



BLOOMFIELD BOARD OF EDUCATION - BOARD OF EDUCATION POLICY COMMITTEE

Board of Education Policy Committee AT Tuesday, October 28, 2025

Bloomfield Board of Education 1133 Blue Hills Avenue Board Room, 1133 Blue Hills Avenue ,  
Bloomfield, CT 06002

1. Establishment of a Quorum and Call to Order  
F. Bogle-Assegai
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3. Old Business  
T. Youngberg
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F. Bogle-Assegai



Board of Education – Policy Committee Meeting  
Tuesday, September 30, 2025 at 7:00 P.M.  
Bloomfield Board of Education, Board Room  
1133 Blue Hills Avenue  
Bloomfield, CT 06002

**ATTENDANCE:** F. Bogle-Assegai, Chair Absent  
T. Moore Absent  
H. Frydman Present  
L. Easmon, *ex-officio* Present

**ALSO PRESENT:** T. Youngberg D. Greco L. Lamenzo  
G. Martinez

**1. Establishment of a Quorum and Call to Order**

L. Easmon called the meeting to order at 7:16 p.m. The roll was called and a quorum was present.

**2. Consent Agenda**

**A. Approval of Minutes – Policy Committee Meeting – April 22, 2025**

A motion was made by H. Frydman and seconded by L. Easmon for the Policy Committee to approve the minutes from the April 22, 2025 meeting, as presented.

H. Frydman Aye  
L. Easmon, *ex-officio* Aye

The motion passed unanimously 2-0-0.

**3. New Business**

**A. Policies for an Initial Reading**

- 1. Library Material Review & Reconsideration – 1312.3/6161.12**
- 2. Library Collection Development and Maintenance – 1312.4/6161.13**
- 3. Library Display and Program – 1312.5/6161.14**
- 4. Educational Opportunities for Military Children – 5118.2**
- 5. Use of Exclusionary Time Out – 5144.2**
- 6. Special Education - 6171**
- 7. Evaluation of the Special Education – 6181**

Dr. Tracy Youngberg, Superintendent of Schools, presented all new policies as listed under item A. for an initial reading. These policies are all mandated and the language is recommended by CAFE to meet the requirements of state statutes. These policies were shared with district leadership and vetted with some recommended edits. Some suggested edits are highlighted in yellow.

Dr. Youngberg is presenting these policies for an initial reading and recommends the committee review these for consideration.



A motion was made by H. Frydman and seconded by L. Easmon for the Policy Committee to recommend to the Board an initial reading the policies as listed under item 3A. of the agenda.

|                              |     |
|------------------------------|-----|
| H. Frydman                   | Aye |
| L. Easmon, <i>ex-officio</i> | Aye |

The motion passed unanimously 2-0-0.

**4. Adjournment**

At 7:26 p.m., a motion was made by H. Frydman and seconded by L. Easmon to adjourn.

The motion passed unanimously 2-0-0.

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F. Bogle-Assegai, Chair

**BLOOMFIELD PUBLIC SCHOOLS**  
**Bloomfield, Connecticut**

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**BOARD POLICY**

**No. 1312.3/6161.12(a)**

**RE: Library Material Review & Reconsideration**

**Approved: Date**

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The Bloomfield Board of Education understands that, on occasion, a member of the public will wish to lodge a complaint against instructional material used in the classroom or available in the school library/media center. Consideration of requests to reconsider and remove material, displays, or student programs, is limited to individuals with a vested interest. An individual with vested interest may challenge any library and other educational materials, display or student program by initiating a review of such material via the submission of a request for reconsideration form.

It shall be the policy of the Bloomfield Board of Education that the removal, exclusion or censoring of any book shall not occur on the sole basis that a person with a vested interest finds such book offensive. No library and other educational material, display or program shall be removed from library media centers, or programs be canceled, because of the origin, background or viewpoints expressed in such material, display or program or because of the origin, background or viewpoints of the creator of such material, display or program. Library and other educational materials, displays and student programs shall only be excluded for legitimate pedagogical purposes or for professionally accepted standards of collection maintenance practices as adopted in the collection development and maintenance policy or the display and program policy.

Until a final decision is made by the review committee any library and other educational material being challenged shall remain available in the school library media center according to such material's catalog record and be available for a student to reserve, check out or access.

A school district may consolidate any requests for review and reconsideration of the same challenged library and other educational material. Once a decision has been made by the review committee on any library and other educational material, such material cannot be subject to a new request for review and reconsideration for a period of three years.

The Bloomfield Board of Education will review and update this policy as necessary every five years.

**Definitions**

**"Library and other educational material"** means any material belonging to, on loan to or otherwise in the custody of a school library media center, including, but not limited to, nonfiction and fiction books, magazines, reference books, supplementary titles, multimedia and digital material, software and other material not required as part of classroom instruction.

**"School library staff member"** means a school library media specialist, school librarian, any certified or non-certificated staff member whose assignment is in the school library or any individual carrying out or assisting with the functions of a school library media specialist or school librarian.

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**BOARD POLICY**

**No. 1312.3/6161.12(b)**

**RE: Library Material Review & Reconsideration**

**Approved: Date**

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**Definitions (continued)**

**"Individual with a vested interest"** means any school staff member employed by a local or regional board of education, parent or guardian of a student currently enrolled in a school at the time a reconsideration form is filed and any student currently enrolled in a school at the time a reconsideration form is filed.

**"Remove"** means deliberately taking library material out of a library's collection. **"Remove"** does not include the process of clearing such collection of any materials that are no longer useful.

**Material Review and Reconsideration Procedure**

The Board of Education has established the following procedure for addressing complaints regarding the utilization of library and other educational materials:

1. Individuals with a vested interest may initiate the review or reconsideration of any library and other educational materials, display or student program by submitting a request for recommendation form to the principal of the school in which the library and other education material is being challenged.
2. The Principal, or the Principal's designee, shall promptly forward the request for reconsideration to the Superintendent of Schools for the school district.
3. The Superintendent, or the Superintendent's designee, shall appoint a review committee consisting of:
  - a. The Superintendent, or the Superintendent's designee
  - b. the Principal of the school in which the library and other educational material is being challenged, or the Principal's designee
  - c. the Director of curriculum, or a person in an equivalent
  - d. a representative from the local or regional board of education
  - e. at least one grade-level-appropriate teacher familiar with the library material, provided the teacher selected is not the individual who submitted the form
  - f. a parent or guardian of a student age thirteen years or younger enrolled in the school district, provided the parent or guardian selected is not the individual who submitted the form
  - g. a parent or guardian of a student age fourteen years or older enrolled in the school district, provided the parent or guardian selected is not the individual who submitted the form

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**BOARD POLICY**

**No. 1312.3/6161.12(c)**

**RE: Library Material Review & Reconsideration**

**Approved: Date**

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- h. a certified school librarian employed by such board or employed by another board of education in the state.

In cases where such form is submitted by a student enrolled in grades nine to twelve, inclusive, and when appropriate and at the discretion of the superintendent, a student enrolled in grades nine to twelve, inclusive, may serve on the review committee if such student did not submit the reconsideration form, provided the superintendent consults with the principal of the school involved in such reconsideration request prior to making this determination whether to include such student on the review committee.

4. The review committee shall evaluate the request for reconsideration form by reading the challenged material in its entirety and evaluating the challenged material against the school district's Collection Development and Maintenance Policy.
5. The review committee shall make a written decision on whether or not to remove the challenged material within sixty school days from the date of receiving such request and provide a copy of the committee's decision and report to the individual with a vested interest who submitted the form and to the principal of the school.
6. The individual with a vested interest who submitted the request for reconsideration form may appeal to the review committee's decision to the local or regional board of education for the school district. The Board shall determine whether the reconsideration process was followed and publish the decision on the Internet website of the school district.

**General Provisions**

Any school library media specialist or school library staff member who, in good faith, implements the policies described in this section shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding that results from such implementation.

Legal Reference: Public Act 25-168 An Act Concerning the State Budget for the Biennium Ending June 30, 2027, and Making Appropriations Therefor, and Provisions Related to Revenue and Other Items Implementing the State Budget.

**BLOOMFIELD PUBLIC SCHOOLS**  
**Bloomfield, Connecticut**

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**BOARD POLICY**

**No. 1312.4/6161.13(a)**

**RE: Library Collection Development and Maintenance**

**Approved: Date**

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The Bloomfield Board of Education recognizes that library and other education materials should be provided for the interest, information and enlightenment of all students, and represent a wide range of varied and diverging viewpoints in the collection as a whole.

Students shall have access to the library and other educational material that is relevant to the research, independent reading interests and educational needs of students based on a student's age, development or grade level.

The library media center is an important place for voluntary inquiry, the dissemination of information and ideas, and the promotion of free expression and free access to ideas by students.

A school library media specialist is professionally trained to curate and develop a collection that shall provide students with access to the widest array of age-appropriate and grade level-appropriate library and other educational material.

The Bloomfield Board of Education directs the Superintendent to create an administrative regulation that establishes a procedure for a certified school library media specialist to continually review library and other educational material within a school library media center using professionally accepted standards which shall include, but need not be limited to: the material's relevance, physical condition of the material, availability of duplicates or copies of the material, availability of more recent age-appropriate or grade-level appropriate material and continued demand for the material.

Legal Reference: Public Act 25-168 An Act Concerning the State Budget for the Biennium Ending June 30, 2027, and Making Appropriations Therefor, and Provisions Related to Revenue and Other Items Implementing the State Budget.

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**BOARD POLICY**

**No. 1312.5/6161.14(a)**

**RE: Library Display and Program**

**Approved: Date**

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Library displays and student programs are critical in serving as resources for voluntary inquiry and the dissemination of information and ideas, as well as promoting free expression and free access to ideas by students.

The Bloomfield Board of Education recognizes that library displays are provided for the interest, information and enlightenment of all students, represent a wide range of varied and diverging viewpoints, and provide access to content that is relevant to the research, independent interests and educational needs of students.

The Bloomfield Board of Education acknowledges that a school library media specialist is professionally trained to curate and develop displays and programs that shall provide students with access to the widest array of age-appropriate and grade-level-appropriate library and other educational materials.

Legal Reference: Public Act 25-168 An Act Concerning the State Budget for the Biennium Ending June 30, 2027, and Making Appropriations Therefor, and Provisions Related to Revenue and Other Items Implementing the State Budget.

**BLOOMFIELD PUBLIC SCHOOLS**  
**Bloomfield, Connecticut**

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**BOARD POLICY**

**No. 5118.2(a)**

**RE: Educational Opportunities for Military Children**

**Approved: DATE**

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To facilitate the placement, enrollment, graduation, data collection, and provision of special services for students transferring into or out of the District because of their parents being on active duty in the U.S. Armed Services, the District supports and will implement its responsibilities as outlined in the *Interstate Compact on Educational Opportunity for Military Children*. The Board of Education believes it is appropriate to remove barriers to educational success imposed on children of military families because of their parents' frequent moves and deployment.

**Definitions**

**“Children of military families”** means school-aged children, enrolled in kindergarten through 12th grade, in the household of an active-duty member of the uniformed service of the United States, including members of the National Guard and Reserve.

**“Deployment”** means the period one month before the service members depart from their home station on military orders, six months after return to their home station.

**“Education(al) records”** means official records, files, and data directly related to a student and maintained by the school, including, but not limited to, records encompassing all the material kept in the student's cumulative folder.

The requirements applicable to eligible students, which must be fulfilled, are listed below. Eligible students are those who are children of active-duty personnel, active-duty personnel or veterans who have been severely injured and medically discharged, and active-duty personnel who die on active duty within one year of service. Students are not eligible for the provisions of the Compact if they are children of inactive Guard or Reserves, retired personnel, veterans not included above, or U.S. Department of Defense personnel and other federal civil service employees and contract employees.

The District's responsibilities to eligible children include the following:

- Sending schools must send either official or unofficial records with the moving students, and District receiving schools must use those records for immediate enrollment and educational placement.
- Simultaneously, the receiving school must request official records, and the sending schools shall respond within 10 days with the records.
- Immunization requirements of the District may be met within 30 days from the date of enrollment (or be in progress).
- Receiving schools must honor placement of students in all courses from the sending school. These include, but are not limited to, Honors, International Baccalaureate, Advanced Placement, vocational-technical, and career pathway courses if those courses are offered in the receiving school.

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**BOARD POLICY**

**No. 5118.2(b)**

**RE: Educational Opportunities for Military Children**

**Approved: DATE**

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- In compliance with federal law, special education students must be placed by the existing IEP with reasonable accommodations in the receiving school.
- If a child of a member of the armed forces is enrolled in a school under the jurisdiction the district, and such member has received military orders directing them from such town, or any other documents from the armed forces indicating a change of residency from such town during the school year, the child may continue to be enrolled in the school until the end of the school year while such member remains a member of the armed forces, except that any such child in grade eleven may continue to be enrolled in the school for an additional school year while such member remains a member of the armed forces.
- The District will exercise, as deemed appropriate, the right to waive prerequisites for all courses and programs, while also maintaining its right to re-evaluate the student to ensure continued enrollment, as deemed appropriate.
- Students of active-duty personnel shall have additional excused absences at the discretion of the District for visitations relative to leave or deployment.

**Alternate language for above:**

- A one-day absence is provided for students when their parent/guardian is deployed into active military service.
- A one-day absence is provided for students when their parent/guardian returns from active military service or deployment.
- A student whose parent or legal guardian has been called to duty for, is on leave from, or immediately returned from deployment to; a combat zone or combat support posting shall be granted additional excused absences at the discretion of the Superintendent or his/her designee.
- Absences related to a student visiting with his/her parent, related to leave or deployment activities, may be excused by the District. The district will permit no more than three (3) excused absences per year for this purpose.
- An eligible student living with a noncustodial parent or other person standing in loco parentis shall be permitted to attend the school in which he or she was enrolled while living without the custodial parent without any tuition fee imposed.
- The District high school will accept exit, or end-of-year exams required from the sending state, national norm-referenced tests, or alternate testing instead of testing requirements for graduation in the District (receiving state). If this is not possible, the alternative provision of the Interstate Compact shall be followed to facilitate the on-time graduation of the student in accordance with Compact provisions.

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**BOARD POLICY**

**No. 5118.2(c)**

**RE: Educational Opportunities for Military Children**

**Approved: DATE**

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Referenced Policies

(cf. 5113.2 – Attendance – Unexcused Absences – Truancy – Students)

(cf. 5123 – Promotion and Retention)

(cf. 5125 - Student Records; Confidentiality)

(cf. 5141.3 - Health Assessments and Screenings)

(cf. 6146 - Graduation Requirements)

Legal Reference: Connecticut General Statutes

[10-15f](#) Interstate Compact on Educational Opportunity for Military Children

Public Act 25-15 An Act Concerning Various Measures Recognizing and Honoring the Military Service of the Armed Forces in Connecticut.  
(Section 7)

**RE: Use of Exclusionary Time Out**

**Approved: Date**

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The Board of Education (Board) acknowledges that behavior management practices for students may sometimes include the use of exclusionary time out settings. A time out setting is an area for a student to safely deescalate, self-regulate, self-calm, regain control and prepare to meet expectations to return to his/her educational program. A time out setting shall only be used in conjunction with a behavior management program which teaches and reinforces acceptable behaviors, except where it is necessary to remove a student from a potentially dangerous situation or an unanticipated situation.

**Definitions**

***“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.

***“Seclusion”*** means the involuntary confinement of a student in a room, physically prevented from leaving. Seclusion does not include an exclusionary time out.

***“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; 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.

**Types of Time Out**

A time-out is a behavioral support strategy in which a student temporarily separates from the learning activity or classroom, either by choice or by staff direction for the purpose of calming.

There are two kinds of time-out:

- Inclusionary - when a student is removed from positive reinforcement or full participation in the class while remaining in the class. The use of inclusionary time-out functions as a behavior support strategy while allowing the student to remain fully aware of the learning activities in the classroom.
- Exclusionary - when a student is separated from the rest of the class through complete visual separation or actual physical separation.

**RE: Use of Exclusionary Time Out**

**Approved: Date**

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Time-out is used for calming an agitated student. Time-out is not used for punishment or discipline.

**Use of Exclusionary Time Out Setting/Space**

If a time out setting/space is to be used, it must be used as a behavioral intervention strategy that is designed to teach and reinforce alternative appropriate behaviors in which a student is removed to a supervised area or room in order to facilitate self-control or when it is necessary to remove a student from a potentially dangerous situation and for unanticipated situations that pose an immediate concern for the physical safety of a student or others.

The Board has adopted and implemented the following policy and procedures governing school use of time out settings/spaces as part of its behavior management approach consistent with P.A. 18-51.

At a minimum, the use of exclusionary time out settings/spaces shall be governed by the following rules and standards:

1. The Board prohibits placing a student in a locked room or space or in a setting where the student cannot be continuously observed and supervised. The time out space shall be unlocked and the door must be able to be opened from the inside. The use of locked rooms or spaces for purposes of time out or emergency interventions is prohibited.

Staff shall continuously monitor the student in a time out setting. The staff must be able to see and hear the student at all times. At least one school employee must remain with the student or be immediately available to the student so that the student and the staff member can communicate verbally throughout the time out.

Under no circumstances shall a time out setting/space in a school program be used for seclusion of the student, where the term "seclusion" is interpreted to mean placing a student in a locked room or space or in a room where the student is not continuously

observed and supervised.

2. Factors which may precipitate the use of the time out setting/space:
  - a. Student fails to respond to less severe interventions (behavior that cannot be controlled through interventions short of isolation in the designated time out space or room)
  - b. Behavior that is severely disruptive

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**BOARD POLICY**

**No. 5144.2(c)**

**RE: Use of Exclusionary Time Out**

**Approved: Date**

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- c. Dangerous behavior that presents a risk of injury or harm to that student or to others
- d. Behavior that is dangerous or presents a risk of significant property damage.

*The designated time out setting/space shall not be used for punitive purposes, for staff convenience or to control minor misbehavior.*

3. Time limitations for the use of the time out setting/space:

A student should remain in the designated time out setting/space only for the time necessary for the student to compose him/herself sufficiently to return to the classroom with minimal risk that the behavior will quickly reoccur, in the opinion of school staff monitoring the intervention. The time should normally not exceed 30 minutes. (A suggested time-legislation does not specify time limits)

School staff shall not keep a student in the designated time out setting/space for more than one hour. If the student continues to present dangerous behaviors after this period of time, the placement in that space may be continued only with written authorization of the building Principal or designee. In that event, the student's parent/guardian should also be called for the purpose of taking the student home for the remainder of that school day.

If, at any point during the student's stay in the designated time out space, the building Principal or his/her designee believes that the student cannot be maintained safely even in that setting, the building Principal/designee shall call the student's parent/guardian to come pick up the student, and may also call other emergency personnel for the purpose of taking custody of the student and ensuring the student's safety.

Further, a student's IEP shall specify when a behavioral intervention plan includes the use of a time out setting for a student with a disability, including the maximum amount of time a student will need to be in a time out setting as a behavioral consequence as determined on an individual basis in consideration of the student's age and individual needs.

School administration or other personnel shall be notified in the event a student is placed in a time out setting for excessive amounts of time; and such information shall be considered when determining the effectiveness of the student's behavioral intervention plan and the use of the time out setting for the student. Whether the student requires a debriefing following the use of a time out setting shall be left to the staff knowledgeable about the individual student.

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**BOARD POLICY**

**No. 5144.2(d)**

**RE: Use of Exclusionary Time Out**

**Approved: Date**

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When it is decided through the program planning process to use a time out setting as a behavioral intervention, it should be clearly articulated in the planning what will be done if the student refuses to comply with the request to move to a time out setting or if the use of this strategy is not successful in managing the student's behavior. Should staff be required to physically remove the student to the time out setting, it is important that non-violent crisis techniques be used. Consideration must be given to the procedures pertaining to use of physical restraint and/or seclusion as defined in policy [5144.1](#).

4. Staff training on the policies and procedures related to the use of time out setting/space shall include, but not be limited to, the following measures:

a. The Director of Student Support Services shall be responsible to the Superintendent for establishing administrative practices and procedures for training all District personnel responsible for use of time out.

b. Specific Training Activities and Programs:

Staff members working with students who have the use of the time out space will:

- Receive full training in the policy and procedures for the use of a time out setting.
- Participate in work sessions to review each student's Behavior Intervention Plan and receive specific instruction in the implementation of the plan. The work sessions will include teachers, teaching assistants, monitors, building administrators and the Director of Pupil Personnel Services.

5. Data collection to monitor the effectiveness of the use of time out settings/spaces:

The District shall establish and implement procedures to document the use of time out space, including information to monitor the effectiveness of the use of the time out space to decrease specified behaviors. Such data may be subject to review by the State Education Department (SED) upon request.

Such data collection should appropriately include, but is not limited to, the following information:

- a. A record for each student showing the date and time of each use of the time out setting;

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**BOARD POLICY**

**No. 5144.2(e)**

**RE: Use of Exclusionary Time Out**

**Approved: Date**

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- b. A detailed account of the antecedent conditions/specific behavior that led to the use of the time out setting;
  - c. The amount of time that the student was in the time out setting; and
  - d. Information to monitor the effectiveness of the use of the time out setting to decrease specified behaviors which resulted in the student being placed in the setting.
6. Information to be provided to parents:

The School District shall inform the student's parents prior to the initiation of a behavioral intervention plan that will incorporate the use of a time out setting for a student, and shall give the parent the opportunity to see the physical space that will be used as a time out setting and provide the parent with a copy of the school's policy on the use of time out settings/spaces.

Additionally, parents should be notified if their child was placed in a time out setting. Minimally, whenever a time out setting is used as an emergency intervention the parent shall be notified of the emergency intervention. Such notification will be provided the same day whenever possible. The use of a time out setting must be included on the student's IEP.

Parent reports of alleged inappropriate interventions used in a time out setting should be directed to school administrators.

**Physical Space Used as a Time Out Setting/Space**

The physical space used as a time out setting must meet certain standards:

- a. The area shall provide a means for continuous visual and auditory monitoring of the student. (Staff assigned to monitor the time out area must be able to see and hear the student at all times and be able to communicate verbally with the student throughout the time out.)
- b. The space or setting used for an exclusionary time out must be appropriate for calming or deescalating the student's behavior.

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**BOARD POLICY**

**No. 5144.2(f)**

**RE: Use of Exclusionary Time Out**

**Approved: Date**

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- c. The area shall be of adequate width, length and height to allow the student to move about and recline comfortably.
- d. Wall and floor coverings should be designed to prevent injury to the student, and there shall be adequate lighting and ventilation.
- e. The temperature of the area shall be within the normal comfort range and consistent with the rest of the building.
- f. The area shall be clean and free of objects and fixtures that could be potentially dangerous to a student and shall meet all local fire and safety codes.
- g. The setting must be unlocked and the door must be able to be opened from the inside at all times. The use of locked rooms or spaces for the purpose of time out is strictly prohibited.

Referenced Policies

(cf. [5144.1](#) - Physical Restraint and Seclusion)

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)

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**BOARD POLICY**

**No. 5144.2(g)**

**RE: Use of Exclusionary Time Out**

**Approved: Date**

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

State Board of Education Regulations Sections [10-76b-5](#) through [10-76b-11](#).

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**BOARD POLICY**

**No. 6171(a)**

**RE: Special Education**

**Approved: Date**

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The Bloomfield Board of Education accepts its legal duties and responsibilities for providing special education for the students of the school district.

The district shall provide a free appropriate public education and necessary related services to all children requiring special education, as defined in PA 25-67 Section 1, residing within the district, required under the Individuals with Disabilities Education Act ("IDEA"), Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and Connecticut Statutes.

It is the intent of the District to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided a free appropriate public education and equal access to educational opportunities. Students may be disabled under Section 504 of the Rehabilitation Act even though they do not require services pursuant to the IDEA.

For students eligible for services under IDEA, the District shall follow procedures for identification, evaluation, placement, and delivery of services to children with disabilities provided in state and federal statutes that govern special education. For those students who are not eligible for services under IDEA, but because of a disability as defined by Section 504 of the Rehabilitation Act of 1973, need or are believed to need accommodations to receive equal access to educational opportunities, the District shall establish and implement a system of procedural safeguards. The safeguards shall cover students' identification, evaluation, and educational placement. This system shall include notice, an opportunity for the student's parent(s)/guardian(s)/surrogate parent to examine relevant records, an impartial hearing with opportunity for participation by the student's parent(s)/guardians(s), representation by counsel, and a review procedure.

Effective July 1, 2023, all students remain eligible for special education services under the Individuals with Disabilities Education Act (IDEA) through the end of the school year during which the student turns age 22, or until the student graduates from high school with a regular high school diploma, whichever occurs first. Pursuant to the Connecticut General Statutes [§10-259](#), school year is defined as July 1 through June 30. A free appropriate public education (FAPE) must be provided to any child requiring special education beginning on or after the child's third birthday, whether that birthday occurs during the regular school year.

In making a determination of eligibility for special education and related services, through use of a variety of assessment tools and strategies designed to gather relevant functional, developmental, and academic information, a student shall not be determined to be a disabled student if the dominant factor for such a determination is a lack of appropriate instruction in reading, including in the essential components of reading instruction, as defined in the Every Student Succeeds Act, lack of instruction in math or limited English proficiency or evidence that a child's behavior repeatedly violated disciplinary policy.

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**No. 6171(b)**

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Further, the District is not required to take into consideration whether a student has a severe discrepancy between achievement and intellectual ability in oral expression, listening

comprehension, written expression, basic reading skills, reading comprehension or mathematical calculation or reasoning. A child may become eligible for special education services on his or her third birthday.

In determining whether a child has a specific learning disability, the District may use a process that determines if the student responds to scientific, research-based intervention as a part of the evaluation procedures to determine eligibility. The program to which each student with a disability is assigned shall provide an appropriate education, seek to assure success in learning, and offer the least restrictive environment, in accordance with federal and state regulations. No student with a disability shall be denied, because of disability, participation in activities, programs, or services offered or recognitions rendered to District students, unless participation is not possible because of the disability.

Each student requiring special education, as defined in PA 25-67 section 1, who is a resident of the district shall be provided quality education programs and services that meet the student's needs for educational, instructional, transitional and related services. The special education program shall be designed to comply with federal and state law; conform to district goals; and integrate programs of special education with the regular instructional programs of the schools, consistent with the interests of the student requiring special education and other students. If necessary and as determined by the PPT, students requiring special education may be placed in an approved public or private programs. Students with disabilities are required by federal law to be included in State and District-wide assessments, with appropriate accommodations where necessary.

In accordance with the regulations of the State Board of Education, each local and regional Board of Education shall:

1. Provide special education for children requiring special education, as defined in PA 25-67 section 1.
2. The obligation of the school district under this subsection shall terminate when such child graduates from high school or at the end of the school year during which such child reaches age twenty-two, whichever occurs first.
3. Report to the Department of Education on each placement of a student receiving special education services for which the board is paying a portion of the cost:

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- a. Whether such placement is a result of a decision of a planning and placement team meeting, a settlement agreement, or a special education hearing pursuant to section [10-76h](#) of the general statutes;
- b. Whether such placement is with an approved or nonapproved private provider of special education services, regional educational service center, operator of an interdistrict magnet school program, state charter school, a cooperative arrangement pursuant to section [10-158a](#) of the general statutes, a local or regional board of education operating an outplacement program or as part of the statewide interdistrict public school attendance program pursuant to section [10-266aa](#) of the general statutes;
- c. The amount being paid by the Board;
- d. The special education services being provided;
- e. The location of the facility at which such special education services are being provided;
- f. The total number of any agreements such Board enters into with a student, parent, or guardian during the preceding school year that includes provisions for nondisclosure of special education services or a waiver of the rights to which such student, parent, or guardian is entitled pursuant to the Individuals with Disabilities Education Act, 20 USC 1400 et seq;
- g. Any other information requested by the Department.

The District shall also take steps to make the public aware that all children and youth from birth through the end of the school year during which the student turns age 22, and suspected of having a disability, have a right to a formal determination as to whether they have such a condition or disability.

The Board shall determine the facilities, programs, services, and staff that will be provided by the District for the instruction of students requiring special education. To maintain an effective special education plan, the Board may participate in special education programs of other school districts or those offered by a RESC.

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**No. 6171(d)**

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**Evaluation of Special Education Program**

On or after June first, but prior to September thirtieth annually, the superintendent shall provide, at a regularly scheduled meeting of the Board of Education, an annual report concerning the special education programs of the school district with the following information:

1. The number and names of all community-based organizations with whom the board of education has executed a formal memorandum of understanding, memorandum of agreement, or contract to provide support services to students in the school district, disaggregated by school and type of support service provided;
2. The workforce development programs offered by the board of education to students in which the board has partnered with an outside entity, including, but not limited to, cooperatives, internships, in-school job training programs provided by businesses, and in-school workforce board presentations, and
3. Attrition data for certified and noncertified staff, disaggregated by school and subject, not including in-district transfers.

The report shall also include recommendations of the Superintendent and staff, and by any advisory groups, for improvement in the program.

In addition to the annual report, the Superintendent shall make interim reports whenever any phase of the program is significantly less satisfactory than was expected so that necessary adjustments may be made.

The Superintendent shall make certain that the individualized education plan of each student is reviewed periodically, or at least annually.

The Superintendent of Schools or his/her designee is directed to develop a comprehensive plan for compliance with all the requirements of federal and state law for the education of students with disabilities residing in or attending school in the school district. The Board of Education requests that the plan be in harmony with the school district's financial abilities, with the availability of special facilities needed, and the availability of trained and certified personnel.

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**BOARD POLICY**

**No. 6171(e)**

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**Approved: Date**

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Legal Reference: Connecticut General Statutes

[10-76a](#) Definitions. (as amended by PA 00-48 and PA 06-18)

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

[10-76c](#) Receipt and use of money and personal property.

[10-76d](#) Duties and powers of boards of education to provide special education programs and services. (as amended by PA 97-114, PA 00-48, PA 06-18 and June Special Session PA 15-5, Section 277)

[10-76e](#) School construction grant for cooperative regional special education facilities.

[10-76f](#) Definition of terms used in formula for state aid for special education.

[10-76ff](#) Procedures for determining if a child requires special education (as amended by PA 06-18)

[10-76g](#) State aid for special education.

[10-76h](#) Special education hearing and review procedure. Mediation of disputes. (as amended by PA 00-48)

[10-76i](#) Advisory council for special education.

[10-76j](#) Five-year plan for special education.

[10-76k](#) Development of experimental educational programs.  
PA 06-18 An Act Concerning Special Education  
State Board of Education Regulations.

[10-76m](#) Auditing claims for special education assistance.

[10-76a-1 et seq.](#) Definitions. (as amended by PA 00-48)

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**BOARD POLICY**

**No. 6171(f)**

**RE: Special Education**

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[10-76b-1](#) through [10-76b-4](#) Supervision and administration.

[10-76d-1](#) through [10-76d-19](#) Conditions of instruction.

[10-76h-1](#) through [10-76h-2](#) Due process.

[10-76l-1](#) Program Evaluation.

[10-145a-24](#) through [10-145a-31](#) Special Education (re teacher certification).

[10-264l](#) Grants for the operation of interdistrict magnet school programs.

P.A. 12-173, An Act Concerning Individualized Education Programs and Other Issues Relating to Special Education

34 C.F.R. 3000 Assistance to States for Education for Handicapped Children.

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

Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq.

Rehabilitation Act of 1973, Section 504, 29 U.S.C. § 794.

P.L. 108-446 The 2004 Reauthorization of the Individuals with Disabilities Act

Bd of Ed of the City School District of the City of New York v. Tom F. 128S.Ct. 1, 76 U.S.L.W. 3197 (2008)

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

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

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

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**BOARD POLICY**

**No. 6171(g)**

**RE: Special Education**

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

Public Act 25-67 An Act Concerning the Quality and Delivery of Special Education Services in Connecticut (Sec 1 & 12)

Public Act 25-93 An Act Increasing Resources for Students, Schools and Special Education (Section 32)

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**BOARD POLICY**

**No. 6181(a)**

**RE: Evaluation of the Special Education Program**

**Approved: Date**

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The Superintendent shall make an annual report to the Board of Education on district special education programs, with particular attention to individual programs, by program and school.

The report shall include recommendations of the Superintendent and staff, and by any advisory groups, for program improvement.

The Superintendent shall make interim reports if any programs are significantly less satisfactory than expected and the necessary adjustments made to improve them.

The Superintendent shall ensure that each student's individualized education plan is reviewed periodically and at least annually

Legal Reference: State Board of Education Regulations  
[10-76d-1](#) - [10-76d-19](#) Duties and powers of boards of education to provide special education programs and services.

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**BOARD POLICY**

**No. 3542.43(a)**

**RE: Charging Policy Food Service**

**Approved: Date**

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The goal of the food service program is to provide students with nutritious and healthy foods, through the District's food services program, that will enhance learning. The school nutrition program is an essential part of the education system and by providing good-tasting, nutritious meals in pleasant surroundings; we are helping to teach students the value of good nutrition.

The Board of Education (Board) has an agreement with the Connecticut State Department of Education to participate in one or more school Child Nutrition Programs and accepts full responsibility for adhering to the federal and state guidelines and regulations pertaining to these school Child Nutrition Programs. The Board also accepts full responsibility for providing free or reduced price meals to eligible elementary and secondary students enrolled in the District's schools. Applicants for such meals are responsible to pay for meals until the application for the free or reduced price meals is completed and approved. All applications for free and reduced price lunch and any related information will be considered strictly confidential and not to be shared outside of the District's food services program. Meals are planned to meet the specified nutrient standards outlined by the United States Department of Agriculture for children based on their age or grade group.

Although not required by law, because of the District's participation in the Child Nutrition Programs, the Board approves the establishment of a system to allow a student to charge a meal.

The Board realizes that funds from the non-profit school food service account, according to federal regulations, cannot be used to cover the cost of charged meals that have not been paid.

Moreover, federal funds are intended to subsidize the meals of children and may not be used to subsidize meals for adults (teachers, staff and visitors). Adults are not allowed to charge meals and shall pay for such meals at the time of service or through pre-paid accounts.

The Board prohibits the public identification or shaming of a child/student for any unpaid charges, including, but not limited to, the following:

- Delaying or refusing to serve a meal to such student,
- Designating a specific meal option for such student or otherwise taking any disciplinary action against such student.

A student needing to charge a meal will be informed of his/her right to purchase a meal, which may exclude a la carte items, for any school breakfast, lunch or other feeding.

In order to sustain the District's food services program, the District cannot permit the excessive charging of student meals. Therefore, any charging of meals must be consistent with this policy and any accompanying regulations. The Superintendent or his/her designee shall develop regulations designed to effectively and respectfully address family responsibility for unpaid meals.

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**BOARD POLICY**

**No. 3542.43(b)**

**RE: Charging Policy Food Service**

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Any parent/guardian who anticipates a problem with paying for meals is encouraged to contact the Food Services Manager/Director and/or the applicable school Principal for assistance. The Board encourages all families who may have a child eligible for free or reduced price lunch to apply.

**Definitions**

**"Delinquent Debt"** are unpaid meal charges, like any other money owed to the nonprofit school food service account when payment is overdue, as defined by state or local policies.

**"Bad Debt"** are when unpaid meal charges are not collected and are considered a loss. Such debt must be written off as an operating loss, which cannot be absorbed by the nonprofit school food service account, but must be restored using nonfederal funds.

**Elementary Students**

1. The District shall maintain a "no charging policy." The charge/no charge policy will be strictly enforced to eliminate unnecessary debt within the School Food Service Program.
2. The District uses **Linq School Nutrition (Titan)**, an automated prepayment system, which allows parents/guardians to view their child's meal account balance and purchases, receive low-balance notifications, as well as, make deposits, to their child's school meal account. Any student whose account has insufficient funds (i.e., is at the charging limit) and does not bring a meal from home may charge any combination of meals up to an amount not to exceed the cost of thirty (30) meals. Negative balance status can be avoided by making a payment in the form of cash, check, or by credit card to the **Linq Connect** website. (<https://linqconnect.com>)
3. Students shall be allowed up to thirty (30) reimbursable meal charges. All other a-la-carte items shall not be charged. After thirty charges, the parents/guardians of such child will be referred to the District's homeless education liaison. The alternate meal shall consist of one or more of the examples listed above. When a charge is occurred, a written notification shall be sent home to parents. All credited meals must be repaid.

Communications with parents/guardians regarding collection of a child's unpaid meal charges shall include information on local food pantries, application for free or reduced price meals and the Department of Social Services' supplemental nutrition assistance program and a link to the District's website that lists any community services available to town/city residents.

4. No elementary or middle school student shall be deprived a reimbursable meal due to forgotten or lost meal money. The school Principal will be responsible for maintaining a

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**No. 3542.43(c)**

**RE: Charging Policy Food Service**

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fund of money to loan to students without meal money. The pool of money may be established from school or PTA/PTO funds. The Principal or his/her designee is responsible for collecting money that has been loaned to students. Students will be responsible for repaying all loaned money within an established timeframe. A note shall be given to the student to take home or mailed to the student's home to inform parents of the loan obligation. In situations in which a student is consistently without meal money, the Principal or his/her designee should encourage the parent/guardian to apply for free or reduced price meals.

Communications with parents/guardians regarding collection of a child's unpaid meal charges shall include information on local food pantries, application for free or reduced price meals and the Department of Social Services' supplemental nutrition assistance program and a link to the District's website that lists any community services available to town/city residents.

The Board will accept gifts, donations, or grants from any public or private sources for the purpose of paying off any unpaid charges for school meals.

5. The District strongly discourages meal charges, but understands that an occasional emergency makes it necessary at the elementary level. The District/school policy is as follows:
  - a. All charges must be paid in 10 days.
  - b. Students may not charge more than 5 reimbursable meals.
  - c. Parents will be notified and asked for prompt payment after 3 charges.
  - d. Communications with parents/guardians regarding collection of a child's unpaid meal charges shall include information on local food pantries, application for free or reduced price meals and the Department of Social Services' supplemental nutrition assistance program and a link to the District's website that lists any community services available to town/city residents.
6. Students shall be allowed to charge up to thirty meals. The student will be given the same reimbursable meal that other children are provided. Parents of students who charge shall be notified by phone, after their child has received the meal. If a pattern of charging continues, attempts will be made to discuss the issue with the parents/guardians and encourage them to complete a free and reduced meal application. Communications with parents/guardians regarding collection of a child's unpaid meal charges shall include information on local food pantries, application for free or reduced price meals and the

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**No. 3542.43(d)**

**RE: Charging Policy Food Service**

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Department of Social Services' supplemental nutrition assistance program and a link to the District's website that lists any community services available to town/city residents.

**Secondary Students**

1. A student shall not be allowed to purchase any reimbursable meal on credit.
2. The District uses **Linq School Nutrition (Titan)**, an automated prepayment system, which allows parents/guardians to view their child's meal account balance and purchases, receive low-balance notifications, as well as, make deposits, to their child's school meal account. Any student whose account has insufficient funds (i.e., is at the charging limit) and does not bring a meal from home may charge any combination of meals up to a negative balance of \$6.00. No snacks or a-la-carte items may be charged. *(A source of funding needs to be established based upon the fact that the cost of this meal cannot come out of the school food service account.)* If a student with a negative balance attempts to purchase a-la-carte items with cash, the money must first be applied to the negative balance.
3. Students shall be allowed to charge up to two meals. The student will be given the same reimbursable meal that other children are provided. Parents of students who charge shall be notified by phone, after their child has received the meal. After charging four meals, the parents shall receive written notification. If a pattern of charging continues, attempts will be made to discuss the issue with the parents/guardians and encourage them to complete a free and reduced meal application.

**District-Wide**

1. Parents are responsible for providing meals or meal money for their student(s). Borrowing or charging is for one meal only in an emergency. Repayment is expected without delay. Snack and a-la-carte purchases are cash only.
2. Although not required by law, because of the District's participation in the school Child Nutrition Programs, the Board of Education approves the establishment of a system to allow a student to charge a meal. The Board authorizes the Superintendent to develop rules which address:
  - a. What can be charged;
  - b. The limit on the number of charges per student;
  - c. The system used for identifying and recording charged meals;
  - d. The system used for collection of repayments; and

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**BOARD POLICY**

**No. 3542.43(e)**

**RE: Charging Policy Food Service**

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- e. Ongoing communication of the policy to parents/guardians and students.

**Delinquent Debt and Bad Debt**

The District's efforts to recover from households money owed due to the charging of meals must not have a negative impact on the children involved and shall focus primarily on the adults in the household responsible for providing funds for meal purchases. The school food authority is encouraged to consider whether the benefits of potential collections outweigh the costs which would be incurred to achieve those collections.

Money owed because of unpaid meal charges shall be considered "delinquent debt," as defined, as long as it is considered collectable and reasonable efforts are being made to collect it. Such debt must be paid by June 30, effective with the 2017-2018 school year.

After reasonable attempts are made to collect the delinquent debt, and it is determined that further collection efforts are useless or too costly, the debt must be reclassified as "bad debt." Such debt shall be written off as an operating loss not to be absorbed by the nonprofit school food service account but must be restored using non-federal funds.

**Dissemination of Policy**

This policy shall be provided in writing to all households at the start of each school year and to households transferring to the school or school district during the school year.

This policy shall be included in student/parent handbooks, on online portals that households use to access student accounts, placed on the District's website, on the website of each school, and published at the beginning of each school year at the time information is distributed regarding free and reduced price meals and again to the household the first time the policy is applied to a specific child.

This policy shall be provided to all school staff and/or school food authority staff responsible for its enforcement. In addition, school social workers, nurses, the homeless liaison, and other staff members assisting children in need or who may be contacted by families with unpaid meal charges also should be informed of this policy.

The District's school food authority shall maintain, as required, documentation of the methods used to communicate this policy to households and school or school food authority-level staff responsible for policy enforcement.

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**BOARD POLICY**

**No. 3542.43(f)**

**RE: Charging Policy Food Service**

**Approved: Date**

Legal Reference: Connecticut General Statutes

[10-215](#) Lunches, breakfasts and other feeding programs for public school children and employees. (as amended by PA 21-46)

[10-215a](#) Nonpublic school and nonprofit agency participation in feeding programs.

[10-215b](#) Duties of State Board of Education re feeding programs.

State Board of Education Regulations

State of Connecticut, Bureau of Health/Nutrition, Family Services and Adult Education Operational Memorandum No. 4-17, "Guidance on Unpaid Meal Charges and Collection of Delinquent Meal Payments," Nov. 2, 2016

Operational Memorandum #19-10, State of Connecticut, Bureau of Health/Nutrition, Family Services and Adult Education "Unallowable Charges to No-profit School Food Service Accounts and the Serving of Meals to Non-paying Full and Reduced Price Students"

National School Lunch Program and School Breakfast Program; Competitive Foods. (7 CFR Parts 210 and 220, Federal Register, Vol 45 No. 20, Tuesday, January 29, 1980, pp 6758-6772

USDA Guidance:

- SP 46-2016, "Unpaid Meal Charges: Local Meal Charge Policies"
- SP 47-2016, "Unpaid Meal Charges: Clarification on Collection of Delinquent Meal Payment"
- SP 57-2016 "Unpaid Meal Charges: Guidance and Q and A"
- SP 58-2016 "2016 Edition: Overcoming the Unpaid Meal Challenge: Proven Strategies from Our Nation's Schools"

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**BOARD POLICY**

**No. 4000.1**  
**No. 5145.44**

**RE: Title IX Sexual Harassment  
Personnel/Students**

**Approved: June 7, 2022**

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TITLE IX

Sexual harassment affects a student's ability to learn and an employee's ability to work. Providing an educational and workplace environment free from sexual harassment is an important district goal. The district does not discriminate on the basis of sex in any of its education programs or activities, and it complies with Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulations (34 C.F.R. Part 106) concerning everyone in the district's education programs and activities, including applicants for employment, students, parents/guardians, employees, and third parties.

TITLE IX SEXUAL HARASSMENT PROHIBITED

Sexual harassment as defined in Title IX (Title IX Sexual Harassment) is prohibited. Any person, including a district employee or agent, or student, engages in Title IX sexual harassment whenever that person engages in conduct on the basis of an individual's sex that satisfies one or more of the following:

1. A district employee conditions the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct; or
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's educational program or activity; or
3. Sexual assault as defined in 20 U.S.C. §1092(f)(6)(a)(v), Dating Violence as defined in 34 U.S.C. §12291(a)(10), Domestic Violence as defined in 34 U.S.C. §12291(a)(8), or Stalking as defined in 34 U.S.C. §12291(a) (30).

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**No. 4000.1 (b)/No. 5145.44(b)**

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Examples of sexual harassment include, but are not limited to, touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, spreading rumors related to a person's alleged sexual activities, rape, sexual battery, sexual abuse, and sexual coercion.

**DEFINITIONS (FROM 34 C.F.R. §106.30)**

Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Education program or activity includes locations, events, or circumstances where the district has substantial control over both the respondent and the context in which alleged sexual harassment occurs.

Formal Title IX Sexual Harassment Complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the district investigate the allegation.

Respondent means an individual who has been reported to be the perpetrator of the conduct that could constitute sexual harassment.

Supportive Measures mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a Formal Title IX Sexual Harassment Complaint or where no formal Title IX Sexual Harassment Complaint has been filed.

**TITLE IX SEXUAL HARASSMENT PREVENTION AND RESPONSE**

The superintendent or designee will ensure that the district prevents and responds to allegations of Title IX sexual harassment as follows:

1. Ensures that the district's comprehensive health education program incorporates (a) age-appropriate sexual abuse and assault awareness and prevention programs in grades Pre-K through 12, and (b) age-appropriate education about the warning signs, recognition, dangers, and prevention of teen dating violence in grades 7-12. This includes incorporating student social and emotional development into the district's educational program as required by state law and in alignment with board policy.

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**BOARD POLICY**

**No. 4000.1(c)/No. 5145.44(c)**

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2. Incorporates education and training for school staff as recommended by the superintendent, Title IX Coordinator, nondiscrimination coordinator, building principal, assistant building principal, dean of students, or a complaint manager.
3. Notifies applicants for employment, students, parents/guardians, employees, and collective bargaining units of this policy and contact information for the Title IX Coordinator by, at a minimum, prominently displaying them on the district's website, if any, and in each handbook made available to such persons.

### MAKING A REPORT

A person who wishes to make a report under this Title IX Sexual Harassment grievance procedure may make a report to the Title IX Coordinator, nondiscrimination coordinator, building principal, assistant building principal, dean of students, a complaint manager, or any employee with whom the person is comfortable speaking. A person who wishes to make a report may choose to report to a person of the same gender.

School employees shall respond to incidents of sexual harassment by promptly making or forwarding the report to the Title IX Coordinator. An employee who fails to promptly make or forward a report may be disciplined, up to and including discharge.

The superintendent shall insert into this policy and keep current the name, office address, email address, and telephone number of the Title IX coordinator.

Title IX Coordinator:

Name: Grace Martinez, 1133 Blue Hills Avenue, Bloomfield, CT 06002

[gmartinez@blmfld.org](mailto:gmartinez@blmfld.org) 860-769-4242

### PROCESSING AND REVIEWING A REPORT OR COMPLAINT

Upon receipt of a report, the Title IX Coordinator and/or designee will promptly contact the complainant to: (1) discuss the availability of supportive measures, (2) consider the complainant's wishes with respect to supportive measures, (3) inform the complainant of the availability of supportive measures with or without the filing of a formal Title IX Sexual Harassment Complaint, and (4) explain to the complainant the process for filing a formal Title IX Sexual Harassment Complaint.

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**No. 4000.1(d)/No. 5145.44(d)**

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Further, the Title IX Coordinator will analyze the report to identify and determine whether there is another or an additional appropriate method(s) for processing and reviewing it. For any report received, the Title IX Coordinator shall review appropriate board policies pertaining to uniform grievance procedure; workplace harassment; abused and neglected child reporting; employee ethics; conduct; conflict of interest; harassment of students; prevention of and response to bullying, intimidation, and harassment; teen dating violence prohibited; student behavior, to determine if the allegations in the report require further action.

Reports of alleged sexual harassment will be confidential to the greatest extent practicable, subject to the district's duty to investigate and maintain an educational program or activity that is productive, respectful, and free of sexual harassment.

**FORMAL TITLE IX SEXUAL HARASSMENT COMPLAINT GRIEVANCE PROCESS**

When a formal Title IX Sexual Harassment Complaint is filed, the Title IX Coordinator will appoint a qualified person to undertake the investigation. The superintendent or designee shall implement procedures to ensure that all formal Title IX Sexual Harassment Complaints are processed and reviewed according to a Title IX grievance process that fully complies with 34 C.F.R. §106.45.23. The district's grievance process shall, at a minimum:

1. Treat complainants and respondents equitably by providing remedies to a complainant where the respondent is determined to be responsible for sexual harassment, and by following a grievance process that complies with 34 C.F.R. §106.45 before the imposition of any disciplinary sanctions or other actions against a respondent.
2. Require an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations may not be based on a person's status as a complainant, respondent, or witness.
3. Require that any individual designated by the district as a Title IX Coordinator, investigator, decision-maker, or any person designated by the district to facilitate an informal resolution process:
  - A. Not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
  - B. Receive training on the definition of sexual harassment, the scope of the district's education program or activity, how to conduct an investigation and grievance process (including hearings, appeals, and informal resolution processes, as applicable), and how to serve impartially.

**BLOOMFIELD PUBLIC SCHOOLS**  
**Bloomfield, Connecticut**

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**BOARD POLICY**

**No. 4000.1[e]/ No. 5145.44(e)**

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FORMAL TITLE IX SEXUAL HARASSMENT COMPLAINT GRIEVANCE PROCESS  
(CONTINUED)

4. Require that any individual designated by the district as an investigator receiving training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
5. Require that any individual designated by the district as a decision-maker receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.
6. Include a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
7. Include reasonably prompt timeframes for conclusion of the grievance process.
8. Describe the range of possible disciplinary sanctions and remedies the district may implement following any determination of responsibility.
9. Base all decisions upon the preponderance of evidence standard.
10. Include the procedures and permissible bases for the complainant and respondent to appeal.
11. Describe the range of supportive measures available to complainants and respondents.
12. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

**ENFORCEMENT**

Any district employee who is determined, at the conclusion of the grievance process, to have engaged in sexual harassment will be subject to disciplinary action up to and including discharge. Any third party who is determined, at the conclusion of the grievance process, to have engaged in sexual harassment will be addressed in accordance with the authority of the board in the context of the relationship of the third party to the district, e.g., vendor, parent, invitee, etc. Any district student who is determined, at the conclusion of the grievance process, to have engaged in sexual harassment will be subject to disciplinary action, including, but not limited to, suspension and expulsion consistent with student behavior policies.

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Any person making a knowingly false accusation regarding sexual harassment will likewise be subject to disciplinary action.

This policy does not increase or diminish the ability of the district or the parties to exercise any other rights under existing law.

**RETALIATION PROHIBITED**

The district prohibits any form of retaliation against anyone who, in good faith, has made a report or complaint, assisted, or participated or refused to participate in any manner in a proceeding under this policy. Any person should report claims of retaliation.

Any person who retaliates against others for reporting or complaining of violations of this policy or for participating in any manner under this policy will be subject to disciplinary action, up to and including discharge, with regard to employees, or suspension and expulsion, with regard to students.

LEGAL REFERENCE:        UNITED STATES CONSTITUTION, ARTICLE XIV

                                  CIVIL RIGHTS ACT OF 1964, TITLE VII, 42 U.S.C. S2000-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, 20 USCS §1681, ET SEQ.

                                  TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, 34 CFR §106, ET SEQ.

                                  TITLE IX FINAL RULE, 34 CFR §106.45, ET SEQ., MAY 6, 2020

                                  34 CFR SECTION 106.8(B), OCR GUIDELINES FOR TITLE IX.

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**BOARD POLICY**

**No. 4000.1(g)/No. 5145.44(g)**

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LEGAL REFERENCE: CONTINUED

DEFINITIONS, OCR GUIDELINES ON SEXUAL HARASSMENT, FED. REG. VOL 62, #49, 29 CFR SEC. 1606.8 (A0 62 FED REG. 12033 (MARCH 13, 1997) AND 66 FED. REG. 5512 (JANUARY 19, 2001)

THE CLERY ACT, 20 U.S.C. §1092(F)

THE VIOLENCE AGAINST WOMEN ACT, 34 U.S.C. §12291(A)

MENTOR SAVINGS BANK, FSB V. VINSON 477 US.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)

GEBBSER V. LAGO VISTA INDIANA SCHOOL DISTRICT, NO. 99-1866, (U.S. SUPREME COURT, JUNE 26,1998)

DAVIS V. MONRO COUNTY BOARD OF EDUCATION, NO. 97-843, (U.S. SUPREME COURT, MAY 24, 1999.)

CONNECTICUT GENERAL STATUTES

46A-60 DISCRIMINATORY EMPLOYMENT PRACTICES PROHIBITED.

CONN. AGENCIES REGS. §46A-54-200 THROUGH §46A-54-207

CONSTITUTION OF THE STATE OF CONNECTICUT, ARTICLE I, SECTION 20.

P.A. 19-16 AN ACT COMBATting SEXUAL ASSAULT AND SEXUAL HARASSMENT