

Committee Meeting Agenda/Minutes

Committee: BOE Policy & Legislation Committee			
Location: Superintendent's Office Chase Building/Room 158 236 Grand Street	Date of Meeting: Thursday October 26, 2023	Start Time: 5:30 p.m.	Finish Time:

Team Norms:
<ol style="list-style-type: none"> 1. All meetings will start on time 2. All team members will agree to stay on specific agenda topics 3. A specific agenda will be set for all meeting

Commissioners Present:	Staff Present:

AGENDA			MINUTES
	Agenda Item	Time Allotted	<ul style="list-style-type: none"> • Motion • Motion by/seconded by • Vote tally
1.	Revised High School Grading/QPR – Policy #6146.1 ~ D. Schwartz, et al.		
2.	Revised Individualized Education Program-Special Education Program – Policy #6159 (PA 23-145) ~ D. Schwartz, et al.		
3.	Revised Transgender and Gender Non-Conforming Youth – Policy #5145.53 (PA 23-137) ~ D. Schwartz, et al.		
4.	Revised Bullying – Safe School Climate Plan – Regulation #5131.911 ~ D. Schwartz, et al.		
5.	Revised Organization and Methods of Operation – Policy #9010.		
6.	Discussion: School Safety and Security Task Force Situation Appraisal – items not currently implemented in relation to policy.		
7.	Scheduling of next meeting		
8.	Adjournment		

Additional notes/minutes:

Minutes prepared by:

High School Grading/QPR**FORMULA:**

The formula to be used for grading students' performance in the area of knowledge acquisition will be 100% as defined below:

Calculating Student Grades
50% Assessments: i.e. meets expectations through standards based assessments, meets expectations through summative assessments, meets expectations through teacher made test, quizzes, text driven assessment, projects curriculum based and completed with accuracy.
35% Classwork: i.e. daily assignments completed, with accuracy, extended assignments completed on time and with accuracy.
10% Disposition i.e. actively engages in class, participates in group, displays toward learning: perseverance, integrity and social and civic expectations.
5% Homework: i.e. assignments independently completed outside of the classroom.

GRADING: All teachers shall develop and maintain a numerical grade for all students. This is becoming increasingly necessary when students transfer from one school to another in the middle of a semester and don't have grades to accompany their registration. Upon the District updating of classroom student rosters into PowerSchool, teachers will upload all student assignment, quiz and test grades into PowerSchool on a regular basis, but at a minimum of at least every three weeks. Student grades will be uploaded on a weighted average basis, whereby the teacher will assign a weight to particular types of assignments (e.g. homework, quizzes, and tests) by following the applicable Board of Education grading policy. A numerical grade indicating student performance at the time of exit from a school must be made available for the receiving high school. Teachers shall make two or more comments per student per subject for each marking period. Report cards shall be expeditiously processed and returned to the teacher as soon as practicable after submission to Central Office.

All teachers should continue to use the full scale of 0-100 for grading purposes as it relates to assessments, classwork, disposition, homework, mid-terms, and finals.

If a student earns a final average of 0-50, that student will receive a final average of 50 for the marking period.

INTERIM REPORTS: Reports shall be sent home half-way through each marking period.

Instruction

6146.1(b)

High School Grading/QPR, continued

MAKE-UP WORK: Work missed due to absences will be completed within five (5) school days upon return to school. Exceptions may be made with administrative approval.

GRADING SENSITIVITY: Teachers are reminded to be sensitive to students who receive poor grades and feel there is no way to improve their grade or pass the course. Teachers shall dialogue with students, school counselors, department heads, and administrators to seek an alternative route to improve student performance.

HOMEBOUND INSTRUCTION: All long term homebound instructors will contact the classroom teacher for material to be covered and administer quizzes and tests developed by the classroom teacher. The homebound instructor will return the test to the classroom instructor for grading. Regular reports on the status of the student's performance will be sent to the building principal at the high school the student attends. [1]

The classroom teacher provides the homebound teacher with the student's textbooks, lesson plans, and other instructional materials, as deemed appropriate to ensure that the course content is met.

The homebound teacher returns the student's work on a weekly basis to the classroom teacher for grading. The homebound teacher administers the student assignments, tests, and quizzes. Regular reports on the status of the student's performance will be sent to the building principal at the high school the student attends.

EXTRA-CURRICULAR ACTIVITIES: Students who have not earned the required Carnegie Units for the designated rank will be ineligible to participate in extra-curricular activities. As soon as students exceed unexcused absences, in accordance with the Board of Education attendance[2] policy, they will be immediately ineligible to participate in extra-curricular activities (all after school programs)[3]. Students who have not maintained a 1.67 GPA or higher during the marking period preceding AND during the student's participation will be ineligible to participate in extra-curricular activities[4]. (See Student-Athlete Eligibility Checklist-High School also).

Students must earn and maintain a numeric grade of 70 or higher OR a 1.67 GPA during the marking period preceding AND during the student's participation to be eligible to participate in extracurricular activities. (See Student-Athlete Eligibility Checklist- High School for additional requirements).

PASSING GRADE: The passing numerical grade is 65 or greater.

District-wide curriculum offerings at the high schools will consist of core academics and electives. Selected district-wide core and elective courses at the Accelerated Level will be modified to incorporate extended requirements for students to earn additional quality points.

To earn a credit of 1.0, the student must earn a grade of 65 or higher for a full year class. achieve a passing grade for a full year class, the student must have an average credit value of 1.0 for the entire year as calculated for a final grade. the class for the year a student must have an average credit value of 1.0 for the entire year as calculated for a final grade.

To earn a credit of .50, the student must earn a grade of 65 or higher for a half year class.

To earn a credit of .25, the student must earn a grade of 65 or higher for a marking period class.

In full-year courses, final grades will be calculated with each marking period worth 20% of a students' grade and the midterm exam and final exam each worth 10% of the final grade.

~~(In half year courses, the final exam for the course will count as 20% of the course grade).~~ A mid-term will only cover expected learning from Q1 and Q2, while the final will only cover expected learning for Q3 and Q4.

In half-year courses, final grades will be calculated with each marking period worth 40% of a students' grade and the final exam for the course will count as 20% of the course grade.

To qualify for high school Summer School, students need to earn a final numerical average grade of at least 50 for the academic year.

Full-year Course

Q1	Q2	Midterm	Q3	Q4	Final
20%	20%	10%	20%	20%	10%

Half-year Course

Q1	Q2	Final
40%	40%	20%

Instruction 6146.1(c) High School Grading/QPR, continued

A grade of “E” is given to any student that is denied credit for excessive absences.

A grade of “I” is given if the teacher determines that the student’s work is incomplete. Grades of “I” can be changed by a teacher at any point during the year. Any grade of “I” that remains, will be calculated in the student’s GPA as an “F” (0.00) until updated. -at the conclusion of September of the next school year will be changed to an “F”.

GRADE WEIGHTING & CLASS RANKING: The Board of Education promotes weighted grading for more rigorous coursework. Students are provided with a non-weighted Grade Point Average and a weighted Quality Point Ranking (QPR) at the end of each academic year, excluding senior year. Final senior GPAs and QPRs will be determined after seven semesters. GPA (non-weighted) ranges from 0 to 4.33 ~~4.33 to 0~~ and is an indicator of academic success; QPR (weighted) ranges from 0 to 15.5 ~~15.5 to 0~~ and is an indicator of average academic rigor. In each case, the higher the numeric value, the more successful the academic performance.

~~Parents/guardians and students shall be advised as to whether or not a grade from a course is weighted in the Program of Studies.~~

Parents/guardians and students shall have access to all courses and various weights associated with each course in the Program of Studies.

OVERALL GRADE POINT AVERAGE: An overall GPA will be calculated based on the un-weighted arithmetic average of grades in all courses, using numerical grade values as follows:

A+ = 4.33 B+ = 3.33 C+ = 2.33 D+ = 1.33

A = 4.0 B = 3.0 C = 2.0 D = 1.0

A- = 3.67 B- = 2.67 C- = 1.67 F = 0.00

$$\text{Overall QPR} = \frac{\sum (\text{Course Credit}) * (\text{Course QPR})}{\sum \text{Course Credits}}$$

QUALITY POINT RANKING (QPR)/CLASS RANK: The Waterbury Public School System believes it is necessary and important to provide differentiated quality points for the purpose of weighting its academic course offerings at the high school. The current curriculum contains a wide variety of courses at various levels of academic challenge. Students are allowed considerable choice and are encouraged to strive for academic excellence. Grade weighting encourages and rewards ~~reward~~ students for selecting courses at more challenging levels of difficulty.

Quality points are the weights that are assigned to courses in order to communicate their differing academic challenge. Weights assigned to academic courses communicate the level of academic challenge inherent in

each course to students and their parents; therefore, the weights assigned help students to make more appropriate course selections. Additional weights assigned to college preparatory courses recognize that more challenging courses require advanced levels of work; therefore, advanced courses have higher course weights.

Instruction 6146.1(d) High School Grading/QPR, continued

A grade weighting/class ranking system shall be implemented for the high schools as follows:

Grade Range			Advanced AP & Post Secondary	Accelerated ACES, ATOMS & SOAR	Honors	General
Min	Max					
97	100	A+	15.5	14	13	11
93	96	A	14.5	13	12	10
90	92	A-	13.5	12	11	9
87	89	B+	12.5	11	10	8
83	86	B	11.5	10	9	7
80	82	B-	10	9	8	6
77	79	C+	9	8	7	5
73	76	C	8	7	6	4
70	72	C-	7	6	5	3
67	69	D+	6	5	4	2
65	66	D	5	4	3	1
Below 65		F	0	0	0	0

All grades shall be rounded to the nearest whole number

$$\text{Overall QPR} = \frac{\sum (\text{Course Credit}) * (\text{Course QPR})}{\sum \text{Course Credits}}$$

Class Ranking: A student must be in attendance in the Waterbury School System for at least 3 continuous semesters (1½ years) to be considered for all academic recognition related to class rank.

HONOR ROLL: The designation of High Honors and Honors will be based on GPA each marking

period.

High Honor Roll: Average of 90 or above and no individual grade below 80 Honor Roll: Average of 80-89 and no individual grade below 70

In the event that schools are unexpectedly closed under a municipal, state or federal mandate for ten (10) or more consecutive school days, and with the approval of the Board of Education, the Superintendent will provide equitable grading procedures in the best interest of all students that account for such a closure and communicate the changes in procedures. In the event of such a closure, the Superintendent's grading procedures will supersede the formulas and grading policies. These procedures will remain in effect, by decision of the Superintendent and the Board of Education, until a time deemed appropriate.

~~CONNECTICUT AUTOMATIC ADMISSIONS PROGRAM:~~

~~The Board of Education (Board), beginning with the 2022-2023 school year, and for each school year thereafter, for the purpose of qualifying a student for the Connecticut Automatic Admissions Program, will:~~

High School Grading/QPR, continued

Instruction 6146.1(e)

CONNECTICUT AUTOMATIC ADMISSIONS PROGRAM:

The Board of Education (Board), beginning with the 2022-2023 school year, and for each school year thereafter, for the purpose of qualifying a student for the Connecticut Automatic Admissions Program, will:

1. calculate a grade point average using the standardized method established by the Board of Regents for Higher Education for each student who completes eleventh grade, and
2. determine whether such a student's class rank percentile is above or below the minimum established by the Board of Regents for Higher Education.

The Board will share a student's grade point average and whether such student is above or below the minimum class rank percentile with the student, the student's parent or guardian, the Department of Education, in the form and manner prescribed by the Department, and upon the student's request, a participating institution for the purposes of applying to such participating institution under the Connecticut Automatic Admissions Program. The Board shall permit the parent of a student to have access to the student's class rank.

The Board recognizes that it is not required to publish or provide a class ranking for any student or to publish on a student's transcript the grade point average calculated pursuant to the Connecticut Automatic Admissions Program, or whether such student is above or below the minimum class rank percentile established by the Board of Regents for Higher Education pursuant to the Connecticut Automatic Admissions Program.

The Board, beginning with the 2022-2023 school year and each school year thereafter, will notify each student enrolled in his/her final year of high school, and the parent or guardian of such student, whether such student may be admitted to at least one participating institution under the Connecticut Automatic Admissions Program based on the academic threshold established by such institution.

(cf. 6146 - High School Graduation Exit Criteria)

Legal Reference: Connecticut General Statutes

10-220g. Policy on weighted grading for honors and advanced placement classes.

21-199 Section 4, An Act Concerning Various Revisions to the Education Statutes

DRAFT

P.A. 23-159: An Act Concerning Teachers and Paraeducators**Substitute Teachers**

Section 18 of Public Act 23-159 allows local or regional boards of education, under certain circumstances, to employ a substitute teacher for up to 60 days without obtaining a State Department of Education issued substitute authorization. Boards of education are now permitted to employ a person who lacks substitute teacher authorizations as a substitute teacher in the same assignment for a period not to exceed 60 school days. Prior to this change, teacher certification regulations only permitted a person employed as a substitute teacher to serve for fewer than 40 days in the same assignment without authorization with limited exceptions.

The updated policy 4121 reflecting this change follows. *See Policy & Regulation 4121*

P.A. 23-145: An Act Revising the State's Anti-Discrimination Statutes**Transgender and Gender Non-Conforming Youth**

This updated policy adds a definition for the term, sexual orientation, which refers to a person's identity in relation to the gender or genders to which they are romantically, emotionally, or sexually attracted, including any identity that a person may have previously expressed or is perceived by another to hold. Also included is a legal reference to PA 23-145, An Act Revising the State's Anti-Discrimination Statutes. *See Policy 5145.53*

P.A. 23-137: An Act Concerning Resources and Support for Persons with an Intellectual or Developmental Disability**Individualized Education Programs/Special Education Program**

This mandated policy is updated to correspond with CSDE guidance related to Public Act 23-137, which "Extends IDEA eligibility through the end of the school year during which a student turns 22." *See Policy 6159*

P.A. 21-144 An Act Implementing the Recommendations of the Department of Education

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(BACKGROUND INFORMATION FOR POLICY REVIEW COMMITTEE)

This Act makes the following changes in the education statutes:

1. requires planning and placement teams (PPTs) for special education students to write transition services into individualized education programs (IEPs) for all 14-year-olds (§1);
2. splits the elementary level bilingual education certificate into two and creates alternative methods by which candidates may fulfill the certificates' written competency requirement (§2);
3. requires the education commissioner, by January 1, 2022, to approve guidelines for bilingual STEM (science, technology, engineering, and mathematics) and humanities teaching certificate endorsements and establishes coursework eligibility requirements for high school bilingual STEM and humanities teachers (§2);
4. removes the grade point average (GPA) requirement for the resident teacher certificate and broadens its eligibility pool (§3);
5. requires charter school governing councils and cooperative arrangements to have their requested criminal history records checks for school personnel conducted in accordance with the federal National Child Protection Act of 1992 and the federal Volunteers for Children Act of 1998, in addition to state law (§§4 & 5);
6. removes the requirement that the criminal history records checks for charter school governing council or management organization members and certain contractors be conducted in accordance with the state law governing their procedure (§6);
7. allows the attorney general, on behalf of the State Department of Education (SDE), to bring a civil suit against an organization to recover misused state funds (§7);
8. clarifies the appointment process for the Technical Education and Career System (TECS) superintendent (§8); and
9. creates a new PPT process that must occur before a student receiving special education services enrolls in TECS (§9).

The effective date of this legislation is July 1, 2021, except the provisions on fingerprinting, criminal history records checks, and civil suits (§§4-7) take effect upon passage.

The following sections of this Act have policy implications:

§1 – Transition Services in Special Education

Current state law requires a PPT to include a statement of transition service needs in a student's IEP when the child reaches age 14 and has autism spectrum disorder, or at an earlier age if the team finds it appropriate. The Act extends this requirement to all students of this age receiving special education services, regardless of their disability. The federal Individuals with Disabilities Education Act requires transition services to be written into eligible students' IEPs beginning at age 16. States are free to require this at an earlier age (20 U.S.C. §1414(d)(1)(A)(i)(VIII)(bb)).

P.A. 21-144 An Act Implementing the Recommendations of the Department of Education

PAGE 2

Under the Act, IEPs for all 14-year-olds must include the following, as required under current law for students with autism spectrum disorder: (1) appropriate, measurable postsecondary goals based on age-appropriate transition assessments related to training, education, appropriate, independent living skills and (2) transition services, including courses of study, needed to assist the child in reaching those goals. As under existing law, the IEPs must be updated annually.

§9 – TECS Special Education Services

Under current law, if a PPT determines that a student’s special education services prevent him or her from participating in the TECS vocational education program, then the student must be referred back to the sending school district to attend school there under an IEP.

The Act instead requires the student’s sending district to convene a PPT meeting before a student enrolls in a technical education and career school. The meeting’s purpose is to ensure that the student’s IEP reflects the current supports and services that he or she requires to access a free, appropriate public education in the least restrictive environment. The Act also requires a TECS representative to be invited to the meeting.

Policy Implications

Policy #6159, “Individualized Education Program/Special Education Program,” has been revised to reflect the changes in this Act. This policy is also impacted by P.A. 21-46. This is a required policy for inclusion in the district’s policy manual.

Individualized Education Program/Special Education Program

~~Any child, whether a student of the school district, of pre-school age, or between the ages of three and 22 years of age, inclusive, but not attending district schools, who is identified as being in need of a special program shall be referred to a "special education planning and placement team" (PPT) which shall make an evaluative study to determine whether the child is a child with a disability as defined in state and federal statutes and if special education is required and to establish the scope of the special education program.~~

~~Students receiving special education services under the Individuals with Disabilities Act (IDEA) remain eligible for such services up until their 22nd birthday or until they graduate from high school with a regular high school diploma, whichever comes first. The adult student or his/her parent/guardian will be asked by the District if the student wishes to receive the special education and related services outlined in their individualized education program (IEP) until they turn 22 years of age or they graduate with a regular high school diploma, whichever comes first.~~

~~In accordance with the regulations of the State Board of Education, each local and regional board of education shall: (1) Provide special education for school-age children requiring special education; (2) The obligation of the school district under this subsection shall terminate when such child is graduated from high school or at the end of the school year during which such child reaches age twenty-two, whichever occurs first.~~

~~Effective July 1, 2023, all students remain eligible for special education services under the Individuals with Disabilities Education Act (IDEA) through the end of the school year during which the students turns age 22, or until the student graduates from high school with a regular high school diploma, whichever occurs first. Pursuant to the Connecticut General Statutes §10-259, school year is defined as July 1 through June 30.~~

A parent/guardian of a child, the State Department of Education, other state agencies available to District may initiate a request for an initial evaluation to determine if the child is a child with a disability. Initial evaluations using a variety of assessment tools and measures to gather relevant functional, developmental, and academic information, must be completed within 60 calendar days of the receipt of written parental consent, for the initial evaluation; or implement the student's IEP within 45 school days of a referral, (not counting the time necessary to obtain written parental consent to conduct the initial evaluation or to begin providing special education). The 45 school day requirement begins after the District receives a completed and signed PPT referral form or letter requesting a referral to the PPT process or per a timeline determined by the State. Exceptions to this timeframe include children moving between school districts and parental refusal to make a child available for evaluation, as provided by law. Assessments for disabled children who are transfer students shall be coordinated between the sending or receiving district in an expeditious manner.

The timeline for implementation of an IEP must occur within 60 school days of the PPT referral in those situations in which a student's IEP requires an out-of-district or private placement (not including the time it takes to obtain written parental consent).

Individualized Education Program/Special Education Program, continued

The District will provide parents/guardians with State Department of Education information and resources relating to IEPs as soon as a child is identified as requiring special education.

Planning and Placement Team or Individualized Education Program Team

The term “individualized education program team” or “IEP Team” means a group of individuals composed of –

- (i) the parents/guardians of a child with a disability;
- (ii) not less than one regular education teacher of such child (if the child is, or may be, participating in the regular education environment);
- (iii) not less than one special education teacher, or where appropriate, not less than one special education provider of such child;
- (iv) a representative of the local educational agency who -
 - (I) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
 - (II) is knowledgeable about the general education curriculum; and
 - (III) is knowledgeable about the availability of resources of the local educational agency.
- (v) an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in clauses (ii) through (vi);
- (vi) at the discretion of the parent/guardian or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate;
- (vii) the school paraprofessional, if any, assigned to such child, and
- (viii) whenever appropriate, the child with a disability.

NOTE: An IEP Team member is not required to attend all or part of an IEP meeting if the parents/guardians and District agree that the team member's participation is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting. If the meeting does involve a modification or discussion of the member's area of the curriculum or related services, parents/guardians and the District can agree to excuse the member from attending all or part of the meeting if the member submits written input to the parent/guardian and the IEP Team prior to the meeting. Parental consent in writing is required in either case.

In addition to the above, the special education specialist, school psychologist, school nurse, school social worker, counselor, or other student service worker who has conducted an assessment of the student shall participate whenever the results or recommendations based on such assessment are significant to the development of the student's individualized education program and placement. Where the student is limited or non-English speaking, a district representative who is fluent in the student's primary language and who is knowledgeable about the process of second-language acquisition and competent in the assessment of limited English and non-English speaking individuals should be included.

Individualized Education Program/Special Education Program, continued

Any member of the PPT employed by the Board of Education who discusses or makes recommendations concerning the provisions of special education and related services during a PPT meeting shall not be disciplined, suspended, or otherwise punished for such recommendations.

No birth-to-three coordinator or qualified personnel, as defined by C.G.S. 17a-248, who discusses or makes recommendations concerning the provision of special education and/or related services during a PPT meeting or in a transition plan shall be subject to discipline, suspension, termination or other punishment on the basis of such recommendations.

The parent/guardian or surrogate parent shall be given at least five (5) school days' prior notice of any PPT meeting and shall have the right to be present and participate in all portions of such meetings at which an educational program for their child is developed, reviewed or revised. In addition, parents/guardians or surrogate parents have the right to be present at and participate in all portions of the PPT meeting at which an educational program for their child is developed, reviewed or revised. In addition, the parent/guardian/surrogate shall have advisors and the child's assigned paraprofessional, if any, and such child's birth-to-three service coordinator, if any, be present at and participate in all portions of the PPT meeting in which the child's educational program is developed, reviewed or revised and have the right to have such recommendation made in such child's birth-to three individualized transition plan, if any, addressed by the PPT at which an educational program for such child is developed.

The District shall offer to meet with the student's parents/guardians, upon the request of the parents/guardians, after the student has been assessed for possible placement in special education and before the Planning and Placement Team (PPT) meets. The sole purpose of such meeting is to discuss the PPT process and any concerns the parent/guardian has about the student. The meeting will involve a member of the PPT designated by the District before the referral PPT meeting at which the student's assessments and evaluations will be discussed for the first time. This applies to students under evaluation for possible placement in special education.

Upon request of a parent/guardian, the District will provide the results of the assessments and evaluations used in the determination of eligibility for special education of a student at least three (3) school days before the referral PPT meeting at which such results of the assessment and evaluations will be discussed for the first time.

Parents/Guardians and the District may agree to conduct IEP meetings, and other meetings, through alternative means, such as including but not limited to, videoconferences or conference calls.

(a) **General.** The IEP for each child must include -

- (1) An accurate statement of the child's present levels of academic achievement and functional performance based upon parental provider information, current classroom-based, local, state assessments and classroom-based observations, including -

Individualized Education Program/Special Education Program, continued

- (i) How the child's disability affects the child's involvement and progress in the general education curriculum; or
- (ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;
- (2) A statement of measurable annual academic and functional goals that aim to improve educational results and functional performance for each child with a disability, related to -
 - (i) Meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general education curriculum;
 - (ii) Meeting each of the child's other educational needs that result from the child's disability; and
 - (iii) Providing a meaningful opportunity for the child to meet challenging objectives.

Alternate Assessments

- (iii) A statement of "benchmarks or short-term objectives" is required only with respect to students with disabilities who take alternate assessments aligned with alternate achievement standards.

If a child will participate in alternate assessments based on either general or alternate achievement standards, the IEP must explain why the child cannot participate in the regular assessment and why the alternate assessment selected is appropriate for the child.

The IEP/PPT Team may only recommend appropriate accommodation or use of alternate assessment, but may not exempt students with disabilities from the state assessment.

- (3) A statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child and a statement of the program modifications or supports for school personnel that will be provided for the child -
 - (i) To advance appropriately toward attaining the annual goals;
 - (ii) To be involved and progress in the general curriculum in accordance with paragraph (a)(1) of this section and to participate in extracurricular and other nonacademic activities; and

Individualized Education Program/Special Education Program, continued

- (iii) To be educated and participate with other children with disabilities and non-disabled children in the activities described in this paragraph;
- (4) A school must offer an IEP that is “reasonable calculated to enable a child to make progress appropriate in light of the child's circumstances.” The child's educational program must be appropriately ambitious in light of his/her circumstances and every child should have the chance to meet challenging objectives. The IEP Team, in determining whether an IEP is reasonably calculated to enable a child to make progress should consider the child's:
- Previous rate or academic growth,
 - Progress towards achieving or exceeding grade-level proficiency,
 - Behaviors, if any, interfering with the child's progress, and
 - Parent's/Guardian's input and any additional information provided by such parents.

The U.S. Supreme Court, in the *Endrew F* decision stated, "any review of an IEP must consider whether the IEP is reasonably calculated to ensure such progress, not whether it would be considered ideal. (137S.CT. at 99)"

- (5) An explanation of the extent, if any, to which the child will not participate with non-disabled children in the regular class and in the activities described in paragraph (a) (3) of this section;
- (6) A statement of any individual modifications in the administration of State or district-wide assessments of student achievement that are needed in order for the child to participate in the assessment; and
- (7) The projected date for the beginning of the services and modifications described in paragraph (a)(3) of this section, and the anticipated frequency, location, and duration of those services and modifications; and
- (8) A statement of -
- (i) How the child's progress toward the annual goals described in paragraph (a)(2) of this section will be measured; and
 - (ii) How the child's parents/guardians will be regularly informed (through such means as periodic report cards), at least as often as parents/guardians are informed of their non-disabled children's progress, of -
 - (A) Their child's progress toward the annual goals; and
 - (B) The extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year

Individualized Education Program/Special Education Program, continued

- (9) Reevaluation of a student's progress may not occur more than once a year unless agreed to by the parents/guardians and the District. Reevaluation must occur at least once every three years unless the parent/guardian and District agree that it is unnecessary.

Note: In order to make FAPE available to each eligible child with a disability, the child's IEP must be designed to enable the child to be involved in, and make progress in, the general education curriculum ("the same curriculum as for nondisabled children which is based on a State's academic content standards. This alignment must guide, and not replace the individualized decision-making required in the IEP process").

(b) ***Transition services.***

- (1) The IEP must include -
- (i) For each student beginning not later than the first IEP to be in effect when the child is fourteen, and younger if the PPT determines it appropriate, and updated annually, thereafter, appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and the transition services, including courses of study, needed to assist the student in reaching those goals.
 - (ii) For a student no longer eligible for services due to graduation from high school with a regular diploma or for a student who exceeds the age of eligibility under State law, a summary of the student's academic achievement and functional performance including recommendations on how to assist the student in meeting his/her postsecondary goals.
- (2) If the IEP team determines that services are not needed in one or more of the areas specified in §300.27(c)(1) through (c)(4), the IEP must include a statement to that effect and the basis upon which the determination was made.
- (c) ***Transfer of rights.*** Beginning not later than one year before a student reaches the age of majority under State law, the student's IEP must include a statement that the student has been informed of his or her rights under this title if any, that will transfer to the student on reaching the age of majority, consistent with §615(m)
- (d) ***Students with disabilities convicted as adults and incarcerated in adult prisons.*** Special rules concerning the content of IEP's for students with disabilities convicted as adults and incarcerated in adult prisons are contained §612(a)(5)A.
- (e) ***Students with disabilities identified as deaf or hearing impaired.*** For a child identified as deaf or hearing impaired, the PPT shall develop an IEP which includes a language and communication plan which shall address;
- (i) the child's primary language or mode of communication;

Individualized Education Program/Special Education Program, continued

- (ii) opportunities for direct communication between the child and his/her peers and professional personnel in the primary child's language or mode of communication;
- (iii) educational options available to the child;
- (iv) the qualifications of teachers and other professional personnel administering the plan for the child, including their proficiency in the child's primary language or mode of communication;
- (v) the accessibility of academic instruction, school services and extracurricular activities to the child;
- (vi) Assistive devices and services for the child;
- (vii) Communication and physical environment accommodations for the child; and
- (viii) An emergency communications plan that includes procedures for alerting the child of an emergency situation and ensuring that the specific needs of the child are met during the emergency situation. Such plan is to be developed for a student identified as deaf, hard of hearing, or both blind or visually impaired and deaf.

Transfers

When an individual has been on an IEP in another school district, the PPT shall make an evaluative study of the student and develop an IEP for the student as though the student were newly referred, but the PPT may use the previous IEP (if available) in developing the new one.

If the transfer involves districts within Connecticut, the District will provide services “comparable to those described in the previously held IEP,” until the District adopts the previously held IEP or develops, adopts, and implements a new IEP. If the student has transferred from another state, the District will provide services “comparable to those described in the previously held IEP,” until the District conducts an evaluation, if deemed necessary, and if appropriate, develops a new IEP. If a student who is on an IEP transfers from this district to another, or to a private school, the written IEP and any additional records relating to the student's program and achievement shall be forwarded to the receiving school on the request of the receiving school and the individual's parent or guardian.

Prior to the enrollment of a District student in a technical education and career school, the District will convene a PPT in order to address such student's transition to the technical education and career school and ensure that such student's IEP reflects the current supports and services the student requires in order to access a Free and Appropriate Public Education (FAPE) in the least restrictive environment. A representative from the technical education and career school shall be invited to the PPT meeting.

Individualized Education Program/Special Education Program, continued**Independent Educational Assessment**

If an independent educational assessment is necessary, it shall be conducted by a Connecticut credentialed or licensed professional examiner who is not employed by and does not routinely provide assessment for the State Department of Education or this District.

Legal Reference:

Connecticut General Statutes:

10-76a Definitions (as amended by PA 06-18)

10-76b State supervision of special education programs and services. Regulations. (as amended by PA 12-173)

10-76d Duties and powers of Boards of Education to provide special education programs and services. (as amended by June Special Session PA 15-5, Section 277 and PA 19-49 and PA 21-46 and PA 21-144 and PA 23-137)

10-76ff Procedures for determining if a child requires special education

10-76g State aid for special education.

10-76h Special education hearing and review procedure.

PA 12-173 An Act Concerning Individualized Education Programs and Other Issues Relating to Special Education

10-76jj Language and communication plan as part of individualized education program for child identified as deaf or hard of hearing (as amended by PA 19-184)

10-76q Special education to technical education and career schools (as amended by PA 21-144)

SDE Guidance Addressing Timeline for Initial Evaluations, Dec. 21, 2018

State Board of Education Regulations:

34 C.F.R. 300 et seq. Assistance to States for Education of Handicapped Children.

300.14 Special education definitions.

300.340-349 Individualized education programs.

300.503 Independent educational assessment.

300.533 Placement procedures.

300.550-556 Least restrictive environment.

P.L. 108-446 The Individuals with Disabilities Education Improvement Act of 2004

Rowley v. Board of Education, 485 U.S.-176 (1982)

Endrew F. v. Douglas County School District RE-1, 15-827 U.S. (2017)

A.M. v. N.Y. City Department of Education, 845F.3d 523, 541 (2d Cir.1997)

Mrs. B., v. Milford Board of Education 103 F. 3d 1114, 1121 (2d Cir. 1997)

A.R. v. Connecticut State Board of Education, 3:16-CV-01197 (CSH D. Conn. June 10, 2020)

PA 23-137 An Act Concerning Resources and Support for Persons with an Intellectual or Developmental Disability.

Policy adopted by the Waterbury Board of Education on October 17, 2019; revised on October 15, 2020 and revised on December 16, 2021, and **DRAFT**

P.A. 23-159: An Act Concerning Teachers and Paraeducators**Substitute Teachers**

Section 18 of Public Act 23-159 allows local or regional boards of education, under certain circumstances, to employ a substitute teacher for up to 60 days without obtaining a State Department of Education issued substitute authorization. Boards of education are now permitted to employ a person who lacks substitute teacher authorizations as a substitute teacher in the same assignment for a period not to exceed 60 school days. Prior to this change, teacher certification regulations only permitted a person employed as a substitute teacher to serve for fewer than 40 days in the same assignment without authorization with limited exceptions.

The updated policy 4121 reflecting this change follows. *See Policy & Regulation 4121*

P.A. 23-145: An Act Revising the State's Anti-Discrimination Statutes**Transgender and Gender Non-Conforming Youth**

This updated policy adds a definition for the term, sexual orientation, which refers to a person's identity in relation to the gender or genders to which they are romantically, emotionally, or sexually attracted, including any identity that a person may have previously expressed or is perceived by another to hold. Also included is a legal reference to PA 23-145, An Act Revising the State's Anti-Discrimination Statutes. *See Policy 5145.53*

P.A. 23-137: An Act Concerning Resources and Support for Persons with an Intellectual or Developmental Disability**Individualized Education Programs/Special Education Program**

This mandated policy is updated to correspond with CSDE guidance related to Public Act 23-137, which "Extends IDEA eligibility through the end of the school year during which a student turns 22." *See Policy 6159*

TRANSGENDER STUDENTS

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(Background information for Policy Sub-Committee)

During the past decade, controversies surrounding students' sexual orientation and gender identity have become increasingly common in schools. School administrators and boards of education need to manage the conflicts that arise in areas of curriculum, student clubs, dress codes, sports, harassment, and bullying.

As our society and school communities become more tolerant, growing numbers of transgender and gender non-conforming students are coming forth in schools. Transgender students are children whose assigned birth sex does not match their internalized sense of who they are as either a boy or a girl, that is, their gender identity. For most of these children, having a persistent cross-gender identification can be interruptive of their daily emotional and psychosocial development unless and until they receive support for expressing their gender identity and receive recognition for that gender identity. Gender non-conforming students are those whose gender-related identity, appearance, or behavior do not in some way meet the stereotypically expected norms for a student of that assigned sex at birth. It includes transgender students who live their lives consistent with their gender identity rather than their assigned birth sex. The law requires that all of these students be guaranteed an equal educational opportunity.

Transgender is a broad term for individuals who do not fit within strict gender categories. This category includes individuals whose gender identity differs from the social expectations for their physical gender. Gender identification is not the same as sexual orientation. Sexual orientation refers to an individual one loves or desires. In contrast, gender identity concerns which gender an individual feels he or she is.

There is evidence that a school's failure to recognize and support a child's gender identity or expression can result in significant harm to the child. Schools need to provide a safe, supportive and non-discriminatory environment for transgender and gender non-conforming students.

These youth, because of widespread misunderstanding and lack of knowledge about their lives, are at a higher risk for peer ostracism, victimization and bullying in the school environment, in addition to the psychological harm they may suffer in an environment that rejects them for their gender identity.

Ensuring a safe, nurturing and equal educational environment for these students requires a system-based approach. The school system, in concert with family and educational professionals, must be supportive role models and strong advocates for the safety and well-being of such students including ensuring full respect for the expression of the student's gender identity.

Sixteen states, including Connecticut, have laws which prohibit discrimination against transgender individuals. However, there is an absence of any federal statute. It is estimated that two to five percent of the country's population is transgender.

TRANSGENDER STUDENTS

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Connecticut law, Public Act 11-55, which became effective on October 1, 2011, prohibits discrimination on the basis of gender identity or expression in all areas and contexts in which the laws already prohibit discrimination on the basis of sex. This includes the areas of employment, public accommodations, the sale or rental and use of housing, the granting of credit, and education. The Connecticut Commission on Human Rights and Opportunities (CHRO) has jurisdiction over these laws, enforcing antidiscrimination laws in these areas. CHRO issued a declaratory ruling in 2000 holding that the prohibition against sex discrimination in the laws over which CHRO has jurisdiction, covers discrimination on the basis of gender identity or expression making P.A. 11-55 a clarification of existing obligations.

P.A. 11-55 codifies this protection against discrimination on the basis of gender identity or expression in the statutes and explicitly authorizes the CHRO to investigate and process complaints in this area.

Further, like all other individuals, lesbian, gay, bisexual, and transgender (LGBT) students are guaranteed equal protection under the Fourteenth Amendment of the Constitution and free speech under the First Amendment. Court cases addressing legal issues regarding LGBT students and related issues have resolved many questions and provide some guidance to schools if and when conflicts arise. However, not all issues have been resolved. It is always good practice to seek legal advice either from district legal counsel, the state department of education, and CAGE to determine appropriate actions.

P.A. 11-55, codified as CGS 1-1n defines “gender identity or expression” as a person’s gender-related identity, appearance, or behavior, whether or not that identity, appearance, or behavior is different from that traditionally associated with the person’s physiology or assigned sex at birth. The definition specifies that gender-related identity can be shown by providing evidence in various ways that include (1) medical history, (2) care or treatment of the gender-related identity, (3) consistent and uniform assertion of such an identity, or (4) any other evidence that the identity is sincerely held part of a person’s core identity, or that the person is not asserting such an identity for an improper purpose. The act gives CHRO jurisdiction to investigate complaints of discrimination on the basis of gender identity or expression against students by public schools.

This act also prohibits boards of education from discriminating on the basis of gender identity or expression in employing or paying teachers. The district is prohibited, except in the case of a bona fide occupational qualification or need, from refusing to hire or employ someone; barring or discharging someone from employment; or discriminating against someone in pay or in employment terms, conditions, or privileges based upon the individual’s gender identity or expression. This prohibition applies to any employer, public or private, that employs three or more people.

Public schools, as places of public accommodations, cannot limit any student’s parent/guardian access to the school facilities, staff, or educational or other activities or access to student related information to one mother or father in a family with same-sex parents or on the basis of a parent’s sexual orientation or on the basis of the student’s sexual orientation.

Further, a school cannot limit any student’s parent/guardian access to school facilities, staff or educational or other activities or access to student-related information to any parent/guardian because of his or her gender identity or expression or because of the student’s gender or expression.

TRANSGENDER STUDENTS

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The lack of knowledge pertaining to the fundamental concepts of gender identity leads to the misunderstanding encountered by transgender students in the school setting. While it is helpful to have a policy pertaining to this issue in place, it must be stressed that every situation is different. Not every transgender individual transitions in the same manner or at the same speed. The recommended approach, therefore, must be individualized to meet the student's needs and those of his/her parents/guardians. Keep in mind that transgender individuals are entitled to the protections under HIPAA and other privacy protections, such as FERPA.

Under FERPA, a student has the right to request the school to change their name and gender on their school records if the student or parent, if the student is under 18 years of age, feel the records are incorrect, misleading, or violate a student's privacy.

It is the responsibility of the District to acknowledge that a transgender student's legal rights will be guarded and that discrimination or harassment, intimidation or bullying will not be tolerated.

Source: Some information in the above narrative is excerpted from "Gender Identity and School Law," by Robyn B. Gill, published in the November/December issue of *School Leader*, N.J. School boards Association.

Policy Implications

Policy is a proactive way of addressing concerns before they arise. Many specific issues arise regarding transgender students in the school setting. These issues include, but are not limited to, such areas as privacy, official records, names/pronouns, gender-segregated activities, student information systems, restroom and locker accessibility, physical education classes, intramural and interscholastic sports, and dress codes.

Two versions of policy, #5145.53, "Transgender and Gender Non-Conforming Youth" have been developed and follow for your consideration. This is considered a recommended "good practice" policy for inclusion in a district's policy manual.

In addition, many resources are available on this topic. The newest resource promulgated by the Connecticut State Department of Education in June 2017 is "Guidance on Civil Rights Protections and Supports for Transgender Students." The Guidance reflects best practices, and federal court and agency decisions as well as interpretive information. Such resources will prove helpful and provide invaluable support in transgender sensitivity, in what it means to treat all people respectfully and equally. The goal must be for a positive, harassment-free atmosphere for all students.

January 2013
Revised July 2017
Revised August 2023

Transgender and Gender Non-Conforming Youth**Purpose**

Federal and state law and District policy require that all programs and activities be free from discrimination based on sex, sexual orientation, or gender identity or expression. This policy is designed in keeping with these mandates to create a safe learning environment for all students and to ensure that every student has equal access to all school programs and activities.

This policy sets out guidelines for schools and District staff to address the needs of transgender and gender non-conforming students and clarifies how state law should be implemented in situations where questions may arise about how to protect the legal rights or safety of such students. This policy does not anticipate every situation that might occur with respect to transgender or gender non-conforming students and the needs of each transgender or gender non-conforming student must be assessed on a case-by-case basis. In all cases, the goal is to ensure the safety, comfort, and healthy development of the transgender or gender non-conforming student while maximizing the student's social integration and minimizing stigmatization of the student.

Definitions

The definitions provided here are not intended to label students but rather to assist in understanding this policy and the legal obligations of District staff. It is recognized that students might or might not use these terms to describe themselves.

"Gender identity" is a person's deeply held sense or psychological knowledge of their own gender, regardless of the gender they were assigned at birth. One's gender identity can be the same or different than the gender assigned at birth. Everyone has a gender identity.

"Transgender" describes people whose gender identity, expression or behavior is different from those typically associated with an assigned sex at birth.

"Gender expression" refers to the manner a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, or mannerisms.

"Gender non-conforming" describes people whose gender expression differs from stereotypical expectations, such as "feminine" boys, "masculine" girls, and those who are perceived as androgynous. This includes people who identify outside traditional gender categories or identify both genders.

"Sexual Orientation" refers to a person's identity in relation to the gender or genders to which they are romantically, emotionally, or sexually attracted, including any identity that a person may have previously expressed or is perceived by another to hold.

"Cisgender" refers to individuals whose gender identity, expression, or behavior conforms with those typically associated with their sex assigned at birth.

"Gender Fluid" may be a form of both gender identity and gender expression. It generally describes individuals who may not identify as the same gender all the time, and whose gender expression may change accordingly.

Transgender and Gender Non-Conforming Youth

"Gender Minority" is an umbrella term referring to individuals not identifying as cisgender.

"Gender Transition" is the process in which a person changes their gender expression to better reflect their gender identity. In order to feel comfortable and to express their gender identity to other people, transgender people may take a variety of steps such as using a nickname or legally changing their name; choosing clothes and hairstyles to reflect their gender identity; and generally living and presenting themselves to others, consistently with their gender identity. Some, but not all, transgender people take hormones or undergo surgical procedures to change their bodies to better reflect their gender identity. Transitioning may or may not include changing identity documents (e.g., driver's license, Social Security record) to reflect one's gender identity.

"Bullying" means an act that is direct or indirect and severe, persistent or pervasive which:

- a) causes physical or emotional harm to such student or damage to such student's property;
- b) places such student in reasonable fear of harm to himself or herself, or of damage to his or her property;
- c) creates a hostile environment at school for such student;
- d) infringes on the rights of such student at school; or
- e) substantially disrupts the education process or the orderly operation of a school.

Bullying shall include, but need not be limited to, a written, oral, or electronic communication or physical act or gesture based on any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socioeconomic status, academic status, physical appearance, or mental, physical, developmental or sensory disability, or by association with an individual or group who has or is perceived to have one or more of such characteristics.

"Harassment" means written, verbal or physical conduct that adversely affects the ability of one or more students to participate in or benefit from the school's educational programs or activities because the conduct is so severe, persistent or pervasive. This includes conduct that is based on a student's actual or perceived race, color, national origin, sex, disability, sexual orientation, sexual identity or expression, or religion. This also includes conduct that targets a student because of a characteristic of a friend, family member or other person or group with whom a student associates.

Transgender and Gender Non-Conforming Youth, continued**Privacy**

All persons, including students, have a right to privacy. This includes the right to keep private one's transgender status or gender non-conforming presentation at school. Information about a student's transgender status, legal name, or gender assigned at birth also may constitute confidential medical information. School personnel should not disclose information that may reveal a student's transgender status or gender non-conforming presentation to others, including parents and other school personnel, unless legally required to do so or unless the student has authorized such disclosure. Transgender and gender non-conforming students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share private information.

When contacting the parent or guardian of a transgender or gender non-conforming student, school personnel should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student, parent, or guardian has specified otherwise.

Official Records

The District is required to maintain a mandatory permanent student record ("official record") that includes a student's legal name and legal gender. However, the District is not required to use a student's legal name and gender on other school records or documents.

The District recognizes, under FERPA, that a student has the right to request the school to change his/her name and gender on such student's school records if the student or parent/guardian, if such a student is under 18 years of age, believe the records are incorrect, misleading, or violate a student's privacy. (In general, a school should treat requests to change student records based on transgender status no differently than it would treat any other request for a change to student records.) Upon such a request, schools should correct student education records to accurately reflect the student's chosen name and gender identity, regardless of whether the student has completed a legal name change.

Names/Pronouns

A student has the right to be addressed by a name and pronoun that corresponds to the student's gender identity. A court-ordered name or gender change is not required, and the student need not change his or her official records.

The intentional or persistent refusal to respect a student's gender identity (for example, intentionally referring to the student by a name or pronoun that does not correspond to the student's gender identity) is a violation of this policy.

Transgender and Gender Non-Conforming Youth, continued**Gender-Segregated Activities**

To the extent possible, schools should reduce or eliminate the practice of segregating students by gender. In situations where students are segregated by gender, such as for selected health education classes, students should be included in the group that corresponds to their gender identity.

Student Information Systems

The District shall modify its student information system, as necessary, to prevent disclosure of confidential information and ensure that school personnel use a student's preferred name and pronouns consistent with the student's gender identity.

Restroom Accessibility

Students shall have access to the restroom that corresponds to their gender identity consistently asserted at school. Any student, transgender or not, who has a need or desire for increased privacy, regardless of the underlying reason, should be provided access to a single user restroom. However, no student shall be required to use such a restroom because they are transgender or gender non-conforming.

Locker Room Accessibility

The use of locker rooms by transgender students shall be assessed on a case-by-case basis with the goals of maximizing the student's social integration and equal opportunity to participate in physical education classes and sports, ensuring the student's safety and comfort, and minimizing stigmatization of the student. In most cases, transgender students should have access to the locker room that corresponds to their gender identity consistently asserted at school, like all other students. Any student, transgender or not, who has a need or desire for increased privacy, regardless of the underlying reason, should be provided with a reasonable alternative changing area such as the use of a private area (e.g., a nearby restroom stall with a door, an area separated by a curtain, a P.E. instructor's office in the locker room, or a nearby health office restroom), or with a separate changing schedule (e.g., using the locker room that corresponds to their gender identity before or after other students).

Any alternative arrangement should be provided in a way that protects the student's ability to keep his or her transgender status confidential. In no case shall a transgender student be required to use a locker room that conflicts with the student's gender identity.

Physical Education Classes & Intramural Sports

Transgender and gender non-conforming students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity.

Interscholastic Competitive Sports Teams

Transgender and gender non-conforming students shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity and in compliance with the applicable regulations of the Connecticut Interscholastic Athletic Association (CIAC).

Transgender and Gender Non-Conforming Youth, continued**Dress Codes**

Transgender and gender non-conforming students have the right to dress in a manner consistent with their gender identity or gender expression. In general, District schools may not adopt dress codes that restrict students' clothing or appearance on the basis of gender.

Discrimination/Harassment/Bullying

It is the responsibility of each school and the District to ensure that transgender and gender non-conforming students have a safe school environment, including access to facilities, activities and programming free from [discrimination](#), harassment and/or [bullying](#). Any incident of discrimination, harassment, [bullying](#) and/or [violence](#) must be given immediate attention, including investigation of the incident, taking appropriate corrective action, and providing students and staff with appropriate resources.

Complaints alleging [discrimination](#), harassment and/or [bullying](#) based on a person's actual or perceived transgender status or gender nonconformity are to be handled in the same manner as other discrimination, harassment and/or bullying complaints.

Transferring a Student to Another School (Opportunity Transfers)

In general, schools should aim to keep transgender and gender non-conforming students at the original school site. Opportunity transfers should not be a school's first response to harassment and should be considered only when necessary for the protection or personal welfare of the transferred student, or when requested by the student or the student's parent/guardian. The student or the student's parent or guardian must consent to any such transfer.

(cf. [0521](#) - Nondiscrimination)
(cf. 4131 - Staff Development)
(cf. [5114](#) - Suspension and Expulsion/Due Process)
(cf. 5131 - Conduct)
(cf. 5131.21 - Violent and Aggressive Behavior)
(cf. 5131.8 - Out-of-School Misconduct)

(cf. [5131.911](#) – Bullying/Cyberbullying)
(cf. 5131.912 - Aggressive Behavior)
(cf. 5131.913 - Cyberbullying)
(cf. 5131.91 - Hazing)
(cf. 5144 - Discipline/Punishment)
(cf. [5145.4](#) - Nondiscrimination)

(cf. [5145.44](#) – Title IX)
(cf. 5145.5 - Sexual Harassment)
(cf. 5145.51 - Peer Sexual Harassment)
(cf. 5145.52 - Harassment)
(cf. [5145.6](#) - Student Grievance Procedure)
(cf. [6121](#) - Nondiscrimination)
(cf. 6121.1 - Equal Educational Opportunity)

Transgender and Gender Non-Conforming Youth, continued

Legal Reference: Connecticut General Statutes

[1-1n](#) "Gender identity or expression" defined.

[10-15c](#) Discrimination in public school prohibited. (Amended by P.A. 97-247 to include "sexual orientation" and PA 11-55 to include "gender identity or expression")

[10-222g](#) Prevention and intervention strategy re bullying and teen dating violence as amended by PA 19-166.

[46a-51](#) Definitions.

[46a-58\(a\)](#) Deprivation of rights. Desecration of property. Placing of burning cross or noose on property. Penalty.

[46a-60](#) Discriminatory employment practices prohibited Federal Law.

[46a-64\(a\)\(1\)\(2\)](#) Discriminatory public accommodations practices prohibited. Penalty.

[10-209](#) Records not to be public.

[46a-60](#) Discriminatory employment practices prohibited.

Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b).

Public Act 07-62 An Act Concerning the Deprivation of Rights on Account of Sexual Orientation.

Public Act 11-55 An Act Concerning Discrimination.

Title IX of the Education Amendments of 1972, 20 U.S.C. §1681(a).

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

Faragher v. City of Boca Raton, No. 97-282 (U.S. Supreme Court, June 26, 1998).

Burlington Industries, Inc. v. Ellerth, No. 97-569, (U.S. Supreme Court, June 26, 1998).

Gebbs v. Lago Vista Indiana School District, No. 99-1866, (U.S. Supreme Court, June 26, 1998).

Davis v. Monroe County Board of Education, No. 97-843 (U.S. Supreme Court, May 24, 1999).

Federal Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g

"Guidance on Civil Rights Protections and Supports for Transgender Students,"

Connecticut State Department of Education, June 2017

Bostock v. Clayton County, Georgia, 140 S.Ct. 1731, 2020 WL3146686 (June 15, 2020)

[PA 23-145 An Act Revising the State's Antidiscrimination Statutes](#)

Bullying – Safe School Climate Plan (Regulation) continued

- A. causes physical or emotional harm to such student or damage to such student's property,
- B. places such student in reasonable fear of harm to himself or herself, or of damage to his or her property,
- C. creates a hostile environment at school for such student,
- D. infringes on the rights of such student at school, or
- E. substantially disrupts the education process or the orderly operation of a school.

Bullying shall include, but not be limited to, a written, oral or electronic communication or physical act or gesture based on any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socioeconomic status, academic status, physical appearance, or mental, physical, developmental or sensory disability, or by association with an individual or group who has or is perceived to have one or more of such characteristics. (The student against whom the activity is directed must be attending school in the same district as the students engaged in the activity.)

“Cyberbullying” means any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices or any electronic communications.

~~**“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.~~

~~**“Gender expression”** refers to the manner a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, or mannerisms.~~

~~**“Gender identity”** is a person's deeply held sense or psychological knowledge of their own gender, regardless of the gender they were assigned at birth. One's gender identity can be the same or different than the gender assigned at birth. Everyone has a gender identity.~~

“Electronic communication” means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photo-optical system.

“Hostile environment” means a situation in which bullying among students is sufficiently severe or pervasive to alter the conditions of the school climate.

“Mobile electronic device” means any hand-held or other portable electronic equipment capable of providing data communication between two or more individuals, including, but not limited to, a text messaging device, a paging device, a personal digital assistant, a laptop computer, equipment that is capable of playing a video game or a digital video disk, or equipment on which digital images are taken or transmitted.

“Outside of the school setting” means at a location, activity or program that is not school

Rules & Regulations

9010(a) **#5**

Organization and Methods of Operation

Organization

- a) The Board of Education shall consist of the Mayor and ten elected members. Six members shall constitute a quorum. The Mayor is the Chair Ex-Officio of the Board. The members of the Board shall elect, by majority vote, a President, Vice-President, and Secretary.
- b) The organizational meeting of the Board shall be held at such time as the Mayor may direct or on December 1st of each odd numbered year. The meeting shall be called to order by the Chair. Before acting, the members shall be duly sworn to the faithful performance of the duties of their office as prescribed by law. The Board shall proceed to elect by roll call by a majority of its members, present and absent, a President, Vice President, and Secretary.
- c) The Board may allow student representatives to the Board of Education consistent with [Corporation Counsel's opinion of December 31, 2018](#) and Board policy.

Public Meetings

- a) All meetings of the Board of Education shall be open to the public with the exception of executive sessions.
- b) All meetings of the Board shall be held at its office or at any other place designated by a majority vote of the Board.
- c) The Board shall hold its regular meetings on the third Thursday of each month. The President of the Board shall have the discretion to reschedule meetings under the above formula if conflicts arise.
- d) All meetings shall be held at 5:30 ~~6:30~~ p.m. or at any other time designated by the majority vote of the Board. Committee meetings shall be held at 5:30 p.m., unless otherwise designated by the Chair.
- e) Special meetings may be called and held whenever requested in writing by any three members. The written request shall contain a description of the matters to be considered, and shall be sent to the President of the Board with a copy to the Clerk of the Board. No business shall be transacted at such special meeting other than that specified in the call.
- f) Citizens are encouraged to submit prepared written statements to the Commissioners. Comments by an individual shall be limited to a maximum of five (5) minutes. Commissioners believe that this will permit wider participation while also expediting the business of the meeting.
- g) Commissioners may respond to the concerns and/or comments of public speakers only with the permission of the Chair and without debate.
- h) Smoking will not be permitted in any room in which a meeting of the Board of Education is being conducted.
- i) During meetings of the Board of Education, all cellphones or other electronic communication devices shall be turned off or changed to a silence mode.

Organization and Methods of Operation, continued

Executive Sessions

The public may be excluded from meetings of the Board of Education which are declared to be executive sessions. Executive sessions may be held upon a two-thirds vote of the members present and voting taken at a public meeting for only one or more of the following reasons, and may not be held for any other reason:

1. Discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, provided that such individual may require that discussion be held at an open meeting.
2. Strategy and negotiations with respect to pending claims and litigation.
3. Matters concerning security strategy or the deployment of security personnel, or devices affecting public security.
4. Discussion of the selection of a site or the lease, sale or purchase of real estate by a political subdivision of the state when publicity regarding such site, lease, sale, purchase or construction would cause a likelihood of increased price until such time as all of the property has been acquired or all proceedings or transactions concerning same have been terminated or abandoned.
5. Discussion of any matter which would result in the disclosure of public records or the information contained therein described in subsection (b) [Section 1-210](#) of the Connecticut General Statutes.

Construction of the Agenda

The Superintendent in cooperation with the President of the Board of Education shall prepare an agenda for each meeting. Any member of the Board of Education may call the Superintendent to request an item be placed on the agenda. Deadline for requests is 48 hours prior to the legally required public posting of the agenda. Finalization of the agenda lies with the Board President.

Posting of the Agenda

At least 24 hours prior to the time of the meeting, the agenda shall be posted in the Office of the Board of Education and in the Office of City Clerk and shall be filed in the Superintendent's Office.

Duties of the Chair

The Chair shall call the Board to order at the **appointed hour**, or as soon as a quorum is present. It shall be the duty of the Chair to assure that all proceedings are in compliance with the laws enacted by the General Assembly, these rules and regulations and, otherwise, parliamentary usage.

Organization and Methods of Operation, continued

Duties of the President

- a) In the absence of the Chair, the Board President shall preside at all Board meetings.
- b) The President shall appoint liaison positions as appropriate.
- c) The President shall appoint ad-hoc committees as needed.
- d) The President or his/her designee will conduct orientation/training for all new Board members within 30 days of taking office and/or as required by the Connecticut General Statutes.
- e) The President shall conduct a Board self-evaluation yearly and make provisions for Board member professional development.
- f) The President shall establish a timeline for the annual evaluation of the Superintendent of Schools.

Duties of the Vice President

In the absence of Chair and the President, the Vice President shall preside at the Board meeting.

Duties of the Secretary

- a) Review and report minutes to the Board.
- b) In the absence of the Chair, President, and Vice President, the Secretary shall preside at the Board meeting.

Order of Business

- a) Business shall proceed in the following order, unless the Board otherwise directs:
 - 1. Silent Prayer
 - 2. Pledge Allegiance to the Flag
 - Roll Call.
 - 3. Communications
 - 4. Approval of Minutes
 - 5. Public Addresses the Board
 - 6. Superintendent's Report
 - 7. President's Comments
 - Student Representatives Comments.
 - 8. Consent Calendar
 - 9. Committee reports
 - 10. Adjournment
- b) The yeas and nays shall be taken and recorded by the Clerk of the Board whenever called for by any member of the Board.

Standing Committees

- a) The President shall appoint the following standing committees, each consisting of a minimum of three members to serve two calendar years or less. The member first named to be chairperson, who will appoint a vice-chairperson:
 - 1) The Committee on Policy and Legislation
 - 2) The Committee on Curriculum
 - 3) The Committee on School Personnel
 - 4) The Committee on Building and School Facilities
 - 6) The Committee on Finance
 - 7) The Committee on Grievances
- b) At least one member of each committee shall be a member of the minority party.

Organization and Methods of Operation, continued

- b) The President shall call committees together when requested to do so by the respective Chairperson, but in case the Chairperson refuses or neglects, then, at the request of the remaining members of the Committee, he shall call a meeting of the Committee, and a majority of the Committee shall constitute a quorum.
- c) All Committee actions are subject to the approval of the Board. All committee recommendations that bypass the Committee of the Whole workshop to the regular meeting for a vote must be placed on the agenda off consent and in the form and substance of the committee agenda. District staff should be available to provide background and answer questions. Committee Chairs should be mindful of controversial or contentious matters which should be heard and debated at workshop.
- d) The Board will allow electronic participation of members of Standing Committees and Ad-hoc Committees in accordance with Board Policy [#9005 "Electronic Participation"](#).

Committee on Policy and Legislation

- a) The Committee on Policy and Legislation shall review all recommended additions, revisions or deletions of Policy, as referred by the Superintendent of Schools, pertaining to operation and functions of the School District. The Committee will maintain open communication with State and Federal officials regarding the district's needs and how they may be affected by proposed, pending, and/or enacted state and federal legislation.
- b) The Committee shall have general authority over the by-laws of the Board.
- c) The Committee will keep the Board abreast of any legislation that could impact the district.
- d) The Committee shall ensure alignment of Policy to Local, State, and Federal Enactments.
- e) The Committee shall evaluate the effectiveness of current standing committees bi-annually in October of the even years.
- f) The Committee Chair and the Superintendent shall arrange a legislative roundtable with the state delegation annually between October and no later than December 15.

Committee on Curriculum

- a) All proposals to add to or change the course of study or the textbooks used in the school system shall be referred to and reported upon by this Committee prior to the action by the Board. In reporting upon any such proposals, the Committee shall give due consideration to the recommendations of the Superintendent of Schools and the consultative groups acting under the provisions of School Board Policy.
- ~~b) All requisitions for books, supplies and the like shall be presented to this Committee and/or its duly appointed representatives for approval.~~
- c) Proposals for special regulations or changes to regulations regarding instruction in the school system shall be submitted to the Committee for transmittal to the Board.
- d) Proposals for overnight field trips and/or to destinations outside the United States ~~State of Connecticut~~ shall be submitted to the Committee for transmittal to the Board.

Organization and Methods of Operation, continued

Committee on School Personnel

- a) The Committee on School Personnel shall act as an advisory body to the Superintendent in the hire, appointment and transfer of supervisors, high school and middle school assistant principals, and building principals.
- b) The chair of the Committee on Personnel, or his/her designee, attends interviews of applicants for the positions of supervisors, high school and middle school assistant principals, and building principals as a non-scoring observer at Level 1 or as designated in the SAW contract.
- c) The Committee will review all new job positions and new job specifications for recommendation to the Board.

Committee on Building and School Facilities-

- a) Subject to Board approval, the Committee, **with guidance and recommendations from the Superintendent and the Chief Operating Officer**, ~~on Building and School Facilities~~ shall have general authority for the maintenance and operation of all buildings. The Committee shall report to the Board upon the desirability of constructing new buildings or enlarging pre-existing facilities. When so instructed by the Board, the Committee shall procure plans and specifications for additions or new facilities and submit them to the Board for its approval.
- b) The Committee shall coordinate the Board's operation of school buildings with other state and local authorities having an interest in the same, such as the Fire Department, the Health Department, the Plumbing Inspector, and the State Board of Education.
- ~~c) The Committee shall supervise the appointment of all employees not otherwise provided for in these Policies, including such extra or part-time help as may be necessary, all in conformity with the Charter of the City of Waterbury, if applicable.~~
- d) The Committee shall exercise overall supervision of the school bus program. It shall consult with the administrative personnel who are assigned the responsibility of operating the program. The Committee shall conduct periodic studies of the effectiveness of the program and shall submit reports, recommendations, and proposals to the Board for its approval.
- e) The Committee shall present to the Board for its approval all requests for permission to use school buildings for all academic and/or non-academic purposes.

Committee on Finance

- a) The Committee on Finance shall serve the Superintendent in an advisory capacity in conjunction with the preparation of the annual education budget. **The Committee shall vote to recommend to the full Board transmittal of the budget to the Mayor.** ~~and the Superintendent's presentation of the budget to the Board of Aldermen.~~

Organization and Methods of Operation, continued

- b) The Committee shall ~~be responsible for reviewing~~ **have the discretion to review all** grants and grant-funded contracts ~~or agreements and those required to be approved by Corporation Counsel,~~ submitted for Board of Education approval for submission to the State and/or other agency.
- c) The Committee shall be responsible for seeing that the lunch program is running as efficiently as possible, both monetarily and nutritionally, and that it meets State and Federal mandates in regard to the nutrition of the children in the Waterbury Public Schools.

Committee on Grievances

- a) The Committee on Grievances shall assist the Board in the Board's determination of grievances. All grievances shall be submitted to the Committee. The Committee, in conjunction with the President of the Board, shall schedule and hold the necessary hearings to comply with any collective bargaining agreement in effect between the Board and duly authorized representative of its employees or a group of its employees.
- b) The Clerk shall be responsible for the preparation and distribution of grievance forms.
- c) Committee members are expected to be present during all grievance hearings.

Miscellaneous

Any procedures or provisions not covered by the Charter in the performance of this Board shall be governed by "The Scott, Foresman Robert's Rules of Order, Newly Revised".

Adopted December 1, 2017.
Revised on January 18, 2018, August 16, 2018,
September 20, 2018, February 21, 2019, and March 21, 2019.
Adopted December 1, 2019.
Revised and renamed on 04/15/21
Adopted on December 1, 2021
Revised on **D R A F T**

ITEMS NOT CURRENTLY IMPLEMENTED

- Publish standard operating procedures
- Clear backpacks for all students /Uniform policy updated to reflect only clear backpacks are allowed
- Control the cell phone use, responding to everything effectively and timely
- Site-based mental health provider/center must be permanent
- Monday and Friday mindfulness exercises
- Metal detectors to ensure no contraband/ Pilot program for Wallace & Crosby with metal detectors at all entrances
- Communication - weekly surveys of parents, staff and students
- Mental Health - student surveys
- Possible have 2-1-1 visit the middle and high schools monthly
 - 2-1-1 offers a variety of services including housing, food, transportation, etc.
- Surveys to students asking if they feel trustful and confident in the relationships with social workers.
(*These surveys are done but the results should be transparent, shared with students, parents and staff to ensure all (especially students) know where the surveys go and how the data is used.)
 - ESS needs to change their required credentials, individuals should have at least 12 credits in college
 - Quarterly progress report on progress/items found
 - ParentSquare sent to parents regarding ID and public announcement of board when all students have been issued an ID
 - Communication - public feedback using various methods impact of the change ideas
 - Survey of staff, students and parents in 5 months to gauge efficacy of the implemented strategies
 - Resources & Support - scorecard based on NAACP and WPS collaboration
 - Outline student advocacy training portal with specific rewards
 - Monthly updates to the board of the status of strategies
 - Once the Task Force determines which recommendations they will implement, the district will have updates on the status of the recommendation and provide updates to the board/public.
- School IDs for all middle and high school students that must be used to enter the school/ Provide student IDs that must be scanned to enter