WATERBURY PUBLIC SCHOOLS

Committee Meeting Agenda/Minutes

Committee:	BOE Policy & Legislation Committee		
Location: Superintendent's Office Chase Building/Room 158 Conference Room	**Date of Meeting:** Wednesday October 21, 2026	**Start Time:** 5:15 p.m.	**Finish Time:** ***7:15 p.m.***

Team Norms:

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:
Commissioners Lopez, L. Ireland, and Van Stone. (non-committee: President Brown - left at 5:36 p.m.)	***V. Balsamo, J. Britton, J. Frenis, D. Lucian, J. Marino, J. Mendoza, D. Schwartz, and N. Velez,***

AGENDA			MIN.
	Agenda Item	**Time Allotted**	• **Motion** • **Motion by/seconded by** • **Vote tally**
1a.	Discussion: #5132/School Attire Policy.	10 min.	**N/A**
1b.	New policy - #6141.3273/Electronic Resources-Generative AI (Artificial Intelligence) – *D. Lucian.*	5 min.	**Motion to approve Agenda item #1b, new policy - #6141.3273/ Electronic Resources-Generative AI (Artificial Intelligence).** **Van Stone/L. Ireland** **Unanimous**
2.	Revised policy – #4111/ Recruitment and Selection (PA 26-12) – *J. Marino.*	5 min.	***Motion to approve Agenda Item #2, revised policy – #4111/ Recruitment and Selection, and submit to the next Board of Education Workshop.*** **L. Ireland/Van Stone** **Unanimous**
3.	New policy - #5144.12/Restorative Practices Response in Student discipline – *J. Davis.*	5 min.	***Motion to approve Agenda Item #3, new policy - #5144.12 / Restorative Practices Response in Student discipline, and submit to the next Board of Education Workshop.*** **L. Ireland/Van Stone** **Unanimous**

4.	Revised policy – #5141.4/Reporting of Child Abuse – *T. Menzies.*	5 min.	***Motion to approve Agenda Item #4, revised policy – #5141.4 / Reporting of Child Abuse, and submit to the full Board of Education for their approval at their next regular meeting.*** **L. Ireland/Van Stone** **Unanimous**
5.	Revised policy – #5112/Ages of Attendance – *J. Frenis.*	5 min.	***Motion to approve Agenda Item #5, revised policy – #5112/Ages of Attendance, and submit to the full Board of Education for their approval at their next regular meeting.*** **L. Ireland/Van Stone** **Unanimous**
6.	New policy – #5113.13/Work Release – *J. Frenis.*	5 min.	***Motion to approve Agenda Item #6, new policy – #5113.13/Work Release, and submit to the next Board of Education Workshop.*** **L. Ireland/Van Stone** **Unanimous**
7.	Revised policy - #6172.3/Homeschooling (PA 26-37) – *J. Frenis.*	5 min.	***Motion to approve Agenda Item #7, revised policy - #6172.3 / Homeschooling, and submit to the full Board of Education for their approval at their next regular meeting.*** **L. Ireland/Van Stone** **Unanimous**
8.	Revised policy - #6146/High School Graduation Criteria – *J. Frenis.*	5 min.	***Motion to approve Agenda Item #8, revised policy - #6146/High School Graduation Criteria, and submit to the next Board of Education Workshop.*** **L. Ireland/Van Stone** **Unanimous**
9.	New policies – #1112.7, #4118.61, #4218.61/Recording Meetings without Consent – *J. Britton.*	5 min.	***Motion to table Agenda Item #9, new policies – #1112.7, #4118.61, #4218.61/Recording Meetings without Consent for further review.*** **L. Ireland/Van Stone** **Unanimous**
10.	Revised policy – #5114/Discipline/Student Conduct (PA 26-1) – *J. Britton.*	5 min.	***Motion to approve Agenda Item #10, revised policy – #5114 / Discipline/Student Conduct and submit to the full Board of Education for their approval at their next regular meeting.*** **L. Ireland/Van Stone** **Unanimous**

11.	Revised policy – #0521, #4118.11, #5145.4/Nondiscrimination – *J. Britton.*	5 min.	***Motion to amend and remove the named employee and replace with The Office of Title IX.*** **Van Stone/L. Ireland** **Unanimous** ***Motion to approve Agenda Item #11, revised policies – #0521, #4118.11, #5145.4/Nondiscrimination, as amended, and submit to the full Board of Education for their approval at their next regular meeting.*** **L. Ireland/Van Stone** **Unanimous**
12.	Revised policies – #5145/Section 504: Civil and Legal Rights and Responsibilities – Students AND new policy – 4118-Employees – *J. Britton.*	5 min.	***Motion to amend and remove the named employee and replace with relevant City of Waterbury BOE Office.*** **Van Stone/L. Ireland** **Unanimous** ***Motion to approve Agenda Items #12, revised policy #5145/Section 504: Civil and Legal Rights and Responsibilities – Students AND new policy – 4118/ Section 504: Civil and Legal Rights and Responsibilities Employees, as amended, and submit to the full Board of Education for their approval at their next regular meeting.*** **L. Ireland/Van Stone** **Unanimous**
13.	Adjournment		**Van Stone/L. Ireland** **Unanimous**
Additional notes/minutes:			
Minutes prepared by: ***Vice President LaToya Ireland***			

Waterbury Board of Education
Policy & Legislation Committee
SIGN-IN SHEET
October 21, 2026

PRINT NAME	TITLE	
Yanira Lopez ✓	Commissioner	
Dave Lucian	Supervisor of Technology for Teaching and Learning	out 5:52 pm
Janet Frenis	Chief Academic officer	out 6:41 pm
Nyree Velez	Dir. College & Career	out 6:41 pm
Joe Britton	BOE Attorney	
Juan Mendoza	Deputy	
Jen Manno		out 5:54 p
Vin Balsamo	Assistant Superintendent	out 5:36pm
Liz Brown	BOE	out 5:30 pm
La Toya Ireland ✓	Commissioner	
Tom VanStone ✓	Commissioner BOE	
Dawn Schwarze	Superintendent	

PLEASE RETURN TO CLERK AFTER MEETING

#1a-DISCUSSION

School Attire

The Board of Education has determined that reasonable regulation of school attire can contribute to a positive learning environment in the following manner:

(1) Reducing distraction and minimizing disruption in the classroom;
(2) Providing an environment where students can focus on learning;
(3) Creating an atmosphere reflecting the seriousness of purpose about education;
(4) Reflecting a level of respect one has for oneself, one's peers and respect for one's school;
(5) Creating a greater sense of community amongst the students; and
(6) Preparing students for future roles as responsible members of the community.

It is the responsibility of parents/guardians to ensure that their children's' dress conforms to the requirements set forth below. The health, safety, and education of the child must be the concern of every parent/legal guardian. It is the recommendation of professional school personnel that parents/guardians hold their children to the highest standards in regard to school attire.

Mandatory Dress Code Policy, Elementary and Middle Schools: The following Dress Code Policy is mandatory for all elementary and middle school students. The purpose of this policy is to further the important educational interests identified above ***(please note separate policy for Waterbury Arts Magnet Middle School students)***.

1. BOYS:
a. Pants or shorts in solid navy blue, white, gray, black or khaki; worn completely covering undergarments and no more than three inches above the knee.
b. Tops in solid blue, white, gray, black or khaki; button down, pullover, or turtleneck style with long or short sleeves and a collar.

2. GIRLS:
a. Pants, shorts, skirts, skorts, dresses, or jumpers in solid navy blue, white, gray, black or khaki; worn completely covering undergarments and no more than three inches above knee. Note: Leggings, stockings or other stretch/form fitting leg coverings may only be worn under shorts, skirts, skorts, dresses or jumpers.
b. Tops in solid blue, white, gray, black or khaki; button down, pullover, or turtleneck style with long or short sleeves and a collar; worn completely covering undergarments, cleavage and midriffs.

3. ALL STUDENTS:
a. Optional solid blue, white, gray, black or khaki sweaters, vests, suit jackets or fleece may be worn over a dress code top.
b. Optional solid white, gray, black or khaki denim pants may be worn.
c. Shoes or sneakers must be worn at all times. Laces on shoes or sneakers must be tied. Sandals, clogs, flip-flops, heels or bare feet are not permitted. All shoes must have backs.
d. Gym Day Attire (Boys and Girls): Elementary school students may wear sweats to school on scheduled gym day. Sweats must be solid navy blue, white, gray, black or khaki. Middle school students must bring gym clothing to change into for physical education classes.

School Attire, continued

4. BOYS/Waterbury Arts Magnet Middle School:

a. Pants or shorts/or cargo shorts in solid black or khaki cloth or denim; worn at the waist and completely covering undergarments and no more than three inches above the knee.

b. Tops in solid Columbia blue "polo" or "golf" collared shirt with/without the "WAMS" logo.

5. GIRLS/Waterbury Arts Magnet Middle School:

a. Pants, shorts, skirts, skorts, or dresses in solid black or khaki cloth or denim; worn at the waist and completely covering undergarments and no more than three inches above knee. Note: Leggings, stockings or other stretch/form fitting leg coverings may only be worn under shorts, skirts, skorts, or dresses.

b. Tops in solid Columbia blue "polo" or "golf" collared shirt with/without the "WAMS" logo.

6. ALL STUDENTS/Waterbury Arts Magnet Middle School:

a. Optional solid colored non-hooded BLACK or WPS school colored sweater, vest, suit jacket, or fleece style top may be worn OVER a dress code shirt.

b. Shoes or sneakers must be worn at all times. Laces on shoes or sneakers must be tied. Sandals, clogs, flip-flops, heels or bare feet are not permitted. All shoes must have backs.

7. RESTRICTIONS: ALL students are **not** permitted to wear the following during the school day:

a. Blue jeans of any kind.
b. Leggings, stockings or other stretch/form fitting leg coverings unless worn under skirts, shorts, skorts or jumpers.
c. Skirts, shorts, skorts, dresses, or jumpers worn more than three inches above the knee.
d. Pants worn at a length which is dangerous to themselves or others.
e. Hooded shirts or sweatshirts.
f. Clothes which are torn, ripped, ragged or have holes.
g. Clothes worn to expose midriffs, cleavage, or undergarments.
h. Clothing which displays words, pictures or symbols that advocate or depict profanity, violence, drugs, alcohol, sex, hate groups or gang affiliation.
i. Clothing that is distracting to the educational process.
j. Outer coats of any kind.
k. Any article of clothing that covers any part of the face and/or head including but not limited to hats, visors, earmuffs, headbands, do-rags, bandannas, curlers, goggles, and sunglasses.
l. Footwear which is unsafe or a health hazard including but not limited to flip-flops, sandals, clogs, heels and all open-toed shoes.
m. Clothing or items indicating gang affiliation.

School Attire, continued

Mandatory Dress Code Policy, High Schools: The following Dress Code Policy is mandatory for all high school students. The purpose of this policy is to further the important educational interests identified above ***(please note separate policy for Waterbury Career Academy).***

1. BOYS:

a. Pants or shorts/or cargo shorts in solid black or khaki cloth or denim; worn at the waist and completely covering undergarments and no more than three inches above the knee.

b. Tops in solid black "polo" or "golf" collared shirt with/without the "Waterbury High Schools" logo. In addition to districtwide black shirt, each high school will have a school specific solid color "polo" or "golf" collared shirt (i.e. Crosby – royal blue with/without "bulldog" logo; Enlightenment navy blue with/without "Rise Up" logo; Wilby – kelly green with/without "wildcat" logo; Kennedy – navy blue with/without "eagle" logo; and WAMS – white with/without "WAMS" logo.

2. GIRLS:

a. Pants, shorts, skirts, skorts, or dresses in solid black or khaki cloth or denim; worn at the waist and completely covering undergarments and no more than three inches above knee. Note: Leggings, stockings or other stretch/form fitting leg coverings may only be worn under shorts, skirts, skorts, or dresses.

b. Tops in solid black "polo" or "golf" collared shirt with/without the "Waterbury High Schools" logo. In addition to districtwide black shirt, each high school will have a school specific solid color "polo" or "golf" collared shirt (i.e. Crosby – royal blue with/without "bulldog" logo; Enlightenment – navy blue with/without "Rise Up" logo; Wilby – kelly green with/without "wildcat" logo; Kennedy – navy blue with/without "eagle" logo; and WAMS – white with/without "WAMS" logo; covering undergarments, cleavage and midriffs.

School colors: all students have the option of wearing a black top or the color associated with their respective school. See below.

Crosby – Royal Blue	Kennedy – Navy Blue	Enlightenment – Navy Blue
WAMS – White	Wilby – Kelly Green	

3. ALL STUDENTS:

a. Optional solid colored non-hooded BLACK or WPS school colored sweater, vest, suit jacket, or fleece style top may be worn OVER a dress code shirt.

b. Shoes or sneakers must be worn at all times. Laces on shoes or sneakers must be tied. Sandals, clogs, flip-flops, heels or bare feet are not permitted. All shoes must have backs.

4. BOYS/Waterbury Career Academy:

a. Pants or shorts/or cargo shorts in solid black or khaki cloth worn at the waist and completely covering undergarments and no more than three inches above the knee.

b. Tops in solid black "polo" collared shirt with WCA "Spartan" logo.

School Attire, continued

5. GIRLS/Waterbury Career Academy:

a. Pants, shorts, skirts, skorts, or dresses in solid black or khaki cloth; worn at the waist and completely covering undergarments and no more than three inches above knee. Note: Leggings, stockings or other stretch/form fitting leg coverings may only be worn under shorts, skirts, skorts, or dresses.

b. Tops in solid black "polo" collared shirt with WCA "Spartan" logo; worn completely covering undergarments, cleavage and midriffs.

6. ALL STUDENTS/Waterbury Career Academy:

a. Optional solid colored non-hooded BLACK or WPS school colored sweater, vest, suit jacket, or fleece style top may be worn OVER a dress code shirt.

b. Shoes or sneakers must be worn at all times. Laces on shoes or sneakers must be tied. Sandals, clogs, flip-flops, heels or bare feet are not permitted. All shoes must have backs.

7. RESTRICTIONS: ALL students are **not** permitted to wear the following during the school day:

a. Blue jeans of any kind.
b. Leggings, stockings or other stretch/form fitting leg coverings unless worn under skirts, shorts, skorts or jumpers.
c. Skirts, shorts, skorts, dresses, or jumpers worn more than three inches above the knee.
d. Pants worn at a length which is dangerous to themselves or others.
e. Hooded shirts or sweatshirts.
f. Clothes which are torn, ripped, ragged or have holes.
g. Clothes worn to expose midriffs, cleavage, or undergarments.
h. Clothing which displays words, pictures or symbols that advocate or depict profanity, violence, drugs, alcohol, sex, hate groups or gang affiliation.
i. Clothing that is distracting to the educational process.
j. Outer coats of any kind.
k. Any article of clothing that covers any part of the face and/or head including but not limited to hats, visors, earmuffs, headbands, do-rags, bandannas, curlers, goggles, and sunglasses;
l. Footwear which is unsafe or a health hazard including but not limited to flip-flops, sandals, clogs, heels and all open-toed shoes;
m. Clothing or items indicating gang affiliation.

Religious, Disability and Health Accommodations: Where the bona fide religious beliefs, disability, or health needs of a student conflict with the school attire policy, the schools will provide reasonable accommodation. Any student desiring accommodation shall notify their school principal or team in writing of the requested accommodation and the factual basis for the request. Approved coverings worn as part of a student's bona fide religious practices or beliefs shall not be prohibited under this policy.

School Attire

Clothing Assistance: It is the policy of the Board of Education that no student will be denied an education due to bona fide financial inability to obtain clothing that complies with the School Attire Policy. Any student for whom compliance with the school attire policy poses a bona fide financial burden, may submit a written request for clothing assistance to their school principal specifying the clothing needed together with a statement of financial need. School principals will contact central office with recommendations to address the written request from families with financial need.

Accommodation of Free Expression: An item of approved clothing containing an expressive message is permitted. Expressive items are prohibited if, in the reasonable judgment of school officials, they tend to disrupt or interfere with educational interests.

Administrative Review: Any student who believes that their school has not reasonably accommodated his or her bona fide religious, health or financial needs or right of free expression, may submit a written request for review to the Waterbury Board of Education. The Board of Education, or its designee, will review the matter and respond in writing to the student's concern.

Compliance: School administrators and teachers are encouraged to use positive reinforcement to obtain compliance with school attire requirements. However, when a student fails to comply with the School Attire Policy, discipline is appropriate. See "Procedures for Disciplinary Action".

Policy adopted by the Waterbury Board of Education on July 26, 2012, revised on May 7, 2015 for the 2015/16 school year, revised on May 21, 2015 for the 2015/16 school year, revised on October 15, 2015, and revised on October 19, 2017

An optional policy to consider.

Instruction/Personnel - Certified-Non-Certified

Electronic Resources

Generative AI (Artificial Intelligence)

The Board of Education is committed to providing our students with the most innovative and effective educational experiences to foster high levels of learning and opportunities for self-expression. As our schools prepare students for a future that demands adaptability, critical thinking and digital literacy, we recognize the potential of generative Artificial Intelligence (AI) and other related technology tools.

As with all technologies, users must be mindful of and adhere to all considerations ensuring responsible and ethical use, especially as it relates to mitigating bias, promoting transparency, and ensuring the benefits of AI are accessible to all students.

While ensuring the responsible use for those interacting with and creating content from generative AI technologies, the Board underscores its commitment to fostering a dynamic and engaging learning environment that leverages the advances in AI to enhance student learning outcomes and equip students with the skills and dispositions needed for success in the digital age.

(cf. 6141.321 – Student Responsible Use of the Internet)
(cf. 5121.3 – Academic Dishonesty/Plagiarism)
(cf. 6162.51 – Surveys of Students (Student Privacy))

Policy adopted:
cps 8/23

A regulation for consideration.

Instruction/Personnel - Certified-Non-Certified

Electronic Resources

Generative AI (Artificial Intelligence)

The Board of Education, in its commitment to supporting teachers and students in their use of generative AI, recognizes many challenges to overcome and significant opportunities to explore that will ultimately deepen the teaching/learning process. The following considerations are offered to guide, support, and deliver on the opportunities expressed in P6141.3273/4118.53/4218.53:

Considerations for Effective Generative AI Use:

- Encourage a "team" approach in determining effective use and appropriate guidelines regarding AI-related practice, with a staff member with a strong understanding of how AI works, administrators, teachers, students, parents, and legal experts.
- Consider establishing a district AI Advisory Committee comprised of staff and administrators charged with studying the potential advantages and challenges of AI and recommend training on the tools for teachers, students, and parents. Emphasize the district's commitment to using AI fairly and safely.
- Before assigning an AI-required task, ensure all students have access to the tool and can comply with the technology's user agreement and CT's student privacy law.
- Review how generative Artificial Intelligence works, expectations for safe and ethical use, and the role you expect this tool to play in the completion of and approach to the assignment.
- Ensure students are provided instruction and reminders in the following areas:
    - How and when to cite and provide attribution of sources
    - When and where generative AI can and cannot be used
    - Effective uses of generative AI
    - Users assume responsibility for the results when using AI
    - When permissions are required and Terms of Use followed
    - What constitutes cheating? What constitutes support?
    - Academic Integrity – Policy and practical applications.
- Consider requiring students to acknowledge and document how they used generative AI tools. For example, students could use Chat GPT to get feedback on their essay drafts and explain which tool suggestions they agreed with or didn't – to encourage students to learn how to use the tool as a partner rather than having it do all the work for them. AI should not be allowed to replace the teacher or the student. However, it can and should be used to augment learning and instruction. Augmentation over automation.

Instruction/Personnel - Certified-Non-Certified

Electronic Resources

Generative AI (Artificial Intelligence)

Considerations for Effective Generative AI Use: (continued)

- Provide students with direct instruction on the limits and flaws related to generative AI technology – hallucinations, bias, inaccuracies, misinformation, etc. Remind students to think critically and fact-check using primary sources and that AI can have implicit bias and even present incorrect information.
- Lay out potential risks and what responsible use looks like. Regularly remind students about the safety concerns related to sharing personal and private info/data with AI bots, as well as using them to invade other's privacy.

Considerations for Teachers:

- When the need arises to limit the use of generative AI, one may look to the following pedagogical approaches:
    - Create lessons/assignments that would be challenging to complete with these tools.
    - Allow students to complete assignments in class.
    - Ask students to give oral presentations, or have them integrate the narrative of their search into their research/writing.
    - Encourage project-based learning/assignments.
- Confer with colleagues on what writing assignments look like in an era when students can simply employ chatbots to generate prose for them.
- Consider ways schools, teachers, and students can use bots effectively and creatively.
- Openly discuss the complex ethical questions, such as whether or not it is considered cheating when a student asks generative AI to fabricate a rough draft they then can revise themselves.
- Use generative AI programs as smart search engines that present information in ways that are easy to understand.
- Use AI to generate ideas, topics, writing assignments, and other materials for engaging lessons.

Perhaps the only certainty that exists in the area of AI technology is it will continue to be more impactful in all of our lives; it will continue to raise complex and contentious pedagogical and ethical dilemmas, and it will provide teachers and students with new and unforeseen opportunities. The above "guidelines" are provided with the hope of initiating healthy and productive discussions and advancing higher levels of critical thinking and cognitive engagement.

Regulation approved:
cps 8/23

Sample policies are distributed for demonstration purposes only. Unless so noted, contents do not necessarily reflect official policies of the Connecticut Association of Boards of Education, Inc.

#2-REVISED

Personnel -- Certified/Non-Certified 4211(a)

Recruitment and Selection

The Superintendent shall maintain a recruitment program to attract and retain the most effective personnel, as defined by federal law, in the District's schools. All District teachers must meet applicable state certification and licensure requirements, including any requirements for certification obtained through alternate routes to certification.

Increasing Educator Diversity

The Board of Education believes it is especially important to ensure that recruitment, hiring, and retention efforts increase educator diversity. The administration is directed to make a determined and substantial effort to ensure that the district's recruitment procedures increase diversity, consistent with C.G.S. §10-56ee and Public Act 23-167.

Fair Employment Practices and Public Notices

The schools shall engage in fair and sound personnel practices in the appointment of all district employees. The administration shall be responsible for establishing recruitment, selection, and appointment procedures.

The Superintendent shall ensure that the District is in compliance with provisions of Title I and the Every Student Succeeds Act (ESSA). Handbooks and recruitment materials shall comply with federal law regarding the qualifications of instructional personnel. Parent/guardians of students in Title I schools shall be informed annually of their right to request information regarding teacher and paraprofessional qualifications.

The Superintendent or designee shall also post on the district website a plain-language guide explaining all pay codes used for overtime and wage differentials, available in English, Spanish, and any common language spoken by members of the workforce.

Job Posting Transparency (P.A. 26-12)

The Superintendent or designee shall ensure that all public, external, internal, promotional, and transfer job postings published or distributed by the District include:

1. The wage rate or a good-faith estimate of the wage/salary range for the position; and

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2. A general description of the position's benefits, including health insurance, retirement options, fringe benefits, and paid leave provisions.

Automated Employment Decision Technology

If the District utilizes automated or AI-driven technology to screen job applications or evaluate employees, advance written notice shall be provided to candidates detailing the technology's purpose and the nature of the decision-making process.

Hiring of Retired Teachers

A retired teacher receiving benefits from the Teachers' Retirement Board (TRB) may be reemployed by the Board for up to one full school year in a position:

1. Designated by the Commissioner of Education as a subject shortage area, or
2. At a school located in a priority school district for the school year in which the teacher is being employed.

Such reemployment may be extended for an additional school year, provided the Board:

1. Submits a written request for approval to the Teachers' Retirement Board,
2. Certifies that no qualified candidates are available prior to the reemployment of such teacher, and
3. Indicates the type of assignment to be performed, the anticipated date of rehire, and the expected duration of the assignment.

The forty-five percent (45%) limitation applies if the retired teacher has worked for more than two years in either a subject shortage area or a priority school district.

The salary of such teacher shall be fixed at an amount at least equal to that paid other teachers in the District with similar training and experience for the same type of service.

Except as indicated above, a certified educator receiving retirement benefits from the TRB may not be employed in a certified position receiving compensation paid out of public money appropriated for school purposes, except that such educator may be employed in such a position and receive no more than forty-five (45%) of the maximum salary level for the assigned position. Any certified educator who receives in excess of such amount shall reimburse the Board for the amount of such excess. Fringe benefits offered by the District, if taken by the employed retired individuals, are included in the maximum compensation calculation.

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Applicant Disclosure Requirements

On the application form, an applicant for any position in the school district shall disclose any previous relationship with the Superintendent or any Board member. Previous relationships will include any business, financial, personal, political, or family connections. The Superintendent shall provide the Board with full disclosure of any prior knowledge or relationship with any candidate recommended for employment.

The Board authorizes the Superintendent to employ teachers.

Legal Reference: Connecticut General Statutes

10-151 Employment of teachers. Notice and hearing on termination of contract (as amended by P.A. 12-116 An Act Concerning Educational Reform)

10-153 Discrimination on account of marital status.

10-183v Reemployment of teachers, as amended by P.A. 10-111, An Act Concerning Education Reform in Connecticut, P.A. 16-91, An Act Making Changes to the Teachers' Retirement System, and PA 17-173 An Act Concerning Minor Revisions and Additions to the Education Statutes and PA 18-42 An Act Concerning a Provision Concerning Reemployment of Certain Teachers.

Connecticut General Statutes (continued)
10-220 Duties of Boards of Education.

31-126 Unfair Employment Practices.

46a-60 Discriminatory employment practices prohibited.

Title IV Equal Employment Opportunities.

34 C.F.R. 200.55 Federal Regulations.

P.L. 114-95 Every Student Succeeds Act, S.1177-55, 56

PA 23-167 An Act Concerning Transparency in Education Section 10.

PA 26-12 An Act Concerning Pay Transparency, Employee Benefits Disclosure, and Workplace Accommodations.

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Recruitment and Selection

The Board desires the Superintendent to develop and maintain a recruitment program designed to attract and hold the best possible personnel who are "highly qualified" as defined by federal law in the District's schools. Beginning in school year 2006-07 all District teachers teaching a core academic subject area, as defined in the No Child Left Behind Act, must be determined to be "highly qualified."

The school district recognizes the heterogeneity of the people who live in the school district and believes that this characteristic should have an important bearing on all aspects of the school district's activities.

The Board of Education believes it is especially important that this heterogeneity of population be recognized in the recruitment and assignment of personnel.

To this end, the Board of Education shall develop and implement a written plan for minority staff recruitment. The administration is directed to make a serious effort to see that the recruitment procedures of the district produce a total staff representative of the total population of the district and that the assignment procedures of the district bring to each school staff members representative of the population represented by the student membership in each local school.

The schools shall engage in fair and sound personnel practices in the appointment of all district employees. The administration shall be responsible for establishing recruitment, selection and appointment procedures.

The Superintendent shall insure that the District is in compliance with the provisions of Title I and the No Child Left Behind Act. Manuals and handbooks shall comply with federal law as to the qualifications for instructional personnel. Notice of professional qualifications shall be provided to parents/guardians of students in Title I schools and staffing pattern reviews as required by law shall be conducted annually.

Hiring of Retired Teachers

A **retired** teacher receiving benefits from the Teachers Retirement System (TRS) may be reemployed by the Board for up to one full school year in a position (1) designated by the Commissioner of Education as a subject shortage area, or (2) at a school located in a priority school district for the school year in which the teacher is being employed. Such employment may be for up to one full school year. Such reemployment may be extended for an additional school year, provided the Board (a) submits a written request for approval to the Teachers' Retirement Board, (b) certifies that no qualified candidates are available prior to the reemployment of such teacher and (c) indicates the type of assignment to be performed, the anticipated date of rehire and the expected duration of the assignment.

The salary of such teacher shall be fixed at an amount at least equal to that paid other teachers in the District with similar training and experience for the same type of service.

Except as indicated below, and in the first paragraph in this section, a certified educator receiving retirement benefits from the Teachers Retirement System (TRS) may not be employed in a certified position receiving compensation paid out of public money appropriated for school purposes except

Recruitment and Selection, continued

that such educator may be employed in such a position and receive no more than forty-five percent of the maximum salary level for the assigned position. Any certified educator who receives in excess of such amount shall reimburse the Board for the amount of such excess.

Commencing July 1, 2016, to June 30, 2020, the exemption from the limitation on the compensation of a reemployed certified educator apply to an educator who (A) is receiving retirement benefits from TRS based on thirty-four or more years of credited service, (B) is reemployed in a district designated as an alliance district (pursuant to C.G.S. 10-262u), and (C) was serving in the district on July 1, 2015.

On and after July 1, 2016, a certified educator receiving retirement benefits from the system may be employed and receive compensation, health insurance benefits, and other employment benefits provided to active teachers employed by such school system provided such teacher does not receive a retirement income during such employment. Payment of such teacher's retirement income shall resume on the first day of the month following the termination of such employment.

Beginning with the school year commencing July 1, 2020 and each school year thereafter, the Board will utilize the strategies and resources made available to it by the State Department of Education's Minority Teacher Recruitment Policy Oversight Council to assist in meeting Connecticut's annual goal of hiring at least two hundred fifty new minority teachers and administrators, of which at least thirty percent are men.

(cf. 4111 – Recruitment and Selection)
(cf. 4111.1/4211.12 – Affirmative Action: Equal Employment Opportunity)

Legal Reference: Connecticut General Statutes
10-4a (3) Educational interests of state identified.
10-151 Employment of teachers. Notice and hearing on termination of contract (as amended by P.A. 12-116 An Act Concerning Educational Reform)
10-153 Discrimination on account of marital status.
10-183v Reemployment of teachers, as amended by P.A. 10-111, An Act Concerning Education Reform in Connecticut and P.A. 16-91, An Act Making Changes to the Teachers' Retirement System, and P.A. 17-173 An Act Concerning Minor Revisions and Additions to the Education Statutes and PA 18-42 An Act Concerning a Provision Concerning Reemployment of Certain Teachers.
10-220 Duties of Boards of Education.
31-126 Unfair Employment Practices.
46a-60 Discriminatory employment practices prohibited.
Title IV Equal Employment Opportunities.
20 U.S.C. Section 1119 No Child Left Behind Act.
34 C.F.R. 200.55 Federal Regulations.
P.L. 114-95 Every Student Succeeds Act, S.1177-55, 56
PA 16-41 An Act Concerning the Recommendations of the Minority Teacher Recruitment Task Force.
PA 18-34 An Act Concerning Minority Teacher Recruitment and Retention.
PA 19-74 An Act Concerning Minority Teacher Recruitment and Retention.

Policy adopted by the Waterbury Board of Education on December 20, 2012, revised on June 15, 2017, revised on September 7, 2017, revised on September 20, 2018, and February 20, 2020

#3-NEW

Students P5144.12(a)

Challenging Behavior Prevention: Restorative Practices Response

Introduction

Related to all matters of student discipline, the Board of Education requires district staff to make every effort to correct student challenging behavior through school-based resources and to support students in learning the skills necessary to enhance a positive school climate and avoid challenging behavior.

All challenging behavior procedures and responses shall ensure due process and be enforced uniformly, fairly, consistently, and in a manner that does not discriminate on the basis of ethnicity, race, color, religion, national origin, ancestry, gender, sexual orientation, gender identity or expression, age, or disability.

The Waterbury Board of Education adopts this "Restorative Practices Response" policy to be implemented by school employees for incidents of challenging behavior or student conflict that is nonviolent and does not constitute a crime. This policy shall not include the involvement of school resource officers or other law enforcement officials unless the behavior or conflict becomes violent or criminal.

The Board of Education (Board) supports the District's fundamental mission to provide all students the opportunity to achieve academically and socially and emotionally, ethically, civically, and intellectually at the highest levels and to become a contributing and engaged citizen in our diverse society. All students should have the opportunity to develop their skills, knowledge, and competencies in a nurturing and accountable school setting. Developmentally appropriate social and emotional skills building allows students to cope with stress so they can access learning and develop into productive adults. Learning is a social activity, which means children have to be ready to learn by regulating their emotions and working constructively with others.

Restorative approaches recognized the unique strengths, needs and interests of students, and present an opportunity for schools to develop a structure that utilizes practices that will create a more equitable path for all students. Utilizing restorative practices allows for schools to embody more equitable approaches and meet the students' short and long term needs.

The Board believes that all students have a right to attend schools that are safe and free from unnecessary disruption. The Board believes that appropriate student behavior, reinforced by an effective system of discipline, is essential to create and maintain a positive school climate. This is the joint responsibility of students, staff, parents, and the community.

Challenging Behavior Prevention: Restorative Practices Response (continued)

The Board requires District schools to implement restorative practices in response to conflict and harm. The "Restorative Practices Response" philosophy supported by the Board views misconduct as a violation against people and damaging to relationships in the school and throughout the community. The Board recognizes that schools may involve a wide range of people in the "Restorative Practices Response" process, voluntarily including victims, who are often teachers, school staff, bystanders, other students, and the school community.

The four main goals of Restorative Practices Response are:

1. **Relationship Building:** creating a school environment where everyone is safe, welcomed, supported, and included in all school-based activities and focuses on high-quality, constructive relationships among the school community members;
2. **Accountability:** Restorative Practices Response strategies hold each student accountable for any challenging behavior;
3. **Community Safety:** Restorative Practices recognize the need to keep the school community safe through strategies ensuring that all students have a role in repairing relationships affected by challenging behavior. In safe, supportive education environments students feel a sense of belonging and allow schools to challenge policies and procedures that prevent student growth;
4. **Competency Development:** Restorative Practices Response seeks to increase the social emotional intelligence skills of those who have harmed others, address underlying factors that lead students to engage in a form of challenging behavior, and build on strengths.

Definitions

Through adopting the Connecticut School Climate Policy (5131.911), the Board endorses a "Restorative Practices Response" approach to student discipline. As defined in Policy 5131.911,

Restorative Practices mean evidence and research-based system-level practices that focus on (A) building high-quality, constructive relationships among the school community, (B) holding each student accountable for any challenging behavior, and (C) ensuring each such student has a role in repairing relationships and reintegrating into the school community.

"**Challenging Behavior**" means behavior that negatively impacts school climate or interferes, or is at risk of interfering with, the learning or safety of a student or the safety of a school employee.

"**Evidenced-Based Practices**" in education refer to instructional and school-wide improvement practices that systematic empirical research has provided evidence of statistically significant effectiveness.

"**School Climate**" means the quality and character of school life, with a particular focus on the quality of the relationships within the school community, and which is based on patterns of people's experiences of school life and that reflects the norms, goals, organizational structures within the school community.

Students

Challenging Behavior Prevention: Restorative Practices Response

Definitions (continued)

"Social and Emotional Learning" means the process through which children and adults achieve emotional intelligence through the competencies of self-awareness, self-management, social awareness, relationship skills and responsible decision-making.

"Emotional Intelligence" means the ability to (A) perceive, recognize, and understand emotions in oneself or others, (B) use emotions to facilitate cognitive activities, including, but not limited to, reasoning, problem solving and interpersonal communication, (C) understand and identify emotions, and (D) manage emotions in oneself and others.

"School Community" means any individuals, groups, businesses, public institutions and nonprofit organizations that are invested in the welfare and vitality of a public school system and the community in which it is located, including, but not limited to, students and their families, members of the local or regional board of education, volunteers at a school and school employees.

"School Environment" means a school-sponsored or school-related activity, function or program, whether on or off school grounds, including at a school bus stop or on a school bus or other vehicle owned, leased or used by a local or regional board of education, and may include other activities, functions or programs that occur outside of a school-sponsored or school-related activity, function or program if bullying at or during such other activities, functions or programs negatively impacts the school environment.

Purpose

The purpose of this policy is to support school discipline that:

1. The school district community has a shared vision and plan for promoting and sustaining a positive school climate that focuses on prevention, identification and response to all challenging behavior;
2. Maintains safe and engaging learning communities;
3. Assures consistency and coherence across all schools in the District;
4. Defines and communicates expectations for student behavior;
5. Defines and communicates expectations for staff responsibility related to school discipline;
6. Balances the needs of the student, the needs of those directly affected by "challenging behaviors," and the needs of the overall school community;
7. Assures equity across racial, ethnic, and cultural groups, as well as all other protected classes, including but not limited to gender, color, national origin, ancestry, religion, age, disability, sexual orientation, and gender identity and expression.

Students

Challenging Behavior Prevention: Restorative Practices Response

General Principles

1. A positive school climate is best accomplished by preventing challenging before it occurs and using effective restorative practices, in response to those challenging behaviors that may occur despite proactive measures;
2. School safety and academic success are formed and strengthened when all school staff and employees build positive relationships with students and their parents and/or guardians;
3. Effective school climate maximizes the amount of time students spend learning academically, socially, and emotionally, ethically, civically, and intellectually and minimizes the amount of time students cause disruption or are removed from their classrooms due to an act of challenging behavior;
4. School discipline should be reasonable, timely, fair, age-appropriate, and should be proportionate to the student's challenging behavior. Response to an act of challenging behavior that is rooted in restorative practices will provide meaningful instruction and guidance, offers students an opportunity to learn from their mistakes and is more likely to result in engaging rather than punitive responses to challenging behavior. The school community should adopt policies that promote a restorative school environment focused on overcoming barriers to teaching and learning by building and supporting meaningful school-wide relationships, and intentionally re-engaging and disengaged students, educators, and families of students in the school community.
5. Effective school climate improvement is a restorative process that engages all school community members in promoting positive school climate. The vast majority of challenging behaviors should be addressed at the classroom level by teachers; however, behaviors that cannot be addressed at this level should receive more targeted and intensive interventions, as determined by an individualized assessment;
6. The District serves a diverse community. In order to serve all students and to prepare them to be members of an increasingly diverse community, schools and staff must build cultural competence. We must commit to eliminating racism and any other discrimination that presents barriers to success. The school community should create a school environment where everyone is safe, welcomed, supported, and included in all school-based activities;
7. Challenging behaviors, which may be subject to disciplinary action, including any within the school environment, but not limited to those occurring during either curricular or extracurricular activities, in classrooms, in school buildings, on school grounds, or in school vehicles, when such conduct is detrimental to the school environment and to the welfare or safety of other students or school personnel.

Students

Challenging Behavior Prevention: Restorative Practices Response

General Policy Guidelines

The District's system of school climate improvement is built on the incorporation of restorative practices, which should include:

Evidence and research-based system-level restorative practices that focus on:

1) building high-quality, constructive relationships among the school community,
2) holding each student accountable for any challenging behavior, and
3) ensuring each such student has a role in repairing relationships and reintegrating into the school community.

Restorative practices should be guided by the Connecticut School Climate Standards:

1. The school district community has a shared vision and plan for promoting and sustaining a positive school climate that focuses on prevention, identification, and response to all challenging behavior.
2. The school district community adopts policies that promote: a) a sound school environment that the develops and sustains academic, social, emotional, ethical, civic, and intellectual skills; and b) a restorative school environment focused on overcoming barriers to teaching and learning by building and supporting meaningful school-wide relationships, and intentionally reengaging any disengaged students, educators, and families of students in the school community.
3. The school community's practices are identified, prioritized, and supported to: a) promote learning and the positive academic, social, emotional, ethical, and civic development of students. b) enhance engagement in teaching, learning, and school-wide activities. c) address barriers to teaching and learning; and d) develop and sustain a restorative infrastructure that builds capacity, accountability, and sustainability.
4. The school community creates a school environment where everyone is safe, welcomed, supported, and included in all school-based activities,
5. The school community creates a restorative system that cultivates a sense of belonging through norms and activities that promote social and civic responsibility, and a dedication to cultural responsiveness, diversity, equity, and inclusion.
    a. Practicing early identification and assessment of struggling students;
    b. Using a problem solving/collaborative process to provide interventions matched to student needs;
    c. Ensuring timely progress monitoring and feedback; and
    d. Delivering scientific research based interventions

Students

Challenging Behavior Prevention: Restorative Practices Response

General Policy Guidelines (continued)

The District shall post this policy on the District website.

Copies of this policy, any accompanying procedures/regulations, and school rules will be made available, upon request, to each student and parent/guardian, and, upon request, promptly translated in a language that the parent/guardian can understand.

Applying the goals related to Restorative Practices Response, this policy's definitions, purpose, principles and guidelines, the Superintendent, or his/her/their designee shall develop such procedures and provide for any training necessary as may be needed to effectively implement this policy.

(cf. 1110.1 – Parent Involvement)
(cf. 4131 – Staff Development)
(cf. 5114 – Suspension/Expulsion; Student Due Process)
(cf. 5131 – Conduct)
(cf. 5131.1 – Bus Conduct)
(cf. 5131.6 – Drugs, Alcohol, Tobacco)
(cf. 5131.7 – Weapons and Dangerous Instruments)
(cf. 5131.8 – Out of School Grounds Misconduct)
(cf. 5131.9 – Gang Activity or Association)
(cf. 5131.911 – Connecticut School Climate Policy)
(cf. 5131.913 – Cyberbullying)
(cf. 5131.92 – Corporal Punishment)
(cf. 5141.4 – Reporting of Child Abuse and Neglect)
(cf. 5144 – Discipline/Punishment)
(cf. 5144.3 – Discipline of Students with Disabilities)
(cf. 5145.4 – Nondiscrimination)
(cf. 5145.5 – Sexual Harassment)
(cf. 5145.52 – Harassment)

Connecticut General Statues

4-177 through 4-180. Contested Cases. Notice. Record, as amended.

10-233a through 10-233f Suspension, removal and expulsion of students, as periodically amended.

2la-240(9) Definitions.

53a-3 Definitions.

GOALS 2000: Educate America Act, Pub. L. 103-227.

18 U.S.C. 921 Definitions

Students

Challenging Behavior Prevention: Restorative Practices Response

Legal Reference:

Title III - Amendments to the Individuals with Disabilities Act Sec. 314

Elementary and Secondary Schools Act of 1968, as amended by the Gun Free Schools Act of 1994

PL 105-17 The Individuals with Disabilities Act, Amendments of 1997

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

State v. Hardy, 896 A.2d 755, 278 Conn 113 (2006)

Public Act 23-167, Section 74, An Act Concerning Transparency in Education

#4-REVISED

Reporting of Child Abuse, Neglect and Sexual Assault

Connecticut General Statutes Section 17a-101, et seq., requires all school employees of the Board of Education to report suspected child abuse and neglect. The Board of Education recognizes its legal obligations relating to mandated reporting and requires all persons applying for employment with the Board to submit to a record check of the Department of Children and Families Child Abuse and Neglect Registry before the person may be hired.

Mandated reporters include the superintendent, administrators, teachers, substitute teachers, guidance counselors, school counselors, school paraprofessionals, coaches of intramural and interscholastic athletics, nurses, physicians, psychologists, social workers, and licensed behavior analysts either employed by the Board or working in one of the District Schools or any other person who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in District Schools.

Such individual(s) who have reasonable cause to suspect or believe that a child under eighteen (18) years of age has been abused or neglected, has had non-accidental physical injury, or injury which is at variance with the history given of such injury, inflicted upon the child, is placed at imminent risk of serious harm or sexually assaulted by a school employee is required to report such abuse and/or neglect or risk and/or sexual assault in accordance with applicable state statutes. The mandated reporting requirement regarding the sexual assault of a student by a school employee applies based on the person's status as a student, rather than his or her age.

The Board shall annually distribute the mandated reporter policy electronically to all school employees and contractors employed by the Board of Education in regular contact with children. The Board shall annually distribute electronically, to all school employees and relevant contractors, Board members, and parents and guardians of enrolled students, (1) guidelines on identifying and reporting child sexual abuse, starting in the 2022-23 school year, and (2) information on DCF's sexual abuse and assault awareness and prevention program.

A mandated reporter's suspicion may be based on factors including, but not limited to, observations, allegations, facts or statements by a child, victim or third party. Suspicion or belief does not require certainty or probable cause.

In furtherance of CGS 17a-101 et. seq., and its purpose, it is the policy of the Board of Education to require all employees of the Board of Education to report suspected abuse and/or neglect, or imminent risk of serious harm, in accordance with the procedures set forth in this policy.

Furthermore, the Board of Education requires all personnel who have reasonable cause to suspect or believe that a child, under the age of eighteen (18), except in the case of sexual assault by a school employee, has been abused, neglected, has had non-accidental physical injury, or injury which is at variance with the history given of such injury, is placed in imminent danger of serious harm or has been sexually abused by a school employee to report such cases in accordance with the law, Board policy and administrative regulations. The mandatory reporting requirement regarding the sexual assault of a student by a school employee applies based on the person's status as a student, rather than his or her age.

An oral report by telephone or in person shall be made as soon as possible but not later than twelve (12) hours to the Commissioner of Children and Families or his/her designee or a law

Reporting of Child Abuse, Neglect and Sexual Assault, *continued*

enforcement agency **and** to the Superintendent of Schools or his/her designee followed within 48 hours by a written or electronic report to the Commissioner of Children and Families or his/her designee. (The Department of Children and Families (DCF) has established a 24-hour Child Abuse and Neglect Hotline, "Careline", at 1-800-842-2288 for the purpose of making such oral reports.)

Online reports may be made to the Careline by mandated reporters if the report is of a non-emergent nature. A non-emergent situation is one in which a report is mandated but the child is not in immediate risk. *(Note: Mandated reporters reporting electronically when they reasonably suspect that a child has been abused, neglected or placed at risk of imminent harm in a "non-emergent" situation, can do so without risk that they will be subject to a failure to report finding and subsequent penalties.)*

Any person who intentionally and unreasonably interferes with or prevents the making of a report pursuant to this section, or attempts or conspires to do so will be subject to criminal prosecution under law. State law also prohibits retaliation against a mandated reporter for fulfilling his/her obligations to report suspected child abuse or neglect.

The oral and written reports shall include, if known, (1) the names and addresses of the child and his/her parents/guardians or other persons responsible for his/her care; (2) the child's age; (3) the child's gender; (4) the nature and extent of the child's injury or injuries, maltreatment or neglect; (5) the approximate date and time the injury or injuries, maltreatment or neglect occurred; (6) information concerning any previous injury or injuries to or maltreatment or neglect of the child or his/her siblings; (7) the circumstances in which the injury or injuries, maltreatment or neglect came to be known to the reporter; (8) the name of the person(s) suspected to be responsible for causing such injury or injuries, maltreatment or neglect; (9) the reasons such person or persons are suspected of causing such injury or injuries, maltreatment or neglect of a child and (11) whatever action, if any, was taken to treat, provide shelter or otherwise assist the child.

If the report of abuse, neglect or sexual assault involves an employee of the District as the perpetrator, the District may conduct its own investigation into the allegation provided such investigation shall not interfere with or impede any investigation conducted by the Department of Children and Families or by a law enforcement agency.

The Board recognizes that the Department of Children and Families is required to disclose records to the Superintendent of Schools in response to a mandated report's written or oral report of abuse or neglect or if the Commissioner of the Department of Children and Families has reasonable belief that a school employee abused or neglected a student. Not later than five (5) working days after an investigation of child abuse or neglect by a school employee has been completed, the Department of Children and Families is required to notify the school employee and the Superintendent and the Commissioner of Education of the investigation's results and shall provide records, whether or not created by the Department, concerning such investigation.
If the Department of Children and Families has reasonable cause, and recommends the employee be placed on DCF's Child Abuse and Neglect Registry, the Superintendent shall suspend such employee.

Reporting of Child Abuse, Neglect and Sexual Assault, *continued*

The Board shall provide to employees in-service training regarding the requirements and obligations of mandated reporters including training offered by the Department of Children and Families. Each school employee is required to complete an initial training program offered by DCF and, not later than three (3) years after completion of the initial training program, shall thereafter, retake such refresher training course at least once every three years.

This policy shall be distributed annually to all employees. Documentation shall be maintained that all employees have, in fact, received the written policy and completed initial and refresher training related to mandated reporting of child abuse and neglect as required by law.

The Board of Education will post the telephone number of the Department of children and Families' child abuse hotline, Careline, and the Internet web address that provides information about the Careline in each District school in a conspicuous location frequented by students. Such posting shall be in various languages most appropriate for the students enrolled in the school.

Mandated Report Preliminary Inquiries

- **Preliminary Inquiry (School Level):** The school administration shall conduct a Preliminary Inquiry immediately upon receipt of a report or suspicion of abuse or neglect. The sole purpose of this inquiry is to gather enough information to determine if there is "reasonable cause to suspect" that a child has been abused or neglected, thereby triggering the mandatory reporting obligation.
    - **Scope:** Limited to identifying the parties involved, confirming the timeline of the alleged incident, and ensuring the immediate safety of the student.
    - **Actions:** May include a brief conversation with the student or the reporting staff member.
    - **Limitation:** The Preliminary Inquiry shall not include a detailed forensic interview of the child, nor shall it be used to determine the ultimate truth of the allegations. Administrators must not "investigate" the incident in a way that could interfere with a future criminal or Department of Children and Families (DCF) investigation.

Formal Investigation

- A Formal Investigation is the comprehensive process conducted by DCF and/or Law Enforcement once a report has been filed.
    - **Scope:** A systematic evaluation of the child's safety, the family environment, and the validity of the allegations.
    - **Actions:** Forensic interviews, home visits, medical examinations, and the collection of physical evidence.
    - **School Role:** The Board of Education and its employees shall cooperate fully with the formal investigation but shall not conduct a parallel investigation unless specifically authorized by DCF or as part of a separate Title IX or personnel disciplinary process.

If the Preliminary Inquiry provides reasonable cause, the report must be made within 12 hours. The Preliminary Inquiry must never delay the report. If an administrator is unsure whether they have enough information, they are to make a report out of an abundance of caution.

Reporting of Child Abuse, Neglect and Sexual Assault, *continued*

The principal for each school under the District's jurisdiction shall annually certify to the superintendent that each school employee working at such school is in compliance with the requirements of the Department of Children and Families training.

The Board will establish a confidential rapid response team to coordinate with the Department of Children and Families to (1) ensure prompt reporting of suspected child abuse or neglect or 1st, 2nd, 3rd or 4th degree sexual assault, 1st degree aggravated sexual assault or 3rd degree sexual assault with a firearm of a student not enrolled in adult education by a school employee and (2) provide immediate access to information and individuals relevant to the Department of Children and Families' investigation of such cases. The confidential response team shall consist of (1) a local teacher and the Superintendent, (2) a local police officer and (3) any other person the Board or the Superintendent deems appropriate.

The Board of Education will not employ anyone who was terminated or resigned after a suspension based on the Department of Children and Families' investigation, if he or she has been convicted of (1) child abuse or neglect or (2) 1st, 2nd, 3rd or 4th degree sexual assault; 1st degree aggravated sexual assault or 3rd degree sexual assault with a firearm of a student who is not enrolled in adult education

The Board will not employ an individual who was terminated or resigned, if he or she (1) failed to report the suspicion of such crimes when required to do so or (2) intentionally and unreasonably interfered with or prevented a mandated reporter from carrying out this obligation or conspired or attempted to do so. This applies whether or not an allegation of abuse, neglect or sexual assault has been substantiated.

(cf 5145.511)

Reporting of Child Abuse, Neglect and Sexual Assault, *continued*

Legal Reference: Connecticut General Statutes

10-220a Inservice training. Professional development committees. Institutes for educators. Cooperating teacher program, regulations
10-221d Criminal history records check of school personnel. Fingerprinting. Termination or dismissal 10-221sInvestigations of child abuse and neglect. Disciplinary action.
17a-28 Definitions. Confidentiality of and access to records; exceptions. Procedure for aggrieved persons. Regulations
17a-101 Protection of children from abuse. Mandated reporters. Educational and training program. Model mandated reporting policy.
17a-101a Report of abuse, neglect by or injury of child or imminent risk of serious harm to the child. Penalty for failure to report. Notification of Chief State's Attorney.
17a-101b Report by mandated reporters. Notification of law enforcement agency when allegation of sexual abuse or serious physical abuse. Notification of person in charge of institution, facility or school when a staff member suspected of abuse or neglect.
17a-101c Written or electronic report by mandated reporter.
17a-101d Contents of reports.
17a-101e Employer prohibited from discriminating or retaliating against employee who makes a good faith report or testifies re child abuse or neglect. Immunity from civil or criminal liability. False report of child abuse. Referral to Office of the Chief State's Attorney. Penalty.
17a-101g Classification and evaluation of reports. Determination of abuse or neglect of child. Investigation. Notice, entry of recommended finding. Referral to local law enforcement authority. Home visit. Removal of child in imminent risk of harm. Family assessment response program. Development of service plans and plans of care. Monitoring. Disclosure of information to community providers. Annual report.
17a-101i Abuse or neglect by school employees or staff member of public or private institution or facility providing care for children. Notice. Adoption of policy. Employee training program.
17a-101o School employee failure or delay in reporting child abuse or neglect. Policy re delayed report by mandated reporters.
17a-106 Cooperation in relation to prevention, identification and treatment of child abuse/neglect. 10-151 Teacher Tenure Act.
DCF Policy 22-1-3 Mandated Reporter's Failure to Report.
PA 22-87 An Act Concerning the Identification and Prevention of and Response to Adult Sexual Misconduct Against Children.

Policy adopted by the Waterbury Board of Education on September 6, 2012.
Revised on February 4, 2016, June 15, 2017, September 7, 2017, September 20, 2018, October 15, 2020, and September 15, 2022

Students 5112(a) *Ages of Attendance/Admissions/Placement*

#5-REVISED

In accordance with Connecticut General Statute 10-186, the Board of Education shall provide education for all persons, residing in the District, five years of age and over, who reach age five on or before the first day of **September (effective July 1, 2024)** of any school year, and under twenty-one (age twenty-two for special education students) who is not a graduate of a high school or vocational school, except as provided in Connecticut General Statutes 10-233c and 10- 233d. Each such child shall have, and shall be so advised by the appropriate school authorities, an equal opportunity to participate in the program and activities of the school system without discrimination on account of race, color, sex, religion, national origin, sexual orientation, or gender identity or expression.

According to Connecticut General Statute 1-76d(b2), special education will be provided for children who have attained the age of three and who have been identified as being in need of special education, and whose educational potential will be irreparably diminished without special education. If a special education student is being considered for an exception, the Planning and Placement Team (PPT) will make a recommendation to the administrator in charge of special education.

In order to determine a child's eligibility for ESL or bilingual programs, parents/guardians of all new students enrolling for the first time and all re-enrolling students who have previously attended a Connecticut public school must complete a Home Language Survey (HLS) at the time of enrollment. A student may also take a screening exam. Neither the survey nor the exam are conditions of enrollment.

Note: *When a student is enrolling in a new school district or new state charter school, written notification of such enrollment shall be provided to the previous school district or charter school not later than two business days after the student enrolls.*

Children who apply for initial admission to the district's schools by transfer from nonpublic schools or from schools outside the district will be placed at the grade they would have reached elsewhere pending assessment and evaluation by building staff. After such assessments and evaluations have been completed, the District will determine the final grade placement of the child(ren).

Parents and those who have the care of children age five to eighteen years of age inclusive are obligated by Connecticut law to require their children to attend public day school or its equivalent in the district in which such child resides, unless such child is a high school graduate or the parent or person having control of such child is able to show that the child is elsewhere receiving equivalent instruction in the studies taught in the public schools. Students under age eighteen are subject to mandatory attendance laws unless they are at least seventeen and their parent/guardian, or other person having guardianship of the child, consents to such child's withdrawal from school. The parent or person shall exercise this option by personally appearing at the school to sign a withdrawal form. Such withdrawal form shall include an attestation from a school counselor or school administrator of the school that the district has provided the parent or person with information on the educational options available in the school system and in the community. If a child is eighteen years of age or older, he/she is not required to attend school.

Students 5112(b) *Ages of Attendance/Admissions/Placement,*

continued

Enrollment

The enrollment process shall be focused on obtaining only the information deemed necessary to establish residency and age. The District shall not request other information as a condition of enrollment or state in its policies or on its websites or otherwise, that other information is required to enroll children. The District shall immediately enroll a homeless child and allow such student to attend school even if the student is unable to ~~produced~~ produce records normally required for enrollment. Additional data collection may occur, but it must be complete in such a manner that does not interfere with the enrollment of a child in school.

Each child entering the district schools for the first time must present a birth certificate or offer legal evidence of birth data, as well as proof of a recent physical examination and required immunizations. Proof of domicile will also be requested. Other documents that may be accepted as proof of a child's age include, but are not limited to, a photocopy of a birth certificate, earlier school records, state-issued identification document, driver's license or passport, parent's affidavit or unsworn statement as to a child's age, physician's certificate verifying a child's age or immunization records.

Completion of immunization and health assessment requirements are required prior to a child's attendance in school, but are not considered as pre-requisites for enrolling a child who resides in the District and is of appropriate age to attend school. If the parents or guardians of any children are unable to pay for such immunizations, the expense of such immunizations shall, on the recommendation of the Board, be paid by the town. A school district may not deny enrollment of a child if his/her parent/guardian refuses to provide a social security number.

The parent or person having legal guardianship of a child five years of age shall have the option of not sending the child to school until the child is six years of age by September 1st of any school year. The parent or person having legal guardianship of a child six years of age shall have the option of not sending the child to school until the child is seven years of age by September 1st of any school year. The parent or person having legal guardianship shall exercise such option by personally appearing at the school district office and signing an option form. The district shall provide the parent or person having legal guardianship with information on the educational opportunities available in the school system.

Any child entering or returning to the district from placement in a juvenile detention school, the Connecticut Juvenile Training School, or any other residential placement, shall have the educational records of such child provided to the Superintendent of Schools by the Department of Children and Families (DCF) and the Judicial Department. Such information will be shared with the Principal of the school to which the student is assigned. The Principal can disclose them to the staff who teach or care for the child.

The District will immediately enroll any student who transfers from Unified District No. 1 or Unified District No 2. A student transferring from the Unified School Districts who had previously attended school in the local District shall be enrolled in the school such student previously attended, provided such school has the appropriate grade level for the student.

Residency

The District, when determining residency, shall not request documentation of citizenship or immigration status of a child or the child's parents/guardians. The Board believes such documentation is not relevant to establishing residency.

In the establishment of residency, the Board will accept such documentation as, but not limited

to, a lease agreement, mortgage document, property tax record, rent receipt, home owners insurance, rental insurance, current utility bill, current proof of government benefits, CT driver's license, automobile registration or insurance. An Affidavit of Residence, properly executed, shall also be acceptable.

For purposes of establishing the residency of a child whose legal guardian is a member of the armed forces, as defined in C.G.S. 27-103, and who is seeking enrollment in a district school, in which such child is not yet a resident, the Board shall accept the military orders directing such member to Connecticut or any other documents from the armed forces indicating the transfer of such member to Connecticut as proof of residency in the district.

The above requirements are not to serve as barriers to immediate enrollment of students, designated as homeless or foster children as required by the Every Student Succeeds Act (ESSA) and the McKinney-Vento Act as amended by the ESSA. The District shall work with the local child welfare agency, the school last attended, or other relevant agencies to obtain necessary enrollment documentation. The District shall immediately enroll a homeless student and allow such student to attend school even if the student is unable to produce records normally required for enrollment.

The parent/guardian of any child who is denied admission to the District's schools, or an unaccompanied minor, a student eighteen years of age or older, a homeless child or youth or an unaccompanied youth who is denied schooling on the basis of residency, or an agent or officer charged with the enforcement of the laws concerning attendance at school may request, in writing, a hearing by the Board of Education.

Children who have attained the age of seventeen and who have voluntarily terminated enrollment in the district's schools with parental permission as described previously and subsequently seek readmission may be denied readmission for up to ninety school days from the date of such termination, unless such child seeks readmission to the District not later than ten (10) school days after such termination in which case the Board shall provide school accommodations to such child not later than three school days after such child seeks readmission.

Alternative School Placement

Children who have attained the age of nineteen or older may be placed in an alternative school program or other suitable educational program if they cannot acquire a sufficient number of credits for graduation by age twenty-one.

Early Admission

~~Parents/guardians must make a formal request for early admission no later than May 1st of the calendar year in which the child would be admitted to the school. Since research on early admission to kindergarten has demonstrated that it is a "high risk" decision, only those children who have attained their fifth birthday between September 2nd and December 31st will be considered for early admission~~.

Beginning in the 2027-2028 school year, students who do not reach the age of five on or before the first day of September, will not be granted early admission per Public Act 23-208 and C.G.S. 10-186.

~~The student being considered for early admission must exhibit evidence of advanced (typically two standard deviations above the mean) intelligence and adaptive behavior from a standardized assessment administered in the district.~~

~~Such testing shall guide the Superintendent or his/her designee in the acceptance or rejection of the request. The programmatic decision of the Superintendent or his/her designee in such~~

~~instances shall be final.~~

(cf. 5118.1 – Homeless Students) (cf. 5118.3 – Children in Foster Care) (cf. 6146 – Graduation Requirements

Legal Reference: Connecticut General Statutes

4-176e to 4-180a Agency hearings.
4-181a Contested cases. Reconsideration. Modifications.
10-15 Towns to maintain schools.
10-15c Discrimination in public schools prohibited. School attendance by five-year-olds. 10-76a - 10-76g re special education.
10-184 Duties of parents (re mandatory schooling for children ages five to sixteen, inclusive) as amended by PA 98-243, PA 00-157, PA 09-6 (September Special Session) and PA 18-15. 10-186 Duties of local and regional boards of education re school attendance. Hearings. (as amended by PA 19-179)
Appeals to State Board. Establishment of hearing board.
21-86 An act Concerning the Enrollment of Children of Members of the Armed Forces in Public Schools and the Establishment of a Purple Star School Program
10-233a - 10-233f Inclusive; re: suspend, expel, removal of pupils.
10-233c Suspension of pupils.
10-233d Expulsion of pupils.
10-261 Definitions.
State Board of Education Regulations
10-76a-1 General definitions (c) (d) (q) (t)
10-76d-7 Admission of student requiring special education (referral)
P.A. 19-179 An Act Concerning Homeless Students' Access to Education
"Guidance for Connecticut School Districts: Enrollment Process and Practice," State Department of Education, December 2019.
P.A. 21-86 An Act Concerning the Enrollment of Children of Members of the Armed Forces in Public Schools and the Establishment of a Purple Star School Program
10-204a Required immunizations (as amended by PA 98-243)
McKinney-Vento Homeless Assistance Act (PL 107-110 Sec. 1032) 42 U.S.C. §11431-11435, as amended by the ESSA, P.L. 114-95
Federal Register: McKinney-Vento Education for Homeless Children & Youths Program, Vol. 81 No. 52, 3/17/2016.

Policy adopted by the Waterbury Board of Education on September 6, 2012,
revised on March 26, 2020, revised on December 16, 2021, revised and renamed to incorporate former policy 5111 on June 20, 2024

#6-NEWW

5113.13(a)

A model of a mandated policy.

Students

Work-Study Student Employment/Work-Release

In cooperation with various local and area businesses and industries, the District shall establish and maintain work-study and work-release programs for students who are at least sixteen (16) years of age. Student work-release allows eligible students to be released during the school day to work for an employer.

Insofar as feasible, each of those work-experience programs shall be tailored to meet the vocational needs of the individual students by their school counselor, who shall guide them in selecting appropriate academic courses, and by the vocational coordinator, who shall ensure proper placement in the most relevant training/employment. Students' course schedules and graduation requirements take priority over work-study or work-release.

Program Conditions/Roles and Responsibilities

- Through the work-release program, students may earn eligible credits provided that the curriculum for those credits aligns directly with the course and other program requirements.
- The principal or designee, in collaboration with school counselors, will determine the maximum number of work hours for each student.
- The student must receive approval for work release from the principal or designee.
- The student must obtain written consent from the parent and/or legal guardian.
- The student must obtain a Promise of Employment letter from the prospective employer and apply for and be issued working papers.
- The student must show proof of employment, which will be reviewed quarterly by the principal or designee.
- The student is responsible for maintaining good academic standing, attendance, and behavior in both school and vocational settings.
- The principal or designee is responsible for ensuring that student work-release is compliant with Connecticut's Student Work-Release Policy, including but not limited to:

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- Discussing the student work-release program with each student;
- Verifying eligibility and reviewing quarterly with the student; and
- Adhering to all applicable laws, including the Guidelines and Procedures for the Employment of Minors in Connecticut.

Eligibility Requirements:

- Work-release may be provided to any student who is at least 16 years of age and who is enrolled in the district's high school and must comply with state labor laws.
- The student must be in good standing academically and on track to graduate within four years, as determined by the school principal or designee.

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Students

Work-Study Student Employment/Work-Release

Eligibility Requirements: (continued)

- The student must have an acceptable attendance record and must not be considered "chronically absent."
- The student must have a record demonstrating their ability to comply with school behavioral expectations and be deemed able to comply with workplace attendance and behavioral expectations.

Legal References: Connecticut General Statutes

4-124II. Model Student Work-Release Policy

Public Act 24-45, An Act Concerning Mandate Relief, School Discipline and Disconnected Youth

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Policy adopted:
cps 10/25

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#7-REVISED

Instruction **6172.3(a)**

~~Home Schooling Policy~~ Parent Managed Learning (Homeschooling)

~~The Board of Education recognizes the right of parents to educate their children at home. Parents must follow state regulations regarding home school instruction. Parents must file with the Superintendent of Schools, a Notice of Intent form which provides basic information about the program to be provided for their child. A Notice of Intent must be filed annually.~~

The Board of Education recognizes the right of parents to educate their children at home in accordance with Connecticut General Statutes and regulations of the Connecticut State Board of Education. Parents must file with the Superintendent of Schools a Notice of Intent form, which provides basic information about the program to be provided for their child. A Notice of Intent form must be filed annually. A Notice of Intent is not required for any child younger than seven years, nor any older than sixteen.

Children educated at home are considered to be non-public school students and are not part of the school system's educational obligation. Students who are home-schooled and therefore not registered in the district do not take part in school activities or sports and are not provided special education or related services.

If parents or guardians decide to return children who have been educated at home for a time to local schools, school staff shall provide an appropriate transition to the public schools. This process may require administering appropriate academic assessments to determine grade and class placement, or assigning high school credits.

The Board believes that formal education in public schools is highly beneficial both for the child and for society.

~~Children educated at home are considered to be non-public school students and are not part of the system's educational responsibility and are not part of the school system.~~

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~~*Home Schooling Policy*~~ *Parent Managed Learning (Homeschooling), continued*

Compliance with the following procedures will satisfy the statutory requirements for home instruction:

1. Parents shall file with the Superintendent of Schools a "Notice of Intent, Instruction of Student at Home" ~~form (Appendix 10)~~. A Notice of Intent will be effective for up to one school year.
2. Filing a Notice of Intent must occur within ten days of the start of the home instructional program.
3. The school district will receive the Notice of Intent, check it for completeness and keep it as part of the school's permanent record. A complete form will be one which provides basic program information including the name(s) of teacher(s), the subjects to be taught, the days of instruction, and the teacher's method of assessment.
4. A parent, by filing a Notice of Intent, acknowledges full responsibility for the education of their child in accordance with the requirements of state law. Receipt of a Notice of Intent in no way constitutes approval by the school district of the content or effectiveness of a program of home instruction.
5. Waterbury Public Schools has no obligation under the law to provide materials or services to children who are being home schooled. No special education or related services shall be provided to a child who is home schooled.
6. At the time of re-entry in grades 1 - 8, the school will assess for current level of academic functioning and the school will notify the parent of the current level of performance. Placement will remain at the discretion of the parent provided they have complied with Section 10-184 of the education law.
7. ~~Waterbury will not promote or place a home schooled student in their high school without an official transcript from an accredited home school program, i.e., they will not place a student above ninth grade without documentation.~~
8. ~~Any previous action taken by the Waterbury School District in connection with home schooling will not apply after the approval of these regulations.~~
9. ~~The City of Waterbury will adhere to the Connecticut Association of Schools and the CIAC (Connecticut Interscholastic Athletic Conference, Inc.) rules and regulations for all extracurricular activities.~~

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10. An annual portfolio review may be held with the parents and school officials to determine if instruction in the required courses has been given.

~~Home Schooling Policy~~ Parent Managed Learning (Homeschooling), continued

11. Any continued refusal by the parent to comply with the reasonable request of the school district for completion and filing of the Notice of Intent may cause the child to be considered truant
12. Refusal of the parent to comply with the request of the school district for completion and filing of the Notice of Intent may cause the child to be considered truant.
13. The school district shall not accept or require a Notice of Intent for any child younger than seven (7) years or older than sixteen (16) years.

Legal Reference: Connecticut General Statutes
10-184 Duties of parents.
10-1842 Special education programs not required for children in home or private schools.
10-220 Duties of boards of education.
Public Act 26-37: An Act Concerning the Provision of Equivalent Instruction (Homeschooling)

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WATERBURY PUBLIC SCHOOLS
Waterbury, Connecticut

NOTICE OF INTENT FOR PARENT-MANAGED LEARNING (Homeschooling)

Name of Student: _____

Address:_____

Student's Date of Birth: _____

Name of Parent:_____

Address: _____

Cell Phone Number: _____

Email:_____

I acknowledge and accept full responsibility for my child's education in accordance with state law.

_____

Parent Signature Date

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~~6172.3~~
~~Form 1~~

~~NOTICE OF INTENT~~
~~INSTRUCTION OF STUDENT AT HOME~~
~~(For District Use Only)~~

~~NAME OF STUDENT:~~ ~~DATE OF BIRTH:~~

~~ADDRESS:~~ ~~TELEPHONE:~~

~~NAME OF TEACHER:~~

~~ADDRESS:~~ ~~TELEPHONE:~~

~~THE SUBJECTS TO BE TAUGHT ARE:~~ YES ~~NO~~

~~(REQUIRED)~~

~~READING~~
~~WRITING~~
~~SPELLING~~
~~ENGLISH GRAMMAR~~
~~GEOGRAPHY~~
~~ARITHMETIC~~
~~US HISTORY~~
~~CITIZENSHIP~~
~~(INCLUDING STUDY OF TOWN~~
~~STATE AND FEDERAL GOVERNMENTS)~~

~~(RECOMMENDED)~~

~~SCIENCE~~

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~~(OTHER)~~

~~TOTAL NUMBER OF DAYS SCHEDULED FOR INSTRUCTION: _____~~

~~TEACHER'S METHODS OF ASSESSMENT OF STUDENT PROGRESS:~~

~~AN ANNUAL PORTFOLIO REVIEW WILL BE HELD ON OR ABOUT: _____~~

~~I ACKNOWLEDGE AND ACCEPT FULL RESPONSIBILITY FOR THE EDUCATION OF MY CHILD IN ACCORDANCE WITH THE REQUIREMENTS OF STATE LAW.~~

~~_____ _____~~

~~PARENTS DATE~~

~~I ONLY ACKNOWLEDGE RECEIPT OF THIS FORM AND RENDER NO OPINION AS TO THE APPROPRIATENESS OF THE PLANNED PROGRAM.~~

~~_____ _____~~

~~SUPERINTENDENT DATE~~

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High School Graduation Exit Criteria

High School Graduation Exit Criteria for ***Graduating Classes of 2023 through 2026***

To complete the graduation requirements and receive a high school diploma from the City of Waterbury Public Schools, a student must meet the following requirements:

Graduation Requirements 25 credits
9.0 Humanities (including civics and the arts)
9.0 STEM (Science, Technology, Engineering and Mathematics)
1.0 Foreign Language
1.0 Physical Education and Wellness
1.0 Health and Safety Education
1.0 Mastery-Based Diploma Assessment
3.0 Open Electives

A student must earn six (6) Carnegie units to be promoted to the 10th grade.

A student must earn twelve (12) Carnegie units and have completed the 10th grade to be promoted to the 11th grade.

A student must earn eighteen (18) Carnegie units to be promoted to the 12th grade.

Twenty-five (25) Carnegie Units are required for graduation. All students must follow the core curriculum as outlined by the Board of Education. *Further, if a student has credits withheld due to unexcused absences, in accordance with the Board of Education attendance policy, those credits are declared unearned credits.*

Students will only be eligible for promotion at the end of the academic school year and at the conclusion of summer school.

Carnegie Units	**Meeting Times**	**C.U.'s Earned**
Extended courses	15 periods/per week	3.0 c.u.
Extended courses	10 periods/per week	2.0 c.u.
Lab Sciences courses	6 periods/per week	1.2 c.u.
Regular courses	5 periods/per week	1.0 c.u.
Elective courses	4 periods/per week	.8 c.u.
½ year courses	5 periods/per week	.5 c.u.
½ year courses	4 periods/per week	.4 c.u.

Graduation from Waterbury Public Schools implies (1) that students have satisfactorily completed the prescribed courses of study for the several grade levels in accordance with their respective abilities to achieve, (2) that they have satisfactorily passed any examinations and satisfactorily demonstrated the district's performance standards, assessed in part by the statewide mastery examinations, established by the faculty and approved by the Board of Education, and

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~~(3) that they have fulfilled the legally mandated number and distribution of credits.~~

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High School Graduation Exit Criteria, **continued**

High School Graduation Exit Criteria for ***Graduating Classes of 2027 and each graduating class thereafter,***

To complete the graduation requirements and receive a high school diploma from the City of Waterbury Public Schools, a student must meet the following requirements:

Graduation Requirements 25 credits	
9.0	Humanities (including civics and the arts)
9.0	STEM (Science, Technology, Engineering and Mathematics)
1.0	Foreign Language
1.0	Physical Education and Wellness
1.0	Health and Safety Education
1.0	Mastery-Based Diploma Assessment
0.5	Personal Financial Management and Financial Literacy
2.5	Open Electives

~~A student must earn six (6) Carnegie units to be promoted to the 10th grade.~~

A student may be promoted to 10th grade with fewer than 6 Carnegie units. No student will advance to 11th grade unless they have earned 12 Carnegie units and completed the 10th grade.

A student must earn twelve (12) Carnegie units and have completed the 10th grade to be promoted to the 11th grade.

A student must earn eighteen (18) Carnegie units to be promoted to the 12th grade.

Twenty-five (25) Carnegie Units are required for graduation. All students must follow the core curriculum as outlined by the Board of Education. *Further, if a student has credits withheld due to unexcused absences, in accordance with the Board of Education attendance policy, those credits are declared unearned credits*.

Students will only be eligible for promotion at the end of the academic school year and at the conclusion of summer school.

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Graduation from Waterbury Public Schools implies (1) that students have satisfactorily completed the prescribed courses of study for the several grade levels in accordance with their respective abilities to achieve, (2) that they have satisfactorily passed any examinations and satisfactorily demonstrated the district's performance standards, assessed in part by the statewide mastery examinations, established by the faculty and approved by the Board of

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High School Graduation Exit Criteria, **continued**

Education, and

(3) that they have fulfilled the legally mandated number and distribution of credits.

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***High School Graduation Exit Criteria*, continued**

It is expected that the administration of each campus will apply measures of achievement to provide evidence that each student has progressed far enough toward school goals to warrant graduation according to the terms of paragraph #1 above.

The Board of Education shall award a high school diploma to any World War II veteran or veteran of the Korean Hostilities or Vietnam Era veteran requesting such diploma who left high school for military service as defined in the statutes and did not receive a diploma as a consequence of such service.

The Board of Education shall award a high school diploma to any person who (1) withdrew from high school prior to graduation to work in a job that assisted the war effort during World War II, December 7, 1941 to December 31, 1946, inclusive, (2) did not receive a diploma as a consequence of such work, and (3) has been a resident of the state for at least fifty (50) consecutive years.

The Board of Education may grant students high school credit for successful completion of coursework earned from an accredited institution of higher learning taken either during the school year or summer months.

~~Commencing with the graduating class of 2023 (beginning with the incoming class of (2019-2020) and for each graduating class thereafter, in order to graduate and be granted a diploma, students most satisfactorily complete a minimum of twenty-five (25) credits, including not fewer that (1) nine credits in the humanities, including civics and the arts; (2) nine credits in science, technology, engineering and mathematics; (3) one credit in physical education and wellness; (4) one credit in health and safety education; (5) one credit in world languages; and(6) a one credit mastery-based diploma assessment.~~

Commencing with the graduating class of 2027 (beginning with the incoming class of (2023-2024) and for each graduating class thereafter, in order to graduate and be granted a diploma, students most satisfactorily complete a minimum of twenty-five (25) credits, including not fewer that (1) nine credits in the humanities, including civics and the arts; (2) nine credits in science, technology, engineering and mathematics; (3) one credit in physical education and wellness; (4) one credit in health and safety education; (5) one credit in world languages; and(6) a one credit mastery-based diploma assessment; and (7) one-half credit in Personal Financial Management and Financial Literacy.

A student shall be excused from the physical education requirement upon presentation of a certificate form a physician or advanced practice registered nurse indicating that participation in physical education is medically contradicted because of the student's physical condition. The credit for physical education may be fulfilled by an elective.

In addition, also beginning with the graduating class of 2023, the Board of Education will provide adequate student support and remedial services for students. Such student support and remedial services shall provide alternate means for a student to complete any of the high school graduation requirements, previously listed if such student is unable to satisfactorily complete any of the required courses or exams. Such student support and remedial services shall include, but not be limited to, (1) allowing students to retake courses in summer school or through an on-line course; (2) allowing students to enroll in a class offered at a constituent unit of the state system

***High School Graduation Exit Criteria*, continued**

of higher education, allowing students who received a failing score, as determined by the Commissioner of Education, on an end of the school year exam to take an alternate form of the exam; and (3) allowing those students whose individualized education plans state that such students are eligible for an alternate assessment to demonstrate competency on any of the five core courses through success on such alternate assessment.

The Board of Education shall grant a student credit towards meeting high school graduation requirements for (1) completing a world-language course provided by a non-profit organization and (2) passing a subject area proficiency test identified and approved by the Commissioner of Education. Up to four credits for a private non-profit world language course shall be granted if the student achieves a passing grade on a test prescribed by the Commissioner of Education. In other subject areas, credit shall be granted, based upon successful passage of the subject area proficiency tests prescribed or identified and approved by the Commissioner of Education, * regardless of the number of hours spent by the student in a public school classroom learning the subject matter.

The Commissioner, per statute, must prescribe or identify and approve the examinations within available appropriations.

The fulfillment of the mandated one credit foreign language requirement, beginning with the class of 2023, can include the successful completion of a world language course in grades six seven or eight, or an online course successfully completed, or the successful completion of a course offered privately through a nonprofit provider, provided such student achieves a passing grade on an examination prescribed by the Commissioner and such credits do not exceed four. All credits earned toward meeting any of the graduation requirements through the successful completion of online courses must fulfill the requirements established.

The Board shall require the Superintendent to create a Student Success Plan for each enrolled student, beginning in grade six. Such plan shall include a students' career and academic choices in grades six to twelve, inclusive. Beginning in grade six, such Student Success Plan shall provide evidence of career exploration in each grade including, but not limited to, careers in manufacturing. The Board shall utilize the Department of Education's issued and revised guidance regarding changes to such student's success plans.

Per statute (C.G.S. 221a(f)) the determination of eligible credits is at the discretion of the Board of Education, provided the primary focus of the curriculum of eligible credits corresponds directly to the subject matter of the specified course requirements. The Board may permit a student to graduate during a period of expulsion if the Board determines the student has satisfactorily completed the necessary credits. The graduation requirements shall apply to any student requiring special education except when the Planning and Placement Team (PPT) determines the requirement not to be appropriate.

A credit shall consist of not less than the equivalent of a forty-minute class period for each school day of a school year except for a credit or part of a credit toward high school graduation earned (1) at an institution accredited by the Board of Regents for Higher Education or State Board of Education or regionally accredited, (2) through on-line course work or (3) through a demonstration of mastery based on competency and performance standards, in accordance with guidelines adopted by the State Board of Education.

High School Graduation Exit Criteria, continued

Only courses taken in grades nine through twelve, inclusive, and that are in accordance with the state-wide subject matter content standards, adopted by the State Board of Education shall satisfy the graduation requirements except that the Board may grant a student credit toward meeting the high school graduation requirements upon the successful demonstration of mastery of the subject matter content described in this section achieved through educational experiences and opportunities that provided flexible and multiple pathways to learning, including cross-curricular graduation requirements, career and technical education, virtual learning, work-based learning, service learning, dual enrollment and early college, course taken in middle school, internships and student designed independent studies, provided such demonstration of mastery is in accordance with such state-wide content standards; toward meeting a specified course requirement upon successful completion in grade seven or eight of a course that corresponds directly to the subject matter of a specified course requirement in grades nine through twelve.

Connecticut Seal of Biliteracy

Commencing with the graduating class of 2018, and for each graduating class thereafter, the Board of Education, utilizing criteria established by the State Board of Education, may/shall affix the "Connecticut State Seal of Biliteracy" to a diploma awarded to a student who has achieved a high level of proficiency in English and one or more foreign languages. "Foreign language" means a world language other than English and includes American Sign Language and any other language spoken by a federally recognized Native American tribe. The Board of Education shall include on such student's transcript a designation that the student received the "Connecticut Seal of Biliteracy".

Transfer and Home School Students

For students who transfer to Waterbury Public Schools from another state, country, school, program, or home-schooling situation, including educational programs that are not aligned with the District's High School's cross curricular and content area graduation standards, the Principal shall evaluate the value of the student's prior educational experiences and determine to what degree the student has met the school's graduation requirements.

After enrolling in the District, these students will need to satisfy all assessment, proficiency, and graduation requirements in the appropriate subject areas, as determined by the Principal or his/her designee. The Superintendent will ultimately determine whether these students are eligible to receive a diploma. Home-schooled students must have attended a Waterbury Public School High School for a minimum of two (2) years or four (4) semesters to be eligible for a diploma.

Students Receiving Special Education Services

Students who successfully meet the District's cross-curricular and content-area graduation standards, as specified in the goals and objectives of their Individualized Education Plans (IEP), will be awarded diplomas.

Academic Advancement Program

The Board of Education permits students in grades eleven and twelve to substitute (1) achievement of a passing score on an existing nationally recognized examination as determined, by the State Department of Education, or series of examinations approved by the State Board of

High School Graduation Exit Criteria, continued

Education, (2) a cumulative grade point average determined by the State Board of Education and (3) at least three letters of recommendation from school professionals (defined in 10-66dd) for the required high school graduation requirement. The State Board of Education will issue an Academic Advancement Program Certificate to any student successfully completing such program. The Academic Advancement Program Certificate shall be considered in the same manner as a high school diploma for purposes of determining eligibility of a student for enrollment at a Connecticut public institution of higher education.

The Board of Education shall permit a student to graduate from high school upon the successful completion of the above described academic advancement program.

Participation in Graduation Ceremony

A student must complete all Board of Education requirements for a high school diploma to participate in graduation exercises.

(NOTE: Graduating Class is defined as a group of students who started ninth grade for the first time and are expected to graduate in four years. For example, if a student started as a freshman in 2020/2021 then their expected graduating class would be 2024.)

(cf. 5121 - Examination/Grading/Rating)
(cf. 5123 - Promotion/Acceleration/Retention)
(cf. 5126 - Academic Recognition)
(cf. 6111 - School Calendar)
(cf. 6146.1 - Grading and Reporting System)
(cf. 6146.12 - Dual Enrollment and Early College)
(cf. 6146.2 - Statewide Proficiency/Mastery Examinations)
(cf. 6146.13 - Multiple Pathways)
(cf. 6172.6 - Virtual/On-line Courses)

Legal Reference: Connecticut General Statutes

10-5 State high school diploma" "honors diploma." Payment of fees; exceptions. (as amended by PA 17-29) 10-5c Board examination series pilot program. Issuance of certificate (as amended by P.A. 13-247 and P.A. 15-215)
10-14n State-wide mastery examination. Conditions for reexamination. Limitation on use of test results. (as amended by Section 115 of PA 14-217)
10-16(l) Graduation exercises. (as amended by P.A. 96-108, An Act Concerning Student Use of Telecommunication Devices and the Establishment of Graduation Dates)
10-221a High school graduation requirements. (As amended by P.A. 00-124, An Act Concerning High School Diplomas and Veterans of World War II, P.A. 00-156, An Act Requiring A Civics Course for High School Graduation, P.A. 08-138, An Act Concerning High School Credit for Private World Language Courses and Other Subject Areas, P.A. 10-111, An Act Concerning Education Reform in Connecticut, P.A. 11-135, An Act Concerning Implementation Dates for Secondary School Reform, P.A. 13-57, An Act Concerning Honorary Diplomas for Vietnam Veterans, P.A. 13-122, An Act Concerning Minor Revisions to the Education Statutes, P.A. 13-247, Budget Implementer Bill, P.A. 15-237 An Act Concerning High School Graduation and P.A. 16-4(SS), section 310), PA 17-42, An Act Concerning Revisions to the High School Graduation Requirements, PA 17-29, An Act Concerning Connecticut's Seal of Biliteracy) and P.A. 19-58, An Act Promoting Careers in Manufacturing to Public School Students)
10-233(a) Promotion and graduation policies. (as amended by PA 01-166)
P.A. 13-108, An Act Unleashing Innovation in Connecticut Schools.
P.A. 13-247, An Act Implementing Provisions of the State Budget.
P.A. 15-237 An Act Concerning High School Graduation
P.A. 17-42 An Act Concerning Revisions to the High School Graduation Requirements

Policy adopted by the Waterbury Board of Education on March 7, 2013, revised on May 7, 2015, revised on September 3, 2015, revised on August 16, 2018, revised on August 22, 2019, revised on February 20, 2020, and March 21, 2024

#9-NEW

Community Relations/Personnel-Certified/Non-Certified 4118.61(a)

Recording Meetings Without Consent

I. Purpose

The Waterbury Board of Education (the "Board") is committed to fostering a culture built on mutual trust, open communication, and professional ethics. The Board finds that unauthorized or secret recordings of conversations (whether between staff and supervisors, or between school employees and students or parents) undermine the consultative process, inhibit candid feedback, and create an adversarial environment. Such actions are considered highly offensive to a reasonable person and detrimental to the educational climate.

II. Definitions

- Secretly Recording: The act of recording a conversation or interaction (audio or video) without notifying all participants and obtaining their express verbal or written consent at the outset.
- Meeting: Any scheduled or informal gathering, whether in person or via digital/virtual platforms, where school business, student progress, or employment matters are discussed.
- Supervisor: Any individual with authority to direct, evaluate, or oversee the work of a Board of Education employee.
- Staff Member: Any person employed by the Board of Education, whether certified or non-certified.

III. Prohibited Conduct

Except as otherwise provided by law or this policy, all persons on school property, or participating in school-sponsored activities (including virtual environments), are prohibited from surreptitiously recording any meeting or conversation where there is a reasonable expectation of privacy.

1. This prohibition encompasses audio, video, and the use of AI-based automated notetaking or transcription services (e.g., Otter.ai, Fireflies, Zoom AI) that record or process the audio of a meeting without the knowledge and consent of all participants.
2. This policy is intended to prevent the unauthorized recording of private professional interactions, confidential student matters, and internal administrative consultations. It is not intended to prohibit recording in public or semi-public forums where there is no expectation of privacy.

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Recording Meetings Without Consent

IV. Exceptions and Limitations

This policy shall not apply to:

- Recordings of meetings subject to the Connecticut Freedom of Information Act (FOIA) held in public session.
- The use of built-in recording features in platforms such as Zoom, Microsoft Teams, or Google Meet, provided the recording is initiated by the host for administrative purposes and the platform provides an automatic notification (audible or visual) to all participants that recording is in progress.
- Casual photography or videography during public school events, such as athletic competitions, theater performances, or graduation ceremonies, where participants generally expect to be viewed or recorded by the public.
- Incidental recording in common areas (e.g., hallways, cafeteria) where the purpose is social or commemorative and not intended to capture private conversations or sensitive student/staff information.
- Recordings made by an employee or student for the sole purpose of documenting harassment, discrimination, or criminal activity, provided the individual is a party to the conversation and recording is used specifically for reporting to school administration, law enforcement, or relevant state agencies (e.g., DCF, CHRO).
- The accidental or incidental capture of background audio or video where there was no intent to surreptitiously monitor a specific conversation.
- Special Education (PPT/504): Meetings involving the development of an IEP or Section 504 Plan, where recording is permitted in accordance with federal and state guidelines, provided that the party wishing to record gives reasonable advance notice to all participants.
- Professional Evaluation: Situations where recording is a formal part of an evaluation or professional development program previously agreed upon by the administration and the relevant employee/union.
- Legal Mandates: Activities conducted at the direction of law enforcement or as required by a valid subpoena or court order.

V. Procedures for Authorized Recording

1. If an individual wishes to use an AI note-taker or an external recording device during a non-public meeting, they must:

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2. Announce the use of the tool at the start of the meeting and receive consent from all parties.

Recording Meetings Without Consent

3. Explicitly state the purpose of the recording on the record.
4. If any participant objects to the recording or AI-transcription, the recording must be stopped immediately.
5. If AI-transcription is used for a meeting involving student data, the tool must comply with the District's data privacy requirements and the Connecticut Student Data Privacy Act.
6. The recording must be "open and obvious."
7. If a visitor or staff member is authorized to record, the District reserves the right to simultaneously record the meeting.
8. Any recording made by an employee on a district device or in an official capacity becomes a record of the District and must be maintained in accordance with State Record Retention Schedules (e.g., Schedule M1) and FERPA, where applicable.

VI. Consequences for Violation

Unauthorized recording is considered a violation of personal courtesy, professional ethics, and Board policy.

- Students: May be subject to disciplinary action, including suspension or expulsion, in accordance with Board policy and state law.
- Employees: May be subject to disciplinary action, up to and including termination, in accordance with applicable collective bargaining agreements and the "just cause" standard where required.

Legal References: Connecticut General Statutes
52-570d (Recording of oral private communications)
10-233c Suspension/Expulsion
10-233d Suspension/Expulsion
1-200 et seq. (Freedom of Information Act)
WVIT v. Grey, 18 Conn. L. Rptr. 203 (1996)
Restatement 2d of Torts, Section 652b (1977)
Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g
Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 et seq.

Policy adopted:

DRAFT

#10-REVISED

MEMORANDUM FOR THE COMMITTEE ON POLICY AND LEGISLATION

FROM: JOSEPH W. BRITTON
BOARD ATTORNEY

CC: SUPERINTENDENT SCHWARTZ

SUBJECT: Board Policy 5114 – Student Conduct

19 October 2026

Dear Commissioners:

Attached for your review is a proposed revision to Board Policy 5114 – Student Conduct, incorporating the updated Shipman & Goodwin model policy concerning student discipline and expulsions. The proposed amendments are intended to modernize the District's expulsion procedures, strengthen procedural consistency, and align the policy with applicable Connecticut and federal law while preserving Waterbury's existing commitment to progressive discipline and restorative practices.

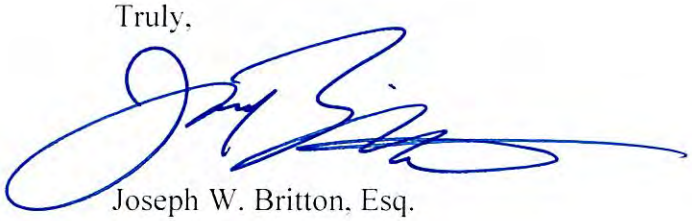
The principal proposed changes include:

1. Mandatory and Discretionary Expulsions: Clarifies the circumstances under which expulsions may or must be recommended, including offenses involving weapons, firearms, and controlled substances, while preserving the Board's statutory authority to consider individual circumstances and modify expulsion periods.
2. Expulsion Hearing Procedures: Establishes more comprehensive procedures governing notice, student and parental rights, presentation of evidence, witness examination, hearing panels, stipulated agreements, and written decisions. The revisions also retain certain additional procedural protections already afforded under Waterbury's existing policy.
3. Additional Student Protections: Incorporates specific considerations for students experiencing homelessness and updates disciplinary safeguards applicable to students eligible for services under the Individuals with Disabilities Education Act (IDEA) and Section 504.
4. Alternative Educational Opportunities: Clarifies the District's obligations to provide alternative educational opportunities to expelled students, including age-based eligibility requirements, individualized learning plans, and continued educational services where required by law.
5. Expulsion Records and Administrative Procedures: Updates provisions governing expungement of expulsion records, student transfers between districts, early readmission, reporting obligations, and related administrative responsibilities.

Importantly, **the proposed revisions do not fundamentally alter Waterbury's overall student discipline philosophy**. Rather, they establish a more detailed and consistent procedural framework for handling expulsions while maintaining the District's existing emphasis on fairness, student accountability, and appropriate educational interventions.

The attached redlined policy identifies the proposed additions and deletions for the Commissioners' consideration. I respectfully recommend that the Policy Committee review the proposed revisions and consider forwarding Policy 5114 to the full Board for adoption. As always, please contact me if you have any questions.

Truly,



Joseph W. Britton, Esq.

Discipline/Student Conduct Policy

STUDENT CONDUCT

It is a privilege to be a part of the Waterbury School System. We expect all students to observe the basic rules for maintaining order and decorum while in the educational environment. The adherence to the rules and expectations will encourage the development of good citizenship skills throughout the lives of our students. The Waterbury School System will provide opportunities for all students to maximize their skills and talents in an atmosphere where teaching and learning flourish under the never-wavering belief that all students can be exemplary. The articles and behavioral expectations are set forth for all members of the Waterbury School System.

These expectations include:

• Norms, values, and expectations that support people feeling socially, emotionally, physically and intellectually safe
• Members of the school community are engaged and respected
• Students, families and educators work together to develop, live and contribute to a shared school vision
• Educators model and nurture attitudes that emphasize the benefits and satisfaction gained from learning
• Each person contributes to the operations of the school and the care of its social, emotional, intellectual and physical environment

National School Climate Standards

The Waterbury Public School System is committed to providing the best possible education in the best possible environment for all of its students in an effort to fulfill this commitment, the Waterbury Public Schools have integrated the Positive Behavioral Interventions and Support (PBIS) program as a framework to further develop positive school climates and positive relationships throughout the district. PBIS reinforces the National School Climate Standards.

The Board of Education supports the utilization of progressive discipline framework embedded in restorative practices.

The development of good discipline practices is the concern of all persons involved in the education of youth. To this end, thoughtful and patient effort is required in order to reach pupils in a way which will help and guide them in achieving self-discipline. Such measures may involve, but are not limited to interventions, restorative measures, removal, suspension, or expulsion. Whatever measure is employed, it must always be fair, dignified, and consistent.

Inquiries and complaints concerning the applicability of the aforementioned laws and regulations may be referred to:

U.S. Department of Education
Office for Civil Rights (OCR)
Lyndon Baines Johnson Department of Education Bldg.
400 Maryland Avenue, SW
Washington, DC 20202-1100

Telephone: 800-421-3481
FAX: 202-453-6012; TDD: 877-521-2172
Email: OCR@ed.gov

ARTICLE 1
EXCLUSION FROM SCHOOL FOR DISCIPLINARY PURPOSES

SECTION 1

1. Definitions

a. “Exclusion” shall be defined as any denial of public school privileges to a student for disciplinary purposes.

b. “Removal” shall be defined as an exclusion from a classroom for all or a part of single class period, provided such exclusion shall not extend beyond ninety (90) minutes.

c. “In-School Suspension” means an exclusion from regular classroom activity for no more than five consecutive days, but not exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed. Such suspensions shall be served in any school building under the jurisdiction of the Board of Education.

d. ” Suspension” means an exclusion from school privileges or from transportation services, provided such exclusion shall not extend beyond the end of the school year in which suspension was imposed. An out-of-school suspension for students in grades 3-12 shall not exceed ten days. An out-of-school suspension imposed for children in preschool to second grade shall not exceed five days.

All suspensions shall be in-school unless the administration determines for any student in grades three through twelve that (1) the student being suspended poses such a danger to persons or property or such a disruption of the educational process that the student (grades three to twelve) shall be excluded from school during the period of the suspension, or (2) that an out-of-school suspension is appropriate based on evidence of previous disciplinary issues that have led to suspensions or expulsion of the student and efforts by the administration to address such disciplinary issues through means other than out-of-school suspension or expulsion, including positive support strategies.

A student in grades preschool to two, inclusive, may be given an out-of-school suspension if it is determined by the administration that such suspension is appropriate based on evidence that the student’s conduct on school grounds is of a violent or sexual nature that endangers persons. In addition, a person’s duty as a mandated reporter to report suspected child abuse or neglect is not limited by this provision.

~~e. Expulsion” shall be defined as an exclusion from school privileges for any student in grades three to twelve, inclusive, for more than ten (10) consecutive school days and shall be deemed to include but not be limited to, exclusion from the school to which such student was assigned at the time such disciplinary action was taken, provided that assignment to a regular classroom program in a different school in the district shall not constitute a suspension or an expulsion. Such period of exclusion may extend to the school year following the school year in which the exclusion was imposed, up to one calendar year. To be expelled, the student’s conduct must be found to be both violative of a Board policy and either seriously disruptive of the educational process or endangering persons or property. Unless an emergency exists, no student shall be expelled without a formal hearing provided whenever such student is a minor, the notice shall also be given to~~

~~the parents or guardians of the student at least five business days before such hearing, not including the day of such hearing. If an emergency exists, such hearing shall be held as soon after the expulsion as possible. The notice shall include information concerning the parent's or guardian's and the student's legal rights and concerning legal services provided free of charge or at a reduced rate that are available locally and how to access such services. An attorney or other advocate may represent any student subject to expulsion proceedings. The parent or guardian of the student shall have the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation, except that if an emergency exists, such hearing shall be held as soon after the expulsion as possible.~~

e. "Expulsion" means exclusion from school privileges for more than ten (10) consecutive school days, including exclusion from the school of assignment; the expulsion period may not extend beyond one (1) calendar year. An assignment from one regular classroom program to another regular classroom program in the District does not constitute suspension or expulsion. The grounds, grade eligibility, mandatory proceedings, and preschool exception are set forth in Article 5.

f. "Emergency" shall be defined as a situation under which the continued presence of the student in the school imposes such a danger to persons or property or such a disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of such student as possible.

g. "Days" is defined as days when school is in session.

h. "School-sponsored activity" is defined as any activity sponsored, recognized or authorized by the Board of Education and includes activities conducted on or off school property.

i. "Possess" means to have physical possession or otherwise to exercise dominion or control over tangible property.

j. "Deadly weapon" means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles. A weapon such as a pellet gun and/or airsoft pistol may constitute a deadly weapon if such weapon is designed for violence and is capable of inflicting death or serious bodily harm.

k. "Firearm" as defined in 18 U.S.C.§921, means 1) any weapon (including a starter gun) which will or is designed to or readily be converted to expel a projectile by the action of an explosive; 2) the frame or receiver of any such weapon; 3) any firearm muffler or firearm silencer; or 4) any destructive device. Firearm does not include any antique firearm. For purposes of this definition "destructive device" means any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than 4 ounces, missile having an explosive or incendiary charge of more than ¼ ounce, mine, or device similar to any of the weapons described herein. A "destructive device" does not include an antique firearm; a rifle intended to be used by the owner solely for sporting, recreational, or cultural purposes; or any device which is neither designed nor redesigned for use as a weapon.

l. "Vehicle" means a "motor vehicle" as defined in Section 14-1 of the Connecticut General Statutes, snow mobile, any aircraft, or any vessel equipped for propulsion by mechanical means or sail.

~~m. "Martial arts weapon" means a nunchakum kama, kasari-fundo, octagon sai, tonfa or chinese star.~~

m. "Martial arts weapon" means a nunchaku, kama, kasari-fundo, octagon sai, tonfa, or Chinese star.

~~n. "Dangerous Drugs and Narcotics" is defined as any controlled drug in accordance with Connecticut General Statutes §219-240.~~

n. "Dangerous Drugs and Narcotics" means controlled drugs and substances as defined in Connecticut General Statutes § 21a-240.

o. "Alternate education" means a school or program maintained and operated by the Board of Education that is offered to students in a nontraditional setting and addresses their social, emotional, behavioral and academic needs. Such program must conform to SBE guidelines and conform to C.G.S. 10-15 and 16 (180 days/900 hours).

p. "Dangerous Instrument" means any instrument, article, or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury, and includes a "vehicle" or a dog that has been commanded to attack.

q. "Seriously disruptive of the educational process" means, as applied to off-campus conduct, any conduct that markedly interrupts or severely impedes the day-to-day operation of a school.

For purposes of the expulsion provisions in Article 5, "Cannabis" means marijuana as defined by Conn. Gen. Stat. § 21a-240.

For purposes of Article 5, "Electronic Defense Weapon" means a weapon which by electronic impulse or current can temporarily immobilize a person without being capable of causing death or serious physical injury, including a stun gun or other conductive energy device.

r. Policy Guidelines:

1. Clear Expectations and Communication:

• Establish and communicate clear behavioral expectations and the consequences of violating them.

• Ensure that all students, staff, and parents/guardians are aware of the discipline policy and procedures.

2. Progressive Discipline Framework:

• Utilize a tiered approach to discipline that escalates in response to the severity and frequency of the behavior.

• Implement early intervention strategies such as counseling, mentoring, and behavior modification plans to address minor infractions.

3. Restorative Practices:

• Employ restorative practices such as mediation, peer counseling, and restorative circles to address conflicts and repair harm.

• Encourage students to take responsibility for their actions and to actively participate in the resolution process.

4. Consistent and Fair Application:

• Ensure that disciplinary measures are applied consistently and fairly across all student populations.

• Monitor and address any disparities in the application of disciplinary actions to prevent discrimination or bias.

5. Supportive Interventions:

• Provide support services such as counseling, social work, and mental health resources to help students address underlying issues contributing to behavioral problems.

• Develop individualized behavior plans for students with recurring or severe behavioral issues.

6. Engagement and Collaboration:

• Engage families in the disciplinary process through regular communication and involvement in restorative practices.

• Collaborate with community organizations and resources to support students and families in addressing behavioral and social-emotional needs.

7. Training and Professional Development:

• Provide ongoing training for staff on progressive discipline, restorative practices, and culturally responsive approaches to student behavior.

• Encourage staff to develop skills in conflict resolution, de-escalation techniques, and positive behavior support.

SECTION 2

1. Removal

a. The Board of Education authorizes teachers, with the approval of the building principal, or his/her designee, to remove a pupil, except those students covered under Article 6 below, from class when such pupil deliberately causes a serious disruption of the educational process within the classroom, provided no pupil shall be removed from class more than six times in any year nor more than twice in one week unless such pupil is granted an informal hearing by the building principal or his/her designee in accordance with the provisions below.

b. Whenever any teacher removes a pupil from the classroom, such teacher shall send him/her to an area designated by the building principal with a designated staff member to supervise, and send the name of the pupil against whom such disciplinary action was taken and the reason therefore to the principal.

c. Each teacher shall maintain an individual pupil log of interventions in accordance with the designated form. The teacher shall provide the original copy of such log to the building principal when referring a pupil for disciplinary action. This log will be provided for disciplinary action in accordance with the designated form. If removal from a classroom does not result in disposition of the disciplinary case within ninety minutes, the building principal must consider the case a suspension and follow procedures in Section 4 following. (Maintenance of logs is required by the Office of Civil Rights.)

2. Notification – Parents shall be notified in order to solicit their cooperation in an effort to alter the student’s behavioral pattern before more serious problems develop which will require disciplinary action at the suspension level.

a. By telephone, the principal or designee may make attempts to immediately notify the parent or guardian of the student about the removal and state the cause(s) which led to the removal.

b. Whether or not telephone contact is made with the parent or guardian, the principal or designee shall forward a letter to such parent or guardian to the most current address within one school day of the removal action and offer the parent or guardian an opportunity for a conference to discuss same. All notices, written and/or oral, required by this policy shall be in English or in the primary language of the home if fluency in English is limited.

c. If a student is eighteen years of age or older, any notice required by this policy shall also be given to the student.

d. The principal or designee shall maintain a file of removal reports and copies shall be sent to the school counselor and one will be placed in the student's permanent record file.

3. Chronic Behavior Problems Referral to Planning and Placement Team Each board of education shall accept and process referrals from appropriate school personnel, as well as from a child's parents; or from a physician, clinic or social worker, provided the parent so permits, in order to determine a child's eligibility for special education and related services. A board of education shall make available a standard referral form which shall be used in all referrals. Before

a child is referred to a planning and placement team, alternative procedures and programs in regular education shall be explored and, where appropriate, implemented. Provision shall be made for the prompt referral to a planning and placement team of all children who have been suspended repeatedly or whose behavior, attendance or progress in school is considered unsatisfactory or at a marginal level of acceptance. (Effective September 1, 1980) See Conn State Reg.10-76d 7.

A process shall be developed by the building principal or Building Intervention Team, to systematically review all discipline and suspension records on a quarterly basis and begin the referral process (i.e., for any student whose behavior problems could be described as chronic or excessive).

SECTION 3

IN-SCHOOL SUSPENSION ROOM PROCEDURES

1. A student must report on time after homeroom with all assignments, or an additional day of Inschool suspension may be assigned.

2. A student is required to follow all rules for In-school suspension and stay on task at all times. The In-school suspension room instructor will review the In-school suspension rules and the Inschool suspension rubric and score sheet with the student at the commencement of the first day of In-school suspension.

3. A student must complete the character education assignment given them by the In-school teacher in the first period and all other assigned work must be completed satisfactorily.

4. A student who fails to follow In-school suspension rules and procedures may result in additional time in the In-school room or other consequence.

5. The in-school suspension room instructor shall follow the district wide model for In-school suspensions and may assign additional classroom work to the student when appropriate.

6. In-School suspension cannot be assigned for more than ten (10) consecutive days or more than fifteen (15) times or a total of fifty (50) days in one school year.

7. In-school suspension shall be held in a classroom in each school which room shall be kept closed, separated from the rest of the school and the room shall be quiet and orderly at all times.

8. If in-school suspension is completed successfully, the student will receive full credit for the school work completed therein and will be allowed to participate in after school activities.

9. The in-school suspension instructor shall follow school policy for the proper operation of the In-school suspension classroom and shall at all times implement the grading rubric designed for the City's in-school suspension classrooms and all other rules associated with it to insure that all in-school suspension classrooms and instructors are operated consistently and uniformly in the District.

10. For special education and Section 504 students, a copy of their IEP or Section 504 plan should be submitted to the In-school suspension instructor on or before the student's In- school suspension.

SECTION 4

SUSPENSION

1. Procedures Governing Suspension Unless an emergency situation requiring the student's immediate exclusion exists, the principal shall observe the following procedures in all actions which may lead to suspension except for those students covered under Article 6 below. In the event of an emergency, the procedure must be initiated as soon after the cessation of the emergency as possible, but no later than 72 hours after the exclusion.

All suspensions shall be in-school suspensions, except the Board of Education may authorize the administration of schools under its direction to impose an out-of-school suspension on any student in (as modified in Public Act 24-45, Sections 13 and 14):

a. Grades three to twelve, inclusive, if, resulting from a due process hearing:

i. The administration determines that the student being suspended poses such a danger to persons or property or such a disruption of the educational process that the student shall be excluded from school during the period of suspension;

ii. The administration determines that an out-of-school suspension is appropriate for such student based on evidence of:

a. Previous disciplinary problems that have led to suspensions or expulsion of such student, and

b. Efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies; or for grades preschool to two if during the due process hearing:

c. The administration determines that an out-of-school suspension is appropriate for such student based on evidence that such student's conduct on school grounds is behavior that causes physical harm;

d. Requires that such student receives services that are trauma-informed and developmentally appropriate and align with any behavioral intervention plan, individualized education program, or plan pursuant to Section 504 of the Rehabilitation Act of 1973, as amended from time to time, for such student upon such student's return to school immediately following the out-of-school suspension; and

e. Considers whether to convene a planning and placement team meeting for the purposes of conducting an evaluation to determine whether such student may require special education or related services.

An out-of-school suspension shall not exceed ten school days for students in grades 3-12. An out-of-school suspension shall not exceed five school days for children in preschool through 2 grade.

An in-school suspension may be served in the student's school or any school building under the jurisdiction of the local or regional board of education, as determined by such board. The administration shall also have the authority to suspend a student from transportation services whose conduct while awaiting or receiving transportation violates the standards set forth in paragraph D, above. The administration shall have the authority to immediately suspend from school any student when an emergency exists as that term is defined in Section One/Paragraph "1a" above. If an emergency situation exists, the hearing as outlined in Section Four/Paragraph 1a above, shall be held as soon as possible after the exclusion of the student.

f. In the case of suspension, the administration shall notify the student's parents and the Superintendent of Schools not later than twenty-four (24) hours of the suspension as to the name of the student who has been suspended and the reason therefore. Any student who is suspended shall be given an opportunity to complete any class work including, but not limited to, examinations which such student missed during the period of his/her suspension.

g. Except in the case of an emergency, as defined in paragraph "1.a" above, a student shall be afforded the opportunity to meet with the administration and to respond to the stated charges prior to the effectuation of any period of suspension or in-school suspension. If, at such a meeting the student denies the stated charges, he/she may at that time present his/her version of the incident(s) upon which the proposed suspension is based. The administration shall then determine whether or not suspension or in-school suspension is warranted. In determining the length of a suspension period, the administration may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, in-school suspension, or expulsion.

h. For any student who is suspended for the first time and who has never been expelled, the school administration may shorten the length of or waive the suspension period if the student successfully completes an administration-specified program and meets any other administration-required conditions. Such program shall be at no expense to the student or his/her parents/guardians.

i. No student shall be suspended more than ten times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion, unless a hearing as provided in Section Five/Section 3

j. No student shall be placed on in-school suspension more than fifteen times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion, unless a hearing as provided in Article Six is first granted.

k. Informal Hearings:

i. No student shall be suspended prior to having an informal hearing before the principal or his/her designee. The student will be informed of the charges which have been written.

ii. The student shall be granted an opportunity to refute the charges against him/her.

iii. The principal or designee shall inform the student of the disciplinary action to be imposed.

l. Notification:

i. By telephone, the principal or designee shall make all possible attempts to immediately notify the parent or guardian of the student about the suspension and state the cause(s) leading to the suspension.

ii. Whether or not telephone contact is made with the parent or guardian, the principal or designee shall forward a letter to such parent or guardian to the most recent address reported on school records within one school day of the suspension action and offering the parent or guardian an opportunity for a conference to discuss same.

iii. Notice of the original suspension shall be transmitted by the principal or designee to the Superintendent of Schools by the close of the school week following the commencement of the suspension.

iv. If a student is eighteen years of age or older, any notice required by this policy shall also be given to the student.

v. Any pupil who is suspended shall be given an opportunity to complete any classwork including, but not limited to, examinations which such pupil missed during the period of suspension.

SECTION 5

NOTIFICATION TO PARENTS

1. Within three weeks of the effective date of this policy, within three weeks of the beginning of each school year thereafter, and at other such times as it deems appropriate, this policy shall be distributed to students (Grades K–12) and parents (or legal guardians, if known to be other than parents) and to school employees printed in the English language with notices appended thereto in the Spanish language.

2. All notices, written or oral, required by this policy shall be in English and in the primary language of the home. All notices shall be made in simple and commonly understood words to the extent possible. All hearings and conferences required by this policy shall be conducted by persons fluent in the primary language of the student’s home or with the assistance of an interpreter. The constitutional rights of all students and school staff will be upheld.

3. Each board shall further provide an effective means of notifying the parents or guardian of any minor pupil against whom the disciplinary action authorized by the provisions of this act has been taken. Such notice shall be given within twenty-four hours of the time such pupil has been excluded.

ARTICLE 2

ASSAULT ON STAFF

1. In the event of an assault committed on a member of the staff, the Board of Education authorizes that staff person to (a) retreat if possible, (b) defend himself/herself, utilizing only what force is reasonably necessary. All assaults on staff are to be reported immediately by the building principal or his/her designee to the police for prosecution, to the Superintendent (for disciplinary action if the perpetrator is a pupil) and to the Clerk of the Board. All staff members, both professional and non-professional, shall cooperate with police and prosecution authorities in prosecuting the perpetrator to the full extent of the law.

2. The victim of assault is encouraged by the Board to seek compensation from the offender and/or his/her parents by means of legal action.

3. The Board of Education shall hold harmless any member of the staff from loss and expense including legal fees and costs coming out of any claim by reason of that staff member defending himself/herself, another staff member, or pupil from assault in accordance with Section 10-235 of the Connecticut General Statutes.

ARTICLE 3

SUSPENSION OF SCHOOL BUS PRIVILEGES

The Board of Education authorizes the administration of the schools under its direction to suspend school bus privileges for any pupil whose conduct endangers persons or property or is seriously disruptive of the transportation process, or which conduct is violative of a publicized policy of the Board.

1. Unless an emergency exists, no pupil shall be suspended without an informal hearing before the principal of the school the pupil attends or his/her designee at which student shall be informed of the reasons for such action and given an opportunity to explain the situation. If an emergency exists such hearing shall be held as soon after the suspension as possible.

2. Prior to reinstatement of bus privileges if said suspension exceeds five (5) school days, the pupil, his/her parent or legal guardian may appeal for reinstatement at a hearing with the principal or his/her designee to show cause why said pupil shall be reinstated.

3. In the event of suspension of school bus privileges of a pupil, the responsibility of getting the pupil to and from school rests with the parent or guardian. In considering this option, it is advisable for school administrators to assure that alternative arrangements are made with the parent or guardian for safe transportation of the student to and from school and if no such arrangements can be made, to consider other alternatives to such disciplinary actions.

4. Unless an emergency exists, the parent or legal guardian of a child when school bus privileges have been suspended shall be notified one (1) day in advance of such suspension of the reason therefore and the duration thereof.

5. The duration of the suspension of school bus privileges is within the discretion of the principal or his/her designee and is to be rationally based upon the nature and severity of the disruption and the likelihood of repetition if and when busing privileges are restored.

6. For the purpose of the discipline policy, students' behavior on the bus, on a field trip or any school sponsored activity or/and at a school bus stop will be regarded as behavior at school. The Board authorizes the administration to suspend transportation services for any pupil whose conduct while waiting or receiving transportation to and from school endangers persons or property or is violative of a publicized policy of the Board of Education.

Hold Harmless Clause: The Board of Education will hold harmless from claims for damages any member of the professional staff against whom a claim for damages is made based upon the denial of school bus transportation whether by virtue of a suspension of school bus privileges or detention that causes a pupil to miss a school bus, as long as the proper notification was dispatched to the parent or guardian in accordance with these rules.

ARTICLE 4

DISCIPLINARY PROCEDURES AND GUIDELINES

All members of the professional staff shall enforce discipline in accordance with the following procedures:

1. When minor violations occur, level 1, these incidents will be handled proactively in the classroom. Disciplinary measures consistent with proven prior practices and known educational techniques consistent with the law may be used. Teacher will contact the parent/legal guardian and inform them of these minor violations.

2. Repeated minor occurrences will require a written referral to an administrator, contact with the parent/ legal guardian and a conference should be scheduled. (This can be done by phone, email or in person.)

3. When all teacher interventions and restorative measures prove ineffective, probation or exclusion (removal from classroom or suspension) may be warranted and imposed by the building principal as set forth in Section 1, Exclusion for Disciplinary Purposes.

4. However, the building principal is authorized to exclude (removal from classroom or suspension) a pupil to maintain an environment conducive to education as set forth in Section 1, Exclusion for Disciplinary Purposes.

5. When a major offense occurs, the building principal is authorized to use an in school suspension or out of school suspension as set forth in Section 1, Exclusion for disciplinary purposes, arrest or referral to court.

6. Unless an emergency exists, the parent or legal guardian of a child who has been suspended shall be notified one day in advance of such suspension of the reason for and the duration of the suspension.

7. The length of any exclusion is to be determined pursuant to statute, Board of Education Rules and Policy, and the Superintendent's regulations, as set forth herein.

8. After an exclusion period the parent and/or legal guardian shall return with the pupil for a conference and reinstatement, except where extenuating circumstances preclude parent's presence.

9. When any pupil is found vandalizing, damaging, or defacing school property, parents or legal guardians shall be held financially responsible for repair of such school property and the Board of Education shall pursue such claims through the Legal Department of the City of Waterbury.

10. In the event of vandalism, damage or defacement of school property, the building principal or his/her designee is empowered to assign the pupil or pupils involved, with proper supervision, to clean up and replace school property, where practical, in lieu of suspension when authorized in writing by the parents of the pupil.

11. Books and/or equipment and supplies are supplied for the use of pupils. It is the responsibility of each pupil to care for such school property. If damaged or lost, parents must pay for the replacement of such school property. The building principal is authorized to obtain written permission of a pupil's parents for specific work to be performed by a pupil or pupils under proper supervision, i.e., snow shoveling, weed pulling, picking up litter, etc., to meet the financial responsibility for replacement of school property.

12. Whenever the police are called in connection with a disciplinary action, every attempt should be made to notify the parent(s) of the pupil prior to the arrival of police authorities. When an emergency situation exists, the parent(s) should be notified as soon as possible. The principal or his/her designee will be present whenever the parent(s) are not at the scene.

13. Corporal punishment is not a part of the disciplinary procedure. However, school personnel may use reasonable and prudent physical force upon a student when necessary, pursuant to CGS 53a- 18, to:

a. Protect themselves or others from immediate harm or injury;

b. Obtain a dangerous instrument or illegal item from a student;

c. Protect property;

d. Restrain or remove a student to maintain order.

14. The authority of the entire professional staff extends throughout the entire building, school grounds, school activities, and school transportation.

~~**ARTICLE 5**~~

~~**DISCIPLINE**~~

~~1. Expulsion – The Board of Education may expel any pupil in grades three (3) to twelve (12) inclusive, except those students grades three (3) to twelve (12), inclusive, covered by Article 6 below, from school if, after a full hearing, the Board finds that his/her conduct endangers persons or property or is seriously disruptive of the educational process and is in violation of a publicized Board policy or whose conduct off school grounds is violative of such policy and is seriously disruptive of the educational process. Students who have been expelled may be eligible for an alternative educational program.~~

~~Since this is a very severe penalty it must be used with care and deliberation, and generally for one of two basic reasons: (1) to protect the school population from individuals whose behavior continually interrupts the learning process of other individuals, or (2) to help an individual understand that a constant behavior pattern is so inappropriate that the most serious disciplinary action possible must be taken.~~

~~For any student expelled for the first time and who has never been suspended: under the recommendation of a hearing officer, the Board of Education may shorten the length of or waive the expulsion period if the student successfully completes a Board specified program and meets any other conditions required by the Board.~~

In making a determination as to whether conduct is seriously disruptive of the educational process, the board of education or impartial hearing officer [Section 10-233d(b)] may consider, but such consideration shall not be limited to:

• whether the conduct occurred within close proximity of a school,

• whether other students from the school were involved or whether there was any gang involvement,

• whether the conduct involved violence, threats of violence or the unlawful use of a weapon, as defined in section 29-38, and whether any injuries occurred, and

• whether the conduct involved the use of alcohol.

2. Actions Leading To Expulsion

a. A principal must request expulsion in cases where a student, grades three (3) through twelve (12), inclusive, has already been or exclusion will result in the student's being suspended more than ten (10) times or fifty (50) days in a school year, whichever results in fewer days of exclusion, or in circumstances under which the student will be prevented from completing a normal course of study.

b. A principal may request expulsion for students grades three (3) through twelve (12), inclusive, in cases where the principal has cause to believe:

i. That the student has committed conduct which has endangered persons or property or seriously disrupted the educational process and has violated a publicized policy of the Board of Education, and/or;

ii. That the student's past conduct at school is so serious as demonstrated by repeated violation of actions leading to suspensions to indicate that he/she will endanger persons or property or seriously disrupt the educational process if allowed to remain in school; or

iii. that the student's conduct while off school grounds violates a policy of the Board of Education and is seriously disruptive of the educational process.

3. Procedures Governing Expulsion

a. Upon receipt of an expulsion request and required school record, the Superintendent or his/her designee, shall conduct an inquiry within two (2) school days of the request. This inquiry may include an opportunity for an informal conference with the student and his/her parent or guardian.

b. If after the inquiry, the Superintendent or designee determines that a student ought to be expelled, he/she shall forward such request to the Board of Education within five (5) days of the conclusion of the inquiry.

c. The Board of Education shall, prior to expelling the student, conduct a hearing to be governed by the following procedures:

i. The student and his/her parent(s) or guardian(s) must be given reasonable notice prior to the date of the hearing.

ii. The notice shall contain: the date, time, and place of the scheduled hearing, the details of the grounds for the scheduled hearing, the details of the grounds for the proposed expulsion— including a narrative of the events leading to the expulsion—the names of any witnesses against the student, copies of any statements or affidavits of those witnesses, a detailed summary of any other information to be used in support of expulsion—including any record of past offenses or misbehavior, and whether any prior warnings or

~~suspensions have been given, the proposed penalty, a statement of the student's rights as enumerated in Article 6 together with a copy of Article 6 and notice that the parents may be entitled to free or reduced legal services that are locally available through Connecticut Legal Services, 85 Central Avenue, Waterbury, CT.~~

~~iii. At the hearing, the student shall have the right to testify and produce witnesses and other evidence in his/her defense. The student shall have the right to demand that any witnesses against him/her appear in person to answer questions asked by the student or his/her representative.~~

~~iv. A student may be represented by any third party of his/her choice, including an attorney.~~

~~v. A student is entitled to the services of a translator, to be provided by the Board of Education, whenever the student or his/her parent(s) or guardian(s) does not speak the English language.~~

~~vi. The Board shall keep a verbatim record of the hearing, and the student or such student's parent or guardian shall be entitled to a copy of that record at his/her own expense unless the family of the student is indigent, in which case the record shall be provided free of charge.~~

~~vii. The Board shall report its final decision in writing to the student, stating finding of facts, the reasons on which the decision is based, and the penalty to be imposed. Said decision shall be based solely on evidence derived at the hearing.~~

~~viii. Within twenty-four (24) hours after its decision, the Board shall notify the parent(s) or guardian(s) of any minor pupil, of such action.~~

~~ix. The Board of Education shall mail a copy of its decision to the State Board of Education within five (5) days of the effective date of such action when required by statute.~~

~~d. Whenever the Board of Education expels a student, it shall offer such student an alternative education program. The parent(s) or guardian(s) of such student has the legal right to reject such a program without being subject to the truancy law. The parent(s) or guardian(s) of such student may challenge the adequacy of this program at a hearing before the Board held subject to the requirements of Connecticut General Statutes.~~

~~e. The Board of Education will not provide an alternative education program for a student who is expelled, if this individual case was decided on the conditions stated in C.G.S., Section 10- 233d.(e).~~

~~f. Whenever a pupil is expelled pursuant to the provisions of this section, notice of the expulsion and the conduct for which the pupil was expelled shall be included on the pupil's cumulative educational record.~~

~~g. The Waterbury Board of Education may adopt the decision of a pupil expulsion hearing conducted by another school district. The pupil shall be excluded from school pending the expulsion period as identified by the student's previous educational facility and/or school. The excluded student may be offered an alternative educational opportunity.~~

~~5. Procedures Governing the Expungement of Expulsion Records~~

~~a. Notice of an expulsion pursuant to C.G.S. §10-233d(f) and as set forth in Article Five/Section 3 of this policy, except for notice of an expulsion of pupils in grades nine through twelve, based on possession of a firearm or deadly weapon as described in subsection (a) of C.G.S. §10-233d as follows:~~

i. shall be expunged from the cumulative educational record by the local or regional board of education upon a pupil graduating from high school;

ii. may be expunged from the cumulative educational record by the local or regional board of education before a pupil graduates from high school if:

a. in the case of a pupil expelled for the first time and who has never been suspended, except for a pupil who has been expelled based on possession of a firearm or deadly weapon, for which the length of the expulsion period is shortened or the expulsion period is waived, such board determines that an expungement is warranted at the time such pupil completes the board-specified program and meets any other conditions required by such board, or

b. such pupil has demonstrated to such board that the conduct and behavior of such pupil in the years following such expulsion warrants an expungement.

6. Mandatory Expulsion Policy

a. The Board of Education, in compliance with Connecticut General Statutes §10-233d, has adopted a policy under which whenever there is reason to believe that any student, grades kindergarten (K) to twelve (12), inclusive:

i. on school grounds or at a school sponsored activity was in possession of a firearm as defined by law or

ii. off school grounds to possess a firearm or did possess or use a firearm, instrument or weapon in the commission of a crime or

iii. on or off school grounds offered for sale or distribution of a controlled substance, or possessed with intent to sell shall be expelled for a period of one calendar year. The Board of Education may modify the period of expulsion for a pupil on a case by case basis. These students shall also be referred to the Criminal Justice System. Waterbury will maintain records that include: (1) the name of the school concerned; (2) the number of students expelled from the school; and (3) the type of weapons concerned. The Board of Education agrees to provide this information to the state upon request.

b. As to pre-K students enrolled in programs offered by the Board of Education, no preschool program provider shall expel any student enrolled except an expulsion hearing may be conducted whenever here is reason to believe that any child enrolled in such preschool program was in possession of a firearm as defined by Title 18 of the United States Code Section 921, on or off school grounds or at a preschool program-sponsored event. Such child shall be expelled for one calendar year if it is determined at the hearing that the child did possess a firearm. A preschool program may modify the period of expulsion for a child on a case by case basis.

c. The Gun-Free Schools Act, which was re-codified as section 4141 of the No Child Left Behind Act, obligates state educational agencies that receive federal funds to require that local educational agencies expel students who bring a “weapon” to school for no less than one calendar year, subject to exceptions on a case-by-case basis. The law defines “weapon” as a firearm as defined as 18 U.S.C. §921 (a), summarized as follows:

i. The term “firearm” means -

a. any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive;

b. the frame or receiver of any such weapon;

~~c. any firearm muffler or firearm silencer; or~~

~~d. any destructive device. Such term does not include an antique firearm.~~

~~ii. The term "destructive device" means -~~

~~a. any explosive, incendiary, or poison gas,~~

~~b. bomb,~~

~~c. grenade,~~

~~d. rocket having a propellant charge of more than four ounces,~~

~~e. missile having an explosive or incendiary charge of more than one-quarter ounce,~~

~~f. mine, or~~

~~g. device similar to any of the devices described in the preceding clauses.~~

~~The statutory definition also includes any combination of parts designed or intended for use readily construction a "weapon" as defined above. The Act requires that students who bring such weapons to school be expelled for one calendar year. It permits the chief executive officer of the school district to make case by case exceptions in writing.~~

ARTICLE 5 — EXPULSION

SECTION 1. GROUNDS AND SCOPE

A. Expulsion. Students may be expelled for conduct on school grounds, on school transportation, or at any school-sponsored activity that either (1) violates a publicized policy of the Board and is seriously disruptive of the educational process, or (2) endangers persons or property.

B. Discipline. Students may be disciplined, including suspension and/or expulsion, for conduct off school grounds if such conduct violates a publicized policy of the Board and is seriously disruptive of the educational process.

C. In making a determination as to whether off campus conduct is seriously disruptive of the educational process, the Administration and the Board may consider, but such consideration shall not be limited to, the following factors: (1) whether the incident occurred within close proximity of a school; (2) whether other students from the school were involved or whether there was any gang involvement; (3) whether the conduct involved violence, threats of violence, or the unlawful use of a weapon, as defined in Section 29-38 of the Connecticut General Statutes, and whether any injuries occurred; and (4) whether the conduct involved the use of alcohol. The Administration and/or the Board may also consider (5) whether the off-campus conduct involved the illegal use of drugs.

D. A student shall not have greater discipline, punishment, or sanction for the use, sale, or possession of cannabis on school property than a student would face for the use, sale, or possession of alcohol on school property, except as otherwise required by applicable law.

SECTION 2. DISCRETIONARY AND MANDATORY EXPULSIONS

A. An administrator responsible for a school program ("responsible administrator") may consider recommendation of expulsion of a student in grades three to twelve, inclusive, in a case where the responsible administrator has reason to believe the student has engaged in conduct described at Article 5, Section 1, below.

B. A responsible administrator must recommend expulsion proceedings in all cases against any student in grades kindergarten to twelve, inclusive, whom the District Administration has reason to believe:

(1) was in possession on school grounds, on school transportation, or at a school-sponsored activity of a deadly weapon, dangerous instrument, martial arts weapon, or firearm as defined in 18 U.S.C. § 921 as amended from time to time; or

(2) off school grounds, possessed a firearm as defined in 18 U.S.C. § 921, in violation of Conn. Gen. Stat. § 29-35, or possessed and used a firearm as defined in 18 U.S.C. § 921, a deadly weapon, a dangerous instrument or a martial arts weapon in the commission of a crime under chapter 952 of the Connecticut General Statutes; or

(3) was engaged on or off school grounds or school transportation in offering for sale or distribution a controlled substance (as defined in Conn. Gen. Stat. § 21a-240(9)), whose manufacturing, distribution, sale, prescription, dispensing, transporting, or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under Conn. Gen. Stat. §§21a-277 and 21a-278. Sale or distribution of less than one (1) kilogram of cannabis is not subject to mandatory expulsion.

For purposes of this section, "dangerous instrument," "deadly weapon," "electronic defense weapon," "firearm," and "martial arts weapon" have the meanings provided in Article 1, Section 1.

C. In any preschool program provided by the Board or provided by a regional educational service center or a state or local charter school pursuant to an agreement with the Board, no student enrolled in such a preschool program shall be expelled from such preschool program, except an expulsion hearing shall be conducted by the Board in accordance with Article 5, Section 3 of this policy whenever the Administration has reason to believe that that a student enrolled in such preschool program was in possession of a firearm as defined in 18 U.S.C. § 921, as amended from time to time, on or off school grounds, on school transportation, or at a preschool program-sponsored event. The term "firearm" is defined above in Article 1, Section 1.

D. Upon receipt of an expulsion recommendation, the Superintendent may conduct an inquiry concerning the expulsion recommendation.

If the Superintendent or designee determines that a student should or must be expelled, the Superintendent or designee shall forward such recommendation to the Board so that the Board can consider and act upon this recommendation.

Upon receipt of an expulsion recommendation and required school records, the Superintendent or designee shall conduct an inquiry within two (2) school days, which may include an informal conference with the student and parent or guardian. If expulsion is recommended after the inquiry, the Superintendent or designee shall forward the matter to the Board within five (5) school days following conclusion of the inquiry.

E. In keeping with Conn. Gen. Stat. § 10-233d and the Gun-Free Schools Act, it shall be the policy of the Board to expel a student in grades kindergarten to twelve, inclusive, for one (1) full calendar year for the conduct described in Article 5, Section 2(B)(1)-(3) of this policy and to expel a student enrolled in a preschool program for one (1) calendar year for the conduct described in Article 5, Section 2(C). For any mandatory expulsion offense, the Board may modify the term of expulsion on a case-by-case basis.

SECTION 3. EXPULSION HEARING PROCEDURES

A. Emergency Exception:

Except in an emergency situation, the Board shall, prior to expelling any student, conduct a hearing to be governed by the procedures outlined herein and consistent with the requirements of Conn. Gen. Stat. § 10-233d or Conn. Gen. Stat. § 10-233l, if applicable, as well as the applicable provisions of the Uniform Administrative Procedures Act, Conn. Gen. Stat. §§ 4-176e to 4-180a, and § 4-181a. Whenever an emergency exists, the hearing provided for herein shall be held as soon as possible after the expulsion.

B. Hearing Panel:

Expulsion hearings conducted by the Board will be heard by any three or more Board members. A decision to expel a student must be supported by a majority of the Board members present, provided that no less than three (3) affirmative votes to expel are cast.

Alternatively, the Board may appoint an impartial hearing board composed of one (1) or more persons to hear and decide the expulsion matter, provided that no member of the Board may serve on such panel.

C. Hearing Notice and Rights of the Student and Parent(s)/Guardian(s):

Written notice of the expulsion hearing must be given to the student, and, if the student is a minor, to the student's parent(s) or guardian(s) at least five (5) business days before such hearing, not including the day of such hearing.

A copy of this Board policy on student discipline shall also be given to the student, and if the student is a minor, to the student's parent(s) or guardian(s), at the time the notice is sent that an expulsion hearing will be convened.

The written notice of the expulsion hearing shall inform the student of the following:

(a) The date, time, place and nature of the hearing, including if the hearing will be held virtually, via video conference.

(b) The legal authority and jurisdiction under which the hearing is to be held, including a reference to the particular sections of the legal statutes involved.

(c) A short, plain description of the conduct alleged by the Superintendent or designee.

(d) The student may present as evidence relevant testimony and documents concerning the conduct alleged and the appropriate length and conditions of expulsion; and that the expulsion hearing may be the student's sole opportunity to present such evidence.

(e) The student may cross-examine witnesses called by the Superintendent or designee.

(f) The student may be represented by an attorney or other advocate of the student's choice at the student's expense or at the expense of the student's parent(s) or guardian(s).

(g) A student is entitled to the services of a translator or interpreter, to be provided by the Board, whenever the student or the student's parent(s) or guardian(s) requires the services of an interpreter because they do not speak the English language or are disabled.

(h) The conditions under which the Board is not legally required to give the student an alternative educational opportunity (if applicable).

(i) Information concerning the parents' or guardians' and the student's legal rights and about free or reduced-rate legal services and how to access such services.

(j) The parent(s) or guardian(s) of the student have the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation, except that if an emergency exists, such hearing shall be held as soon after the expulsion as possible.

Prior to conducting the expulsion hearing, an administrator, school counselor, or school social worker at the student's school must contact the District's Homeless Education Liaison to determine whether the student is a homeless child or youth, as defined by the McKinney-Vento Homeless Assistance Act, revised to December 23, 2022.

D. Hearing Procedures:

(1) The hearing will be conducted by the Presiding Officer, who will call the meeting to order, introduce the parties, Board members and others participating in the hearing (if applicable), briefly explain the hearing procedures, and swear in any witnesses called by the Superintendent/designee or the student. If an impartial board or more than one person has been appointed, the impartial board shall appoint a Presiding Officer.

(2) The hearing will be conducted in executive session. A verbatim record of the hearing will be made, either by tape or digital recording or by a stenographer. A record of the hearing will be maintained, including the verbatim record, all written notices and documents relating to the case and all evidence received or considered at hearing.

(3) The Superintendent or designee shall bear the burden of production to come forward with evidence to support its case and shall bear the burden of persuasion. The standard of proof shall be a preponderance of the evidence.

(4) Formal rules of evidence will not be followed. The Board (or the impartial board) has the right to accept hearsay and other evidence if it deems that evidence relevant or material to its determination. The Presiding Officer will rule on testimony or evidence as to it being immaterial, irrelevant and/or any other objections to its submission.

(5) The hearing will be conducted in two (2) parts. In the first part of the hearing, the Board (or the impartial board) will receive and consider evidence regarding the conduct alleged by the Administration.

(6) In the first part of the hearing, the charges will be introduced into the record by the Superintendent or designee.

(7) Each witness for the Superintendent or designee will be called and sworn. After a witness has finished testifying, the witness will be subject to cross-examination by the opposite party or the witness' legal counsel, by the Presiding Officer and by Board members (or the impartial board).

(8) The student shall not be compelled to testify at the hearing.

(9) After the Superintendent or designee has presented the Administration's case, the student will be asked if the student has any witnesses or evidence to present concerning the charges. If so, the witnesses will be sworn, will testify, and will be subject to cross examination and to questioning by the Superintendent or designee, the Presiding Officer and/or by the Board (or the impartial board). The student may also choose to make a statement at this time. If the student chooses to make a statement, the student will be sworn and subject to cross examination and questioning by the Superintendent or designee, the Presiding Officer and/or by the Board (or the impartial board). Concluding statements will be made by the Superintendent or designee and then by the student and/or the student's representative.

(10) In cases where the student has denied the allegation, the Board (or the impartial board) must determine whether the student committed the offense(s) as charged by the Superintendent or designee.

(11) If the Board (or the impartial board) determines that the student has committed the conduct as alleged, then the Board (or the impartial board) shall proceed with the second portion of the hearing, during which the Board (or the impartial board) will receive and consider relevant evidence regarding the length and conditions of expulsion.

(12) When considering the length and conditions of expulsion, the Board (or the impartial board) may review the student's attendance, academic and past disciplinary records. The Board (or the impartial board) may not review notices of prior expulsions or suspensions which have been expunged from the student's cumulative record, except as so provided in applicable provisions on prior disciplinary records and Article 5, Section 5. The Board (or the impartial board) may ask the Superintendent or designee for a recommendation as to the discipline to be imposed.

(13) Evidence of past disciplinary problems that have led to removal from a classroom, suspension or expulsion of a student being considered for expulsion may be considered only during the second portion of the hearing, during which the Board (or the impartial board) is considering length of expulsion and nature of alternative educational opportunity to be offered.

(14) If a student is determined to be a homeless child or youth as described in Article 5, Section 3(C) (homeless-student determination), the Board (or the impartial board) must consider the impact of homelessness on the student's behavior. Such student may not be expelled without a plan of interventions and supports to mitigate the impact of homelessness on the student's behavior. If the student is identified as a homeless child or youth and is expelled more than one time, the student shall be provided a meeting with the District's Homeless Education Liaison.

(15) Where administrators presented the case in support of the charges against the student, neither such administrative staff nor the Superintendent or designee shall be present during the deliberations of the Board (or the impartial board) either on questions of evidence or on the final discipline to be imposed. The Superintendent or designee may, after reviewing the incident with administrators, and reviewing the student's records, make a recommendation to the Board (or the impartial panel) as to the appropriate discipline to be applied.

(16) The Board (or the impartial board) shall make findings as to the truth of the charges, if the student has denied them; and, in all cases, the disciplinary action, if any, to be imposed. While the hearing itself is conducted in executive session, the vote regarding expulsion must be made in open session and in a manner that preserves the confidentiality of the student's name and other personally identifiable information.

(17) Except for a student who has been expelled based on possession of a firearm or deadly weapon as described in Article 5, Section 2(B)(1) and (2), the Board (or the impartial board) may, in its discretion, shorten or waive the expulsion period for a student who has not previously been suspended or expelled, if the student completes a Board-specified program and meets any other conditions required by the Board (or the impartial board). The Board-specified program shall not require the student and/or the student's parents to pay for participation in the program.

(18) The Board (or the impartial board) shall report its final decision in writing to the student, or if such student is a minor, also to the parent(s) or guardian(s), stating the reasons on which the decision is based, and the disciplinary action to be imposed. Said decision shall be based solely on evidence presented at the hearing. The parents or guardian or any minor student who has been expelled shall be given notice of such disciplinary action within twenty-four (24) hours of the time of the institution of the period of the expulsion.

(19) The hearing may be conducted virtually, via video conference, at the direction of the Board (or the impartial board), in the event school buildings are closed to students or individuals are provided limited access to school buildings due to a serious health or other emergency. Any virtual hearing must provide the student the due process rights identified in this Subsection D.

At least five (5) business days before the hearing, the District shall provide, to the extent then reasonably available and consistent with confidentiality law, the witness statements, affidavits, documentary evidence, and summary of prior disciplinary matters that the District intends to offer at the hearing. The student and parent or guardian shall be entitled to a copy of the verbatim hearing record at their own expense, except that the record shall be provided without charge where the family is indigent.

The Board shall furnish a copy of its final expulsion decision to the State Board of Education within five (5) days of the effective date when required by applicable law.

E. Presence on School Grounds, on School Transportation, and Participation in School-Sponsored Activities During Expulsion:

During the period of expulsion, the student shall not be permitted to be on school property or on school transportation, and shall not be permitted to attend or participate in any school-sponsored activities, except for the student's participation in any alternative educational opportunity provided by the District in accordance with this policy, unless the Superintendent or designee specifically provides written permission for the student to enter school property or school transportation for a specified purpose or to participate in a particular school-sponsored activity.

F. Stipulated Agreements:

In lieu of the procedures used in this Section, the Superintendent or designee and the parent(s) or legal guardian(s) of a student facing expulsion may choose to enter into a Joint Stipulation of the Facts and a Joint Recommendation to the Board concerning the length and conditions of expulsion. Such Joint Stipulation and Recommendation shall include language indicating that the parent(s) or legal guardian(s) understand their right to have an expulsion hearing held pursuant to these procedures, and language indicating that the Board, in its discretion, has the right to accept or reject the Joint Stipulation of Facts and Recommendation. If the Board (or the impartial board) rejects either the Joint Stipulation of Facts or the Recommendation, an expulsion hearing shall be held pursuant to the procedures outlined herein. If the student is eighteen years of age or older, the student shall have the authority to enter into a Joint Stipulation and Recommendation on the student's own behalf.

If the parties agree on the facts, but not on the disciplinary recommendation, the Superintendent or designee and the parents (or legal guardians) of a student facing expulsion may also choose to enter into a Joint Stipulation of the Facts and submit only the Stipulation of the Facts to the Board (or the impartial board) in lieu of holding the first part

of the hearing, as described above. Such Joint Stipulation shall include language indicating that the parents and/or student over the age of 18 understand their right to have a hearing to determine whether the student engaged in the alleged misconduct and that the Board, in its discretion, has the right to accept or reject the Joint Stipulation of Facts. If the Board (or the impartial board) rejects the Joint Stipulation of Facts, a full expulsion hearing shall be held pursuant to the procedures outlined herein.

SECTION 4. ALTERNATIVE EDUCATIONAL OPPORTUNITIES

A. Students under sixteen (16) years of age:

Whenever the Board expels a student under sixteen (16) years of age, it shall offer any such student an alternative educational opportunity.

B. Students sixteen (16) to eighteen (18) years of age:

1. The Board shall provide an alternative educational opportunity to a sixteen (16) to eighteen (18) year-old student expelled for the first or second time if the student requests it and if the student agrees to the conditions set by the Board (or the impartial board). Such alternative educational opportunity may include, but shall not be limited to, the placement of a student who is at least seventeen years of age in an adult education program. Any student participating in an adult education program during a period of expulsion shall not be required to withdraw from school as a condition to participation in the adult education program.

2. The Board is not required to offer an alternative educational opportunity to any student between the ages of sixteen (16) and eighteen (18) who is expelled for a third, or subsequent, time.

3. The Board shall count the expulsion of a student when the student was under sixteen (16) years of age for purposes of determining whether an alternative educational opportunity is required for such student when the student is between the ages of sixteen and eighteen.

C. Students eighteen (18) years of age or older:

The Board is not required to offer an alternative educational opportunity to expelled students eighteen (18) years of age or older.

D. Content of Alternative Educational Opportunity

1. For the purposes of Article 5, Section 4, and subject to Article 5, Section 4(E), any alternative educational opportunity to which an expelled student is statutorily entitled shall be (1) alternative education, as defined by Conn. Gen. Stat. § 10-74j and in accordance with the Standards for Educational Opportunities for Students Who Have Been Expelled, adopted by the Connecticut State Board of Education ("CSBE"), with an individualized learning plan, if the Board provides such alternative education, or (2) in accordance with the Standards for Educational Opportunities for Students Who Have Been Expelled, adopted by the CSBE.

2. The Superintendent or designee shall develop administrative regulations concerning alternative educational opportunities, which administrative regulations shall be in compliance with the standards adopted by the CSBE. Such administrative regulations shall include, but are not limited to, provisions to address student placement in alternative education; individualized learning plans; monitoring of students placements and performance; and a process for transition planning.

E. Students identified as eligible for services under the Individuals with Disabilities Education Act ("IDEA"):

Notwithstanding Article 5, Section 4(A) through (D), if the Board expels a student who has been identified as eligible for services under the Individuals with Disabilities Education Act ("IDEA"), it shall offer an alternative educational opportunity to such student in accordance with the requirements of IDEA, as it may be amended from time to time, and in accordance with the Standards for Educational Opportunities for Students Who Have Been Expelled, adopted by the CSBE.

F. Students for whom an alternative educational opportunity is not required:

The Board may offer an alternative educational opportunity to a student for whom such alternative educational opportunity is not required by law or as described in this policy. In such cases, the Board, or if delegated by the Board, the Administration, shall determine the components, including nature, frequency and duration of such services, of any such alternative educational opportunity.

Consistent with applicable law, the parent or guardian may challenge the adequacy of an offered alternative educational program in a hearing before the Board. A parent or guardian's rejection of an offered alternative educational opportunity shall be treated as provided by Connecticut law.

SECTION 5. NOTICE OF EXPULSION IN STUDENT RECORD

Notice of expulsion and the conduct for which the student was expelled shall be included on the student's cumulative educational record. Such notice, except for notice of an expulsion of a student in grades nine through twelve, inclusive, based upon possession of a firearm or deadly weapon, shall be expunged from the cumulative educational record by the District if the student graduates from high school.

In cases where the student's period of expulsion is shortened or waived in accordance with Article 5, Section 3(D)(17), the Board may choose to expunge the expulsion notice from the cumulative record at the time the student completes the Board-specified program and meets any other conditions required by the Board. Except as may be specified by the Board in an expulsion hearing decision, the Board delegates the authority to make decisions pertaining to expungement to the Superintendent.

If a student's period of expulsion was not shortened or waived, the Board may choose to expunge the expulsion notice from the student's cumulative record prior to graduation if such student has demonstrated to the Board that the student's conduct and behavior in the years following such expulsion warrants an expungement. In deciding whether to expunge the expulsion notice, the Board may receive and consider evidence of any subsequent disciplinary problems that have led to removal from a classroom, suspension or expulsion of the student. Except as may be specified by the Board in an expulsion hearing decision, the Board delegates the authority to make decisions pertaining to expungement to the Superintendent.

If the student has not previously been suspended or expelled, and the Administration chooses to expunge the expulsion notice from the student's cumulative record prior to graduation, the Administration may refer to the existence of the expunged notice, notwithstanding the fact that such notice may have been expunged from the student's cumulative file, for the limited purpose of determining whether any subsequent suspension or expulsion by the student would constitute the student's first such offense.

SECTION 6. CHANGE OF RESIDENCE DURING EXPULSION PROCEEDINGS

A. Student moving into the District:

1. If a student enrolls in the District while an expulsion hearing is pending in another public school district, such student shall not be excluded from school pending completion of the expulsion hearing unless an emergency exists, as defined above. The Board shall retain the authority to suspend the student or to conduct its own expulsion hearing. The procedures outlined above in Article 5, Section 3 and consistent with the requirements of Conn. Gen. Stat. § 10-233d or Conn. Gen. Stat. § 10-233l, if applicable, as well as the applicable provisions of the Uniform Administrative Procedures Act, Conn. Gen. Stat. §§ 4-176e to 4-180a, and § 4-181a shall be utilized for any hearing conducted under this section.

2. Where a student enrolls in the District during the period of expulsion from another public school district, the Board may adopt the decision of the student expulsion hearing conducted by such other school district. The student shall be excluded from school pending such hearing. The excluded student shall be offered an alternative educational opportunity in accordance with statutory requirements. The Board (or the impartial board) shall make its determination pertaining to expulsion based upon a hearing held by the Board (or the impartial board), which hearing shall be limited to a determination of whether the conduct which was the basis of the previous public school district's expulsion would also warrant expulsion by the Board. The procedures outlined above in Article 5, Section 3 and consistent with the requirements of Conn. Gen. Stat. § 10-233d or Conn. Gen. Stat. § 10-233l, if applicable, as well as the applicable provisions of the Uniform Administrative Procedures Act, Conn. Gen. Stat. §§ 4-176e to 4-180a, and § 4-181a shall be utilized for any hearing conducted under this section.

B. Student moving out of the District:

Where a student withdraws from school after having been notified that an expulsion hearing is pending, but before a decision has been rendered by the Board, the notice of the pending expulsion hearing shall be included on the student's cumulative record and the Board shall complete the expulsion hearing and render a decision. If the Board subsequently renders a decision to expel the student, a notice of the expulsion shall be included on the student's cumulative record.

SECTION 7. JUVENILE DETENTION OR RESIDENTIAL PLACEMENT

A. Any student who commits an expellable offense and is subsequently placed in a juvenile detention center or any other residential placement for such offense may be expelled by the Board in accordance with the provisions of this section. The period of expulsion shall run concurrently with the period of placement in a juvenile detention center or other residential placement.

B. If a student who committed an expellable offense seeks to return to the District after participating in a diversionary program or having been placed in a juvenile detention center or any other residential placement and such student has not been expelled by the Board for such offense under subdivision (A) of this subsection, the Board shall allow such student to return and may not expel the student for additional time for such offense.

SECTION 8. EARLY READMISSION

An expelled student may apply for early readmission to school. The Board delegates the authority to make decisions on readmission requests to the Superintendent. Students

desiring readmission to school shall direct such readmission requests to the Superintendent. The Superintendent has the discretion to approve or deny such readmission requests, and may condition readmission on specified criteria.

SECTION 9. DOCUMENTATION AND REPORTING

A. The District shall include on all disciplinary reports the individual student's state-assigned student identifier (SASID).

B. The District shall report all suspensions and expulsions to the State Department of Education.

C. If the Board expels a student for sale or distribution of a controlled substance, as defined in Conn. Gen. Stat. § 21a-240(9), whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with the intent to sell or dispense, offering, or administration is the subject to criminal penalties under Conn. Gen. Stat. §§ 21a-277 and 21a-278, the District shall refer such student to an appropriate state or local agency for rehabilitation, intervention or job training and inform the agency of its action.

D. If the Board expels a student for possession of a firearm, as defined in 18 U.S.C. § 921, or deadly weapon, dangerous instrument or martial arts weapon, as defined in Conn. Gen. Stat. § 53a-3, the District shall report the violation to the local police.

~~**ARTICLE 6**~~

~~**DISCIPLINARY POLICY FOR PUPILS WITH DISABILITIES**~~

~~1. Notwithstanding the foregoing, the following procedures shall apply to students who are eligible or have been identified as having one or more disabilities under the IDEA. (an "identified student"). Notwithstanding any provision to the contrary, if suspension or expulsion is considered as a consequence of an identified student's conduct, if an issue exists as to whether the conduct was the direct result of the district's failure to implement the IEP, or, if the Board of Education is contemplating a change of placement for more than ten (10) school days per school year forth~~

~~an identified student who has engaged in other behavior that violated any rule or code of conduct of the school district that applies to identified or non-identified students, the following procedures shall apply:~~

~~a. If an identified student engages in conduct that would lead to a recommendation for disciplinary action not contemplated by a child's behavior plan:~~

~~b. the parents of the student must be notified of the decision to take disciplinary action not later than on the date on which the decision to take that action was made and must also receive notice of all special education procedural safeguards; and~~

~~c. in the case of a recommendation for expulsion, or a disciplinary action that would result in the suspension of an identified student for greater than ten (10) school days per school year, the district shall convene the student's planning and placement team (PPT) as soon as possible, but in no case later than ten (10) school days after the recommendation for such discipline was made, for the purpose reviewing the relationship between the student's disability and the behavior that led to the recommendation for such discipline and whether the conduct directly relates to any failure to provide special education services set forth in the student's IEP, in order to determine whether the student's behavior was a manifestation of his/her disability. During the process of manifestation review, a student~~

may be suspended for up to ten (10) school days. An identified student must not be suspended for more than ten (10) days per school year, without the school district's conducting a manifestation PPT.

2. If the PPT finds that the behavior was a manifestation of the student's disability, the Administration shall not proceed with the recommendation for expulsion. The PPT shall consider the student's misconduct together with any unique circumstances and revise the IEP to prevent a recurrence of the misconduct and to provide for the safety of other students and staff. If the IEP of the identified student does not contain a current behavior intervention plan, the PPT must develop a behavior intervention plan to address the behavior that led to the disciplinary action. If the IEP of the identified student contains a current behavior intervention plan, the PPT must consider the use of positive behavioral interventions to address the child's behavior and convene as necessary to review and modify the behavior intervention plan to address the student's behavior. If the PPT finds that the behavior was not a manifestation of the student's disabilities, the Administration may proceed with the recommended expulsion, to the extent that a n o n identified student would be subject to such discipline. During any period of expulsion, or suspension of greater that ten (10) days per school year, an identified student shall receive an alternative education plan in accordance with the IEP as modified by the PPT in light of the student's exclusion. The special education records and disciplinary records of the student must be transmitted to the individual(s) who will make the final determination regarding a recommendation for exclusions of greater than ten (10) school days per year.

3. Notwithstanding the foregoing, the placement of an identified student may be changed as a disciplinary measure under the following circumstances:

a. School personnel may transfer an identified student to an appropriate interim alternative educational setting, another setting, or suspension for not more than ten (10) school days per school year if such disciplinary action would also apply to non-identified students; or

b. School personnel may transfer an identified student to an appropriate interim alternative education setting for not more than forty-five (45) school days if the student was in possession of a dangerous weapon, as defined in 18 U.S.C. 930(G)(2), as amended from time to time, on school grounds or at a school sponsored-activity, or

c. knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance while at school or at a school-sponsored activity; or

d. School personnel may take disciplinary action against an identified student that would be taken against similar behavior by a non-identified student, including expulsion, if a PPT review of the relationship between the student's disability and the behavior subject to disciplinary action and a review of the district's implementation of the IEP concludes that the student's behavior was not a manifestation of the student's disability or due to the district's failure to implement the IEP. Under such circumstances, the Board of Education must continue to provide a free appropriate public education to the identified student.

e. The Board of Education may report a crime committed by an identified student to the appropriate law enforcement authority. When the Board reports such a crime, copies of the student's special education and discipline records must be transmitted for consideration by the authorities who received the report of the crime.

f. As used in the following subsection, the term "dangerous weapon" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is

~~readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2.5 inches in length.~~

~~4. Procedures concerning students who are eligible or who have been identified as having one or more disabilities under Section 504 of the Rehabilitation Act, which student does not fit the criteria under the IDEA as described in subsection 1 above (a "student with disabilities") are set forth below.: Notwithstanding the foregoing, the following additional procedures apply to a student with disabilities as defined in this subsection:~~

~~a. Notwithstanding any provision to the contrary, if suspension or expulsion is considered as a consequence of a student with disabilities' conduct, if an issue exists as to whether the conduct was the direct result of the district's failure to implement the Section 504 plan, or if the Board of Education is contemplating a change of placement for more than ten (10) school days per school year for a student with disabilities who has engaged in other behavior that violated any rule or code of conduct of the school district that applies to students with or without disabilities, the following procedures shall apply:~~

~~i. If a student with disabilities engages in conduct that would lead to a recommendation for suspension or expulsion:~~

~~a. the parents of the student must be notified of the decision to suspend or expel not later than on the date on which the decision to take that action was made.~~

~~b. the district shall convene the student's Section 504 Team (504 Team) as soon as possible but in no case later than ten (10) school days after the recommendation for~~

~~such discipline was made, for the purpose of reviewing the relationship between the student's disability and the behavior that led to the recommendation for such discipline and whether the conduct directly relates to any failure to provide Section 504 services set forth in the student's Section 504 plan, in order to determine whether the student's behavior was a manifestation of his/her disability.~~

~~ii. If the Section 504 Team finds that the behavior was a manifestation of the student's disability, the Administration shall not proceed with the recommendation for expulsion. The Section 504 Team shall consider the student's misconduct and revise the Section 504 Plan to prevent a recurrence of the misconduct and to provide for the safety of other students and staff. If the 504 Plan of the student with disabilities does not contain a current behavior intervention plan, the Section 504 Team must develop a behavior intervention plan to address the behavior that led to the disciplinary action. If the Section 504 Plan of the student with disabilities contains a current behavior intervention plan, the 504 Team must consider the use of positive behavioral interventions to address the child's behavior and convene as necessary to review and/or modify the behavior intervention plan.~~

~~iii. If the Section 504 Team finds that the behavior was not a manifestation of the student's disabilities, the Administration may proceed with the recommended expulsion, to the extent that a student without disabilities would be subject to such discipline. Even if the behavior is a manifestation of the student's disability, the "student with disabilities" placement may change to an appropriate interim alternate setting as set forth under subsection 3a through 3e above.~~

ARTICLE 6 — DISCIPLINARY PROCEDURES FOR STUDENTS WITH DISABILITIES

SECTION 1. STUDENTS ELIGIBLE UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)

A. Suspension of IDEA students:

Notwithstanding the foregoing, if a responsible administrator suspends a student identified as eligible for services under the IDEA (an "IDEA student") who has violated any rule or code of conduct of the District that applies to all students, the following procedures shall apply:

1. The responsible administrator shall make reasonable attempts to immediately notify the parents of the student of the decision to suspend on the date on which the decision to suspend was made, and a copy of the special education procedural safeguards must either be hand-delivered or sent by mail to the parents on the date that the decision to suspend was made.

2. During the period of suspension, the District is not required to provide any educational services to the IDEA student beyond that which is provided to all students suspended by the District, except as set forth in subsection (3) below.

If an IDEA student is being suspended and that student has already been removed from their current placement for ten (10) school days in the same school year, school personnel, in consultation with at least one of the student's teachers, must determine the extent to which services are needed so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP, so long as the suspension does not constitute a change in placement. If the suspension constitutes a change in placement, subsection (B) below will apply.

B. Expulsion and Suspensions that Constitute Changes in Placement for IDEA students:

Notwithstanding any provision to the contrary, if the Administration recommends for expulsion an IDEA student who has violated any rule or code of conduct of the District that applies to all students, the procedures described in this section shall apply. The procedures described in this section shall also apply for students whom the Administration has suspended in a manner that is considered under the IDEA, as it may be amended from time to time, to be a change in educational placement:

1. Upon the decision by the Administration to recommend expulsion or impose a suspension that would constitute a change in educational placement, the Administration shall promptly notify the parent(s)/guardian(s) of the student of the recommendation of expulsion or the suspension that would constitute a change in educational placement, and provide the parents(s)/guardian(s) a copy of the special education procedural safeguards either by hand-delivery or by mail (unless other means of transmission have been arranged).

2. The District shall immediately convene the student's planning and placement team ("PPT"), but in no case later than ten (10) school days after the recommendation for expulsion or the suspension that constitutes a change in placement was made. The student's PPT shall consider the relationship between the student's disability and the behavior that led to the recommendation for expulsion or the suspension which constitutes a change in placement, in order to determine whether the student's behavior was a manifestation of the student's disability.

3. If the student's PPT finds that the behavior was a manifestation of the student's disability, the Administration shall not proceed with the recommendation for expulsion or the suspension that constitutes a change in placement.

4. If the student's PPT finds that the behavior was not a manifestation of the student's disability, the Administration may proceed with the recommended expulsion or suspension that constitutes a change in placement.

During any period of expulsion, or suspension of greater than ten (10) days per school year, the Administration shall provide the student with an alternative education program in accordance with the provisions of the IDEA.

6. When determining whether to recommend an expulsion or a suspension that constitutes a change in placement the responsible administrator (or designee) should consider the nature of the misconduct and any relevant educational records of the student.

C. Removal of Special Education Students for Certain Offenses:

1. A responsible administrator may remove a student eligible for special education under the IDEA to an appropriate interim alternative educational setting for not more than forty-five (45) school days if the student:

a. Was in possession of a dangerous weapon, as defined in 18 U.S.C. 930(g)(2), as amended from time to time, on school grounds, on school transportation, or at a school-sponsored activity, or

b. Knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance while at school, on school transportation, or at a school-sponsored activity; or

c. Has inflicted serious bodily injury upon another person while at school, on school premises, on school transportation, or at a school function.

2. The following definitions shall be used for this Article 6, Section 1(C):

a. Dangerous weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2.5 inches in length.

b. Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act, 21 U.S.C. 812(c).

c. Illegal drug means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.

d. Serious bodily injury means a bodily injury which involves: (A) a substantial risk of death; (B) extreme physical pain; (C) protracted and obvious disfigurement; or (D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

SECTION 2. STUDENTS ELIGIBLE UNDER SECTION 504

A. Except as provided in subsection B below, notwithstanding any provision to the contrary, if the Administration recommends for expulsion a student identified as eligible for educational accommodations under Section 504 who has violated any rule or code of conduct of the District that applies to all students, the following procedures shall apply:

1. The parents of the student must be notified of the decision to recommend the student for expulsion.

2. The District shall immediately convene the student's Section 504 team ("504 team") for the purpose of reviewing the relationship between the student's disability and the behavior that led to the recommendation for expulsion. The 504 team will determine whether the student's behavior was a manifestation of the student's disability.

3. If the 504 team finds that the behavior was a manifestation of the student's disability, the Administration shall not proceed with the recommended expulsion.

4. If the 504 team finds that the behavior was not a manifestation of the student's disability, the Administration may proceed with the recommended expulsion.

B. The Board may take disciplinary action for violations pertaining to the use or possession of illegal drugs or alcohol against any student with a disability who currently is engaging in the illegal use of drugs or alcohol to the same extent that such disciplinary action is taken against nondisabled students. Thus, when a student with a disability is recommended for expulsion based solely on the illegal use or possession of drugs or alcohol, the 504 team shall not be required to meet to review the relationship between the student's disability and the behavior that led to the recommendation for expulsion.

~~Legal Reference: Connecticut General Statutes~~

~~10-233a through 10-233f Suspension, removal and expulsion of students, as amended by PA 95-304, PA 96-244, PA 98-139, PA 07-66, PA 07-122, PA 08-160, PA 09-82, PA 09-6 (September Special Session), PA 10-111, PA 11-126, PA 14-229, PA 15-96, PA 16-147, PA 17-220, PA 19-91, PA 25-67 and PA 25-93. 10-233l Expulsion and suspension of children in preschool programs 19a-342a Use of electronic nicotine delivery system or vapor product prohibited. 29-38 Weapons in vehicles 53a-3 Definitions. 53a-217b Possession of Firearms and Deadly Weapons on School Grounds. 53-344b Sale and delivery of electronic nicotine delivery system or vapor products to minors. 53-206 Carrying of dangerous weapons prohibited. PA 15-96 An Act Prohibiting Out-of-School Suspensions and Expulsions for Students in Preschool and Grades Kindergarten to Two. GOALS 2000: Educate America Act, Pub. L. 103-227. Title III - Amendments to the Individuals with Disabilities Education Act. Sec. 314 (Local Control Over Violence) Elementary and Secondary Act of 1965 as amended by the Gun Free Schools Act of 1994 P.L. 105-17 The Individuals with Disabilities Act, Amendments of 1997. Kyle P. Packer PPA Jane Packer v. Thomaston Board of Education. P.L. 108-446 The Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C. 1400 et seq. 18 U.S.C. §921 – Definitions of "firearms" 18 U.S.C. §930(g)(2) – Definition of "dangerous weapon" 18 U.S.C. §1365(h)(3) – Identifying "serious bodily injury" 21 U.S.C. §812(c) – Identifying "controlled substances" Public Act 24-45 An Act Concerning Education Mandate Relief, School Discipline and Disconnected Youth, Sections 13-14 Public Act 24-93 An Act Concerning Various and Assorted Revisions to the Education Statutes, Section 11 and Section 12 Public Act 25-67 An Act Concerning the Quality and Delivery of Special Education Services in Connecticut (Section 13) Public Act 25-93 An Act Increasing Resources for Students, Schools and Special Education (Sections 38 & 39)~~

LEGAL REFERENCES

§ 10-74j Alternative education

§§ 4-176e through 4-180a and § 4-181a Uniform Administrative Procedures Act

§§ 10-233a through 10-233f Suspension and expulsion of students

§ 10-233l Expulsion and suspension of children in preschool programs

§ 10-253 School privileges for children in certain placements, nonresident children, children in temporary shelters, homeless children and children in juvenile detention facilities. Liaison to facilitate transitions between school districts and juvenile and criminal justice systems.

§ 21a-240 Definitions

§ 21a-277 Penalty for illegal manufacture, distribution, sale, prescription, dispensing

§ 21a-278 Penalty for illegal manufacture, distribution, sale, prescription, or administration by non-drug-dependent person

§ 29-35 Carrying of pistol or revolver without permit prohibited. Exceptions

§ 29-38 Weapons in vehicles

§ 53a-3 Definitions

§ 53-206 Carrying of dangerous weapons prohibited

Public Act 26-1, "An Act Concerning the Reallocation of Certain State Funds and Various Provisions Relating to Education, Public Safety, General Government, Elections, Intermediate Care Facilities and Warehouse Distribution Centers."

Public Act 26-125, "An Act Concerning the Education of Homeless Children and Youth."

Packer v. Board of Educ. of the Town of Thomaston, 717 A.2d 117 (Conn. 1998).

State v. Hardy, 896 A.2d 755 (Conn. 2006).

State v. Guzman, 955 A.2d 72 (Conn. App. Ct. 2008).

Connecticut State Department of Education, Standards for Educational Opportunities for Students Who Have Been Expelled, adopted January 3, 2018.

Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., as amended by the Individuals with Disabilities Education Improvement Act of 2004, Pub. L. 108-446.

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

18 U.S.C. § 930(g)(2) (definition of "dangerous weapon")

18 U.S.C. § 1365(h)(3) (identifying "serious bodily injury")

21 U.S.C. § 812(c) (identifying "controlled substances")

34 C.F.R. § 300.530 (defining "illegal drugs")

Gun-Free Schools Act, 20 U.S.C. § 7961

Honig v. Doe, 484 U.S. 305 (1988)

McKinney Vento Homeless Assistance Act, 42 U.S.C. § 11343a, revised to December 23, 2022.

18 U.S.C. § 921 (definition of "firearm").

Policy adopted by the Waterbury Board of Education on July 26, 2012, revised on December 18, 2014, November 18, 2015, May 5, 2016, June 15, 2017, October 19, 2017, October 17, 2019, June 13, 2023, December 19, 2024, and November 19, 2025

#11-REVISED

MEMORANDUM FOR THE COMMITTEE ON POLICY AND LEGISLATION

FROM: JOSEPH W. BRITTON
BOARD ATTORNEY

CC: SUPERINTENDENT SCHWARTZ

SUBJECT: Board of Education Policies 0521, 4118.11, 5145.4, and New policies regarding 504/ADA

19 October 2026

Dear Commissioners:

Attached for your review and consideration are proposed revisions to Board of Education Policies 0521 (Community), 4118.11 (Personnel), and 5145.4 (Students), along with two new proposed policies addressing Section 504 of the Rehabilitation Act and the Americans with Disabilities Act (ADA).

As the District continues to navigate an evolving legal landscape, particularly at the federal level, it is important that our policies remain current, comprehensive, and consistent with applicable legal requirements. The proposed revisions are based on model policies provided by Shipman & Goodwin LLP and are intended to strengthen the District's nondiscrimination framework.

PROPOSED POLICY REVISIONS

- Policy 0521 – Nondiscrimination (Community): Replace the existing policy with an updated policy establishing comprehensive nondiscrimination protections and complaint procedures for community members.
- Policy 4118.11 – Nondiscrimination (Personnel): Replace the existing policy with updated protections against employment discrimination and harassment, including formal employee grievance procedures.
- Policy 5145.4 – Nondiscrimination (Students): Replace the existing policy with updated student nondiscrimination protections, complaint procedures, and coordinated referral processes.
- New Section 504/ADA Policy – Personnel: Adopt a new policy addressing disability-based discrimination in employment, including accompanying grievance procedures and administrative regulations.
- New Section 504/ADA Policy – Students: Adopt a new policy addressing disability-based discrimination involving students, including grievance procedures, administrative regulations, and protections concerning access to appropriate educational services.

Collectively, these revisions represent a comprehensive update to the Board's nondiscrimination policies and are intended to provide clearer expectations, greater procedural consistency, and stronger protections for students, employees, and members of the school

community. The accompanying standard operating procedures necessary to implement these policies are being finalized and will be put into effect following adoption of these policies.

Please do not hesitate to contact me with any questions or concerns regarding the proposed revisions. I appreciate your consideration of these important policy updates.

Truly,



Joseph W. Britton, Esq.

POLICY 0521 — NON-DISCRIMINATION (COMMUNITY)

Protected Class Discrimination Prohibited:

It is the policy of the Waterbury Board of Education (the "Board") that any form of discrimination or harassment on the basis of race, religion, color, national origin, ancestry, alienage, sex, sexual orientation, marital status, age, disability, pregnancy, gender identity or expression, veteran status, status as a victim of domestic violence, sexual assault, or human trafficking, or any other basis prohibited by state or federal law ("Protected Class") is prohibited in the Waterbury Public Schools (the "District"), whether by students, Board employees, Board members or third parties subject to the control of the Board, subject to the conditions and limitations established by law. The Board's prohibition of discrimination or harassment in its educational programs or activities expressly extends to academic, nonacademic and extracurricular activities, including athletics, school-sponsored activities, as well as the District website. When the Board has created a limited public forum, the Board shall provide equal access to the Boy Scouts and other groups as required by law.

Retaliation Prohibited:

The Board further prohibits reprisal or retaliation against any individual who reports incidents in good faith that may be a violation of this policy, or who participates in the investigation of such reports.

Discrimination on the Basis of Protected Class Association Prohibited:

Discrimination and/or harassment against any individual on the basis of that individual's association with someone in a Protected Class may also be considered a form of Protected Class discrimination and/or harassment, and is therefore prohibited by this policy.

Scope and Applicability:

Students, Board employees, Board members and community members (e.g., other individuals affiliated with the District, accessing or seeking access to District facilities) are expected to adhere to a standard of conduct that is respectful of the rights of all members of the school community.

Definitions*:*

The following definitions apply for purposes of this policy:

A. Discrimination: Discrimination in violation of this policy occurs when an individual is denied participation in, or the benefits of, a program or activity of the Board because of such individual's actual or perceived membership in a Protected Class.

B. Harassment: Harassment is a form of Protected Class discrimination that is prohibited by law and by this policy. Harassment constitutes unlawful discrimination when it creates a hostile environment, which occurs when the harassment is sufficiently severe, pervasive, or persistent so as to interfere with or limit an individual's ability to participate in or benefit from the services, activities, or opportunities offered by the District.

The following non-exhaustive list provides examples of the types of prohibited conduct that may be considered Protected Class harassment that can lead to a hostile environment:

- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership, including but not limited to epithets relating to sex, sexual orientation, and/or gender identity or expression);
- other words or phrases considered demeaning or degrading on the basis of Protected Class membership;
- display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class;
- graphic, written or electronic communications that are harmful or humiliating based on Protected Class membership;
- bigoted conduct or communications; or
- physical, written, electronic or verbal threats based on Protected Class membership.

Harassment does not have to involve intent to harm, be directed toward a specific person, or involve repeated incidents.

Sexual harassment is a form of harassment that is prohibited by law and Board policy. For more information regarding harassment based on sex, sexual orientation, pregnancy, or gender identity or expression, contact the District's Title IX Coordinator at:

Lisa Dunn, Title IX Coordinator and Nondiscrimination Complaint Contact
236 Grand Street, Waterbury, CT 06702
(203) 574-8019, ext. 11240 | ldunn@waterbury.k12.ct.us

C. Gender identity or expression: Gender identity or expression refers to 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.

D. Sexual orientation: Sexual orientation refers to a person's identity in relation to the gender or genders to which they are romantically, emotionally or sexually

attracted, inclusive of any identity that a person (i) may have previously expressed, or (ii) is perceived by another person to hold.

E. Veteran: A veteran is 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, Air Force, and Space Force and any reserve component thereof, including the Connecticut National Guard. "Qualifying condition" means (i) 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, (ii) 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 (iii) 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).

F. Race: The term 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.

G. Domestic violence: Domestic violence means (1) a continuous threat of present physical pain or physical injury against a family or household member, as defined in Conn. Gen. Stat. § 46b-38a; (2) stalking, including but not limited to, stalking as described in Conn. Gen. Stat. § 53a-181d, of such family or household member; (3) a pattern of threatening, including but not limited to, a pattern of threatening as described in Conn. Gen. Stat. § 53a-62, of such family or household member or a third party that intimidates such family or household member; or (4) coercive control of such family or household member, which is a pattern of behavior that in purpose or effect unreasonably interferes with a person's free will and personal liberty. "Coercive control" includes, but is not limited to, unreasonably engaging in any of the following: (a) isolating the family or household member from friends, relatives or other sources of support; (b) depriving the family or household member of basic necessities; (c) controlling, regulating or monitoring the family or household member's movements, communications, daily behavior, finances, economic resources or access to services; (d) compelling the family or household member by force, threat or intimidation, including, but not limited to, threats based on actual or suspected immigration status, to (i) engage in conduct from which such family or household member has a right to abstain, or (ii) abstain from conduct that such family or household member has a right to pursue; (e) committing or threatening to commit cruelty to animals that intimidates the family or household member; or (f) forced sex acts, or threats of a sexual nature, including, but not limited to, threatened acts of sexual conduct, threats based on a person's sexuality or threats to release sexual images.

Alleged Discrimination/Harassment of Students or Employees:

Complaints of alleged discrimination and/or harassment of students and/or employees will be investigated in accordance with the non-discrimination policies applicable to students and/or personnel respectively. Complaints pertaining to specific forms of discrimination and/or harassment, such as sexual harassment or disability- based harassment, have specific policies and procedures applicable to these forms of harassment and will be investigated in accordance with the specific procedures for such issues. If a complaint involves allegations of discrimination or harassment of an employee or of a student based on sex, such complaints will be handled in accordance with the procedures set forth in the applicable Board policy regarding sex discrimination and sexual harassment. Complaints involving allegations of discrimination or harassment of an employee or of a student based on disability will be addressed in accordance with the procedures set forth in the applicable Board policy regarding Section 504/ADA.

Alleged Discrimination/Harassment of Community Members on the Basis of Sex:

In the event the District receives a complaint alleging discrimination or harassment of a community member (e.g., an individual affiliated with the District, accessing or seeking access to District facilities who is not a student or an employee) on the basis of sex, the complaint shall be referred to the District's Title IX Coordinator, who shall take steps designed to ensure that applicable state and federal law are followed.

Alleged Discrimination/Harassment of Community Members on the Basis of Disability:

In the event the District receives a complaint alleging discrimination or harassment of a community member (e.g., an individual affiliated with the District, accessing or seeking access to District facilities who is not a student or an employee) based on disability, the complaint shall be referred to the District's Section 504/ADA Coordinator, who shall take steps designed to ensure that applicable state and federal law are followed.

Reporting to District Officials*:*

It is the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment. The District will investigate both formal and informal complaints of discrimination, harassment or retaliation.

Any individual who believes a community member has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of this policy should report such concern in writing to Lisa Dunn (Title IX Coordinator and nondiscrimination complaint contact) in accordance with the Board's complaint procedures included in the Board's Administrative Regulations Regarding Non-Discrimination/Community, which accompany this policy, and are available online at

https://www.waterbury.k12.ct.us/board-of-education/district-policies-and-budgets or upon request from the main office of any District school.

Reporting to State and Federal Agencies:

In addition to reporting to District officials in accordance with this policy, individuals also may file a complaint with the following agencies:

Office for Civil Rights, U.S. Department of Education ("OCR"):

Office for Civil Rights, Washington DC Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1475
(202 453-6020)
http://www2.ed.gov/about/offices/list/ocr/docs/howto.html

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)

Equal Employment Opportunity Commission (employees only):

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

Questions/Requests for Accommodation:

Any parent, student, staff member, Board member or community member (e.g., other individual affiliated with the District, accessing or seeking access to District facilities) who:

1. has questions or concerns about this policy or its accompanying regulations; OR
2. wishes to request or discuss accommodations based on religion; OR
3. who would like a copy of the Board's complaint procedures or complaint forms related to claims of discrimination or harassment:

may contact any District administrator or the following District official:

Lisa Dunn, Title IX Coordinator and Nondiscrimination Complaint Contact
236 Grand Street, Waterbury, CT 06702
(203) 574-8019, ext. 11240 | ldunn@waterbury.k12.ct.us

Any parent, student, staff member, Board member or community member (e.g., other individual affiliated with the District, accessing or seeking access to District facilities) who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of sex may contact the District's Title IX Coordinator:

Title IX Coordinator and Nondiscrimination Complaint Contact
236 Grand Street, Waterbury, CT 06702
(203) 574-8019, ext. 11240 | ldunn@waterbury.k12.ct.us

Any parent, student, staff member, Board member or community member (e.g., other individual affiliated with the District, accessing or seeking access to District facilities) 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 District's Section 504/ADA Coordinator:

Lisa Dunn, ldunn@waterbury.k12.ct.us, (203) 574-8019, ext. 11240.

Legal References:

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.
Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.
Boy Scouts of America Equal Access Act, 20 U.S.C. § 7905
Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq.
Americans with Disabilities Act, 42 U.S.C. § 12101
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794
Connecticut General Statutes § 1-1n, "Gender Identity or Expression" defined
Connecticut General Statutes § 27-103
Connecticut General Statutes § 46a-51, Definitions
Connecticut General Statutes § 46a-58, Deprivation of rights
Connecticut Fair Employment Practices Act, Connecticut General Statutes § 46a-60
Connecticut General Statutes § 46a-81c, Sexual orientation discrimination: Employment
Connecticut General Statutes § 46b-1, Family relations matters and domestic violence defined
Public Act No. 25-139, "An Act Concerning Human Trafficking and Sexual Assault Victims"

Policy adopted by the Waterbury Board of Education on July 26, 2012
Revised on October 3, 2013, September 7, 2017, and May 17, 2018; reinstated May 17, 2018 version on March 20, 2025

~~Nondiscrimination~~

~~The Waterbury Public Schools do not discriminate in admission to, access to, treatment in, or employment in its services, programs, and activities, on the basis of race, color, or national origin, in accordance with Title VI of the Civil Rights Act of 1964 (Title VI); on the basis of sex, in accordance with Title IX of the Education Amendments of 1972 (Title IX); on the basis of disability, in accordance with Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 (ADA); on the basis of age, in accordance with the Age Discrimination Act of 1975 (Age Discrimination Act) as amended; gender identity and expression, (PA 11-55); status as a veteran (PA 17-127); or any other protected status, such as sexual orientation. The term "disability" shall be broadly construed. The question of whether an individual's impairment is a disability under the ADA shall not demand extensive analysis. The District provides equal access to the Boy Scouts and other designated youth groups.~~

~~The Waterbury Public Schools do not retaliate against any complainant who alleges discrimination.~~

~~To file a complaint alleging discrimination or harassment by Waterbury Public Schools on the basis of race, color, national origin, sex, gender identity or expression, disability, or age, under Title VI, Title IX, Section 504, the ADA, the Age Discrimination Act, PA 11-55 or their respective implementing regulations, or any other protected status such as sexual orientation, please contact:~~

~~Superintendent of Schools Waterbury Public Schools 236 Grand Street, Waterbury, CT 06702 (203) 574-8004~~

~~Legal Reference: Title VII, Civil Rights Act, 42 U.S.C. 2000e, et seq. 29 CFR 1604.11, EEOC Guidelines on Sex Discrimination. Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq. 34 CFR Section 106.8(b), OCR Guidelines for Title IX. Definitions, OCR Guidelines on Sexual Harassment, Fed. Reg. Vol 62, #49, 29 CFR Sec. 1606.8 (a0 62 Fed Reg. 12033 (March 13, 1997) and 66 Fed. Reg. 5512 (January 19, 2001) 20 U.S.C. 7905 (Boy Scouts of America Equal Access Act)~~

~~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) Gebbser v. Lago Vista Indiana School District, No. 99-1866, (U.S. Supreme Court, June 26,1998) Davis v. Monro County Board of Education, No. 97-843, (U.S. Supreme Court, May 24, 1999.) The Vietnam Era Veterans' Readjustment Act of 1974, as amended, 38U.S.C. §4212 Title II of the Genetic Information Nondiscrimination Act of 2008 Connecticut General Statutes 46a-51 Definitions. (as amended by PA 17-127) 46a-58 Deprivation of rights. Desecration of property. Placing of burning cross or noose on property. Penalty. (as amended by PA 17-127) 46a-60 Discriminatory employment practices prohibited. (as amended by PA 17-127) 10-15c Discrimination in public schools prohibited. School attendance by five-year olds. (Amended by P.A. 97-247 to include "sexual orientation" and P.A. 11-55 to include "gender identity or expression") 10-153 Discrimination on account of marital status. 17a-101 Protection of children from abuse. The Americans with Disabilities Act as amended by the ADA Amendments Act of 2008 Public Law 111-256 Meacham v. Knolls Atomic Power Laboratory 128 S.Ct. 2395, 76 U.S.L.W. 4488 (2008) Federal Express Corporation v. Holowecki 128 S.Ct. 1147, 76 U.S.L.W. 4110 (2008)~~

~~Kentucky Retirement Systems v. EEOC 128 S.Ct. 2361, 76 U.S.L.W. 4503 (2008)~~
~~Sprint/United Management Co. v. Mendelsohn 128 S.Ct. 1140, 76 U.S.L.W. 4107 (2008)~~

POLICY 4118.11 — NON-DISCRIMINATION (PERSONNEL)

Protected Class Discrimination Prohibited:

The Waterbury Board of Education (the "Board") will not make employment decisions (including decisions related to hiring, assignment, compensation, promotion, demotion, disciplinary action and termination) on the basis of race, color, religion, age, sex, marital status, sexual orientation, national origin, alienage, ancestry, disability, pregnancy, genetic information, veteran status, gender identity or expression, status as a victim of domestic violence, sexual assault, or human trafficking, or any other basis prohibited by state or federal law ("Protected Class"), except in the case of a bona fide occupational qualification.

It is the policy of the Board that any form of discrimination or harassment on the basis of an individual's actual or perceived membership in a Protected Class, whether by students, Board employees, Board members or third parties subject to the control of the Board, is prohibited in the Waterbury Public Schools (the "District"). The Board's prohibition of discrimination or harassment in its educational programs or activities expressly extends to academic, nonacademic and extracurricular activities, including athletics.

Discrimination on the Basis of Erased Criminal History Prohibited:

The Board will not discriminate against any employee or applicant for employment solely on the basis of the individual's erased criminal history record information, as defined in Conn. Gen. Stat. § 46a-80a.

Retaliation Prohibited:

The Board prohibits reprisal or retaliation against any individual who reports incidents in good faith that may be a violation of this policy, or who participates in the investigation of such reports.

Discrimination on the Basis of Protected Class Association Prohibited:

Discrimination and/or harassment against any individual on the basis of that individual's association with someone in a Protected Class may also be considered a form of Protected Class discrimination and/or harassment and is therefore prohibited by this policy.

Scope and Applicability:

Students, Board employees, Board members and community members (e.g., other individuals affiliated with the District, accessing or seeking access to District facilities) are expected to adhere to a standard of conduct that is respectful of the rights of all members of the school community.

Definitions:

The following definitions apply for purposes of this policy:

A. Discrimination

It is illegal for employers to treat employees differently in relation to hiring, discharging, compensating, or providing the terms, conditions, and privileges of employment because of such employee's actual or perceived membership in a Protected Class.

B. Harassment

Harassment is a form of Protected Class discrimination that is prohibited by law and by this policy. Harassment is unwelcome conduct that is based on an employee's actual or perceived membership in a Protected Class. Harassment constitutes unlawful discrimination when 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

The following non-exhaustive list provides examples of the types of prohibited conduct that may be considered Protected Class harassment that can lead to an intimidating, hostile, or abusive environment, and are therefore prohibited by this policy:

- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership, including but not limited to epithets relating to sex, sexual orientation, and/or gender identity or expression);
- other words or phrases commonly considered demeaning or degrading on the basis of Protected Class membership;
- display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class;
- graphic, written or electronic communications that are harmful or humiliating based on Protected Class membership;
- bigoted conduct or communications; or
- physical, written, electronic or verbal threats based on Protected Class membership.

Harassment does not have to involve intent to harm, be directed toward a specific person, or involve repeated incidents.

Sexual harassment is a form of harassment that is prohibited by law and Board policy. For more information regarding harassment based on sex, contact the District's Title IX Coordinator at:

Lisa Dunn, Title IX Coordinator and Nondiscrimination Complaint Contact
236 Grand Street, Waterbury, CT 06702
(203) 574-8019, ext. 11240 | ldunn@waterbury.k12.ct.us

C. Genetic information

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

D. Veteran

A veteran is 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, Air Force, and Space Force and any reserve component thereof, including the Connecticut National Guard. "Qualifying condition" means (i) 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, (ii) 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 (iii) 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).

E. Gender identity or expression

Gender identity or expression refers to 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.

F. Sexual orientation

Sexual orientation refers to a person's identity in relation to the gender or genders to which they are romantically, emotionally or sexually attracted, inclusive of any identity that a person (i) may have previously expressed, or (ii) is perceived by another person to hold.

G. Race

The term 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.

H. Domestic violence

The term domestic violence means (1) a continuous threat of present physical pain or physical injury against a family or household member, as defined in Conn. Gen. Stat. § 46b-38a; (2) stalking, including but not limited to, stalking as described in Conn. Gen. Stat. § 53a-181d, of such family or household member; (3) a pattern of threatening, including but not limited to, a pattern of threatening as described in Conn. Gen. Stat. § 53a-62, of such family or household member or a third party that intimidates such family or household member; or (4) coercive control of such family or household member, which is a pattern of behavior that in purpose or effect unreasonably interferes with a person's free will and personal liberty. "Coercive control" includes, but is not limited to, unreasonably engaging in any of the following: (a) isolating the family or household member from friends, relatives or other sources of support; (b) depriving the family or household member of basic necessities; (c) controlling, regulating or monitoring the family or household member's movements, communications, daily behavior, finances, economic resources or access to services; (d) compelling the family or household member by force, threat or intimidation, including, but not limited to, threats based on actual or suspected immigration status, to (i) engage in conduct from which such family or household member has a right to abstain, or (ii) abstain from conduct that such family or household member has a right to pursue; (e) committing or threatening to commit cruelty to animals that intimidates the family or household member; or (f) forced sex acts, or threats of a sexual nature, including, but not limited to, threatened acts of sexual conduct, threats based on a person's sexuality or threats to release sexual images.

Reporting to District Officials:

It is the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment. The District will investigate both formal and informal complaints of discrimination, harassment or retaliation.

Any employee who believes they or another employee has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of this policy should report such concern in writing to Lisa Dunn (Title IX Coordinator and nondiscrimination complaint contact) in accordance with the Board's complaint procedures included in the Board's Administrative Regulations Regarding Non-Discrimination/Personnel, which accompany this policy and are available online at

https://www.waterbury.k12.ct.us/board-of-education/district-policies-and-budgets or upon request from the main office of any District school.

Employees are encouraged to report incidents of alleged Protected Class discrimination, harassment, or retaliation immediately.

If a complaint involves allegations of discrimination or harassment based on sex, such complaints will be handled in accordance with the procedures set forth in the applicable Board policy regarding sex discrimination and sexual harassment.

If a complaint involves allegations of discrimination or harassment based on disability, such complaints will be addressed in accordance with the procedures set forth in the applicable Board policy regarding Section 504/ADA.

In the event conduct reported as Protected Class discrimination and/or harassment allegedly violates more than one policy, the Board will coordinate any investigation in compliance with the applicable policies.

Mandatory Staff Reporting for Student Incidents:

Board employees are required to report incidents of alleged student-to-student and employee-to-student discrimination, harassment or retaliation that may be based on a Protected Class when Board employees witness such incidents or when Board employees receive reports or information about such incidents, whether such incidents are verbal or physical or amount to discrimination, harassment or retaliation in other forms. **Reports should be made to any District administrator or to**:

Lisa Dunn (Title IX Coordinator and nondiscrimination complaint contact).

Remedial Action:

If the District makes a finding of discrimination, harassment or retaliation, the District will take remedial action designed to:

A. eliminate the discriminatory/harassing/retaliatory conduct,
B. prevent its recurrence, and
C. address its effects on the complainant and any other affected individuals.

Examples of appropriate action may include, but are not limited to:

A. In the case of a student respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, discipline (including but not limited to suspension and/or expulsion), educational interventions, exclusion from extra-curricular activities and/or sports programs, and/or referral to appropriate state or local agencies;

B. In the case of an employee respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, supervisor notification, discipline (including possible termination of employment), training, and/or referral to appropriate state or local agencies;
C. In the case of respondent who is otherwise associated with the school community, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, exclusion from school property and/or activities and/or referral to appropriate state or local agencies;
D. Follow-up inquiries with the complainant and witnesses to ensure that the discriminatory/harassing conduct has stopped and that they have not experienced any retaliation;
E. Supports for the complainant; and
F. Training or other interventions for the larger school community designed to ensure that students, staff, parents, Board members and other individuals within the school community understand the types of behavior that constitute discrimination/harassment, that the District does not tolerate it, and how to report it.

Reporting to State and Federal Agencies:

In addition to reporting to the Board, any employee also may file a complaint with the following agencies:

Office for Civil Rights, U.S. Department of Education ("OCR"):

Office for Civil Rights, Washington DC Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1475
(202 453-6020)
http://www2.ed.gov/about/offices/list/ocr/docs/howto.html

Equal Employment Opportunity Commission:

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

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)

Questions/Requests for Accommodation:

Any employee who:

1. has questions or concerns about this policy or its accompanying regulations;
2. wishes to request or discuss accommodations based on religion; OR
3. would like a copy the Board's complaint procedures or complaint forms related to claims of discrimination or harassment

should contact the following District official:

Lisa Dunn, Title IX Coordinator and Nondiscrimination Complaint Contact
236 Grand Street, Waterbury, CT 06702
(203) 574-8019, ext. 11240 | ldunn@waterbury.k12.ct.us

Any employee who has questions or concerns about the Board's policies regarding discrimination on the basis of sex applicable to employees should contact the District's Title IX Coordinator:

Lisa Dunn, Title IX Coordinator and Nondiscrimination Complaint Contact
236 Grand Street, Waterbury, CT 06702
(203) 574-8019, ext. 11240 | ldunn@waterbury.k12.ct.us

Any employee who:

1. has specific questions or concerns about the Board's policies regarding discrimination on the basis of disability applicable to employees; OR
2. wishes to request an accommodation on the basis of disability

should contact the District's Section 504/ADA Coordinator:

Lisa Dunn, ldunn@waterbury.k12.ct.us, (203) 574-8019, ext. 11240.

Legal References:

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.
Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.
Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq.
Americans with Disabilities Act, 42 U.S.C. § 12101
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794
Title II of the Genetic Information Nondiscrimination Act of 2008, Pub.L.110-233, 42 U.S.C. § 2000ff; 29 CFR 1635.1 et seq.
Connecticut General Statutes § 1-1n, "Gender Identity or Expression" defined
Connecticut General Statutes § 10-153, Discrimination on the basis of sex, gender or expression or marital status prohibited
Connecticut General Statutes § 27-103
Connecticut General Statutes § 31-51i
Connecticut General Statutes § 46a-51, Definitions
Connecticut General Statutes § 46a-58, Deprivation of rights

Connecticut Fair Employment Practices Act, Connecticut General Statutes § 46a-60
Connecticut General Statutes § 46a-80a
Connecticut General Statutes § 46a-81c, Sexual orientation discrimination: Employment
Connecticut General Statutes § 46b-1, Family relations matters and domestic violence defined

Public Act No. 25-139, "An Act Concerning Human Trafficking and Sexual Assault Victims"

Policy adopted by the Waterbury Board of Education on July 26, 2012
Revised on October 3, 2013, September 8, 2017, and on May 17, 2018; reinstated May 17, 2018 version on March 20, 2025

~~Nondiscrimination~~

~~The Waterbury Public Schools do not discriminate in admission to, access to, treatment in, or employment in its services, programs, and activities, on the basis of race, color, or national origin, in accordance with Title VI of the Civil Rights Act of 1964 (Title VI); on the basis of sex, in accordance with Title IX of the Education Amendments of 1972 (Title IX); on the basis of disability, in accordance with Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 (ADA); on the basis of age, in accordance with the Age Discrimination Act of 1975 (Age Discrimination Act) as amended; gender identity and expression, (PA 11-55); status as a veteran (PA 17-127); or any other protected status, such as sexual orientation. The term "disability" shall be broadly construed. The question of whether an individual's impairment is a disability under the ADA shall not demand extensive analysis. The District provides equal access to the Boy Scouts and other designated youth groups.~~

~~The Waterbury Public Schools do not retaliate against any complainant who alleges discrimination.~~

~~To file a complaint alleging discrimination or harassment by Waterbury Public Schools on the basis of race, color, national origin, sex, gender identity or expression, disability, or age, under Title VI, Title IX, Section 504, the ADA, the Age Discrimination Act, PA 11-55 or their respective implementing regulations, or any other protected status such as sexual orientation, please contact:~~

~~Superintendent of Schools Waterbury Public Schools 236 Grand Street, Waterbury, CT 06702 (203) 574-8004~~

~~Legal Reference: Connecticut General Statutes 4a-60 Nondiscrimination and affirmative action provisions in contracts of the state and political subdivisions rather than municipalities 4a-60a Contracts of the state and political subdivisions, other than municipalities, to contain provisions re nondiscrimination on the basis of sexual orientation 10-153 Discrimination on account of marital status Connecticut Fair Employment Practices Act, C.G.S. §469-60~~

~~46a-51 Definitions (as amended by PA 17-127) 46a-58 Deprivation of rights. Desecration of property. Placing of burning cross or noose on property. Penalty. (as amended by PA 17-127) 46a-60 Discriminatory employment practices prohibited. (as amended by PA 17-127)~~

~~46a-81a Discrimination on the basis of sexual orientation; Definitions P.A. 11-55 An Act Concerning Discrimination Title VI of the Civil Rights Act of 1964, 42. U.S.C. §2000d et. seq. Title VII, Civil Rights Act 42 U.S.C. 2000e, et seq. Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et. seq. The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. §4212 Title II of the Genetic Information Nondiscrimination Act of 2008 42 U.S.C. §2000ff; 29CFR1635.1 et. seq. Age Discrimination in Employment Act, 29 U.S.C. §621 Americans with Disabilities Act, 42 U.S.C. §12101 Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794~~

POLICY 5145.4 — NON-DISCRIMINATION (STUDENTS)

Protected Class Discrimination Prohibited:

The Waterbury Board of Education (the "Board") complies with all 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, including all academic, extra-curricular, and school-sponsored activities, on the basis of any protected characteristic (or protected class) including race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression, veteran status, status as a victim of domestic violence, sexual assault, or human trafficking or any other basis prohibited by state or federal law ("Protected Class"), subject to the conditions and limitations established by law. When the Board has created a limited public forum, the Board shall provide equal access to the Boy Scouts and other groups as required by law.

It is the policy of the Board that any form of discrimination or harassment on the basis of an individual's actual or perceived membership in a Protected Class, whether by students, Board employees, Board members or third parties subject to the control of the Board, is prohibited in the Waterbury Public Schools (the "District"). The Board's prohibition of discrimination or harassment in its educational programs or activities expressly extends to academic, nonacademic and extracurricular activities, including athletics.

Retaliation Prohibited:

The Board prohibits reprisal or retaliation against any individual who reports incidents in good faith that may be a violation of this policy, or who participates in the investigation of such reports.

Discrimination on the Basis of Protected Class Association Prohibited:

Discrimination and/or harassment against any individual on the basis of that individual's association with someone in a Protected Class may also be considered a form of Protected Class discrimination and/or harassment and is therefore prohibited by this policy.

Scope and Applicability:

Students, Board employees, Board members and community members (e.g., other individuals affiliated with the District, accessing or seeking access to District facilities) are expected to adhere to a standard of conduct that is respectful of the rights of all members of the school community.

Definitions*:*

The following definitions apply for purposes of this policy:

A. Discrimination:

With respect to students, unlawful discrimination occurs when a student is denied participation in, or the benefits of, a program or activity of the Board because of such student's actual or perceived membership in a Protected Class.

B. Harassment:

Harassment is a form of Protected Class discrimination that is prohibited by law and by this policy. Harassment constitutes unlawful discrimination when it creates a hostile environment, which occurs when the harassment is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student's ability to participate in or benefit from the services, activities, or opportunities offered by the District.

The following non-exhaustive list provides examples of the types of prohibited conduct that may be considered Protected Class harassment that can lead to a hostile environment, and are therefore prohibited by this policy:

- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership, including but not limited to epithets relating to sex, sexual orientation, and/or gender identity or expression);
- other words or phrases commonly considered demeaning or degrading on the basis of Protected Class membership;
- display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class;
- graphic, written or electronic communications that are harmful, or humiliating based on Protected Class membership;
- bigoted conduct or communications; or
- physical, written, electronic or verbal threats based on Protected Class membership.

Harassment does not have to involve intent to harm, be directed toward a specific person, or involve repeated incidents.

Sexual harassment is a form of harassment that is prohibited by law and Board policy. For more information regarding harassment based on sex, contact the District's Title IX Coordinator at:

Lisa Dunn, Title IX Coordinator and Nondiscrimination Complaint Contact
236 Grand Street, Waterbury, CT 06702
(203) 574-8019, ext. 11240 | ldunn@waterbury.k12.ct.us

C. Veteran:

A veteran is 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, Air Force and Space Force and any reserve component thereof, including the Connecticut National Guard. "Qualifying condition" means (i) 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, (ii) 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 (iii) 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).

D. Gender identity or expression:

Gender identity or expression refers to 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.

E. Sexual orientation:

Sexual orientation refers to a person's identity in relation to the gender or genders to which they are romantically, emotionally or sexually attracted, inclusive of any identity that a person (i) may have previously expressed, or (ii) is perceived by another person to hold.

F. Race:

The term 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.

G. Domestic violence:

The term domestic violence means (1) a continuous threat of present physical pain or physical injury against a family or household member, as defined in Conn. Gen. Stat. § 46b-38a; (2) stalking, including but not limited to, stalking as described in Conn. Gen. Stat. § 53a-181d, of such family or household member; (3) a pattern of threatening, including but not limited to, a pattern of threatening as described in Conn. Gen. Stat. §

53a-62, of such family or household member or a third party that intimidates such family or household member; or (4) coercive control of such family or household member, which is a pattern of behavior that in purpose or effect unreasonably interferes with a person's free will and personal liberty. "Coercive control" includes, but is not limited to, unreasonably engaging in any of the following: (a) isolating the family or household member from friends, relatives or other sources of support; (b) depriving the family or household member of basic necessities; (c) controlling, regulating or monitoring the family or household member's movements, communications, daily behavior, finances, economic resources or access to services; (d) compelling the family or household member by force, threat or intimidation, including, but not limited to, threats based on actual or suspected immigration status, to (i) engage in conduct from which such family or household member has a right to abstain, or (ii) abstain from conduct that such family or household member has a right to pursue; (e) committing or threatening to commit cruelty to animals that intimidates the family or household member; or (f) forced sex acts, or threats of a sexual nature, including, but not limited to, threatened acts of sexual conduct, threats based on a person's sexuality or threats to release sexual images.

Reporting to District Officials:

It is the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment. The District will investigate both formal and informal complaints of discrimination, harassment, or retaliation.

Any student, staff member and/or parent/guardian who believes a student has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of this policy should report such concern in writing to Lisa Dunn (Title IX Coordinator and nondiscrimination complaint contact) in accordance with the Board's complaint procedures included in the Board's Administrative Regulations Regarding Non-Discrimination/Students, which accompany this policy and are available online at https://www.waterbury.k12.ct.us/board-of-education/district-policies-and-budgets or upon request from the main office of any District school. Students are encouraged to immediately report concerns about Protected Class discrimination, harassment, or retaliation.

Students may make verbal or written reports about Protected Class discrimination, harassment, or retaliation to any Board employee.

If a complaint involves allegations of discrimination or harassment of a student based on sex, such complaints will be handled in accordance with the procedures set forth in the applicable Board policy regarding sex discrimination and sexual harassment. Complaints involving allegations of discrimination or harassment of a student based on disability will be addressed in accordance with the procedures set forth in the applicable Board policy regarding Section 504/ADA. In the event reported conducted allegedly violates more than one policy, the Board will coordinate any investigation in compliance with the applicable policies.

Mandatory Staff Reporting for Student Incidents:

Board employees are required to report incidents of alleged student-to-student and employee-to-student discrimination, harassment or retaliation that may be based on a Protected Class when Board employees witness such incidents or when Board employees receive reports or information about such incidents, whether such incidents are verbal or physical or amount to discrimination, harassment or retaliation in other forms. **Reports should be made to any District administrator or to**:

Lisa Dunn (Title IX Coordinator and nondiscrimination complaint contact).

Remedial Action:

If the District makes a finding of discrimination, harassment or retaliation of a student, the District will take remedial action designed to:

A. eliminate the discriminatory/harassing/retaliatory conduct,
B. prevent its recurrence, and
C. address its effects on the complainant and any other affected individuals.

Examples of appropriate action may include, but are not limited to:

A. In the case of a student respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, discipline (including but not limited to suspension and/or expulsion), educational interventions, exclusion from extra-curricular activities and/or sports programs, and/or referral to appropriate state or local agencies;
B. In the case of an employee respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, supervisor notification, discipline (including possible termination of employment), training, and/or referral to appropriate state or local agencies;
C. In the case of respondent who is otherwise associated with the school community, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, exclusion from school property and/or activities and/or referral to appropriate state or local agencies;
D. Follow-up inquiries with the complainant and witnesses to ensure that the discriminatory/harassing conduct has stopped and that they have not experienced any retaliation;
E. Supports for the complainant; and
F. Training or other interventions for the larger school community designed to ensure that students, staff, parents, Board members and other individuals within the school community understand the types of behavior that constitute discrimination/harassment, that the District does not tolerate it, and how to report it.

District staff members and administrators will work with students and parents/guardians to take steps designed to prevent acts of discrimination, harassment and retaliation.

Reporting to State and Federal Agencies:

In addition to reporting to the Board, any student and/or parent/guardian also may file a complaint with the following agencies:

Office for Civil Rights, U.S. Department of Education ("OCR"):

Office for Civil Rights, Washington DC Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1475
(202 453-6020)
http://www2.ed.gov/about/offices/list/ocr/docs/howto.html

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)

Questions/Requests for Accommodation:

Any parent, student, staff member, Board member or community member who:

1. has questions or concerns about this policy or its accompanying regulations;
2. wishes to request or discuss accommodations for a student based on religion;

may contact:

Lisa Dunn, Title IX Coordinator and Nondiscrimination Complaint Contact
236 Grand Street, Waterbury, CT 06702
(203) 574-8019, ext. 11240 | ldunn@waterbury.k12.ct.us

Any parent, student, staff member, Board member or community member who has questions or concerns about the Board's policies regarding discrimination or harassment of students on the basis of sex may contact the District's Title IX Coordinator:

Lisa Dunn, Title IX Coordinator and Nondiscrimination Complaint Contact
236 Grand Street, Waterbury, CT 06702
(203) 574-8019, ext. 11240 | ldunn@waterbury.k12.ct.us

Any parent, student, staff member, Board member or community member who:

1. has specific questions or concerns about the Board's policies regarding discrimination on the basis of disability applicable to students; OR
2. wishes to request an accommodation for a student on the basis of disability

may contact the District's Section 504/ADA Coordinator:

Lisa Dunn, ldunn@waterbury.k12.ct.us, (203) 574-8019, ext. 11240.

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.
Boy Scouts of America Equal Access Act, 20 U.S.C. § 7905
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 § 46b-1, Family relations matters and domestic violence defined
Public Act No. 25-139, "An Act Concerning Human Trafficking and Sexual Assault Victims"

Policy adopted by the Waterbury Board of Education on July 26, 2012 Revised on October 3, 2013, September 7, 2017, May 17, 2018, and October 17, 2024; REINSTATED May 17, 2018 version on March 20, 2025

#12-NEW &W & REVISED

MEMORANDUM FOR THE COMMITTEE ON POLICY AND LEGISLATION

FROM: JOSEPH W. BRITTON
BOARD ATTORNEY

CC: SUPERINTENDENT SCHWARTZ

SUBJECT: Board of Education Policies 0521, 4118.11, 5145.4, and New policies regarding 504/ADA

19 October 2026

Dear Commissioners:

Attached for your review and consideration are proposed revisions to Board of Education Policies 0521 (Community), 4118.11 (Personnel), and 5145.4 (Students), along with two new proposed policies addressing Section 504 of the Rehabilitation Act and the Americans with Disabilities Act (ADA).

As the District continues to navigate an evolving legal landscape, particularly at the federal level, it is important that our policies remain current, comprehensive, and consistent with applicable legal requirements. The proposed revisions are based on model policies provided by Shipman & Goodwin LLP and are intended to strengthen the District's nondiscrimination framework.

PROPOSED POLICY REVISIONS

- Policy 0521 – Nondiscrimination (Community): Replace the existing policy with an updated policy establishing comprehensive nondiscrimination protections and complaint procedures for community members.
- Policy 4118.11 – Nondiscrimination (Personnel): Replace the existing policy with updated protections against employment discrimination and harassment, including formal employee grievance procedures.
- Policy 5145.4 – Nondiscrimination (Students): Replace the existing policy with updated student nondiscrimination protections, complaint procedures, and coordinated referral processes.
- New Section 504/ADA Policy – Personnel: Adopt a new policy addressing disability-based discrimination in employment, including accompanying grievance procedures and administrative regulations.
- New Section 504/ADA Policy – Students: Adopt a new policy addressing disability-based discrimination involving students, including grievance procedures, administrative regulations, and protections concerning access to appropriate educational services.

Collectively, these revisions represent a comprehensive update to the Board's nondiscrimination policies and are intended to provide clearer expectations, greater procedural consistency, and stronger protections for students, employees, and members of the school

community. The accompanying standard operating procedures necessary to implement these policies are being finalized and will be put into effect following adoption of these policies.

Please do not hesitate to contact me with any questions or concerns regarding the proposed revisions. I appreciate your consideration of these important policy updates.

Truly,



Joseph W. Britton, Esq.

~~Nondiscrimination~~

~~The Waterbury Public Schools do not discriminate in admission to, access to, treatment in, or employment in its services, programs, and activities, on the basis of race, color, or national origin, in accordance with Title VI of the Civil Rights Act of 1964 (Title VI); on the basis of sex, in accordance with Title IX of the Education Amendments of 1972 (Title IX); on the basis of disability, in accordance with Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 (ADA); on the basis of age, in accordance with the Age Discrimination Act of 1975 (Age Discrimination Act) as amended; gender identity and expression, (PA 11-55); status as a veteran (PA 17-127); or any other protected status, such as sexual orientation. The term "disability" shall be broadly construed. The question of whether an individual's impairment is a disability under the ADA shall not demand extensive analysis. The District provides equal access to the Boy Scouts and other designated youth groups.~~

~~The Waterbury Public Schools do not retaliate against any complainant who alleges discrimination.~~

~~To file a complaint alleging discrimination or harassment by Waterbury Public Schools on the basis of race, color, national origin, sex, gender identity or expression, disability, or age, under Title VI, Title IX, Section 504, the ADA, the Age Discrimination Act, PA 11-55 or their respective implementing regulations, or any other protected status such as sexual orientation, please contact:~~

~~Superintendent of Schools Waterbury Public Schools 236 Grand Street, Waterbury, CT 06702 (203) 574-8004~~

~~Title IX Nondiscrimination Policy and Notice~~

~~Pursuant to Title IX and its regulations ("Final Rule" released on April 19, 2024), the Waterbury Board of Education has adopted and implemented a policy stating that the District does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity it operates, including admission and employment.~~

~~The Waterbury Public Schools does not discriminate based on race, color, religion, sex, sexual orientation, gender identity or expression, status as a veteran, status as a victim of domestic violence, marital status, pregnancy or related conditions, national origin, protective hairstyles, alienage, ancestry, age, disability, or any other basis prohibited by law and prohibits discrimination, including harassment, in any education program or activity it operates.~~

~~The Board shall provide protections from all forms of sex-based harassment, including sexual violence and unwelcome sex-based conduct that creates a hostile environment by limiting or denying a person's ability to participate in or benefit from a school's education program or activity.~~

~~The District shall take prompt and effective action to end any sex discrimination in its education programs or activities to provide for the prompt and equitable resolution of sex discrimination complaints, prevent recurrence, and remedy its effects. To that end, the District shall act promptly and effectively in response to information about conduct that reasonably may constitute discrimination, including sexual violence and other forms of sex-based harassment. The district shall also ensure that all school employees are trained about their obligations to address sex discrimination and their obligations to notify or provide contact information for the Title IX Coordinator.~~

~~The Waterbury Board of Education non-discrimination policy includes protections for students, employees, and applicants against discrimination based on pregnancy, childbirth, termination of pregnancy, lactation, related medical conditions, or recovery from these conditions and shall provide reasonable modifications for students based on pregnancy or related conditions, allow for lactation for employees, and access to a clean, private lactation space for students and employees.~~

~~The District shall not disclose personally identifiable information obtained through complying with Title IX, with limited exceptions, such as when there had been prior written consent or when the information is disclosed to the parent of a minor.~~

~~Retaliation against anyone who, in good faith, makes a report of harassment or discrimination, files a complaint of harassment or discrimination, serves as a witness, or participates in an investigation or grievance process is also a violation of the Waterbury Board of Education's non- discrimination policy and is prohibited.~~

~~The Waterbury Public Schools shall notify students, employees, parents, and others of this policy and publish it widely. The Board recognizes that due to size and format restrictions of different publications, to ensure the broadest level of distribution, the Board shall publish a statement (Short Version) that the District prohibits sex discrimination in any education program or activity that it operates and that individuals may report concerns or questions to the Title IX Coordinator and provide a link to the "Long Version" of the non-discrimination notice on the District's website.~~

~~The "Short Version" of the Board's Non-Discrimination statement shall be as follows:~~

~~The Waterbury Public Schools prohibits sex discrimination in any educational program or activity that it operates. Individuals are encouraged to report concerns or questions to the Title IX Coordinator. The notice of non-discrimination is located at (insert website address to access the "long version" of the Board's Non-Discrimination Statement.)~~

~~The "Long Version" of the Board's Non-Discrimination Statement shall be as follows:~~

~~The Waterbury Public Schools does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity it operates, as required by Title IX and its regulations, including admission and employment.~~

~~The Waterbury Board of Education has designated the following individual(s) to coordinate efforts to comply with and carry out its non-discrimination responsibilities under Title IX (2024's "Final Rule," applicable State laws, and court decisions). Questions regarding the District's non-discrimination commitments, as well as related laws, regulations, and District policies, may be referred to this/these designated employee(s):~~

~~District Title IX Coordinator:~~

~~The District shall have a Title IX Coordinator. Any individual may make a report of sex and sex-based discrimination and/or sexual and sex-based harassment to the Title IX Coordinator using any one of the multiple of the points of contact listed on the Waterbury Board of Education website (www.waterbury.k12.ct.us) for such coordinator.~~

~~District's Other Designees Under Section 504~~

~~The Waterbury Public School District is required not to discriminate on the basis of sex by Title IX and its implementing regulations. Inquiries about Title IX may be referred to the District's Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights, or both.~~

~~The U.S. Department of Education's Office for Civil Rights Contact Information:~~

U.S. Department of Education Office for Civil Rights Lyndon Baines Johnson Department of Education Bldg 400 Maryland Avenue, SW Washington, DC 20202-1100 OCR@ed.gov 800-421-3481

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please refer to (include a link to the location(s) on the website or otherwise describe the location(s) where individuals can report sex discrimination). Any person may also report sex discrimination, including harassment, using the contact information listed for the Title IX Coordinator.

The Waterbury Public School's non-discrimination policy and grievance procedures (Title IX Policy and Administrative Regulation) Personnel Policy #4000.1/4200.1 and Student Policy 5145.44.

Legal Reference: Title VII, Civil Rights Act, 42 U.S.C. 2000e, et seq. 29 CFR 1604.11, EEOC Guidelines on Sex Discrimination. Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq. Title IX Final Rule, May 6, 2020

Age Discrimination in Education Act, 29 U.S.C. §621 Americans with Disabilities Act, 42 U.S.C. §12101 Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794 Title II of the Genetic Information Act of 2008 Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d et. Seq. 34 CFR Section 106.8(b), OCR Guidelines for Title IX. Definitions, OCR Guidelines on Sexual Harassment, Fed. Reg. Vol 62, #49, 29 CFR Sec. 1606.8 (a0 62 Fed Reg. 12033 (March 13, 1997) and 66 Fed. Reg. 5512 (January 19, 2001) 20 U.S.C. 7905 (Boy Scouts of America Equal Access Act) 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) Gebbser v. Lago Vista Indiana School District, No. 99-1866, (U.S. Supreme Court, June 26,1998) Davis v. Monro County Board of Education, No. 97-843, (U.S. Supreme Court, May 24, 1999.) The Vietnam Era Veterans' Readjustment Act of 1974, as amended, 38U.S.C. §4212 Title II of the Genetic Information Nondiscrimination Act of 2008 Connecticut General Statutes 46a-51 Definitions (as amended by PA 17-127, PA 21-2 and PA 22-82) 46a-58 Deprivation of rights. Desecration of property. Placing of burning cross or noose on property. Penalty. (as amended by PA 17-127 and PA 22-82) 46a-60 Discriminatory employment practices prohibited. (as amended by PA 17-127 and PA 21-69 and PA 22-82) 46a-81a Discrimination on basis of sexual orientation: Definition 10-15c Discrimination in public schools prohibited. School attendance by five-year olds. (Amended by P.A. 97-247 to include "sexual orientation" and P.A. 11-55 to include "gender identity or expression") 10-153 Discrimination on account of marital status. 17a-101 Protection of children from abuse. PA 17-127, An Act Concerning Discriminatory Practices Against Veterans, Leaves of Absence for National Guard Members Public Law 111-256 Meacham v. Knolls Atomic Power Laboratory 128 S.Ct. 2395, 76 U.S.L.W. 4488 (2008) Federal Express Corporation v. Holowecki 128 S.Ct. 1147, 76 U.S.L.W. 4110 (2008) Kentucky Retirement Systems v. EEOC 128 S.Ct. 2361, 76 U.S.L.W. 4503 (2008) Sprint/United Management Co. v. Mendelsohn 128 S.Ct. 1140, 76 U.S.L.W. 4107 (2008) Bostock v. Clayton County, Georgia, 140 S.Ct. 1731, 2020 WL3146686 (June 15, 2020) 2024 Amendments to the U.S. Department of Education's Title IX Regulations ("Final Rule")

REVISED **#5145**

POLICY REGARDING STUDENTS AND SECTION 504 OF THE REHABILITATION ACT OF 1973 AND TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990

Section 504 of the Rehabilitation Act of 1973 ("Section 504") prohibits discrimination against individuals with a disability in any program receiving Federal financial assistance. Similarly, Title II of the Americans with Disabilities Act of 1990 ("Title II" or "ADA") prohibits discrimination against individuals with a disability by state and local governments. To be protected under Section 504 and the ADA ("collectively, "Section 504/ADA"), an individual must (1) have a physical or mental impairment that substantially limits one or more major life activities; (2) have a record of such an impairment; or (3) be regarded as having such an impairment.

In order to fulfill its obligation under Section 504/ADA, the Waterbury Public Schools (the "District") recognize a responsibility to avoid discrimination in policies and practices regarding its personnel, students, parents/guardians and members of the public who participate in school sponsored programs, which may require reasonable modifications to such policies and practices. In this regard, the District prohibits discrimination against any person with a disability in any of the services, programs or activities of the school system.

The District has specific responsibilities under Section 504 to identify, evaluate and provide an educational placement for students who have a physical or mental impairment that substantially limits a major life activity. The District's obligation includes providing access to a free appropriate public education ("FAPE") for students determined to be eligible under Section 504/ADA. Under Section 504, FAPE is defined as the provision of regular or special education and related services that are designed to meet the individual educational needs of a student with a disability as adequately as the needs of students without disabilities are met, and that are provided without cost (except for fees similarly imposed on nondisabled students/parents).

If a student's parents/guardians disagree with the decisions made by the professional staff of the District with respect to the identification, evaluation or educational placement of their child, such parents/guardians have a right to request an impartial due process hearing.

In addition, a student or parent/guardian of a student may also file an internal grievance/complaint on these issues or any other type of discrimination on the basis of disability by or within the District by utilizing the grievance/complaint procedures outlined in the Administrative Regulations Regarding Students and Section 504 of Rehabilitation Act of 1973 and Title II of Americans with Disabilities Act associated with this policy, and/or may file a complaint with the Office for Civil Rights, U.S. Department of Education ("OCR"):

Office for Civil Rights, Washington DC Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1475
(202 453-6020)
http://www2.ed.gov/about/offices/list/ocr/docs/howto.html

Anyone who wishes to file a grievance/complaint with the District, or who has questions or concerns about this policy, should contact the Section 504/ADA Coordinator for the District:

Lisa Dunn, ldunn@waterbury.k12.ct.us, (203) 574-8019, ext. 11240.

Legal References:

29 U.S.C. §§ 705, 794
34 C.F.R. Part 104
42 U.S.C. § 12101 et seq.
28 C.F.R. Part 35

Protecting Students with Disabilities, Frequently Asked Questions About Section 504 and the Education of Children with Disabilities, Office for Civil Rights (March 17, 2011), available at http://www.ed.gov/about/offices/list/ocr/504faq.html

Dear Colleague Letter, United States Department of Education, Office for Civil Rights (January 19, 2012)

Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline Under Section 504 of the Rehabilitation Act of 1973, Office for Civil Rights (July 2022), available at https://www2.ed.gov/about/offices/list/ocr/docs/504-discipline-guidance.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term

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[new policy] **4118**

POLICY REGARDING EMPLOYEES AND SECTION 504 OF THE REHABILITATION ACT OF 1973 AND TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990

Section 504 of the Rehabilitation Act of 1973 ("Section 504") prohibits discrimination against individuals with a disability in any program receiving Federal financial assistance. Similarly, Title II of the Americans with Disabilities Act of 1990 ("Title II" or "ADA") prohibits discrimination against individuals with a disability by state and local governments. To be protected under Section 504 and the ADA ("collectively, "Section 504/ADA"), an individual must (1) have a physical or mental impairment that substantially limits one or more major life activities; (2) have a record of such an impairment; or (3) be regarded as having such an impairment.

In order to fulfill its obligation under Section 504/ADA, the Waterbury Board of Education (the "Board") recognizes a responsibility to avoid discrimination in policies and practices regarding its personnel, students, parents/guardians and members of the public who participate in school sponsored programs of the Waterbury Public Schools (the "District"). In this regard, the Board prohibits discrimination against any person with a disability in any of the services, programs or activities of the District.

Employees who are interested in requesting or discussing reasonable accommodations for a disability should contact the Section 504/ADA Coordinator:

Lisa Dunn, ldunn@waterbury.k12.ct.us, (203) 574-8019, ext. 11240.

Any employee may file an internal grievance/complaint regarding discrimination on the basis of disability by or within the District by utilizing the grievance/complaint procedures outlined in the Board's Administrative Regulations Regarding Employees and Section 504 of Rehabilitation Act of 1973 and Title II of Americans with Disabilities Act, and/or may file a complaint with the Office for Civil Rights, U.S. Department of Education ("OCR"):

Office for Civil Rights, Washington DC Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1475
(202 453-6020)
http://www2.ed.gov/about/offices/list/ocr/docs/howto.html

Employees may also file a complaint regarding employment discrimination on the basis of disability with the Equal Employment Opportunity Commission, Boston Area Office, John F. Kennedy Federal Building, 15 New Sudbury Street, Room 475, Boston, MA 02203-0506 (telephone number: 800-669-4000).

Employees may also file a complaint with the Connecticut Commission on Human Rights and Opportunities, 450 Columbus Blvd., Hartford, CT 06103-1835 (telephone number: 800-477-5737).

Anyone who wishes to file a grievance/complaint with the District, or who has questions or concerns about this policy, should contact the Section 504/ADA Coordinator at the contact information provided above.

Legal References:

29 U.S.C. §§ 705, 794
34 C.F.R. Part 104
42 U.S.C. § 12101 et seq.
28 C.F.R. Part 35

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