Any individual may make a report of sex discrimination and/or sexual harassment to any District employee or directly to the Title IX Coordinator using any one, or multiple, of the following points of contact *[must include all of this contact information]*:

OFFICE ADDRESS

ELECTRONIC MAIL ADDRESS

TELEPHONE NUMBER

Any District employee in receipt of allegations of sex discrimination or sexual harassment, or in receipt of a formal complaint, shall immediately forward such information to the Title IX Coordinator. 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 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.

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

EXPLANATION OF COMPLAINT PROCESS AND PROCEDURE

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

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

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

SECTION I. GRIEVANCE PROCESS FOR COMPLAINTS OF SEXUAL HARASSMENT UNDER TITLE IX

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.
- **Consent** means an active, clear and voluntary agreement by a person to engage in sexual activity with another person (also referred to hereafter as “affirmative consent”).

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

- 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 engaging in sexual activity to ensure that the person has the affirmative consent of all persons engaged in the sexual activity to engage in the sexual activity and that the affirmative consent is sustained throughout the sexual activity.
- 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 consent.
- 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 the individual's duties, has regular contact with students and who provides services to or on behalf of students enrolled in a public elementary, middle or high school, pursuant to a contract with the Board.
 - **Formal complaint** means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment (as defined under Title IX) 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.
 - **School days** means the days that school is in session as designated on the calendar posted on the Board's website. In its discretion, and when equitably applied and with proper notice to the parties, the District may consider business days during the summer recess as "school days" if such designation facilitates the prompt resolution of the grievance process.
 - **Supportive measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, increased security and monitoring, and other similar measures.

B. Reporting Sexual Harassment

1. It is the express policy of the Board to encourage victims of sexual harassment to report such claims. Any person may report sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator. If the District receives notice of sexual harassment or alleged sexual harassment against a person in the District's education program or activity, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures, whether or not the complainant files 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 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 formal 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 formal 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 has not already discussed the availability of supportive measures with the complainant, the Title IX Coordinator 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 such 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 under Title IX 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.

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

5. The parties may have an advisor of their choice accompany them during any grievance proceeding at which the party's attendance is required. The District may, in its discretion, establish certain restrictions regarding the extent to which an advisor may participate in the proceedings. If any such restrictions are established, they will be applied equally to all parties.
6. The Title IX Coordinator will, as applicable, promptly commence an investigation of the formal complaint, designate a school administrator to promptly investigate the formal complaint, or dismiss the formal complaint in accordance with Subsection F of this Section. The standard of evidence to be used to determine responsibility is the

preponderance of the evidence standard (i.e., more likely than not). *[Note: A school district may choose to use a “clear and convincing evidence” standard instead. A clear and convincing evidence standard is a higher evidentiary burden than the preponderance of evidence standard. The clear and convincing evidence standard is understood to mean that a decision-maker must conclude that a fact is highly probable to be true, as opposed to a “more likely than not” under the preponderance of the evidence standard. The same standard of evidence for formal complaints must be used for both employees and students. Districts may wish to consult legal counsel regarding selection of an evidentiary standard.]* The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the District and not on the parties.

7. The parties will be given an equal opportunity to discuss the allegations under investigation with the investigator(s) and are permitted to gather and present relevant evidence. This opportunity includes presenting witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Credibility determinations will not be based on a person’s status as a complainant, respondent, or witness. 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 Subsection.
9. The investigator(s) will create an investigative report that fairly summarizes relevant evidence. The investigator(s) will send the investigative report, in an electronic format or hard copy, to each party and to each party’s advisor for their review and written response at least ten (10) school days prior to *[Insert “a hearing or” if a District chooses to conduct live hearings]* the time a determination regarding responsibility is made.

[The Title IX regulations provide that school districts “may, but need not, provide for a hearing.” If school districts choose to hold a hearing (live or otherwise), an additional paragraph explaining the hearing process should be added here. The regulations provide school districts significant discretion as to how to conduct such a hearing. If a school district would like to include the procedures for holding a live hearing in its

administrative regulations, Shipman & Goodwin LLP would be happy to assist in crafting specific hearing procedures that satisfies the school district's needs.]

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 formal 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 formal 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. To reach this determination, the decision-maker must apply the preponderance of the evidence **[NOTE: or clear and convincing evidence]** standard. 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.
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 Section.

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.

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. 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).

Appeals will be appropriate only in the following circumstances:

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

The District will provide the other party with written notice of such appeal. The appealing party will then have ten (10) school days to submit to the decision-maker(s) for the appeal a written statement in support of, or challenging, the outcome of the grievance process. The decision-maker(s) for the appeal will provide the appealing party's written statement to the other party. The other party will then have ten (10) school days to submit to the decision-maker for the appeal a written statement in support of, or challenging, the outcome of the grievance process. The decision-maker(s) for the appeal, in their discretion, will determine any additional necessary and appropriate procedures for the appeal.

After considering the parties' written statements, the decision-maker(s) for the appeal will provide a written decision. The decision-maker(s) for the appeal will attempt to issue the written decision within thirty (30) school days of receipt of all written statements from the parties. 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 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 or illness of a party, a party's advisor, or a witness; concurrent law enforcement activity; concurrent activity by the Department of Children and Families; or the need for language assistance or accommodation of disabilities. If any timeframe is altered on a showing of good cause, written notice will be provided to each party with the reasons for the action.
2. If a sexual harassment complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the District (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.
3. If the sexual harassment complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.
4. Retaliation against any individual who complains pursuant to the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) and these Administrative Regulations is strictly prohibited. Neither the District nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or these Administrative Regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under these Administrative Regulations. The District will take actions designed to prevent retaliation. 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 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 the employee 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), the employee should make a written complaint to the Title IX Coordinator or to the building principal, or designee. The employee will be provided a copy of the Board's Policy and Administrative Regulations and made aware of the employee's rights under this Policy and Administrative Regulations. Preferably, complaints should be filed within ten (10) school days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints.
2. The complaint should state the:
 - i. Name of the complainant;
 - ii. Date of the complaint;
 - iii. Date(s) of the alleged discrimination;
 - iv. Name(s) of the discriminator(s);
 - v. Location where such discrimination occurred;
 - vi. Names of any witness(es) to the discrimination;
 - vii. Detailed statement of the circumstances constituting the alleged discrimination; and
 - viii. Remedy requested.
3. Any employee who makes an oral complaint of sex discrimination to any of the above-mentioned personnel will be provided a copy of these Administrative Regulations and will be requested to make a written complaint pursuant to the above procedure.
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 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 this information not be shared with the alleged discriminator(s), the employee will be informed that the District's ability to investigate and/or take corrective action may be limited.
7. Upon receipt of a sex discrimination complaint, the Title IX Coordinator shall either promptly commence an investigation of the complaint, or shall designate a school administrator to promptly investigate the complaint. The Title IX Coordinator or designee shall:
 - 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 designee, and take steps to remedy the effects of the sex discrimination.
8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, the complainant and respondent will receive notice and interim measures may be implemented as necessary.
9. If the complainant or respondent (if applicable) is dissatisfied with the findings of the investigation, the complainant or respondent may file a written appeal within five (5) school days to the Title IX Coordinator, or, if the Title IX Coordinator conducted the investigation, to the Superintendent of Schools. The Title IX Coordinator or Superintendent 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. Neither the District nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or these Administrative Regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under these Administrative Regulations. 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 complaint with the Office for Civil Rights, Boston Office, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone (617) 289-0111).

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

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

7/30/2021

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.

**Series 4000
Personnel**

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

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

Name of the complainant _____

Date of the complaint _____

Date of the alleged sexual harassment _____

Name or names of the sexual harasser(s) _____

Location where such sexual harassment occurred _____

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

Detailed statement of the circumstances constituting the alleged sexual harassment

Remedy requested _____

Signature of Complainant or Title IX Coordinator: _____

11/23/2020

Series 4000
Personnel

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

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

Name of the complainant _____

Date of the complaint _____

Date of the alleged sex discrimination _____

Name or names of the sex discriminator(s) _____

Location where such sex discrimination occurred _____

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

Detailed statement of the circumstances constituting the alleged sex discrimination

Remedy requested _____

Signature: _____

11/23/2020

SAMPLE WRITTEN NOTICE FOR FORMAL COMPLAINTS OF SEXUAL HARASSMENT
[LETTERHEAD]

NOTICE OF SEXUAL HARASSMENT ALLEGATIONS UNDER TITLE IX

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

Identities of the parties involved, if known:

_____ (Complainant(s))

_____ (Respondent(s))

The conduct allegedly constituting sexual harassment: _____

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

The Title IX Coordinator or designee will contact the parties regarding the next step in the grievance process. Questions can be directed to the Title IX Coordinator: **[INSERT CONTACT INFORMATION FOR TITLE IX COORDINATOR]**

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

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

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

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

11/23/2020

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

[LETTERHEAD]

NOTICE OF INFORMAL RESOLUTION PROCESS FOR SEXUAL HARASSMENT
COMPLAINTS UNDER TITLE IX

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

The conduct allegedly constituting sexual harassment: _____

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

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

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

I voluntarily consent to the informal resolution process:

Complainant

Date

Respondent

Date

11/23/2020

[Note: Although we have included this sample notice in our model policy documents for the convenience of our Board of Education clients, the notice does not need to be approved as a Board policy.]

**[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 _____ **[TITLE IX COORDINATOR, OR SUPERINTENDENT IF THE TITLE IX COORDINATOR IS THE SUBJECT OF THE COMPLAINT]**. 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
[_____] REGION OFFICE [REGIONAL OFFICES AND THEIR ADDRESSES CAN BE
FOUND ON THE CHRO WEBSITE, [HTTP://WWW.STATE.CT.US/CHRO/](http://www.state.ct.us/chro/)]
[ADDRESS]
[PHONE NUMBER]

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.

9/24/20

Personnel -- Certified/Non-Certified

Prohibition of Sex Discrimination and Sexual Harassment in the Workplace

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

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

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

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

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

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

- (1) An employee of the Board conditioning the provision of an aid, benefit, or service of the Board on an individual’s participation in unwelcome sexual conduct (i.e., quid pro quo);
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Board’s education

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

Reporting Sex Discrimination or Sexual Harassment

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

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

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

The Westport 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.

The Board’s Title IX Coordinator is John Bayers, Director of Human Resources and General Administration. 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:

110 Myrtle Avenue
Westport, CT 06880
jbayers@westportps.org
203-341-1004

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

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

Legal References:

Civil Rights Act of 1964, Title VII, 42 U.S.C. § 2000e-2(a).
Equal Employment Opportunity Commission Policy Guidance on Current Issues of Sexual Harassment (N-915.050), March 19, 1990.
Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.
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 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

**Series 5000
Students**

ADMINISTRATIVE REGULATIONS REGARDING IMMUNIZATIONS

I. Immunization Requirements

In accordance with state law and accompanying regulations, the _____ Public Schools (the “District”) requires each child to be protected by adequate immunization against diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps, rubella, haemophilus influenzae type B, hepatitis A, hepatitis B, varicella, pneumococcal diseases, meningococcal disease and any other vaccine required by the schedule for active immunization as determined by the Commissioner of Public Health pursuant to Conn. Gen. Stat. § 19a-7f, before being permitted to enroll in any program or school under its jurisdiction.

Among other requirements, before being permitted to enter seventh grade, the District requires each child to be vaccinated against meningococcal disease. The District further requires each child to receive a second immunization against measles and tetanus, diphtheria and pertussis (Tdap) before being permitted to enter seventh grade.

Further, each child must have received two doses of immunization against varicella before being permitted to enter kindergarten and seventh grade, and each child must have received two doses of immunization against rubella and mumps before being permitted to enter grades kindergarten through twelve.

[If the District operates a preschool program, the following language should be added:

By January 1 of each year, children aged 24-59 months enrolled in the District’s preschool program must show proof of receipt of at least one dose of influenza vaccine between August 1 and December 31 of the preceding year. All children aged 24-59 months who have not received vaccination against influenza previously must show proof of receipt of two doses of the vaccine the first influenza season that they are vaccinated. Children seeking to enroll in the District’s preschool program between January 1 and March 31 are required to receive the influenza vaccine prior to being permitted to enter the program. Children who enroll in the preschool program after March 31 of any given year are not required to meet the influenza vaccine requirement until the following January.]

Exemption from the applicable requirements of these administrative regulations shall be granted to any child who, before being permitted to enroll:

- (1) presents a certificate from a physician, physician assistant, advanced practice registered nurse or local health agency stating that initial immunizations have been given to such child and additional immunizations are in process

- (A) under guidelines and schedules specified by the Commissioner of Public Health; or
 - (B) in the case of a child enrolled in a preschool program or other prekindergarten program who, prior to April 28, 2021, was exempt from the applicable immunization requirements upon presentation of a statement that such immunizations would be contrary to the religious beliefs of such child or the parents or guardian of such child, as such additional immunizations are recommended, in a written declaration, in a form prescribed by the Commissioner of Public Health, for such child by a physician, a physician assistant or an advanced practice registered nurse. Such statement of religious beliefs shall be acknowledged by a judge of a court of record or a family support magistrate, a clerk or deputy clerk of a court having a seal, a town clerk, a notary public, a justice of the peace, an attorney admitted to the bar of this state, or a school nurse; or
- (2) presents a certificate, in a form prescribed by the Commissioner of Public Health pursuant to Section 7 of Public Act No. 21-6, from a physician, physician assistant, or advanced practice registered nurse stating that in the opinion of a such physician, physician assistant, or advanced practice registered nurse such immunization is medically contraindicated because of the physical condition of such child; or
 - (3) in the case of measles, mumps or rubella, presents a certificate from a physician, physician assistant or advanced practice registered nurse or from the Director of Health in such child's present or previous town of residence, stating that the child has had a confirmed case of such disease; or
 - (4) in the case of haemophilus influenzae type B, has passed such child's fifth birthday; or
 - (5) in the case of pertussis, has passed such child's sixth birthday.

II. Exemptions Based on Religious Beliefs

A. Children Enrolled in Kindergarten Through Twelfth Grade On or Before April 28, 2021

The immunization requirements set forth in Section I of these administrative regulations **shall not apply** to any child who is enrolled in kindergarten through twelfth grade on or before April 28, 2021 if:

- 1. such child presented a statement, prior to April 28, 2021, from the parents or guardians of such child that such immunization is contrary

to the religious beliefs of such child or the parents or guardians of such child, and

2. such statement was acknowledged by a judge of a court of record or a family support magistrate, a clerk or deputy clerk of a court having a seal, a town clerk, a notary public, a justice of the peace, an attorney admitted to the bar of the State of Connecticut, or a school nurse.

B. Students Who Transfer from Another Public or Private School in Connecticut

The immunization requirements set forth in Section I of this policy **shall not apply** to any student who:

1. transfers to the District from another public or private school in Connecticut, and
2. was enrolled in kindergarten through twelfth grade in the other public or private school on or before April 28, 2021, and
3. presented a statement, prior to April 28, 2021, from the parents or guardians of such child that such immunization is contrary to the religious beliefs of such child or the parents or guardians of such child, and such statement was acknowledged by a judge of a court of record or a family support magistrate, a clerk or deputy clerk of a court having a seal, a town clerk, a notary public, a justice of the peace, an attorney admitted to the bar of the State of Connecticut, or a school nurse.

C. Children Enrolled in Preschool or Prekindergarten Prior to April 28, 2021

Any child who is enrolled in a preschool program or other prekindergarten program prior to April 28, 2021 who:

1. presented a statement, prior to April 28, 2021, from the parents or guardians of such child that such immunization is contrary to the religious beliefs of such child or the parents or guardians of such child, and
2. such statement was acknowledged by a judge of a court of record or a family support magistrate, a clerk or deputy clerk of a court having a seal, a town clerk, a notary public, a justice of the peace, an attorney admitted to the bar of the State of Connecticut, or a school nurse, but

3. did not present a written declaration from a physician, a physician assistant or an advanced practice registered nurse stating that additional immunizations are in process as recommended by such physician, physician assistant or advanced practice registered nurse, rather than as recommended under guidelines and schedules specified by the Commissioner of Public Health

shall comply with the immunization requirements provided for in Section I of these administrative regulations on or before September 1, 2022, or not later than fourteen (14) days after transferring to a program operated by a school under the jurisdiction of the District, whichever is later.

In accordance with state law, the _____ Board of Education (“Board”) and the District shall not be liable for civil damages resulting from an adverse reaction to a nondefective vaccine required to be administered by state law.

If the parents or guardians of any child are unable to pay for any required immunization, the expense of such immunization shall, upon the recommendation of the Board, be paid by the town of the child’s residence.

The District designates **[insert name of responsible staff member]** as the representative for receipt of reports from health care providers concerning student immunizations.

The current required immunizations for elementary (including preschool), middle and high school students can be found at: https://portal.ct.gov/-/media/SDE/School-Nursing/Forms/Immunization_Requirements.pdf.

In implementing these regulations, the District shall consider state guidance and supporting documents and comply with applicable law.

Legal Reference: Connecticut General Statutes
 § 10-204a Required immunizations
 § 10-204c Immunity from liability
 Public Act No. 21-6, “An Act Concerning Immunizations”

 Regulations of Connecticut State Agencies
 § 10-204a-2a Adequate Immunization

Letter to Superintendents of Schools et al. from Connecticut State Departments of Public Health and Education, *Reinstatement of Prekindergarten and Kindergarten School Immunization Entry Requirement for Haemophilus Influenza Type B (Hib) Vaccine*, June 25, 2010.

Letter to Superintendents of Schools et al. from Connecticut State Departments of Public Health and Education, *Changes in the Immunization Requirements for School Entry*, March 15, 2011.

State Department of Education, Guidance Regarding Public Act 21-6, “An Act Concerning Immunizations,” May 25, 2021.

ADOPTED _____

REVISED: _____

6/25/2021

Students

Health Assessments and Immunizations

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

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

The Board of Education adheres to those state laws and regulations that pertain to school immunizations and health assessments, including oral health assessments. It is the policy of the Board of Education to insure that all enrolled students are adequately immunized against communicable diseases. The Board may deny continued attendance in school to any student who fails to obtain the health assessments required under C.G.S. [10-206](#), as may be periodically amended.

The Superintendent shall designate the school nurse to receive reports of health assessments and immunizations from health care providers.

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

Parents/guardians wanting their children excused from immunizations on religious grounds (prior to enrollment and grade 7 entry) must request such exemption in writing, using State of Connecticut Department of Public Health Religious Exemption Statement form, to the school nurse, if such immunization is contrary to the religious beliefs of the child or of the parent/guardian of the child. The request must be officially acknowledged by a notary public or a judge, a clerk or deputy clerk of a court having a seal, a town clerk, a justice of the peace, or a Connecticut-licensed attorney.

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

The school nurse who is required to verify the immunization status for children enrolled in District schools, pre-K to grade 12, inclusive, pursuant to C.G.S. [10-204a](#), shall be provided with sufficient information on the children living within his/her jurisdiction and is listed on the Department of Public Health's registry of immunization status. The school nurse is authorized to determine which children in their jurisdiction are overdue for scheduled immunizations and provide outreach to help get them vaccinated.

Students born, traveling, and /or residing for at least one month in a country other than the United States, Canada, Australia, New Zealand, or a country in western or northern Europe and entering school in Connecticut for the first time, should receive either TST (tuberculin skin test) or IGRA (interferon-gamma release assay). Any individual found to be positive shall have an appropriate medical management plan developed that includes a chest radiograph.

Students not already known to have a positive test for tuberculosis should be tested if they meet any of the risk factors for TB infection, such as immunosuppression, current or planned or close contact to someone with infectious TB disease.

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

As required, the District will report, beginning in October 2017, on a triennial basis, to the Department of Public Health and to the local Health Director the asthma data, pertaining to the total number of students per school and for the district, obtained through the required asthma assessments, including student demographics. Such required

asthma diagnosis shall occur at the time of mandated health assessment at the time of enrollment, in grade six or seven, and in grade ten or eleven. Such asthma diagnosis shall be reported whether or not it is recorded on the health assessment form, at the aforementioned intervals. The District, as required, will also participate in annual school surveys conducted by the Department of Public Health pertaining to asthma.

As required, the District will annually report to the Department of Public Health information required on the School Immunization Entry Survey.

The Superintendent of Schools or his/her designee shall give written notice to the parent/guardian of each student who is found to have any defect of vision or disease of the eyes, with a brief statement describing such defect or disease and a recommendation that the student be examined by an appropriately licensed optometrist or ophthalmologist.

Note: PA 18-168 requires boards of education to request that students have an oral health assessment prior to public school enrollment, in grade 6 or 7, and in grade 9 or 10. The legislation establishes related requirements on providers authorized to perform the assessments, parental consent assessment forms, and records access. The specifics are detailed in the administrative regulation pertaining to this policy.

(cf. [5111](#) - Admission)

(cf. [5125](#) - Student Records)

(cf. 5135.11 - Health/Medical Records - HIPAA)

Legal Reference: Connecticut General Statutes

[10-204a](#) Required immunizations (as amended by P.A. 15-174 and P.A. 15-242)

[10-204c](#) Immunity from liability

[10-205](#) Appointment of school medical adviser

[10-206](#) Health assessments (as amended by PA 17-146 and PA 18-168)

[10-207](#) Duties of medical advisors

[10-206a](#) Free health assessments

[10-208](#) Exemption from examination or treatment

[10-208a](#) Physical activity of student rest cites; board to hone notice

[10-209](#) Records not to be public. Provision of reports to school.

[10-212](#) School nurses

[10-214](#) Vision, audiometric and postural screenings. When required. Notification of parents re defects; record of results (as amended by PA 17-173)

Department of Public Health, Public Health Code, [10-204a-2a](#), [10-204a-3a](#), [10-204a-4](#)

Section 4 of PA 14-231

Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Provisions Act, as amended, added by section 513 of P.L. 93-568, codified at 20 U.S.C. 1232g.

P.L. 93-568; codified as 20 U.S.C. 1232g

42 U.S.C. 1320d-1320d-8 P.L. 104-191, Health Insurance Portability and Accountability Act of 1996 (HIPAA)

PA 17-146 "An Act Concerning the Department of Public Health's Various Revisions to the Public Health Statutes," Section 5, effective 10/1/17

PA 18-168 An Act Concerning the Department

Policy adopted: June 29, 1992

Amended: November 19, 2019

WESTPORT PUBLIC SCHOOLS

Westport, Connecticut

**Series 5000
Students**

STUDENT PRIVACY

In accordance with federal law, the _____ Board of Education (the “Board”) adopts, in consultation with parents, the following provisions related to student privacy.

I. Definitions

- A. *"Invasive physical examination"* means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.
- B. *"Parent"* includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child).
- C. *"Personally identifiable information"* includes, but is not limited to,
 - 1. the student's name;
 - 2. the name of the student's parent or other family members;
 - 3. the address of the student or student's family;
 - 4. a personal identifier, such as the student's social security number, student number, or biometric record;
 - 5. other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
 - 6. information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.
- D. *"Personal information"* means individually identifiable information including—
 - 1. a student's or parent's first and last name;

2. a home or other physical address (including a street name and the name of a city or town);
 3. a telephone number; or
 4. a Social Security identification number.
- E. *"Survey"* includes an evaluation, but does not include a survey or evaluation administered to a student in accordance with the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.).

II. Student Surveys

- A. Surveys Funded in Whole or in Part by the U.S. Department of Education:
1. The administration shall make available for inspection by parents all instructional materials, including teacher's manuals, films, tapes or other supplementary material which will be used in connection with any survey, analysis, or evaluation funded in whole or in part by the U.S. Department of Education.
 2. The administration shall obtain the prior written consent of the parent or student (if the student is an adult or an emancipated minor), prior to requiring a student to submit to a survey, analysis, or evaluation funded in whole or part by the U.S. Department of Education that reveals information concerning any of the following topics:
 - a. political affiliations or beliefs of the student or the student's parent;
 - b. mental or psychological problems of the student or the student's family;
 - c. sex behavior or attitudes;
 - d. illegal, anti-social, self-incriminating, or demeaning behavior;
 - e. critical appraisals of other individuals with whom respondents have close family relationships;
 - f. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;

- g. religious practices, affiliations, or beliefs of the student or of the student's parent; or
 - h. income (other than that required by law to determine eligibility in a program or for receiving financial assistance under such program).
 - 3. If a student is *not required* to submit to a survey, analysis, or evaluation that reveals information concerning any of the topics in Section II.A.2 above, the administration shall provide parents with notice of the district's intent to distribute such survey and, upon written request, shall permit the parent or student (if an adult or emancipated minor) to opt out of participation.
- B. Surveys Funded by Sources Other than the U.S. Department of Education:
 - 1. Third Party Surveys
 - a. Prior to distributing any third party survey, the administration shall give notice to parents of the district's intent to distribute a survey on behalf of a third party.
 - b. Upon request, the administration shall permit parents to inspect any third party survey before it is administered or distributed by a school to a student. The administration shall grant reasonable access to the survey within a reasonable period of time after a parental request is received.
 - c. Student responses to third party surveys that contain personally identifiable information shall be considered student records, and shall be subject to the district's Confidentiality and Access to Student Records Policy and any administrative regulations or procedures governing the confidentiality of student records.
 - 2. Confidential Topic Surveys
 - a. The provisions of this subsection apply to any survey (sponsored by the school district or a third party) which contains questions pertaining to one or more of the following items ("Confidential Topic Surveys"):
 - i) political affiliations or beliefs of the student or the student's parent,

- ii) mental or psychological problems of the student or the student's family,
 - iii) sex behavior or attitudes,
 - iv) illegal, anti-social, self-incriminating, or demeaning behavior,
 - v) critical appraisals of other individuals with whom respondents have close family relationships,
 - vi) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers,
 - vii) religious practices, affiliations, or beliefs of the student or of the student's parent,
 - viii) income (other than that required by law to determine eligibility in a program or for receiving financial assistance under such program).
- b. At the beginning of the school year, the administration shall give direct notice to parents of affected students of the district's intent to distribute a Confidential Topic Survey(s). Such notice shall include the specific or approximate dates during the school year of such distribution.
 - c. Upon request, the administration shall permit parents to inspect any Confidential Topic Survey before it is administered, distributed or used by a school to or with a student. The administration shall grant reasonable access to the Confidential Topic Survey within a reasonable period of time after a parental request is received.
 - d. Student responses to any Confidential Topic Survey that contain personally identifiable information shall be considered student records, and shall be subject to the district's Confidentiality and Access to Student Records Policy and any administrative regulations or procedures governing the confidentiality of student records.
 - e. Upon written request, the administration shall permit the parent or student (if an adult or emancipated minor) to opt out of participation in any Confidential Topic Survey described in this subparagraph.

III. Collection of Personal Information

- A. The provisions of this subsection apply to any instrument designed to collect personal information from a student for the purpose of marketing, selling or otherwise distributing such information or providing that information to others for that purpose.
- B. At the beginning of the school year, the administration shall give direct notice to parents of affected students (or to the students aged eighteen (18) or older or emancipated minors) of the district's intent to collect, disclose or use personal information collected from students for the purpose of marketing, selling or otherwise distributing such information or providing that information to others for that purpose. Such notice shall include the specific or approximate dates during the school year of such collection, disclosure or use of personal information.
- C. Upon written request, the administration shall permit parents to inspect an instrument designed to collect personal information of students before it is administered or distributed by a school to a student. The administration shall grant reasonable access to the instrument within a reasonable period of time after a parental request is received.
- D. Upon written request, the administration shall permit parents (or students aged eighteen (18) or older or emancipated minors) to opt out of participation in the collection, disclosure or use of personal information obtained from students for the purposes of marketing, selling or otherwise distributing the personal information to others for that purpose.
- E. The provisions regarding the collection, disclosure and/or use of personal information do not apply to personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:
 - 1. college or other post-secondary education recruitment, or military recruitment*;
 - 2. book clubs, magazines, and programs providing access to low-cost literary products;
 - 3. curriculum and instructional materials used by elementary schools and secondary schools;

4. tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students;
5. the sale by students of products or services to raise funds for school-related or education-related activities;
6. student recognition programs.

*Note: Notwithstanding the foregoing, the district will permit parents and students over the age of eighteen (18) or emancipated minors to prevent disclosure of secondary school students' names, addresses and telephone numbers to military recruiters and institutions of higher education, in accordance with the district's Confidentiality and Access to Student Records Policy.

IV. Non-Emergency Invasive Physical Examinations and Screenings

- A. The provisions described in this subparagraph shall apply to any non-emergency, invasive physical examinations/screenings conducted by the school district, when such examinations/screenings meet the following conditions:
 1. they are required as a condition of attendance;
 2. they are administered by the school and scheduled by the school in advance;
 3. they are not necessary to protect the immediate health and safety of the students; and
 4. they are not required by state law.
- B. At the beginning of the school year, the administration shall give direct notice to parents of affected students (or the affected student if eighteen (18) or older or an emancipated minor) of the district's intent to conduct non-emergency invasive physical examination(s)/ screening(s) described above, except for hearing, vision or scoliosis screenings. Such notice shall include the specific or approximate dates during the school year of the administration of such the non-emergency invasive physical examination(s)/ screening(s).
- C. Upon written request, the administration shall permit parents of affected students or the affected students (if adults or emancipated minors) to opt out of participation in the non-emergency invasive physical examination(s)/screening(s) described in this subparagraph.

V. Complaint Procedure

Parents or students (if adults or emancipated minors) who believe that their rights under this policy have been violated may file a complaint with:

Student Privacy Policy Office
United States Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-5920

ADOPTED: _____

REVISED: _____

Legal References:

Family Educational Rights and Privacy Act (FERPA), U.S.C. § 1232g; 34 CFR Part 99

Protection of Pupil Rights Amendment, 20 U.S.C. § 1232h

UNITED STATES DEPARTMENT OF EDUCATION, STUDENT PRIVACY POLICY OFFICE, Protection of Pupil Rights Amendment (PPRA), SPPO-21-01 (issued November 24, 2020), *available at* https://studentprivacy.ed.gov/sites/default/files/resource_document/file/20-0379.PPRA_508_0.pdf.

6/28/2021

Model Notification of Rights Under the Protection of Pupil Rights Amendment ("PPRA")

[Note: Districts must send this notification to parents and/or eligible students annually, at the beginning of the school year, and within a reasonable period of time after any substantive change to its PPRA policies.]

The Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. § 1232h, affords parents and eligible students (*i.e.* students over 18 or emancipated minors) certain rights with respect to the administration of student surveys, the collection and use of personal information, and the administration of certain physical exams. These rights include:

1. the right of a parent to inspect, upon request, a survey created by a third party before the survey is administered or distributed by a school to a student;
2. the right of a parent to inspect, upon request, any survey concerning one or more of the following confidential topics:
 - a. political affiliations or beliefs of the student or the student's parent;
 - b. mental or psychological problems of the student or the student's family;
 - c. sex behavior or attitudes;
 - d. illegal, anti-social, self-incriminating, or demeaning behavior;
 - e. critical appraisals of other individuals with whom respondents have close family relationships;
 - f. legally recognized privileged relationships, such as those with lawyers, doctors, physicians, or ministers;
 - g. religious practices, affiliations, or beliefs of the student or the student's parent; or
 - h. income, other than as required by law to determine eligibility for certain programs or for receiving financial assistance under such programs;
3. the right of a parent to consent before a student is required to submit to a survey that concerns one or more of the confidential topics (see #2, above, a-h) if the survey is funded in whole or in part by a program of the U.S. Department of Education;
4. the right of a parent or eligible student to receive notice and opt out of a student's participation in a survey that concerns one or more of the confidential topics (see #2, above, a-h) if the student is not required to submit to such survey, whether the survey is funded in whole or in part by a program of the U.S. Department of Education or some other source;
5. the right of a parent to inspect, upon request, any instructional material used as part of the educational curriculum. Instructional material means any instructional content that is provided to a student, regardless of its format, including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet) but does not include academic tests or academic assessments;

6. the right of a parent to inspect, upon request, any instrument used in the collection of personal information from students gathered for the purpose of marketing, selling or otherwise providing that information to others for that purpose. Personal information means individually identifiable information including, a student or parent's first and last name, a home or other physical address; a telephone number or a social security number;
7. the right of a parent whose student(s) is scheduled to participate in the specific activities provided below to be directly notified of the specific or approximate dates of the following activities, as well as the right of a parent or eligible student to opt-out of participation in these activities:
 - a. activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or selling that information (or otherwise providing that information to others for that purpose);
 - b. the administration of any survey containing confidential topics (see #2, above, a-h) if the survey is either not funded as part of a program administered by the United States Department of Education or is funded by the United States Department of Education but the student is not required to submit to such survey; or
 - c. any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school, scheduled by the school in advance, and unnecessary to protect the immediate health and safety of a student. Such examinations do not include a hearing, vision, or scoliosis screening or other examinations permitted or required by State law.

Parents and eligible students may not opt-out of activities relating to the collection, disclosure, and/or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing education products or services for, or to students or educational institutions, such as the following:

- a. college or other post-secondary education recruitment, or military recruitment;
- b. book clubs, magazines, and programs providing access to low-cost literary products;
- c. curriculum and instructional materials used by elementary and secondary schools;
- d. tests and assessments used by elementary and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students;
- e. the sale by students of products or services to raise funds for school-related or education-related activities; and
- f. student recognition programs.

To protect student privacy in compliance with the PPRA, the **[name of district]** school district has adopted policies regarding these rights. Parents and/or eligible students who believe their rights have been violated under the PPRA may contact:

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

6/28/2021

Instruction

Survey of Students/Student Privacy

Surveys can be a valuable resource for schools and ~~communities in determining student needs for educational services.~~ When a survey is used, ~~every~~ effort should be made to ask questions in a neutral manner to help ensure the accuracy of the survey.

Administrators, teachers, other staff members and the Board of Education may use surveys for many purposes. Such purposes may include, but are not limited to, determining the need for student services, ~~the determination of~~ determining prevailing views pertaining to proposed policies and/or practices, or determining ~~the determination of~~ student knowledge and/or attitudes related, to a specific subject or units. These are examples of surveys and not intended to be an all-inclusive listing. Surveys require ~~A~~ administrative approval, as applicable. ~~is required for surveys.~~ Responses to surveys will not be used in any identifying manner unless a legally recognized exception or exemption applies.

In accordance with federal law, the Board of Education adopts, in consultation with parents, the following provisions related to student privacy.

I. Definitions

- A. "Invasive physical examination" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.
- B. "Parent" includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child).
- C. "Personally identifiable information" includes, but is not limited to,
 - 1. the student's name;
 - 2. the name of the student's parent or other family members;
 - 3. the address of the student or student's family;
 - 4. a personal identifier, such as the student's social security number, student number, or biometric record;
 - 5. other information that, alone or in combination, is linked or linkable to a specific student that would allow ~~a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify~~ the identification of the student with reasonable certainty; or
 - 6. information requested by a person who the educational agency or

institution reasonably believes knows the identity of the student to whom the education record relates.

D. "Personal information" means individually identifiable information including—

1. a student's or parent's first and last name;
2. a home or other physical address (including a street name and the name of a city or town) or physical or technical (device) address or identifier;
3. a telephone number; or
4. a Social Security identification number.

E. "Survey" ~~includes an evaluation~~ is defined as the collection of information from a sample of individuals through their responses to questions, but does not include a survey or evaluation administered to a student in accordance with the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.).

II. Student Surveys

Surveys conducted for agencies, organizations, or individuals other than the Westport Public Schools must have the recommendation of the Superintendent, or his/her designee, and approval of the Board of Education as to content and purpose.

A. Surveys Funded in Whole or in Part by the U.S. Department of Education:

1. The administration shall make available for inspection by parents all instructional materials, including teacher's manuals, films, tapes or other supplementary material which will be used in connection with any survey, analysis, or evaluation funded in whole or in part by the U.S. Department of Education.
2. The administration shall obtain the prior written consent of the parent or student (if the student is an adult or an emancipated minor), prior to requiring a student to submit to a survey, analysis, or evaluation funded in whole or part by the U.S. Department of Education that reveals information concerning any of the following topics:
 - a. political affiliations or beliefs of the student or the student's parent;
 - b. mental or psychological problems of the student or the student's parent;
 - c. sex behavior or attitudes;
 - d. illegal, anti-social, self-incriminating, or demeaning behavior;
 - e. critical appraisals of other individuals with whom respondents have close family relationships;
 - f. legally recognized privileged or analogous relationships, such as

those of lawyers, physicians, and ministers;

g. religious practices, affiliations, or beliefs of the student or of the student's parent; or

h. income (other than that required by law to determine eligibility in a program or for receiving financial assistance under such program).

B. All Other Surveys, Whether Funded by Sources Other than the U.S. Department of Education, or Not Funded by Any Source:

1. Third Party Surveys

a. Prior to distributing any third party survey, the administration shall give notice to parents (or in the case of an adult or emancipated minor, him or herself) of the district's intent to distribute a survey on behalf of a third party, with a written opt-out or option for pen/pencil survey.

b. Upon request, the administration shall permit parents to inspect any third party survey before it is administered or distributed by a school to a student. The administration shall grant reasonable access to the survey within a reasonable period of time after a parental request is received.

c. Student responses to third party surveys that contain personally identifiable information shall be considered student records, and shall be subject to the district's Confidentiality and Access to Student Records Policy and any administrative regulations or procedures governing the confidentiality of student records.

2. Confidential Topic Surveys

a. The provisions of this subsection apply to any survey (i.e., any collection of personally identifiable information from students, whether or not it resembles a formal "survey), regardless who sponsors it, or whether it is sponsored at all, which ~~(sponsored by the school district or a third party)~~ which contains questions pertaining to one or more of the following items ("Confidential Topic Surveys"):

i) political affiliations or beliefs of the student or the student's parent,

ii) mental or psychological problems of the student or the student's parent,

iii) sex behavior or attitudes,

iv) illegal, anti-social, self-incriminating, or demeaning behavior,

- v) critical appraisals of other individuals with whom respondents have close family relationships,
 - vi) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers,
 - vii) religious practices, affiliations, or beliefs of the student or of the student's parent,
 - viii) income (other than that required by law to determine eligibility in a program or for receiving financial assistance under such program).
 - ix) biometric records
 - x) medical/genetic information
- b. At the beginning of the school year, the administration or faculty shall give direct notice to parents of affected students of the district's intent to distribute one or more Confidential Topic Survey(s). Such notice shall include the specific or approximate dates during the school year of such distribution. This notice shall also permit the parent or student (if an adult or emancipated minor) to ~~opt in or~~ opt out of all such Confidential Topic Surveys for the year, and shall further permit the parent or student to choose to opt in solely through the use of paper and pencil for such surveys, in lieu of a web-based platform.
- c. Upon request, the administration shall permit parents to inspect any Confidential Topic Survey before it is administered, distributed or used by a school to or with a student. The administration shall grant reasonable access to the Confidential Topic Survey within a reasonable period of time after a parental request is received.
- d. Confidential Topic Surveys may ~~only be administered to students whose parents (or, in the case of an adult or emancipated minor, the student him or herself) has submitted a written opt in for such Surveys. Where parents (or adult or emancipated minor students) have not opted in to all such Surveys at the beginning of the year, the administration or individual teachers may solicit a written opt in in advance of a specific Survey. A written opt in for that Survey shall only apply to that Survey, and shall include the option to use paper and pencil for that Survey, in lieu of a web-based platform.~~ not be administered to students whose parents (or, in the case of an adult or emancipated minor, the student him or herself) has submitted a written opt-out for such Surveys. Where parents (or adult or emancipated minor students) have not opted out to all such Surveys at the beginning of the year, the administration or individual teachers shall solicit a written opt-out in advance of a specific Survey. A written opt-out for that Survey shall only apply

to that Survey, and shall include the option to use paper and pencil for that Survey, in lieu of a web-based platform. Furthermore, it shall be the responsibility of the administration to provide, at a minimum, annual training on policies governing the use of Confidential Topic Surveys.

e. Student responses to any Confidential Topic Survey that contains personally identifiable information shall be considered student records, and shall be subject to the district's Confidentiality and Access to Student Records Policy and any administrative regulations or procedures governing the confidentiality of student records.

~~e. Upon written request, the administration shall permit the parent or student (if an adult or emancipated minor) to opt out of participation in any Confidential Topic Survey described in this subparagraph.~~

III. Collection of Personal Information

A. The provisions of this subsection apply to any instrument designed to collect personal information from a student for the purpose of marketing, selling or otherwise distributing such information or providing that information to others for that purpose. The provisions of subsection II, above, apply to any instruments described in this section that also meet the requirements of subsection II.

B. At the beginning of the school year, the administration shall give direct notice to parents of affected students (or to the students aged eighteen (18) or older or emancipated minors) of the district's intent to collect, disclose or use personal information collected from students for the purpose of marketing, selling or otherwise distributing such information or providing that information to others for that purpose. Such notice shall include the specific or approximate dates during the school year of such collection, disclosure or use of personal information.

C. Upon written request, the administration shall permit parents to inspect an instrument designed to collect personal information of students before it is administered or distributed by a school to a student. The administration shall grant reasonable access to the instrument within a reasonable period of time after a parental request is received.

D. The administration will require parents (or students aged eighteen (18) or older or emancipated minors) to opt in to participation in the collection, disclosure or use of personal information obtained from students for the purposes of marketing, selling or otherwise distributing the personal information to others for that purpose.

E. The provisions regarding the collection, disclosure and/or use of personal information do not apply to personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

1. college or other post-secondary education recruitment, or military recruitment*;
2. book clubs, magazines, and programs providing access to low-cost literary products;
3. curriculum and instructional materials used by elementary schools and secondary schools;
4. tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students;
5. the sale by students of products or services to raise funds for school-related or education-related activities;
6. student recognition programs.

*Note: Notwithstanding the foregoing, the district will permit parents and students over the age of eighteen (18) or emancipated minors to prevent disclosure of secondary school students' names, addresses and telephone numbers to military recruiters and institutions of higher education, in accordance with the district's Confidentiality and Access to Student Records Policy.

IV. Non-Emergency Invasive Physical Examinations and Screenings:

- A. The provisions described in this subparagraph shall apply to any non-emergency, invasive physical examinations/screenings conducted by the school district, when such examinations/screenings meet the following conditions:
 1. they are required as a condition of attendance;
 2. they are administered by the school and scheduled by the school in advance;
 3. they are not necessary to protect the immediate health and safety of the students; and
 4. they are not required by state law.
- B. At the beginning of the school year, the administration shall give direct notice to parents of affected students (or the affected student if eighteen (18) or older or an emancipated minor) of the district's intent to conduct non-emergency invasive physical examination(s)/ screening(s) described above, except for hearing, vision or scoliosis screenings. Such notice shall include the specific or approximate dates during the school year of the administration of such the non-emergency invasive physical examination(s) / screening(s).
- C. Upon written request, the administration shall permit parents of affected students or the affected students (if adults or emancipated minors) to opt out of participation in the non-emergency invasive physical examination(s)/screening(s) described in this subparagraph.

V. Complaint Procedure

Parents or students (if adults or emancipated minors) who believe that their rights under this policy have been violated may file a complaint with:

Family Policy Compliance Office
United States Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-8520

Surveys can be a valuable resource for schools and communities in determining student needs for educational services. When a survey is used, every effort should be made to ask questions in a neutral manner to ensure the accuracy of the survey.

Administrators, teachers, other staff members and the Board of Education may use surveys for many purposes. Such purposes may include, but are not limited to, the need for student services, the determination of prevailing views pertaining to proposed policies and/or practices, or the determination of student knowledge and/or attitudes related, to a specific subject or units. These are examples of surveys and not intended to be an all inclusive listing. Administrative approval is required for surveys. Responses will not be used in any identifying manner.

Surveys used in any experimental program or research project will be subject to the requirements of Policy 6141.11. Parents shall have the right to inspect all instructional material that will be used for a survey, analysis, or evaluation as part of a federal program.

Prior to administering a survey, the Board of Education must approve all that are received by the Superintendent that include reference to any of the factors listed below. In addition, no student may, without parental consent, take part in a survey, analysis, or evaluation that reveals information concerning:

- political affiliations or beliefs of the student or the student's parents;
2. mental or psychological problems of the student or the student's family;
3. sex behavior or attitudes;
4. illegal, anti social, self incriminating and demeaning behavior;
5. critical appraisals of other individuals with whom respondents have close family relationships;
6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers;
7. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program); or
8. religious practices, affiliations or beliefs of the student or the student's parent/guardian.

Surveys conducted for other agencies, organizations or individuals must have the recommendation of the Superintendent of Schools and the approval of the Board of Education as to content and

~~purpose. The results of such approved surveys must be shared with the Board of Education.~~

~~Parents/guardians shall have the right to inspect, upon their request, a survey created by a third party before the survey is administered or distributed by a school to a student. Such requests shall be made in writing with a response to be at least two weeks in advance of any survey to be given.~~

~~For surveys not funded in any part by the federal government, parents/guardians need not give written consent, but must instead be given prior notice of the survey with the opportunity to opt their child out of participation if the survey elicits information concerning any of the eight protected areas listed above.~~

~~Overall survey results following decisions must be shared with all parties who request such information.~~

~~Parents/guardians shall be notified at least annually, at the beginning of the school year, of this policy and when enrolling students for the first time in district schools. This notification must explain that parent/guardians, or students 18 or older, have the right to "opt the student out of participation," in writing, in the following activities:~~

- ~~1. The collection, disclosure and use of personal information gathered from students for the purpose of marketing or selling that information. This does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to students, such as:~~
 - ~~a. College or other post-secondary education recruitment, or military recruitment;~~
 - ~~b. Book clubs, magazines and programs providing access to low-cost literary products;~~
 - ~~c. Curriculum and instructional materials used in schools;~~
 - ~~d. Tests and assessments;~~
 - ~~e. Student recognition programs; and~~
 - ~~f. The sale by students of products or services to raise funds for school-related activities;~~
- ~~2. The administration of any survey that delves into the restricted sensitive subject areas identified and listed above, or~~
- ~~3. The administration of any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school not necessary to protect the immediate health or safety of the student or other students and not otherwise permitted or required by state law.~~

~~*Note: The term "invasive physical examination" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision or scoliosis screening.*~~

~~The term "personal information" means individually identifiable information including a student's or parent's name, address, telephone number, or social security number.~~

~~Parents/guardians of a student shall also have the right to inspect, upon request, any instructional material used as part of the educational curriculum. The District shall grant reasonable access to instructional material within a reasonable period of time after a parental request is received.~~

~~*Note: The term "instructional material" means instructional content that is provided to a student, regardless of format. It does not include tests or academic assessments.*~~

~~(cf. 6161 – Instructional Materials Selection)~~

Legal Reference:

Family Educational Rights and Privacy Act (FERPA), codified at 20 U.S.C. § 1232g; 34 CFR Part 99

Protection of Pupil Rights Amendment, Public Law 107-110, § 1061, codified at 20 U.S.C. § 1232h

~~Elementary and Secondary Education Act of 1965, 20 U.S.C. §1232h Protection of Pupil Rights Amendment, as amended by the Every Student Succeeds Act, Pub. L. 114-95~~

~~Regulation 34 CFR Part 98 (PPRA Regulations)~~

Policy adopted:

WESTPORT PUBLIC SCHOOLS

Westport, Connecticut

Series 1000
Community/Board Operation

**POLICY REGARDING MAINTENANCE OF SCHOOL FACILITIES AND
COMPLIANCE WITH ENVIRONMENTAL, HEALTH, AND
SAFETY REQUIREMENTS**

It is the policy of the [_____] Board of Education (the “Board”) to provide an appropriate learning environment for all students enrolled in the [_____] Public Schools (the “District”) which includes, without limitation, proper maintenance of facilities and compliance with all environmental, health, and safety state and federal laws and regulations regarding the physical school environment, including school building(s) and grounds. To that end, the Board shall take the following steps (among any others required by state and/or federal laws and regulations):

- Make a continuing study of school facilities and a long-term school building program and from time to time make recommendations based on such study to the town [*or municipality*].
- Adopt and implement an indoor air quality program that provides for ongoing maintenance and facility reviews necessary for the maintenance and improvement of the indoor air quality of its facilities. Specifically, every five years, for every school building, provide for a uniform inspection and evaluation program of the indoor air quality within such buildings, such as the Environmental Protection Agency’s (EPA’s) Indoor Air Quality Tools for Schools Program, which program shall include, but shall not be limited to, a review, inspection or evaluation of the following:
 - 1) the heating, ventilation, and air conditioning systems;
 - 2) radon levels in the air;
 - 3) potential for exposure to microbiological airborne particles, including, but not limited to, fungi, mold and bacteria;
 - 4) chemical compounds of concern to indoor air quality, including, but not limited to, volatile organic compounds;
 - 5) the degree of pest infestation, including, but not limited to, insects and rodents;
 - 6) the degree of pesticide usage;

- 7) the presence of and the plans for removal of any hazardous substances that are contained on the list prepared pursuant to Section 302 of the federal Emergency Planning and Community Right-to-Know Act;
 - 8) ventilation systems;
 - 9) plumbing, including water distribution systems, drainage systems, and fixtures;
 - 10) moisture incursion;
 - 11) the overall cleanliness of the facilities;
 - 12) building structural elements, including, but not limited to, roofing, basements or slabs;
 - 13) the use of space, particularly areas that were designed to be unoccupied; and
 - 14) the provision of indoor air quality maintenance training for building staff.
- Comply with all applicable state and/or federal laws and regulations regarding pesticide applications within school buildings and on school grounds.
 - Comply with all applicable state and/or federal laws and regulations regarding the Board's heating, ventilation, and air conditioning system(s).
 - Adopt and implement a green cleaning program in accordance with state law that provides for the procurement and use of environmentally preferable cleaning products in school buildings and facilities.
 - Comply with federal and state laws and regulations regarding the development of an asbestos management plan concerning the presence or suspected presence of asbestos-containing materials within any school buildings.
 - Comply with all applicable state and/or federal laws and regulations regarding vehicle exhaust emissions, idling, and air quality.

The Board recognizes that certain circumstances and/or conditions of the Board's physical school environment may require the Board to comply with additional environmental, health, and safety state and federal laws and regulations. Examples of such circumstances and/or conditions requiring compliance with additional state and federal laws and regulations include, but are not limited to, the following:

- Undertaking new construction, extension, and/or replacement of a building to be used for public school purposes.

- Replacing and/or disturbing certain building materials (*e.g.*, windows, paint, caulk), depending on the age of such materials.
- Owning/operating an independent water supply (*e.g.*, using a local drinking water well).
- Storing more than 10,000 pounds of a hazardous substance or more than the applicable threshold planning quantity of an extremely hazardous substance.
- Generating, handling, treating, storing, and/or disposing of hazardous waste.

The Board delegates to the District's administration the responsibility for ensuring the Board's compliance with all applicable environmental, health, and safety state and federal laws and regulations, in consultation with the Board and its legal counsel, as appropriate.

[Optional: In addition, as permitted by Section 10-231f of the Connecticut General Statutes, the Board hereby establishes an indoor air quality committee to increase staff and student awareness of facets of the environment that affect the health of the occupants of school facilities including, but not limited to, air quality, water quality, and the presence of radon. Such committee shall include, but not be limited to, at least one administrator, one maintenance staff member, one teacher, one school health staff member, one parent of a student and two members-at-large from the school district.]

Legal References:

Conn. Gen. Stat. § 10-220
 Conn. Gen. Stat. §§ 10-231a - 10-231e
 Conn. Gen. Stat. § 10-231f
 Conn. Gen. Stat. § 10-231g
 Conn. Gen. Stat. § 10-291
 Conn. Gen. Stat. § 14-277
 Conn. Gen. Stat. §§ 19a-329 *et seq.*

R.C.S.A. §§ 19a-333-1 *et seq.*
 R.C.S.A. § 22a-174-18(b)(3)

7 U.S.C. §§ 136 *et seq.* (FIFRA)
 15 U.S.C. §§ 2601 *et seq.* (TSCA)
 15 U.S.C. §§ 2641 *et seq.* (AHERA)
 42 U.S.C. §§ 300f *et seq.* (SDWA)

42 U.S.C. §§ 6901 *et seq.* (RCRA)

42 U.S.C. §§ 11001 *et seq.* (EPCRA, part of CERCLA 42 U.S.C. §§ 9601 *et seq.*)

40 C.F.R. Part 141 (Lead and Copper Rule under SDWA)

40 C.F.R. Part 262 (RCRA regulations)

40 C.F.R. Parts 350-372 (EPCRA regulations)

40 C.F.R. Part 761 (TSCA regulations)

40 C.F.R. Part 763 (AHERA regulations)

Cross Reference:

Series 1000: Policy Regarding Green Cleaning Programs

Series 1000: Policy Regarding Pesticide Application on School Property

ADOPTED: _____

REVISED: _____

6/8/21