

**Special Darien Board of Education**

**Policy Committee Meeting**

**Wednesday, June 29, 2022**

**8:30 a.m.**

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

**AGENDA**

- 1. Proposed Revisions to Board Policies (Series 5000 - Students): 5240, Hazing; 5260, Use of Reasonable Physical Force; 5350, Immunizations; 5610, Gifts; 5710, Non-Discrimination of Students**
- 2. Proposed New Board Policy 1320, Civility and Respectful Conduct**
- 3. Public Comment\***
- 4. Adjournment**

**\* \* The Board of Education meeting will be available to the public in person and via Zoom. Wearing of masks is optional and seating is limited by room capacity. Doors open at 8:15 a.m. for the 8:30 a.m. meeting. Those members of the community wishing to participate in public comment may join the meeting via Zoom:**

**<https://darienps.zoom.us/j/94190075331>**

**Those members of the community wishing to view only, should do so through the Darien Youtube link: <https://www.youtube.com/channel/UCUnnvYKBfFrTWQRuoB6OZA>**

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

# Memorandum

To: Policy Committee

From: Tara Ochman  
Marge Cion

Date: June 29, 2022

Re: June 29<sup>th</sup> Policy Committee Meeting

We are recommending changes to the following policies:

**Board Policy 5240, Hazing:** Repeal this Policy. The prohibitions against hazing are already included in Policy 5175, Bullying Prevention and Intervention and Safe School Climate, and/or Policy 5275, Sex Discrimination and Sexual Harassment (in the event that hazing also constitutes a Title IX violation). It would therefore be confusing and cumbersome to have a separate process for reporting and dealing with hazing. Shipman and Goodwin suggests that we include the responsibilities of coaches and advisors with respect to hazing that are currently included in this Policy in our athletic/extracurricular handbook.

**Board Policy 5260, Use of Reasonable Physical Force:** Repeal this Policy. Policy 5100, Physical Restraint and Seclusion of Students and Use of Exclusionary Time Out, more appropriately captures what the physical force policy is trying to achieve and provides additional legal context regarding the use of physical force in the educational setting. In fact, Policy 5100 references Conn. Gen. Stat. Section 53a-18 (among others), which is the statute cited and quoted in the physical force policy.

**Board Policy 5350, Immunizations:** Repeal the existing policy and replace it with Shipman and Goodwin's model policy. The revisions to this policy are extensive and include:

- Revisions that reflect the requirement in Conn. Gen. Stat. § 10-204a that a town pay for immunizations required for school attendance in the event that the parents or guardians of a child are unable to pay for such immunizations
- Revisions to comply with Public Act No. 21-6, which revised the religious exemption to the immunization requirements for school attendance
- Revisions that are technical or stylistic in nature or update legal references

**Board Policy 5610, Gifts:** Shipman and Goodwin does not have model policy that relates to gifts to staff. Shipman has a model policy that relates to a code of ethics for staff and prohibits staff from accepting a gift in exchange for the performance of that staff member's duties as otherwise required by the District. The model policy provides for an exemption for "typical or customary gifts from students and families" and references a policy such as 5610. We are seeking guidance from the Committee on whether a limit on the value of any gift should be included in revisions to the current Policy 5610, since the Policy, as written, would be difficult to enforce because of a lack of specific guidelines.

**Board Policy 5710, Non-Discrimination of Students:** Repeal the existing policy and replace it with Shipman and Goodwin's model policy. The revisions to this Policy are extensive and include:

- Revisions based on Pubic Act 17-127, which prohibits discrimination by against an individual on the basis of his/her "status as a veteran."
- Revisions to clarify that discrimination based on alienage or citizenship status is prohibited by law.
- Revisions that clarify 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.
- Revisions that clarify 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.
- Revisions to 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.
- Revisions that clarify when timelines for investigation of complaints may be reasonably extended.
- Revisions to statutory references and legal citations.

**Proposed New Board Policy 1320, Civility and Respectful Conduct:** While Shipman and Goodwin does not maintain a model policy on Civility, they have drafted policies for other Districts. The attached policy is what they are recommending. It outlines specific examples of prohibited conduct and potential disciplinary consequences.

**Darien Public Schools  
Darien, Connecticut**

**POLICY**

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**Series 5200  
Rights and Responsibilities**

**Policy 5240**

**HAZING**

**I. Purpose**

The purpose of this policy is to maintain a safe learning environment for students and staff that is free from hazing. Hazing activities of any type are inconsistent with the educational goals of the school district and are prohibited at all times. The Board of Education will not tolerate hazing in the Darien Public Schools and, through responsible management, will both endeavor to prevent it from occurring and address promptly, fairly and confidentially all reports of such conduct.

**II. Statement of Policy/Definition**

Hazing is defined as any form or type of physical, verbal, and/or emotional mistreatment, abuse, and/or harassment of a student in connection with a student's participation in or membership on an interscholastic athletic team or in any school-sponsored activities; and/or forcing, coercing or intimidating any student to participate in any illegal or inappropriate activities in connection with the student's participation or membership in the foregoing. Hazing is prohibited whether it occurs on or off school grounds and whether it occurs during, prior to, or after the season or school day. Hazing activities may include, but are not limited to the following: whipping; beating; branding; forced calisthenics; coerced consumption of any food, liquor, beverage, drug or other substance; or any coerced treatment or activity that is likely to adversely affect the physical health or emotional health and safety of any student, or that subjects such student to emotional distress, including extended isolation and any deprivation of sleep or rest.

**III. Responsibilities of Coaches/Advisors**

Compliance with this policy is a mandatory requirement of participation in interscholastic athletic activities and school-sponsored activities. Coaches/advisors are required, prior to the commencement of the season/activity, to meet with their team/club members and assistant coaches/advisors to explain the policy. They are responsible for ensuring player/member and assistant coach/advisor compliance with this policy.

In the event that coaches/advisors become aware of any violations of this policy, they must promptly notify the Director of Athletics, in the case of athletics, and the school principal, in the case of co-curricular activities.

Failure of coaches/advisors or their staff assistants to responsibly enforce compliance with this policy will result in disciplinary action up to and including termination.

#### IV. Training

The Director of Athletics will meet with all coaches prior to each season to review the hazing policy. All coaches will receive copies of the policy. The school principal will meet with all teachers at the beginning of each school year and at other times when appropriate to review the hazing policy. All teachers will receive a copy of the policy.

#### V. Reporting Procedures

- A. Any person who believes he or she has been the victim of hazing or any person with knowledge or belief of conduct which may constitute hazing shall report the alleged acts immediately to the school principal and, in the case of athletics, additionally to the Director of Athletics.
- B. The building principal and the Director of Athletics will keep the Superintendent of Schools apprised of the status of hazing complaints and incidents brought to their attention.
- C. Submission of a good faith complaint or report of hazing will not affect the complainant or reporter's future employment, grades, or work assignments.

#### VI. School District Action

- A. Upon receipt of a complaint or report of hazing, the school district shall promptly undertake an investigation.
- B. Upon completion of the investigation, the school district will take appropriate action, if warranted, in accordance with Darien Public School Policies and Procedures, including but not limited to the Board's Student Discipline Policy.

#### VII. Retaliation

The school district will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or any employee of the school district who retaliates against any person who makes a good faith report of alleged hazing or against any person who assists or participates in an investigation of alleged hazing, or against any person

who testifies, assists, or participates in a proceeding or hearing relating to such hazing. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

APPROVED: August 22, 2000

REVISED: June 9, 2009

**Darien Public Schools  
Darien, Connecticut**

**POLICY**

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**Series 5200  
Rights and Responsibilities**

**Policy 5260**

**USE OF REASONABLE PHYSICAL FORCE**

Reasonable physical force may be used to the extent that, a teacher or other person entrusted with the care and supervision of a minor for school purposes believes it necessary to:

1. protect him/herself or others from immediate physical injury;
2. obtain possession of a dangerous instrument or controlled substance, upon or within the control of such student;
3. protect property from physical damage;
4. restrain student or remove student to another area to maintain order.

Physical force may not be used as a disciplinary measure.

Legal Reference:

Connecticut General Statutes 53a-18

APPROVED: October 10, 1989

REVISED: June 9, 2009

**Darien Public Schools  
Darien, Connecticut**

**POLICY**

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**Series 5300  
Welfare**

**Policy 5350**

**IMMUNIZATION REQUIREMENTS**

In accordance with state law, the Darien Board of Education requires each child to be protected by adequate immunization against diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps, rubella, hemophilus influenzae type B, hepatitis B, varicella 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, prior to enrolling in any program or school under its jurisdiction. Adequate immunization shall be determined by the Board in accordance with the Regulations of Connecticut State Agencies Section 10-204a-2a. The Board also requires each child to receive a second immunization against measles before being permitted to enter seventh grade. Exemption from the pertinent requirements of this policy shall be granted to any child who:

- (1) presents a certificate from a physician or local health agency stating that initial immunizations have been given to such child and additional immunizations are in process under guidelines and schedules specified by the Commissioner of Health; or
- (2) presents a certificate from a physician stating that in the opinion of a such physician, such immunization is medically contraindicated because of the physical condition of such child; or
- (3) presents a statement from the parents or guardian of such child that such immunization would be contrary to the religious beliefs of such child; or
- (4) in the case of measles, mumps or rubella, presents a certificate from a physician or from the Director of Health in such child's present or previous town of residence, stating that the child has had a confirmed case of such disease; or
- (5) in the case of hemophilus influenzae type B, has passed his/her fifth birthday; or
- (6) in the case of pertussis, has passed his/her sixth birthday.

In accordance with state law, the Darien Board of Education shall not be liable for civil damages resulting from an adverse reaction to a nondefective vaccine required to be administered by state law.



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

Legal Reference:      Connecticut General Statutes  
                         § 10-204a      Required immunizations  
                         § 10-204c      Immunity from liability  
                         Public Act 03-211 “An Act Concerning the Provision of Medical  
   Care for Students’ Health Care Needs.”

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

ADOPTED: June 9, 2009

REVISED:

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

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**Series 5000 Students**  
**Students**

**Policy 5350**

**IMMUNIZATIONS**

**I. Immunization Requirements**

In accordance with state law and accompanying regulations, the Darien 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.

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](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: June 9, 2009  
REVISED: \_\_\_\_\_

6/25/2021

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**Darien Public Schools  
Darien, Connecticut**

**POLICY**

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**Series 5600**

**Gifts and Fundraising Activities**

**Policy 5610**

**GIFTS**

Students and parents shall be discouraged from the routine presentation of gifts to district employees. When a student feels a spontaneous desire to present a gift to a staff member, the gift shall not be elaborate, unduly expensive or cash. The Board of Education shall consider as always welcome, and in most cases more appropriate than gifts, the writing of letters to staff members expressing gratitude or appreciation.

This policy is not intended to discourage acts of generosity in unusual situations, and simple remembrances expressive of affection or gratitude shall not be regarded as violations of this policy.

Gifts by student classes to their schools may be accepted by the principal with the approval of the Superintendent of Schools. All such gifts shall be reported to the Board.

See Also:

GA4, Personnel (General Personnel Policies, Solicitations)

ADOPTED: November 22, 1977

REVISED: June 9, 2009

**Darien Public Schools  
Darien, Connecticut**

**POLICY**

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**Series 5700**

**Non-Discrimination (Students)**

**Policy 5710**

**NON-DISCRIMINATION OF STUDENTS**

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

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

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.

**Legal References:**

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

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

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

Connecticut General Statutes § 10-15c and § 46a-81a, *et seq.* - Discrimination on basis of sexual orientation

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

**ADOPTED:** June 9, 2009

**REVISED:** August 27, 2013



**Darien Public Schools  
Darien, Connecticut**

**POLICY**

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**Series 5700  
Non-Discrimination (Students)**

**Policy 5710**

**ADMINISTRATIVE REGULATIONS REGARDING DISCRIMINATION  
COMPLAINTS (STUDENTS)**

It is the express policy of the Darien 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, pregnancy, gender identity or expression. In order to facilitate the timely resolution of such complaints any student who feels that he/she has been discriminated against on the basis of these protected characteristics should file a written complaint with:

Office of the Superintendent of Schools  
Darien Public Schools  
35 Leroy Avenue  
Darien, CT 06820

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

Complaints will be investigated promptly and corrective action will be taken when allegations are verified.

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

1. offer to meet with the complainant to discuss the nature of his/her complaint;
2. provide the complainant with a copy of the Board's anti-discrimination policy and accompanying regulations;
3. investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;
4. conduct the investigation in a confidential manner, to the extent practicable, adhering to the requirements of state and federal law;

**Darien Public Schools  
Darien, Connecticut**

5. communicate the findings and/or results of any investigation to the complainant; and
6. take appropriate corrective and disciplinary action, as deemed appropriate by the Superintendent and/or his or her designee.

If the complaint involves an allegation of discrimination based on disability or sex, the complainant should be referred to the Board's policies and procedures related to Section 504 of the Rehabilitation Act (for claims of discrimination and/or harassment based on disability) and Sex Discrimination/Sexual Harassment (for claims of discrimination and/or harassment based on sex).

For allegations pertaining to race, color or national origin discrimination, at any stage in this complaint procedure, the complainant has the right to file formal complaints regarding such matters with:

Office of Civil Rights  
U.S. Department of Education  
8<sup>th</sup> Floor  
5 Post Office Square, Suite 900  
Boston, MA 02109-3921  
Tel. (617) 289-0111  
[OCR.boston@ed.gov](mailto:OCR.boston@ed.gov)

If a complaint is filed with the Office of Civil Rights, it must be filed in writing no later than one hundred eighty (180) days after the occurrence of the alleged discrimination.

**Darien Public Schools  
Darien, Connecticut**

**DARIEN PUBLIC SCHOOLS**

**Darien, Connecticut**

**COMPLAINT FORM REGARDING DISCRIMINATION**

Name of Complainant\_\_\_\_\_Date of 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 \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Signature of Complainant)

\_\_\_\_\_  
(Date)

Name of Administrator investigating complaint and the findings\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Signature of Administrator)

\_\_\_\_\_  
(Date)

# **DARIEN PUBLIC SCHOOLS**

## **Darien, CT**

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**Series 5000**  
**Students**

**Policy 5710**

### **NON-DISCRIMINATION (STUDENTS)**

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

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

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 student and/or parent/guardian 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/Students. These regulations accompany Board Policy #5710 and are available online at [www.darienps.org](http://www.darienps.org) or upon request from the main office of any district school.

If a complaint involves allegations of discrimination or harassment based on reasons such as gender/sex, gender identity, sexual orientation, disability, or pregnancy, such complaints will be handled under other appropriate policies (e.g., Policy # 4118, Students/Sex Discrimination and Harassment in the Workplace; Policy #5125, Section 504 of the Rehabilitation Act of 1973).

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

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

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

Connecticut Commission on Human Rights and Opportunities  
450 Columbus Blvd.  
Hartford, CT 06103-1835  
(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:

Marjorie Cion  
Director of Human Resources  
35 Leroy Avenue  
Darien, CT 06820

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:

Marjorie Cion  
Director of Human Resources  
35 Leroy Avenue  
Darien, CT 06820

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:

Shirley Klein  
Assistant Superintendent for Special Education and Student Services  
35 Leroy Avenue  
Darien, CT 06820

#### Legal References:

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.  
Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq.  
Americans with Disabilities Act, 42 U.S.C. § 12101, et seq.  
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, et seq.  
Connecticut General Statutes § 1-1n, "Gender Identity or Expression"  
defined  
Connecticut General Statutes § 10-15c  
Connecticut General Statutes § 27-103  
Connecticut General Statutes § 46a-51, Definitions  
Connecticut General Statutes § 46a-58, Deprivation of rights  
Connecticut General Statutes § 46a-81a, et seq.  
Public Act No. 21-79, "An Act Redefining 'Veteran' and Establishing a  
Qualifying Review Board"

ADOPTED: June 9, 2009  
REVISED: August 27, 2013  
REVISED:

6/28/2021

# **DARIEN PUBLIC SCHOOLS**

## **Darien, CT**

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### **ADMINISTRATIVE REGULATIONS REGARDING DISCRIMINATION COMPLAINTS (STUDENTS)**

It is the policy of the Darien 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, gender identity or expression, or veteran status 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 also the 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, gender identity or expression, or veteran status.

Any student and/or parent/guardian 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/Students. These regulations accompany Board Policy #5710 and are available online at **[www.darienps.org](http://www.darienps.org)** or upon request from the main office of any district school.

If a complaint involves allegations of discrimination or harassment based on reasons such as gender/sex, gender identity, sexual orientation, disability, or pregnancy, such complaints will be handled under other appropriate policies (e.g., Policy #5275, Students/Sex Discrimination and Harassment; Policy #5125, Section 504 of the Rehabilitation Act of 1973).

All other complaints by a student or parents/guardians alleging discrimination or harassment against a student on the basis of the protected characteristics listed herein should file a written complaint with:

Marjorie Cion  
Director of Human Resources  
35 Leroy Avenue  
Darien, CT 06820  
203-656-7406

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

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

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

### Complaint Procedure

As soon as a student 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, gender identity or expression, or veteran status, he/she should make a written complaint to the building principal or to the building principal, 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 student will be provided a copy of the Board's policy and regulation and made aware of the student's rights under this policy and regulation. In the event the building principal receives a complaint alleging discrimination or harassment based on gender/sex, gender identity, sexual orientation, disability or pregnancy, the building principal shall follow the procedures identified in the appropriate Board policies ((e.g., Policy 5275, Sex Discrimination and Sexual Harassment (Students); Policy # 5125, Section 504 of the Rehabilitation Act of 1973), 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 student who makes an oral complaint of harassment or discrimination to any of the above-mentioned personnel will be provided a copy of this regulation and will be requested to make a written complaint pursuant to the above procedure. If a student (or individual acting on behalf of the student) is unable to make a written complaint, the administrator receiving the oral complaint will either reduce the complaint to writing or assist the student (individual acting on behalf of the student) in completing the written complaint form.

All complaints are to be forwarded immediately to the Superintendent or designee. Upon receipt of a complaint alleging harassment or discrimination under this complaint procedure, the Superintendent shall designate a district or school administrator to promptly investigate the complaint. During the course of the investigation, the investigator shall interview or consult with all individuals reasonably believed to have relevant information, including the complainant, the alleged harasser/discriminator and any witnesses to the conduct. Complaints will be investigated promptly within the timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information and/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 applicable) (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 applicable) shall be notified of any extension of the investigation timeline. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the district will remedy the discrimination or harassment, adhering to the requirements of state and federal law;
7. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, the complainant (and respondent, if applicable) will receive notice and interim measures may be implemented as necessary (see 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 the complainant (and/or respondent, if applicable) is not satisfied with the findings and conclusions of the investigation, the complainant (and/or respondent, if applicable) may present the complaint and written outcome to the Superintendent within thirty (30) calendar days of receiving the findings. Upon review of a written request from the complainant (and/or respondent, if applicable), the Superintendent shall review the investigative results of the investigator and determine if further action and/or investigation is warranted.

Such action may include consultation with the investigator and complainant (and/or respondent, if applicable), a meeting with appropriate individuals to attempt to resolve the complaint, or a decision affirming or overruling the investigator's conclusions or findings. The Superintendent shall provide written notice to the complainant (and respondent, if applicable) of the proposed actions within fifteen (15) 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 student and/or parent/guardian also may file a complaint with the Office for Civil Rights, U.S. Department of Education ("OCR"):

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

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

Connecticut Commission on Human Rights and Opportunities  
450 Columbus Blvd.  
Hartford, CT 06103-1835  
(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:

Marjorie Cion  
Director of Human Resources  
35 Leroy Avenue  
Darien, CT 06820  
203-656-7406

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:

Marjorie Cion  
Director of Human Resources  
35 Leroy Avenue  
Darien, CT 06820  
203-656-7406

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:

Shirley Klein  
Assistant Superintendent for Special Education and Student Services  
35 Leroy Avenue  
Darien, CT 06820  
203-656-7474

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

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

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 \_\_\_\_\_

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

**Series 1000**  
**Community/Board Operation**

**Policy 1320**

**Civility and Respectful Conduct**

Maintaining an environment that is supportive of learning, free of disruptive conduct, and models appropriate behavior for students is essential to educational success. To further this goal, it is the policy of the Darien Board of Education (the “Board”) to promote civility and respectful conduct among students, Board employees, and third parties while at school, on school property, at school-sponsored activities, and in connection with the Board’s educational programs and activities. It is also the Board’s policy that harassing, defamatory, obscene, abusive, discriminatory, and/or threatening conduct at school, on school property, at school-sponsored activities, or in connection with the Board’s educational programs and activities is prohibited, whether by students, Board employees, or third parties, and may result in disciplinary action and/or other consequences, as applicable.

For purposes of this policy, “third parties” means any individual present at school, on school property, at school-sponsored activities, and/or acting in connection with the Board’s educational programs or activities, including, but not limited to, parents, guardians, representatives, agents, consultants, and attorneys. The Board’s educational programs and activities include academic, nonacademic, and extracurricular activities, including athletics.

The Superintendent or designee is hereby directed to develop administrative regulations that establish expectations regarding civility and respectful conduct and outline the possible consequences for failure to adhere to such expectations.

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

**Administrative Regulations**

**Purpose**

Maintaining an environment that is supportive of learning, free of disruptive conduct, and models appropriate behavior for students is essential to educational success. To further this goal, it is the policy of the Darien Board of Education (the “Board”) to promote civility and respectful conduct among students, Board employees, and third parties while at school, on school property, at school-sponsored activities, and in connection with the Board’s educational programs and activities. It is also the Board’s policy that harassing, defamatory, obscene, abusive, discriminatory, and/or threatening conduct at school, on school property, at school-sponsored activities, or in connection with the Board’s educational programs and activities is prohibited, whether by students, Board employees, or third parties, and may result in disciplinary action and/or other consequences, as applicable.

For purposes of these administrative regulations, “third parties” means any individual present at school, on school property, at school-sponsored activities, and/or acting in connection with the Board’s educational programs or activities, including, but not limited to, parents, guardians, representatives, agents, consultants, and attorneys. The Board’s educational programs and activities include academic, nonacademic, and extracurricular activities, including athletics.

The intent of these administrative regulations is to help the Board and the administration of the Darien Public Schools (the “Administration”) maintain a civil, respectful environment at school, on school property, at school-sponsored activities, and in connection with the Board’s educational programs and activities for students, Board employees, and third parties. These administrative regulations describe the Board’s and the Administration’s expectations regarding civility and respectful conduct and set forth the possible consequences for failure to adhere to such expectations.

**Expectations Regarding Civility and Respectful Conduct**

The Board and the Administration require students, Board employees, and third parties while at school, on school property, at school-sponsored activities, and in connection with the Board’s educational programs and activities to act and communicate in a manner that promotes respect for the dignity and worth of all individuals, regardless of race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression, or veteran status. All adults participating in the school community are expected to communicate and act in a manner that models appropriate conduct for students. The Administration will regulate conduct by students, Board employees, and third parties while at school, on school property, at school-sponsored activities, and in connection with the Board’s educational programs and activities when such conduct is contrary to these fundamental principles.

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

Specifically, the Administration will regulate disruptive conduct (including, without limitation, actions and communications) that:

- interfere with, disrupt, and/or undermine the orderly operation of the Board's educational programs or activities;
- are used to engage in harassing, defamatory, obscene, abusive, discriminatory, threatening, and/or similarly inappropriate conduct;
- create a hostile environment;
- breach confidentiality obligations of Board employees; and/or
- violate the law, Board policies, and/or other school rules and regulations.

**Examples of Prohibited Conduct**

Prohibited conduct includes, but is not limited to:

- using loud and/or offensive language (for example, swearing or displaying a temper);
- invading another person's space by moving close to the person in an aggressive or threatening manner;
- threatening to do physical and/or emotional harm to another person;
- damaging, destroying, and/or threatening to damage or destroy school property or property under the Board's control;
- harassing, defamatory, obscene, abusive, discriminatory, or threatening verbal, written, and/or electronic communications; and/or
- any other behavior which disrupts the orderly operation of the Board's educational programs or activities.

**Recourse**

***Students***

Any student who believes they were subject to conduct prohibited under Board Policy #1320 and these administrative regulations may report such conduct to a teacher, guidance counselor, and/or school administrator. The Administration will review any such reports in a timely manner and take appropriate action if the Administration determines that a violation of Board Policy #1320 and these administrative regulations has occurred.

***Board Employees***

Any Board employee who believes they were subject to conduct prohibited under Board Policy #1320 and these administrative regulations may report such conduct to their immediate supervisor and/or an appropriate school administrator. The Administration will review any such reports in a timely manner and take appropriate action if the



**DARIEN PUBLIC SCHOOLS**  
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Administration determines that a violation of Board Policy #1320 and these administrative regulations has occurred.

***Third Parties***

Any third party who believes they were subject to conduct prohibited under Board Policy #1320 and these administrative regulations may report such conduct to the Director of Human Resources or the Superintendent of Schools. The Administration will review any such reports in a timely manner and take appropriate action if the Administration determines that a violation of Board Policy #1320 and these administrative regulations has occurred.

**Disciplinary Consequences**

Board employees found to be in violation of Board Policy #1320 and these administrative regulations may be subject to disciplinary action, up to and including termination of employment.

Students found to be in violation of Board Policy #1320 and these administrative regulations may be subject to disciplinary action in accordance with the Board's policy concerning Student Discipline.

Third parties found to be in violation of this policy may be directed to leave school property and/or a school-sponsored activity, and/or may be directed to refrain from communicating with Board employees or others in person and/or via electronic means (*e.g.*, email, text message, telephone) for a specified period of time. Repeat violations may result in a long-term denial of access to school property, school-sponsored activities, and certain modes of communication with Board employees and/or others.