

**BOE Policy Committee Agenda
Wednesday, May 13, 2020
Virtual Meeting 8:30 A.M.**

In consideration of public health, open meetings and the Governor’s Executive Order No. 7B dated March 10, 2020 regarding PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC AND RESPONSE - FURTHER SUSPENSION OR MODIFICATION OF STATUTES; this meeting will include an option for the public to phone in to listen to the audio of the meeting. Please note that public comment will be received by phone at the beginning and end of this meeting.

**Joining Info: Join by phone
 +1 405-266-0229 PIN: 755 684 755**

CALL TO ORDER

PUBLIC PARTICIPATION

APPROVE MINUTES April 29, 2020

UNFINISHED NEW BUSINESS

Discussion and possible action:

Item	Reports
Policy 3171.1 – Non Lapsing	<ul style="list-style-type: none"> • The committee will review this edited policy.

NEW BUSINESS

Discussion and possible action:

Item	Reports
Policy 6114.8 – Emergencies and Disaster Preparedness (Pandemic/Epidemic Emergencies) Newtown Health Director, Donna Culbert will review this policy for the BOE and give her recommendations.	<ul style="list-style-type: none"> • S. Connell will send this policy to D.Culbert for her review and recommendations
Policy 4000 – Concept and Roles in Personnel The committee will review CABE’s policy and Newtown’s current policy	<ul style="list-style-type: none"> • S. Connell will invite S.D’Eramo to this virtual meeting to discuss this policy.
Policy 4000.1 – Title X The committee will review CABE’s policy and Newtown’s current policy	<ul style="list-style-type: none"> • S. Connell will invite S.D’Eramo to this virtual meeting to discuss this policy.
Policy 4100 – Certified Personnel The committee will review CABE’s policy and Newtown’s current policy	<ul style="list-style-type: none"> • S. Connell will invite S.D’Eramo to this virtual meeting to discuss this policy.

<p>Policy 4110 – Permanent Personnel The committee will review CAFE’s policy and Newtown’s current policy</p>	<ul style="list-style-type: none"> • S. Connell will invite S.D’Eramo to this virtual meeting to discuss this policy.
<p>Policy 4110.1 – Directory of Certified Staff There is not a CAFE version for this policy so the committee will review Newtown’s current policy: Policy 4-605 and renumber if necessary.</p>	<ul style="list-style-type: none"> • S. Connell will invite S.D’Eramo to this virtual meeting to discuss this policy.
<p>Policy 5145.42 - Racial Harassment of Student A.Uberti will review this policy and bring her recommendations to the committee. Newtown’s current policy is Policy 8-603.</p>	<ul style="list-style-type: none"> • S. Connell will invite A. Uberti to this virtual meeting to discuss this policy
<p>Policy 5145.5 - Sexual Harassment A.Uberti will review this policy and bring her recommendations to the committee. Newtown currently has a policy for Sexual Harassment / Exploitation: Policy 5145.511.</p>	<ul style="list-style-type: none"> • S. Connell will invite A. Uberti to this virtual meeting to discuss this policy
<p>Policy 5145.51 - Peer Sexual Harassment A.Uberti will review this policy and bring her recommendations to the committee.</p>	<ul style="list-style-type: none"> • S. Connell will invite A. Uberti to this virtual meeting to discuss this policy
<p>Policy 5145.52 – Harassment A.Uberti will review this policy and bring her recommendations to the committee.</p>	<ul style="list-style-type: none"> • S. Connell will invite A. Uberti to this virtual meeting to discuss this policy
<p>Policy 5145.6 – Student Grievance Procedure (Title IX) A.Uberti and the committee will review this required policy.</p>	<ul style="list-style-type: none"> • S. Connell will invite A. Uberti to this virtual meeting to discuss this policy
<p>Policy 5151.5 – Suicide Prevention and Intervention</p>	<ul style="list-style-type: none"> • The committee will address all the questions brought forward by the BOE.
<p>Policy 5144.1 – Use of Physical Restraint and/or Seclusion</p>	<ul style="list-style-type: none"> • The committee will address all the questions brought forward by the BOE.

UPDATE FROM THE SUPERINTENDENT

PUBLIC PARTICIPATION

ADJOURNMENT

DRAFT

Business and Non-Instructional Operations

Non-Lapsing Education Fund

The Newtown Board of Education (Board) may request the Town's Board of Finance deposit into a non-lapsing account any unexpended funds from the Board's prior fiscal year general operating budget, provided such amount does not exceed ~~one percent (1%)~~ **the percentage** of the total budgeted appropriation for education for such prior fiscal year ~~pursuant to~~ **as referenced in** C.G.S. 10-248a.

Prior to any expenditure from the Non-Lapsing Education Fund the Board of Education shall vote to authorize such spending. The transfer of monies shall follow the process as laid out in policy 3160 (Budget Procedures and Line Item Transfers).

The Board may designate these funds for a specific purpose. The Board will expend these funds for such previously designated specific purpose except that they may also be used for other **planned**, extraordinary or emergency expenditures which may be necessary but not otherwise budgeted.

The account shall be subject to the annual audit as required by State statute. The Board shall review the fund balance on an annual basis.

(cf. 3160 – Budget Procedures and Line Item Transfers)

Legal Reference: Connecticut General Statutes
10-222 Appropriations and budget 10-248a
Unexpended education funds account

Instruction

Emergencies and Disaster Preparedness

Pandemic/Epidemic Emergencies

The Board recognizes that a pandemic/epidemic outbreak is a serious threat that stands to affect students, staff, and the community as a whole. With this consideration in mind, the Board establishes this policy in the event the town/municipality and/or school district is threatened by a reasonably likely pandemic/epidemic outbreak. At all times the health, safety and welfare of the students shall be of foremost concern along with the health, safety and welfare of the District employees and mindful of the overall health and welfare of the community.

Planning and Coordination

The Superintendent shall designate the head School Nurse or other appropriate staff members who in conjunction with the School Medical Advisor, shall serve as a liaison between the school district and local and state health officials. This designee and the School Medical Advisor are jointly responsible for connecting with health officials to identify local hazards, determine what crisis plans exist in the school district and community, and to establish procedures to account for student well-being and safety during such a crisis. The designee shall work with local health officials and shall keep the Superintendent advised when the risk of a pandemic or an epidemic of a serious illness has materially increased.

The Principals and/or school nurse or other designee shall develop a curriculum component to health classes that is designed to teach students about preventing or limiting the spread of communicable diseases.

With fiscal concerns in mind, the District shall purchase and store supplies necessary for an epidemic/pandemic outbreak, including but not limited to disinfectant products, face masks, water, examination gloves, and other supplies as recommended by the school nurse and/or School Medical Advisor.

The Superintendent shall develop procedures and plans for the transportation of students in the event of an evacuation. Such procedures shall include provisions for students who cannot be transported to home at the time of the evacuation.

Response

In the event anyone within the school is discovered or suspected to have a communicable disease that may result in an epidemic/pandemic, that person shall be immediately quarantined pending further medical examination, as recommended by state and national protocols. Local and state health officials shall be notified immediately.

In conjunction with local and state health officials, the Superintendent shall ascertain whether an evacuation, lockdown, or shelter-in-place needs to be established. As soon as such a decision has been made, the school district shall attempt to notify the parents of all students.

In the event of an evacuation, the Superintendent is charged with determining when the school shall re-open. In the event of a lockdown or shelter-in-place, the Superintendent shall notify all proper authorities and relief agencies to seek their assistance for the duration of the lockdown or shelter-in-place.

Infection Control

Any student or staff member found to be infected with a communicable disease that bears risk of pandemic/epidemic will not be allowed to attend school until medical clearance is provided by that individual's primary care physician or other medical personnel indicating that that person does not bear the risk of transmitting the communicable disease.

Students with excessive absences due to a communicable disease shall be given a reprieve from other Board policies relative to excessive student absences. Efforts will be made by the staff to determine what, if any, school work the student can complete while absent.

Staff members who are forced to miss excessive days of work shall first use any leave entitled to them through the Family and Medical Leave Act and/or accrued sick leave. If a staff member has still not received medical clearance to resume his/her work duties, absences in excess of a staff member's allotted leave be managed through existing contract provisions and will not affect the employee's right to continued employment.

Continuance of Education

The Superintendent shall develop a plan of alternate means of educating students in the event of prolonged school closings and/or extended absences. Such a plan may

include, but are not limited to, providing students with assignments via mail or by email, local access cable television, or the school district's website.

The Superintendent, in consultation with the Board of Education, may amend the traditional class schedule and schedule of days. Such a plan may include extending the school day, having school days held on Saturdays if Connecticut statute changes, the use of previously scheduled vacation days, and/or extend the school year beyond the previously established end of school year, within applicable statutory requirements.

(cf. [5141.22](#) - Communicable/Infectious Diseases)

(cf. [5141.6](#) - Crisis Management Plan)

(cf. [6114](#) - Emergencies and Disaster Preparedness)

(cf. 6114.6 - Emergency Closings)

Legal Reference: Connecticut General Statutes

[10-154a](#) Professional communications between teacher or nurse and student.

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

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

[10-210](#) Notice of disease to be given parent or guardian.

[10-221](#) Boards of education to prescribe rules.

[19a-221](#) Quarantine of certain persons.

[52-557b](#) Immunity from liability for emergency medical assistance, first aid or medication by injection. School personnel not required to administer or render.

The Family Educational Rights and Privacy Act of 1974, (FERPA), 20 U.S.C. 1232g, 45 C.F.R. 99.

Policy adopted:

Pandemic/Epidemic Emergencies

Administrative Procedures

For the School District, the following individuals would be involved (with back up staff as appropriate):

Incident Coordinator: Superintendent

Building Operations: Principals

Nurses

Other Staff Members

Planning/Information: Health Director, Local Health District
Officials, Designated Office Staff

Logistics: Principals, Lead Teachers, Department Heads,
Administrative Clerical Staff

Finance/Administration: School Business Affairs Coordinator

Other Important Contacts:

Commissioner, Dept. of Public Health J. Robert Galvin, M.D., M.P.H. (860)
509-7101

State Police (860) 824-5457

_____ Police Department Chief _____

Area Health District:

Director

District School Nursing Staff:

Lead School Nurse

School Medical Advisor:

Communications

Media communication would normally be handled through the Superintendent's office. The District would communicate to the public via its website, through press releases, written notices/factsheets, and the School Notification System.

Surveillance Protocols

During a pandemic, the Connecticut Department of Public Health will be monitoring hospital admissions, emergency department visits, deaths and, potentially, school and workplace absenteeism. The District will monitor student and staff absenteeism through its attendance module and report to the _____ Area Health District and the State, as appropriate.

In addition, when directed by the administration, the school secretaries will initiate procedures for screening calls to the school related to student absences (see form A). Based on the results of these questions, the information may be forwarded to the Lead School Nurse for additional questioning. Once initiated, this information will be collected daily and copies sent to the Superintendent.

PANDEMIC INFLUENZA RESPONSE LEVELS (FOUR):

LEVEL 1 LOW RISK – SITUATION:

First pandemic flu case reported in country. No reported cases in local community. School community (employees, students, parents) are encouraged to take temperature regularly as recommended by the school nurse. If temperature is 100 °F or 37.7°C or greater, please stay home.

School hours will remain on regular schedule.

Communication: (All Pandemic information from W.H.O., CDC/State/Superintendent only). Preventative information will be shared with parents and the school community through the website, fact sheets, newsletters, and the telephone alert system.

School Access: Access to school grounds per normal school policy.

Educational Delivery: Regular school programming. Daily homework provided by teachers for any student who stays at home and is healthy enough.

Co-curricular Program: All regularly scheduled activities allowed.

Community Gatherings/Events/Field Trips/Travel: Field trips allowed, as per normal school policy.

Personnel: Normal working conditions. All school employees returning from affected areas have their health monitored for 10 days.

Emergency Care: Contact physician if temperature is over 100°F or 37.7°C. Nurses implement steps to minimize potential influenza outbreak through education/information such as encouragement of hand washing. Nurse staff also stockpile personal protective supplies as appropriate, e.g., masks, gloves, alcohol, hygienic soap, etc.

School Provided Transportation: All bus routes run as usual.

School Operations/Cafeteria: Normal cleaning and maintenance. Continual disinfecting by cleaning personnel. Review food handling procedures with staff.

LEVEL 2 MODERATE RISK – SITUATION:

First pandemic flu case reported in town, increasing number of cases reported in country. School community members (employees, students, parents) are strongly encouraged to take temperature daily. If temperature is 100°F or 37.7°C or greater, students or staff will be asked to stay home.

School hours will remain on regular schedule.

Communication: (All Pandemic information from W.H.O., CDC/State/Superintendent only)

Periodic updates will be made by the Superintendent to the community on status of pandemic flu in country and impact on school program. In-class instruction to insure students understand protocol and proper hygiene.

Communication with parents will encourage those that have students with a fever of 100°F or 37.7°C or greater to remain home until cleared by their physician or as per protocol from the local Health District officials, Department of Public Health or CDC.

Data Collection procedures by secretaries and nurses should be initiated at this level.

School Access: Visitors are welcome by appointment only. School community members with temperature over 100°F or 37.7°C, report to school health office. Any

student or staff member with a cough (but no temperature) may be required to wear a medical mask. Nursing staff will assess this on a case by case basis.

Educational Delivery: Regular school program. Daily homework will be provided by email to students ill at home for more than 3 consecutive days and well enough to complete the work.

Co-curricular Program: All scheduled co-curricular programs allowed.

Community Gatherings/Events/Field Trips/Travel: All events will be reviewed. Events may be cancelled for risk exposure on a case by case basis.

Personnel: Normal working conditions. Staff are advised to stay home if symptomatic.

Emergency Care: School Nurse in concert with Torrington Area Health District will determine whether individual who has recovered from flu can return to school. If temperature is over 100°F or 37.7°C, individual must go home ASAP.

School Provided Transportation: All bus routes run as usual. Bus access may be denied for those with temperature over 100°F or 37.7°C.

School Operations/Cafeteria: All Food Service workers must wear gloves. Continual disinfecting throughout the day. Full disinfection every three days.

LEVEL 3 MEDIUM RISK – SITUATION:

Increased spread of pandemic flu in town with transfers in public places. School community (employees, students, parents) are strongly encouraged to take temperature daily. If temperature is 100°F or 37.7°C or greater, students or staff MUST stay at home.

Communication:

(All Pandemic information from W.H.O., CDC/State/Superintendent only) Regular updates to faculty and community by superintendent through the School Notification System.

STRICT CARE TAKEN TO MAINTAIN CONFIDENTIALITY PROTOCOLS.

Daily classroom instruction to explain situation and to emphasize proper hygiene.

School Access: Visitors must report to nurse to assess temperature. Anyone with temperature 100°F or 37.7°C or greater will not be admitted.

Educational Delivery: School hours will remain on regular schedule but after school programming/activities will be canceled on a case by case basis in consultation with medical and health department officials. Work will be provided to students ill at home for more than 3 consecutive days via email. Instruction to parents via email for students to access lessons and assignment via computer.

Teachers healthy enough to do so will maintain weekly contact with students via email for academic reflection.

Co-curricular Program: Co-curricular programs are suspended on a case by case basis. Large gatherings are discouraged and may be canceled by the administration as necessary and in consultation with the health officials.

Community Gatherings/Events/Field Trips/Travel: All special events, field trips, travel, etc., discontinued on a case-by-case basis. Large faculty or staff gatherings discontinued without permission of administration. Field trips discontinued unless special permission provided by administration. Students and parents are advised to not congregate in large groups in outside community activities.

Personnel: All faculty and staff report to work after assessing temperature at home. Incident Command Team meets to determine how best to continue school operation.

Emergency Care: School Nurse determines if individual who has recovered from flu can return to school. If temperature is 100°F or 37.7°C or greater, individual must go home.

School Provided Transportation: All bus routes run as usual. Bus access may be denied for those with temperature over 100°F or 37.7°C. Bus service may be discontinued at this level.

School Operations/Cafeteria: Some form of Food Services in place for staff and students who are attending school. Continual disinfecting throughout the day.

LEVEL 4 HIGH RISK – SITUATION:

Spread of pandemic flu within the school community. Government directs the schools to close OR Superintendent closes school due to level of absenteeism and interruption of instruction.

Communication: (All Pandemic information from W.H.O., CDC/State/Superintendent only) Daily updates by Superintendent through the School Messenger System.

Further communication via website.

School Access: No classes held on campus. School facility closed to all but essential personnel for indeterminate period of time. School quarantine, no visitors.

Educational Delivery: Students may access lessons and assignments via computer. Teachers healthy enough to do so will maintain weekly contact with students via email for academic reflection.

Co-curricular Program: School facility closed.

Community Gatherings/Events/Field Trips/Travel: School facility closed.

Personnel: Administration reviews process of school closure and academic support.

Emergency Care: School facility closed. Use hospitals for pandemic flu prevention and containment. Prepare for possible use of schools for vaccination procedures.

School Provided Transportation: School facility closed.

School Operations/Cafeteria: School facility closed. Necessary cleaning and maintenance.

POST PANDEMIC FLU EVENT PLAN:

- Determine criteria and timing for re-opening of school(s),
- Determine impact on school calendar and need for possible changes,
- Determine impact on student instruction and need for additional or compensatory instruction,
- Determine what steps necessary to ensure staff are in place and prepared for the return of students,

- Determine what kinds of mental health support may be necessary for students and staff.

6114.8 Appendix B

Public Health Instructions During a Pandemic Flu

Throughout a pandemic flu, people may be asked or required to do things to help hold back the spread of the disease in our community.

Here are some examples of what public health officials may ask people to do:

STAY HOME

People who are sick should stay home. Children should not go to school if they are sick. Staying home will be absolutely necessary during a pandemic flu to limit the spread of the disease.

AVOID LARGE GROUPS

People – even those who are well – should stay away from gatherings of people such as sporting events, movies and festivals. During a pandemic flu these kinds of events could be cancelled because large gatherings of people help spread the flu virus.

Isolation and quarantine are public health actions used to contain the spread of a contagious disease. If asked, it will be important to follow isolation and/or quarantine instructions.

ISOLATION

Isolation is for people who are already ill. When someone is isolated, they are separated from people who are healthy. Having the sick person isolated (separated from others) can help to slow or stop the spread of disease. People who are isolated can be cared for in their homes, in hospitals, or other healthcare facilities. Isolation is usually voluntary, but local, state and federal government have the power to require the isolation of sick people to protect the public.

QUARANTINE

Quarantine is for people who have been exposed to the disease but are not sick. When someone is placed in quarantine, they are also separated from others. Even though the person is not sick at the moment, they were exposed to the disease and may still

become infectious and then spread the disease to others. Quarantine can help to slow or stop this from happening. States generally have the power to enforce quarantines within their borders.

6114.8 Appendix C

FACT SHEET: Stopping Germs at Home, Work and School

How Germs Spread: The main way that illnesses like colds and flu are spread is from person to person in respiratory droplets of coughs and sneezes. This is called "droplet spread." This can happen when droplets from a cough or sneeze of an infected person move through the air and are deposited on the mouth or nose of people nearby. Sometimes germs also can be spread when a person touches respiratory droplets from another person on a surface like a desk and then touches his or her own eyes, mouth or nose before washing their hands. We know that some viruses and bacteria can live 2 hours or longer on surfaces like cafeteria tables, doorknobs, and desks.

How to Stop the Spread of Germs: In a nutshell: take care to:

- Cover your mouth and nose.
- Clean your hands often.
- Remind your children to practice healthy habits, too.

Cover your mouth and nose when coughing or sneezing: Cough or sneeze into a tissue and then throw it away. Cover your cough or sneeze if you do not have a tissue. Then, clean your hands, and do so every time you cough or sneeze.

The "Happy Birthday" song helps keep your hands clean? Not exactly. Yet it is recommend that when you wash your hands – with soap and warm water – that you wash for 15 to 20 seconds. That's about the same time it takes to sing the "Happy Birthday" song twice!

Alcohol-based hand wipes and gel sanitizers work too: When soap and water are not available, alcohol-based disposable hand wipes or gel sanitizers may be used. You can find them in most supermarkets and drugstores. If using gel, rub your hands until the gel is dry. The gel doesn't need water to work; the alcohol in it kills the germs on your hands.

Germ and Children: Remind children to practice healthy habits too, because germs spread, especially at school.

The flu has caused high rates of absenteeism among students and staff in our country's 119,000 schools. Influenza is not the only respiratory infection of concern in schools – nearly 22 million school days are lost each year to the common cold alone. However, when children practice healthy habits, they miss fewer days of school.

More Facts, Figures, and How-To's: CDC and its partner agencies and organizations offer a great deal of information about hand washing and other things you can do to stop the germs that cause flu, the common cold, and other illnesses.

A sample policy to consider. Another sample follows.

Personnel Certified/Non-Certified

Concepts and Roles in Personnel

The personnel policies of a school system are an essential part of the program of public education in a community. The philosophy of a school system and the community is generally reflected in such policies.

Through its personnel policies, the Board of Education wishes to establish conditions that will attract and hold the highest qualified personnel for all positions who will devote themselves to the education and welfare of our students.

Policy development must be approached with attitudes of mutual faith and good will. Cooperation and participation of the employees' organizations, administration and the Board of Education are essentials in the formulation of personnel policies. If the predominant values and standards are based upon a democratic philosophy, the personnel policies and procedures will add to the dignity of each individual.

The long-range goals on which these policies will be based are:

1. To recruit, select, and employ the highly qualified personnel to staff the district's schools.
2. To provide staff compensation and benefit programs sufficient to attract and retain qualified employees.
3. To provide an in-service training program for all employees to improve their performance.
4. To conduct an employee evaluation program that will contribute to the continuous improvement of staff performance.
5. To assign personnel to ensure that they are used as effectively as possible.
6. To develop the quality of human relationships necessary to obtain maximum staff performance and satisfaction.

Provisions for the implementation of adopted personnel policies should include channels of communication and procedures for the handling of professional and ethical problems, through which all persons or groups affected may voice their opinions.

To keep its personnel policies and the corresponding administrative regulations in the highest state of effectiveness to achieve the above purposes, the Superintendent of Schools is directed to establish the procedures needed.

Policy adopted:

rev 4/11

Another sample to consider.

Personnel -- Certified/Non-Certified

Concepts and Roles in Personnel

All parts of the school system exist for one purpose; to facilitate the educational development of the students. A dynamic and efficient staff dedicated to education is necessary to constantly improve the education program for the students. To this end, the development of the personnel policies for certified and non-certified staff is an essential component of the educational program in this school district. The philosophy of the district and the community generally will be reflected in these policies.

Through the personnel policies the Board of Education will establish a school environment that will attract and maintain the best-qualified people whose mission will be to provide the best possible learning opportunities for the students.

The long-range goals on which these policies will be based are:

1. To recruit, select, and employ the best qualified personnel to staff the district's schools.
2. To provide staff compensation and benefit programs sufficient to attract and retain qualified employees.
3. To provide an in-service training program for all employees to improve their performance.
4. To conduct an employee evaluation program that will contribute to the continuous improvement of staff performance.
5. To assign personnel to ensure that they are used as effectively as possible.

Implementation of the adopted personnel policies should include channels of communication and procedures for handling of professional and ethical problems through which all persons or groups affected may express their suggestions, concerns, and opinions.

Legal Reference: Connecticut General Statutes
10-220 Duties of boards of education

Policy adopted:

East Hartford's version of this policy.

Personnel Certified/Non-Certified

Concepts and Roles in Personnel

The Superintendent of Schools shall, in cooperation with the staff, formulate and recommend for adoption policies designed to maintain a qualified and efficient staff.

The Board of Education recognizes that such a staff maintains a superior educational program. As an employer, the Board recognizes its responsibilities for the general welfare of its employees, as a group and as individuals within the framework of equitable and fair working agreements and understandings.

The primary role of non-certified employees is to support and enhance the efforts of certified employees to achieve the purposes and goals of the Board of Education.

NOTICE: PLEASE READ CAREFULLY.

THIS MATERIAL DEFINES YOUR RIGHTS AND LIMITS OUR RESPONSIBILITIES.

These personnel policies are intended to serve as a practical guide to the Board's personnel policies and practices. The policies have been compiled for the convenience of our employees. They are not intended to cover all topics or circumstances. The Board reserves the right to respond to specific situations in whatever manner we believe best suits the needs of the Board and the employee involved. Where there are differences between the provisions of this manual and more specific statements contained in the Board's files (such as insurance policies), those statements shall control.

Nothing in these policies is intended to create an express or implied contract of employment. The Board does not recognize any contract of employment unless it is reduced to writing and signed by the employee and the Superintendent or the Director of Human Resources.

Employees hired on or after May 5, 1997 are hired as employees at will, meaning either party may terminate the employment relationship at any time and for any reason.

While we do not intend to change the policies and practices contained in this handbook without good reason, the Board reserves the right to modify any condition of employment in whatever manner we believe to be appropriate. To the extent that any portion of these policies is inconsistent with the provisions of any applicable collective bargaining agreement, the collective bargaining agreement shall control.

Personnel Certified/Non-Certified

Concepts and Roles in Personnel

Legal Reference: Connecticut General Statutes
10-220 Duties of boards of education

Policy adopted:

EAST HARTFORD PUBLIC SCHOOLS
East Hartford, Connecticut

cps 4/09

An optional sample policy to consider.

Personnel Certified/Non-Certified

Title IX

The Board of Education agrees to comply with Title IX of the Education Amendments of 1972 and the Regulations promulgated pursuant thereto, the Board designates the Assistant Superintendent of Schools, as Compliance Officer. The Board shall, at least annually, notify all students, parents, employees and labor organizations with which it deals of the name, address and phone number of the Compliance Officer and the procedure for processing grievances.

Except as hereinafter noted, all complaints shall be addressed in writing to the Board designated Compliance Officer and he/she shall be responsible for investigating all complaints. Upon investigation, the Compliance Officer shall effectuate any changes deemed necessary to eliminate any discriminatory practices and shall inform the complainant in writing of his/her actions within ten (10) days of the receipt of such complaint.

If the complainant is not satisfied with the action of the Compliance Officer, within ten (10) days, the complainant may appeal the action of the Compliance Officer in writing to the Board of Education. The Board of Education shall hold a hearing within fifteen (15) days of receipt of such written request and shall decide what, if any, remedies are necessary to eliminate the practices deemed discriminatory. The Board shall notify the complainant in writing of its decision within ten (10) days after such a hearing.

Employees who are represented by labor organizations recognized by this Board for the purposes of collective bargaining shall process all complaints of alleged Title IX violations through the grievance procedures set forth in the applicable collective bargaining contracts.

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 (a) 62 Fed Reg. 12033 (March 13, 1997) and 66 Fed. Reg. 5512 (January 19, 2001)

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)

Personnel Certified/Non-Certified

Title IX

Legal Reference (continued)

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

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

Connecticut General Statutes

46a60 Discriminatory employment practices prohibited.

10-15c Discrimination in public schools prohibited. School attendance by five-year olds. (amended by P.A. 97-247 to include “sexual orientation”)

10153 Discrimination on account of marital status.

17a-101 Protection of children from abuse.

Sample policy to consider.

Personnel Certified

Certified Personnel

All certified staff positions are created only with the approval of the Board. It is the Board's intent to activate and maintain a sufficient number of positions to accomplish the school system's goals and objectives.

Before any new position is established, the Superintendent will present for the Boards' approval a job description for the position which specifies the necessary job qualifications, the job's performance responsibilities, and the method by which the performance of these responsibilities will be evaluated.

The Superintendent shall maintain a comprehensive and up-to-date set of job descriptions of all positions in the school system in a separate manual.

(cf. 2130 - Job Descriptions)
(cf. 4118.3 - Duties of Personnel)

Policy adopted:

cps 9/03

Sample policy to consider.

Personnel Certified/Non-Certified

Goals and Objectives

Permanent Personnel

The Board of Education recognizes that a dynamic and efficient staff dedicated to education is necessary to maintain a constantly improving educational program. The Board is interested in its personnel as individuals, and it recognizes its responsibility for promoting the general welfare of the staff. The Board's specific personnel goals are:

1. to recruit, select and employ the best qualified personnel to staff the school system;
2. to provide staff compensation and benefits programs sufficient to attract and retain qualified employees;
3. to provide an in-service training program for all employees which fosters improved performance and increased rates of staff retention and promotion;
4. to conduct an employee appraisal program that will contribute to the continuous improvement of staff performance;
5. to assign personnel so as to ensure they are utilized as effectively as possible; and
6. to develop the quality of human relationships necessary to obtain maximum staff performance and satisfaction.

Policy adopted:

DIRECTORY OF CERTIFIED STAFF

A directory of certified staff shall be published each year. Copies will be available for staff, employee organizations, and appropriate governmental agencies as designated by the Superintendent.

A copy will be available at the Board of Education office for public review. Requests for a duplication/copy of this directory will require a payment of a reasonable copy fee.

Reference: CGS 1-19, 10-226

Adopted 4/10/79

Modified 3/12/96

Students

Nondiscrimination

Racial Harassment of Students

The Board of Education is committed to safeguarding the rights of all students within the school district to learn in an environment that is free from racial* discrimination, including harassment. The Board recognizes that racial harassment of students can originate from a person of the same or different race of the victim including peers, employees, Board members or any individual who foreseeably might come in contact with students on school grounds or at school-sponsored activities.

Racial harassment of students consists of different treatment on the basis of race and is recognized in two different forms:

1. when the district's employees or agents, acting within the scope of official duties, treat a student differently than other students solely on the basis of race; or
2. when the education environment is not kept free from discrimination because the harassing conduct is so severe, pervasive or persistent that it interferes with or limits the ability of a student to participate in or benefit from the services, activities or privileges provided.

The Board also prohibits any retaliatory behavior against complainants or any witnesses. Any student who believes that he/she has been subject to racial harassment should report the alleged misconduct immediately so that corrective action, up to and including discharge of an employee or suspension of a student, may be taken at once. The complainant shall not be discouraged from reporting an incident of alleged racial harassment. In the absence of a victim's complaint, the Board, upon learning of, or having reason to suspect the occurrence of any racial harassment, will ensure that an investigation is promptly commenced by appropriate individuals.

The ~~Superintendent of Schools~~ District Compliance Officer is directed to develop and implement specific procedures on reporting, investigating and remedying allegations of racial harassment. Such procedures are to be consistent with any applicable provisions contained in the district's policy manual, collective bargaining agreements, the tenure laws as well as other federal and state laws on racial harassment. Training programs shall be established ~~for students and employees~~ to raise awareness of the issues surrounding racial harassment and to implement preventative measures to help reduce incidents of racial harassment.

~~A copy of this policy and its accompanying regulation is to be distributed to all personnel and students and posted in appropriate places.~~

***For the sake of simplicity and clarity, the term "race" shall be used throughout this discussion to refer to all forms of discrimination prohibited by Title VI – that is, race, color, and national origin.**

Students

Nondiscrimination

Racial Harassment of Students (continued)

False Reporting

Any person who knowingly files false charges against an employee or a student in an attempt to demean, harass, abuse, or embarrass that individual shall be subject to disciplinary action consistent with school policy and student disciplinary policies.

(cf. 0521 - Equal Opportunity - Nondiscrimination)

(cf. 4118.113/4218.113 - Harassment)

(cf. 5114 - Suspension/Expulsion/Due Process)

(cf. 5131 - Student Conduct)

(cf. 5131.2 - Assault)

(cf. 5131.21 - Terroristic Threats/Acts)

(cf. 5144 - Discipline)

(cf. 5145.5 - Sexual Harassment)

(cf. 5145.51 - Peer Sexual Harassment)

Legal Reference: Civil Rights Act of 1964, Title VI, 42 U.S.C. §2000 et seq. 34 CFR Part 1000

Policy adopted:

_____ PUBLIC SCHOOLS
_____, Connecticut

REPORT OF RACIAL HARASSMENT

This form is to be used by any employee or student who has either observed or been subject to racial harassment. To insure full investigation, it should be completed as accurately as possible. It is not, however, critical to be 100 percent precise. An investigation may require the complainant to be interviewed.

Date: _____

Please Print

Name of complainant making a charge of racial harassment: _____

Address _____ of _____ complainant:

Telephone Number: _____

Position or grade: _____

Names of individuals involved in the harassment and indicate whether they are students or employees: _____

Complainant's signature

Please see the _____ Board of Education's policy on Racial Harassment for more information on the topic. Present this Report to your most immediate supervisor not involved in the harassment.

Report Number

PUBLIC SCHOOLS
_____, Connecticut

INVESTIGATIVE REPORT OF ALLEGED RACIAL HARASSMENT

Note: If additional space is needed, please attach separate sheets as referenced by report number.

Name of complainant: _____

School and/or Position: _____

Nature of complaint _____ Student _____ Employee

Specific complaint: _____

Date complaint filed: _____

Name(s) of Respondent _____ Date notified: _____

Respondent's answer _____ Agrees with the facts
_____ Disagrees with the facts

Explanation

Date complainant notified: _____

Complainant's response _____ Agrees with the facts
_____ Disagrees with the facts

Explanation

INVESTIGATIVE REPORT OF ALLEGED RACIAL HARASSMENT
(continued)

Complainant's Witnesses	
Name	Position

_____ Date Interviewed: _____
(name of witness)

_____ response:
(name of witness)

_____ Date Interviewed: _____
(name of witness)

_____ response:
(name of witness)

Respondent's Witnesses	
Name	Position

INVESTIGATIVE REPORT OF ALLEGED RACIAL HARASSMENT
(continued)

_____ Date Interviewed: _____
(name of witness)

_____ response:
(name of witness)

_____ Date Interviewed: _____
(name of witness)

_____ response:
(name of witness)

Other records/documents reviewed:

	Name of Document	Date Reviewed
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____

Summary of Review of above records/documents:

Investigator's Summary:

Suggested Corrective Action:

Investigator's Signature

Date

A sample regulation to consider.

Students

Nondiscrimination

Racial Harassment of Students

A student can be subject to racial* harassment by a student, employee, Board member or any individual who foreseeably might come in contact with the student on school grounds or at school activities. The following are examples of incidents which might constitute racial harassment:

1. unwanted verbal comments, racial name calling, racial or ethnic slurs, slogans, graffiti;
2. school security treating black students more severely than white students;
3. intimidating actions such as cross-burning or painting swastikas; and
4. teacher repeatedly treating minority students in a racially derogatory manner.

Procedures

The Board of Education shall designate a Compliance Officer to carry out the district's responsibilities for redressing grievances pursuant to policy 5145.6, Student Grievance Procedures. In addition, the Board will designate a second individual for ensuring compliance with Title VI so that students who believe that they have been subjected to racial harassment will have a second avenue of complaint, if the alleged harasser is the Compliance Officer.

The Superintendent of Schools shall notify all students and employees of the name, office address and telephone number of both designees and of the grievance procedures that provide for prompt investigation and equitable resolution of student racial harassment complaints.

The Superintendent shall implement specific and continuing steps to notify students, parents, employees, and prospective students or employees that the school district does not discriminate on the basis of race in the educational programs or activities which it operates. Such notification shall include publication in: local newspapers; newspapers and magazines operated by the district or by student, alumnae, or alumni groups for or in connection with the district; and memoranda or other written communications distributed to every student and employee.

All reports of racial harassment will be held in confidence, subject to all applicable laws and any relevant provisions found in the district's policy manual and collective bargaining agreements.

Consistent with federal and state law, and all applicable provisions contained in the district's policy manual and collective bargaining agreements, the following procedures shall be employed in handling any report, investigation and remedial action concerning allegations of racial harassment:

Students

Nondiscrimination

Racial Harassment of Students

Procedures (continued)

Students who believe they have been subjected to racial harassment are to report the incident to the Compliance Officer or the second designee as described above. The Compliance Officer or designee shall notify the Building Principal and the Superintendent of all complaints. The student can pursue his/her complaint informally or file a formal complaint.

Investigation of a Complaint

Upon receipt of a formal or informal complaint, a prompt, thorough and impartial investigation of the allegations must follow. This investigation is to be conducted diligently. All witnesses shall be interviewed and if requested, the victim shall speak with an individual of the same race. Complainants are to be notified of the outcome of the investigation.

Informal Complaints

In addition to notification to the Compliance Officer or the alternate designee as described above, students who believe they have been subjected to racial harassment may request that an informal meeting be held between themselves and the Building Principal or Superintendent. The student may also request a meeting with a counselor or administrator of the same race. Parents or guardians of the student shall be notified of their right to attend the interview with their child. The purpose of such a meeting will be to discuss the allegations and remedial steps available.

The Building Principal or ~~Superintendent~~ District Compliance Officer will then promptly discuss the complaint with the alleged harasser. The alleged harasser shall be informed of his/her right to representation by counsel. Should the alleged harasser deny the allegations, the Building Principal or ~~Superintendent~~ District Compliance Officer is to inform the complainant of the denial and request a formal written complaint to file with his/her report to the next level of management on what has transpired to date. If the complainant submits a formal complaint, a copy of the complaint shall accompany the Building Principal's or ~~Superintendent's~~ District Compliance Officer's report with a recommendation for further action.

Should the harasser admit the allegations, the Building Principal or ~~Superintendent~~ District Compliance Officer is to obtain a written assurance that the unwelcome behavior will stop. Depending on the severity of the charges, the Building Principal or ~~Superintendent~~ District Compliance Officer may impose further disciplinary action. Thereafter, the Building Principal or ~~Superintendent~~ District Compliance Officer is to prepare a written report of the incident and inform the complainant of the resolution. The complainant is to indicate on the report whether or

not he/she is satisfied with the resolution.

Students

Nondiscrimination

Racial Harassment of Students

Informal Complaints (continued)

If the complainant is satisfied with the resolution, the incident will be deemed closed. However, the complaint may be reopened for investigation if a recurrence of racial harassment is reported. The Building Principal or Superintendent District Compliance Officer is to inform the complainant to report any recurrence of the harassment or any retaliatory action that might occur. Should the complainant be dissatisfied with the resolution, he/she is to file a formal written complaint.

If during the Building Principal or Superintendent's District Compliance Officer informal attempt to resolve the complaint, the alleged harasser admits the allegations but refuses to give assurance that he/she will refrain from the unwelcome behavior, the Building Principal or Superintendent District Compliance Officer is to file a report with the next appropriate level in the complaint procedure. The report is to indicate the nature of the complaint, a description of what occurred when the Building Principal or Superintendent informed the alleged harasser of the allegations against him/her, the harasser's response to the allegations, and a recommendation that stronger corrective measures be taken. This report should be accompanied by the student's formal complaint.

Formal Complaints

Formal complaints may be submitted either to initially report any incidence of racial harassment, or as a follow-up to an unsatisfactory resolution of an informal attempt to resolve a complaint. In the latter case, the formal written complaint is to be submitted to the Building Principal or Superintendent District Compliance Officer originally consulted, who will then forward it to the next appropriate level of management, e.g., the Superintendent or the Board of Education, for appropriate action.

The formal written complaint will consist of any appropriate forms and a copy of any applicable Building Principal or Superintendent District Compliance Officer reports. The appropriate forms solicit the specifics of the complaint, e.g., date and place of incident, description of racial misconduct, names of any witnesses, and any previous action taken to resolve the matter.

The Superintendent or the Board shall take immediate, appropriate and corrective action upon a determination of racial harassment. The Superintendent or the Board shall notify the complainant of any findings and action taken.

Students

Nondiscrimination

Racial Harassment of Students (continued)

Remedial Action

If the investigation reveals that racial harassment has occurred, appropriate sanctions will be imposed in a manner consistent with any applicable law, district policies and regulations and collective bargaining agreements. Depending on the gravity of the misconduct, sanctions may range from a reprimand up to and including dismissal of an employee or suspension of a student.

Anyone subjecting complainants or witnesses to any form of retaliation will also be subject to disciplinary action in the manner prescribed by law and consistent with any applicable provisions in the district's policy manual or collective bargaining agreements. If the investigation reveals that no racial harassment has occurred, or if the complainant is not satisfied with the remedial action taken after a finding of racial harassment, the complainant may appeal to the next appropriate level in the complaint procedure. The appeal must include a copy of the original complaint, all relevant reports, the specific action being appealed, and an explanation of why the complainant is appealing.

Post Remedial Action

Following a finding of harassment, victims will be periodically interviewed by the appropriate Building Principal or ~~Superintendent~~ District Compliance Officer to ensure that the harassment has not resumed and that no retaliatory action has occurred. In the discretion of the district, these followup interviews will continue for an appropriate period of time. A report will be made of any victim's response.

Complaint Records

Upon written request, complainants should receive a copy of any resolution reports filed by the Building Principal or ~~Superintendent~~ District Compliance Officer concerning his/her complaint. Upon substantiation, copies should also be filed with the student or employment records of both the complainant and the alleged harasser.

Investigation in the Absence of a Complaint

The Board will, in the absence of a victim's complaint, ensure that an investigation is commenced by the appropriate individuals, upon learning of, or having reason to suspect, the occurrence of any racial harassment.

***For the sake of simplicity and clarity, the term "race" shall be used throughout this discussion to refer to all forms of discrimination prohibited by Title VI -- that is, race, color, and national origin.**

Students

Nondiscrimination

Racial Harassment of Students (continued)

(cf. 0521 - Equal Opportunity - Nondiscrimination)

(cf. 4118.113/4218.113 - Harassment)

(cf. 5114 - Suspension/Expulsion/Due Process)

(cf. 5131 - Student Conduct)

(cf. 5131.2 - Assault)

(cf. 5131.21 - Terroristic Threats/Acts)

(cf. 5144 - Discipline)

(cf. 5145.5 - Sexual Harassment)

(cf. 5145.51 - Peer Sexual Harassment)

Legal Reference: Civil Rights Act of 1964, Title VI, 42 U.S.C. §2000 et seq. 34 CFR Part 1000

Regulation approved:

_____ PUBLIC SCHOOLS
_____, Connecticut

Harassment Complaint Form

Name: _____

Date: _____ School: _____

Who was responsible for the harassment? _____

Describe the harassment: _____

(attach additional pages if necessary)

Date(s), time(s), and place (places) the harassment occurred: _____

Were there other individuals involved in the harassment? _____

If so, name the individual(s) and what their role was _____

Did anyone witness the harassment? _____ If so, name the witness(es) _____

What was your reaction to the harassment? _____

Describe any prior incidents _____

Signature of Complainant or Parents/Legal Guardian

copy: Student/Parents

Sample policy A.

Students

Sexual Harassment

Sexual harassment will not be tolerated among students of the school district. It is the policy of the Board of Education that any form of sexual harassment is forbidden whether by students, supervisory or non-supervisory personnel, individuals under contract, or volunteers subject to the control of the Board. Students are expected to adhere to a standard of conduct that is respectful and courteous to employees, to fellow students and to the public.

Definition

Sexual harassment is defined as unwelcome conduct of a sexual nature, whether verbal or physical, including, but not limited to, insulting or degrading sexual remarks or conduct; threats or suggestions that a student's submission to or rejection of unwelcome conduct will in any way influence a decision regarding that student, or conduct of a sexual nature which substantially interferes with the student's learning, or creates an intimidating, hostile or offensive learning environment, such as the display in the educational setting of sexually suggestive objects or pictures.

Procedure

It is the express policy of the Board of Education to encourage victims of sexual harassment to report such claims. Students are encouraged to promptly report complaints of sexual harassment to the Director of Pupil Personnel or Superintendent. Complaints will be investigated promptly and corrective action will be taken when allegations are verified. Confidentiality will be maintained by all persons involved in the investigation and no reprisals or retaliation will be allowed to occur as a result of the good faith reporting of charges of sexual harassment.

The school district will provide staff development for district administrators and grievance committee members and will annually distribute its policy and grievance procedures to staff and students in an effort to maintain an environment free of sexual harassment.

Legal Reference: Civil Rights Act of 1964, Title VII, 42 U.S.C. §2000e2(a).

Equal Employment Opportunity Commission Policy Guidance (N915.035)
on Current Issues of Sexual Harassment, effective 10/15/88.

Title IX of the Education Amendments of 1972, 34 CFR Section 106.

Students

Sexual Harassment (continued)

Legal Reference: *Meritor Savings Bank. FSB v. Vinson*, 477 U.S. 57 (1986)

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

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

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

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

Connecticut General Statutes

46a60 Discriminatory employment practices prohibited.

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

Policy adopted:

rev 10/99

Another version of this policy to consider.

Students

Sexual Harassment

It is the policy of the _____ School District to maintain a learning and working environment that is free from sexual harassment. The school district therefore prohibits any form of sexual harassment in the workplace and school buildings, or at school-sponsored activities and events where staff and/or students are in contact with each other.

It shall be a violation of this policy for any student or employee of the district to harass a student or an employee through conduct or communication of a sexual nature as defined by this policy or as prohibited by law.

The school district will act to investigate all complaints, either formal or informal, verbal or written, of sexual harassment and to discipline any student or employee who sexually harasses a student or employee of the district.

Definitions and Examples

A. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical contact or communication of a sexual nature when:

- Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment; or
- Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
- The conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education environment.

Any sexual harassment as defined herein when perpetrated upon a student or staff member shall be treated as sexual harassment under this policy.

B. Sexual harassment may include but is not limited to:

- Verbal harassment or abuse of a sexual nature
- Subtle pressure for sexual activity
- Inappropriate or unwelcomed touching, patting, or pinching of a sexual nature
- Intentional brushing against a student's or an employee's body

Students

Sexual Harassment (continued)

Definitions and Examples (continued)

- Demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status.
- Demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status.
- Use of sexually or gender degrading words or comments, verbal or written (ex., graffiti)
- Display in the school, on school grounds, or at school-sponsored events or sexually suggestive a third party designated by the Superintendent.

In determining whether the alleged conduct constitutes sexual harassment, the school district shall consider the surrounding circumstances, the nature of the sexual advances, relationships between the parties involved, and the context in which the alleged incidents occurred. Whether a particular action or incident constituted sexual harassment requires a determination based upon all facts and surrounding circumstances.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods, documents, or interviews deemed pertinent by the investigator.

In addition, the school district may take immediate steps at its discretion, to protect the complainant and/or other students and employees pending completion of an investigation of alleged sexual harassment.

The investigating party shall make a final written report, which shall include a recommendation as to the validity of the complaint, to the Superintendent and the Human Rights Officer(s) upon completion of the investigation, but no later than (30) days from the initial receipt of the complaint. If the Superintendent is the subject of the complaint, the final report shall be submitted to the Board of Education and the Human Rights Officer(s).

School District Action

Upon receipt of the final written report, the Superintendent or his/her designee shall take appropriate action based upon the results of the investigation. If the Superintendent is the subject of the complaint, such action shall be taken by the Board of Education.

Students

Sexual Harassment (continued)

School District Action (continued)

The result of the investigation of each complaint filed under these procedures shall be reported to the complainant and the accused by the Superintendent or his/her designee. If the Superintendent is the subject of the complaint, such report shall be made to the Board of Education. The report shall document any disciplinary action taken as a result of the complaint.

The district may take disciplinary action against any person found to have maliciously filed a false complaint.

Reprisal Prohibited

The district will discipline any individual who retaliates against any person who reports alleged sexual harassment or who retaliates against any person who testifies, assists, or participates in the investigation, proceeding, or hearing related to a sexual harassment complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

Right to Alternate Complaint Procedures

These procedures do not deny or limit the right of any individual to pursue other avenues of recourse which may include filing charges with the State Department of Human Rights, the Equal Employment Opportunity Commission, initiating civil action or seeking redress under the State Criminal Statutes and/or Federal Law.

Discipline

Any school district action taken pursuant to this policy will be consistent with the requirement of applicable bargaining agreements, state law and school district policies. The school district shall take the disciplinary action it deems necessary and appropriate to end sexual harassment and to prevent its recurrence. Such disciplinary action may include, but is not limited to, the issuance of a warning, reprimand, counseling, suspension, or discharge.

Legal Reference: Civil Rights Act of 1964, Title VII, 42 U.S.C. §2000e2(a).

Equal Employment Opportunity Commission Policy Guidance (N915.035)
on Current Issues of Sexual Harassment, effective 10/15/88.

Title IX of the Education Amendments of 1972, 34 CFR Section 106.

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

Students

Sexual Harassment

Legal Reference (continued)

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

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

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

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

Connecticut General Statutes

46a60 Discriminatory employment practices prohibited.

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

Policy adopted:

cps 10/99

Another version of this policy to consider.

Students

Sex Discrimination and Sexual Harassment (Students)

It is the policy of the Board of Education that any form of sex discrimination or sexual harassment is prohibited, whether by students, Board employees or third parties subject to the control of the Board. Students, Board employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students. Any student or employee who engages in conduct prohibited by this policy shall be subject to disciplinary action.

The Superintendent of Schools shall develop Administrative Regulations implementing this Policy.

Definitions

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

Sexual harassment: In a school setting, sexual harassment is conduct that 1) is sexual in nature; 2) is unwelcome; and 3) denies or limits a student's ability to participate in or benefit from a school's educational program. Sexual harassment can be verbal, nonverbal or physical. Sexual violence is a form of sexual harassment. Sexual harassment creates a hostile environment if the conduct is sufficiently severe or pervasive such that it interferes with or limits a student's ability to participate in or benefit from the school's program. Although not an exhaustive list, the following are examples of sexual conduct prohibited by this policy:

1. Statements or other conduct indicating that a student's submission to, or rejection of, sexual overtures or advances will affect the student's grades and/or other academic progress.
2. Unwelcome attention and/or advances of a sexual nature, including verbal comments, sexual invitations, leering and physical touching.
3. Display of sexually suggestive objects, or use of sexually suggestive or obscene remarks, invitations, letters, emails, text messages, notes, slurs, jokes, pictures, cartoons, epithets or gestures.
4. Touching of a sexual nature or telling sexual or dirty jokes.
5. Transmitting or displaying emails or websites of a sexual nature.
6. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.

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

Students

Sex Discrimination and Sexual Harassment (Students) (continued)

Procedure

It is the express policy of the Board of Education to encourage victims of sex discrimination or sexual harassment to report such claims. Students are encouraged to promptly report complaints of sex discrimination or sexual harassment to the appropriate personnel, as set forth in the Administrative Regulations implementing this Policy. The district will investigate such complaints promptly, take interim measures, and take corrective action where appropriate. The district will maintain confidentiality to the extent appropriate. The district will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of sexual harassment or sex discrimination. Any such reprisals or retaliation will result in disciplinary action against the retaliator.

The school district will periodically provide staff development for district administrators, and periodically distribute this Policy and the implementing Administrative Regulations to staff and students in an effort to maintain an environment free of sexual discrimination and sex harassment.

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

Legal References: United States Constitution, Article XIV
 Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.
 Title IX of the Education Amendments of 1972, 34 C.F.R § 106.1, et seq.
 Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)
 Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)
 Office for Civil Rights, U.S. Department of Education, Revised
 Sexual Harassment Guidance: Harassment of Students by School
 Employees, Other Students, or Third Parties, 66 Fed. Reg. 5512 (Jan. 19,
 2001).
 Office of Civil Rights, U.S. Department of Education Dear Colleague
 Letter: Sexual Violence (April 4, 2011).
 Constitution of the State of Connecticut, Article I, Section 20.

Policy adopted:

cps 5/16

Madison's version of this policy to consider.

Students

Sexual Harassment

The Board of Education is committed to the principle that all students must be allowed to learn and work in an environment which is free from sexual harassment and intimidation, and which respects their basic human dignity. Every student has a right to freedom from sexual harassment from his or her peers in the schools.

General

Sexual harassment will not be tolerated among students of the school district, and any form of sexual harassment is forbidden on school premises and during any school programs and activities. Students shall exhibit conduct which is respectful and courteous to fellow students, and to all persons in the school setting.

Definition

While it is difficult to define sexual harassment precisely, it includes any unwelcome sexual advances, requests for sexual favors and other inappropriate verbal, non-verbal or physical conduct of a sexual nature when:

1. submission to or rejection of such conduct by an individual is used and/or threatened to be used as the basis for making any educational decisions affecting a student; or
2. such conduct is sufficiently severe, persistent, or pervasive so as to limit an individual's ability to participate in or benefit from the educational programs; or creates an intimidating, hostile, or offensive educational or work environment.

Sexual harassment includes a wide range of conduct - from pressure or requests for sexual activities to unwelcome sexual comments and innuendo to verbal abuse of a sexual nature. Examples of the type of conduct prohibited by this policy include:

1. Statements or other conduct indicating that a student's submission to, or rejection of, sexual overtures or advances will affect the student's grades and/or academic progress or status.
2. Unwelcome sexual attention, flirtations and advances including verbal comments, sexual invitations and leering, unwelcoming touching of an individual.
3. Graphic or verbal commentaries about an individual's body, and/or the use of sexually degrading words to describe an individual.
4. Displays in the school of sexually suggestive objects or pictures, or use of sexually suggestive or obscene comments, invitations, letters, notes, slurs, jokes, cartoons, epithets or gestures.

Students

Sexual Harassment (continued)

This is some of the conduct that may constitute sexual harassment. Sexual harassment may be subtle and even unintentional. It may be directed towards members of the opposite or same sex, and toward students or staff.

The Board of Education encourages students who are victims of sexual harassment to report such claims promptly to the principal or his/her designee. Complaints shall be investigated promptly and disciplinary and corrective action taken when allegations are verified. Confidentiality shall be maintained and no reprisals or retaliation shall occur as a result of good faith charges of sexual harassment.

This district shall provide a sexual harassment program for students periodically and shall distribute this policy to students annually.

Students who violate this policy will be subject to disciplinary action. The Superintendent shall propose and the Board of Education shall approve procedures and regulations to ensure that any student violating this policy is subjected to disciplinary action, and that any disciplinary actions imposed for similar violations are treated consistently.

Policy adopted:

cps 3/14

Sexual Harassment
Formal Complaint Form

The _____ School District maintains a firm policy prohibiting all forms of discrimination based on sex. Sexual harassment against students or employees is sex discrimination. All persons are entitled to be treated with respect and dignity. Sexual advances and other forms of personal harassment by any person, male or female, which create an intimidating, hostile or offensive environment will not be tolerated under any circumstances. Use of this form is recommended, but not required in making a report of alleged harassment.

Complainant _____

Home Address: _____

Work Address: _____

Home Phone _____ Work Phone: _____

Date(s) of alleged incident(s) _____

Name of person you believe sexually harassed you _____

List of any witnesses that were present _____

Where did the incident(s) occur? _____

Describe the incident(s) as clearly as possible, including such things as force, if any was used; any verbal statements (i.e., threats, requests, demands, demeaning remarks, etc.); what if any physical contact was involved; what you did to avoid the situation, etc. Attach additional pages if you need to.

Sample regulation A.

Students

Sexual Harassment

Sexual harassment is prohibited in the school system. Sexual harassment can occur when, but is not limited to:

1. Submission to, or rejection of, the conduct by the individual is used as the basis of academic decisions affecting the individual.
2. The conduct has the purpose or effect of having a negative impact upon the individual's academic performance, or of creating an intimidating, hostile, or offensive educational environment.
3. Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding services, honors, programs, or activities available at or through the educational institution.
4. Suggestive or obscene letters, notes, invitations, derogatory comments, slurs, jokes, epithets, assault, touching, impeding or blocking movement, leering, gestures, display of sexually suggestive objects, pictures or cartoons.
5. Continuing to express sexual interest after being informed that the interest is unwelcome.
6. Coercive sexual behavior used to control, influence, or affect the educational opportunities, grades, and/or learning environment of student, including promises or threats regarding grades, course admission, performance evaluations, or recommendations; enhancement or limitation of student benefits or services (e.g. scholarships, financial aid, work study job).
7. Inappropriate attention of a sexual nature from peer(s), i.e. student to student, employee to employee.

Complaint Procedure

1. If a student believes that he/she is being or has been harassed, that person should immediately inform the harasser that his/her behavior is unwelcome, offensive, in poor taste, unprofessional, or highly inappropriate.
2. As soon as a student feels that he or she has been subjected to sexual harassment, he or she should make a written complaint to the appropriate school personnel, or the Principal or his/her designee. The student will be provided a copy of this policy and regulation and made aware of his or her rights.

Students

Sexual Harassment

Complaint Procedure (continued)

3. The complaint should state the:
 - A. Name of the complainant
 - B. Date of the complaint,
 - C. Date of the alleged harassment,
 - D. Name or names of the harasser or harassers,
 - E. Location where such harassment occurred,
 - F. Detailed statement of the circumstances constituting the alleged harassment.
4. Any student who makes an oral complaint of harassment to any of the above mentioned personnel will be provided a copy of this regulation and will be instructed to make a written complaint pursuant to the above procedure.
5. If the complainant is a minor student, the person to whom the complaint is given should consider whether a child abuse report should be completed.
6. All complaints are to be forwarded immediately to the Principal or designee unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent.
7. If possible, within five (5) working days of receipt of the complaint, the Principal or designee handling the complaint shall commence an effective, thorough, objective and complete investigation of the complaint. The investigator shall consult with all individuals reasonably believed to have relevant information, including the student and the alleged harasser, any witnesses to the conduct, and victims of similar conduct that the investigator reasonably believes may exist. The investigation shall be free of stereotypical assumptions about either party. The investigation shall be carried on discretely, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation. Throughout the entire investigative process, the due process rights of the alleged harasser will be upheld.

Students

Sexual Harassment

Complaint Procedure (continued)

8. The investigator shall make a written report summarizing the results of the investigation and proposed disposition of the matter, and shall provide copies to the complainant, the alleged harasser, and, as appropriate, to all others directly concerned.
9. If the student complainant is dissatisfied with the result of the investigation, he or she may file a written appeal to the Superintendent, who shall review the investigator's written report, the information collected by the investigator together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes harassment. The Superintendent may also conduct a reasonable investigation, including interviewing the complainant and alleged harasser and any witnesses with relevant information. After completing this review, the Superintendent shall respond to the complainant, in writing, as soon as possible.

If after a thorough investigation, there is reasonable cause to believe that sexual harassment has occurred, the district shall take all reasonable actions to ensure that the harassment ceases and will not recur. Actions taken in response to allegations of harassment may include reassignment, transfer, or disciplinary action.

The harasser and any other students or employees, if appropriate, will be informed that appropriate action shall be taken if further acts of harassment or retaliation occur. If further acts of harassment or retaliation do occur, appropriate action shall be taken.

Copies of this regulation will be distributed to all elementary, middle and high school students.

Regulation approved:

_____, Connecticut

SEXUAL HARASSMENT REPORT FORM

The _____ Public Schools maintains a firm policy prohibiting all forms of discrimination based on sex. Sexual harassment against students or employees is sex discrimination. All persons are to be treated with respect and dignity. Sexual advances or other forms of personal harassment by any person, male or female, which create an intimidating, hostile or offensive environment will not be tolerated under any circumstances. Individuals who suspect that they may be victims of sexual harassment shall complete this form and file it with the District Title IX Compliance Officer _____ at _____

Complainant _____
Home Address _____
Work Address _____
Home Phone _____ Work Phone _____

Date of Alleged Incident(s) _____
Name of person(s) you believe sexually harassed you _____
List any witnesses that were present _____

Where did the incident(s) occur? _____

Describe the incident(s) as clearly as possible, including such things as: what force, if any, was used: any specific verbal statements (i.e. threats, requests, demands, etc.); what, if any, physical contact was involved; what did you do to avoid the situation, etc. (Attach additional pages if necessary.)

This complaint is filed based on my honest belief that _____ has sexually harassed me. I hereby certify that the information I have provided in this complaint is true, correct, and complete to the best of my knowledge and belief.

(Complainant Signature) (Date)

Received by _____
Signature District Title IX Compliance Officer (Date)

A copy of this form shall be provided to the complainant.

Sample regulation B

Students

Sexual Harassment

Procedures for Reporting and Investigating Allegations of Sexual Harassment

The following procedures shall be followed pursuant to Board of Education Policy #5145.5 prohibiting sexual harassment of students and employees of the _____ Public Schools.

1. Policy Awareness

- A. Board of Education Policy #5145.5 shall be distributed to all employees annually in September by each building principal.
- B. The district's high school, middle school, and elementary school handbooks shall print the following announcement:

"The Public Schools do not permit or condone sexual harassment of employees or students. If individuals or parents suspect that they or any students may be a victim of sexual harassment, they should contact the District Title IX Compliance Officer, at _____ immediately."
- C. Board of Education policy 5145.5 and implementing regulation 5145.5 shall be transmitted annually in September to the President/Chairperson of each school's ParentTeacher Organization (PTO). Additionally, the announcement specific in 1.B. above shall be published in each school's first parent newsletter of the school year.
- D. Middle and high school principals shall provide the Superintendent of Schools annually in September of each year written assurance that the Board of Education policy on sexual harassment and implementing procedures have been appropriately and widely distributed and explained to students by appropriate professional staff members.
- E. Students shall receive instruction annually, by teachers in health education classes, on the nature of sexual harassment, and the process for reporting suspected incidents. This instruction shall be conducted in an ageappropriate manner at the elementary, middle, and high school levels. As part of this instruction, students shall be informed that they may report allegations of sexual harassment directly to a guidance counselor, school nurse, or any trusted adult or peer. Students should be advised that if they are identified as a trusted peer by a friend, they have an obligation to that friend to report the alleged sexual harassment to a guidance counselor, school nurse, or trusted adult.

Students

Sexual Harassment

Procedures for Reporting and Investigating Allegations of Sexual Harassment (continued)

- F. Staff training in the prevention of sexual harassment in the workplace shall be conducted annually as part of the district's continuing staff development program. This shall be the responsibility of the Director of Curriculum and Instruction.

2. Reporting Procedures

- A. The Superintendent of Schools will appoint a District Title IX Compliance Officer and announce the identity of this person annually prior to the beginning of the school year.

B. Reporting Procedures for Students

Recognizing that the maturity levels of students may inhibit their ability to recognize and report suspected sexual harassment directed toward them, a different procedure shall be followed. School authorities have the responsibility to provide for the care, control, and custody of children under their care. This responsibility extends to protecting students from sexual harassment and assisting them in recognizing and reporting any such behavior(s). The following procedures shall apply in reporting suspected sexual harassment of students:

- (1) Sufficiently mature and selfconfident students who feel comfortable filing a complaint personally shall be advised that forms for this purpose are available at both the guidance office and health office. In such cases, guidance counselors or school nurses shall assist students in the process of completing the form and in supplying to the student a copy of the Board of Education policy and procedures on sexual harassment. The guidance counselor or school nurse shall also notify the District Title IX Compliance Officer immediately and the parent/guardian, if the complaint is not directed toward them. If the student is a legal adult (18 years of age or older), the parent will be contacted only with the consent of the student.

Students

Sexual Harassment

B. Reporting Procedures for Students: (continued)

- (2) In cases where a student discloses alleged sexual harassment to a trusted adult or peer, but is unwilling to personally initiate a formal complaint, the trusted adult or peer shall report the allegation to the guidance counselor or school nurse. The guidance counselor or school nurse shall contact the student to provide counseling and support, and shall also notify the District Title IX Compliance Officer immediately.

Role of the District Title IX Compliance Officer

The District Title IX Compliance Officer shall immediately institute an inquiry into the allegations which shall include, but not limited, to:

- A. Advising the Superintendent of Schools that a complaint of alleged sexual harassment has been filed.
- B. Interviewing the complaining adult or student in a confidential setting. In the case of a student, the parent/guardian shall be notified (unless the parent/guardian is the subject of the allegations) and invited to be present for the interview.
- C. Conducting interviews with all parties named as perpetrators of and witnesses to the alleged sexual harassment.
- D. Filing a report of findings with the Superintendent of Schools. If the findings confirm that sexual harassment did exist, and that it was to a degree that may constitute sexual abuse of a minor, the District Title IX Compliance Officer shall also file a report with the State of Connecticut Department of Children and Youth Services (DCYS).

The inquiry shall be conducted in a timely manner. If the findings of the District Title IX Compliance Officer reject the allegations of sexual harassment, the accused and charging parties shall be so advised in writing by the Compliance Officer. Any and all material in the matter shall be removed from the file of the exonerated party, unless the exonerated party requests that a certification of the finding of insufficient evidence be placed in his/her file.

Students

Sexual Harassment

Obligations of the Superintendent of Schools

If the findings of the District Title IX Compliance Officer indicate the presence of reasonable evidence to substantiate allegations of sexual harassment, the Superintendent of Schools shall initiate a due process hearing under appropriate state statutes governing employee or student discipline. The hearing officer may be the Superintendent or his/her designee.

General Policy Administration and Monitoring

The District Title IX Compliance Officer shall maintain a comprehensive record of all filings of sexual harassment and their disposition. An annual report shall be made to the Superintendent of Schools at the end of each school year.

The Superintendent of Schools shall file an annual report with the Board of Education detailing an historic record of complaints, their disposition, and plans for continued staff development and student education in the area of sexual harassment prevention.

Regulation approved:

Portland's recent version of this regulation to consider.

Students

Sex Discrimination and Sexual Harassment (Students)

It is the policy of the Board of Education that any form of sex discrimination or sexual harassment is forbidden, whether by students, Board employees or third parties subject to the control of the Board. Students, Board employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students. Any student or employee who engages in conduct prohibited by the Board's sex discrimination and sexual harassment policy shall be subject to disciplinary action.

Definitions

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

Sexual harassment: In a school setting, sexual harassment is conduct that 1) is sexual in nature; 2) is unwelcome; and 3) denies or limits a student's ability to participate in or benefit from a school's educational program. Sexual harassment can be verbal, nonverbal or physical. Sexual violence is a form of sexual harassment. Sexual harassment creates a hostile environment if the conduct is sufficiently severe or pervasive such that it interferes with or limits a student's ability to participate in or benefit from the school's program. Although not an exhaustive list, the following are examples of sexual conduct prohibited by this policy:

1. Statements or other conduct indicating that a student's submission to, or rejection of, sexual overtures or advances will affect the student's grades and/or other academic progress.
2. Unwelcome attention and/or advances of a sexual nature, including verbal comments, sexual invitations, leering and physical touching.
3. Display of sexually suggestive objects, or use of sexually suggestive or obscene remarks, invitations, letters, emails, text messages, notes, slurs, jokes, pictures, cartoons, epithets or gestures.
4. Touching of a sexual nature or telling sexual or dirty jokes.
5. Transmitting or displaying emails or websites of a sexual nature.
6. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.

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

Students

Sex Discrimination and Sexual Harassment (Students) (continued)

Complaint Procedure

1. It is the express policy of the Board of Education to encourage victims of sex discrimination or sexual harassment to promptly report such claims. Preferably, complaints should be filed within thirty (30) days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints.
2. As soon as a student feels that he or she has been subjected to sex discrimination or sexual harassment, he/she or his/her parent/legal guardian should make a written complaint to [INSERT HERE THE NAMES OF APPROPRIATE SCHOOL PERSONNEL - PREFERABLY ONE OF EACH SEX] or to the building principal, or his/her designee. The student will be provided a copy of the Board's policy and regulation and made aware of his or her rights.
3. The complaint should state the:
 - A. Name of the complainant,
 - B. Date of the complaint,
 - C. Date(s) of the alleged harassment/discrimination,
 - D. Name(s) of the harasser(s) or discriminator(s),
 - E. Location where such harassment/discrimination occurred,
 - F. Names of any witness(es) to the harassment/discrimination,
 - G. Detailed statement of the circumstances constituting the alleged harassment/discrimination; and
 - H. Remedy requested.
4. Any student who makes an oral complaint of harassment or sex discrimination to any of the above-mentioned personnel will be provided a copy of this regulation and will be requested to make a written complaint pursuant to the above procedure. In appropriate circumstances, such as due to the age of the student making the complaint, a parent or school administrator may be permitted to fill out the form on the student's behalf.
5. If the complainant is a minor student, the person to whom the complaint is given should consider whether a child abuse report should be completed in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.
6. All complaints are to be forwarded immediately to the building principal or designee unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent of Schools or his/her designee. In addition, a copy of any complaint filed under this policy shall be forwarded to the Title IX Coordinator.
7. The Title IX Coordinator or designee shall promptly investigate all complaints of sexual discrimination or sexual harassment against a student, regardless of whether the conduct occurred on or off-school grounds. The investigation shall be conducted discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation.

Students

Sex Discrimination and Sexual Harassment (Students)

Complaint Procedure (continued)

8. Any student who makes a complaint shall be notified of the District's intent to investigate the complaint. In the event the student requests confidentiality or that an investigation not be conducted, the District will take reasonable steps to investigate and respond to the complaint to the extent possible, given the request for confidentiality or that the District not investigate the complaint. If the student insists that his/her personally identifiable information not be shared with the alleged perpetrator, the student will be informed that the District's ability to investigate and/or take corrective action may be limited.
9. Upon receipt of a sexual harassment or sex discrimination complaint, the Title IX Coordinator shall either promptly commence an investigation of the complaint, or shall designate a school administrator to promptly investigate the complaint. The Title IX Coordinator or designee shall:
 - a) offer to meet with the complainant within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant believes has relevant information, and obtain any relevant documents the complainant may have;
 - b) provide the complainant with a copy of the Board's sexual harassment policy and accompanying regulations;
 - c) consider whether any interim measures may be appropriate to protect the alleged victim, pending the outcome of the investigation;
 - d) investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;
 - e) consider whether alleged sex discrimination or sexual harassment has created a hostile school environment, including consideration of the effects of off-campus conduct on the school;
 - f) communicate the outcome of the investigation in writing to the complainant, and to any individual properly identified as a party to the complaint (to the extent permitted by state and federal confidentiality requirements), within sixty (60) school days from the date the complaint was received by the Superintendent's office. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the district will remedy the discrimination or harassment, adhering to the requirements of state and federal law;

Students

Sex Discrimination and Sexual Harassment (Students)

Complaint Procedure (continued)

- g) when sex discrimination or sexual harassment has been found, take steps that are reasonably calculated to end the discrimination, take corrective and/or disciplinary action aimed at preventing the recurrence of the harassment or discrimination, as deemed appropriate by the Superintendent or his/her designee, and take steps to remedy the effects of the sex discrimination or sexual harassment;
- 10. If the student complainant or alleged perpetrator is dissatisfied with the findings of the investigation, he or she may file a written appeal within thirty (30) calendar days to the Title IX Coordinator, or, if he/she conducted the investigation, to the Superintendent of Schools, who shall review the Title IX Coordinator or designee's written report, the information collected by the Title IX Coordinator or designee together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes sexual harassment or sex discrimination. The Title IX Coordinator or Superintendent of Schools may determine if further action and/or investigation is warranted. After completing this review, the Title IX Coordinator or Superintendent of Schools shall respond to the complainant, in writing, within fifteen (15) school days following the receipt of the written request for review.

If a sex discrimination complaint raises a concern about bullying behavior, the Title IX Coordinator shall notify the Safe School Climate Specialist or designee who shall coordinate any bullying investigation with the Title IX Coordinator, so as to ensure that any such bullying investigation complies with the requirements of applicable Board policies.

Retaliation against any individual who complains pursuant to the Board's policy and regulations is strictly prohibited. The district will take actions necessary to prevent retaliation as a result of filing a complaint.

At any time, a complainant alleging sex discrimination or sexual harassment may file a formal complaint with the U.S. Department of Education, Office for Civil Rights, 8th Floor, 5 Post Office Square, Suite 900, Boston, MA 02109-0111 (TELEPHONE NUMBER (617) 289-0111).

Copies of this regulation will be distributed to all students.

Title IX Coordinator

The Title IX Coordinator for the Portland Board of Education is the Director of Student Services at 860-342-6790.

Regulation approved:

cps 5/16

PORTLAND PUBLIC SCHOOLS
Portland, Connecticut

Sample policy C - no regulation

Students

Sexual Harassment

It is the policy of the Board of Education to maintain a learning and working environment that is free from sexual harassment. The Board of Education prohibits any form of sexual harassment.

It shall be a violation of this policy for any employee, individual under contract, volunteer, or student subject to the control of the Board to harass an employee, individual under contract, volunteer, or student through conduct or communication of a sexual nature as defined by the policy.

Sexual harassment is defined as unwelcome or inappropriate conduct of a sexual nature, whether verbal or physical, including, but not limited to, insulting or degrading sexual remarks or conduct, threats or suggestions that an individual's submission to or rejection of unwelcome conduct will in any way influence a decision regarding that person's employment or education. Sexual harassment is unwelcome or inappropriate conduct that interferes in a way with that person's employment or educational performance or creates an intimidating, hostile or offensive work or educational environment.

Sexual harassment by an employee, individual under contract, volunteer, or student will result in disciplinary action up to and including dismissal or expulsion.

Any person who believes that he or she has been the victim of sexual harassment by an employee, individual under contract, volunteer, or student of the Board of Education is encouraged to promptly report such complaint to the school official who shall be designated by the Superintendent of Schools. Complaints will be investigated promptly. Confidentiality will be maintained by all persons involved in the investigation (consistent with the investigative process) and no reprisals or retaliation will be allowed to occur as a result of the good faith reporting of charges of sexual harassment. Corrective action will be taken when charges are verified. The investigation and corrective action, if any, shall be conducted pursuant to procedures developed by the Superintendent of Schools with approval of the Board of Education. When an investigation of allegations of sexual harassment yields insufficient evidence to support the allegations, the Superintendent of Schools shall certify this fact by placing a letter to this effect in the accused employee's personnel file. Failure to follow approved procedures will constitute withdrawal of a complaint.

Students

Sexual Harassment (continued)

Legal Reference: Civil Rights Act of 1964, Title VII, 42 U.S.C. §2000-e2(a).

Equal Employment Opportunity Commission Policy Guidance (N-915.035) on Current Issues of Sexual Harassment, effective 10/15/88.

Title IX of the Education Amendments of 1972, 34 CFR Section 106

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

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

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

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

Connecticut General Statutes

46a-60 Discriminatory employment practices prohibited.

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

Policy adopted:

Another version to consider.

Students

Sex Discrimination and Sexual Harassment

It is the policy of the Board of Education that any form of sex discrimination or sexual harassment is prohibited, whether by students, Board employees or third parties subject to the control of the Board. Students, Board employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students. Any student or employee who engages in conduct prohibited by this policy shall be subject to disciplinary action.

The Superintendent of Schools shall develop Administrative Regulations implementing this Policy.

Definitions

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

Sexual harassment: While it is difficult to define sexual harassment precisely, it includes any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. submission to or rejection of such conduct by an individual is used and/or threatened to be used as a basis for making any educational decision affecting a student; or
2. such conduct is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from the education program, or to create a hostile or abusive educational environment.

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

1. Statements or other conduct indicating that a student's submission to, or rejection of, sexual overtures or advances will affect the student's grades and/or other academic progress.
2. Unwelcome attention and/or advances of a sexual nature, including verbal comments, sexual invitations, leering and physical touching.
3. Display of sexually suggestive objects, or use of sexually suggestive or obscene comments, invitations, letters, notes, slurs, jokes, pictures, cartoons, epithets or gestures.

Students

Sex Discrimination and Sexual Harassment (continued)

Procedure

It is the express policy of the Board of Education to encourage victims of sex discrimination or sexual harassment to report such claims. Students are encouraged to promptly report complaints of sex discrimination or sexual harassment to the appropriate personnel, as set forth in the Administrative Regulations implementing this Policy. The district will investigate such complaints promptly and will take corrective action where appropriate. The district will maintain confidentiality to the extent appropriate. The district will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of sexual harassment or sex discrimination. Any such reprisals or retaliation will result in disciplinary action against the retaliator.

The school district will periodically provide staff development for district administrators and periodically distribute this Policy and the implementing Administrative Regulations to staff and students in an effort to maintain an environment free of sexual harassment and sex discrimination.

Legal References: United States Constitution, Article XIV

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

 Title IX of the Education Amendments of 1972, 34 C.F.R. §106.1, *et seq.*

Gebser v Lago Vista Independent School District 524 U.S. 274 (1998)

Davis v Monroe County Board of Education 526 U.S. 629 (1999)

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

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

Policy adopted:

cps 1/09

Another version of this regulation to consider.

Students

Sex Discrimination and Sexual Harassment

It is the policy of the Board of Education that any form of sex discrimination or sexual harassment is forbidden, whether by students, Board employees or third parties subject to the control of the board. Students, Board employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students. Any student or employee who engages in conduct prohibited by the Board's sex discrimination and sexual harassment policy shall be subject to disciplinary action.

Definitions

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

Sexual harassment: While it is difficult to define sexual harassment precisely, it includes any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. submission to or rejection of such conduct by an individual is used and/or threatened to be used as a basis for making any educational decision affecting a student; or
2. such conduct is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from the education program, or to create a hostile or abusive educational environment.

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

1. Statements or other conduct indicating that a student's submission to, or rejection of, sexual overtures or advances will affect the student's grades and/or other academic progress.
2. Unwelcome attention and/or advances of a sexual nature, including verbal comments, sexual invitations, leering and physical touching.
3. Display of sexually suggestive objects, or use of sexually suggestive or obscene comments, invitations, letters, notes, slurs, jokes, pictures, cartoons, epithets or gestures.

Students

Sex Discrimination and Sexual Harassment (continued)

Complaint Procedure

1. It is the express policy of the Board of Education to encourage victims of sex discrimination or sexual harassment to promptly report such claims. Timely reporting of complaints facilitates the investigation and resolution of such complaints.
2. As soon as a student feels that he or she has been subjected to sex discrimination or sexual harassment, he/she should make a written complaint to **[INSERT HERE THE NAMES OF APPROPRIATE SCHOOL PERSONNEL - PREFERABLY ONE OF EACH SEX]** or to the building principal, or his/her designee. The student will be provided a copy of the Board's policy and regulation and made aware of his or her rights.
3. The complaint should state the:
 - A. Name of the complainant,
 - B. Date of the complaint,
 - C. Date(s) of the alleged harassment/discrimination,
 - D. Name(s) of the harasser(s) or discriminator(s),
 - E. Location where such harassment/discrimination occurred,
 - F. Names of any witness(es) to the harassment/discrimination, and
 - G. Detailed statement of the circumstances constituting the alleged harassment/discrimination.
4. Any student who makes an oral complaint of harassment or sex discrimination to any of the above-mentioned personnel will be provided a copy of this regulation and will be requested to make a written complaint pursuant to the above procedure. In appropriate circumstances, due to the age of the student making the complaint, a parent or school administrator may be permitted to fill out the form on the student's behalf.
5. If the complainant is a minor student, the person to whom the complaint is given should consider whether a child abuse report should be completed.
6. All complaints are to be forwarded immediately to the building principal or designee unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent of Schools. In addition, a copy of any complaint filed under this policy shall be forwarded to the Title IX Coordinator.

Students

Sex Discrimination and Sexual Harassment

Complaint Procedure (continued)

7. Upon receipt of a sexual harassment or sex discrimination complaint, the Title IX Coordinator shall either promptly commence an investigation of the complaint, or shall designate a school administrator to investigate the complaint. The Title IX Coordinator or designee shall consult with all individuals reasonably believed to have relevant information, including the complainant, the alleged harasser/discriminator and any witnesses to the conduct. The investigation shall be carried on discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation.
8. The Title IX Coordinator or designee shall make a written report summarizing the results of the investigation and proposed disposition of the matter. Consistent with state and federal law and as deemed appropriate by the Title IX Coordinator or designee, the findings of the investigation shall be shared with persons involved in the investigation.
9. If the student complainant is dissatisfied with the findings of the investigation, he or she may file a written appeal to the Title IX Coordinator, or, if he or she conducted the investigation, to the Superintendent of Schools, who shall review the Title IX Coordinator or designee's written report, the information collected by the Title IX Coordinator or designee together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes sexual harassment or sex discrimination. The Title IX Coordinator or Superintendent of Schools may also investigate the complaint further. After completing this review, the Title IX Coordinator or Superintendent of Schools shall respond to the complainant, in writing, as soon as possible.

If after a thorough investigation, there is reasonable cause to believe that sexual harassment or sex discrimination has occurred, the district shall take appropriate corrective action in an effort to ensure that the harassment/discrimination ceases and will not recur.

Retaliation against any individual who complains pursuant to the Board's policy and regulations is strictly prohibited. The district will take actions necessary to prevent retaliation as a result of filing a complaint.

Copies of this regulation will be available to all students on the district website, or in school office and will be referenced in the student handbook.

Title IX Coordinator

The Title IX Coordinator for the _____ Board of Education is _____, whose office is located at _____ and whose telephone number is _____.

Regulation approved:

cps 1/09

A new regulation to consider on this topic.

Students

Sexual Harassment

Any student who feels that he/she has been subjected to sexual harassment should make a written complaint to the school Principal, Assistant Principal or counselor.

The student who makes a written or oral complaint of sexual harassment shall be furnished with a copy of this procedure and informed of his/her rights.

- If an elementary student makes an oral complaint to any school employee, the employee shall refer the matter directly to the Building Principal, who shall obtain the above information, and complete a sexual harassment complaint form.
- If the complainant is a minor student, the person to whom the complaint is given should consider whether a child abuse report should be completed.
- A copy of the sexual harassment complaint shall be sent to the school Principal, and, if the alleged harasser is a school employee, to the Director of Personnel or the Superintendent of Schools.

Upon receipt of the complaint, the Principal or his/her designee shall commence a prompt, thorough, and impartial investigation of the complaint. The investigator shall consult with all individuals reasonably believed to have relevant information, including the student and the alleged harasser, any witnesses to the conduct, and victims of similar conduct that the investigator reasonably believes may exist. The investigation shall be carried on discreetly, maintaining confidentiality insofar as possible, while still conducting an effective and thorough investigation.

At the conclusion of the investigation, the investigator shall provide to the Superintendent a written report summarizing the results of the investigation, and a recommendation for disposition of the matter. If there is reasonable cause to believe that sexual harassment has occurred, the Superintendent, or his/her designee, shall take all reasonable actions to ensure that the harassment ceases and will not recur. Actions taken in response to allegations of harassment may include suspension or expulsion if the harasser is a student, and reassignment, transfer, or other disciplinary action up to and including termination of employment if the harasser is a school employee.

Regulation approved:

Students

Exploitation; Sexual Harassment

Sexual Abuse Prevention and Education Program

Definitions

Sexual abuse refers to coerced or forced sexual contact or activity that may be ongoing or occurs over time, often within a trusting relationship. Most victims know their perpetrators. Perpetrators are usually older than their victims and may trick or force them into gradually doing the sexual behavior. The sexual behavior may not be violent and may even be pleasurable to the child, who doesn't necessarily know it is wrong. Perpetrators of ongoing sexual abuse control the child/youth through secrecy, shame, or threats. Children cannot consent to sexual contact with adults or older youth, and sexual contact is considered abuse, regardless of whether it includes touching or not.

Sexual assault usually refers to forced or unwanted sexual contact or activity that occurs as a single incident, as opposed to ongoing sexual abuse that may continue over time. It may also involve verbal or visual behaviors, or any type of pressure designed to coerce or force someone to join in the unwanted sexual contact or activity. The assault may involve a similar range of behaviors that are attempted or perpetrated against a victim's will or when a victim cannot consent because of age, disability, or the influence of alcohol or drugs. Sexual assault may involve actual or threatened physical force, use of weapons, coercion, intimidation or pressure. The offender usually takes advantage of the victim's vulnerability. Anyone can perpetrate this type of abuse – a trusted friend or family member, a stranger, a casual acquaintance, or an intimate partner.

Program

The Newtown Public Schools shall implement the Sexual Abuse and Assault Awareness and Prevention Program identified or developed, in compliance with P.A. 14-196, by the Department of Children and Families, in collaboration with the Department of Education and other assisting entities, with the goal of informing students and staff about child sexual abuse and assault awareness and available resources.

1. Providing mandatory training to all District staff to ensure they are fully informed on:
 - a. The warning signs of sexual abuse and sexual misconduct involving a child, including recognizing and reporting child sexual abuse,
 - b. Mandatory reporting requirements,
 - c. School District policies pertaining to sexual abuse and sexual misconduct,
 - d. Establishing and maintaining professional relationships with students,
 - e. Available resources for children affected by sexual abuse or misconduct, and
 - f. Appropriate follow-up and care for abused students as they return to the classroom setting.

Students

Exploitation; Sexual Harassment

Sexual Abuse Prevention and Education Program

Program (continued)

2. Implementing a child sexual abuse curriculum to provide age-appropriate information to teach students the difference between appropriate and inappropriate conduct in situations where child sexual abuse or sexual assault could occur, and to identify actions a child may take to prevent and report sexual abuse or sexual assault. Students will be:
 - a. Provided with resources and referrals to handle these potentially dangerous situations.
 - b. Provided access to available counseling and educational support.

The Board of Education directs the Superintendent develop administrative regulations to address the issues of students obtaining assistance, intervention and counseling options, access to educational resources and procedures for reporting instances of child sexual abuse and assault.

A student shall be excused from participating in the sexual abuse, assault awareness and prevention program offered within the school, in its entirety or any part thereof, upon receipt by the Principal or his/her designee, of a written request from the student's parent/guardian.

Any student exempted from the sexual abuse and assault awareness and prevention program shall be provided, during the period of time in which the student would otherwise be participating in such program, an opportunity for other study or academic work.

Reporting Child Sexual Abuse and Assault

Students shall be encouraged to disclose abuse to a trusted adult member of the staff, including, but not limited to, teachers, administrators, nurses, coaches, and counselors. Child abuse reporting procedures will be followed for all acts of violence and sexual abuse against children.

Connecticut General Statutes §17a-101, as amended, requires all school employees including the Superintendent of Schools, school teachers, substitute teachers, administrators, school guidance counselors, school paraprofessionals, licensed nurses, physicians, psychologists, social workers, coaches of intramural or interscholastic athletics, or any other person, who in the performance of his/her duties, has regular contact with students and who provides services to District students, who have reasonable cause to suspect or believe that a child has been abused, neglected, or placed in imminent risk of serious harm to report such abuse and/or neglect in compliance with applicable state statutes.

Students

Exploitation; Sexual Harassment

Sexual Abuse Prevention and Education Program

Reporting Child Sexual Abuse and Assault (continued)

An oral report by telephone or in person shall be made as soon as possible but no later than 12 hours to the Commissioner of Children and Families and to the Superintendent of Schools or his/her designee followed within 48 hours by a written report to the Department of Children and Families.

Legal Reference: Connecticut General Statutes

17a-101q Statewide sexual abuse and assault awareness and prevention program (as amended by Section 415 of the June 2015 Special Session Public Act 15-5)

Students

Exploitation; Sexual Harassment

Sexual Abuse Prevention and Education Program

Prevention Strategy

Schools will design and build their capacity to implement comprehensive prevention strategies that engage students, parents/guardians/caregivers and school personnel. By engaging each of these populations, schools can reduce and prevent abusive sexual behaviors and sexual assault from occurring and create a climate that promotes positive peer relationships.

Students

1. Strengthen students' knowledge, attitudes and skills for healthy relationships by implementation of the DCF/SDE sexual abuse and assault awareness and prevention program.
2. Strengthen students' skills for modeling pro-social behavior and intervening as proactive bystander for the prevention and intervention of abusive behavior and/or sexual assault on campus.
3. Increase awareness among students of students' rights under District policy including how to report and seek help for students who may have experienced sexual abuse or sexual assault.

Parents/Caregivers and School Personnel

1. Strengthen parents/guardians/caregivers' knowledge, attitudes and skills for promoting healthy relationships including positive bystander behavior through workshops, school newsletter, and other events.
2. Strengthen school personnel's (administrators, teachers, coaches, and others) knowledge, attitudes and skills for promoting healthy relationships including modeling pro-social behavior or positive bystander behavior through professional development, utilizing the DCF/SDE developed instructional modules.
3. Increase awareness among parents of students' rights under District policy including how to report and seek help for students who may have experienced sexual abuse or assault.
4. Increase awareness among school personnel of District policy including their responsibility to report incidents and concerns regarding sexual abuse and sexual assault.
5. Increase awareness among parents/caregivers and school personnel of school and community-based resources for students and families.

Students

Exploitation; Sexual Harassment

Sexual Abuse Prevention and Education Program

School Climate

1. Strengthen positive school climate by engaging students in age-appropriate activities to promote healthy relationships and positive bystander behavior.
2. Reduce risk for sexual abuse and sexual assault by educating school personnel on how to support healthy relationships, implement prevention curricula, and respond effectively to incidents and disclosures.

Reporting Procedure

Students should be encouraged to disclose if they have been sexually abused to any member of the staff whom they trust. The Principal of each school shall establish and prominently publicize to students, staff, volunteers, and parents/guardians, how a report of sexual abuse and assault may be filed either in-person or anonymously and how this report will be acted upon. The victim of sexual abuse and assault or anyone who witnessed an act of sexual abuse or assault, and anyone who has reasonable suspicion that an act of sexual abuse or assault has taken place may file a report.

In addition, members of the staff, as a result of training, should be aware of the signs of child sexual abuse in students which can include, but are not limited to, expressions of shame, guilt/self-blame, difficulty trusting others, low self-esteem, cognitive deficits, depression, mental health problems, poor school performance, unhealthy relationships, self-harm, substance abuse and thoughts or expressions of suicide.

A report must be made when any mandated reporter of the Board of Education, in his/her professional capacity, has reasonable cause to suspect or to believe that a child under the age of eighteen (*Mandated reporters include all school employees, the Superintendent, administrators, teachers, substitute teachers, guidance counselors, school paraprofessionals, coaches of intramural and interscholastic athletics, as well as licensed nurses, physicians, psychologists and social workers 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*) is in danger of being or has been sexually abused or assaulted.

Any written or oral reporting of an act of sexual abuse or assault shall be considered an official means of reporting such act(s).

Students

Exploitation; Sexual Harassment

Sexual Abuse Prevention and Education Program

Reporting Procedure (continued)

The following procedures apply only to statutory mandated reporters, as defined above.

When an employee of the Board of Education suspects or believes that a child has been sexually abused or sexually assaulted, the following steps shall be taken:

1. The employee shall immediately, upon having reasonable cause to suspect or believe that a child has been abused, and in no case later than twelve (12) hours after having such a suspicion or belief, make an oral report by telephone or in person to the Commissioner of Children and Families or the local law enforcement agency. The Department of Children and Families has established a 24 hour Child Abuse and Neglect Hotline at 1-800-842-2288 for the purpose of making such oral reports.
2. The employee shall also immediately make an oral report to the Building Principal or his/her designee and/or the Superintendent or his/her designee.
3. If a report concerns suspected abuse by a school employee, the Superintendent or his/her designee, shall immediately notify the child's parent or guardian that such a report has been made.
4. Not later than 48 hours of making an oral report, the employee shall submit a written report to the Commissioner of Children and Families, or his/her representative, containing all of the required information.
5. The employee shall immediately, submit a copy of the written report to the Principal and/or Superintendent or the Superintendent's designee.
6. If a report concerns suspected sexual abuse by a school employee who possesses a certificate, permit or authorization issued by the State Board of Education, the Superintendent shall submit a copy of the written report to the Commissioner of Education, or his/her representative.

Contents of Report

Any report made pursuant to this policy shall contain the following information, if known:

1. The names and addresses of the child and his/her parents or other persons responsible for his/her care;
2. The age of the child;
3. The gender of the child;
4. The nature and the extent of the child's sexual abuse or assault;

Students

Exploitation; Sexual Harassment

Sexual Abuse Prevention and Education Program

Contents of Report (continued)

5. The approximate date and time the sexual abuse or assault 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 sexual abuse or assault came to be known to the reporter;
8. The name of the person or persons suspected to be responsible for causing the sexual abuse or assault;
9. The reasons such person or persons are suspected of causing such sexual abuse;
10. Any information concerning any prior cases in which such person or persons have been suspected of causing an injury, maltreatment or neglect of a child; and
11. Whatever action, if any, was taken to treat, provide shelter or otherwise assist, the child.

Investigation of the Report

If the suspected abuser is a school employee, the Superintendent or his/her designee shall thoroughly investigate the report, provided that such investigation does not interfere with or impede the investigation by the Department of Children and Families or by a law enforcement agency. To the extent feasible, this investigation shall be coordinated with the Commissioner of Children and Families and/or the police in order to minimize the number of interviews of any child and to share information with other persons authorized to conduct an investigation of child abuse and neglect. When investigating a report, the Superintendent or his/her designee shall endeavor to obtain, when possible, the consent of parents or guardians or other persons responsible for the care of the child, to interview the child, except in those cases in which there is reason to believe that the parents or guardians or other persons responsible for the care of such child are the perpetrators or the alleged abusers.

The investigation shall include an opportunity for the suspected abuser to be heard with respect to the allegations contained within the report. During the course of an investigation of suspected abuse by a school employee, the Superintendent will suspend the employee with pay or may place the employee on administrative leave with pay pending the outcome of the investigation.

A person reporting child sexual abuse shall provide any person authorized to conduct an investigation into such claim with all information related to the investigation that is in the possession or control of the person reporting child sexual abuse except as expressly prohibited by state or federal law.

Students

Exploitation; Sexual Harassment

Sexual Abuse Prevention and Education Program

Evidence of Abuse by Certain School Employees

After an investigation has been completed, if the Commissioner of Children and Families, based upon the results of such investigation, has reasonable cause to believe that a child has been sexually abused or assaulted by an employee who has been entrusted with the care of a child or has recommended that such employee be placed on the Department of Children and Families Abuse and Neglect Registry, the Commissioner shall notify within five (5) working days after the completion of the investigation into child abuse or neglect by a school employee, the Superintendent and the Commissioner of Education of such finding and shall provide records, whether or not created by the Department of Children and Families, concerning such investigation to the Superintendent and the Commissioner of Education. The Superintendent shall suspend the employee, if not previously suspended, with pay and without diminution or termination of benefits if DCF has reasonable cause that the employee sexually abused a child and recommends the employee be placed on the DCF Child Abuse and Neglect Registry. Not later than 72 hours after such suspension, the Superintendent shall notify the Board of Education and the Commissioner of Education, or his/her representative, of the reasons for the conditions of suspension. The Superintendent shall disclose records received from the Department of Children and Families to the Commissioner of Education and the Board of Education, or its attorney, for the purposes of review of employment status, certification, permit or authorization. Any decision of the Superintendent concerning such suspension shall remain in effect until the Board of Education Acts, pursuant to the provisions of Connecticut General Statutes. The Commissioner of Education shall also be notified if such certified person resigns from his/her employment in the District. Regardless of the outcome of any investigation by DCF and/or the police, the Superintendent and/or the Board, as appropriate, may take disciplinary action up to and including termination of employment in accordance with the provisions of any applicable statute, if the Superintendent's investigation produces evidence that a child has been sexually abused by a certified, permit or authorized school staff member.

If the contract of employment of a certified school employee holding a certificate, permit or authorization issued by the State Board of Education is terminated as a result of an investigation into reports of child sexual abuse, the Superintendent shall notify the Commissioner of Education, or his/her representative, within 72 hours of such termination.

Evidence of Abuse by Other School Staff

If the investigation by the Superintendent and/or Commissioner of Children and Families did produce evidence that a child has been sexually abused by a non-certified school staff member the Superintendent and/or the Board, as appropriate, will take disciplinary action up to and including termination of employment.

Students

Exploitation; Sexual Harassment

Sexual Abuse Prevention and Education Program

Evidence of Abuse by Other School Staff (continued)

The District shall maintain records of allegations, investigations and reports that a child has been sexually abused or assaulted by a school employee. Such records will be maintained in the District's Central Office. The records shall include any reports made to the Department of Children and Families. The State Department of Education is to have access to all such records.

The Board shall provide to the Commissioner of Children and Families, upon request for the purposes of an investigation by the Commissioner of Children and Families of suspected child sexual abuse by a teacher employed by the Board, any records maintained or kept in District files. Such records shall include, but not be limited to, supervisory records, reports of competence, personal character and efficiency maintained in such teacher's personnel file with reference to evaluation of performance as a professional employee of such Board of Education, and records of the personal misconduct of such teacher. (*“Teacher” includes each certified professional employee below the rank of Superintendent employed by a Board of Education in a position requiring a certificate issued by the State Board of Education.*)

The Board of Education shall permit and give priority to any investigation conducted by the Commissioner of Children and Families or the appropriate local law enforcement agency that a child has been sexually abused or assaulted. The Board shall conduct its own investigation and take any disciplinary action, in accordance with the provisions of section 17a-101i of the general statutes, as amended, upon notice from the Commissioner or the appropriate local law enforcement agency that the Board's investigation will not interfere with the investigation of the Commissioner or such local law enforcement agency.

The Department of Children and Families will review, at least annually, with the State Department of Education all records and information relating to reports and investigations that a child has been sexually abused by a school employee, in the Department of Children and Families' possession to ensure that records and information are being shared properly.

The Superintendent may appoint a designee for the purposes of receiving and making reports, notifying and receiving notification, or investigating reports pursuant to this policy.

Disciplinary Action for Failure to Follow Policy

Any employee who fails to comply with the requirements of this policy and these regulations shall be subject to discipline, up to and including termination of employment.

Students

Exploitation; Sexual Harassment

Sexual Abuse Prevention and Education Program

Response to Sexual Abuse and Sexual Assault

Schools will develop and implement an effective and consistent response to sexual abuse or sexual assault that takes place on school grounds, while traveling to and from school or a school-sponsored activity, whether on or off campus, as well as abusive behavior expressed through technology using District or school-provided computers, email addresses, or servers.

Students and parents/guardians are to be informed of the District's policy regarding sexual abuse and sexual assault.

Students are to be encouraged to contact the Principal or his/her designee or other school personnel if they or another student has been sexually abused or sexually assaulted. Students will also be encouraged to report to school authorities if they are aware that another student or adult individual has committed sexual abuse or sexual assault.

Support Services

The Principal or designee will first take steps to increase safety and well-being of the student experiencing sexual abuse and/or sexual assault. This might include offering individual or support group counseling for the student experiencing abuse and/or sexual assault at school or by referring the student to a local victim service organization.

Protection Against Retaliation

No retaliation will be taken by the District or by any of its employees or students against any complainant or any participant in the complaint process, including witnesses, and will take steps to ensure there is no retaliation against any involved party, and will respond appropriately to any incident of retaliation. Any person found to have retaliated against another individual for reporting an incident of sexual abuse, harassment or assault will be subjected to the same disciplinary action created in accordance with this policy. Those persons who assist or participate in an investigation of abusive behavior are also protected from retaliation under this policy.

Confidentiality

Any investigation that takes place pursuant to this policy and administrative regulation will, to the maximum extent possible, be conducted in a manner that protects the privacy of the student experiencing sexual abuse and/or sexual assault, complainant, and accused. However, if it is suspected that child abuse has occurred or any law has been violated, such abuse will be reported to the proper authorities. When possible students will be notified and reminded of limits of confidentiality and be made aware of possible reports to outside officials. Notification of the outcome of the investigation will be made in accordance with relevant state and federal law.

Students

Exploitation; Sexual Harassment

Sexual Abuse Prevention and Education Program

Preclusion

This policy should not be interpreted as preventing a student experiencing sexual abuse and/or sexual assault from seeking redress under any other available law, either civil or criminal.

The District will keep and maintain a confidential written record, including but not limited to, witness statements, investigative reports, and correspondence, from the date any allegation of abusive sexual behavior or sexual assault is reported to District personnel. The information in the written record will include the action taken by the District in response to each allegation.

Roles and Responsibilities

The District will:

1. Ensure that the Superintendent or his/her designee is the individual responsible for implementation of the policy and these procedures and for the provision of technical assistance and training for school personnel on the development and implementation of the steps for a comprehensive prevention strategy and effective and consistent intervention and response to incidents of sexual abuse and sexual assault.
2. Assure students of their rights to be free from sexual abuse and sexual assault including cyber-harassment;
3. Ensure that students know that sexual abuse and sexual assault violate District policy; that abusive behavior should be reported; and that violators will be subject to disciplinary and/or legal action;
4. Expect all personnel to intervene directly or to contact police when necessary, whenever they witness or become aware of an incident of sexual abuse or sexual assault. There is a duty to report to the Principal or his/her designee when any staff member knows or reasonably should have known of an incident of sexual abuse or sexual assault. Any staff member who permits or fails to report an incident of sexual abuse or sexual assault may be subject to disciplinary action.

Students

Exploitation; Sexual Harassment

Sexual Abuse Prevention and Education Program

Roles and Responsibilities (continued)

The School will:

1. Staffing and Notification

- a. The Principal or his/her designee is responsible for implementation of the policy, administrative regulations, the provision of technical assistance and training for school personnel on sexual abuse and sexual assault and effective and consistent intervention and response to incidents of such behavior;
- b. Review policy and procedures on sexual abuse and sexual assault annually with all staff and provide recommendations and/or revisions to the policy and regulations;
- c. Ensure that all staff, students, and parents/caregivers receive the name and contact information at the school and District level, a summary of prohibited behaviors and a summary of this policy at the beginning of the school year, as part of the student handbook and/or information packet, as part of the new student orientation, and as part of the school system's notification to parents;
- d. Create easy public access to the full text of this policy via the school website(s), staff and student handbooks with complaint forms, District policy manuals, contact information etc.; and
- e. Review policy and procedures on sexual abuse and sexual assault annually with all staff and provide recommendations and/or revisions to the policy.

2. Prevention

- a. Engage students, as developmentally appropriate, and school personnel and, if possible, community-based organizations to collaborate on the development and implementation of comprehensive prevention strategies;
- b. Strengthen students' knowledge, attitudes and skills for healthy relationships, social and emotional learning, and pro-social behavior, such as positive bystander behavior through evidence-based or evidence-informed curricula, lesson plans, or other classroom or school-wide activities;
- c. Strengthen parents/caregivers' knowledge, attitudes and skills for promoting healthy relationships, social and emotional learning, such as positive bystander behavior through workshops, school newsletter, and other events;
- d. Strengthen school personnel knowledge, attitudes and skills for promoting healthy relationships and social and emotional learning, such as positive bystander behavior through professional development;

Students

Exploitation; Sexual Harassment

Sexual Abuse Prevention and Education Program

Roles and Responsibilities (continued)

- e. Strengthen positive school climate through positive social norm youth-developed campaigns or activities to promote healthy relationships, social and emotional learning, and/or positive bystander behavior; and
- f. Assure students of their rights to be free from sexual abuse and sexual assault including cyber-harassment and that students know that sexual abuse and sexual assault violate District policy and law; that abusive behavior should be reported; and that violators will be subject to disciplinary action and/or legal action.

3. Intervention and Response

- a. All school personnel are expected to utilize the reporting procedure previously described in this regulation or to contact police directly, when necessary, whenever they witness or become aware of an incident of sexual abuse or sexual assault. There is a duty to report to the Principal or Principal's designee when any staff member knows or reasonably should have known of an incident of sexual abuse or sexual assault.
- b. Staff members must intervene or make a report when they witness, become aware of, or reasonably should have known of an incident of sexual abuse or sexual assault on the campus; while traveling to and from school or a school-sponsored activity; whether on or off campus; or perpetrated using school-owned property such as email addresses and servers.
- c. Each incident reported will be promptly investigated in a manner prescribed by statute that protects the student experiencing abuse and/or sexual assault.
- d. The school will make all efforts to keep a report of sexual abuse or sexual assault and the results of any investigation confidential to the extent permitted by law, except that the abused child and the accused will be notified of the outcome of an investigation consistent with federal and state laws.
- e. Increase students' safety and well-being by assisting student experiencing sexual abuse and/or sexual assaults in accessing legal protection.
- f. Support a student experiencing abuse and/or sexual assaults by offering individual counseling, support groups, and/or referrals to local victim service providers who serve minors. Establish a relationship with a local domestic or sexual violence program and/or health care providers experienced with sexual abuse and/or sexual assault for access to resources and training;

Students

Exploitation; Sexual Harassment

Sexual Abuse Prevention and Education Program

Providing Instruction

The instructional staff of District schools, subject to the rules of the State Board of Education and the Board of Education, shall teach all statutorily required comprehensive health components including a health education curriculum for students in grades K through 12 in the area of sexual abuse or assault. This instruction shall include teen dating violence, a sexual abuse and assault component that includes, but is not limited to, the definition of dating violence, sexual abuse, sexual assault, the warning signs of abusive behavior, the characteristics of healthy relationships, measures to prevent and stop dating violence, sexual abuse, sexual assault, and community resources available to victims of dating violence, sexual abuse and assault.

Students

Sexual Harassment

Peer Sexual Harassment

A safe and civil environment in school is necessary for students to learn and achieve high academic standards. Harassment, intimidation or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment.

Peer sexual harassment, which is severe, pervasive and objectively offensive is strictly forbidden in all schools within this district, on school premises and during any school programs and activities. Peer sexual harassment is any unwelcome physical or verbal conduct of a sexual nature, such as touching or grabbing or making sexual comments directed at a person because of his or her sex, which interferes with the ability of a student to receive an education. For purposes of this policy, student conduct that includes insults, banter, teasing, shoving, pushing and gender specific conduct that is upsetting to the student subjected to it, will not be considered harassment unless judged to be severe.

Students are expected to treat their fellow students with dignity and respect at all times on school property and in school programs and activities and to refrain from unwelcome physical or verbal conduct of a sexual nature.

Disciplinary action may result from violations of this policy. Violations of this policy shall be reported to teachers or administrators. Students are encouraged to report sexual harassment immediately. School personnel will take prompt and fair action to investigate any report promptly and to take the appropriate measures to stop the sexual harassment.

(cf. 5145.5 - Sexual Harassment)

(cf. 5145.52 – Harassment)

Legal Reference: Civil Rights Act of 1964, Title VII, 42 U.S.C. §2000e2(a).
Equal Employment Opportunity Commission Policy Guidance (N915.035) on Current Issues of Sexual Harassment, effective 10/15/88.
Title IX of the Education Amendments of 1972, 34 CFR Section 106
Meritor Savings Bank. FSB v. Vinson, 477 U.S. 57 (1986)
Faragher v. City of Boca Raton, No. 97-282 (U.S. Supreme Court, June 26,1998)
Burlington Industries, Inc. v. Ellerth, No. 97-569, (U.S. Supreme Court, June 26,1998)
Gebbs v. Lago Vista Indiana School District, No. 99-1866, (U.S. Supreme Court, June 26,1998)
Davis v. Monroe County Board of Education, No. 97-843, (U.S. Supreme Court, May 24, 1999)

Policy adopted:

A sample policy to consider.

Students

Sexual Harassment

Peer Sexual Harassment

The Board of Education (Board) is committed to the principle that all students must be allowed to learn and work in an environment which is free from sexual harassment and intimidation, and which respects their basic human dignity. Every student has a right to freedom from sexual harassment from his or her peers in the schools.

General

Sexual harassment will not be tolerated among students of the District, and any form of sexual harassment is forbidden on school premises and during any school programs and activities. Students shall exhibit conduct which is respectful and courteous to fellow students, and to all persons in the school setting.

Definition

Sexual harassment, includes but is not limited to, any unwelcome sexual advances, requests for sexual favors and other inappropriate verbal, non-verbal or physical conduct of a sexual nature when:

1. submission to or rejection of such conduct by an individual is used and/or threatened to be used as the basis for making any educational decisions affecting a student; or
2. such conduct is sufficiently severe, persistent, or pervasive so as to limit an individual's ability to participate in or benefit from the educational programs; or creates an intimidating, hostile, or offensive educational or work environment.

Sexual harassment includes a wide range of conduct – from pressure to requests for sexual activities to unwelcome sexual comments and innuendo to verbal abuse of a sexual nature. Examples of the type of conduct prohibited by this policy include:

1. Statements or other conduct indicating that a student's submission to, or rejection of, sexual overtures or advances will affect the student's grades and/or academic progress or status.
2. Unwelcome sexual attention, flirtations and advances including verbal comments, sexual invitations and leering, unwelcoming touching of an individual.
3. Graphic or verbal commentaries about an individual's body, and/or the use of sexually degrading words to describe an individual.
4. Displays in the school of sexually suggestive objects or pictures, or use of sexually suggestive or obscene comments, invitations, letters, notes, slurs, jokes, cartoons, epithets or gestures.

Students

Sexual Harassment

Peer Sexual Harassment

Definition (continued)

This is some of the conduct that may constitute sexual harassment. Sexual harassment may be subtle and even unintentional. It may be directed towards members of the opposite or same sex, and toward students or staff.

The Board encourages students who are victims of sexual harassment to report such claims promptly to the Principal or his/her designee. Complaints shall be investigated promptly and disciplinary and corrective action when allegations are verified. Confidentiality shall be maintained and no reprisals or retaliation shall occur as a result of good faith charges of sexual harassment.

The District shall provide a sexual harassment program for students periodically and shall distribute this policy to students annually.

Students who violate this policy will be subject to disciplinary action. The Superintendent shall propose and the Board of Education shall approve procedures and regulations to ensure that any student violating this policy is subjected to disciplinary action, and that any disciplinary actions imposed for similar violations are treated consistently.

Legal Reference: Civil Rights Act of 1964, Title VII, 42 U.S.C. §2000e2(a).
 Equal Employment Opportunity Commission Policy Guidance (N915.035)
 on Current Issues of Sexual Harassment, effective 10/15/88.
 Title IX of the Education Amendments of 1972, 34 CFR Section 106
 Meritor Savings Bank. FSB v. Vinson, 477 U.S. 57 (1986)
 Faragher v. City of Boca Raton, No. 97-282 (U.S. Supreme Court, June
 26,1998)
 Burlington Industries, Inc. v. Ellerth, No. 97-569, (U.S. Supreme Court,
 June 26,1998)
 Gebbs v. Lago Vista Indiana School District, No. 99-1866, (U.S.
 Supreme Court, June 26, 1998)
 Davis v. Monroe County Board of Education, No. 97-843, (U.S. Supreme
 Court, May 24, 1999)

Policy adopted:

cps 4/11

An optional revised sample policy to consider.

This version contains optional language pertaining to the issue of teen-dating violence. Other versions of this policy are available which do not address teen-dating violence. A related version of this policy should also be placed in the 4000 series-Personnel.

Students

Harassment

The Board strives to provide a safe, positive learning environment in the schools. Therefore, harassment, in any form, will not be tolerated in this District. This policy applies to all students, staff members, Board members, parents, vendors, contracted individuals, volunteers, other employees and other visitors who are on District grounds or property or on property within the jurisdiction of the District; on buses operated by or for the District; while attending or engaged in District activities; and while away from District grounds if the misconduct directly affects the good order, efficient management, and welfare of the District.

Employees, students, and others are expected to adhere to a standard of conduct that is respectful and courteous to all. The principle of freedom of expression that might otherwise protect the most offensive public speech does not protect or encompass a right to threaten the dignity and privacy of an individual. Such personally directed behavior will not be tolerated. It is contrary to academic values, debilitates its victims, compromises the offenders, and undermines the District's fundamental commitment to individual freedom and respect for all its members. Furthermore, acts of intolerance may destroy the very atmosphere in which freedom of expression is otherwise tolerated and cherished.

For purposes of this policy, **harassment** consists of verbal, written, graphic, or physical conduct relating to an individual's race, color, religion, sex, (including sexual harassment and pregnancy), national origin/ethnicity, physical attributes or disability, (including, but not limited to, mental retardation, past or present history of mental disorder, physical disability or learning disability), parental or marital status, sexual orientation, (including gender identity/expression) or age when such conduct/harassment:

1. is sufficiently severe, persistent or pervasive that it affects an individual's ability to participate in or benefit from an educational program or activity, creates an intimidating, threatening or abusive educational environment;
2. has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance; and
3. otherwise adversely affects an individual's learning opportunities.

Harassment as set forth above may include, but is not limited to:

- verbal, physical, or written intimidation or abuse;
- repeated remarks of a demeaning or condescending nature;
- repeated demeaning jokes, stories, or activities directed at the individual.

Students

Harassment (continued)

The Board strictly prohibits retaliation against any person for filing a complaint, for aiding or encouraging the filing of a report or complaint, or for cooperating in an investigation of discrimination or harassment. The Board considers/treats retaliation as a form of discrimination.

For purposes of this policy, **sexual harassment** shall consist of unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, written, graphic or physical conduct of a sexual nature when:

1. submission to such conduct is made, either explicitly or implicitly, a term or condition of a student's academic status;
2. submission to or rejection of such conduct is used as the basis for academic or work decisions affecting the individual;
3. such conduct deprives a student of educational aid, benefits, services or treatment;
4. such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the student's school performance or creating an intimidating, hostile or offensive educational environment.

Examples of conduct that may constitute sexual harassment include, but are not limited to sexual flirtations, advances, touching or propositions; verbal abuse of a sexual nature; graphic or suggestive comments about an individual's dress or body; sexually degrading words to describe an individual; jokes; pin-ups; calendars; objects; graffiti; vulgar statements; abusive language; innuendoes; references to sexual activities; overt sexual conduct; or any conduct that has the effect of unreasonably interfering with a student's ability to work or learn or creates an intimidating, hostile or offensive learning or working environment.

For purposes of this policy **teen dating violence**, also called intimate relationship violence or intimate partner violence among adolescents or adolescent relationship abuse, includes physical, psychological, or sexual abuse; harassment; or stalking of any person ages 12 to 18 inclusive in the context of a past or present romantic or consensual relationship. **Stalking** can be defined as a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear. **Sexual assault** is any type of sexual contact or behavior that occurs without the explicit consent of the recipient.

Dating violence occurs when one partner is in a dating relationship, either past or present, intentionally uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other partner.

Students

Harassment (continued)

Teen dating violence is unacceptable behavior and prohibited/will not be tolerated.

Examples of dating violence against a student may include physical or sexual assaults, name-calling, put-downs, threats to hurt the student or the student's family members, destroying property belonging to the student, threats to commit suicide or homicide if the student ends the relationship, attempts to isolate the student from friends and family, stalking, or encouraging others to engage in these behaviors.

For purposes of this policy, dating violence is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment.
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

Any student who is a victim of teen dating violence in violation of this policy is encouraged to immediately report his/her concerns to the District's Compliance Officer.

The District shall incorporate age-appropriate education about teen dating violence into new or existing training programs for students in grades 6 (7) through 12. In addition, the District shall incorporate into existing professional development program for staff information related to the prevention of and appropriate response to teen dating violence

Each student shall be responsible to respect the rights of their fellow students and district employees and to ensure an environment free from all forms of unlawful harassment.

Should harassment be alleged, it is the policy of this Board that it shall be thoroughly investigated, that there shall be no retaliation against the victim of the alleged harassment, and that the problem/concern shall be appropriately addressed.

In order to maintain an educational environment that discourages and prohibits unlawful harassment, the Board designates the

- { } Superintendent
- { } Assistant Superintendent
- { } Business Manager
- { } Personnel Director
- { } Director of Special Education/Services

as the District's Compliance Officer.

Students

Harassment (continued)

The Compliance Officer shall publish and disseminate this policy and the complaint procedure annually to students, parents, employees, independent contractors, vendors and the public. The publication shall include the position, office address and telephone number of the District's Compliance Officer.

The Board directs that complaints of harassment shall be investigated promptly and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained consistent with the District's legal and investigative obligations.

The Building Principal or his/her designee shall be responsible to complete the following duties when receiving a complaint of unlawful harassment:

1. Inform the student or third party of the right to file a complaint and the complaint procedure.
2. Inform the complainant that he/she may be accompanied by a parent/guardian during all steps of the complaint procedure.
3. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
4. Refer the complainant to the Compliance Officer if the Building Principal is the subject of the complaint.

(cf. 0521 – Nondiscrimination)
(cf. 4131 – Staff Development)
(cf. 4118.113/4218.113 – Harassment)
(cf. 5131.911 – Bullying)
(cf. 5131.912 – Aggressive Behavior)
(cf. 5131.913 – Cyberbullying)
(cf. 5141.4 – Reporting of Child Abuse and Neglect)
(cf. 5145 – Civil and Legal Rights and Responsibilities)
(cf. 5145.4 – Nondiscrimination)
(cf. 5145.5 – Sexual Harassment)
(cf. 5145.51 – Peer Sexual Harassment)

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.

Students

Harassment

Legal Reference: Connecticut General Statutes (continued)

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 (62 Fed Reg. 12033 (March 13, 1997) and 66 Fed. Reg. 5512 (January 19, 2001)

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

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

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

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

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

Connecticut General Statutes

46a60 Discriminatory employment practices prohibited.

10-15c Discrimination in public schools prohibited. School attendance by five-year olds. (Amended by P.A. 97-247 to include “sexual orientation)

10-153 Discrimination on account of marital status.

17a-101 Protection of children from abuse.

Policy adopted:

rev 11/01
rev 4/02
rev 6/10
rev 1/11
rev 1/14

Another version of this policy to consider.

Students

Harassment

The _____ Public Schools is committed to providing all students, teachers, employees and staff with a safe and supportive school environment in which all members of the school community are treated with respect.

It is hereby the policy of the Board of Education to prohibit harassment based on real or perceived race, color, religion (creed) national origin, marital status, gender, sexual orientation, gender identity and expression, disability, or on the basis of association with others identified by these categories. This policy is intended to comply with Connecticut statutes as well as federal requirements. The District shall act to discipline or take other appropriate action against any member of the school community who is found to have violated this policy.

In order to maintain an educational environment that discourages and prohibits unlawful harassment, the Board designates _____ as the District's Compliance Officer.

The Compliance Officer shall publish and disseminate this policy and the complaint procedure annually to students, parents, employees, independent contractors, vendors and the public. The publication shall include the position, office address and telephone number of the District's Compliance Officer.

The Board directs that complaints of harassment shall be investigated promptly and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained consistent with the District's legal and investigative obligations.

(cf. 4118.113/4218.113 - Harassment)

(cf. 5131.911 - Bullying)

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. Volume 62, #49, 29 CFR Sec. 1606.8 (62 Fed Reg. 12033 (March 13, 1997) and 66 Fed. Reg. 5512 (January 19, 2001)

Students

Harassment (continued)

Legal References: (continued)

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

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

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

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

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

Connecticut General Statutes

46a60 Discriminatory employment practices prohibited.

10-15c Discrimination in public schools prohibited. School attendance by five-year olds. (Amended by P.A. 97-247 to include “sexual orientation)

10-153 Discrimination on account of marital status.

17a-101 Protection of children from abuse.

Policy adopted:

cps 1/11

Sample regulation to consider which contains the required complaint procedure and procedures (optional) pertaining to the issue of teen dating violence.

Students

Harassment

Harassment Complaint Procedure

If an individual believes that he/she is being or has been harassed, that person should immediately inform the harasser that his/her behavior is unwelcome, offensive, in poor taste, unprofessional, or highly inappropriate.

If the offensive behavior **is repeated** following a request to the harasser that it cease, the student shall have the option of pursuing either an **informal** complaint procedure designed to educate the harasser and to eliminate the problem, or a formal complaint procedure that is defined below.

Any student who makes an **informal** oral complaint of harassment to his or her site administrator, counselor, teacher, the Assistant Superintendent (*or Superintendent's designee in the absence of an Assistant Superintendent*) or Compliance Officer will be provided a copy of these regulations and will be encouraged to pursue the **formal** procedure should the **informal** investigation and intervention, if required, prove unsuccessful in eliminating the objectionable behavior. **HOWEVER, IT IS NOT NECESSARY FOR THE PERSON BEING HARASSED TO WAIT UNTIL THE OFFENSIVE BEHAVIOR IS REPEATED BEFORE FILING A COMPLAINT. OFFENSIVE BEHAVIOR OF AN EGREGIOUS NATURE WOULD WARRANT AN IMMEDIATE AND FORMAL COMPLAINT BE FILED.**

If, following requests to cease objectionable, harassing behavior, said behavior continues, and if the **informal** procedure has also proven unsatisfactory, or unacceptable, the student may pursue the **formal** complaint procedure which involves submitting a written complaint to his or her site administrator, counselor, teacher, the Assistant Superintendent (*or Superintendent's designee in the absence of an Assistant Superintendent*) or Compliance Officer. The complaint should list the name of the complainant, the date of the complaint, the date of the alleged harassment, the name(s) of the harasser(s), where such harassment occurred, and a detailed statement of the circumstances constituting the alleged harassment.

If the complainant is a minor student, the person to whom the complaint is given should consider whether a child abuse report should be completed. (See Policy #5141.4, Child Abuse by School Employees)

All formal complaints and informal complaints involving staff are to be forwarded immediately to the Assistant Superintendent (*or the Superintendent's designee in the absence of an Assistant Superintendent*) unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent.

Students

Harassment

Harassment Complaint Procedure (continued)

Upon receiving a formal complaint, the building level administrator in concert with the Assistant Superintendent (*or the Superintendent's designee in the absence of an Assistant Superintendent*), or Compliance Officer, will, as soon as possible, commence an effective, thorough, objective and complete investigation of the complaint. The investigator shall consult with all individuals reasonably believed to have relevant information, including the complainant and the alleged harasser, any witnesses to the conduct, and victims of similar conduct that the investigator reasonably believes may exist.

The investigation shall be free of stereotypical assumptions about either party. The investigation shall be carried on discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation. Throughout the entire investigative process, the due process rights of the alleged harasser will be upheld. The investigator shall make a written report summarizing the results of the investigation and proposed disposition of the matter, and shall provide copies to the complainant, the alleged harasser, and, as appropriate, to all others directly concerned.

If the complainant is dissatisfied with the result of the investigation, he or she may file a written appeal to the Superintendent, who shall review the investigator's written report, the information collected by the investigator together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes harassment. The Superintendent may also conduct a reasonable investigation, including interviewing the complainant and alleged harasser and any witnesses with relevant information. After completing this review, the Superintendent shall respond to the complainant, in writing, as soon as possible.

If after a thorough investigation, there is reasonable cause to believe that harassment has occurred, the District shall take all reasonable actions to ensure that the harassment ceases and will not recur. Actions taken in response to situations of harassment may include reprimand, reassignment, transfer, suspension, expulsion, disciplinary action, or discharge from employment.

The harasser and any other involved individuals, if appropriate, will be informed that appropriate action shall be taken if further acts of harassment or retaliation occur. If further acts of harassment or retaliation do occur, appropriate action shall be taken.

All employees, and supervisors shall be provided copies of the Board of Education policy concerning harassment and the policy will be reproduced in all employee and student handbooks.

Students

Harassment

Dating Violence

Dating Violence *(optional section, if district includes the topic of teen dating violence in its adopted harassment policy)*

For students in grades 6 (7) through 12, physical education, family life and sex education, and health curriculum programs will include the topic of dating violence. (or: The District shall incorporate age-appropriate education about teen dating violence into new or existing programs for students in grades 7 through 12.) “Dating violence” means a pattern of behavior where one person threatens to use, or actually uses physical, sexual, verbal, or emotional abuse to control a dating partner.

Alternate definition to use: Dating violence is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student’s ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment.
2. Has the purpose or effect of substantially or unreasonably interfering with the student’s academic performance; or
3. Otherwise adversely affects the student’s educational opportunities.

The dating violence education shall include information on the definition of dating violence, recognizing dating violence warning signs, and the characteristics of healthy relationships.

Upon written request to the school Principal, a parent/guardian of a student less than 18 years of age shall be permitted within a reasonable period of time after the request is made, to examine the dating violence program instruction materials developed by the school district.

The purpose of the dating violence information is to help prevent dating situations from becoming unsafe and to help educate young people on constructive ways to resolve conflicts in personal relationships.

To be consistent with policy, procedures and curriculum will address the following information:

1. Dating violence will not be tolerated;
2. Dating violence reporting procedures;
3. Guidelines for responding to at-school incidents of dating violence;
4. Discipline procedures specific to at-school incidents of dating violence;
5. Warning signs of dating violence; and
6. Information on safe, appropriate school, family, peer, and community resources available to address dating violence.

Students

Harassment

Dating Violence (continued)

The District prohibits retaliation against a student alleged to have experienced discrimination or harassment, including dating violence, or another student who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation.

Any student who believes that he/she has experienced prohibited conduct or believe another student has experienced prohibited conduct should report the alleged acts to a teacher, counselor, principal (or district's Title IX Coordinator)

Any employee who has knowledge of incidents of teen dating violence that took place on District property, at a District-sponsored activity or in a District vehicle or vehicle used for transporting students to a District activity, shall immediately report the incident to the administration.

- (cf. 0521 – Nondiscrimination)
- (cf. 4131 – Staff Development)
- (cf. 4118.113/4218.113 – Harassment)
- (cf. 5131.911 – Bullying)
- (cf. 5131.912 – Aggressive Behavior)
- (cf. 5131.913 – Cyberbullying)
- (cf. 5141.4 – Reporting of Child Abuse and Neglect)
- (cf. 5145 – Civil and Legal Rights and Responsibilities)
- (cf. 5145.4 – Nondiscrimination)
- (cf. 5145.5 – Sexual Harassment)
- (cf. 5145.51 – Peer Sexual Harassment)

Regulation approved:

cps 11/01
rev 4/02
rev 1/14

Another version of this regulation to consider which contains the required complaint procedure.

Students

Harassment

Harassment Complaint Procedure

Step 1 – Reporting

A student or third party who believes he/she has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the Building Principal or a District employee.

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the Building Principal. If the Building Principal is the subject of the complaint, the student, third party or employee shall report the incident directly to the Compliance Officer.

The complainant or reporting employee is encouraged to use the report form available from the Building Principal, but oral reports are acceptable.

Step 2 – Investigation

Upon receiving a complaint of unlawful harassment, the Building Principal shall immediately notify the Compliance Officer, who shall then authorize the Building Principal to investigate the complaint, unless the Building Principal is the subject of the complaint or is unable to conduct the investigation.

The investigation may consist of individual interviews with the complainant, the accused and others with knowledge relative to the incident. Other information and materials relevant to the investigation may also be evaluated.

The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation is pending or has been concluded.

Step 3 – Investigative Report

The Building Principal shall prepare a written report with fifteen (15) days unless additional time is required to complete the investigation. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint.

Copies of the report shall be provided to the complainant, the accused and the Compliance Officer.

Students

Harassment

Harassment Complaint Procedure (continued)

Step 4 – District Action

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the District shall take prompt, corrective action to ensure that such conduct ceases and will not reoccur.

Disciplinary actions shall be consistent with the Student Code of Conduct, Board Policies and Administrative Regulations, applicable collective bargaining unit agreements and state and federal laws.

If it is concluded that a student has knowingly made a false complaint under this policy, such student shall be subject to disciplinary action.

Step 5 – Appeal Procedure

1. The complainant, if not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, may submit a written appeal to the Compliance Officer within fifteen (15) days.
2. The Compliance Officer shall review the investigation and the investigative report and may also conduct an investigation.
3. The Compliance Officer shall prepare a written response to the appeal within fifteen (15) days. Copies of the response shall be provided to the complainant, the accused and the Building Principal who conducted the initial investigation.

Regulation approved:

cps 4/02

REPORT FORM FOR COMPLAINTS OF DISCRIMINATION

The _____ Public Schools maintains a firm policy prohibiting all forms of discrimination. Harassment against students or employees is discrimination. All persons are to be treated with respect and dignity. Sexual harassment and harassment related to other forms of religion, race, national origin or sexual identity, gender, marital status or disability by any student, teacher, administrator or other school personnel, which create an intimidating, hostile or offensive environment will not be tolerated under any circumstances.

Complainant: _____
Home Address: _____
Home Phone: _____
School building: _____
Date of Alleged Incident(s): _____

Alleged harassment was based on: (Check all that apply.)

- | | | | |
|-----------------------------------|-------------------------------------|---|--|
| <input type="checkbox"/> Race | <input type="checkbox"/> Color | <input type="checkbox"/> National Origin | <input type="checkbox"/> Gender Identity or Expression |
| <input type="checkbox"/> Gender | <input type="checkbox"/> Disability | <input type="checkbox"/> Religion | |
| <input type="checkbox"/> Ancestry | <input type="checkbox"/> Age | <input type="checkbox"/> Sexual Orientation | |

Name of person you believe harassed you or another person: _____

If the alleged discrimination was directed against another person, identify the other person: _____

Describe the incident as clearly as possible, including any verbal statements (i.e., threats, derogatory remarks, demands, etc.) and any actions or activities. Attach additional pages if necessary:

When and where incident occurred: _____

List any witnesses who were present: _____

This complaint is based on my honest belief that _____ has discriminated against me or another person. I certify that the information provided in this complaint is true, correct and complete to the best of my knowledge.

Complainant's Signature

Date

Received By

Date

A regulation from Region No. 14 to consider.

Students

Procedures for Complaints of Sexual, Racial and Other Unlawful Harassment

The Board of Education does not tolerate sexual, racial or other unlawful harassment of any student by another student, school employee, or third person based upon race, color, national origin, sex, disability, religion, sexual orientation, gender identity or expression or alienage. This includes protection from harassment by people who are participating in, observing, or otherwise engaged in activities, including sporting events and other extra-curricular activities under the auspices of the school district.

Students who believe they have been subjected to unlawful harassment as defined in Board Policy 5145.52 are encouraged to promptly report such incidents to a School Counselor, Principal, Assistant Principal or the district's Title IX Coordinator. Timely reporting of incidents of discriminatory conduct enables the school district to properly investigate and resolve such complaints. All reports of conduct that violates these policies shall be reviewed regardless of whether the report has been made in writing.

Complaints will be investigated promptly and corrective action will be taken when allegations are verified. Confidentiality will be maintained to the extent practical. Any reprisals or retaliations found to have occurred as a result of reporting unlawful harassment are considered to be a violation of this policy and may result in disciplinary action against the retaliator.

The school district will provide staff development for new district administrators and will publish its policy and complaint procedure and orient students and employees in an effort to maintain an environment free of sexual, racial and other unlawful harassment.

Responsibilities of Students and Personnel

All Students. Any student who feels that he or she has been a victim of harassment in violation of school policy is strongly urged to immediately report the harassment to a School Counselor, Assistant Principal, Building Principal or Title IX Coordinator. Any student who is not the target of harassment but is aware of it occurring should likewise report such information.

All Employees. Any employee who observes or otherwise becomes aware of any incident of sexual, racial or other unlawful harassment of a student is required to immediately report such incident to the district's Title IX Coordinator.

School Counselors and Administrators. Any complaint, report or other communication from a student or other individual, a government agency, or an attorney concerning potential harassment against a student must be immediately shared with the Title IX Coordinator. If notification to the Title IX Coordinator is impractical or implausible under the circumstances, the Superintendent should be contacted. Any and all investigations should be conducted with the guidance of the Title IX Coordinator or Superintendent or his or her designee.

Students

Procedures for Complaints of Sexual, Racial and Other Unlawful Harassment (continued)

Title IX Coordinator. The Title IX Coordinator shall be responsible for the investigation of all verbal and written complaints of alleged discrimination including unlawful harassment. The Title IX Coordinator shall ensure a prompt and equitable resolution of all complaints.

Reporting a Complaint of Unlawful Harassment

Any student who feels that he/she has been harassed on the basis of race, color, national origin, sex, disability, religion, sexual orientation, gender identity or expression or alienage in violation of Board Policy 5145.5 should immediately bring his/her complaint to the attention any of the following school officials: School Counselor, Assistant Principal, Building Principal, or district's Title IX Coordinator.

The district's Title IX Coordinator may be contacted at:

**Director of Special Services
Regional School District #14
67 Washington Avenue
Woodbury, CT 06798
203-263-0416**

Upon any notice from a student or other individual that unlawful harassment of a student may be occurring, the school official should inform the student of the school district's policy and regulations, including the school district's legal obligation to investigate every report even where the complainant is hesitant to pursue the complaint.

If the complainant is a minor, the school official to whom the complaint is given should consider whether a child abuse report should be completed.

Although there is no requirement that the complaint be in writing, the school official should encourage the student to commit the complaint to writing and may assist the student in writing the complaint. The school official should document the complaint even if the student refuses to commit the complaint to writing.

The written complaint should state the following (the form in Appendix A may be provided for the convenience of the complainant, but is not required):

1. name of the complainant;
2. date that the complaint was made;
3. name(s) of the alleged harasser(s);
4. date and place of the alleged harassment;
5. names of any witnesses, if any;
6. list of documentary evidence, if any;
7. statement of the facts supporting this complaint of harassment.

Students

Procedures for Complaints of Sexual, Racial and Other Unlawful Harassment

Reporting a Complaint of Unlawful Harassment (continued)

The school official should advise the student that confidentiality will be maintained to the extent possible. The school official cannot make a blanket promise of complete confidentiality since information gained from the investigation may have to be disclosed to other students, school personnel or may be needed in subsequent government or court proceedings.

The school official should carefully document his or her knowledge of all communications and efforts concerning student complaints, including any student failure to take advantage of the opportunities provided by the school district's policy and procedure. Such documentation should be maintained in a separate investigative file.

The Building Principal, Assistant Principal or School Counselor shall immediately forward the complaint to the district's Title IX Coordinator without screening or investigating the report.

If the Title IX Coordinator is the subject of the complaint, the complaint should be submitted to the Superintendent, who shall investigate or appoint a designee to do so. If the Superintendent is the subject of the complaint, it shall be submitted to the Board of Education and the Board shall appoint the investigator.

Investigation of Complaints of Unlawful Harassment

Investigator: The Title IX Coordinator is responsible for investigating any complaints unlawful harassment. The advice of legal counsel should be sought as necessary.

Interim measures: The investigator shall assess whether there is a necessity to take immediate interim measures to prevent further allegations of unlawful harassment or retaliation of any kind while the investigation is pending.

Investigation: The investigation shall be conducted with objectivity and completed in a timely manner. The investigator shall consult with all individuals believed to have relevant information including the complainant, the person(s) accused of the unlawful harassment, potential witnesses and other possible victims of the alleged harassment. The investigation shall be carried on discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation. Throughout the investigative process, the due process rights of the alleged harasser(s) shall be preserved. The investigator shall keep the complainant apprised of the status of the investigation on a periodic basis.

Documentation: The investigator should carefully document all aspects of the investigation. Documentation should be maintained in an investigative file. Documentation of disciplinary actions taken should be maintained in the employee's personnel file or the student's disciplinary file.

Students

Procedures for Complaints of Sexual, Racial and Other Unlawful Harassment

Reporting a Complaint of Unlawful Harassment (continued)

Written Report: After an impartial and prompt investigation of the complaint, the investigator should ascertain (1) whether the alleged conduct occurred, and (2) whether such conduct constitutes a violation of the Board's policy. In determining whether there is a violation of the policy, the investigator should consider the surrounding circumstances, the nature of the behavior, past incidents or patterns of behavior, the relationships between the parties involved and context in which the incidents occurred. If there is a violation, the investigator should determine what remedial action is necessary to eradicate the harassment and prevent any recurrence of such conduct in the future. The investigator should commit the findings and recommendations to writing and forward the report to the Superintendent of Schools. Unless unusual circumstances exist, the written report shall be completed within 10 school days of receipt of the complaint. If the Superintendent is the subject of the investigation, the Board of Education shall receive the findings and recommendations.

Notification of Results of Investigation: The results of the investigation will be communicated to the parties involved in a manner consistent with state and federal laws regarding data and records privacy.

Request for Review: If the complainant is unsatisfied with the results of the investigation, he/she may request a review by the Superintendent of Schools within 10 school days of the notification of the results of the investigation. The Superintendent (or designee) shall review the investigator's written report and further investigation may be conducted if necessary. The complainant may present additional evidence or witnesses for the reviewer to consider. Absent unusual circumstances, the review process shall be completed within 20 days of the request for the review. The Superintendent shall promptly notify the complainant in writing of the results of his/her review.

Corrective Action: If unlawful harassment in violation of Board policy is determined to have occurred, the school district will take prompt corrective action that is reasonably calculated to stop the harassment and prevent any recurrence of such behavior. As part of such remedial action, the offender may be subject to appropriate disciplinary action which may include, but is not limited to one or a combination of the following: counseling, awareness training, warning, reprimand, reassignment, transfer, suspension, termination or expulsion. School district action taken for violation of this policy shall be consistent with the requirements of applicable collective bargaining agreements, state and federal law, and other school district policies.

Students

Procedures for Complaints of Sexual, Racial and Other Unlawful Harassment (continued)

Alternative Complaint Procedures

The federal and state agencies that investigate complaints of unlawful harassment of students are the Office for Civil Rights, U.S. Department of Education (OCR) and the Connecticut Commission of Human Rights and Opportunities (CHRO). Any student who wants his or her complaint to be investigated by either of these agencies may do so by contacting the following: CHRO is located at 21 Grand Street, Hartford, CT 06106, (860)-541-5737; Office for Civil Rights-Boston, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921 (617)289-0111. The OCR and CHRO apply a statute of limitations of one hundred and eighty (180) days to such complaints.

Student - Complaint of Discrimination and/or Unlawful Harassment

Name of complainant: _____ Grade/School: _____

Date of complaint: _____ Parent/Guardian: _____

Contact information: _____

Name(s) of alleged unlawful harasser(s) and/or person(s) who allegedly discriminated against complainant: _____

The alleged discrimination and/or harassment is based upon the complainant's (check ALL that apply):

- Race Color National Origin Sex (includes sexual harassment)
Disability Religion Sexual orientation Gender Identity or Expression
Alienage

Date(s) and place(s) of alleged discriminatory conduct and/or harassment: _____

Name(s) of any witness(es) (if any): _____

List of documentary evidence (if any): _____

Statement of the facts supporting this complaint of discrimination and/or unlawful harassment (use back of form or attach additional pages if necessary):

School Official who received the complaint

Signature of complainant

Date: _____

NOTICE TO ALL STUDENTS
DISCRIMINATION IS AGAINST THE LAW
SEXUAL, RACIAL AND OTHER UNLAWFUL HARASSMENT
IS AGAINST THE LAW

Everyone in the Region 14 Public Schools has a right to feel respected and safe. Consequently, we want you to know about our policies to prevent unlawful harassment and other forms of discrimination.

The Regional School District No. 14 Board of Education does not discriminate on the basis of race, color, national origin, sex, disability, age, religion or sexual orientation in any of its programs, activities and employment practices. Furthermore, it is the policy of the Board to maintain a working and learning environment that is free from all forms of unlawful harassment based upon a student's race, color, national origin, sex, disability, religion, sexual orientation, gender identity or expression, alienage or any other basis prohibited by law.

A harasser may be a student, school employee, or any other person involved in or present for school-sponsored events or programs.

Harassment may include the following when based upon a student's race, color, national origin, sex, disability, religion, sexual orientation, gender identity or expression or alienage:

1. name calling, jokes or rumors;
2. pulling on clothing;
3. graffiti;
4. notes or cartoons;
5. unwelcome touching of a person or clothing;
6. offensive or graphic posters or book covers;
7. any words, images or actions that make you feel uncomfortable, embarrass you, hurt your feelings or make you feel bad.

If any words, images or actions make you feel uncomfortable or fearful, you need to tell a school counselor, the Principal, Assistant Principal or the district's Title IX Coordinator. You may also make a written report.

Your right to privacy will be protected as much as possible.

We take seriously all reports of harassment or violence and will take all appropriate actions based on your report. The school district will also take action if anyone tries to intimidate you because you have reported harassment.

This is a brief summary of the district's policies on non-discrimination and unlawful harassment.

Complete policies (Nos. 5000 and 5145.52) are available at the Board of Education office.

Students who harass other students or school employees may be subject to discipline as severe as expulsion from school for up to one calendar year.

For more information or to file a complaint of discrimination or unlawful harassment, contact the school district's Title IX Coordinator:

Director of Special Services
Regional School District #14
67 Washington Avenue
Woodbury, CT 06798
203-263-0416

Harassment Incident Report

5145.52
Form 2

School _____

1. Incident: _____
 Location of Incident: _____ Date: _____ Time: _____
 Form Completed By: _____ Title: _____ Phone: _____

2. Perpetrator(s):													3. Victim(s)												
Ethnicity													Ethnicity												
Perpetrator attend school?													Perpetrator attend school?												
	Male	Female	A	AI/AN	B	F	H	PI	W	Grade	Y	N		Male	Female	A	AI/AN	B	F	H	PI	W	Grade	Y	N
1.													1.												
2.													2.												
3.													3.												
4.													4.												

Ethnic Code Key: _____
 A- Asian AI/AN- American Indian or Alaskan Native B- Black, not of Hispanic Origin F- Filipino H- Hispanic
 PI- Pacific Islander W- White

4. Type of Incident:

PERSONAL

___ Body Language/gestures ___ Physical Assault- no weapon(s) used
 ___ Verbal Slurs/threats ___ Physical Assault- weapon(s) used
 ___ Harassment ___ Extortion/theft
 ___ Other

PROPERTY

___ Graffiti ___ Property Damage
 ___ Arson ___ Cross Burning
 ___ Other

5. Harassment Related to:

___ Race ___ Sexual Orientation ___ Religion ___ Disability ___ Marital Status ___ Sexual ___ National Origin ___ Gender
 ___ Other _____

6. Description of Incident _____

Complaint verified ___ Yes ___ No

5145.52
Form 2
(continued)

7. Description of Investigation

8. If yes, corrective action taken, if no, other actions taken to prevent further incidents.

9. Additional Comments

10. Complainant has been notified of appeals process Yes No

11. Other Agency Reports Filed? Yes No Agency Name: _____

Copy to: Title IX District Coordinator
Human Rights Officer
Superintendent of Schools

Received by Human Rights Officer on: _____ (date/initials)

Reviewed by Human Rights Officer on: _____ (date/initials)

Further action necessary: Yes No

If "Yes", what action: _____

A required policy concerning Title IX.

Students

Student Grievance Procedures (Title IX)

Designation of Responsible Employee

The Board of Education shall designate an individual as the responsible employee to coordinate school district compliance with Title IX and its administrative regulations.

The designee, the District's Compliance Officer, shall formulate procedures for carrying out the policies in this statement and shall be responsible for continuing surveillance of district educational programs and activities with regard to compliance with Title IX and its administrative regulations.

The designee shall, upon adoption of this policy and once each academic year thereafter, notify all students and employees of the District of the name, office address and telephone number of the designee. Notification shall be by posting and/or other means sufficient to reasonably advise all students and employees.

Grievance Procedure

Any student or employee shall have a ready means of resolving any claim of discrimination on the basis of sex in the educational programs or activities of the District. Grievance procedures are set forth in administrative regulations.

Dissemination of Policy

The Superintendent of Schools shall notify applicants for admission, students, parents/guardians of elementary and secondary school students, sources of referral of applicants for admission, employees and applicants for employment that it does not discriminate on the basis of sex in the educational programs or activities which it operates and that it is required by Title IX and its administrative regulations not to discriminate in such a manner. The notification shall be made in the form and manner required by law or regulation.

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

34 C.F.R. Part 106 – Title IX of the Educational Amendments of 1972

Policy adopted:

cps 9/05

CABE's suggested regulation.

Students

Student Grievance Procedures

Any student may bring a grievance before a student grievance committee using the following procedures:

Purpose of Student Grievance Procedures

1. To define the correct procedure for students to follow in resolving grievances.
2. To allow students to come before a committee with peer representation.
3. To secure at the lowest possible level an equitable solution to the problem for those parties involved with the grievance.

General Conditions

1. Procedures described herein do not limit the right of any student having a problem to discuss it with the principal or any appropriate administrator without the assistance of the student grievance committee.
2. The student must initiate definite action on the grievance within ten (10) days following the event or occurrence which gives rise to the grievance or it shall be considered waived.
3. This procedure shall be used only when direct negotiation between parties involved would aggravate existing relationships.
4. Failure at any level of a school district administrator or the Board of Education to submit a written decision within the specified time limits shall permit the aggrieved student to take said grievance to the next level.

Failure by the student to take the grievance to the next level within the specified time limit shall be considered acceptance of the decision rendered at the particular level.

5. Days indicated at each level should be considered as maximum, and every effort should be made to expedite the grievance process. Specified time limits may be extended by mutual written agreement of involved parties.
6. Formal grievances and decisions shall be in writing.
7. In the event a grievance is filed after June 1 of any year and this procedure will not allow for settlement prior to completion of the school year, all parties shall attempt to resolve the grievance within ten (10) weekdays of the event or occurrence.

Students

Student Grievance Procedures (continued)

Procedures

1. **Level One.** The student takes up the grievance with the person immediately concerned.
 - A. In those cases where the student believes a relationship is already such that further contact with the other party can only make matters worse, he/she may complete a grievance identification form, obtained in the principal's office, and return it to the student grievance committee within five (5) days.
 - B. One committee member shall be assigned to contact the student. Within five (5) days, a grievance committee meeting will be held to render a validity judgment on the grievance. At this time the student will be advised by the committee as to whether he/she must make another effort to resolve the problem at level one or continue to level two.
2. **Level Two.** If the problem is not resolved at level one, the student may submit a formal grievance to the grievance committee. The committee shall immediately refer the grievance to the appropriate administrator who will discuss the grievance with all parties involved, including parents of the student if necessary. The student may choose a committee representative to assist him/her in discussion. Following the discussion, the administrator shall render a decision in writing to all parties involved within ten (10) days after receiving the grievance form.
3. **Level Three.** If the student is not satisfied at level two, the student may appeal to the Superintendent, or the Superintendent's designee, within five (5) days of receiving the written decision. The Superintendent or designee will discuss the grievance with the parties including the parents of the student if necessary. The student may choose a representative of the committee to assist him/her in discussion. Following the discussion the Superintendent or the Superintendent's designee shall render a written decision to the parties within ten (10) days of receiving the appeal.
4. **Level Four.** If the student is not satisfied with the decision at level three, within five (5) days of receiving the written decision, he/she may appeal to the Board of Education. Within one (1) month of receiving the appeal, the grievance shall be placed on the agenda of a Board meeting and all involved parties notified of the meeting at which the grievance will be discussed. The student may choose a representative of the committee to assist him/her in discussion. Following the discussion and consideration, the Board of Education shall render a decision in writing to all parties involved.
5. **Level Five.** If the student and/or the student's parents wish to pursue the grievance, he/she must involve due process of the court system. The committee may assist the student's legal representative with any information regarding the grievance.

Students

Student Grievance Procedures (continued)

Committee Membership

1. Three committee members from each grade level shall be appointed by the president of the student council.
2. One of the three senior committee members shall be appointed chairperson by the president of the student council.
3. The student members of the committee shall select two faculty members to participate on the committee.
4. The faculty shall select two teachers to participate as committee members.
5. An administrator shall be named by the school principal to act as a direct communications link to the committee. The administrator acts as a consultant in matters concerning administrative practice and procedure and shall have no voting powers and is not a committee member.
6. The committee should reflect broad and diverse points of view, and, whenever reasonably possible, there should be some overlap of committee members to insure continuity.

Legal Reference: U.S.O.E. Title IX (Final Title IX Regulation Implementing Education Amendments of 1972 Prohibiting Sex Discrimination in Education, eff. date 7/21/75 20 U.S.C. @ 1681 et seq.)

Regulation approved:

Table of Contents

Newtown Board of Education Policy

Overview Newtown Public Schools Suicide Prevention Strategies

Suicide Prevention Roles and Responsibilities

Suicide Response and Intervention Procedures

- Suicide Referrals and Suicide Risk Assessment
- Emergency Procedures
- Risk Level III: Immediate Risk Procedures
- Risk Level II: High Risk Procedures
- Risk Level I: At Risk Procedures
- Postvention Guidelines

Appendices

1. Crisis Intervention Form
2. Protective Factors, Risk Factors, and Warning Signs for Suicide
3. Community Mental Health Resources
4. Signs of Suicide Program Information
5. Postvention Resources for Administrators

References

Students

Suicide Prevention and Intervention

The Newtown Public Board of Education recognizes the need for a comprehensive suicide prevention and intervention policy because suicide is a leading cause of death among young people. It is the policy of the Board that school staff will actively respond to any situation where a student verbally or through behavior indicates an intention to attempt suicide or to do physical harm to themselves.

The Board recognizes the need for youth suicide prevention procedures and will establish such procedures and educational programs to identify risk factors for youth suicide, to intervene with such youth, to guide staff in making appropriate referrals to outside agencies/resources, and to ensure proper training for teachers, other school professionals, and students in the recognition and management of youth at risk for suicide.

It is also recognized by the Board that suicide is a complex issue and that while school staff members gather information to determine the seriousness of the threat, they will not make a clinical assessment of risk nor will they provide in-depth counseling. Staff is required, therefore, to refer at-risk youths to an appropriate agency/resources for such assessment and counseling.

Therefore, any school employee who may have knowledge of a suicide threat or intention will report this information to school administration or pupil personnel staff, who will, in turn, notify and consult with appropriate staff. If deemed high risk, the student will not be left alone at any time during this evaluation process. The student's parent/guardian will be notified, and an appropriate referral will be made.

Legal Reference: Connecticut General Statutes

10-221 €Boards of education to prescribe rules.

Students

Youth Suicide Prevention Strategies

1. Promoting a safe and healthy school climate and supporting social and emotional learning in grades K-12.
2. Providing students with a health and developmental guidance curriculum that includes suicide awareness and mental health promotion.
 - For example, the Signs of Suicide (SOS) Program is provided for students in 7th, 9th and 11th-grade health classes. Students learn about suicide risk factors and learning to act on behalf of their peers. Students also complete a screening form, and Pupil Personnel Services staff follow up with any students who indicate possible risks for depression or suicide.
3. Providing effective training to all teachers, staff, and administrators to recognize warning signs of suicide and make appropriate referrals.
 - Each school year, district administrators will evaluate training needs for teachers and staff on risk factors, protective factors, warning signs, referral procedures, and resources. Professional development will be planned as necessary. For example, QPR (Question, Persuade, Refer) training or QPR refresher training may be provided.
4. Assigning roles and responsibilities and procedures for interventions for students who may be at risk for suicide.
5. Collaborating with parents and community partners to engage and support children and youth.
6. Reviewing relevant data and improving programs and procedures.

Role of Administrators:

In conjunction with the Director of Pupil Personnel, building administrators will:

1. Provide yearly, in-service training program or refresher program for teachers, administrators, and pupil personnel
2. Regularly review and share the Suicide Prevention Manual and ensure all appropriate staff understand roles and responsibilities and procedures.
3. Create, lead, and meet as needed with the Crisis Intervention Team (CIT).
4. During a crisis, lead the CIT, contact parents, inform faculty, oversee school response, delegate responsibilities of the CIT, etc.
5. Advocate for a wide range of activities and programs that support student connection in the school.
6. Ensure a safe and healthy school climate.
7. Seek out, create, and value opportunities for students to be involved in decision-making.
8. Support curriculum that incorporates mental health promotion and direct and indirect education that prevents suicide.
9. Ongoing review of program-related data.

Students

Suicide Prevention and Intervention

Student Referrals and Assessment of Risk Level

There are many warning signs for suicide (see Appendix 2). If any staff member observes any of these signs in a student or receives a report of these signs in a student from a peer, the student will be referred to the school psychologist, school social worker, or school counselor. If a staff member observes these or receives a report after school hours, then the staff will contact the appropriate persons, to include but not limited to: school staff administration, community agencies, local police.

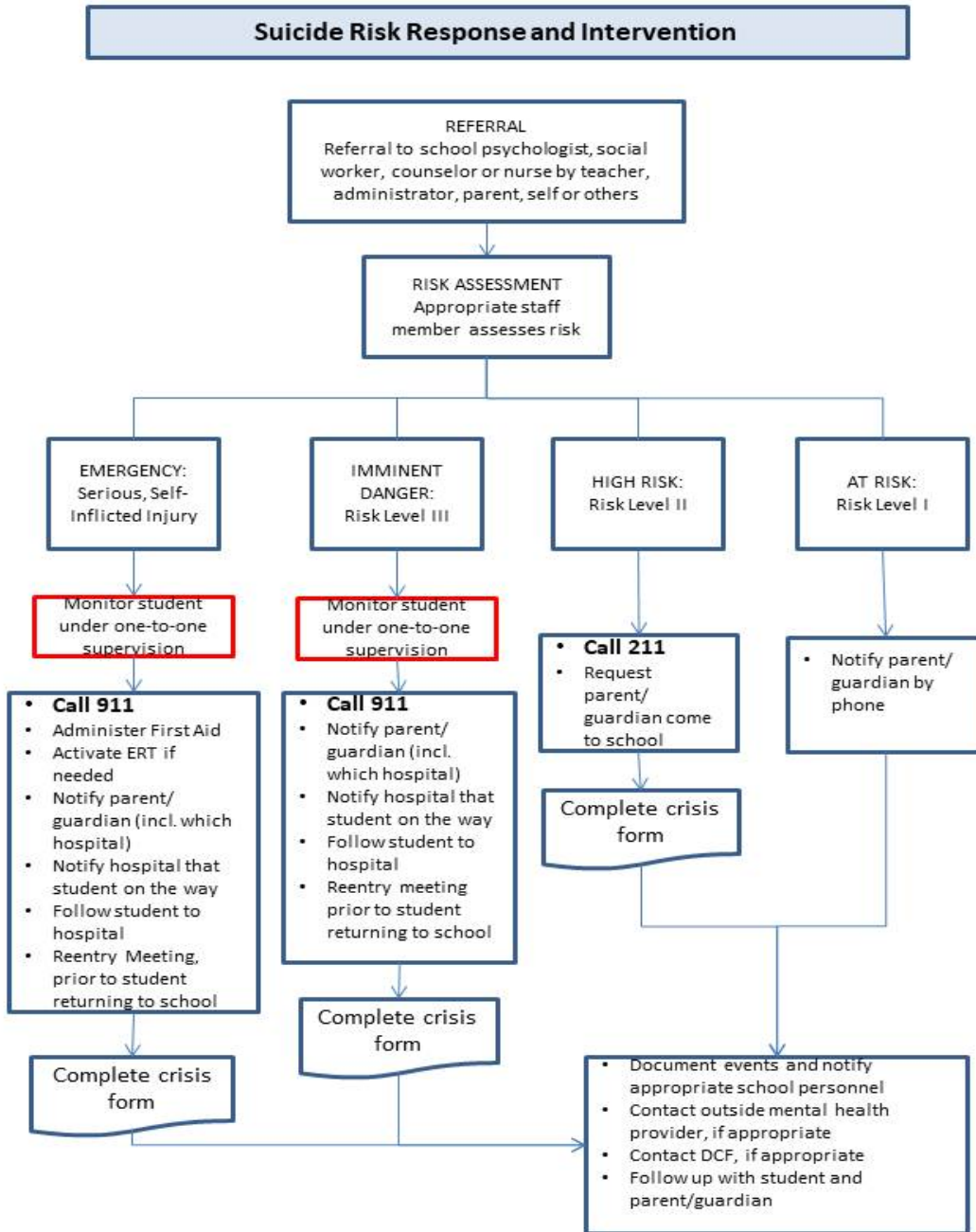
Following a referral by a staff member, parent/guardian, or peer, the student will be interviewed by the school psychologist, school social worker, or school counselor to assess risk level taking into consideration staff’s professional judgement, relationship with student and student’s history. Further appropriate staff and the parent/guardian will be notified in a timely manner.

Focused interventions, described in the subsequent procedures section, are based on the following guidelines of assessed risk.

Level of Assessed Risk	Indicator(s) <i>Note: May be expressed verbally or in social media or be reported by peers.</i>
Emergency	Student has taken a life-threatening action. A serious, self-inflicted injury or a life-threatening circumstance, has occurred.
Level III - Imminent Risk	Student is in imminent danger of suicide <ul style="list-style-type: none"> ● The student has been thinking about how to commit suicide and has some intention of acting on these thoughts. ● The student has started to work out the details of how to commit suicide and has some intent to carry out the plan. ● The student has done anything, started to do anything, or prepared to do anything to end their life recently. (i.e purchasing pills/a weapon/a rope, giving away possessions, writing a will) ● The student cannot verbalize a plan for safety.
Level II - High Risk	Student is at high risk for self-directed violence. <ul style="list-style-type: none"> ● The student has thought about suicide and has thought about how to commit suicide, but the student has no intention of acting on these thoughts. ● The student expresses thoughts about a wish to be dead or a wish to fall asleep and not wake up. ● The student has had general, nonspecific thoughts of wanting to end one’s life without thoughts of ways to commit suicide/associated methods, intent, or plan.
Level I- At Risk	Student is at risk, but not presently in danger. <ul style="list-style-type: none"> ● The student has exhibited changes in behavior or behaviors associated with suicide risk. ● The student has not expressed suicidal intentions.

Students

Suicide Prevention and Intervention



Students

Suicide Prevention and Intervention

Emergency: Serious, Self-Inflicted Injury Procedures

If there is a serious, self-inflicted injury or life-threatening circumstances, responding staff member **will ensure that the student is not left alone at any time.**

Procedures:

1. Responding staff member will call the school nurse and/or 911. Administration is notified immediately. As deemed appropriate by the administration, building emergency response procedures and the Emergency Response Team will be activated.
2. The school psychologist or appropriate staff member verbally notifies/consults with other staff as necessary (e.g., administration, school counselor, teachers, and nurse).
3. The appropriate staff member contacts the parent/guardian with another staff member present and notifies the parent/guardian of the situation. The parent/guardian will be given the name of the hospital to which the student is being taken.
4. The appointed school psychologist, social worker or school counselor will meet the student at the emergency room in the absence of parent/guardian being present at school.
5. Nurse will notify the hospital's emergency room that the student is on the way.
6. The school psychologist, social worker, or school counselor will notify the student's outside mental health provider, if applicable.
7. The school psychologist, social worker, or school counselor will follow-up with parent/guardian within two school days.
8. The school psychologist, social worker, or school counselor will contact DCF for all students under 18 years of age if parent/guardian does not follow the recommendations of the professional assigned to the student.
9. A Crisis Form (Appendix 1) is completed by the school psychologist, social worker, or school counselor and submitted to building administration. A copy is sent to the Director of Pupil Personnel in Central Office.
10. A re-entry meeting will be held prior to the student returning to school. Administration should be present at the re-entry meeting.

Students

Suicide Prevention and Intervention

Imminent Danger: Risk Level III Procedures

The school psychologist, social worker, or school counselor ensures that **the student is not left alone at any time.**

Procedures:

1. School psychologist, social worker, or school counselor verbally notifies/consults with administration and other staff as necessary (e.g., administration, nurse and other PPS staff).
2. 911 is called and notified that a student is in imminent danger of suicide.
3. The appropriate staff member contacts parent/guardian with another staff member present, and notifies the parent/guardian of the situation. Parent/guardian will be given the name of the hospital to which the student is being taken.
4. An appointed staff member will call emergency room crisis services to inform of student transport.
5. An appointed school psychologist, social worker or school counselor will meet the student at the emergency room in absence of parent/guardian being present at school.
6. The school psychologist, social worker, or school counselor notifies/consults with the student's outside mental health provider, if appropriate.
7. A Crisis Form (Appendix 1) is completed by the school psychologist, social worker, or school counselor and submitted to building administration. A copy is sent to the Director of Pupil Personnel in Central Office.
8. A re-entry meeting will be held prior to the student returning to school. Administration should be present at the re-entry meeting.

Students

Suicide Prevention and Intervention

High Risk: Level II Procedures

1. The school psychologist, social worker, or school counselor deems student high risk for suicide.
2. Emergency Mobile Crisis (211) is called and notified of the student situation. A crisis counselor is requested to come to school for evaluation of suicidal risk.
3. Immediately notify and discuss the situation with the parent/guardian by phone and request parent/guardian to come to school.
4. If the parent/guardian refuses Mobile Crisis services,
 - a. Mobile Crisis is contacted and told not to come to school for evaluation.
 - b. The school psychologist, social worker, or school counselor will recommend to the parent/guardian that the student meet with an outside clinician to assess student risk.
 - c. When the crisis form is completed, staff will note that the parent/guardian refused Mobile Crisis services.
5. The school psychologist, social worker, or school counselor verbally notifies/consults with other staff as necessary (e.g., administration, school counselor, teachers, and nurse).
6. If the student has an outside mental health provider, the school psychologist, social worker, or school counselor notifies the mental health provider of the situation.
7. A Crisis Form (Appendix 1) is completed by the school psychologist, social worker, or school counselor and submitted to building administration. A copy is sent to the Director of Pupil Personnel in Central Office.
8. The school psychologist, social worker, or school counselor will follow-up with the student and/or the parent/guardian the next school day.

Students

Suicide Prevention and Intervention

At Risk: Risk Level I Procedures

The school psychologist, social worker, or school counselor assesses the student as presently not in danger of suicide, but as the student has exhibited changes in behavior or behaviors consistent with warning signs (see Appendix).

1. The school psychologist, social worker, or school counselor notifies and discusses the situation with the parent/guardian by phone and may request a meeting.
2. The school psychologist, social worker, or school counselor verbally notifies/consults with other staff as necessary.
3. The school psychologist, social worker, or school counselor discusses available professional resources with the parent/guardian.
4. The school psychologist, social worker, or school counselor notifies/consults with the student's outside mental health provider, if appropriate.
5. The school psychologist, social worker, or school counselor will monitor the student and contact the parent/guardian as needed.
6. The school psychologist, social worker, or school counselor will contact DCF for all students under 18 years of age if the parent/guardian does not follow the recommendations of the professional assigned to the student.

Students

Suicide Prevention and Intervention

Postvention Guidelines: Response to Suicide

The following are guidelines in the event of a suicide by a student or another member of the school community.

1. The staff member who learns of the suicide will notify the building administrator.
2. The building administrator will notify the superintendent and activate the crisis intervention team. Administration should remove the student's name from any distribution lists (i.e. Powerschool attendance) and notify the bus company.
3. The superintendent will notify all other principals.
4. The Crisis Intervention Team will meet to develop an action plan for informing students and full staff and managing stress and reducing contagion.

Crisis Intervention Team (CIT) Tasks:

- Be prepared to share facts and information with team (student photo, student's schedule, list of student's activities, Suicide Prevention Manual)
- Develop a list of impacted students and staff to be notified prior to larger student body.
- Determine the best way to notify, staff, students, and parents/guardians. The use of public address system/intercom is discouraged.
- Draft script for notification of students. Notification should be read in classes by teachers, with support, if requested.
- Begin the identification of friends and at-risk students and assign staff members to follow up with these students.
- Plan deployment of support staff and the location of any support centers.
- Determine if additional community resources are needed. If yes, determine the appropriate role/location/supervision for community mental health resources.
- Plan mid-day briefings and after school faculty meeting.
- Assign a person to monitor social media.

Additional considerations:

- All staff administrators and support staff should remain in their buildings during the school day. District level meetings should not be held during the school day.
- Recognize the impact of the event on staff and provide meaningful accommodations for all staff.
- Cancel activities, paperwork, duties, and meetings, when possible.
- Allow time for support staff to meet with their respective departments.

Students

Suicide Prevention and Intervention

Postvention Guidelines: Response to Suicide (continued)

- All school psychology, counselor and social work interns should be assigned to a veteran staff person to shadow and assist in all direct service activities.

Potential tasks for a Midday Crisis Intervention Team Briefing (meet in two waves to ensure continued student coverage)

- Identify and discuss at-risk students, assign staff to follow-up and call home
- Share additional facts/rumors
- Re-evaluate continued need for support centers, support staff, and community health providers

Potential topics for Afterschool Faculty Meeting:

- Give an overview of the day.
- Share any new information.
- Share the parent letter.
- Encourage staff to continue to assess and refer students.
- Remind staff about the risks of contagion.
- Share the plan for the following day.
- Ask the staff to ask questions and share concerns.
- Thank the staff and encourage them to take care of their needs.
- Share employee assistance program pamphlets.

Potential tasks of End of Day Crisis Intervention Team

- Share any additional facts and rumors.
- Develop a follow-up plan for each at-risk student, including parent/guardian contact.
- Determine follow-up support for the following day.
- Discuss planned community events.
- Discuss any community outreach needs.

Follow-up:

- Administrators should prepare the contents of desk/lockers for delivery to the family.
- Condolence letters and art by students should be carefully reviewed and prepared for delivery to the family.

Appendix 1

**Newtown Public Schools
Administrator's Report to the Superintendent
Crisis Intervention Form**

Student Name: _____

School _____ Date _____ Reporter _____

Referred by: _____ Please circle if applicable IEP 504

(If IEP or 504) Name of Staff Notified: _____

Time/Situation report

Time/Crisis Intervention Team alerted

Time Convened _____

Intervention Plan _____

Time/Parent Guardian Contacted _____

Follow-Up Plan _____

Follow-Up responsibility _____

Pupil Service Director notified _____

Follow up note _____

Signature of reporter _____ Date _____

Signature of person responsible for follow-up _____ Date _____

Signature of administrator _____ Date _____

Appendix 2

Protective Factors, Risk Factors, and Warning Signs for Suicide

Effective suicide prevention involves identifying warning signs, reducing risk factors, and increasing protective factors.

Warning Signs

Warning Signs are **changes** in a person's behavior, feelings, and beliefs about oneself that are maladaptive or out of character and place them at risk of suicide.

Acute Risk Factors

- Threatening to hurt or kill oneself or talking about wanting to hurt or kill oneself
- Looking for ways to kill oneself by seeking access to firearms, pills or other means.
- Talking or writing about death, dying or suicide, when these actions are out of the ordinary

Additional Warning Signs

- Increased substance (alcohol or drug) use
- No reason for living, no sense of purpose in life
- Anxiety, agitation, unable to sleep or sleeping all the time
- Feeling trapped, like there's no way out
- Hopelessness
- Withdrawal from friends, family and society
- Rage, uncontrolled anger, seeking revenge
- Acting reckless or engaging in risky activities
- Dramatic mood changes

Risk Factors

Risk Factors are characteristics of a person or his environment that increase the risk of suicide. Major risk factors include:

- Prior suicide attempt(s)
- Misuse or abuse of alcohol or drugs
- Mental disorders, particularly depression and other mood disorders
- Access to lethal means
- Knowing someone who died by suicide, particularly a family member
- Social isolation
- Chronic disease and disability
- Lack of access to behavioral health care
- Stress resulting from prejudice and discrimination (family rejection, bullying, violence)

Protective Factors

Protective Factors are personal or environmental characters that help protect people from suicide. Major protective factors include:

- Effective behavioral health care
- Connectedness to individuals, family, community, and social institutions

- Life skills (including problem-solving skills and coping skills, ability to adapt to change)
- Self-esteem and a sense of purpose or meaning in life
- Cultural, religious, or personal beliefs that discourage suicide

The list of warning signs is from the State of Connecticut Suicide Prevention Plan. The list of protective factors and risk factors is from the Suicide Prevention Resource Center, which is supported by a grant from the U.S. Department of Health and Human Services (HHS), Substance Abuse and Mental Health Services (SAMHSA), Center for Mental Health Services (CMHS)

Appendix 3

COMMUNITY MENTAL HEALTH SERVICES AND INFORMATION

CRISIS SERVICES AND HOTLINES

- Emergency Mobile Psychiatric Services (EMPS): 2-1-1
- Danbury Hospital Crisis Intervention: 1-888-447-3339
- Kids in Crisis 24-hour Helpline: 203-661-1911
- National Suicide Prevention Hotline: 1-800-273-TALK or 1-800-273-8255 or 1-800-SUICIDE
- LGBTQ Youth Crisis/Suicide Hotline: (The Trevor Project) 1-866-488-7386
www.thetrevorproject.org

LOCAL RESOURCES

Newtown Center for Support and Wellness (CSW)

Provided by the Town of Newtown, CSW provides referrals to mental health providers, care navigation services, and case management services for Newtown residents. The CSW website has a list of community mental health providers. <http://newtowncsw.org> 203-270-4612

Newtown Youth and Family Services

Newtown's youth service bureau and mental health clinic. Accepts private insurance and financial assistance and sliding scale fees are available. www.newtownyouthandfamilyservices.org 203-270-4335

Resiliency Center of Newtown

Provides therapeutic services such as art therapy, music therapy, play therapy, Brainspotting, and MNRI to encourage healing and resilience. www.resiliencycenterofnewtown.org 203-364-9750

Family and Children's Aid (FCA)

Offers outpatient and in-home services to individuals and families. They also have a Life is Good Playmakers program to help children heal from trauma. www.fcaweb.org 203-748-5689

Women's Center of Greater Danbury

Provides prevention, crisis intervention, and support services with regard to domestic violence and sexual assault. Free and confidential services 24 hours a day. Also provides preventative education programs for schools, including NMS. <http://www.wcogd.org> Domestic violence hotline 203-731-5206. Sexual assault hotline 203-731-5204.

SCHOOL-BASED COMMUNITY PARTNERSHIPS

School-Based Health Center (SBHC) at Newtown Middle School

SBHC provides medical and mental health services with no out of pocket cost to the family. 203-270-6114

Newtown Youth and Family Services Student Assistance Counselor at Newtown High School

Licensed Clinical Social Worker is available to talk with students on an informal, drop-in basis, and has a focus of substance use prevention. 203-426-7646 x6125

Kids in Crisis Teen Talk Counselor at Newtown High School

Licensed Clinical Social Worker helps identify and support students struggling with depression, anxiety, substance abuse, trauma, and conflict-related concerns. Provides individual, group and family counseling. 203-661-1911

ONLINE RESOURCES FOR MENTAL HEALTH

Connecticut Network of Care

A resource for individuals, families, and agencies concerned with mental health. It provides information about mental health services, health topics, laws, and related news.

<http://connecticut.networkofcare.org/mh/>

National Child Traumatic Stress Network

A resource for families, professionals, and schools about childhood trauma. <https://www.nctsn.org/>

ANONYMOUS ALERTS

NMS and NHS students and parents can anonymously submit any suspicious activity, bullying or other student-related issues to a school administrator(s).

<https://www.anonymousalerts.com/newtownps/default.aspx>

Appendix 4

SOS (Signs of Suicide) Program Guidelines and SOS Follow-up Form

<https://sossignsof suicide.org>

At the start of the school year:

1. Newtown Middle School and Newtown High School notify the parents/guardians of all students that will receive the SOS program during the school year. Typically, the program has been given to 7th, 9th, and 11th graders during health classes. The communication to the parents/guardians may include:
 - a. A letter describing the program and the option to opt-out. The letter also may provide a link to SOS parent portal for more information (<https://sossignsof suicide.org/parent/>)
 - b. An opt-out form
 - c. A copy of the parent version of the BSAD screener
 - d. A list of national and community mental health resources. (Link to resources can also be provided in the letter)
2. Each school keeps a record of the families who have opted-out of program.

Each quarter:

1. Newtown Middle School and Newtown High School create the schedule of the classes that will have the SOS program and prepare materials for the program. A school psychologist, social worker, or school counselor and a teacher are assigned to each class for the program implementation. The class materials include:
 - a. A class list for noting absences.
 - b. The SOS instructions appropriate for the grade level (including a link to the video).
 - c. The teacher's SOS script.
 - d. Student screener forms.
 - e. Student response forms (Students can indicate if they would like to talk with someone about themselves or someone else).
 - f. ACT cards for students to take home.
2. A school psychologist, social worker, or school counselor will follow up with any student who:
 - a. Answers yes to question 4 or 5 (have they seriously thought about suicide or have they ever attempted suicide in the past).
 - b. Responds on the half sheet that they would like "speak to someone about myself" or "speak to someone about someone else."
 - c. Answers yes to 3 or more of the depression screening questions
3. A school psychologist, social worker, or school counselor may also connect with students who do name a trusted adult.
4. The school psychologist, social worker, or school counselor will complete the SOS follow-up form and follow the appropriate procedures for intervention according to the assessed risk level.
5. The school buildings will retain the SOS follow-up form and the screener form and send copies to the Director of Pupil Services in Central Office.

SOS Follow-Up Form

Student: _____ Grade: _____ Date: _____

Reason for Follow-Up:

- SOS Screener Responses. Explain: _____
- Student indicated "I want to talk to someone about myself" Another student reported concern about this student

Student Interview Summary *(Check all that apply)*

- Yes No Student reported history of depression and/or anxiety.
- Yes No Student reported behaviors consistent with depression and/or anxiety.
- Yes No Student reported student is currently meeting with PPS staff in school regarding these concerns
- Yes No Student currently has a Mental Health Provider outside of school. Name: _____
 Yes No Do we have a release with the provider?
- Yes No Student reported self-harm.
- Yes No Student reported thoughts of self-harm.
- Yes No Student reported Suicidal Ideation (thoughts of suicide).
- Yes No Student reported Suicidal Intent (means of committing suicide, plan to commit suicide).
- Yes No Student reported that responses on form were based on situational/short-term experiences .
- No concerns at this time

Explain any "yes" answers:

What action followed? *(Check all that apply)*

- Yes No Contacted School Counselor. Name(s): _____
- Yes No Contacted Additional School Support Staff (i.e., School Psychologist, School Social Worker, Student Assistance Counselor, Crisis Counselor) Name(s): _____
- Yes No Contacted School Administration Name(s): _____
- Yes No Contacted Parent Name(s): _____
- Yes No Provided Parent with Community Mental Health Provider Information
- Yes No Contacted Student's Mental Health Provider
- Yes No Contacted 2-1-1 (Emergency Mobile Psychiatric Services)
- Yes No Contacted School Resource Officer
- Yes No Contacted DCF

Additional notes/parent response:

Additional notes : _____

PPS Staff Completing Follow-Up _____ Title: _____

Please keep a copy at school and send a copy to Central Office/Director of Pupil Services.

Appendix 5

Postvention Resources for Administrators

Sample Guidelines for Administrator's Phone Call to the Family

Express sympathy and offer support:

Verify facts:

Status of child (life support, deceased, cause of death, etc.)

Are there siblings or relatives within other Newtown schools?

Who are some of his/her close friends within the schools?

Permission to share information within Newtown Public Schools:

Possible phrasing: "We know this is a sensitive issue, but we find students quickly inform each other, so the best way to assure the safety of the students is to talk openly about this. Certainly, the details will not be discussed."

Parent gives permission to share the following:

Sample Guidance for Student Announcement

To: All Faculty and Staff

From: The Crisis Intervention Team (Names)

Date:

Information and Instructions to All Faculty and Staff

We regret to inform you that (Name), a (Grade) student at (School) took his/her life last night. We are deeply saddened by this news.

The Crisis Intervention Team met (When) to begin the process of offering support to students, staff, and families.

We ask that you read the short statement below to your class at (TIME/CLASS PERIOD) Please do not hesitate to request assistance or support if needed.

Students should be given a **brief period of time** to process the information. Any student who appears emotionally distressed may be referred to (Location).

Statement for Students

May I please have your complete attention. I have some sad and serious news to share.

We regret to inform you that (Name), a (Grade) student at (School) took his/her own life last night. He/she was a good friend to many and will be missed by students and staff. Our thoughts go out to his/her family at this difficult time.

This is a sad and challenging day for our school community. Thank you for supporting each other during this difficult time. **<Add information about support staff on campus>**

Sample Communication to Parents/Guardians from Principal

Dear Parents/Guardians:

I am writing to inform you about a tragic loss within our school community. We received the sad news that (Name), a student in the (Grade) at (School) took his/her own life on (Date). We would like to express our sympathy and support for the (Name) family.

All students were provided with the essential facts about the loss. We feel that it is important at times like these that students be given as many of the pertinent facts as possible from a single, reliable source in order to limit false information. Misinformation can be devastating to students and to the family members affected by the loss. Today, we had teaching staff read a brief statement about the loss during class time today. Teachers processed the news with students to gauge their reactions and to explain that counseling staff was available to assist them should they wish to seek further support.

Please be aware the children send and receive information via social media without any way of checking the authenticity and without any support should the information be distressing. We ask you to be vigilant in observing your child's response to this unfortunate news, including any information they receive online.

Students were encouraged to return to their school routines as much as possible. School psychologists, social workers, and counselors were available to students throughout the school day. Students in need of support were seen by counseling staff who will continue to be available for the immediate future.

Some students, particularly those close to (Name) or those who have had their own losses may be particularly affected by the news. Should your child appear to be struggling to cope we encourage you to contact the school to speak with one of our support staff. We all need to support one another in times like these.

Sincerely,

School Principal

<Provide list of resources as needed>

Sample Communication to Parents/Guardians from Principal at Sibling's School

Dear Parents/Guardians:

I am writing to inform you about a tragic loss/sudden death of (Name). He/she is the sibling of _____ who is a student in the (Grade) in _____ 's class. We would like to express our sympathy and support for the (Name) family.

(If sibling is in 3rd, 4th or 5th grade) The children in Kindergarten, 1st and 2nd grades have not been given any of this information. We thought it should come from parents should they deem it appropriate. Children in grades 3, 4, and 5 have been informed of this news. (Support staff) were present in the classrooms to discuss this with the children, along with their teachers. In an effort to make _____ 's transition back to school as easy as possible, teachers and support staff also talked to the children about ways that our community can assist _____ and the family during this difficult time.

When a tragedy of this depth occurs, we need to recognize, respect, and be sensitive to the fact that everyone handles grief in different ways. Please know that we are committed to supporting each child in dealing with this and fully understand that children may respond in an unanticipated manner. Should you feel your child is struggling to cope with this, we encourage you to speak with your child's teacher or (support staff)_____.

News of this nature is never easy to comprehend. It reminds us that life is precious, fragile, and too often inexplicable. It also reminds us that during these moments, it is important to reach out to each other and to help those around us cope with this loss. Please feel free to contact me if you have questions or concerns.

Sincerely,

School Principal

These policies and guidelines were developed by Newtown Public Schools certified staff.

References

Model School District Policy on Suicide Prevention. American Foundation for Suicide Prevention (AFSP), The American School Counselor Association (ASCA), the National Association of School Psychologists (NASP), and the Trevor Project.

Columbia Lighthouse Project. <http://cssrs.columbia.edu/the-columbia-scale-c-ssrs/about-the-scale/>.

Youth Suicide Prevention: A Resource for Simsbury Teachers, Staff & Administrators. Simsbury Public Schools. Revised Fall 2008.

Guidelines for Suicide Prevention: Policy and Procedures (2nd Edition). Connecticut State Department of Education. 2004.

Suicide Prevention Plan 2020. State of Connecticut. Department of Children and Families and Department of Mental Health and Addiction Services.

“Risk and Protective Factors for Suicide.” *Risk and Protective Factors for Suicide | Suicide Prevention Resource Center*, www.sprc.org/about-suicide/risk-protective-factors.

“Warning Signs for Suicide.” *Warning Signs for Suicide | Suicide Prevention Resource Center*, www.sprc.org/about-suicide/warning-signs.

West Hartford Public Schools. Suicide Response Manual: Procedures and Guidelines Grades K-12. Revised 2010.

Students

Use of Physical Force

Physical Restraint/Seclusion/Exclusionary Time Out

The Board of Education (Board) believes that maintaining an orderly, safe environment is conducive to learning and is an appropriate expectation of all staff members within the district. To the extent that staff actions comply with all applicable statutes and Board policy governing the use of physical force, including physical restraint of students and seclusion of students, staff members will have the full support of the Board of Education in their efforts to maintain a safe environment.

The Board recognizes that there are times when it becomes necessary for staff to use reasonable restraint or place a student in seclusion as an emergency intervention to protect a student from harming himself/herself or to protect others from harm. ~~(Alternative language: “to use reasonable restraint or place a student in seclusion to provide a safe environment for students.”)~~

Definitions

Life-threatening physical restraint means any physical restraint or hold of a person that restricts the flow of air into a person’s lungs, whether by chest compression or any other means, or immobilizes or reduces the free movement of a person’s arms, legs or head while the person is in the prone position.

Psychopharmacologic agent means any medication that affects the central nervous system, influencing thinking, emotion or behavior.

Physical restraint means any mechanical or personal restriction that immobilizes or reduces the free movement of a person’s arms, legs or head, including, but not limited to, carrying or forcibly moving a person from one location to another. Excluded from this definition is briefly holding a person in order to calm or comfort the person; restraint involving the minimum contact necessary to safely escort a person from one area to another; medical devices including but not limited to, supports prescribed by a health care provider to achieve proper body position or balance; helmets or other protective gear used to protect a person from injuries due to a fall; ~~or~~ helmets, mitts and similar devices used to prevent self-injury when the device is part of a documented treatment plan or individualized education program pursuant to Connecticut’s special education laws or prescribed or recommended by a medical professional and is the least restrictive means to prevent such self-injury or an exclusionary timeout.

School employee means a teacher, substitute teacher, school administrator, Superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional, or coach employed by the Board of Education or working in a public elementary, middle or high school; or any other individual who, in the performance of his/her duties has regular contact with students and who provides services to or on behalf of students enrolled in the district’s schools, pursuant to a contract with the board of education.

Students

Use of Physical Force

Physical Restraint/Seclusion/Exclusionary Time Out

Definitions (continued)

Seclusion means the involuntary confinement of a student in a room, ~~with or without staff supervision, in a manner that prevents the student from leaving~~ from which the student is physically prevented from leaving. Seclusion does not include ~~any confinement of a student in which the person is physically able to leave the area of confinement including, but not limited to, in-school suspension and time out.~~ an exclusionary time out.

Student means a child (A) enrolled in grades kindergarten to twelve, inclusive, in a public school under the jurisdiction of a local or regional Board of Education, (B) receiving special education and related services in an institution or facility operating under contract with a local or regional Board of Education, (C) enrolled in a program or school administered by a regional education service center, or (D) receiving special education and related services from an approved private special education program, but shall not include any child receiving educational services from Unified School District #2 or the Department of Mental Health and Addiction Services.

Exclusionary time out means a temporary, continuously monitored separation of a student from an ongoing activity in a non-locked setting, for the purpose of calming such student or deescalating such student's behavior.

Conditions Pertaining to the Use of Physical Restraint and/or Seclusion

- A. School employees shall not use a life-threatening physical restraint on a student under any circumstance.
- B. If any instance of physical restraint or seclusion of a student exceeds fifteen minutes an administrator or his/her designee, or a school health or mental health personnel, or a board certified behavioral analyst, who has received training in the use of physical restraint and seclusion shall determine whether continued physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others. Upon a determination that such continued physical restraint or seclusion is necessary, such individual shall make a new determination every thirty minutes thereafter regarding whether such physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others.
- C. No student shall be placed in seclusion unless:
 - a. The use of seclusion is as an emergency intervention to prevent immediate or imminent injury to the student or to others, provided the seclusion is not used for discipline or convenience and is not used as a substitute for a less restrictive alternative.

Students

Use of Physical Force

Physical Restraint/Seclusion/Exclusionary Time Out

Conditions Pertaining to the Use of Physical Restraint and/or Seclusion (continued)

- b. Such student is continually monitored by a school employee during the period of such student's seclusion. Any student voluntarily or involuntarily placed in seclusion or restrained shall be regularly evaluated by a school employee for indications of physical distress. The school employee conducting the evaluation shall enter each evaluation in the student's educational record. Monitor shall mean by direct observation or by observation using video monitoring within physical proximity sufficient to provide aid as may be required.
 - c. The area in which such student is secluded is equipped with a window or other fixture allowing the student a clear line of sight beyond the area of seclusion.
 - d. Seclusion shall not be utilized as a planned intervention in a student's behavioral intervention plan, individualized education program or plan pursuant to Section 504 of the Rehabilitation Act of 1973, as amended from time to time.
- D. School employees may not use a psychopharmacologic agent on a student without that student's consent except (1) as an emergency intervention to prevent immediate or imminent injury to the student or to others, or (2) as an integral part of the student's established medical or behavioral support or educational plan, as developed consistent with Section 17a-543 of the Connecticut General Statutes or, if no such plan has been developed, as part of a licensed practitioner's initial orders. The use of psychopharmacologic agents, alone or in combination, may be used only in doses that are therapeutically appropriate and not as a substitute for other appropriate treatment.
- E. In the event that physical restraint or seclusion is used on a student four or more times within twenty school days:
- a. An administrator, one or more of such student's teachers, the parent/guardian of such student and, if any, a mental health professional shall convene for the purpose of:
 - i. Conducting or revising a behavioral assessment of the student;
 - ii. Creating or revising any applicable behavioral intervention plan; and
 - iii. Determining whether such student may require special education.
 - b. If such student is a child requiring special education or is a child being evaluated for eligibility for special education and awaiting a determination, such student's planning and placement team shall convene for the purpose of (1) conducting or revising a behavioral assessment of the student, and (2) creating or revising any applicable behavioral intervention plan, including, but not limited to, such student's individualized education plan.

Students

Use of Physical Force

Physical Restraint/Seclusion/Exclusionary Time Out

Conditions Pertaining to the Use of Physical Restraint and/or Seclusion (continued)

- F. The parent/guardian of a student who is placed in physical restraint or seclusion shall be notified not later than twenty-four hours after the student is placed in physical restraint or seclusion. A reasonable effort shall be made to provide such notification immediately after such physical restraint or seclusion is initiated.
- G. School employees shall not use a physical restraint on a student or place a student in seclusion unless he/she has received training on the proper means for performing such physical restraint or seclusion.
- H. ~~Beginning July 1, 2016,~~ The Board of Education, and each institution or facility operating under contract with the Board to provide special education for children, including any approved private special education program, shall:
 - a. Record each instance of the use of physical restraint or seclusion on a student;
 - b. Specify whether the use of seclusion was in accordance with an individualized education program;
 - c. Specify the nature of the emergency that necessitated the use of such physical restraint or seclusion; and
 - d. Include such information in an annual compilation on its use of such restraint and seclusion on students.
- I. The Board and institutions or facilities operating under contract with the Board to provide special education for children, including any approved private special education program shall provide such annual compilation to the Department of Education in order to examine incidents of physical restraint and seclusion in schools.
- J. Any use of physical restraint or seclusion on a student shall be documented in the student's educational record. The documentation shall include:
 - a. The nature of the emergency and what other steps, including attempts at verbal de-escalation, were taken to prevent the emergency from arising if there were indications that such an emergency was likely to arise; and
 - b. A detailed description of the nature of the restraint or seclusion, the duration of such restraint or seclusion and the effect of such restraint or seclusion on the student's established educational plan.
- K. Any incident of the use of restraint or seclusion that results in physical injury to a student shall be reported to the State Board of Education.

Students

Use of Physical Force

Physical Restraint/Seclusion/Exclusionary Time Out (continued)

Required Training and Prevention Training Plan

Training shall be provided by the Board to the members of the crisis intervention team for each school in the district. The Board may provide such training to any teacher, administrator, school professional or other school employee, designated by the school principal and who has direct contact with students regarding physical restraint and seclusion of students. Such training shall be provided during the school year commencing July 1, 2017 and each school year thereafter, and shall include, but not be limited to:

1. An overview of the relevant laws and regulations regarding the use of physical restraint and seclusion on students and the proper uses of physical restraint and seclusion. (*Such overview is to be provided by the Department of Education commencing July 1, 2017 and annually thereafter, in a manner and form as prescribed by the Commissioner of Education.*)
2. The creation of a plan by which the Board will provide training regarding the prevention of incidents requiring physical restraint or seclusion of students.

Such plan is to be implemented not later than July 1, 2018.

3. The Board will create a plan, to be implemented not later than July 1, 2018, requiring training regarding the proper means of physical restraint or seclusion of a student, including, but not limited to:
 - a. Verbal defusing and de-escalation;
 - b. Prevention strategies;
 - c. Various types of physical restraint and seclusion;
 - d. The differences between life-threatening physical restraint and other varying levels of physical restraint;
 - e. The differences between permissible physical restraint and pain compliance techniques; and
 - f. Monitoring methods to prevent harm to a student who is physically restrained or in seclusion, including training in the proper means of physically restraining or secluding a student.
 - g. Recording and reporting procedures on the use of physical restraint and seclusion.

Students

Use of Physical Force

Physical Restraint/Seclusion/Exclusionary Time Out (continued)

Crisis Intervention Teams

For the school year commencing July 1, 2017 and each school year thereafter, the Board requires each school in the District to identify a crisis intervention team. Such team shall consist of any teacher, administrator, school professional or other school employee designated by the school principal and who has direct contact with student and trained in the use of physical restraint and seclusion.

Such teams shall respond to any incident in which the use of physical restraint or seclusion may be necessary as an emergency intervention to prevent immediate or imminent injury to a student or to others.

Each member of the crisis intervention team shall be recertified in the use of physical restraint and seclusion on an annual basis. The Board shall maintain a list of the members of the crisis intervention team for each school.

Exclusionary Time Out

Not later than January 1, 2019, the Board establishes this portion of this policy regarding the use of an exclusionary time out, as defined in this policy. This policy regarding exclusionary time outs includes, but need not be limited to, the following requirements:

1. exclusionary time outs are not to be used as a form of discipline;
2. at least one school employee remain with the student, or be immediately available to the student such that the student and school employee are able to communicate verbally, throughout the exclusionary time out;
3. the space used for an exclusionary time out is clean, safe, sanitary and appropriate for the purpose of calming such student or deescalating such student's behavior;
4. the exclusionary time out period terminate as soon as possible; and
5. if such student is a child requiring special education, as defined in C.G.S. 10-76a, or a child being evaluated for special education, pursuant to C.G.S. 10-76d, and awaiting a determination, and the interventions or strategies are unsuccessful in addressing such student's problematic behavior, such student's planning and placement team shall convene as soon as is practicable to determine alternative interventions or strategies.

Students

Use of Physical Force

Physical Restraint/Seclusion/Exclusionary Time Out

Dissemination of Policy

This policy and its procedures shall be made available on the District's website and in the Board's procedural manual. The policy shall be updated not later than sixty (60) days after the adoption or revision of regulations promulgated by the State Board of Education.

(cf. 4148/4248 – Employee Protection)
(cf. 5141.23 – Students with Special Health Care Needs)
(cf. 5144.2 – Use of Exclusionary Time Out Rooms)

Legal Reference: Connecticut General Statutes
10-76b State supervision of special education programs and services.
10-76d Duties and powers of boards of education to provide special education programs and services.
10-236b Physical restraint and seclusion of students by school employees. (as amended by PA 17-220 and PA 18-51)
46a-150 Definitions. (as amended by PA 07-147 and PA 15-141)
46a-152 Physical restraint, seclusion and use of psychopharmacologic agents restricted. Monitoring and documentation required.
46a-153 Recording of use of restraint and seclusion required. Review of records by state agencies. Reviewing state agency to report serious injury or death to Office of Protection and Advocacy for Persons with Disabilities and to Office of Child Advocate. (as amended by PA 12-88)
53a-18 Use of reasonable physical force or deadly physical force generally.
53a-19 Use of physical force in defense of person.
53a-20 Use of physical force in defense of premises.
53a-21 Use of physical force in defense of property.
PA 07-147 An Act Concerning Restraints and Seclusion in Public Schools.
PA 15-141 An Act Concerning Seclusion and Restraint in Schools.
State Board of Education Regulations Sections 10-76b-5 through 10-76b-11.

Policy adopted:

Students

Use of Physical Force

Physical Restraint/Seclusion

The Board of Education (Board) seeks to foster a safe and positive learning environment for all students. In compliance with law, Board of Education employees will avoid the use of physical restraint or seclusion of students. However, physical restraint or seclusion of a student by trained school employees may be necessary in an emergency situation to maintain the safety of the student, where harm to the student or others is immediate or imminent.

The following sets forth the procedures for compliance with the relevant Connecticut General Statutes and Regulations concerning the physical restraint and seclusion of students in the [Newtown](#) Public Schools. The Board/Superintendent mandates compliance with this regulation and the law at all times. Violations of this regulation by a school employee or other individual working at the direction of, or under the supervision of the Board may result in disciplinary action, up to and including possible termination of employment status and/or termination of contract for services.

Nothing within these regulations shall be construed to interfere with the Board's responsibility to maintain a safe school setting, in accordance with Connecticut General Statutes §10-220, or to supersede the justifiable use of reasonable physical force permitted under Connecticut General Statutes §53a-18(6).

I. Definitions

- A. **Life-threatening physical restraint** means any physical restraint or hold of a person that (restricts the flow of air into a person's lungs, whether by chest compression or any other means, or immobilizes or reduces the free movement of a person's arms, legs or head while the person is in the prone position.
- B. **Psychopharmacologic agent** means any medication that affects the central nervous system, influencing thinking, emotion or behavior.
- C. **Physical restraint** means any mechanical or personal restriction that immobilizes or reduces the free movement of a person's arms, legs or head, including, but not limited to, carrying or forcibly moving a person from one location to another. Excluded from this definition is briefly holding a person in order to calm or comfort the person; restraint involving the minimum contact necessary to safely escort a person from one area to another; medical devices including but not limited to, supports prescribed by a health care provider to achieve proper body position or balance; helmets or other protective gear used to protect a person from injuries due to a fall; ~~or~~ helmets, mitts and similar devices used to prevent self-injury when the device is part of a documented treatment plan or individualized education program pursuant to Connecticut's special education laws or prescribed or recommended by a medical professional and is the least restrictive means to prevent such self-injury or an exclusionary time out.

Students

Use of Physical Force

Physical Restraint/Seclusion

I. Definitions (continued)

- D. **School employee** means a teacher, substitute teacher, school administrator, Superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional, or coach employed by the Board of Education or working in a public elementary, middle or high school; or any other individual who, in the performance of his/her duties has regular contact with students and who provides services to or on behalf of students enrolled in the district's schools, pursuant to a contract with the Board of Education.
- E. **Seclusion** means the involuntary confinement of a student in a room, ~~with or without staff supervision, in a manner that prevents the person from leaving.~~ from which the student is physically prevented from leaving. Seclusion does not include an exclusionary time out. ~~Seclusion does not include any confinement of a student in which the person is physically able to leave the area of confinement including, but not limited to, in-school suspension and time-out.~~
- F. **Student** means a child (A) enrolled in grades kindergarten to twelve, inclusive, in a public school under the jurisdiction of a local or regional board of education, (B) receiving special education and related services in an institution or facility operating under contract with a local or regional Board of Education, (C) enrolled in a program or school administered by a regional education service center, or (D) receiving special education and related services from an approved private special education program, but does not include any child receiving educational services from Unified School District #2 or the Department of Mental Health and Addiction Services. A special education student, ages 18 to 21 inclusive, in a transition program is also covered by these regulations.
- G. **Behavior Intervention:** Supports and other strategies developed by the Planning and Placement Team ("PPT") to address the behavior of a person at risk that impedes the learning of the person at risk or the learning of others.
- H. **Exclusionary Time Out:** A temporary, continuously monitored separation of a student from an ongoing activity in a non-locked setting, for the purpose of calming such student or deescalating such student's behavior.

Students

Use of Physical Force

Physical Restraint/Seclusion

II. Procedures for Physical Restraint of Students

- A. No school employee shall under any circumstance use a life-threatening physical restraint on a student.
- B. No school employee shall use involuntary physical restraint on a student except as an emergency intervention to prevent immediate or imminent injury to the student or to others.
- C. No school employee shall use physical restraint on a student unless the school employee has received training in accordance with state law and District training plans.
- D. Physical restraint of a student shall never be used as a disciplinary measure, as a convenience, or instead of a less restrictive alternative.
- E. School employees must explore all less restrictive alternatives prior to using physical restraint on a student.
- F. School employees are barred from placing a student in physical restraint until he or she has received training in its proper use.
- G. School employees must comply with all regulations promulgated by the Connecticut State Board of Education in their use of physical restraint.
- H. **Monitoring**
 - a. A trained school employee must continually monitor any student who is physically restrained. The monitoring must be conducted by direct observation of the student, or by video provided the video monitoring occurs close enough for the monitor to provide assistance, if needed.
 - b. A trained school employee must regularly evaluate the person being restrained for signs of physical distress. The school employee must record each evaluation in the educational record of the student being restrained.

III. Procedures for Seclusion of Students

- A. No school employee shall use involuntary seclusion on a student except as follows:
 - 1. as an emergency intervention to prevent immediate or imminent injury to the student or to others; or
 - 2. as specifically provided for in a student's behavioral plan, if other less restrictive, positive behavior interventions appropriate to the behavior exhibited by the student have been implemented but were ineffective.

Students

Use of Physical Force

Physical Restraint/Seclusion

III. Procedures for Seclusion of Students

B. Use of Seclusion

1. A school employee may not use seclusion to discipline a student, because it is convenient or instead of a less restrictive alternative.
2. The area in which the student is secluded must have a window or other fixture allowing the student to clearly see beyond the seclusion area.
3. Any room used for seclusion must:
 - a. be of a size that is appropriate to the chronological and developmental age, size and behavior of the student;
 - b. have a ceiling height that is comparable to the ceiling height of the other rooms in the building in which the seclusion room is located;
 - c. be equipped with heating, cooling, ventilation and lighting systems that are comparable to the systems that are used in the other rooms of the building in which the seclusion room is located;
 - d. be free of any object that poses a danger to the student who is being placed in the seclusion room;
 - e. ~~conform by applicable building code requirement and have a door with a lock if that lock is equipped with a device that automatically disengages the lock in case of an emergency. Any latching or securing of the door, whether by mechanical means or by a provider or assistant holding the door in place to prevent the student from leaving the room, shall be able to be removed in the case of any emergency. The locking mechanism to be used shall be a device that shall be readily released by staff as soon as possible but in no case longer than within two minutes of the onset of an emergency and is connected to the fire alarm system so that the locking mechanism is released automatically when a fire alarm is sounded. An "emergency," for purposes of this subsection, includes but is not limited to the following:~~
 - i. ~~the need to provide direct and immediate medical attention to the student;~~
 - ii. ~~fire;~~
 - iii. ~~the need to remove the student to a safe location during a building lockdown; or~~
 - iv. ~~other critical situations that may require immediate removal of the student from seclusion to a safe location; and~~

Students

Use of Physical Force

Physical Restraint/Seclusion

III. Procedures for Seclusion of Students

B. Use of Seclusion (continued)

- ~~f.e.~~ Have an unbreakable observation window located in a wall or door to permit frequent visual monitoring of the person at risk and any provider or assistant in such room. The requirement for an unbreakable observation window does not apply if it is necessary to clear and use a classroom or other room in the school building as a seclusion room.
- ~~g.f.~~ The monitoring of students in seclusion is to be done by direct observation from another room or by video, provided the video monitoring occurs close enough for the monitor to provide aid if needed.
- ~~h.g.~~ Seclusion shall not be utilized as a planned intervention in a student's behavioral intervention plan, individualized education program (IEP) or plan pursuant to Section 504 of the Rehabilitation Act of 1973, as periodically amended.
- ~~h.~~ Prior to including seclusion in the behavioral plan of a special education student, the PPT must review the results of a functional behavioral assessment and other information determined to be relevant by the PPT. If, based on this information, the PPT determines that the use of seclusion is an appropriate behavior intervention for such student in an emergency situation, the PPT shall include the assessment data and other relevant information in the behavioral plan of the student as the basis upon which a decision was made to include the use of seclusion as a behavior intervention.
- ~~i.~~ When seclusion is included in the behavioral plan of a special education student and is used as a behavior intervention strategy more than two times in any school quarter, the PPT must convene to review the use of seclusion as a behavior intervention. At this PPT meeting, the team may consider whether additional evaluations or assessments are necessary to address the behavior of such student and may revise the behavioral plan as appropriate.
- ~~i.h.~~ Any period of seclusion (1) shall be limited to that time necessary to allow the student to compose him or herself and return to the educational environment and (2) shall not exceed 15 minutes, except that this may be extended for additional periods of up to 30 minutes each, if the Principal or his/her designee, school health or mental health professional, or board certified behavioral analyst trained in the use of restraint and seclusion determines that continued restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others. Such authorization is to be placed in writing. Where transportation of the student is necessary, the written authorization to continue the use of seclusion is not required if immediate or imminent injury to the person at risk or to others is a concern.

Students

Use of Physical Force

Physical Restraint/Seclusion (continued)

B. Use of Seclusion (continued)

- ~~j.i.~~ School employees, must explore all less restrictive alternatives prior to using seclusion for a student as an emergency intervention. ~~unless seclusion is being used pursuant to the behavioral plan of the student.~~
- ~~k.j.~~ School employees must comply with all regulations promulgated by the Connecticut State Board of Education in their use of seclusion for students.
- ~~l.k.~~ School employees are barred from placing a student in seclusion until he/she has received training in its proper use in accordance with state law and/or District-training plans.

4. Any latching or securing of the door, whether by mechanical means or by a provider or assistant holding the door in place to prevent the student from leaving the room, shall be able to be removed in the case of any emergency. The locking mechanism to be used shall be a device that shall be readily released by staff as soon as possible but in no case longer than within two minutes of the onset of an emergency and is connected to the fire alarm system so that the locking mechanism is released automatically when a fire alarm is sounded. An "emergency," for purposes of this subsection, includes but is not limited to the following:

- i. the need to provide direct and immediate medical attention to the student;
- ii. fire;
- iii. the need to remove the student to a safe location during a building lockdown; or
- iv. other critical situations that may require immediate removal of the student from seclusion to a safe location; and

IV. Procedures for Exclusionary Time Out for Students

- a. Exclusionary time outs are not to be used as a form of discipline.
- b. At least one school employee shall remain with the student, or be immediately available to the student such that the student and school employee are able to communicate verbally, throughout the exclusionary time out.
- c. The space used for an exclusionary time out must be clean, safe, sanitary and appropriate for the purpose of calming such student or deescalating such student's behavior.
- d. The exclusionary time out period must terminate as soon as possible.

Students

Use of Physical Force

Physical Restraint/Seclusion (continued)

- e. If the student is a child requiring special education, as defined in C.G.S. 10-76a, or a child being evaluated for special education, pursuant to C.G.S. 10-76d, and awaiting a determination, and the interventions or strategies are unsuccessful in addressing such student's problematic behavior, such student's planning and placement team shall convene as soon as is practicable to determine alternative interventions or strategies.

V. Required Meetings

A. Students not Eligible for Special Education (and not being evaluated for eligibility for special education)

- 1. In the event that physical restraint or seclusion is used on a student four (4) or more times within twenty (20) school days, a team composed of an administrator, one or more of the student's teachers, a parent or guardian of the student, and, if any, a school mental health professional, shall convene to:
 - a. conduct or revise a behavioral assessment of the student;
 - b. create or revise any applicable behavior intervention plan; and
 - c. determine whether such student may require a referral for consideration for special education.
- 2. The requirement to convene this meeting shall not supersede the District's obligation to refer a student to a planning and placement team ("PPT") as may be required in accordance with federal and state law.

B. Students Eligible for Special Education (and students being evaluated for eligibility for special education)

In the event that physical restraint or seclusion is used on a student four (4) or more times within twenty (20) school days, the student's PPT shall convene to:

- 1. conduct or revise a functional behavioral assessment ("FBA");
- 2. create or revise any applicable behavior intervention plan ("BIP"), including but not limited to, such student's individualized education program ("IEP"); and
- 3. review or revise the student's IEP, as appropriate.

- C. A District and/or school administrator(s) shall determine the school employee(s) responsible for reviewing the number of occurrences of the use of physical restraint or seclusion on a monthly basis to ensure that the appropriate meeting(s) has been convened following the fourth occurrence of physical restraint or seclusion in a twenty (20) day period.

VI. Use of Psychopharmacologic Agent

- A. No school employee may use a psychopharmacologic agent on a student without that student's consent and the consent of the student's parent/guardian, except:

Students

Use of Physical Force

Physical Restraint/Seclusion (continued)

1. As an emergency intervention to prevent immediate or imminent injury to the student or to others; or
 2. As an integral part of the student's established medical or behavioral support or educational plan, or, if no such plan has been developed, as part of a licensed practitioner's initial orders.
- B. The use of psychopharmacologic agents, alone or in combination, may be used only in doses that are therapeutically appropriate and not as a substitute for other appropriate treatment.
- C. Any administration of a psychopharmacologic agent must **ONLY** be done in accordance with applicable federal and state law and the Board of Education's Administration of Medication Policy. (5141.21)

VII. Training of School Employees

The Board will provide training to the members of the crisis intervention team for each school in the district. The Board may provide such training to any teacher, administrator, school paraprofessional and other school employees designated by the school principal and who has direct contact with students. The training shall be provided during the school year commencing July 1, 2017 and annually thereafter.

The training will include, but not be limited to:

1. An overview of the relevant laws and regulations regarding the use of physical restraint and seclusion on students and the proper uses of physical restraint and seclusion. Such overview shall be in a manner and form as prescribed by the State Department of Education.
2. The creation of a plan by which the Board will provide training and professional development regarding the prevention of incidents requiring physical restraint or seclusion of students.

The plan is to be implemented not later than July 1, 2018.
--

3. The Board will create a plan, to be implemented not later than July 1, 2018, requiring training regarding the proper means of physical restraint or seclusion of a student, including, but not limited to:
 - a. Verbal defusing or de-escalating;
 - b. Prevention strategies;
 - c. Various types of physical restraint and seclusion;

Students

Use of Physical Force

Physical Restraint/Seclusion (continued)

- d. The differences between life-threatening physical restraint and other varying levels of physical restraint;
- e. The differences between permissible physical restraint and pain compliance techniques;
- f. Monitoring methods to prevent harm to a student who is physically restrained or in seclusion, including training in the proper means of physically restraining or secluding a student; and
- g. Recording and reporting procedures on the use of physical restraint and seclusion.

VIII. Crisis Intervention Teams

Annually, each school shall identify a crisis intervention team. Such team shall consist of any teacher, administrator, school paraprofessional or other school employee designated by the school principal and who has direct contact with students and trained in the use of physical restraint and seclusion.

The Crisis Intervention Team will respond to any incident in which the use of physical restraint or seclusion may be necessary as an emergency intervention to prevent immediate or imminent injury to a student or to others.

Each member of the crisis intervention team shall be recertified in the use of physical restraint and seclusion annually. The Board shall maintain a list of the members of the crisis interventional team for each school.

This policy and procedures is available on the District's website and in the Board's procedural manual. The policy shall be updated not later than sixty (60) days after the adoption or revision of regulations promulgated by the State Board of Education.

IX. Documentation and Communication

- A. After each incident of physical restraint or seclusion, and no later than the school day following the incident, a school employee must complete the standardized incident report form developed by the Connecticut State Department of Education for reporting incidents of physical restraint and seclusion. The incident form must be included in the educational file of the person at risk who was physically restrained or secluded. The information documents on the form must include the following:

Students

Use of Physical Force

Physical Restraint/Seclusion (continued)

1. in the case of an emergency use, the nature of the emergency and what other steps, including attempts at verbal de-escalation, were taken to prevent the emergency from arising if there were indications that such an emergency was likely to arise;
 2. a detailed description of the nature of the restraint or seclusion;
 3. the duration of the restraint or seclusion;
 4. the effect of the restraint or seclusion on the student's established behavioral support or educational plan; and
 5. ~~whether the seclusion of a special education student was conducted pursuant to a behavioral support or educational plan.~~
- B. A school employee must notify the parent or guardian of a student of each incident that the student is physically restrained or placed in seclusion.
1. A reasonable attempt shall be made to notify the parent or guardian of the student on the day of, but no later than twenty-four (24) hours after, physical restraint or seclusion is used as an emergency intervention to prevent immediate or imminent injury to the student or others.
 2. Notification may be made by telephone, e-mail, or other method which may include, but is not limited to, sending a note home with the student.
 3. The parent or guardian of a student who has been physically restrained or placed in seclusion shall be sent a copy of the completed standardized incident report of such action no later than two (2) business days after the emergency use of physical restraint or seclusion, regardless of whether the parent received the notification described in subsections 1 and 2 above.
- C. The Director of Special Education [or other responsible administrator], or his or her designee, must, at each initial PPT meeting for a student, inform the child's parent, guardian, or surrogate parent, or the student if such student is an emancipated minor or eighteen years of age or older, of the laws relating to physical restraint and seclusion as expressed through this regulation, and of the laws and regulations adopted by the Connecticut State Board of Education relating to physical restraint and seclusion.
- D. The Director of Special Education [or other responsible administrator], or his or her designee, shall provide to the child's parent, guardian, or surrogate parent, or the student if such student is an emancipated minor or eighteen years of age or older, at the first PPT meeting following the child's referral to special education the plain

Students

Use of Physical Force

Physical Restraint/Seclusion (continued)

IX. Documentation and Communication (continued)

language notice of rights regarding physical restraint and seclusion developed by the Connecticut State Department of Education.

- E. The plain language notice developed by the Connecticut State Department of Education shall also be provided to the child's parent, guardian, or surrogate parent, or the student if such student is an emancipated minor or eighteen years of age or older at the first PPT meeting at which the use of seclusion as a behavior intervention is included in the child's behavioral support or education plan.
- F. The Director of Special Education [or other responsible administrator], or his or her designee, must be notified of the following:

IX. Documentation and Communication (continued)

- 1. each use of physical restraint or seclusion on a special education student;
- 2. the nature of the emergency that necessitated its use;
- 3. ~~whether the seclusion of a special education student was conducted pursuant to a behavioral support plan; and~~
- 4. if the physical restraint or seclusion resulted in physical injury to the student.

X. Responsibilities of the Director of Special Education [or other responsible administrator]

- A. The Director of Special Education [or other responsible administrator], or his or her designee, must compile annually the instances of physical restraint and seclusion within the District, the nature of each instance of physical restraint and seclusion and whether instances of seclusion were conduct pursuant to IEPs.
- C. The Director of Special Education [or other responsible administrator], or his or her designee, must report to the Connecticut State Department of Education any instance of physical restraint or seclusion that resulted in physical injury to the student.

Students

Use of Physical Force

Physical Restraint/Seclusion

Legal References: Connecticut General Statutes

10-76b State supervision of special education programs and services.

10-76b-5 through 10-76b-11 Use of Seclusion & Restraint in Public Schools.

10-236b Physical restraint and seclusion of students by school employees.
(as amended by PA 17-220 and PA 18-51)

10-76d Duties and powers of the boards of education to provide special education programs and services.

10-220 Duties of boards of education.

46a-150-154 Physical Restraint, medication, and seclusion of persons receiving care, education, or supervision in an institution or facility.

Students

Use of Physical Force

Physical Restraint/Seclusion

Legal References: Connecticut General Statutes (continued)

46a-153 Recording of use of restraint and seclusion required. Review of records by state agencies. Reviewing state agency to report serious injury or death to Office of Protection and Advocacy for Persons with Disabilities and to Office of Child Advocate. (as amended by P.A. 12-88)
53a-18 Use of reasonable physical force.

P.A. 07-147 An Act Concerning Restraints and Seclusion in Public Schools.

P.A 15-141 An Act Concerning Seclusion and Restraint in Schools

Other Reference: Restraint and Seclusion: Resource Document, United States Department of Education, available at <http://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf>.

Regulation approved:

RESTRAINT AND SECLUSION LAWS IN CONNECTICUT

The following sets forth Connecticut law related to the physical restraint and seclusion of persons at risk, which can be found in Public Act 07-157, amending Connecticut General Statutes Sections 46a-150 through 46a-153, 10-76b, and 10-76d and Public Act 15-141. The [Newtown](#) Board of Education mandates compliance with these laws at all times.

I. The following definitions apply to these procedures:

- **Life-threatening physical restraint** means any physical restraint or hold of a person that (restricts the flow of air into a person's lungs, whether by chest compression or any other means, or immobilizes or reduces the free movement of a person's arms, legs or head while the person is in the prone position.
- **Psychopharmacologic agent** means any medication that affects the central nervous system, influencing thinking, emotion or behavior.
- **School employee** means a teacher, substitute teacher, school administrator, superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional, or coach employed by the board of education or working in a public elementary, middle or high school; or any other individual who, in the performance of his/her duties has regular contact with students and who provides services to or on behalf of students enrolled in the district's schools, pursuant to a contract with the board of education.
- **Student** means a child (A) enrolled in grades kindergarten to twelve, inclusive, in a public school under the jurisdiction of a local or regional board of education, (B) receiving special education and related services in an institution or facility operating under contract with a local or regional board of education, (C) enrolled in a program or school administered by a regional education service center, or (D) receiving special education and related services from an approved private special education program, but shall not include any child receiving educational services from Unified School District #2 or the Department of Mental Health and Addiction Services.
- **Provider:** A person who provides direct care, or supervision of a person at risk.
- **Assistant Provider or Assistant:** A person assigned to provide, or who may be called upon in an emergency to provide, assistance or security to a provider or supervision of a person at risk.
- **Person at Risk:** A person receiving care or supervision in an institution or facility operated by, licensed or authorized to operate by or operating pursuant to a contract with the Departments of Public Health, Developmental Services, Children and Families or Mental Health Addiction Services.
- **Life Threatening Physical Restraint:** Any physical restraint or hold of a person that restricts the flow of air into a person's lungs, whether by chest compression or any other means.

RESTRAINT AND SECLUSION LAWS IN CONNECTICUT

Definitions (continued)

- **Physical Restraint:** Any mechanical or personal restriction that immobilizes or reduces the free movement of a person's arms, legs or head, including, but not limited to carrying or forcibly moving a person from one location to another. **The term does not include:** (A) Briefly holding a person in order to calm or comfort the person; (B) restraint involving the minimum contact necessary to safely escort a person from one area to another; (C) medical devices, including, but not limited to, supports prescribed by a health care provider to achieve proper body position or balance; (D) helmets or other protective gear used to protect a person from injuries due to a fall; ~~or~~ (E) helmets, mitts and similar devices used to prevent self-injury when the device is part of a documented treatment plan and is the least restrictive means available to prevent such self-injury or an exclusionary time out.
- **Seclusion:** The involuntary confinement of a person in a room, ~~whether alone or with supervision by a provider or assistant, in a manner that prevents the person from leaving that room.~~ from which the person is physically prevented from leaving. Seclusion does not include an exclusionary time out.
- **Exclusionary Time Out:** The temporary, continuously monitored separation of a student from an ongoing activity in a non-locked setting, for the purpose of calming such student or deescalating such student's behavior.

II. Procedures for Physical Restraint of Persons at Risk

No school employee, provider or assistant shall under any circumstance use a life-threatening physical restraint on a person at risk.

No school employee, provider or assistant shall use involuntary physical restraint on a person at risk EXCEPT as an emergency intervention to prevent immediate or imminent injury to the person at risk or to others.

Physical restraint of a student or person at risk shall never be used as a disciplinary measure or as a convenience.

School employees, providers and assistants must explore all less restrictive alternatives prior to using physical restraint for a person at risk.

School employees, providers and assistants must comply with all regulations promulgated by the Connecticut State Board of Education in their use of physical restraint with a person at risk.

RESTRAINT AND SECLUSION LAWS IN CONNECTICUT

Monitoring

A school employee, provider or an assistant must continually monitor any student or person at risk who is physically restrained. The monitoring must be conducted by direct observation of the person at risk.

A school employee, provider or an assistant must regularly evaluate the person being restrained for signs of physical distress. The school employee, provider or assistant must record each evaluation in the educational record of the person being restrained.

Documentation and Communication

A school employee or provider must notify the parent or guardian of a student or person at risk of each incident that the person at risk is physically restrained.

The School Administrator/Director of Special Education must be notified of the following:

- a. each use of physical restraint;
- b. the nature of the emergency that necessitated its use; AND
- c. if the physical restraint resulted in physical injury;

After a physical restraint occurs, the following information must be documented in the educational file of the student who was physically restrained:

- a. in the case of an emergency use, the nature of the emergency and what other steps, including attempts at verbal de-escalation, were taken to prevent the emergency from arising if there were indications that such an emergency was likely to arise;
- b. a detailed description of the nature of the restraint;
- c. the duration of the restraint; AND
- d. the effect of the restraint on the person's established behavioral support or educational plan.

III. Procedures for Seclusion of a Student

No school employee shall use involuntary seclusion on a student EXCEPT as an emergency intervention to prevent immediate or imminent injury to the student or to others.

Seclusion of a student shall never be used as a disciplinary measure or as a convenience.

Seclusion shall not be utilized as a planned intervention in a student's behavioral intervention plan, individualized education program or plan pursuant to Section 504 of the Rehabilitation Act of 1973.

RESTRAINT AND SECLUSION LAWS IN CONNECTICUT

III. Procedures for Seclusion of a Student (continued)

School employees, providers and assistants must explore all less restrictive alternatives prior to using seclusion. An Individualized Education Program Team (“IEP Team”) may not incorporate the use of seclusion into a child’s IEP.

School employees, providers and assistants must comply with all regulations promulgated by the Connecticut State Board of Education in their use of seclusion.

Monitoring

A school employee, provider or an assistant must frequently monitor any student who is placed in seclusion. The monitoring must be conducted by direct observation of the student.

A school employee, provider or an assistant must regularly evaluate the person in seclusion for signs of physical distress. The school employee, provider or assistant must record each evaluation in the educational record of the person who is in seclusion.

Documentation and Communication

A school employee, provider must notify the parent or guardian of a student of each incident that the student is placed in seclusion.

The Principal/Director of Special Education must be notified of the following:

- a. each use of seclusion on a student;
- b. the nature of the emergency that necessitated its use;
- c. if the seclusion resulted in physical injury to the student; and

After seclusion occurs, the following information must be documented in the educational file of the student who was placed in seclusion:

- a. in the case of an emergency use, the nature of the emergency and what other steps, including attempts at verbal de-escalation, were taken to prevent the emergency from arising if there were indications that such an emergency was likely to arise;
- b. a detailed description of the nature of the seclusion;
- c. the duration of the seclusion; AND
- d. the effect of the seclusion on the person’s established behavioral support or educational plan.

RESTRAINT AND SECLUSION LAWS IN CONNECTICUT

IV. Exclusionary Time Out

Not later than January 1, 2019, the Board establishes the following requirements regarding exclusionary time outs, which include, but need not be limited to the following:

1. exclusionary time outs are not to be used as a form of discipline;
2. at least one school employee remain with the student, or be immediately available to the student such that the student and school employee are able to communicate verbally, throughout the exclusionary time out;
3. the space used for an exclusionary time out is clean, safe, sanitary and appropriate for the purpose of calming such student or deescalating such student's behavior;
4. the exclusionary time out period terminate as soon as possible; and
5. if such student is a child requiring special education, as defined in C.G.S. 10-76a, or a child being evaluated for special education, pursuant to C.G.S. 10-76d, and awaiting a determination, and the interventions or strategies are unsuccessful in addressing such student's problematic behavior, such student's planning and placement team shall convene as soon as is practicable to determine alternative interventions or strategies.

V. Responsibilities of the Superintendent/Director of Special Education

The Superintendent/Director of Special Education, or his or her designee, must compile annually the instances of physical restraint and seclusion within the District and the nature of each instance of physical restraint and seclusion.

The Superintendent/Director of Special Education, or his or her designee, shall report to the Connecticut State Department of Education any instance of physical restraint or seclusion that resulted in physical injury to the person at risk.

The Director of Special Education, or his or her designee, must, at each initial IEP Team meeting for a child, inform the child's parent, guardian, or surrogate parent, or the student if such student is an emancipated minor or eighteen years of age or older, of the laws relating to physical restraint and seclusion as expressed through this regulation, and of the laws and regulations adopted by the Connecticut State Board of Education relating to physical restraint and seclusion.

VI. Responsibilities of the Connecticut State Board of Education

The State Board of Education shall review the annual compilation of each local and regional board of education and shall produce an annual summary report identifying the frequency of use of physical restraint or seclusion on students and specifying whether the use of such seclusion was in accordance with an individualized education program (IEP) or whether the use of such physical restraint or such seclusion was an emergency. Such report shall be submitted on an annual basis as specified by the Department of Education.

RESTRAINT AND SECLUSION LAWS IN CONNECTICUT

VI. Responsibilities of the Connecticut State Board of Education (continued)

The State Board of Education and the Commissioner receiving a report of serious injury or death resulting from a physical restraint or seclusion shall report the incident to the Director of the Office of Protection and Advocacy for Persons with Disabilities and, if appropriate, the Child Advocate of the Office of the Child Advocate.

The State Board of Education may regulate the use of physical restraint and seclusion of special education students in the public schools.

The State Board of Education shall adopt regulations concerning the use of physical restraint and seclusion in public schools.

**Connecticut State Department of Education
Incident Report of Physical Restraint (revised July 2018)**

Note: Any use of physical restraint is to be documented in the child’s educational record and, if appropriate, in the child’s school health record. An Incident Report of Physical Restraint is required and should be completed as soon after the incident as possible or within 24 hours of the incident. Parents/guardians must be notified in writing within 24 hours of the incident. Notification should include the information documented on the incident report.

Physical Restraint means any mechanical or personal restriction that immobilizes or reduces the free movement of a child’s arms, legs, or head, including, but not limited to, **carrying or forcibly moving a person from one location to another.**

Physical Restraint does not include: (1) briefly holding a child in order to calm or comfort the child; (2) restraint involving the minimum contact necessary to safely escort a child from one area to another; (3) medication devices, including supports prescribed by a health care provider to achieve proper body position or balance; (4) helmets or other protective gear used to protect a child from injuries due to a fall; or (5) helmets, mitts, and similar devices used to prevent self-injury when the device is part of a documented treatment plan or IEP and is the least restrictive means available to prevent self-injury.

District Information

School District: _____ Address: _____ Phone: _____

School: _____ Address: _____ Phone: _____

Date of Restraint: _____ Date of Report: _____

Person preparing the report: _____

Time restraint initiated _____ Time restraint ended _____ Total time of restraint _____

***If the total length of the restraint exceeds 15 minutes, attach the documentation of the required Administrator’s (or designee) determination of the need for continuation of the restraint to prevent immediate or imminent injury to the student or to others.**

Student Information

Student’s Name: _____ SASID #: _____ Date of Birth: _____

Age: _____ Gender (M /F): _____ Grade: _____ Race: _____ Disability: _____

_____ The student is a general education student.

_____ The student currently receives special education services.

_____ The student is being evaluated or considered for eligibility for special education services.

_____ Restraint was initiated in response to an “emergency”.

Staff Information

Name of staff administering restraint: _____ Title _____

Name of staff monitoring/witnessing restraint: _____ Title _____

Student activity/behavior precipitating use of restraint

Describe the location and activity in which the student was engaged just prior to the restraint:

Describe the risk of immediate or imminent injury to the student restrained or to others that required the use of restraint: _____

Staff activity/response

Describe other steps, including de-escalation strategies implemented to prevent the emergency, which necessitated the use of restraint: _____

Describe the nature of the physical restraint: (Include the type of hold/restraint and the number of persons required. Was it used as an emergency procedure to prevent immediate or imminent injury to the student or others?): _____

Did the student demonstrate physical distress during the restraint? ____ Yes ____ No

Indicate times student was monitored for physical distress and if any signs of physical distress were noted: _____

Describe the disposition of the student following the restraint: _____

Was the student injured during the emergency use of restraint? ____ Yes ____ No
*If "yes," complete and attach a **report of injury**.*

Parent/Guardian Notification

Was parent/guardian notified within 24 hours of the incident?

____ Yes (indicate manner) _____
____ No

Was a copy of the incident report sent to parent/guardian within two business days?
_____ Yes _____ No

Is a ***PPT meeting required** to review/revise the IEP or discuss additional evaluation or the development/revision of an FBA and or BIP?
_____ Yes _____ No

Is a PPT meeting recommended to modify the IEP? ___Yes ___ No *If "yes," indicate date _____*

Is a ***meeting required for this general education student?** _____ Yes _____ No
If "yes," indicate date _____

***A PPT meeting or a meeting is required if this incident marks the 4th incident of restraint within a 20 school-day period.**

Please complete when a student is restrained for a period exceeding 15 minutes.

Public Act 18-51 **continues to require that an administrator**, as defined in Section 10-144e of the general statutes, **or such administrator's designee, a school health or mental health personnel, or a board certified behavioral analyst**, who has received training in the use of physical restraint and seclusion, shall determine whether continued physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others. Upon a determination that such continued physical restraint or seclusion is necessary, such individual shall make a new determination every 30 minutes thereafter regarding whether such physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others.

Time restraint was initiated: _____ a.m./p.m.

Time restraint was terminated: _____ a.m./p.m.

15 minute determination of the necessity of continued restraint: _____ a.m./p.m.

Signature of *qualified administrator, designee, school health or mental health professional

30 minute determination of the necessity of continued restraint: _____ a.m./p.m.

Signature of *qualified administrator, designee, school health or mental health professional

30 minute determination of the necessity of continued restraint: _____ a.m./p.m.

Signature of *qualified administrator, designee, school health or mental health professional

30 minute determination of the necessity of continued restraint: _____ a.m./p.m.

Signature of *qualified administrator, designee, school health or mental health professional

**NOTE: "Qualified" is defined as having received required training in the use of physical restraint.*