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To make a public comment, the call in number is

(US) 1-201-639-2792 PIN 178 167 441#

Regular BOE Agenda
October 15, 2024

Council Chambers
3 Primrose St.
Newtown, CT 06470
7:00 PM

As citizens of our community, we will conduct ourselves in accordance with Newtown's Core Character Attributes as displayed in our character tree. We will be responsible for our actions and show respect for each other. We will interact peacefully, productively, and politely. We will be trustworthy and honest and show compassion toward others. Newtown's continued success is contingent upon our ability to persevere, to follow through with our commitments, and to stay focused on the greater good.

AGENDA

1. PLEDGE OF ALLEGIANCE
2. CONSENT AGENDA
 - Newtown High School NICE Trip to Spain
 - Correspondence Report
3. **PUBLIC PARTICIPATION
4. REPORTS
 - Chair Report
 - Superintendent's Report
 - Committee and Liaison Reports
 - Student Representatives Report
 - Action on Financial Report for Month ending September 30, 2024
5. PRESENTATIONS
 - School Strategic Plans
 - Elementary Schools Strategic Plan
 - Reed Intermediate School Strategic Plan
6. OLD BUSINESS
 - Action on Policies
 - 5110 Policy and Administrative regulations regarding Non-Discrimination (Students)
 - 5111 Policy and Administrative regulations regarding admission to the Public Schools at or before age five

- 5113 Policy and Administrative regulations regarding Student Attendance, Truancy and Chronic Absenteeism
- 5118.1 Policy and Administrative regulations regarding Homeless Children and Youth
- 5126 Student Privacy
- 5131.6 Drug and Alcohol Use by Students
- 5133 Educational Stability procedures for Transportation Coordination with the Department of Children and Families
- 5135 Recess and Play-based Learning
- 5141 R Administrative Regulations regarding Health Assessments/Screenings and Oral Health Assessments
- 5141.3 R Administrative Regulations Regarding Immunizations
- 5141.25 Management Plan and Guidelines for Students with Food Allergies, Glycogen Storage Disease and/or Diabetes
- 5143 Chemical Health Policy for Student Athletes
- 5145.4 Policy and Administrative Regulations regarding Students and Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990
- 5145.5 Policy and Administrative Regulations regarding Prohibition of Sex Discrimination, including Sex-based harassment
- 6117 Curricular Exemptions
- 6145 Policy and Administrative Regulations regarding Homework

7. NEW BUSINESS

- Discussion regarding the Increasing Educator Diversity Plan
- Action on Minutes of October 1, 2024
- First Read of Policies
 - 5144.1 Policy and Administrative Regulations Concerning Physical Restraint and Seclusion and Use of Exclusionary Time Out
 - 5134 Policy and Administrative Regulations Concerning Sunscreen Application in School
 - 5131.91 R Administrative Regulations Regarding Hazing
 - 5128 Child Sexual Abuse and Assault Response Policy and Reporting
 - 5125 Confidentiality and Access to Education Records
 - 5121.3 R Administrative Regulations Regarding Academic Dishonesty: Cheating and Plagiarism
 - 5120 Meal Charging
 - 5119 Policy and Administrative Regulations Regarding Transportation
 - 5117 R Administrative Regulations Regarding School Attendance Areas

- 4135/4235 Reports of Suspected Abuse or Neglect of Children or Reports of Sexual Assault of Students by School Employees
- 4118.112 4218.112 Policy and Administrative Regulations Regarding Sex Discrimination, Including Sex-Based Harassment

8. PUBLIC PARTICIPATION

9. ADJOURNMENT

***During the first Public Participation, the Board welcomes commentary regarding items on the agenda. After being recognized, please state your name and address for the record. We request that speakers be respectful and limit comments to not more than three minutes. The Board of Education does not discuss personnel items or student matters in public. During the second Public Participation, commentary may address the agenda or may introduce issues for the Board to consider in the future. The Board does not engage in dialogue during either public comment period. If you desire more information or answers to specific questions, please email the BOE: NewtownBOE@newtown.k12.ct.us*

Note: This is a mandated policy and the District does not have such a policy. S & G revised this policy in September 2023. Names of the District Coordinators and other personnel will be updated as personnel change. These updates are not considered revisions to the policy as they are not changes to the statute.

Note: On September 30, 2024, S & G updated this policy and administrative regulations. New text is highlighted in yellow. Deleted text is bold and has a strikethrough. Changes were made to the following pages: 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, and 15.

**Series 5000
Students**

5110

POLICY AND ADMINISTRATIVE REGULATIONS REGARDING NON-DISCRIMINATION (STUDENTS)

Protected Class Discrimination Prohibited:

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

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

Retaliation Prohibited:

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

Discrimination on the Basis of Protected Class Association Prohibited:

Discrimination and/or harassment against any individual on the basis of that individual’s association with someone in a Protected Class may also be considered a form

of Protected Class discrimination and/or harassment, and is therefore prohibited by this policy.

Scope and Applicability:

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

Definitions:

The following definitions apply for purposes of this policy:

A. Discrimination:

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

B. Harassment:

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

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

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

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

Sexual harassment is a form of harassment that is prohibited by law and Board Policy 5145.5, **Policy Regarding Title IX of the Education Amendments of 1972—Prohibition of Sex Discrimination and Sexual, Including Sex-Based Harassment (Students)**. For more information regarding harassment based on sex, sexual orientation, pregnancy, or gender identity or expression, contact the District’s Title IX Coordinator at:

Deborah Mailloux-Petersen
Director of Pupil Services
Newtown Public Schools
3 Primrose Street
Newtown, CT 06470
Telephone: 203-426-7627
email: petersend@newtown.k12.ct.us

C. Veteran:

A veteran is any person honorably discharged from, released under honorable conditions from or released with an other than honorable discharge based on a qualifying condition from, active service in, the United States Army, Navy, Marine Corps, Coast Guard **and**, Air Force **and Space Force** any reserve component thereof, including the Connecticut National Guard. “Qualifying condition” means (i) a diagnosis of post-traumatic stress disorder or traumatic brain injury made by an individual licensed to provide health care services at a United States Department of Veterans Affairs facility, (ii) an experience of military sexual trauma disclosed to an individual licensed to provide health care services at a United States Department of Veterans Affairs facility, or (iii) a determination that sexual orientation, gender identity or gender expression was more likely than not the primary reason for an other than honorable discharge, as determined in accordance with Conn. Gen. Stat. §§ 27-103(c), (d).

D. Gender identity or expression:

Gender identity or expression refers to a person’s gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person’s physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose.

E. Sexual **Ø** orientation:

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

F. Race:

The term race is inclusive of ethnic traits historically associated with race, including but not limited to, hair texture and protective hairstyles. “Protective hairstyles” includes, but is not limited to, wigs, headwraps and hairstyles such as individual braids, cornrows, locs, twists, Bantu knots, afros and afro puffs.

G. Domestic Violence:

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

Biased Conduct:

The Board recognizes that certain student conduct or communications may be indicative of bias towards individuals who are members of a Protected Class, even when such conduct or communications do not rise to the level of discrimination and/or harassment. The Board directs the District administration to address any such biased conduct or communications in a manner consistent with the Board’s legal obligations under state and federal law and Board policy, including free speech considerations, in order to promote a school environment that is welcoming and safe for all individuals.

Reporting to District Officials:

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

Any student, staff member and/or parent/guardian who believes a student has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of this policy should report such concern in writing to the ~~Director of Human Resources~~ Director of Pupil Services in accordance with the Board's complaint procedures included in the Board's Administrative Regulations Regarding Non-Discrimination/Students, which accompany this policy and are available online at [Newtown Board of Education Policies](#) or upon request from the main office of any District school. Students are encouraged to immediately report concerns about Protected Class discrimination, harassment, or retaliation.

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

If a complaint involves allegations of discrimination or harassment of a student based on sex, sexual orientation, pregnancy, or gender identity or expression, such complaints will be handled in accordance with the procedures set forth in Board Policy 5145.5, ~~Policy Regarding Title IX of the Educational Amendments of 1972—~~ **Prohibition of Sex Discrimination and Sexual, Including Sex-Based Harassment (Students)**. Complaints involving allegations of discrimination or harassment of a student based on disability will be addressed in accordance with the procedures set forth in Board Policy 5145.4, Section 504/ADA (Students). In the event reported conducted allegedly violates more than one policy, the Board will coordinate any investigation in compliance with the applicable policies.

Mandatory Staff Reporting for Student Incidents:

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

Student to student reports: _____
Deborah Mailloux-Petersen
Director of Pupil Services
Newtown Public Schools
3 Primrose Street
Newtown, CT 06470
Telephone: 203-426-7628
email: petersend@newtown.k12.ct.us

Employee to student reports:
~~Suzanne D'Eramo~~
~~Director of Human Resources~~
~~Newtown Public Schools~~
~~3 Primrose Street~~
~~Newtown, CT 06470~~
~~Telephone: 203-426-7605~~
email: deramos@newtown.k12.ct.us

Remedial Action:

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

- A. eliminate the discriminatory/harassing/retaliatory conduct,
- B. prevent its recurrence, and

C. address its effects on the complainant and any other affected individuals.

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

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

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

Reporting to State and Federal Agencies:

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

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

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

Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities

450 Columbus Blvd.
Hartford, CT 06103-1835
(860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

Questions/Requests for Accommodation:

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

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

Deborah Mailloux-Petersen
Director of Pupil Services
Newtown Public Schools
3 Primrose Street
Newtown, CT 06470
Telephone: 203-246-7628
email: petersend@newtown.k12.ct.us

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

Deborah Mailloux-Petersen
Director of Pupil Services
Newtown Public Schools
3 Primrose Street
Newtown, CT 06470
Telephone: 203-246-7628
email: petersend@newtown.k12.ct.us

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

1. has specific questions or concerns about the Board's policies regarding discrimination on the basis of disability applicable to students; OR
2. wishes to request an accommodation for a student on the basis of disability
may contact the District's Section 504/ADA Coordinator:

Deborah Mailloux-Petersen
Director of Pupil Services
Newtown Public Schools
3 Primrose Street
Newtown, CT 06470

Telephone: 203-246-7628
email: petersend@newtown.k12.ct.us

Legal References:

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.
Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq.
Boy Scouts of America Equal Access Act, 20 U.S.C. § 7905
Americans with Disabilities Act, 42 U.S.C. § 12101, et seq.
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, et seq.
Connecticut General Statutes § 1-1n, “Gender Identity or Expression”
defined
Connecticut General Statutes § 10-15c
Connecticut General Statutes § 27-103
Connecticut General Statutes § 46a-51, Definitions
Connecticut General Statutes § 46a-58, Deprivation of rights
Connecticut General Statutes § 46b-1, Family relations matters and
domestic violence defined
Public Act No. 23-145, “An Act Revising the State’s Antidiscrimination
Statutes”

Adopted:
Revised:

NEWTOWN PUBLIC SCHOOLS
Newtown, Connecticut

ADMINISTRATIVE REGULATIONS REGARDING DISCRIMINATION COMPLAINTS (STUDENTS)

Protected Class Discrimination Prohibited:

The Newtown Board of Education (the “Board”) complies with all laws prohibiting the exclusion of any person from any of its educational programs or activities, or the denial to any person of the benefits of any of its educational programs or activities, on the basis of any protected characteristic (or protected class) including race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression, veteran status, status as a victim of domestic violence or any other basis prohibited by state or federal law (“Protected Class”), subject to the conditions and limitations established by law. When the Board has created a limited public forum, the Board shall provide equal access to the Boy Scouts and other groups as required by law.

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

Retaliation Prohibited:

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

The District will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of Protected Class discrimination or harassment. Any such reprisals or retaliation may result in disciplinary action against the retaliator, and other corrective actions as appropriate.

Discrimination on the Basis of Protected Class Association Prohibited:

Discrimination and/or harassment against any individual on the basis of that individual’s association with someone in a Protected Class may also be considered a form of Protected Class discrimination and/or harassment.

Scope and Applicability:

Students, Board employees, Board members and community members (e.g., other individuals affiliated with the District, accessing or seeking access to District facilities)

are expected to adhere to a standard of conduct that is respectful of the rights of all members of the school community.

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

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

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

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

Reporting to District Officials:

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

Any student, staff member and/or parent/guardian who believes a student has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of Board policy should report such concern in writing to

Deborah Mailloux-Petersen
Director of Pupil Services
Newtown Public Schools
3 Primrose Street
Newtown, CT 06470
Telephone: 203-426-7628

email: petersend@newtown.k12.ct.us

in accordance with the Board's complaint procedures included in these Administrative Regulations Regarding Non-Discrimination/Students.

If a complaint involves allegations of discrimination or harassment of a student based on sex, sexual orientation, pregnancy, or gender identity or expression, such complaints will be handled in accordance with the procedures set forth in Board Policy 5141.5, Policy Regarding ~~title IX of the Educational Amendments of 1972~~— Prohibition of Sex Discrimination ~~and Sexual, Including Sex-Based~~ Harassment (Students). Complaints involving allegations of discrimination or harassment of students based on disability will be addressed in accordance with the procedures set forth in Board Policy 5145.4, Section 504/ADA (Students). In the event reported conducted allegedly violates more than one policy, the Board will coordinate any investigation in compliance with the applicable policies.

Students are encouraged to immediately report any concerns about Protected Class discrimination, harassment, or retaliation.

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

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

Mandatory Staff Reporting for Student Incidents:

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

~~Student to student reports:-~~

~~Deborah Mailloux-Petersen
Director of Pupil Services
Newtown Public Schools
3 Primrose Street
Newtown, CT 06470
Telephone: 203-426-7628
email: petersend@newtown.k12.ct.us~~

~~Employee to student reports:~~

~~Suzanne D'Eramo
Director of Human Resources
Newtown Public Schools
3 Primrose Street
Newtown, CT 06470
Telephone: 203-426-7605
email: deramos@newtown.k12.ct.us~~

Complaint Procedure

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

As soon as a student feels that they, or another student has been subjected to Protected Class discrimination, harassment or retaliation, the individual should make a written complaint to Deborah Mailloux-Petersen, Director of Pupil Services, or to the building principal, or designee.

Students may make verbal or written reports about Protected Class discrimination, harassment, or retaliation to any school Board employee. School Board employees receiving such reports shall promptly forward them to any District administrator or to Deborah Mailloux-Petersen, Director of Pupil Services.

The student and/or parent/guardian or other individual will be provided a copy of the Board's policy and regulation and made aware of the student's rights under this policy and regulation. In the event the **Director of Pupil Services, Deborah Mailloux-Petersen**, receives a complaint alleging discrimination or harassment of a student based on sex, sexual orientation, pregnancy, or gender identity or expression, the **Director of Pupil Services, Deborah Mailloux-Petersen**, shall follow the procedures identified in Board Policy 5145.5, Policy Regarding **Title IX of the Educational Amendments of 1972—Prohibition of Sex Discrimination and Sexual, Including Sex-Based Harassment (Students)**. In the event the **Director of Pupil Services, Deborah Mailloux-Petersen**, receives a complaint alleging discrimination or harassment of a student based on disability, the **Director of Pupil Services, Deborah Mailloux-Petersen**, shall follow the procedures identified in Board Policy 5145.4, Section 504/ADA (Students).

The complaint should state the:

- A. Name of the complainant, **victim**,
- B. Date of the complaint,
- C. Date(s) of the alleged harassment/discrimination,
- D. Name(s) of the harasser(s) or discriminator(s),
- E. Location where such harassment/discrimination occurred,
- F. Names of any witness(es) to the harassment/discrimination,
- G. Detailed statement of the circumstances constituting the alleged harassment/discrimination; and

H. Proposed remedy.

Any student and/or parent/guardian or other individual who makes an oral complaint of discrimination or harassment of a student to any of the above-mentioned personnel will be provided a copy of this regulation and will be requested to make a written complaint pursuant to the above procedure. If a student (or individual acting on behalf of the student) is unable to make a written complaint, the **school Board** employee receiving the oral complaint will either reduce the complaint to writing or assist the student (individual acting on behalf of the student) in completing the written complaint form or ask a District administrator for assistance in doing so.

All complaints are to be forwarded immediately to the Superintendent or designee. Upon receipt of a complaint alleging discrimination or harassment of a student under this complaint procedure, the Superintendent shall designate a District administrator (or other trained individual) to promptly investigate the complaint. During the course of the investigation, the investigator shall interview or consult with all individuals reasonably believed to have relevant information, including the individual alleged to have experienced Protected Class discrimination and/or harassment (the “complainant”), the reporter (if different from the complainant) the alleged discriminator/harasser (“respondent”) and any witnesses to the conduct. Complaints will be investigated promptly within the timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information and/or other extenuating circumstances. Confidentiality will be maintained by all persons involved in the investigation to the extent possible to the extent consistent with principles of due process, as determined by the investigator.

Upon receipt of a written complaint of discrimination or harassment of a student, the investigator should:

1. Offer to meet with the complainant (and respondent, if applicable) within ten (10) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) to discuss the nature of the complaint, discuss the availability of interim measures, identify individuals the complainant or respondent believes has relevant information, and obtain any relevant documents the complainant or respondent may have;
2. Provide the complainant (and respondent, if applicable) with a copy of the Board’s non-discrimination policy and accompanying regulations;
3. Conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis of the complaint, including, as applicable, conducting interviews with the parties to the complaint and any relevant witnesses or other individuals deemed relevant to the complaint;
4. Review any records, notes, statements, or other documents relevant to the complaint;

5. Maintain confidentiality to the extent practicable throughout the investigative process, in accordance with state and federal law;
6. Complete a final investigation report that includes: (i) a findings of fact based on the evidence gathered; (ii) for each allegation, the conclusion(s) and reasoning(s) as to whether the discrimination or harassment occurred; and (iii) for any individual(s) found to have engaged in discrimination or harassment, a broad statement of consequences imposed (to the extent permitted by state and federal confidentiality requirements) (i.e.g., “Consequences were imposed.”).
7. Communicate the outcome of the investigation in writing to the complainant (and respondent, if applicable) (to the extent permitted by state and federal confidentiality requirements), within thirty (30) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) from the date the complaint was received by the Superintendent’s office. The complainant (and respondent, if applicable) shall be notified of any extension of the investigation timeline. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the District will remedy the discrimination or harassment, adhering to the requirements of state and federal law;
8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of employees and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, the complainant (and respondent, if applicable) will receive notice and interim measures may be implemented as necessary (~~see sub-paragraph 6~~);
9. Whenever allegations are verified, ensure that appropriate corrective action is taken (including, but not limited to, disciplinary action) aimed at preventing the recurrence of the discrimination or harassment. Corrective action should include steps designed to avoid continuing discrimination or harassment;
10. ~~If a complainant or a respondent is not satisfied with the findings and conclusions of the investigation, the complainant (and/or respondent, if applicable) may present the complaint and written outcome to the Superintendent within thirty (30) calendar days of receiving the findings. Upon review of a written request from the complainant (and/or respondent, if applicable), the Superintendent shall review the investigative results of the investigator~~ After receiving the written notice of the outcome, parties shall have ten (10) school days to submit a formal written statement of appeal, if they so choose, to the Superintendent of Schools challenging the outcome of the investigation and explaining the basis for appeal. Upon receipt of an appeal, the Superintendent shall appoint a decisionmaker(s) for the appeal, who may be the Superintendent or designee. The decisionmaker(s) for

the appeal will provide the appealing party's written statement to the non-appealing party. The non-appealing party will then have ten (10) school days to submit to the decision-maker(s) for the appeal a written statement in support of, or challenging, the outcome of the investigation. The decisionmaker(s) for the appeal shall review the evidence and the information presented by the parties and determine if further action and/or investigation is warranted. Such action may include consultation with the investigator(s) and complainant (and/or respondent, if applicable) the parties, a meeting with appropriate individuals to attempt to resolve the complaint, or a decision affirming or overruling the investigator's conclusions or findings. ~~The Superintendent shall provide written notice to the complainant (and respondent, if applicable) of the proposed actions~~ written outcome. Generally, a party's disagreement with the outcome of the investigation, alone, will not be basis for further action. The decisionmaker(s) for the appeal will attempt to issue written notice of the outcome of the appeal to the parties within thirty (30) ~~business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances)~~ following the school days of receipt of the all written request for review statements from the parties.

Remedial Action:

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

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

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

- A. In the case of a student respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, discipline (including but not limited to suspension and/or expulsion), educational interventions, exclusion from extra-curricular activities and/or sports programs, and/or referral to appropriate state or local agencies;
- B. In the case of an employee respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, supervisor notification, discipline (including possible termination of employment), training, and/or referral to appropriate state or local agencies;
- C. In the case of respondent who is otherwise associated with the school community, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, exclusion from school property and/or activities and/or referral to appropriate state or local agencies;
- D. Follow-up inquiries with the complainant and witnesses to ensure that the discriminatory/harassing conduct has stopped and that they have not experienced any retaliation;

- E. Supports for the complainant; and
- F. Training or other interventions for the larger school community designed to ensure that students, staff, parents, Board members and other individuals within the school community understand the types of behavior that constitute discrimination/harassment, that the District does not tolerate it, and how to report it.

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

Staff Development:

The District will periodically provide staff development for District administrators and periodically distribute the Board's Non-Discrimination policies and the implementing administrative regulations to staff, students and parents in an effort to maintain an environment free of discrimination, harassment and retaliation.

Reporting to State and Federal Agencies:

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

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

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

Connecticut Commission on Human Rights and Opportunities
450 Columbus Blvd.
Hartford, CT 06103-1835
(860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

Questions/Requests for Accommodation:

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

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

may contact:

Deborah Mailloux-Petersen

Director of Pupil Services
Newtown Public Schools
3 Primrose Street
Newtown, CT 06470
Telephone: 203-426-7628
email: petersend@newtown.k12.ct.us

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

Deborah Mailloux-Petersen
Director of Pupil Services
Newtown Public Schools
3 Primrose Street
Newtown, CT 06470
Telephone: 203-426-7628
email: petersend@newtown.k12.ct.us

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

1. has specific questions or concerns about the Board's policies regarding discrimination on the basis of disability applicable to students; OR
 2. wishes to request an accommodation for a student on the basis of disability
- may contact the District's Section 504/ADA Coordinator:

Deborah Mailloux-Petersen
Director of Pupil Services
Newtown Public Schools
3 Primrose Street
Newtown, CT 06470
Telephone: 203-426-7628
petersend@newtown.k12.ct.us

Administrative Regulations Adopted:

NEWTOWN PUBLIC SCHOOLS
DISCRIMINATION/HARASSMENT COMPLAINT FORM
(For complaints based on race, color, religion, age, marital status, national origin,
alienage, ancestry, veteran status, or status as a victim of domestic violence)

Name of the reporter _____

Name of the complainant/victim _____

School/program and grade of the complainant/victim _____

Reporter's **R** relationship to the complainant/victim _____

Date of the complaint _____

Date of the alleged discrimination/harassment _____

Name or names of the discriminator(s) or harasser(s) _____

Location where such discrimination/harassment occurred _____

Name(s) of any witness(es) to the discrimination/harassment _____

Detailed statement of the circumstances constituting the alleged discrimination or
harassment _____

Proposed remedy _____

Note: The policy is not required, but the procedures are required. In October 2023, S & G released this policy, Admission to the Public Schools at or Before Age 5. In light of [guidance](#) from the Connecticut State Department of Education regarding early admission to kindergarten. S & G developed administrative regulations to accompany this policy. These administrative regulations are intended to assist districts with the assessment process for early admission to kindergarten and should be tailored to the district's specific needs.

Best practice is to approve the policy and review the Administrative Regulations as an Item of Information recommended by the Superintendent. After this policy is adopted, two current policies should be rescinded: 5111 Admission/Placement, and 5112 Ages of Attendance.

Note: On September 30, 2024, S & G updated this policy and administrative regulations. New text is highlighted in yellow. Deleted text is bold and has a strikethrough. Changes were made to the following pages: 1, and 3.

**Series 5000
Students**

5111

POLICY AND ADMINISTRATIVE REGULATIONS REGARDING ADMISSION TO THE PUBLIC SCHOOLS AT OR BEFORE AGE FIVE

The Newtown Board of Education (the “Board”) complies with its legal obligation to cause each child five years of age and over and under eighteen years of age who is not a high school graduate and is residing within the Board’s jurisdiction to attend school in accordance with Connecticut General Statutes § 10-184.

Effective July 1, 2024, ~~The~~ the Newtown Public Schools (the “District”) shall be open to resident children five years of age and over who reach age five on or before the first day of September of any school year. For children who will not reach the age of five on or before the first day of September of the school year, the child’s parent or guardian may submit a written request to the principal of the school **in which the child would be enrolled based on District residency and attendance area requirements** seeking early admission to the District. Upon receipt of such written request, the principal and an appropriate certified staff member shall assess such child to determine whether admitting the child is developmentally appropriate. For decisions relating to early admission to the District, the decision of the principal and appropriate certified staff shall be final.

The Superintendent or designee shall be responsible for developing administrative regulations in furtherance of this policy. Such regulations shall identify procedures for the receipt and processing of requests for early admission to the District and for assessing whether early admission of a child is developmentally appropriate.

Legal Reference:

Connecticut General Statutes

10-15c Discrimination by public schools prohibited. School attendance for five-year-olds

- 10-220 Duties of boards of education
- 10-221 Board of education to prescribe rules, policies, and procedures
- 10-184 Duties of parents. School attendance age requirements

Public Act 23-208, "An Act Making Certain Revisions to the Education Statutes."

Adopted:

NEWTOWN PUBLIC SCHOOLS

Revised:

Newtown, Connecticut

ADMINISTRATIVE REGULATIONS REGARDING EARLY ADMISSION TO KINDERGARTEN

In accordance with state law, ~~effective July 1, 2024~~, the Newtown Public Schools (the “District”) are open to all children five years of age and over who reach age five on or before September 1 of any school year. A child who has not reached the age of five on or before September 1 of the school year may be admitted to kindergarten only (1) upon a written request by the parent or guardian of the child to the principal of the school in which the child would be enrolled based on District residency **and attendance area** requirements, and (2) following an assessment of the child, conducted by the principal of the school and an appropriate certified staff member of the school, to ensure that admitting the child is developmentally appropriate (“Early Admission Process”). The Early Admission Process shall be available only for a child who will reach the age of five on or after September 2 and before January 1 of the school year.

I. Assessment

- A. The District will assess a child who does not meet the statutory age requirement if admission of such child is requested in writing by a child’s parent or guardian. Such request must be sent by electronic mail to the principal of the school in which the child would be enrolled based on District residency **and attendance area** requirements (the “Building Principal”) and must be received by the Building Principal no later than February 1.
- B. The Building Principal and an appropriate certified staff member of the school (together, the “Assessment Team”) will conduct an assessment of the child to gather information pertaining to the question of whether admitting the child is developmentally appropriate.
- C. The Assessment Team will take a holistic approach to assess a child’s developmental level in a variety of developmental domains (e.g. cognitive, social-emotional, physical development and health, etc.). The Assessment Team **will may** use the Connecticut Early Learning and Development Standards (ELDS) as a guide to assessing a child’s developmental level.
- D. The Assessment Team will obtain information from the parent or guardian as part of the assessment.
- E. The Assessment Team will gather and consider relevant information from the child’s preschool teacher/early care provider, if available, as part of the assessment.
- F. The Assessment Team will conduct the assessment in a manner that is designed to be culturally and linguistically appropriate.

- G. The Assessment Team will assess children whose parents request early admission at specifically defined times. In order to be considered for early admission, the student must be registered at the school in their attendance area. If the request for early admission is received before February 1, the Early Admission Process will occur on or before February 28. If the request for early admission is received on or after February 1, the Early Admission Process will occur on a rolling basis. All requests for early admission must be submitted before the school year begins.
- H. The Early Admission Process will be administered universally across all schools in the District that operate kindergarten classrooms.

II. Children with Disabilities

- A. All parents and guardians, including those of children with disabilities, may request early entry to kindergarten pursuant to the Early Admission Process in Section I.
- B. For a child with an Individualized Education Program (IEP), the Early Admission Process will be individualized and in alignment with the documented IEP accommodations/modifications in Section 5 (Supplementary Aids and Services) and Section 11 (District and State Testing).
- C. For a child with a Section 504 plan, the Early Admission Process will be individualized and in alignment with the accommodations documented in the child’s 504 plan.

III. Notification

The District will strive to notify parents and guardians who have requested their child be granted early admission to kindergarten as soon as possible.

Legal Reference:

Conn. Gen. Stat. § 10-15c	Discrimination by public schools prohibited. School attendance for five-year-olds
Conn. Gen. Stat. § 10-220	Duties of boards of education
Conn. Gen. Stat. § 10-221	Board of education to prescribe rules, policies, and procedures
Conn. Gen. Stat. § 10-184	Duties of parents. School attendance age requirements

Public Act 23-208, “An Act Making Certain Revisions to the Education Statutes.”

Connecticut State Department of Education, *New Entry Age for Kindergarten: Considerations for Connecticut Schools*, October 23, 2023.

Administrative Regulations Adopted:

Note: This is a mandated policy and it was revised by S & G in May 2023 based on guidance from the State Department of Education regarding mental health wellness days. S & G revised the regulations in light of section 16 of Public Act No. 22-47, which requires boards of education to update their policies and procedures concerning truant students to include provision of notice to the parent or guardian of a child who is truant. The notice to parents must include information concerning the existence and availability of the 2-1-1 Infoline program, and other pediatric mental and behavioral health screening services and tools. The Act also requires that the policies and procedures concerning truant students, beginning July 1, 2023, include a school mental health specialist to conduct an evaluation of truant students to determine if additional behavioral health interventions are necessary for the well-being of the child. The regulations include this requirement.

It is recommended to approve this policy and after approval to rescind the following policies: 5113 Attendance/Excuses/Dismissal and 5113.2 Truancy. The Superintendent will share Administrative Regulations with the Board as an Item of Information at the time the policy is recommended for adoption.

Note: On September 30, 2024, S & G updated this policy and administrative regulations. New text is highlighted in yellow. Deleted text is bold and has a strikethrough. Changes were made to the following pages: 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, and 24.

**Series 5000
Students**

5113

POLICY AND ADMINISTRATIVE REGULATIONS REGARDING STUDENT ATTENDANCE, TRUANCY AND CHRONIC ABSENTEEISM

Regular and punctual student attendance in school is essential to the educational process. Connecticut state law places responsibility for assuring that students attend school with the parent or other person having control of the child. To assist parents and other persons in meeting this responsibility, the Board of Education (the “Board”), through its Superintendent, will adopt and maintain procedures to implement this policy.

In addition, the Board takes seriously the issue of chronic absenteeism. To address this issue, the Board, through its Superintendent, will adopt and maintain procedures regarding chronic absenteeism in accordance with state law.

Legal References:

Public Act No. ~~22-47~~ 23-160, “An Act Concerning Education Mandate Relief and Other Technical and Assorted Revisions and Additions to the Education and Early Childhood Education Statutes.”

Connecticut General Statutes § 10-220

Connecticut General Statutes § 10-184

Connecticut General Statutes § 10-186

Connecticut General Statutes § 10-198a

Connecticut General Statutes § 10-198b

Connecticut General Statutes § 10-198c

Connecticut General Statutes § 10-198d

Connecticut General Statutes § 10-198e

Connecticut General Statutes § 10-198f

Connecticut State Department of Education, *Guidelines for Reporting Student Attendance in the Public School Information System* (January 2008)

Connecticut State Board of Education Memorandum, *Definitions of Excused and Unexcused Absences* (June 27, 2012)

Connecticut State Department of Education, *Guidelines for Implementation of the Definitions of Excused and Unexcused Absences and Best Practices for Absence Prevention and Intervention* (April 2013)

Connecticut State Department of Education, *Reducing Chronic Absence in Connecticut's Schools: A Prevention and Intervention Guide for Schools and Districts* (April 2017)

Connecticut State Department of Education Memorandum, *Youth Service Bureau Referral for Truancy and Defiance of School Rules* (February 22, 2018)

Connecticut State Department of Education, *Youth Service Bureau Referral Guide* (February 2018)

Connecticut State Department of Education Memorandum, *Mental Health Wellness Days* (January 24, 2022)

Connecticut State Department of Education Memorandum, *Adoption of Definition of Remote Absence* (September 7, 2022)

Connecticut State Board of Education Resolution (September 7, 2022)

Adopted:
Revised:

NEWTOWN PUBLIC SCHOOLS
Newtown, Connecticut

Note: These Administrative Regulations are recommended by the Superintendent to the Board as an Item of Information.

**Series 5000
Students**

5113 R

**ADMINISTRATIVE REGULATIONS REGARDING
ATTENDANCE, TRUANCY AND CHRONIC ABSENTEEISM**

I. Attendance and Truancy

A. Definitions for Section I

1. “Absence” - any day during which a student is not considered “in attendance” as defined in these regulations.
2. “Disciplinary absence” - any absence as a result of school or District disciplinary action. Any student serving an out-of-school suspension or expulsion should be considered absent except for each day that the student receives alternative education programming for at least half of the instructional school day. A disciplinary absence is not considered excused or unexcused for attendance and truancy purposes.
3. “Educational evaluation” - for purposes of this policy, an educational evaluation is an assessment of a student’s educational development, which, based upon the student’s presenting characteristics, would assess (as appropriate) the following areas: health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities.
4. “Excused absence” - a student is considered excused from school if the school has received written documentation describing the reason for the absence within ten (10) school days of the student’s return to school, or if the student has been excluded from school in accordance with Conn. Gen. Stat. § 10-210 (regarding communicable diseases), and the following criteria are met:
 - a. Any absence before the student’s tenth (10th) absence is considered excused when the student’s parent/guardian approves such absence and submits appropriate written documentation in accordance with this regulation.
 - b. For the student’s tenth (10th) absence and all absences thereafter, a student’s absences from school are, with appropriate documentation in accordance with this

regulation, considered excused only for the following reasons:

- i. student illness (verified by an appropriately licensed medical professional);
 - ii. religious holidays;
 - iii. mandated court appearances (documentation required);
 - iv. funeral or death in the family, or other emergency beyond the control of the student's family;
 - v. extraordinary educational opportunities pre-approved by the District administrators and in accordance with Connecticut State Department of Education ("State Department of Education") guidance and this regulation; or
 - vi. lack of transportation that is normally provided by a **District school district** other than the one the student attends.
- c. A student, age five (5) to eighteen (18), inclusive, whose parent or legal guardian is an active duty member of the armed forces who has been called for duty, is on leave from or has immediately returned from deployment to a combat zone or combat support posting, shall be granted ten (10) days of excused absences in any school year, and, in the discretion of the administration, additional excused absences to visit such student's parent or legal guardian with respect to the parent's leave or deployment. In the case of such excused absences, the student and parent or legal guardian are responsible for obtaining assignments from the student's teacher prior to any period of excused absence, and for ensuring that such assignments are completed by the student prior to the student's return to school.
5. "In attendance" - any day during which a student is present at the student's assigned school, and/or participating in an activity sponsored by the school (*e.g.*, field trip) for at least half of the regular school day; and/or participating in statutorily authorized remote learning as determined through a combination of: synchronous virtual classes, synchronous virtual meetings, activities on time-logged electronic systems, and/or the completion and submission of assignments for at least half of the instructional school day.

6. "Mental health wellness day" - a school day during which a student attends to such student's emotional and psychological well-being in lieu of attending school.
7. "Remote learning" means instruction by means of one or more Internet-based software platforms as part of a remote learning model as may be authorized by the Newtown Board of Education (the "Board") in accordance with applicable law.
8. "Student" - a student enrolled in the Newtown Public Schools (the "District").
9. "Truant" - any student five (5) to eighteen (18) years of age, inclusive, who has four (4) unexcused absences from school in any one month or ten (10) unexcused absences from school in any school year.
10. "Unexcused absence" - any absence from a regularly scheduled school day for at least one half of the school day, which is not excused or considered a disciplinary absence.

The determination of whether an absence is excused will be made by the building principal or designee. Parents or other persons having control of the child may appeal that decision to the Superintendent or designee, whose decision shall be final.

B. Mental Health Wellness Days

Any student enrolled in grades kindergarten to twelve, inclusive, shall be permitted to take two mental health wellness days during the school year, during which day such student shall not be required to attend school. No student shall take mental health wellness days during consecutive school days. Mental health wellness days shall be excused when permission by the student's parent/guardian is documented by the student's school, regardless of the number of absences a student has accrued in the school year. Mental health wellness days will not be included in reporting or referrals related to truancy. Mental health wellness day will count as an "absence" for determining chronic absenteeism, as defined in Section II of this policy.

C. Written Documentation Requirements for Absences

1. Written documentation must be submitted for each incidence of absence within ten (10) school days of the student's return to school. Consecutive days of absence are considered one incidence of absence.

2. The first nine (9) days of absence will be excused upon receipt of a signed note from the student's parent/guardian, a signed note from a school official that spoke in person with the parent/guardian regarding the absence, or a note confirming the absence by the school nurse or by a licensed medical professional, as appropriate.
3. For the student's tenth (10th) absence, and all absences thereafter, documentation of the absence must be submitted in accordance with paragraphs 1 and 2 above, and must also include the reason for the absence and the following additional information:
 - a. student illness:
 - i. a signed note from a medical professional, who may be the school nurse, who has evaluated the student confirming the absence and giving an expected return date; or
 - ii. a signed note from the school nurse who has spoken with the student's medical professional and confirmed the absence, including the date and location of the consultation.
 - b. religious holidays: none.
 - c. mandated court appearances:
 - i. a police summons;
 - ii. a subpoena;
 - iii. a notice to appear;
 - iv. a signed note from a court official; or
 - v. any other official, written documentation of the legal requirement to appear in court.
 - d. funeral or death in the family, or other emergency beyond the control of the student's family: a written document explaining the nature of the emergency.
 - e. extraordinary educational opportunity pre-approved by the District administrators and in accordance with ~~Connecticut~~ State Department of Education guidance and this policy: written pre-approval from the administration, in accordance with this regulation.

- f. lack of transportation that is normally provided by a **District school district** other than the one the student attends: none.
4. Neither e-mail nor text message shall ~~serve to~~ satisfy the requirement of written documentation. Under certain circumstances, a building administrator may, **in the administrator's own discretion**, accept the delivery of written documentation through a scanned copy sent by e-mail **or submission through an online system established for parents/guardians to comply with attendance reporting requirements.**
5. The District reserves the right to randomly audit written documentation received, through telephone and other methods of communication, to determine its authenticity.
6. Any absence that is not documented in accordance with this regulation within ten (10) school days after the incidence of absence will be recorded as unexcused. If documentation is provided within ten (10) school days, but is incomplete, the building principal may, at the **building** principal's own discretion, grant up to a five (5) school day extension for provision of the completed documentation.

D. Extraordinary Educational Opportunities

1. To qualify as an extraordinary educational opportunity, the opportunity must:
 - a. be educational in nature and must have a learning objective related to the student's course work or plan of study;
 - b. be an opportunity not ordinarily available to the student;
 - c. be grade and developmentally appropriate; and
 - d. include content that is highly relevant to the student; while some opportunities will be relevant to all students, others will contain very specific content that would limit their relevance to a smaller group of students.
2. Family vacations do not qualify as extraordinary educational opportunities.
3. All requests for approval of extraordinary educational opportunities must:

- a. be submitted to the building principal in writing prior to the opportunity, but no later than ten (10) school days prior to the opportunity except in exceptional circumstances at the discretion of the building **administrator principal**;
 - b. contain the signatures of both the parent/guardian and the student;
 - c. include an outline of the learning objective of the opportunity and include detail as to how the objective is linked to the student's coursework or plan of study; and
 - d. include additional documentation, where available, about the opportunity.
4. The building principal shall provide a response in writing and include the following:
- a. either approval or denial of the request;
 - b. brief reason for any denial;
 - c. any requirements placed upon the student as a condition of approval;
 - d. the specific days approved as excused absences for the opportunity; and
 - e. the understanding that the building administrator may withdraw approval if the opportunity is canceled or the student fails to meet the agreed-upon requirements of the approval.
5. All decisions of the building principal relating to extraordinary educational opportunities shall be final.
6. Students who are granted excusal from school to participate in extraordinary educational opportunities are expected to share their experiences with other students and/or school staff when they return.
7. Approval for an extraordinary educational opportunity is determined on a case-by-case basis and the analysis of individualized factors. An opportunity approved for one student may not be approved for another.

E. Truancy Exceptions:

1. A student five (5) or six (6) years of age shall not be considered truant if the parent or person having control over such student has appeared personally at the District office and exercised the option of not sending the child to school at five (5) or six (6) years of age.
2. ~~Until June 30, 2023, A student who is both (1) under~~ seventeen (17) years of age ~~shall not be considered truant if the parent or person having control over such student consents to such student's withdrawal from school. Such parent or person shall personally appear at the District office and sign a withdrawal form indicating such consent. Such withdrawal form must include an attestation from a guidance counselor or school administrator from the school that the District provided the parent (or person having control of the child) with information on the educational options available in the school system and community.~~ and (2) a parent, may request permission from the Board to attend adult education classes. The Board may, by a majority vote of the members of the Board present and voting at a regular or special meeting of the Board called for such purpose, assign such student to adult education classes.
3. ~~A student who is eighteen (18) years of age or older may withdraw from school. Such student shall personally appear in person at the school District office and sign a withdrawal form. Such withdrawal form must include an attestation from a guidance counselor or school administrator from the school that the District provided such student with information on the educational options available in the school system and community.~~
- 4.3. **Beginning July 1, 2023, a** A student who is seventeen (17) years of age shall not be considered truant if the parent or person having control over such child withdraws such child from school and enrolls such child in an adult education program pursuant to Conn. Gen. Stat. § 10-69. Such parent or person shall personally appear at the District office and sign an adult education withdrawal and enrollment form. Such adult education withdrawal and enrollment form shall include an attestation (1) from a school counselor or school administrator of the school that the District has provided such parent or person with information on the educational options available in the school system and in the community, and (2) from such parent or person that such child will be enrolled in an adult education program upon such child's withdrawal from school.
4. A student who is eighteen (18) years of age or older may withdraw from school. Such student shall personally appear in person at the District office and sign a withdrawal form. Such withdrawal form must include an attestation from a guidance counselor, school

counselor, or school administrator of the school that the District has provided such student with information on the educational options available in the school system and community.

5. If a parent or guardian of an expelled student chooses not to enroll the student in an alternative program, the student shall not be considered to be “truant.”

F. Readmission to School Following Voluntary Withdrawal

1. Except as noted in paragraph 2 below, if a student voluntarily withdraws from school (in accordance with Section E.2 or E.4, above) and subsequently seeks readmission, the Board may deny school accommodations to the student for up to ninety (90) school days from the date of the student’s withdrawal from school.
2. If a student who has voluntarily withdrawn from school (in accordance with Section E.2 3 or E.4, above) seeks readmission within ten (10) school days of the student’s withdrawal, the Board shall provide school accommodations to the student not later than three (3) school days after the student requests readmission.

G. Determinations of Whether a Student is “In Attendance”:

1. A student serving an ~~out-of-school~~ out-of-school suspension or expulsion shall be reported as absent unless the student receives an alternative educational program for at least half of the instructional school day. In any event, the absence is considered a disciplinary absence, and will not be designated as excused or unexcused.
2. On early dismissal days and days shortened due to inclement weather, the regular school day for attendance purposes is considered to be the amount of instructional time offered to students on that day. For example, if school is open for four hours on a shortened day scheduled, a student must be present for a minimum of two hours in order to be considered “in attendance.”
3. Students placed on homebound instruction due to illness or injury in accordance with applicable regulations and requirements are counted as being “in attendance” for every day that they receive instruction from an appropriately certified teacher for an amount of time deemed adequate in accordance with applicable law.

H. Procedures for students in grades K-12

1. Notification
 - a. Annually at the beginning of the school year and upon the enrollment of any child during the school year, the

administration shall notify the parent or other person having control of the student enrolled in grades K - 12 in writing of the obligations pursuant to Conn. Gen. Stat. § 10-184 to ensure that such a student attends school regularly or to show that the child is elsewhere receiving equivalent instruction in the studies taught in the District.

- b. Annually at the beginning of the school year and upon the enrollment of any child during the school year, the administration shall obtain from the parent or other person having control of the student in grades K-12 a telephone number or other means of contacting such parent or other person during the school day.

2. Monitoring

Each school shall implement a system of monitoring individual unexcused absences of students in grades K-12. Whenever such a student fails to report to school on a regularly scheduled school day, school personnel under the direction of the building principal or designee shall make a reasonable effort to notify the parent or other person having control of such student by telephone ~~and by~~ e-mail of the student's absence, unless school personnel have received an indication that the parent or other person is aware of the student's absence. Reasonable efforts shall include two (2) attempts to reach the parent or other person at the ~~telephone number~~ **contact information** provided by the parent or other person. Such attempts shall be recorded on a form provided by the Superintendent. Any person who, in good faith, gives or fails to give such notice shall be immune from liability, civil or criminal, which might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding which results from such notice or failure to give notice.

I. Procedures applicable to students ages five (5) to eighteen (18)

1. Intervention

- a. When a student is truant, the building principal or designee shall schedule a meeting with the parent (or other person having control of such student) and appropriate school personnel to review and evaluate the reasons for the student's truancy. This meeting shall be held no later than **ten (10) days** after the student becomes truant. The District shall document the meeting, and if parent or other person declines to attend the meeting, or is otherwise non-responsive, that fact shall also be documented and the meeting shall proceed with school personnel in attendance.

- b. When a student is truant, the Superintendent or designee shall coordinate services with and referrals of students to community agencies providing child and family services, as appropriate. The District shall document efforts to contact and include families and to provide early intervention in truancy matters.
- c. When a student is truant, the Superintendent or designee shall provide notice to the student's parent or guardian of the information concerning the existence and availability of the 2-1-1 Infoline program, and other pediatric mental and behavioral health screening services and tools described in Conn. Gen. Stat. § 17a-22r.
- d. **Beginning July 1, 2023, w** When a student is truant, an appropriate school mental health specialist, as determined by the District, shall conduct an evaluation of the student to determine if additional behavioral health interventions are necessary for the well-being of the child. "School mental health specialist" means any person employed by the District to provide mental health services to students, including but not limited to a school social worker, school psychologist, trauma specialist, behavior technician, board certified behavior analyst, school counselor, licensed professional counselor or licensed marriage and family therapist.
- e. When a student is truant, the District shall implement the truancy intervention model developed by the State Department of Education that accounts for mental and behavioral health, if the State Department of Education has developed such model. Otherwise, the District shall implement a truancy intervention plan that meets the requirements set forth in Conn. Gen. Stat. § 10-198e(b).
- ef. If the Commissioner of Education determines that any school under the jurisdiction of the Board has a disproportionately high rate of truancy, the District shall implement in that school a truancy intervention model identified by the Department of Education pursuant to Conn. Gen. Stat. § 10-198e.
- fg. In addition to the procedures specified in subsections (a) through (c) above, a regular education student who is experiencing attendance problems should be referred to the building Child Study Team or other appropriate school-based team (the "Team") to consider the need for additional interventions and/or assistance. The Team will also consider whether the student should be referred to a planning and placement team ("PPT") meeting to review the student's need and eligibility for special education. A special education

student who is experiencing attendance problems should be referred to a PPT meeting for program review.

- gh. Where the documented implementation of the procedures specified in subsections (a) through (d e) above does not result in improved outcomes despite collaboration with the parent/guardian, the Superintendent or designee may, with written parental consent, refer a student who is truant to a Youth Service Bureau.

J. Attendance Records

All attendance records developed by the **Board District** shall include the individual student's state-assigned student identifier (SASID).

II. **Chronic Absenteeism**

A. Definitions for Section II

1. "Chronically absent child" - a child who is enrolled in a school under the jurisdiction of the Board and whose total number of absences at any time during a school year is equal to or greater than ten percent (10%) of the total number of days that such student has been enrolled at such school during such school year.
2. "Absence" - an excused absence, unexcused absence or disciplinary absence, as those terms are defined by the State **Board Department** of Education pursuant to Conn. Gen. Stat. § 10-198b and these administrative regulations.
3. "District chronic absenteeism rate" - the total number of chronically absent children under the jurisdiction of the Board in the previous school year divided by the total number of students under the jurisdiction of the Board for such school year.
4. "School chronic absenteeism rate" - the total number of chronically absent students for a school in the previous school year divided by the total number of students enrolled in such school for such school year.

B. Establishment of Attendance Review Teams

If the **Board District** has a **district District** chronic absenteeism rate of ten percent (10%) or higher, it shall establish an attendance review team for the District.

If a school under the jurisdiction of the Board has a school chronic absenteeism rate of fifteen percent (15%) or higher, it shall establish an attendance review team for that school.

If the **Board District** has more than one school with a school chronic absenteeism rate of fifteen percent (15%) or higher, it shall establish an attendance review team for the District or at each such school.

If the **Board District** has a district chronic absenteeism rate of ten percent (10%) or higher and one or more schools with a school chronic

absenteeism rate of fifteen percent (15%) or higher, it shall establish an attendance review team for the District or at each such school.

C. Composition and Role of Attendance Review Teams

Any attendance review team established under these regulations may include school administrators, guidance counselors, school social workers, teachers, representatives from community-based programs who address issues related to student attendance by providing programs and services to truants, as defined under I.A.9, and chronically absent students and their parents or guardians.

Each attendance review team shall be responsible for reviewing the cases of truants and chronically absent students, discussing school interventions and community referrals for such truants and chronically absent students and making any additional recommendations for such truants and chronically absent children and their parents or guardians. Each attendance review team shall meet at least monthly.

D. State Chronic Absenteeism Prevention and Intervention Plan

The **Board District** and its attendance review teams, if any, will consider any chronic absenteeism prevention and intervention plan developed by the State Department of Education.

III. Reports to the State Regarding Truancy Data

Annually, the Board shall include information regarding the number of truants and chronically absent children in the strategic school profile report for each school under its jurisdiction and for the District as a whole submitted to the Commissioner of Education. Measures of truancy include the type of data that is required to be collected by the **State** Department of Education regarding attendance and unexcused absences in order for the department to comply with federal reporting requirements and the actions taken by the Board to reduce truancy in the District.

~~IV. Evolving State Department of Education and State Board of Education Guidance~~

~~The Board will comply with any and all guidance issued by the State Department of Education and/or State Board of Education regarding attendance requirements, including during periods of remote learning.~~

Legal References:

Public Act No. ~~22-47~~ 23-160 “An Act Concerning Education Mandate Relief and Other Technical and Assorted Revisions and Additions to the Education and Early childhood Education Statutes.”

Connecticut General Statutes § 10-73d

Connecticut General Statutes § 10-220

Connecticut General Statutes § 10-184

Connecticut General Statutes § 10-186

Connecticut General Statutes § 10-198a

Connecticut General Statutes § 10-198b

Connecticut General Statutes § 10-198c

Connecticut General Statutes § 10-198d

Connecticut General Statutes § 10-198e

Connecticut General Statutes § 10-198f

Connecticut State Department of Education, *Guidelines for Reporting Student Attendance in the Public School Information System* (January 2008)

Connecticut State Board of Education Memorandum, *Definitions of Excused and Unexcused Absences* (June 27, 2012)

Connecticut State Department of Education, *Guidelines for Implementation of the Definitions of Excused and Unexcused Absences and Best Practices for Absence Prevention and Intervention* (April 2013)

Connecticut State Department of Education, *Reducing Chronic Absence in Connecticut's Schools: A Prevention and Intervention Guide for Schools and Districts* (April 2017)

Connecticut State Department of Education Memorandum, *Youth Service Bureau Referral for Truancy and Defiance of School Rules* (February 22, 2018)

Connecticut State Department of Education, *Youth Service Bureau Referral Guide* (February 2018)

Connecticut State Department of Education Memorandum, *Mental Health Wellness Days* (January 24, 2022)

Connecticut State Department of Education Memorandum, *Adoption of Definition of Remote Absence* (September 7, 2022)

Connecticut State Board of Education Resolution (September 7, 2022)

Administrative Regulations Adopted:

SAMPLE NOTIFICATION REGARDING STUDENT ATTENDANCE*

Regular and punctual student attendance is essential to the educational process. Connecticut General Statutes Section 10-184 provides that “each parent or other person having control of a child five years of age and over and under eighteen years of age shall cause such child to attend a public **day** school regularly during the hours and terms the public school in the district **wherein in which** such child resides is in session, unless such child is a high school graduate or the parent or person having control of such child is able to show that the child is elsewhere receiving equivalent instruction in the studies taught in the public schools. ~~For the school years commencing July 1, 2011, to July 2022, inclusive, the parent or person having control of a child seventeen years of age may consent, as provided in this section, to such child’s withdrawal from school. For the school year commencing July 1, 2023, and each school year thereafter, a~~ **A** student who is eighteen years of age or older may withdraw from school. Such parent, person or student shall personally appear at the school district office and sign a withdrawal form. Such withdrawal form shall include an attestation from a guidance counselor, school counselor or school administrator of the school that such school district has provided such parent, person or student with information on the educational options available in the school system and community. The parent or person having control of a child seventeen years of age may withdraw such child from school and enroll such child in an adult education program pursuant to [Connecticut General Statutes Section] 10-69. Such parent or person shall personally appear at the school district office and sign an adult education withdrawal and enrollment form. Such adult education withdrawal and enrollment form shall include an attestation (1) from a school counselor or school administrator of the school that such school district has provided such parent or person with information on the educational options available in the school system and in the community, and (2) from such parent or person that such child will be enrolled in an adult education program upon such child’s withdrawal from school. The parent or person having control of a child five years of age shall have the option of not sending the child to school until the child is six years of age and the parent or person having control of a child six years of age shall have the option of not sending the child to school until the child is seven years of age. The parent or person shall exercise such option by personally appearing at the school district office and signing an option form. The school district shall provide the parent or person with information on the educational opportunities available in the school system.”

In order to assist parents and other persons in meeting this responsibility, the Newtown Board of Education (the “Board”) monitors unexcused student absences and makes reasonable efforts to notify parents or other persons by contacting them when a student fails to report to school. State law provides that any person who, in good faith, gives or fails to give such notice shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding which results from such notice or failure to give such notice. The Board, therefore, must obtain a telephone number or other means of contacting parents or other persons during the school day.

Please provide the following information and return the completed form, signed and dated to:

Student's Name: _____

Address: _____

School/grade: _____ / _____

Parent/Guardian's Daytime Telephone Number*: _____

Parent/Guardian's Daytime Telephone Number*: _____

Parent/Guardian E-mail Address: _____

~~Daytime Telephone Number* of~~

Name of Other Person Having Control of Student: _____

~~of Student:~~ Relationship to Student: _____

Daytime Telephone Number* _____

*If no daytime telephone number is available, please specify other means by which school personnel may contact you during the school day. _____

Signature: _____

Date: _____

**UNEXCUSED ABSENCES
DOCUMENTATION LOG**

Date _____

School _____

School Staff Member/ Volunteer	Student's Name	Parent or Other Person Having Control of Student	Telephone Number	Outcome*	Excused or Unexcused	Reason Absence is Excused or Unexcused
				Attempt #1 _____ Attempt #2 _____ Written -Notice mailed or e-mailed _____		
				Attempt #1 _____ Attempt #2 _____ Written -Notice mailed or e-mailed _____		
				Attempt #1 _____ Attempt #2 _____ Written -Notice mailed or e-mailed _____		
				Attempt #1 _____ Attempt #2 _____ Written -Notice mailed or e-mailed _____		
				Attempt #1 _____ Attempt #2 _____ Written -Notice mailed or e-mailed _____		

* No answer = N Notifications made=NM
Left Message = LM

Newtown Board of Education
Extraordinary Educational Experience Request Form

Pursuant to guidelines from the Connecticut State Department of Education, the Newtown Public Schools will consider certain extraordinary educational experiences to be excused absences. In order for an experience to qualify as an extraordinary educational experience, the opportunity must be educational in nature and must have a learning objective specifically related to the student's coursework or plan of study. It is important to note that not all memorable and/or life experiences are considered extraordinary educational experiences for the purpose of an excused absence. In order to qualify, the experience must be an opportunity not ordinarily available to the student. The experience must be grade and developmentally appropriate and the content of the experience must be highly relevant to the individual student. Whether an experience fits the requirements of an extraordinary educational experience for the purpose of an excused absence is a determination within the discretion of the building principal or designee.

To request consideration of an experience as an extraordinary educational experience, the following form must be filled out, signed by the parent and student, and returned at least **five ten (5 10)** school days in advance of the date of the opportunity. Please note that approval is not assured. Approvals are ~~awarded on a case-by-case~~ **considered on a case-by-case** basis and are based on a number of factors. An experience approved for one student does not guarantee that it will be approved for others.

Name of Student: _____ Today's Date: _____

Title of Educational Opportunity:

Please describe the learning objective of the educational opportunity and how the objective is linked to the student's coursework or plan of study (you may attach additional sheets):

Date(s) of educational opportunity:

Dates and total number of days of planned absence:

Signature of Parent _____

Signature of Student _____

For Office Use Only. Received by _____ on _____. Approved? Yes/No By _____.

NEWTOWN BOARD OF EDUCATION
3 Primrose Street
Newtown, CT 06470

SCHOOL ATTENDANCE OPTION FORM (CHILDREN AGE 5 OR 6)

Name of Child: _____ Date of Birth: _____

Address of Child: _____

Name of Parent(s): _____

Address of Parent(s) (if different from child): _____

In accordance with Connecticut General Statutes Section 10-184, the parent or person having control of a child five (5) years of age or older and under age eighteen (18) is required to ensure that such child attends school. Section 10-184 further provides that a parent or person having control of a child age five (5) shall have the option of not sending the child to school until age six (6), and a parent or person having control of a child age six (6) shall have the option of not sending the child to school until age seven (7). A parent or person having control of such child who is seeking to elect this option must appear in person at the school district offices and sign this option form.

I, _____, am the parent or person having control of, _____,
Name of parent or person Name of child
a child who is age five/six (circle appropriate age), and I elect not to send my child to school until the age of six/seven (circle appropriate age). I understand that this option is effective for only one (1) school year. By signing, I understand that if my child is currently age five (5) and I wish to elect next school year not to send my child to school, I must reappear at the school next year to elect this option. I further understand that if my child is currently age six (6), I am required by Section 10-184 to send my child to the public school, or demonstrate that the child is “elsewhere receiving equivalent instruction in the studies taught in the public schools,” when the child turns seven (7).

Signature: _____ Date: _____

School Personnel Use Only

Parent/person in control of the child appeared in person and has been provided with information on the educational opportunities in the school system

Signature: _____ Date: _____

Title: _____

**NEWTOWN BOARD OF EDUCATION
3 Primrose Street
Newtown, CT 06470**

SCHOOL ATTENDANCE OPTION FORM (CHILDREN AGE 17)

Name of Child: _____ Date of Birth: _____

Address of Child: _____

Name of Parent(s): _____

Address of Parent(s) (if different from child): _____

In accordance with Connecticut General Statutes Section 10-184, the parent or person having control of a child five (5) years of age or older and under age eighteen (18) is required to ensure that such child attends school.

Section 10-184 further provides that a parent or person having control of a student **seventeen (17) years of age** may consent to such student's withdrawal from school if they simultaneously enroll such child in an adult education program pursuant to Connecticut General Statutes Section 10-69. Such parent or person shall personally appear at the school district office and sign an adult education withdrawal and enrollment form. Such adult education withdrawal and enrollment form shall include an attestation (1) from a school counselor or school administrator of the school that such school district has provided such parent or person with information on the educational options available in the school system and in the community, and (2) from such parent or person that such child will be enrolled in an adult education program upon such child's withdrawal from school.

I, _____, am the parent or person having control of, _____,
Name of parent or person Name of child

a child who is seventeen years of age. I hereby withdraw my child from school and attest that, upon my child's withdrawal, I will enroll my child in an adult education program pursuant to Connecticut General Statutes Section 10-69. I have personally appeared at the school district office and received information on the educational options available in the school system and community for my child.

Signature: _____ Date: _____

School Personnel Use Only

Parent/person in control of the child appeared in person and has been provided with information on the educational opportunities in the school system and community.

Signature: _____ Date: _____

Title: _____

NEWTOWN BOARD OF EDUCATION
3 Primrose Street
Newtown, CT 06470

SCHOOL ATTENDANCE OPTION FORM (STUDENTS AGE 18)

Name of Student: _____ Date of Birth: _____

Address of Student: _____

In accordance with Connecticut General Statutes Section 10-184, the parent or person having control of a child five (5) years of age or older and under age eighteen (18) is required to ensure that such child attends school.

Section 10-184 further provides that, for ~~the school year commencing July 1, 2023 and each school year thereafter~~, a student who is **eighteen (18) years of age or older** may withdraw from school. Such student shall personally appear at the school district office and sign a withdrawal form. Such withdrawal form shall include an attestation from a guidance counselor, school counselor or school administrator of the school that such school district has provided such student with information on the educational options available in the school system and in the community.

Withdrawal from School by Student Age 18 or Over

I, _____, am a student of at least eighteen years of age,
Name of student

and I hereby withdraw from school. I have personally appeared at the school district office and received information on the educational options available in the school system and community for me.

Signature: _____ Date: _____

School Personnel Use Only

Student appeared in person and has been provided with information on the educational opportunities in the school system and community.

Signature: _____ Date: _____

Title: _____

Note: This is a mandated policy. This policy was updated by S & G in December 2023 when the U.S. Department of Education Office for Civil Rights released two [fact sheets](#) regarding protecting access to education for unaccompanied children and migratory children. In light of these fact sheets, S & G revised their model administrative regulations to specifically address students who are English learners/multilingual learners and families who have limited English proficiency.

It is recommended to approve this policy and to rescind the current NPS policy from January 2019. The attached Administrative Regulations will be shared with the Board as an Item of Information by the Superintendent at the time the policy is recommended for adoption.

Note: On September 30, 2024, S & G updated this policy and administrative regulations. New text is highlighted in yellow. Deleted text is bold and has a ~~striketrough~~. Changes were made to the following pages: 1,2, 4, 10, 19,and 21.

**Series 5000
Students**

5118.1

POLICY AND ADMINISTRATIVE REGULATIONS REGARDING HOMELESS CHILDREN AND YOUTH

In accordance with federal law, it is the policy of the Newtown Board of Education (the “Board”) to prohibit discrimination against, segregation of, or stigmatization of, homeless children and youth. The Board authorizes the Administration to establish regulations setting forth procedures necessary to implement the requirements of law with respect to homeless children and youth. In the event of conflict between federal and/or state law and these administrative regulations, the provisions of law shall control.

Legal References:

State Law:

Connecticut General Statutes § 10-186 Duties of local and regional boards of education re school attendance. Hearings. Appeals to state board. Establishment of hearing board. Readmission. Transfers

Connecticut General Statutes § 10-253 School privileges for children in certain placements, non-resident children and children in temporary shelters, **homeless children and children in juvenile residential centers. Liaison to facilitate transactions between school districts and juvenile and criminal justice systems.**

Federal Law:

The McKinney-Vento Homeless Education Assistance Act, 42 U.S.C. §§ 11431 *et seq.*, as amended by Every Student Succeeds Act, Pub. L. 114-95.

Adopted:
Revised:

NEWTOWN PUBLIC SCHOOLS
Newtown, Connecticut

ADMINISTRATIVE REGULATIONS REGARDING HOMELESS CHILDREN AND YOUTH

In accordance with federal law, the Newtown Board of Education (the “Board”) and the Newtown Public Schools (the “District”) does not permit discrimination against, segregation of, or stigmatization of, homeless children and youth. The following sets forth the procedures to implement the requirements of law with respect to homeless children and youth. In the event of conflict between federal and/or state law and these regulations with respect to homeless children and youth, the provisions of law shall control.

I. Definitions:

- A. **Enroll and Enrollment:** includes attending classes and participating fully in school activities.
- B. **Homeless Children and Youth:** means children and youth ~~twenty-one years of age and younger~~ who lack a fixed, regular, and adequate nighttime residence, including children and youth who:
 - 1. Are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason.
 - 2. Are living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations.
 - 3. Are living in emergency or transitional shelters.
 - 4. Are abandoned in hospitals.
 - 5. Have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.
 - 6. Are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.
 - 7. Are migratory children living in the above described circumstances.
- C. **School of Origin:** means the school that a homeless child or youth attended when permanently housed or the school in which the homeless child was last enrolled. School of origin may include preschool

administered by the District and, when a homeless child or youth completes the final grade level served by the school of origin, school of origin also includes the designated receiving school at the next grade level for all feeder schools.

- D. **Unaccompanied Youth:** means a homeless child or youth not in the physical custody of a parent or guardian.

II. Homeless Liaison:

- A. The District's Homeless Liaison is Deborah Mailloux-Petersen.

- B. The duties of the District's Homeless Liaison include:

1. Ensuring that homeless children and youth are identified by school personnel and through outreach and coordination with other entities and agencies.
2. Ensuring that homeless children and youth enroll in, and have full and equal opportunity to succeed in the District's schools, including ensuring that such homeless children and youth have opportunities to meet the same challenging state academic standards as other children and youths.
3. Ensuring that homeless families, children, and youths receive educational services for which such families, children and youth are eligible, including services through Head Start and Even Start, early intervention services under Part C of the Individuals with Disabilities Education Act and preschool programs administered by the District.
4. Ensuring that parents and guardians of homeless children and youth and unaccompanied youth receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services.
5. Ensuring that parents and guardians of homeless children and youth and unaccompanied youth are informed of educational and related opportunities available to homeless children and youth, including extracurricular activities, and that parents and guardians of homeless children and youth are provided with meaningful opportunities to participate in the education of their children.
6. Ensuring that public notice of the educational rights of homeless children under the McKinney-Vento Act is disseminated in locations frequented by parents, guardians, and unaccompanied youth in a manner and form that is understandable to them.
7. Ensuring that enrollment disputes are mediated in accordance with the McKinney-Vento Act, including carrying out the initial dispute

resolution process and ensuring that homeless students are immediately enrolled pending resolution of any enrollment dispute.

8. Ensuring that parent(s)/guardian(s) of homeless children and youth and unaccompanied youth are fully informed of all transportation services, including transportation to and from the school of origin, and are assisted in accessing those services.
9. Assisting homeless children and youth in enrolling in school and accessing school services and removing barriers to enrollment and retention due to outstanding fees, fines or absences.
10. Ensuring that students who are English learners/multilingual learners are not deterred or discouraged from applying and/or accessing special academic programs and offerings, including advanced courses and programs, because they are English learners/multilingual learners or because they have interrupted formal schooling due to work-related mobility.
11. Informing parent(s)/guardian(s) of homeless children and youth and unaccompanied youth, school personnel, and others of the rights of such students.
12. Assisting homeless children and youth who do not have immunizations or immunization/medical records to obtain necessary immunizations or immunization/medical records.
13. Assisting unaccompanied youth in placement/enrollment decisions, including considering the unaccompanied youth's wishes in those decisions, and providing notice to the unaccompanied youth of ~~his or her~~ **the** right to appeal such decisions.
14. Ensuring that high school age homeless children and youth receive assistance from counselors to advise such youths on preparation and readiness for college, including informing such children and youths of their status as independent students under the Higher Education Act of 1965 and that they may obtain assistance from the district to receive verification of this status for purposes of the Free Application for Federal Student Aid (FAFSA).
15. Ensuring collaboration with community and school personnel responsible for providing education and related support services to homeless children and youth.
16. Collaborating with and participating in professional development and technical assistance activities offered by the State Office of the Coordinator for the Education of Homeless Children and Youth.

17. Ensuring that school personnel providing services to homeless children and youth receive professional development and other technical assistance activities regarding the McKinney-Vento Act.
18. Ensuring that unaccompanied youth are enrolled in school and that procedures are implemented to identify and remove barriers that prevent them from receiving credit for full or partial coursework satisfactorily completed at a prior school, in accordance with state, local, and school policies.
19. Ensuring that information about enrollment, classes, and other educational programs and activities is made accessible to parents and guardians who have limited English proficiency.
20. With appropriate training, affirming that a child or youth who is eligible for and participating in a program provided by the District, or the immediate family of such a child or youth, is eligible for homeless assistance programs administered under Title IV of the McKinney-Vento Act.

III. Enrollment of Homeless Children and Youth:

- A. Enrollment of homeless children and youth may not be denied or delayed due to the lack of any document normally required for enrollment. However, administrators shall require the parent/guardian or unaccompanied youth to provide contact information prior to enrollment.
- B. To facilitate enrollment, administrators:
 1. May permit parents/guardians of homeless children and youth and unaccompanied youth to sign affidavits of residency to replace typical proof of residency.
 2. May permit unaccompanied youth to enroll with affidavits to replace typical proof of guardianship.
 3. Shall refer parent/guardian/unaccompanied youth to the District's Homeless Liaison who will assist in obtaining immunizations.
 4. Shall contact previous schools for records and assistance with placement decisions.
 5. Shall maintain records so that the records are available in a timely fashion when the student enters a new school or school district.

IV. School Selection:

- A. Standards for School Selection:

1. The District is required to make a determination as to the best interests of a homeless child or youth in making a determination as to the appropriate school of placement.
2. In making such a determination, the District is required to keep a homeless child or youth in the child's or youth's school of origin for the duration of homelessness when a homeless child or youth becomes homeless between academic years or during an academic year; or for the remainder of the academic year if the homeless child or youth becomes permanently housed during an academic year, to the extent feasible, unless it is against the wishes of the parent or guardian or unaccompanied youth. Otherwise, the homeless child or youth shall be enrolled in a public school that non-homeless students who live in the area where the homeless child or youth is actually living are eligible to attend.
3. The District must presume that keeping the homeless child or youth in the school of origin is in the child's or youth's best interest unless doing so is contrary to the request of the child's or youth's parent or guardian, or in the case of an unaccompanied youth, the unaccompanied youth. In considering the child's or youth's best interest, the District must consider student-centered factors related to the child's or youth's best interest, giving priority to the request of the parent or guardian or unaccompanied youth.

B. Procedures for Review of School Selection Recommendation:

1. The Principal or designee of the school in which enrollment is sought shall review an enrollment request in accordance with the standards discussed above, and shall make an initial recommendation regarding the same. If the Principal's or designee's recommendation is to select a placement other than the school desired by the parent(s) or guardian(s) of the homeless child or youth or the unaccompanied youth, then the Principal or designee shall refer the matter to the Superintendent or designee for review of the recommendation and the reasons therefor, and shall notify the District's Homeless Liaison of same.
2. The Superintendent or designee shall review the matter and consult with the District's Homeless Liaison concerning the same. If the Superintendent or designee agrees with the recommendation of the Principal or designee, and a dispute remains between the District and the parent(s) or guardian(s) of a homeless child or youth or an unaccompanied youth about a school selection and/or enrollment decision; the Superintendent or designee shall provide the parent(s) or guardian(s) of a homeless child or youth or an unaccompanied youth with a written explanation of the District's decision regarding this matter, and the right to appeal such decision to the Board.

C. Dispute Resolution Process:

1. The District's Homeless Liaison shall be responsible for promoting objective and expeditious dispute resolutions, and adherence to these administrative regulations.
2. If the parent(s) or guardian(s) of a homeless child or youth or an unaccompanied youth disputes the school placement decision or enrollment, the District must immediately enroll the homeless child or youth in the school in which enrollment is sought, pending resolution of the dispute. The homeless child or youth shall also have the right to all appropriate educational services, including transportation to and from the school in which enrollment is sought, while the dispute is pending.
3. If necessary, the District's Homeless Liaison shall assist parent(s) or guardian(s) of a homeless child or youth or an unaccompanied youth with completion of the necessary appeal paperwork required to file for an appeal to the Board, and provide the parent(s) or guardian(s) of a homeless child or youth or an unaccompanied youth with a copy of Connecticut General Statutes Section 10-186(b).
4. Not later than ten (10) days after receipt of an appeal to the Board by a parent(s) or guardian(s) of a homeless child or youth or an unaccompanied youth, the District shall hold a hearing before the Board concerning such appeal, and such hearing shall be conducted in accordance with Connecticut General Statutes Section 10-186(b).
5. If the Board finds in favor of the Superintendent or designee, a parent or guardian of a homeless child or youth or unaccompanied youth may appeal the Board's decision to the State Board of Education within twenty (20) days of receipt of the Board's written decision, in accordance with Connecticut General Statutes Section 10-186(b). If necessary, the District's Homeless Liaison shall assist a parent or guardian of a homeless child or youth or unaccompanied youth with filing the necessary appeal paperwork to the State Board of Education. The homeless child or youth or unaccompanied youth shall remain in the child's or youth's school of origin pending resolution of the dispute, including all available appeals.

V. Services:

- A. Homeless children and youth shall be provided with services comparable to those offered other students in the selected school including:
 1. Title I services or similar state or local programs, educational programs for students with disabilities, and preschool programs.

2. Language assistance services for students who have limited English proficiency to enable students who are English learners/multilingual learners to meaningfully participate in the educational programs.
 3. Transportation services.
 4. Vocational and technical education.
 5. Programs for gifted and talented students.
 6. School nutrition programs.
 7. Before and after school programs.
- B. The District shall coordinate with local social service agencies, other service providers, housing assistance providers and other school districts to ensure that homeless children and youth have access and reasonable proximity to available education and support services.

VI. Transportation:

- A. The District shall provide transportation comparable to that available to other students.
- B. Transportation shall be provided, at a parent or guardian or unaccompanied youth's request, to and from the school of origin for a homeless child or youth. Transportation shall be provided for the entire time the child or youth is homeless and until the end of any academic year in which they move into permanent housing. Transportation to the school of origin shall also be provided during pending disputes. The District's Homeless Liaison shall request transportation to and from the school of origin for an unaccompanied youth. Parents and unaccompanied youth shall be informed of this right to transportation before they select a school for attendance.
- C. To comply with these requirements:
 1. Parents/guardians, schools, and the District's Homeless Liaison shall use the district transportation form to process transportation requests.
 2. If the homeless child or youth is living and attending school in this District, the District shall arrange transportation.
 3. If the homeless child or youth is living in this District but attending school in another, or attending school in this District and living in another, the District will follow the inter-district transportation agreement to determine the responsibility and costs for such transportation. If there is no inter-district transportation agreement, the District shall confer with the other school district's Homeless

Liaison to determine an apportionment of the responsibility and costs.

4. If no mutually agreeable arrangement can be reached, then the District shall:
 - (a) arrange transportation immediately;
 - (b) bring the matter to the attention of the State Coordinator for the Education of Homeless Children and Youth; and
 - (c) ensure that such disputes do not interfere with the homeless child or youth attending school.

VII. Records:

An unaccompanied youth, as defined in section I.D, above, is entitled to knowledge of and access to all educational, medical, or similar records in the cumulative record of such unaccompanied youth maintained by this District.

VIII. Contact Information:

- A. Local Contact: for further information, contact:

Deborah Mailloux-Petersen
Director of Pupil Services
Newtown Public Schools
3 Primrose Street
Newtown, CT 06470
(203)-426-7628
petersend@newtown.k12.ct.us

- B. State Contact: for further information or technical assistance, contact:

Louis Tallarita, State Coordinator
Connecticut Department of Education
450 Columbus Boulevard
Hartford, CT 06103
(860) 807-2058
Louis.Tallarita@ct.gov

Legal References:

State Law:

Connecticut General Statutes § 10-186 Duties of local and regional boards of education re school attendance. Hearings. Appeals to state board. Establishment of hearing board. Readmission. Transfers

Connecticut General Statutes § 10-253 School privileges for children in certain placements, non-resident children and children in temporary shelters. homeless children and children in juvenile residential centers. Liaison to facilitate transitions between school districts and juvenile and criminal justice systems.

Connecticut General Statutes § 10-76d Duties and powers of boards of education to provide special education programs and services. Medicaid enrollment, participation and billing requirements. Development of individualized education program. Planning and placement team meetings. Public agency placements; apportionment of costs. Relationship of insurance to special education costs. Prohibition on punishing members of planning and placement teams and birth-to-three service coordinators and qualified personnel for certain conduct.

Federal Law:

The McKinney-Vento Homeless Education Assistance Act, 42 U.S.C. §§ 11431 *et seq.*, as amended by Every Student Succeeds Act, Pub. L. 114-95.

United States Department of Education, Office for Civil Rights, *Protecting Access to Education for Unaccompanied Children* (June 2023).

United States Department of Education, Office for Civil Rights, *Protecting Access to Education for Migratory Children* (June 2023).

Administrative Regulations Adopted:

**DISPUTE RESOLUTION PROCESS
UNDER CONNECTICUT GENERAL STATUTES SECTION 10-186**

(1) If any board of education denies such accommodations, the parent or guardian of any child who is denied schooling, or an emancipated minor, a pupil eighteen years of age or older or an unaccompanied youth who is denied schooling, or an agent or officer charged with the enforcement of the laws concerning attendance at school, may, in writing request a hearing by the board of education. The board of education may

- (A) conduct the hearing,
- (B) designate a subcommittee of the board composed of three board members to conduct the hearing, or
- (C) establish a local impartial hearing board of one or more persons not members of the board of education to conduct the hearing.

The board, subcommittee or local impartial hearing board shall give such person a hearing not later than ten days after receipt of the written request, make a stenographic record or tape recording of the hearing and make a finding not later than ten days after the hearing. Hearings shall be conducted in accordance with the provisions of sections 4-176e to 4-180a, inclusive, and section 4-181a. Any child, emancipated minor, pupil eighteen years of age or older or unaccompanied youth who is denied accommodations on the basis of residency may continue in attendance in the school district at the request of the parent or guardian of such child or emancipated minor, pupil eighteen years of age or older or unaccompanied youth, pending a hearing pursuant to this subdivision. The party claiming ineligibility for school accommodations shall have the burden of proving such ineligibility by a preponderance of the evidence, except in cases of denial of schooling based on residency, the party denied schooling shall have the burden of proving residency by a preponderance of the evidence, unless the party denied schooling is claiming that he or she is a homeless child or youth, as defined in 42 USC 11434a, as amended from time to time, in which case, the party claiming ineligibility based on residency shall have the burden of proving that the party denied schooling is not a homeless child or youth by a preponderance of the evidence in accordance with the provisions of 42 USC 11431, et seq., as amended from time to time.

(2) Any homeless child or youth who is denied accommodations by a board of education as the result of a determination by such board, or a subcommittee of the board or local impartial hearing board, that the child is not entitled to school accommodations in the district, shall continue in attendance or be immediately enrolled in the school selected by the child in the school district pursuant to 42 USC 11432(g)(3), as amended from time to time. The board of education for such school district shall (A) provide, in accordance with the provisions of 42 USC 11432(g)(3)(E)(ii), as amended from time to time, the homeless child or youth or the parent or guardian of such homeless child or youth with (i) a written explanation of the reasons for the denial of accommodations that is in a manner and form understandable to such homeless child or youth or parent or guardian, and (ii) information regarding the right to appeal the decision of the denial of accommodations pursuant to subdivision (3) of this subsection, and (B) refer, in accordance with the provisions of 42

USC 11432(g)(3)(E)(iii), as amended from time to time, the homeless child or youth or the parent or guardian of such homeless child or youth to the liaison, designated pursuant to 42 USC 11432(g)(1)(J)(ii), as amended from time to time, who is responsible for carrying out the duties described in 42 USC 11432(g)(6)(A), as amended from time to time.

(3) Any such parent, guardian, emancipated minor, pupil eighteen years of age or older, unaccompanied youth, or agent or officer, aggrieved by the finding shall, upon request, be provided with a transcript of the hearing within thirty days after such request and may take an appeal from the finding to the State Board of Education. A copy of each notice of appeal shall be filed simultaneously with the local or regional board of education and the State Board of Education. Any child, emancipated minor or pupil eighteen years of age or older or unaccompanied youth who is denied accommodations by a board of education as the result of a determination by such board, or a subcommittee of the board or local impartial hearing board, that the child is not a resident of the school district and therefore is not entitled to school accommodations in the district may continue in attendance in the school district at the request of the parent or guardian of such child or such minor or pupil, pending a determination of such appeal, except any homeless child or youth shall be entitled to continue in attendance in the school district during all available appeals pursuant to 42 USC 11432(g)(2)(E). If an appeal is not taken to the State Board of Education within twenty days of the mailing of the finding to the aggrieved party, the decision of the board, subcommittee or local impartial hearing board shall be final. The local or regional board of education shall, within ten days after receipt of notice of an appeal, forward the record of the hearing to the State Board of Education. The State Board of Education shall, on receipt of a written request for a hearing made in accordance with the provisions of this subsection, establish an impartial hearing board of one or more persons to hold a public hearing in the local or regional school district in which the cause of the complaint arises. Members of the hearing board may be employees of the state Department of Education or may be qualified persons from outside the department. No member of the board of education under review nor any employee of such board of education shall be a member of the hearing board. Members of the hearing board, other than those employed by the state of Connecticut, shall be paid reasonable fees and expenses as established by the State Board of Education within the limits of available appropriations. Such hearing board may examine witnesses and shall maintain a verbatim record of all formal sessions of the hearing. Either party to the hearing may request that the hearing board join all interested parties to the hearing, or the hearing board may join any interested party on its own motion. The hearing board shall have no authority to make a determination of the rights and responsibilities of a board of education if such board is not a party to the hearing. The hearing board may render a determination of actual residence of any child, emancipated minor, pupil eighteen years of age or older or unaccompanied youth where residency is at issue.

(4) The hearing board shall render its decision within forty-five days after receipt of the notice of appeal except that an extension may be granted by the Commissioner of Education upon an application by a party or the hearing board describing circumstances related to the hearing which require an extension.

(5) If, after the hearing, the hearing board finds that any child is illegally or unreasonably denied schooling, the hearing board shall order the board of education under whose jurisdiction it has been found such child should be attending school to make arrangements to enable the child to attend public school. Except in the case of a residency determination, the finding of the local or regional board of education, subcommittee of such board or a local impartial hearing board shall be upheld unless it is determined by the hearing board that the finding was arbitrary, capricious or unreasonable. If such school officers fail to take action upon such order in any case in which such child is currently denied schooling and no suitable provision is made for such child within fifteen days after receipt of the order and in all other cases, within thirty days after receipt of the order, there shall be a forfeiture of the money appropriated by the state for the support of schools amounting to fifty dollars for each child for each day such child is denied schooling. If the hearing board makes a determination that the child was not a resident of the school district and therefore not entitled to school accommodations from such district, the board of education may assess tuition against the parent or guardian of the child or the emancipated minor or pupil eighteen years of age or older based on the following: One one-hundred-eightieth of the town's net current local educational expenditure, as defined in section 10-261, per pupil multiplied by the number of days of school attendance of the child in the district while not entitled to school accommodations provided by that district. The local board of education may seek to recover the amount of the assessment through available civil remedies.

NEWTOWN PUBLIC SCHOOLS
3 Primrose Street
Newtown, CT 06470

WRITTEN NOTIFICATION OF ENROLLMENT DECISION

[Month] __, 20__

VIA HAND DELIVERY AND U.S. MAIL

[Insert Name of Parent or Unaccompanied Youth]

[Insert Home Address]

Re: Notification of Enrollment Decision

Dear [Parent/Guardian or Unaccompanied Youth]:

After reviewing your request to enroll the student(s) listed above [name(s)], the enrollment request is denied. This determination is based upon the following factors:

[List factors]

Under the McKinney-Vento Homeless Education Assistance Act, you have the right to appeal this decision by completing the form attached to this notice or by contacting the school district's homeless education liaison:

Deborah Mailloux-Petersen
Director of Pupil Services
Newtown Public Schools
3 Primrose Street
Newtown, CT 06470
(203)-426-7628
petersend@newtown.k12.ct.us

In addition, the student listed above has the right to immediately enroll in the school of choice pending resolution of the dispute. You may provide written or verbal evidence to support your position. You may seek the assistance of advocates or attorneys at your own expense; however, you may qualify for free legal services. To inquire about free legal assistance, please call Statewide Legal Services at 1-800-453-3320. You may also contact the state coordinator for homeless education:

Louis Tallarita, State Coordinator
State Department of Education
450 Columbus Boulevard
Hartford, CT 06103

(860) 807-2058
Louis.Tallarita@ct.gov

A copy of the dispute resolution process under Connecticut General Statutes Section 10-186 is attached to this notice.

Please contact the District's Homeless Liaison listed above if you have any questions.

Sincerely,

[Name]
Superintendent of Schools

cc: **[Superintendent of Schools in which enrollment is sought, if appropriate]**

**NEWTOWN PUBLIC SCHOOLS
3 Primrose Street
Newtown, CT 06470**

**NOTIFICATION OF DECISION
TO APPEAL EDUCATIONAL PLACEMENT**

This form is to be completed by the parent, guardian, caretaker, or unaccompanied youth when a dispute arises. If you need assistance in preparing this form, you may meet with the District’s Homeless Liaison, Deborah Mailloux-Petersen, who can be reached at (203)-426-7628.

Person completing form: _____

Relation to Student: _____

Contact Information: _____

I am requesting a Board of Education Hearing under Section 10-186 of the Connecticut General Statutes to appeal the enrollment decision made by [Name of District], [Name of School]. I have been provided with a written explanation of the District’s decision, contact information for the District’s homeless education liaison, and a copy of the Dispute Resolution Process under Connecticut General Statutes Section 10-186.

Name

Date

Optional. You may also include a written explanation to support your appeal in the space below or provide your explanation verbally to the District’s Homeless Liaison.

NEWTOWN PUBLIC SCHOOLS
3 Primrose Street
Newtown, CT 06470

APPENDIX D

NOTIFICATION OF HEARING
REGARDING ENROLLMENT DISPUTE

[Month] __, 20__

VIA HAND DELIVERY AND U.S. MAIL

[Insert Name of Parent or Unaccompanied Youth]
[Insert Home Address]

Re: Educational Placement

Dear [Name of Parent or Unaccompanied Youth]:

You have requested a hearing before the Newtown Board of Education (the "Board") regarding the educational placement of [insert name(s) of student(s)] at [name of school]. The Board will conduct a hearing regarding your claim on [date] at [time]. The hearing will be held at the offices of the Board, which are located at [insert address].

The hearing will be conducted in accordance with the provisions of Section 10-186 of the Connecticut General Statutes, a copy of which is enclosed. The hearing will be conducted in executive session, and the Board will make either a tape recording or a stenographic record of the hearing. You may be represented by counsel or by an advocate, at your expense, if you so desire; however, you may qualify for free legal services. To inquire about free legal assistance, please call Statewide Legal Services at 1-800-453-3320.

Please contact the District's Homeless Liaison, Deborah Mailloux-Petersen at (203)-426-7628, if you have any questions.

Sincerely,

[Name]
Superintendent of Schools

cc: **[Superintendent of Schools in which enrollment is sought, if appropriate]**

NEWTOWN PUBLIC SCHOOLS
3 Primrose Street
Newtown, CT 06470

STUDENT RESIDENCY AFFIDAVIT
[PARENT/GUARDIAN FORM]

[Name of District]

Name of student: _____ Birthdate: _____

Name and Location of School Last Attended: _____

I, _____ declare and affirm as follows:

I am of legal age and believe in the obligations of an oath.

I am the parent/legal guardian/caregiver of _____ (name of student) who is of school age and is seeking admission to [School District].

Since _____ (date), _____ (name of student) has not had a permanent home. The student is currently staying at _____ (may list multiple addresses, if applicable). The student has been staying there since _____ (date).

This location is:

- _____ a shelter
- _____ a motel/hotel
- _____ a campsite
- _____ shared housing with other persons
- _____ other _____

If the location is shared housing with other persons, please specify the reason why the student is living in such housing:

_____.

Prior to staying at this location, the student was staying at _____
From _____ (date) to _____ (date).

I regularly receive my mail at: _____.
I am currently staying at the following address(es): _____,
_____. I plan to stay at this/these location(s) until: _____ (date). I can be reached at the following telephone number: _____.
I can be reached for emergencies at: _____.

I authorize school district officials to contact _____ (case worker/shelter staff/other) at _____ to obtain further information in order to verify the information contained in this affidavit and in order to coordinate necessary services for the student.

I declare under penalty of perjury under the laws of Connecticut that the information provided is true and correct and of my own personal knowledge. ~~I understand that giving false or otherwise untrue information on this form could result in a criminal charge of perjury being brought against me.~~

AFFIANT,

Signature of Affiant

Print Name of Affiant

Subscribed and sworn to before me
this ___ day of ___, 20__.

NOTARY PUBLIC

NEWTOWN PUBLIC SCHOOLS
3 Primrose Street
Newtown, CT 06470

STUDENT RESIDENCY AFFIDAVIT
[UNACCOMPANIED YOUTH FORM]

[Name of District]

Name of student: _____

Birthdate: _____

Name and Location of School Last Attended: _____

I, _____ declare and affirm as follows:

I, _____ am of school age and is seeking admission to [School District].

Since _____ (date), I, _____ have not had a permanent home. I am currently staying at _____ (may list multiple addresses, if applicable). I have been staying there since _____ (date).

This location is:

- ___ a shelter
- ___ a motel/hotel
- ___ a campsite
- ___ shared housing with other persons
- ___ other _____

If the location is shared housing with other persons, please specify the reason why the student is living in such housing:

_____.

Prior to staying at this location, I was staying at _____
From _____ (date) to _____ (date).

I regularly receive my mail at: _____.
I am currently staying at the following address(es): _____,
_____. I plan to stay at this/these
location(s) until: _____ (date). I can be reached at the following telephone number:
_____. I can be reached for emergencies at: _____.

I authorize school district officials to contact _____ (case worker/shelter staff/other) at _____ to obtain further information in order to verify the information contained in this affidavit and in order to coordinate necessary services for me.

I declare under penalty of perjury under the laws of Connecticut that the information provided is true and correct and of my own personal knowledge. ~~I understand that giving false or otherwise untrue information on this form could result in a criminal charge of perjury being brought against me.~~

AFFIANT,

Signature of Affiant

Print Name of Affiant

Subscribed and sworn to before me
this ___ day of ___, 20__.

NOTARY PUBLIC

NEWTOWN PUBLIC SCHOOLS
3 Primrose Street
Newtown, CT 06470

AFFIDAVIT FOR MISSING ENROLLMENT DOCUMENTATION
[PARENT FORM]

[District]

I, _____, being duly sworn upon oath and based on my personal knowledge hereby state and affirm the following information regarding [name of student's] missing enrollment documentation for the following:

- | | | | |
|-----|-----------------------|-----|----------------------|
| ___ | Proof of residency | ___ | Immunization Record |
| ___ | Proof of guardianship | ___ | School Health Record |
| ___ | Proof of identity | ___ | School Records |
| ___ | Birth Certificate | | |

I am of legal age and believe in the obligations of an oath.

I am unable to present a copy of the document(s) requested above for the following reasons:

The name and location of the last school the student attended is

_____.

I understand that I must obtain the necessary immunization and health records and provide a copy to the District. I understand that the Homeless Liaison is available to assist me in obtaining any such immunization or health records. The Homeless Liaison is _____ and can be reached at _____.

AFFIANT,

Signature of Affiant

Print Name of Affiant

Subscribed and sworn to before me
this ___ day of ___, 20__.

NOTARY PUBLIC

NEWTOWN PUBLIC SCHOOLS
3 Primrose Street
Newtown, CT 06470

AFFIDAVIT FOR MISSING ENROLLMENT DOCUMENTATION
[UNACCOMPANIED YOUTH FORM]

[District]

I, _____, being duly sworn upon oath and based on my personal knowledge hereby state and affirm the following information regarding my missing enrollment documentation for the following:

- | | | | |
|-----|-----------------------|-----|----------------------|
| ___ | Proof of residency | ___ | Immunization Record |
| ___ | Proof of guardianship | ___ | School Health Record |
| ___ | Proof of identity | ___ | School Records |
| ___ | Birth Certificate | | |

I am unable to present a copy of the document(s) requested above for the following reasons:

The name and location of the last school I attended is

_____.

I understand that I must obtain the necessary immunization and health records and provide a copy to the District. I understand that the Homeless Liaison is available to assist me in obtaining any such immunization or health records. The Homeless Liaison is _____ and can be reached at _____.

AFFIANT,

Signature of Affiant

Print Name of Affiant

Subscribed and sworn to before me
this ___ day of ___, 20__.

NOTARY PUBLIC

Note: This is a mandated policy. NPS does not have a policy on this topic.

**Series 5000
Students**

5126

STUDENT PRIVACY

In accordance with federal law, the Newtown Board of Education (the “Board”) adopts, in consultation with parents, the following provisions related to student privacy.

I. Definitions

- A. *"Invasive physical examination"* means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.
- B. *"Parent"* includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child).
- C. *"Personally identifiable information"* includes, but is not limited to,
 - 1. the student’s name;
 - 2. the name of the student’s parent or other family members;
 - 3. the address of the student or student’s family;
 - 4. a personal identifier, such as the student’s social security number, student number, or biometric record;
 - 5. other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
 - 6. information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.
- D. *"Personal information"* means individually identifiable information including—
 - 1. a student's or parent's first and last name;

2. a home or other physical address (including a street name and the name of a city or town);
 3. a telephone number; or
 4. a Social Security identification number.
- E. "*Survey*" includes an evaluation, but does not include a survey or evaluation administered to a student in accordance with the Individuals with Disabilities Education Act (20 U.S.C. § 1400 *et seq.*).

II. Student Surveys

- A. Surveys Funded in Whole or in Part by the U.S. Department of Education:
1. The administration shall make available for inspection by parents all instructional materials, including teacher's manuals, films, tapes or other supplementary material which will be used in connection with any survey, analysis, or evaluation funded in whole or in part by the U.S. Department of Education.
 2. The administration shall obtain the prior written consent of the parent or student (if the student is an adult or an emancipated minor), prior to requiring a student to submit to a survey, analysis, or evaluation funded in whole or part by the U.S. Department of Education that reveals information concerning any of the following topics:
 - a. political affiliations or beliefs of the student or the student's parent;
 - b. mental or psychological problems of the student or the student's family;
 - c. sex behavior or attitudes;
 - d. illegal, anti-social, self-incriminating, or demeaning behavior;
 - e. critical appraisals of other individuals with whom respondents have close family relationships;
 - f. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
 - g. religious practices, affiliations, or beliefs of the student or of the student's parent; or

- iii) sex behavior or attitudes,
 - iv) illegal, anti-social, self-incriminating, or demeaning behavior,
 - v) critical appraisals of other individuals with whom respondents have close family relationships,
 - vi) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers,
 - vii) religious practices, affiliations, or beliefs of the student or of the student's parent,
 - viii) income (other than that required by law to determine eligibility in a program or for receiving financial assistance under such program).
- b. At the beginning of the school year, the administration shall give direct notice to parents of affected students of the district's intent to distribute a Confidential Topic Survey(s). Such notice shall include the specific or approximate dates during the school year of such distribution.
 - c. Upon request, the administration shall permit parents to inspect any Confidential Topic Survey before it is administered, distributed or used by a school to or with a student. The administration shall grant reasonable access to the Confidential Topic Survey within a reasonable period of time after a parental request is received.
 - d. Student responses to any Confidential Topic Survey that contain personally identifiable information shall be considered student records, and shall be subject to the district's Confidentiality and Access to Student Records Policy and any administrative regulations or procedures governing the confidentiality of student records.
 - e. Upon written request, the administration shall permit the parent or student (if an adult or emancipated minor) to opt out of participation in any Confidential Topic Survey described in this subparagraph.

III. Collection of Personal Information

- A. The provisions of this subsection apply to any instrument designed to collect personal information from a student for the purpose of marketing,

selling or otherwise distributing such information or providing that information to others for that purpose.

- B. At the beginning of the school year, the administration shall give direct notice to parents of affected students (or to the students aged eighteen (18) or older or emancipated minors) of the district's intent to collect, disclose or use personal information collected from students for the purpose of marketing, selling or otherwise distributing such information or providing that information to others for that purpose. Such notice shall include the specific or approximate dates during the school year of such collection, disclosure or use of personal information.
- C. Upon written request, the administration shall permit parents to inspect an instrument designed to collect personal information of students before it is administered or distributed by a school to a student. The administration shall grant reasonable access to the instrument within a reasonable period of time after a parental request is received.
- D. Upon written request, the administration shall permit parents (or students aged eighteen (18) or older or emancipated minors) to opt out of participation in the collection, disclosure or use of personal information obtained from students for the purposes of marketing, selling or otherwise distributing the personal information to others for that purpose.
- E. The provisions regarding the collection, disclosure and/or use of personal information do not apply to personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:
 - 1. college or other post-secondary education recruitment, or military recruitment*;
 - 2. book clubs, magazines, and programs providing access to low-cost literary products;
 - 3. curriculum and instructional materials used by elementary schools and secondary schools;
 - 4. tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students;
 - 5. the sale by students of products or services to raise funds for school-related or education-related activities;

6. student recognition programs.

*Note: Notwithstanding the foregoing, the district will permit parents and students over the age of eighteen (18) or emancipated minors to prevent disclosure of secondary school students' names, addresses and telephone numbers to military recruiters and institutions of higher education, in accordance with the district's Confidentiality and Access to Student Records Policy.

IV. Non-Emergency Invasive Physical Examinations and Screenings

- A. The provisions described in this subparagraph shall apply to any non-emergency, invasive physical examinations/screenings conducted by the school district, when such examinations/screenings meet the following conditions:
 1. they are required as a condition of attendance;
 2. they are administered by the school and scheduled by the school in advance;
 3. they are not necessary to protect the immediate health and safety of the students; and
 4. they are not required by state law.
- B. At the beginning of the school year, the administration shall give direct notice to parents of affected students (or the affected student if eighteen (18) or older or an emancipated minor) of the district's intent to conduct non-emergency invasive physical examination(s)/ screening(s) described above, except for hearing, vision or scoliosis screenings. Such notice shall include the specific or approximate dates during the school year of the administration of such the non-emergency invasive physical examination(s)/ screening(s).
- C. Upon written request, the administration shall permit parents of affected students or the affected students (if adults or emancipated minors) to opt out of participation in the non-emergency invasive physical examination(s)/screening(s) described in this subparagraph.

V. Complaint Procedure

Parents or students (if adults or emancipated minors) who believe that their rights under this policy have been violated may file a complaint with:

Student Privacy Policy Office
United States Department of Education

400 Maryland Avenue, SW
Washington, D.C. 20202-5920

Legal References:

Family Educational Rights and Privacy Act (FERPA), U.S.C. § 1232g; 34
CFR Part 99

Protection of Pupil Rights Amendment, 20 U.S.C. § 1232h

UNITED STATES DEPARTMENT OF EDUCATION, STUDENT
PRIVACY POLICY OFFICE, Protection of Pupil Rights Amendment
(PPRA), SPPO-21-01 (issued November 24, 2020), *available at*
https://studentprivacy.ed.gov/sites/default/files/resource_document/file/20-0379.PPRA_508_0.pdf.

Adopted:
Revised:

NEWTOWN PUBLIC SCHOOLS
Newtown, Connecticut

Annual Notification of Rights Under the Protection of Pupil Rights Amendment (“PPRA”)

The Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. § 1232h, affords parents and eligible students (*i.e.* students over 18 or emancipated minors) certain rights with respect to the administration of student surveys, the collection and use of personal information, and the administration of certain physical exams. These rights include:

1. the right of a parent to inspect, upon request, a survey created by a third party before the survey is administered or distributed by a school to a student;
2. the right of a parent to inspect, upon request, any survey concerning one or more of the following confidential topics:
 - a. political affiliations or beliefs of the student or the student’s parent;
 - b. mental or psychological problems of the student or the student’s family;
 - c. sex behavior or attitudes;
 - d. illegal, anti-social, self-incriminating, or demeaning behavior;
 - e. critical appraisals of other individuals with whom respondents have close family relationships;
 - f. legally recognized privileged relationships, such as those with lawyers, doctors, physicians, or ministers;
 - g. religious practices, affiliations, or beliefs of the student or the student’s parent; or
 - h. income, other than as required by law to determine eligibility for certain programs or for receiving financial assistance under such programs;
3. the right of a parent to consent before a student is required to submit to a survey that concerns one or more of the confidential topics (see #2, above, a-h) if the survey is funded in whole or in part by a program of the U.S. Department of Education;
4. the right of a parent or eligible student to receive notice and opt out of a student’s participation in a survey that concerns one or more of the confidential topics (see #2, above, a-h) if the student is not required to submit to such survey, whether the survey is funded in whole or in part by a program of the U.S. Department of Education or some other source;
5. the right of a parent to inspect, upon request, any instructional material used as part of the educational curriculum. Instructional material means any instructional content that is provided to a student, regardless of its format, including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet) but does not include academic tests or academic assessments;

6. the right of a parent to inspect, upon request, any instrument used in the collection of personal information from students gathered for the purpose of marketing, selling or otherwise providing that information to others for that purpose. Personal information means individually identifiable information including, a student or parent's first and last name, a home or other physical address; a telephone number or a social security number;
7. the right of a parent whose student(s) is scheduled to participate in the specific activities provided below to be directly notified of the specific or approximate dates of the following activities, as well as the right of a parent or eligible student to opt-out of participation in these activities:
 - a. activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or selling that information (or otherwise providing that information to others for that purpose);
 - b. the administration of any survey containing confidential topics (see #2, above, a-h) if the survey is either not funded as part of a program administered by the United States Department of Education or is funded by the United States Department of Education but the student is not required to submit to such survey; or
 - c. any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school, scheduled by the school in advance, and unnecessary to protect the immediate health and safety of a student. Such examinations do not include a hearing, vision, or scoliosis screening or other examinations permitted or required by State law.

Parents and eligible students may not opt-out of activities relating to the collection, disclosure, and/or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing education products or services for, or to students or educational institutions, such as the following:

- a. college or other post-secondary education recruitment, or military recruitment;
- b. book clubs, magazines, and programs providing access to low-cost literary products;
- c. curriculum and instructional materials used by elementary and secondary schools;
- d. tests and assessments used by elementary and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students;
- e. the sale by students of products or services to raise funds for school-related or education-related activities; and
- f. student recognition programs.

To protect student privacy in compliance with the PPRA, the Newtown Public School District has adopted policies regarding these rights. Parents and/or eligible students who believe their rights have been violated under the PPRA may contact:

Student Privacy Policy Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-5920

Note: This is a mandated policy. S&G updated this policy on October 22, 2021, and the current NPS policy 5131.6 was adopted on September 20, 2016. If the S & G policy is adopted, then the current NPS policy should be rescinded at the time the new policy is adopted.

**Series 5000
Students**

5131.6

DRUG AND ALCOHOL USE BY STUDENTS

Policy Statement

The Newtown Board of Education (the “Board”) is required by Connecticut law to prescribe rules for the management and discipline of its schools. In keeping with this mandate, the unlawful use, sale, distribution or possession of controlled drugs, controlled substances, drug paraphernalia, as defined in Connecticut General Statutes Section 21a-240, or alcohol on or off school property or during any school-sponsored activity is prohibited. It shall be the policy of the Board to take positive action through education, counseling, discipline, parental involvement, medical referral, and law enforcement referral, as appropriate, in the handling of incidents in the schools involving the unlawful possession, distribution, sale or use of substances that affect behavior.

Definitions

- (1) Controlled Drugs: means those drugs which contain any quantity of a substance which has been designated as subject to the federal Controlled Substances Act, or which has been designated as a depressant or stimulant drug pursuant to federal food and drug laws, or which has been designated by the Commissioner of Consumer Protection pursuant to C.G.S. Section 21a-243, as having a stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and as having a tendency to promote abuse or psychological or physiological dependence, or both. Such controlled drugs are classifiable as amphetamine-type, barbiturate-type, cannabis-type, cocaine-type, hallucinogenic, morphine-type and other stimulant and depressant drugs. C.G.S. Section 21a-240(8).
- (2) Controlled Substances: means a drug, substance or immediate precursor in schedules I to V, inclusive, of the Connecticut controlled substance scheduling regulations adopted pursuant to C.G.S. Section 21a-243. C.G.S. Section 21a-240(9).
- (3) Professional Communication: any communication made privately and in confidence by a student to a professional employee of such student's school in the course of the professional employee's employment. C.G.S. Section 10-154a(a)(4).
- (4) Professional Employee: means a person employed by a school who "(A) holds a certificate from the State Board of Education, (B) is a member of a faculty where

certification is not required, (C) is an administration officer of a school, or (D) is a registered nurse employed by or assigned to a school." C.G.S. Section 10-154a(a)(2).

- (5) Drug Paraphernalia: means any equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing or concealing, or injecting, ingesting, inhaling or otherwise introducing any controlled substance into the human body, including but not limited to all items specified in C.G.S. Section 21a-240(20)(A), such as "bongs," pipes, "roach clips," miniature cocaine spoons, cocaine vials, and any object or container used, intended or designed for use in storing, concealing, possessing, distributing or selling controlled substances. C.G.S. Section 21a-240(20)(A).

Procedures

- (1) Emergencies.

If an emergency situation results from drug or alcohol use, the student shall be sent to the school nurse or medical advisor immediately. The parent or designated responsible person will be notified.

- (2) Prescribed Medications.

Students may possess and/or self-administer medications in school in accordance with the Board's policy concerning the administration of medication in school.

Students taking improper amounts of a prescribed medication, or otherwise taking medication contrary to the provisions of the Board's policy on the administration of medication, will be subject to the procedures for improper drug or alcohol use outlined in this policy.

- (3) Voluntary Disclosure of Drug/Alcohol Problem (Self-Referral).

The following procedures will be followed when a student privately, and in confidence, discloses to a professional employee in a professional communication information concerning the student's use, possession, distribution or sale of a controlled drug, controlled substance or alcohol.

- (a) Professional employees are permitted, in their professional judgment, to disclose any information acquired through a professional communication with a student, when such information concerns alcohol or drug abuse or any alcohol or drug problem of such student. In no event, however, will they be required to do so. C.G.S. Section 10-154a(b).
- (b) Any physical evidence obtained from such student through a professional communication indicating that a crime has been or is being committed by the student **must** be turned over to school administrators or law

enforcement officials as soon as possible, but no later than two calendar days after receipt of such physical evidence, excluding Saturdays, Sundays and holidays. Employees are encouraged to contact the school administrator immediately upon obtaining physical evidence. In no case, however, will such employee be required to disclose the name of the student from whom the evidence was obtained. C.G.S. Section 10-154a(b).

- (c) Any professional employee who has received a professional communication from a student may obtain advice and information concerning appropriate resources and refer the student accordingly, subject to the rights of the professional employee as described in paragraph (a) above.
- (d) If a student consents to disclosure of a professional communication concerning the student's alcohol or drug problem, or if the professional employee deems disclosure to be appropriate, the professional employee should report the student's name and problem to the school's building administrator or designee who shall refer the student to appropriate school staff members for intervention and counseling.

(4) Involuntary Disclosure or Discovery of Drug/Alcohol Problems.

When a professional employee obtains information related to a student *from a source other than the student's confidential disclosure*, that the student, on or off school grounds or at a school sponsored activity, is under the influence of, or possesses, uses, dispenses, distributes, administers, sells or aids in the procurement of a controlled drug, controlled substance, drug paraphernalia or alcohol, that information is considered to be involuntarily disclosed. In this event, the following procedures will apply.

- (a) The professional employee will immediately report the information to the building administrator or designee. The building administrator or designee will then refer the student to appropriate school staff members for intervention and counseling.
- (b) Any physical evidence (for example, alcohol, drugs or drug paraphernalia) obtained from a student indicating that a crime has been or is being committed by the student must be turned over to the building administrator or designee or to law enforcement officials as soon as possible, but no later than within two calendar days after receipt of such physical evidence, excluding Saturdays, Sundays and holidays. C.G.S. Section 10-154a(b). Because such evidence was **not** obtained through a professional communication, the name of the student must be disclosed to the building administrator or designee.
- (c) Search and Seizure of Students and/or Possessions: A professional employee who reasonably suspects that a student is violating a

state/federal law or a school substance abuse policy must **immediately** report such suspicion to the building administrator or designee. The building administrator or designee may then search a student's person or possessions connected to that person, in accordance with the Board's policies and regulations if the administrator or designee has reasonable suspicion from the inception of the search that the student has violated or is violating either the law or a school substance abuse policy.

Any physical evidence obtained in the search of a student, or a student's possessions, indicating that the student is violating or has violated a state or federal law **must** be turned over to law enforcement officials as soon as possible, but not later than within three calendar days after receipt of such physical evidence, excluding Saturdays, Sundays and holidays. C.G.S. Section 10-154a(c). All school employees are encouraged to contact the school administration immediately upon obtaining physical evidence.

(5) Consequences for the Use, Sale, Distribution or Possession of Controlled Drugs, Controlled Substances, Drug Paraphernalia or Alcohol.

- (a) Any student in the Newtown Public Schools using, consuming, possessing, being under the influence of, manufacturing, distributing, selling or aiding in the procurement of controlled drugs, controlled substances, drug paraphernalia or alcohol either on or off school property, or at a school-sponsored activity, except as such use or possession is in accordance with Connecticut General Statutes § 21a-408a through 408q, is subject to discipline up to and including expulsion pursuant to the Board's student discipline policy. On and after January 1, 2022, a student shall not face greater discipline, punishment or sanction for the use, sale, or possession of cannabis on school property than a student would face for the use, sale, or possession of alcohol on school property, except as otherwise required by applicable law.
- (b) In conformity with the Board's student discipline policy, students may be suspended or expelled for drug or alcohol use off school grounds if such drug or alcohol use is considered seriously disruptive of the educational process. In determining whether the conduct is seriously disruptive of the educational process, the Administration and the Board may consider, among other factors: 1) whether the drug or alcohol use occurred within close proximity of a school; 2) whether other students from the school were involved; and 3) whether any injuries occurred.
- (c) If a school administrator has reason to believe that any student was engaged, on or off school grounds, in offering for sale or distribution a controlled substance (as defined by Conn. Gen. Stat. § 21a-240(9)), whose manufacturing, distribution, sale, prescription, dispensing, transporting, or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under Conn. Gen. Stat. §§ 21a-277 and 21a-278, the administrator will recommend such student for expulsion, in

accordance with Conn. Gen. Stat. § 10-233d(a)(2) and the Board's student discipline policy.

- (d) Students found to be in violation of this policy may be referred by the building administrator to an appropriate agency licensed to assess and treat drug and alcohol involved individuals. In such event, assessment and treatment costs will be the responsibility of the parent or guardian.
- (e) A meeting may be scheduled with appropriate school staff members for the purpose of discussing the school's drug and alcohol policy with the student and parent or guardian.
- (f) Law enforcement officials may be contacted by the building administrator in the case of suspected involvement in the use, sale or distribution of controlled drugs, controlled substances, drug paraphernalia or alcohol.

Legal References:

Connecticut General Statutes:

June Special Session, Public Act No. 21-1, An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis

Section 10-154a

Section 10-212a

Section 10-221

Sections 10-233a through 10-233f

Section 21a-240

Section 21a-243

Section 21a-408a through 408q

Adopted:

Revised:

NEWTOWN PUBLIC SCHOOLS
Newtown, Connecticut

Note: This is not a mandated policy, but it is recommended by the CT State Department of Education (CSDE). NPS does not have this policy.

**Series 5000
Students**

5133

**NEWTOWN BOARD OF EDUCATION
3 Primrose Street
Newtown, CT 0-6470**

**EDUCATIONAL STABILITY PROCEDURES FOR TRANSPORTATION
COORDINATION WITH THE DEPARTMENT OF CHILDREN AND
FAMILIES**

I. APPLICATION OF PROCEDURES

These procedures apply to circumstances when a child who is a resident of the Newtown Public Schools (the “District”), or is otherwise the responsibility of the District, is placed in foster care, or moved to a new foster care placement by the Department of Children and Families (“DCF”), is placed by DCF pursuant to a 96-hour hold or an order of temporary custody, or is committed to DCF as neglected, abused or uncared for, and DCF has determined that it is in the best interest of the child to remain in the District’s school (“school of origin”) in accordance with 20 U.S.C. § 6312, Every Student Succeeds Act (“ESSA”), and/or Conn. Gen. Stat. § 17a-16a, Educational Stability.

II. COLLABORATION

The District has collaborated with DCF to develop these procedures, as required by 20 U.S.C. § 6312, ESSA.

III. NOTIFICATION

A. DCF is required to notify the District by phone or email immediately upon learning that a child has had a change in foster care placement, been placed in out-of-home care pursuant to a 96-hour hold or an order of temporary custody, or is committed to DCF as neglected, abused or uncared for and it has been determined that it is in the child’s best interested to remain in the school of origin.

B. DCF is required to orally notify the District of DCF placement of a child within one (1) business day of such placement, and is further required to provide the District with a Form 603 concerning such DCF placement of a child within two (2) business days of the placement to document this information.

C. The District shall permit the child to continue to attend the child’s school of origin upon receiving such verbal and/or written information from DCF.

IV. TRANSPORTATION OPTIONS

- A. The District and DCF will collaborate to select cost-effective, reliable and safe transportation for children to their schools of origin, in accordance with these procedures.
- B. For children eligible under the Individuals with Disabilities Education Act (“IDEA”) or Section 504 of the Rehabilitation Act (“Section 504”), the District will assess whether the child receives transportation as a related service as documented in the child’s Individualized Education Program (“IEP”) or Section 504 Plan, and will notify DCF of the result of such assessment. If the child’s IEP or Section 504 Plan includes transportation as a related service, the District shall provide such transportation, albeit from the new home placement determined by DCF.
- C. For students not eligible under the IDEA or Section 504, the District and DCF will examine existing transportation options available for the child, including incorporating the child into an existing bus route, modifying an existing bus route and other no-cost or lost-cost options.
- D. In all cases, District shall not be responsible for any transportation costs over the amount the District would otherwise pay for the child if the child’s home placement had not been changed by DCF.

V. COORDINATION OF TRANSPORTATION

- A. DCF and the District will collaborate regarding the logistics of which agency shall coordinate the school of origin transportation and which agency shall reimburse the other (and how) for either the initial cost (borne by the District) or additional cost (borne by DCF) due to the placement or re-placement made by DCF.
- B. Under no circumstances shall the District be required to fund transportation costs in excess of the transportation costs the District would otherwise fund if the child’s home placement had not been changed by DCF.

VI. TIMELINE

DCF and the District shall finalize the transportation services for the child within five (5) school days after DCF has informed the District of the best interest determination. In the interim, DCF will ensure that transportation is provided to permit the student to remain in the school of origin.

VII. RESOLUTION

In the event that the District and DCF cannot come to an agreement concerning either the logistics of arranging transportation services or the payment/reimbursement therefore, either agency may seek guidance on the relevant responsibilities under the ESSA and Connecticut law and regulations from the Connecticut State Department of Education.

Legal Resources:

20 U.S.C. § 6312, Every Student Succeeds Act (“ESSA”)

Conn. Gen. Stat. § 17a-16a

Adopted:
Revised:

NEWTOWN PUBLIC SCHOOLS
Newtown, Connecticut

Note: This is a mandated policy and it replaces a formerly titled S & G policy: Physical Activity, Undirected Play and Student Discipline. During the 2023 legislative session there were two Public Acts, PA 23-159 and PA 23-101, that added new play-based learning requirements for pre-school through fifth grade. Beginning with the 2024-25 school year, each board of education must provide for play-based learning during the instructional time of each regular school day for students in pre-school and kindergarten. Teachers who instruct in grades one to five must be permitted to utilize play-based learning during the instructional time of a regular school day. The new law also includes a definition of recess which has been incorporated throughout the policy.

This is a new policy for NPS.

**Series 5000
Students**

5135

RECESS AND PLAY-BASED LEARNING

It is the policy of the Newtown Board of Education (the “Board”) to promote the health and well-being of district students by encouraging healthy lifestyles and mental health wellness, including promoting physical exercise, activity and play as part of the school day within the Newtown Public Schools (“District”).

For purposes of this policy, a “school employee” is defined as (1) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or working in the district schools, or (2) any other individual 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 the district schools pursuant to a contract with the Board.

For purposes of this policy, “recess” means the time during the regular school day for each student enrolled in elementary school that is devoted to physical exercise of not less than twenty minutes in total pursuant to Conn. Gen. Stat. § 10-221o.

I. Deprivation of Recess or Undirected Play Period as a Form of Discipline

For elementary school students, the Board includes a time of not less than twenty (20) minutes in total, during the regular school day, for recess, except that a planning and placement team (“PPT”) may develop a different schedule for students requiring special education and related services.

The administration may include additional time, beyond the twenty (20) minutes required for recess, devoted to undirected play during the regular school day for elementary school students.

In an effort to promote physical exercise and undirected play, the Board prohibits school employees from disciplining elementary school students by preventing them from participating in the full twenty (20) minutes of recess or additional time devoted to

undirected play during the regular school day, except in accordance with this policy or as determined by a student's Section 504 team or PPT.

A. Recess Period

School employees may prevent or otherwise restrict a student from participating in the entire time devoted to recess as a form of discipline only under the following circumstances:

- 1) When a student poses a danger to the health or safety of other students or school personnel; or
- 2) If there are two or more periods devoted to recess in a school day, then when the prevention or restriction of recess is limited to the period of recess that is the shortest in duration, provided that the student still participates in at least twenty minutes of recess in a school day.

School employees may prevent or restrict a student from participating in the entire time devoted to recess as a form of discipline, in accordance with this policy, only one time during a school week, unless the student is a danger to the health or safety of other students or school personnel.

School employees may not prevent or restrict a student from participating in the entire time devoted to recess if such prevention or restriction is related to the student's failure to complete school work on time or to the student's academic performance.

This policy distinguishes between a) discipline that is imposed before recess begins and b) discipline imposed during recess or methods used to redirect a student's behavior during recess. School personnel may impose discipline during recess as a result of student's behavior during recess, if such discipline is in accordance with Board policies and procedures. School personnel may also use methods to redirect a student's behavior, in the event such behavior warrants redirection, during recess. For clarity, the prohibition against preventing or restricting a student's participation in the time devoted to recess shall apply to student conduct that occurs prior to the recess time, rather than during the recess time.

B. Undirected Play Period

School employees may not discipline elementary school students by preventing them from participating in the full time devoted to undirected play, if any, during the regular school day, except when a student poses a danger to the health or safety of other students or school personnel, or as determined by a student's Section 504 team or PPT.

II. Play-Based Learning Requirements for Pre-Kindergarten to Grade Five

Effective July 1, 2024, the Board directs the District administration to 1) provide for play-based learning during the instructional time of each regular school day for all students in kindergarten and any preschool program operated by the Board; and 2) permit

a teacher to utilize play-based learning during the instructional time of the regular school day for all students in grades one to five, inclusive.

A. Definitions for Section II

- 1) “Free play” means unstructured, voluntary, child-initiated activities that are performed by a child for self-amusement and have behavioral, social and psychomotor rewards, except free play may be structured to promote activities that are child-directed, joyful and spontaneous.
- 2) “Guided play” means learning experiences that combine the child-directed nature of free play with a focus on learning outcomes and adult guidance.
- 3) “Play-based learning” means a pedagogical approach that emphasizes play in promoting learning and includes developmentally appropriate strategies that can be integrated with existing learning standards. Play-based learning does not mean time spent in recess or as part of a physical education course or instruction.
- 4) “Mobile electronic device” means any hand-held or other portable electronic equipment capable of providing data communication between two or more individuals, including, but not limited to, a text messaging device, a paging device, a personal digital assistant, a laptop computer, equipment that is capable of playing a video game or a digital video disk, or equipment on which digital images are taken or transmitted.
- 5) “Instructional time” means the time of actual school work during a regular school day.

B. Play-Based Learning Requirements for Pre-Kindergarten and Kindergarten

Play-based learning shall be provided during the instructional time of each regular school day for all students in kindergarten and any preschool program operated by the Board. Such play-based learning shall:

- 1) be incorporated and integrated into daily practice;
- 2) allow for the needs of such students to be met through free play, guided play and games; and
- 3) be predominantly free from the use of mobile electronic devices.

C. Play-Based Learning Requirements for Grades One to Five, Inclusive

The Board permits teachers to utilize play-based learning during the instructional time of a regular school day for all students in grades one to five, inclusive. Such play-based learning:

- 1) may be incorporated and integrated into daily practice;

- 2) shall allow for the needs of such students to be met through free play, guided play and games; and
- 3) shall be predominantly free from the use of mobile electronic devices.

D. Play-Based Learning for Students with IEPs or Section 504 Plans

Any play-based learning utilized shall comply with a student’s individualized education program (“IEP”) or Section 504 plan.

E. Deprivation of Play-Based Learning as a Form of Discipline

School employees may not discipline elementary school students by preventing them from participating in the full time devoted to play-based learning, if any, during the regular school day, except when a student poses a danger to the health or safety of other students or school personnel, or as determined by a student’s Section 504 team or PPT.

III. Prohibition on Compulsion of Physical Activity as a Form of Discipline

For all students, the Board prohibits school employees from disciplining students by requiring students to engage in physical activity as a form of discipline during the regular school day.

IV. Disciplinary Action for Failure to Follow Policy

Any employee who fails to comply with the requirements of this policy may be subject to discipline, up to and including termination of employment. Any contracted individual who provides services to or on behalf of students enrolled in the district and who fails to comply with the requirements of this policy may be subject to having the individual’s contract for services suspended by the district.

Legal References:

Connecticut General Statutes:

§ 10-221o Lunch periods. Recess. Boards to adopt policies addressing limitation of physical exercise

§ 10-221u Boards to adopt policies addressing the use of physical activity as discipline

Public Act No. 23-159, “An Act Concerning Teachers and Paraeducators”

Public Act No. 23-101, “An Act Concerning the Mental, Physical and Emotional Wellness of Children”

Adopted:
Revised:

NEWTOWN PUBLIC SCHOOLS
Newtown, Connecticut

Note: This is not a mandated policy. S & G has written these requirements as Administrative Regulations to allow them to be updated whenever statutory requirements change. Administrative Regulations outline operational procedures and are shared with the Board as Items of Information. These regulations were updated by S & G in July 2021 whereas Policy 5141 was adopted on June 4, 2019. It is recommended to rescind Policy 5141 at the time these Administrative Regulations are shared with the Board.

**Series 5000
Students**

5141 R

**ADMINISTRATIVE REGULATIONS REGARDING HEALTH
ASSESSMENTS/SCREENINGS AND ORAL HEALTH ASSESSMENTS**

I. Health Assessments:

The Newtown Board of Education (the “Board”) requires each student enrolled in the Newtown Public Schools (the “District”) to undergo health assessments as mandated by state law. The purpose of such health assessments shall be to ascertain whether a student has any physical disability tending to prevent the student from receiving the full benefit of school work and to ascertain whether school work should be modified in order to prevent injury to the student or to secure a suitable program of education for the student. Such health assessments must be conducted by one of the following qualified providers for health assessments: (1) a legally qualified practitioner of medicine; (2) an advanced practice registered nurse or registered nurse, who is licensed under state statute; (3) a physician assistant, who is licensed under state statute; (4) the school medical advisor; or (5) a legally qualified practitioner of medicine, an advanced practice registered nurse or a physician assistant stationed at any military base. The Board will provide written prior notice of the health assessments required under these administrative regulations to the parent or guardian of each student subject to assessment. The parent or guardian shall be provided a reasonable opportunity to be present during such assessment or the parent or guardian may provide for such assessment. No health assessment shall be made of any public school student unless it is made in the presence of the parent or guardian or in the presence of another school employee. Any student who fails to obtain the health assessments required by these administrative regulations may be denied continued attendance in the District.

II. Health Assessments Required:

Prior to enrollment in the District, each student must undergo a health assessment, which shall include:

(a) a physical examination which includes hematocrit or hemoglobin tests, height, weight, blood pressure, and a chronic disease assessment which shall include, but not be limited to, asthma. The assessment form shall include (1) a check box for the provider conducting the assessment, to indicate an asthma diagnosis, (2) screening questions relating to appropriate

public health concerns to be answered by the parent or guardian, and (3) screening questions to be answered by such provider;

(b) an updating of immunizations as required by state law;

(c) vision, hearing, speech and gross dental screenings;

(d) such other information, including health and developmental history, as the physician feels is necessary and appropriate.

The pre-enrollment assessment shall also include tests for tuberculosis, sickle cell anemia or Cooley's anemia, and tests for lead levels in the blood if, after consultation with the school medical advisor and the local health department, the Board determines that such tests are necessary. Such tests must be conducted by a registered nurse acting pursuant to the written order of a physician, or physician's assistant, licensed under state law, or an advanced practice registered nurse, licensed under state law.

Each student enrolled in the District must undergo a health assessment in grade grade 6 and in grade 9, which shall include:

(a) a physical examination which includes hematocrit or hemoglobin tests, height, weight, blood pressure, and a chronic disease assessment which shall include, but not be limited to, asthma as defined by the Commissioner of Public Health pursuant to subsection (c) of section 19a-62a of the Connecticut General Statutes. The assessment form shall include (1) a check box for the provider conducting the assessment, to indicate an asthma diagnosis, (2) screening questions relating to appropriate public health concerns to be answered by the parent or guardian, and (3) screening questions to be answered by such provider;

(b) an updating of immunizations as required by state law;

(c) vision, hearing, postural and gross dental screenings;

(d) such other information, including health and developmental history, as the physician feels is necessary and appropriate.

The grade six/seven and grade nine/ten assessments shall also include tests for tuberculosis and sickle cell anemia or Cooley's anemia if, after consultation with the school medical advisor and the local health department, the Board determines that such tests are necessary. Such tests must be conducted by a registered nurse acting pursuant to the written order of a physician, or physician's assistant, licensed under state law, or of an advanced practice registered nurse, licensed under state law.

The Board shall provide such assessments free of charge to students whose parents or guardians meet the eligibility requirements for free and reduced price meals under the National School Lunch Program or for free milk under the special milk program.

III. Oral Health Assessments:

A. Prior to enrollment in the District, in grade 6 and in grade 9, the Board shall request that each student undergo an oral health assessment. Such oral health assessments must be conducted by one of the following qualified providers for oral health assessments: (1) a dentist licensed under state law; (2) a dental hygienist licensed under state law; (3) a legally qualified practitioner of medicine trained in conducting oral health assessments as a part of a training program approved by the Commissioner of Public Health; (4) a physician assistant licensed under state law and trained in conducting oral health assessments as part of a training program approved by the Commissioner of Public Health; or (5) an advanced practice registered nurse licensed under state statute and trained in conducting oral health assessments as part of a training program approved by the Commissioner of Public Health.

B. The oral health assessment identified in subsection A above shall include a dental examination by a dentist, or a visual screening and risk assessment for oral health conditions by a dental hygienist, legally qualified practitioner of medicine, physician assistant, or advanced practice registered nurse. The assessment form shall include a check box for the qualified provider conducting the assessment to indicate any low, moderate or high risk factors associated with any dental or orthodontic appliance, saliva, gingival condition, visible plaque, tooth demineralization, carious lesions, restorations, pain, swelling or trauma.

C. No oral health assessment shall be made of any public school student unless the parent or guardian of the student consents to such assessment and such assessment is made in the presence of the parent or guardian or in the presence of another school employee. The parent or guardian shall be provided with prior written notice of an oral health assessment and be provided with a reasonable opportunity to opt the child out of such assessment, or the parent or guardian may provide for such oral health assessment.

D. If the Board hosts a free oral health assessment event where qualified providers (identified in subsection A above) perform oral health assessments of children attending a public school, the Board shall notify the parents and guardians of such children of the event in advance and provide an opportunity for parents and guardians to opt their child(ren) out of such event. The Board shall infer parent/guardian consent for each child whose parent or guardian did not opt the child out of the free oral health assessment event and shall provide such child with a free oral health assessment; however, such child shall not receive dental treatment of any kind unless the child's parent or guardian provides informed consent for such treatment.

E. Any student who fails to obtain an oral health assessment requested by the Board shall not be denied enrollment or continued attendance in the District.

IV. Screenings Required:

The Board will provide annually to each student enrolled in kindergarten and grades one and three to five, inclusive, a vision screening. Such vision screening may be performed using a Snellen chart or an equivalent screening device, or an automated vision screening device. The Superintendent shall give written notice to the parent or guardian of each student (1) who is found to have any defect of vision or disease of the eyes, with a brief statement describing the defect or disease and a recommendation that the student be examined by an optometrist or ophthalmologist licensed pursuant to state law, and (2) who did not receive such vision screening, with a brief statement explaining why such student did not receive such vision screening.

The Board will provide annually to each student enrolled in kindergarten and grades one and three through five, inclusive, audiometric screening for hearing. The Superintendent shall give written notice to the parent or guardian of each student (1) who is found to have any impairment or defect of hearing, with a brief statement describing the impairment or defect, and (2) who did not receive an audiometric screening for hearing, with a brief statement explaining why such student did not receive an audiometric screening for hearing.

The Board will provide postural screenings for (1) each female student in grades five and seven, and (2) each male student in grade eight or nine. The Superintendent shall give written notice to the parent or guardian of each student (A) who evidences any postural problem, with a brief statement describing such evidence, and (B) who did not receive a postural screening, with a brief statement explaining why such student did not receive such postural screening.

All of the screenings required under these administrative regulations will be performed in accordance with regulations applicable to such screenings as adopted by the State Board of Education.

V. Assessment/Screening Results:

The results of each assessment and screening required or requested by these administrative regulations shall be recorded on forms supplied by the State Board of Education. Each qualified provider performing health assessments or oral health assessments under these administrative regulations shall sign each form and any recommendations concerning a student shall be in writing. Assessment/screening forms shall be included in the cumulative health record of each student and they shall be kept on file in the school attended by the student. If a student transfers to another school district in Connecticut, the student's original cumulative health record shall be sent to the chief administrative officer of the new school district and a true copy retained by the Board. For a student leaving Connecticut, a copy of the records, if requested, should be sent and the original maintained.

Appropriate school health personnel shall review the results of each assessment and screening. If the reviewing school health personnel judge that a student is in need of further testing or treatment, the Superintendent shall give written notice to the parent or guardian of such student and shall make reasonable efforts to ensure that such further

testing or treatment is provided. Reasonable efforts shall include determination of whether the parent or guardian has obtained the necessary testing or treatment for the student, and, if not, advising the parent or guardian how such testing or treatment may be obtained. The results of such further testing or treatment shall be recorded, kept on file and reviewed by appropriate school health personnel in the same manner as the results of the health assessments and screenings required or requested under these administrative regulations.

The District shall report to the local health department and the Department of Public Health, on a triennial basis, the total number of children per school and on a district-wide basis having a diagnosis of asthma (1) at the time of public school enrollment, (2) in grade six or seven, and (3) in grade nine or ten. The report shall contain the asthma information collected as required under Section II of these administrative regulations and shall include information regarding each diagnosed child's age, gender, race, ethnicity and school.

VI. Exemption:

Nothing in these administrative regulations shall be construed to require any student to undergo a physical or medical examination or treatment, or be compelled to receive medical instruction, if the parent or legal guardian of such student or the student, if the student is an emancipated minor or is eighteen (18) years of age or older, notifies the teacher or principal or other person in charge of such student in writing that the student objects on religious grounds to such physical or medical examination or treatment or medical instruction.

VII. Other Non-Emergency Invasive Physical Examinations and Screenings:

- A. In addition to the screenings listed above, the District may, from time to time, require students to undergo additional non-emergency, invasive physical examination(s)/screening(s).
- B. A non-emergency, invasive physical examination or screening is defined as:
 - 1. any medical examination that involves the exposure of private body parts; or
 - 2. any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening; and
 - 3. is required as a condition of attendance, administered by the school and scheduled by the school in advance; and
 - 4. is not necessary to protect the immediate health and safety of the student, or of other students.
- C. If the district elects to conduct any such examinations, then, at the beginning of the school year, the administration shall give direct notice to parents of affected students of the district's intent to conduct the non-emergency invasive physical

examination(s) and/or screening(s) described in this subsection. Such notice shall include the specific or approximate dates during the school year of the administration of such non-emergency invasive physical examination(s)/screening(s).

D. Upon request, the administration shall permit parents or students over the age of eighteen (18) (or emancipated minors) to opt out of participation in the non-emergency invasive physical examination(s)/screening(s) described in this subparagraph.

VIII. School Representative to Receive Information Concerning Health Assessments:

The Board designates the school nurses as the representatives for receipt of reports from health care providers concerning student health assessments and oral health assessments.

Legal References:

State Law:

Connecticut General Statutes:

§ 10-206	Health assessments
§ 10-206a	Free health assessments
§ 10-206d	Oral health assessments
§ 10-208	Exemption from examination or treatment
§ 10-209	Records not be public. Provision of reports to schools
§ 10-214	Vision, audiometric and postural screenings: When required; notification of parents re defects; record of results

Public Act. No. 21-95, “An Act Concerning Assorted Revisions and Additions to the Education Statutes.”

Public Act No. 21-121, “An Act Concerning the Department of Public Health’s Recommendations Regarding Various Revisions to the Public Health Statutes.”

State of Connecticut Department of Education, Bureau of Health/Nutrition, Family Services and Adult Education, Cumulative Health Records Guidelines (Revised Jan. 2012), https://portal.ct.gov/-/media/SDE/School-Nursing/Publications/CHR_guidelines.pdf

Federal Law:

Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act, Public Law 114-95, at 20 U.S.C. §§ 1232h(c)(2)(C)(iii) and 1232h(c)(6)(B).

Administrative Regulations Adopted:

NOTICE OF FREE ORAL HEALTH ASSESSMENT

The Newtown Public Schools (the “District”) shall hold a free oral health assessment event for students on _____ *[insert date and time of event]* at your student’s school. The oral health assessment shall consist of *[insert one of the following options depending on the professional staffing the oral health assessment event: (1) a dental examination by a dentist **OR** (2) a visual screening and risk assessment for oral health conditions by a dental hygienist, legally qualified practitioner of medicine, physician assistant, or advanced practice registered nurse.]* The practitioner conducting the oral health assessment shall indicate any low, moderate or high risk factors associated with any dental or orthodontic appliance, saliva, gingival condition, visible plaque, tooth demineralization, carious lesions, restorations, pain, swelling or trauma. No student shall receive dental treatment of any kind as part of the free oral health assessment event.

This event is free of charge. You may be present during the oral health assessment of your student, if you so wish. When, based on the results of the assessment and in the judgment of school health personnel, your student is in need of further testing or treatment, you will be notified by the District.

You may elect for your student not to participate in the free oral health assessment event. **If you do not want your student to participate, you must sign the form below and return that section of the form to _____ by _____. If you fail to return the form by this date, you have consented to the free oral health assessment and your student will participate. If your student does not participate in the school’s event, you will be asked to provide documentation that your student has received an oral health assessment, in accordance with state law.**

If you have questions or concerns regarding the free oral health assessment event, please contact _____.

FREE ORAL HEALTH ASSESSMENT EVENT - _____ *[insert date of event]*

Name of student: _____ Student’s Date of Birth: _____

Student’s Address: _____

Parent/Guardian Name (print): _____

As the parent/guardian of the above-named student, I elect for my student to not participate in the free oral health assessment. I understand that I will be asked by school officials to provide documentation that my student has received an oral health assessment by a qualified professional. I further understand that this “opt-out” is effective only for the free oral health assessment event being held on the date listed above.

Parent/Guardian Signature

Date

Note: S & G recommends Administrative Regulations regarding immunizations. NPS current policy and administrative regulations were approved on July 9, 2019. The law has changed since then regarding exemptions based on religious reasons. Exemptions based on religious reasons made prior to April 28, 2021, will continue to be in force as long as the provisions in Section II, A, 1-2 are followed. However, exemptions based on religious reasons are no longer granted after April 28, 2021. It is recommended the Board rescind 5141.3, Policy and Administrative Regulations Regarding Health Assessments and Immunizations, at the meeting when the Superintendent shares these Administrative Regulations as an Item of Information.

**Series 5000
Students**

5141.3 R

ADMINISTRATIVE REGULATIONS REGARDING IMMUNIZATIONS

I. Immunization Requirements

In accordance with state law and accompanying regulations, the Newtown Public Schools (the “District”) requires each child to be protected by adequate immunization against diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps, rubella, haemophilus influenzae type B, hepatitis A, hepatitis B, varicella, pneumococcal diseases, meningococcal disease and any other vaccine required by the schedule for active immunization as determined by the Commissioner of Public Health pursuant to Conn. Gen. Stat. § 19a-7f, before being permitted to enroll in any program or school under its jurisdiction.

Among other requirements, before being permitted to enter seventh grade, the District requires each child to be vaccinated against meningococcal disease. The District further requires each child to receive a second immunization against measles and tetanus, diphtheria and pertussis (Tdap) before being permitted to enter seventh grade.

Further, each child must have received two doses of immunization against varicella before being permitted to enter kindergarten and seventh grade, and each child must have received two doses of immunization against rubella and mumps before being permitted to enter grades kindergarten through twelve.

By January 1 of each year, children aged 24-59 months enrolled in the District’s preschool program must show proof of receipt of at least one dose of influenza vaccine between August 1 and December 31 of the preceding year. All children aged 24-59 months who have not received vaccination against influenza previously must show proof of receipt of two doses of the vaccine the first influenza season that they are vaccinated. Children seeking to enroll in the District’s preschool program between January 1 and March 31 are required to receive the influenza vaccine prior to being permitted to enter the program. Children who enroll in the preschool program after March 31 of any given year are not required to meet the influenza vaccine requirement until the following January.

Exemption from the applicable requirements of these administrative regulations shall be granted to any child who, before being permitted to enroll:

- (1) presents a certificate from a physician, physician assistant, advanced practice registered nurse or local health agency stating that initial immunizations have been given to such child and additional immunizations are in process
 - (A) under guidelines and schedules specified by the Commissioner of Public Health; or
 - (B) in the case of a child enrolled in a preschool program or other prekindergarten program who, prior to April 28, 2021, was exempt from the applicable immunization requirements upon presentation of a statement that such immunizations would be contrary to the religious beliefs of such child or the parents or guardian of such child, as such additional immunizations are recommended, in a written declaration, in a form prescribed by the Commissioner of Public Health, for such child by a physician, a physician assistant or an advanced practice registered nurse. Such statement of religious beliefs shall be acknowledged by a judge of a court of record or a family support magistrate, a clerk or deputy clerk of a court having a seal, a town clerk, a notary public, a justice of the peace, an attorney admitted to the bar of this state, or a school nurse; or
- (2) presents a certificate, in a form prescribed by the Commissioner of Public Health pursuant to Section 7 of Public Act No. 21-6, from a physician, physician assistant, or advanced practice registered nurse stating that in the opinion of a such physician, physician assistant, or advanced practice registered nurse such immunization is medically contraindicated because of the physical condition of such child; or
- (3) in the case of measles, mumps or rubella, presents a certificate from a physician, physician assistant or advanced practice registered nurse or from the Director of Health in such child's present or previous town of residence, stating that the child has had a confirmed case of such disease; or
- (4) in the case of haemophilus influenzae type B, has passed such child's fifth birthday; or
- (5) in the case of pertussis, has passed such child's sixth birthday.

II. Exemptions Based on Religious Beliefs

- A. Children Enrolled in Kindergarten Through Twelfth Grade On or Before April 28, 2021

The immunization requirements set forth in Section I of these administrative regulations **shall not apply** to any child who is enrolled in kindergarten through twelfth grade on or before April 28, 2021 if:

1. such child presented a statement, prior to April 28, 2021, from the parents or guardians of such child that such immunization is contrary to the religious beliefs of such child or the parents or guardians of such child, and
2. such statement was acknowledged by a judge of a court of record or a family support magistrate, a clerk or deputy clerk of a court having a seal, a town clerk, a notary public, a justice of the peace, an attorney admitted to the bar of the State of Connecticut, or a school nurse.

B. Students Who Transfer from Another Public or Private School in Connecticut

The immunization requirements set forth in Section I of this policy **shall not apply** to any student who:

1. transfers to the District from another public or private school in Connecticut, and
2. was enrolled in kindergarten through twelfth grade in the other public or private school on or before April 28, 2021, and
3. presented a statement, prior to April 28, 2021, from the parents or guardians of such child that such immunization is contrary to the religious beliefs of such child or the parents or guardians of such child, and such statement was acknowledged by a judge of a court of record or a family support magistrate, a clerk or deputy clerk of a court having a seal, a town clerk, a notary public, a justice of the peace, an attorney admitted to the bar of the State of Connecticut, or a school nurse.

C. Children Enrolled in Preschool or Prekindergarten Prior to April 28, 2021

Any child who is enrolled in a preschool program or other prekindergarten program prior to April 28, 2021 who:

1. presented a statement, prior to April 28, 2021, from the parents or guardians of such child that such immunization is contrary to the religious beliefs of such child or the parents or guardians of such child, and

2. such statement was acknowledged by a judge of a court of record or a family support magistrate, a clerk or deputy clerk of a court having a seal, a town clerk, a notary public, a justice of the peace, an attorney admitted to the bar of the State of Connecticut, or a school nurse, but
3. did not present a written declaration from a physician, a physician assistant or an advanced practice registered nurse stating that additional immunizations are in process as recommended by such physician, physician assistant or advanced practice registered nurse, rather than as recommended under guidelines and schedules specified by the Commissioner of Public Health

shall comply with the immunization requirements provided for in Section I of these administrative regulations on or before September 1, 2022, or not later than fourteen (14) days after transferring to a program operated by a school under the jurisdiction of the District, whichever is later.

In accordance with state law, the Newtown Board of Education (“Board”) and the District shall not be liable for civil damages resulting from an adverse reaction to a non-defective vaccine required to be administered by state law.

If the parents or guardians of any child are unable to pay for any required immunization, the expense of such immunization shall, upon the recommendation of the Board, be paid by the town of the child’s residence.

The District designates the school nurse as the representative for receipt of reports from health care providers concerning student immunizations.

The current required immunizations for elementary (including preschool), middle and high school students can be found at: https://portal.ct.gov/-/media/SDE/School-Nursing/Forms/Immunization_Requirements.pdf.

In implementing these regulations, the District shall consider state guidance and supporting documents and comply with applicable law.

Legal Reference: Connecticut General Statutes
§ 10-204a Required immunizations
§ 10-204c Immunity from liability
Public Act No. 21-6, “An Act Concerning Immunizations”

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

Letter to Superintendents of Schools et al. from Connecticut State Departments of Public Health and Education, *Reinstatement of Prekindergarten and Kindergarten School*

Immunization Entry Requirement for Haemophilus Influenza Type B (Hib) Vaccine, June 25, 2010.

Letter to Superintendents of Schools et al. from Connecticut State Departments of Public Health and Education, *Changes in the Immunization Requirements for School Entry*, March 15, 2011.

State Department of Education, Guidance Regarding Public Act 21-6, “An Act Concerning Immunizations,” May 25, 2021.

Administrative Regulations Adopted:

Note: This is a mandated policy. Current NPS policy was revised in 2017. This one was revised in 2022. It is recommended to adopt this policy and rescind the current policy.

**5000 Series
Students**

5141.25

MANAGEMENT PLAN AND GUIDELINES FOR STUDENTS WITH FOOD ALLERGIES, GLYCOGEN STORAGE DISEASE AND/OR DIABETES

The Newtown Public Schools (the “district”) recognize that food allergies, glycogen storage disease (“GSD”) and diabetes may be life threatening. For this reason, the district is committed to developing strategies and practices to minimize the risk of accidental exposure to life-threatening food allergens and to ensure prompt and effective medical response should a student suffer an allergic reaction while at school. The district is also committed to appropriately managing and supporting students with glycogen storage disease and diabetes. The district further recognizes the importance of collaborating with parents, adult students (defined as students age eighteen (18) and older) and appropriate medical staff in developing such practices and encourages strategies to enable the student to become increasingly proactive in the care and management of the student’s food allergy, glycogen storage disease or diabetes, as developmentally appropriate. To this end, the district adopts the following guidelines related to the management of life-threatening food allergies, glycogen storage disease, and diabetes for students enrolled in district schools.

I. Identifying Students with Life-Threatening Food Allergies, Diabetes and/or Glycogen Storage Disease

Early identification of students with life-threatening food allergies, diabetes and/or glycogen storage disease is important. The district therefore encourages parents/guardians of students and adult students with life-threatening food allergies to notify the school of the allergy, providing as much medical documentation about the extent and nature of the food allergy as is known, as well as any known effective treatment for the allergy. The district also encourages parents/guardians of students and adult students with GSD and diabetes to notify the school of the disease, providing as much medical documentation about the type of GSD or diabetes, nature of the disease, and current treatment of the student.

Students with life-threatening food allergies and diabetes are virtually always students with disabilities and should be referred to a Section 504 team, which will make a final determination concerning the student’s eligibility for services under Section 504 of the Rehabilitation Act of 1973 (“Section 504”). The Section 504 team may determine that the only services needed are in the student’s Individualized Health Care Plan (“IHCP”) and/or Emergency Care Plan (“ECP”); in that case, the IHCP and/or ECP will also serve as the student’s Section 504 plan. The Section 504 team will also ensure that parents receive appropriate notice and are informed of their rights under Section 504, including their right to request an impartial hearing if they disagree with the provisions in the Section 504 plan.

Students with GSD and less severe food allergies should be referred to a Section 504 team if there is reason to believe that the student's GSD or food allergy substantially limits a major life activity. To determine whether a food allergy is severe enough to substantially limit a major life activity, the team should consider the impact on the student when the student has been exposed to the allergen and has not yet received treatment.

Major life activities include, but are not limited to:

(i) Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working; and

(ii) The operation of a major bodily function, including functions of the immune system, special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

II. Individualized Health Care Plans and Emergency Care Plans

1. If the district obtains medical documentation that a student has a life-threatening food allergy, GSD, or diabetes, the district shall develop an IHCP for the student. Each IHCP should contain information relevant to the student's participation in school activities.
2. The IHCP shall be developed by a group of individuals, which shall include the parents, the adult student, if applicable, and appropriate school personnel. Such personnel may include, but are not limited to, the school nurse, school or food service administrator(s), classroom teacher(s) and the student, if appropriate. The school may also consult with the school's medical advisor, as needed.
3. IHCPs are developed for students with special health needs or whose health needs require daily interventions. The IHCP describes how to meet the student's health and safety needs within the school environment and should address the student's needs across school settings. Information to be contained in an IHCP should include a description of the functional health issues (diagnoses); student objectives for promoting self-care and age-appropriate independence; and the responsibilities of parents, school nurse and other school personnel. The IHCP may also include strategies to minimize the allergic student's risk for exposure. For the student with life-threatening food allergies, GSD, or diabetes, the IHCP may include strategies designed to ameliorate risks associated with such disease and support the student's participation in the classroom. IHCPs for such students may include considerations such as:

- a. classroom environment, including allergy-free considerations, or allowing the student with GSD or diabetes to have food/dietary supplements when needed;
 - b. cafeteria safety;
 - c. participation in school nutrition programs;
 - d. snacks, birthdays and other celebrations;
 - e. alternatives to food rewards or incentives;
 - f. hand-washing;
 - g. location of emergency medication;
 - h. who will provide emergency and routine care in school, including monitoring of continuous glucose monitor (CGM) alerts as may be appropriate, in school;
 - i. risk management during lunch and recess times;
 - j. special events;
 - k. field trips, fire drills and lockdowns;
 - l. extracurricular activities;
 - m. school transportation;
 - n. the provision of food or dietary supplements by the school nurse, or any school employee approved by the school nurse;
 - o. staff notification, including substitutes, and training; and
 - p. transitions to new classrooms, grades and/or buildings.
4. The IHCP should be reviewed annually, or whenever there is a change in the student's ECP, changes in self-monitoring and self-care abilities of the student, or following an emergency event requiring the administration of medication or the implementation of other emergency protocols.
5. For a student with a life-threatening food allergy, GSD, or diabetes, the IHCP shall not prohibit a parent or guardian, or a person designated by such parent or guardian, to provide food or dietary supplements to a student with a life-threatening food allergy, GSD, or diabetes on school grounds during the school day.
6. In addition to the IHCP, the district shall also develop an ECP for each student identified as having a life-threatening food allergy. The ECP is part of the IHCP and describes the specific directions about what to do in a medical emergency. For the student with a life-threatening food allergy, the ECP should include the following information:
- a. The student's name and other identifying information, such as date of birth, grade and photo;
 - b. The student's specific allergy;
 - c. The student's signs and symptoms of an allergic reaction;
 - d. The medication, if any, or other treatment to be administered in the event of exposure;
 - e. The location and storage of the medication;

- f. Who will administer the medication (including self-administration options, as appropriate);
 - g. Other emergency procedures, such as calling 911, contacting the school nurse, and/or calling the parents or physician;
 - h. Recommendations for what to do if the student continues to experience symptoms after the administration of medication; and
 - i. Emergency contact information for the parents/family and medical provider.
7. In addition to the IHCP, the district shall also develop an ECP for each student identified as having GSD and/or diabetes. The ECP is part of the IHCP and describes the specific directions about what to do in a medical emergency. For the student with GSD or diabetes, the ECP should include the following information, as may be appropriate:
- a. The student's name and other identifying information, such as date of birth, grade and photo;
 - b. Information about the disease or disease specific information (*e.g.*, type of GSD or diabetes);
 - c. Whether the student uses a CGM, and how the CGM will be monitored in school;
 - d. The student's signs and symptoms of an adverse reaction (such as hypoglycemia);
 - e. The medication, if any, or other treatment to be administered in the event of an adverse reaction or emergency (*e.g.*, Glucagon or insulin)
 - f. The location and storage of the medication;
 - g. Who will administer the medication (including self-administration options, as appropriate);
 - h. Other emergency procedures, such as calling 911, contacting the school nurse, and/or calling the parents or physician;
 - i. Recommendations for what to do if the student continues to experience symptoms after the administration of medication; and
 - j. Emergency contact information for the parents/family and medical provider.
8. In developing the ECP, the school nurse should obtain current medical documentation from the parents/family and the student's health care provider, including the student's emergency plan and proper medication orders. If needed, the school nurse or other appropriate school personnel, should obtain consent to consult directly with the student's health care providers to clarify medical needs, emergency medical protocols and medication orders.
9. A student identified as having a life-threatening food allergy, GSD, or diabetes is entitled to an IHCP and an ECP, regardless of the student's status as a student with a disability, as that term is understood under Section 504, or the Individuals with Disabilities Education Act ("IDEA").

10. The district shall ensure that the information contained in the IHCP and ECP is distributed to any school personnel responsible for implementing any provisions of the IHCP and/or ECP, and that any procedures in the IHCP and/or ECP comply with the district's policies and procedures regarding the administration of medications to students.
11. When making eligibility determinations under Section 504 and/or the IDEA, schools must consider the student's needs on an individualized, case-by-case basis.

III. Training/Education

1. The district shall provide appropriate education and training for school personnel regarding the management of students with life-threatening food allergies, GSD and diabetes. Such training may include an overview of life-threatening food allergies, GSD and diabetes; prevention strategies; IHCPs and ECPs; monitoring of blood glucose alerts transmitted by the CGM of the student to a dedicated receiver, tablet/smartphone application, or other appropriate technology during the school day and during school-sponsored activities; and food safety and sanitation. Training shall also include, as appropriate for each school (and depending on the specific needs of the individual students at the school), training in the administration of medication with cartridge injectors (*e.g.*, epi-pens), and/or the specific preventative strategies to minimize the risk of exposure to life-threatening allergens and prevent adverse reactions in students with GSD and diabetes (such as the provision of food or dietary supplements for students). School personnel will also be educated on how to recognize symptoms of allergic reactions and/or symptoms of low blood sugar, as seen with GSD and diabetes, and what to do in the event of an emergency. Staff training and education will be coordinated by the school nurse in the school the student attends. Any such training regarding the administration of medication shall be done in accordance with state law and Board policy.
2. Each school within the district shall also provide age-appropriate information to students about food allergies, GSD and diabetes, how to recognize symptoms of an allergic reaction and/or low blood sugar emergency and the importance of adhering to the school's policies regarding food and/or snacks.

IV. Prevention

Each school within the district will develop appropriate practices to minimize the risk of exposure to life-threatening allergens, as well as the risks associated with GSD and diabetes. Practices that may be considered include, but are not limited to:

1. Encouraging hand washing;

2. Discouraging students from swapping food at lunch or other snack/meal times;
3. Encouraging the use of non-food items as incentives, rewards or in connection with celebrations;
4. Training staff in recognizing symptoms of anaphylaxis and hypoglycemia; and
5. Planning for school emergencies, to include consideration of the need to access medication, food and/or dietary supplements.

V. Communication

1. As described above, the school nurse shall be responsible for coordinating the communication among parents, a student's individual health care provider and the school regarding a student's life-threatening allergic condition, GSD and/or diabetes. School staff responsible for implementing a student's IHCP will be notified of their responsibilities and provided with appropriate information as to how to minimize risk of exposure and/or alterations in blood sugar levels and how to respond in the event of such an emergency.
2. Each school will ensure that there are appropriate communication systems available within each school (*e.g.*, telephones, cell phones, walkie-talkies) and for off-site activities (*e.g.*, field trips) to ensure that school personnel are able to effectively respond in case of emergency.
3. The district shall develop standard letters to be sent home to parents, whenever appropriate, to alert them to food restrictions within their student's classroom or school.
4. All district staff are expected to follow district policy and/or federal and state law regarding the confidentiality of student information, including medical information about the student.
5. The district shall make the Management Plan and Guidelines for Students with Food Allergies, Glycogen Storage Disease and/or Diabetes available on the Board's website or the website of each school under the Board's jurisdiction.
6. The district shall provide annual notice to parents and guardians regarding the Management Plan and Guidelines for Students with Food Allergies, Glycogen Storage Disease and/or Diabetes. Such notice shall be provided in conjunction with the annual written statement provided to parents and guardians regarding pesticide applications in the schools.

VI. Monitoring the District's Plan and Procedures

The district should conduct periodic assessments of its Management Plan and Guidelines for Students with Food Allergies, Glycogen Storage Disease and/or Diabetes. Such assessments should occur at least annually and after each emergency event involving the administration of

medication to a student with a life-threatening food allergy, GSD or diabetes to determine the effectiveness of the process, why the incident occurred, what worked and what did not work.

The Superintendent shall annually attest to the Department of Education that the District is implementing the Management Plan and Guidelines for Students with Food Allergies, Glycogen Storage Disease and/or Diabetes.

Legal References:

State Law/Regulations/Guidance:

- Conn. Gen. Stat. § 10-212a Administration of medications in schools, at athletic events and to children in school readiness programs.
- Conn. Gen. Stat. § 10-212c Life-threatening food allergies and glycogen storage disease: Guidelines; district plans.
- Conn. Gen. Stat. § 10-220i Transportation of students carrying cartridge injectors.
- Conn. Gen. Stat. § 10-231c Pesticide applications at schools without an integrated pest management plan. Prior notice.
- Conn. Gen. Stat. § 19a-900 Use of cartridge injectors by staff members of before or after school program, day camp or day care facility.
- Conn. Gen. Stat. § 52-557b “Good samaritan law”. Immunity from liability for emergency medical assistance, first aid or medication by injection. Immunity from liability re: automatic external defibrillators. School personnel are not required to administer or render emergency first aid or administer medication by injection.
- Regs. Conn. State Agencies § 10-212a-1 through 10-212a-7 Administration of Medication by School Personnel

Guidelines for Managing Life-Threatening Food Allergies in Connecticut Schools (Includes Guidelines for Managing Glycogen Storage Disease), Connecticut State Department of Education (Updated 2012).

Federal Law:

- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794
- Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.
- The Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101 et seq.

Adopted:
Revised:

NEWTOWN PUBLIC SCHOOLS
Newtown, Connecticut

Note: This is a mandated Policy based on CIAC requirements. The District does not have this policy.

**Series 5000
Students**

5143

CHEMICAL HEALTH POLICY FOR STUDENT ATHLETES

Policy Statement

The Newtown Board of Education (the “Board”) participates in the Connecticut Interscholastic Athletic Conference (“CIAC”). In accordance with CIAC participation rules and the Board’s obligation under state and federal law, the Board prohibits the unauthorized use, sale, distribution or possession of controlled drugs, controlled substances, drug paraphernalia, performance enhancing substances or alcohol during any school-sponsored athletic activity, whether occurring on or off school property. It shall be the policy of the Board to take positive action through education, counseling, discipline, parental involvement, medical referral, and law enforcement referral, as appropriate, in the handling of incidents by student athletes involving the possession, distribution, sale or use of substances that affect behavior, including performance-enhancing substances. This policy applies to all student athletes participating in school-sponsored athletics, whether or not such athletes are participating in CIAC controlled activities.

Definitions

- (1) Controlled Drugs: means those drugs which contain any quantity of a substance which has been designated as subject to the federal Controlled Substances Act, 21 U.S.C. § 801 *et seq.*, or which has been designated as a depressant or stimulant drug pursuant to federal food and drug laws, or which has been designated by the Commissioner of Consumer Protection pursuant to Connecticut General Statutes Section 21a-243, as having a stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and as having a tendency to promote abuse or psychological or physiological dependence, or both. Such controlled drugs are classifiable as amphetamine-type, barbiturate-type, cannabis-type, cocaine-type, hallucinogenic, morphine-type and other stimulant and depressant drugs. Connecticut General Statutes Section 21a-240(8).
- (2) Controlled Substances: means a drug, substance or immediate precursor in schedules I to V, inclusive, of the Connecticut controlled substance scheduling regulations adopted pursuant to Connecticut General Statutes Sections 21a-243 and 21a-240(9).
- (3) Drug Paraphernalia: means any equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing or concealing, or injecting, ingesting, inhaling or otherwise introducing any controlled substance into the human body, including but not

limited to all items specified in Connecticut General Statutes Section 21a-240(20)(A), such as "bongs," pipes, "roach clips," miniature cocaine spoons, cocaine vials, and any object or container used, intended or designed for use in storing, concealing, possessing, distributing or selling controlled substances. Connecticut General Statutes Section 21a-240(20)(A).

- (4) Performance Enhancing Substances: means any anabolic steroid, hormone or analogue, diuretic or other substance designed to enhance a student's performance in athletic competition, except when used under the care and direction of a licensed medical professional and only then in the manner prescribed by the medical professional and manufacturer's recommendations.
- (5) Professional Communication: means any communication made privately and in confidence by a student to a professional employee of such student's school in the course of the professional employee's employment. Connecticut General Statutes Section 10-154a(a)(4).
- (6) Professional Employee: means a person employed by a school who (A) holds a certificate from the State Board of Education, (B) is a member of a faculty where certification is not required, (C) is an administration officer of a school, or (D) is a registered nurse employed by or assigned to a school. Connecticut General Statutes Section 10-154a(a)(2).
- (7) Student Athlete: means any student participating in an extracurricular school-sponsored athletic activity, whether interscholastic or intramural, including but not limited to student athletes who are participating in CIAC controlled activities.

Procedures

- (1) Discretionary Nature of Student Athletics.

The Board sponsors athletic programs as part of its extracurricular program. The opportunity to participate in extracurricular activities such as student athletics is a privilege, not a right. The Board may remove students from participation in athletics activities in its discretion.

- (2) Emergencies.

If an emergency situation results from the use of drugs, performance enhancing substances or alcohol, the student athlete shall be sent to the school nurse or medical advisor immediately, or emergency medical personnel will be notified. The parent or designated responsible person will also be notified as soon as possible.

- (3) Prescribed Medications.

The parent or guardian of any student athlete who is required to take any prescribed medication during student athletic activities shall so inform the school nurse or the person designated to act in the absence of a nurse. Such prescribed medication will then be administered to the student athlete under the supervision of the school nurse or designee in accordance with Connecticut General Statutes Section 10-212a and the applicable regulations and in accordance with any Board policies and regulations concerning medication administration, except as provided below.

Student athletes taking improper amounts of a prescribed medication, or taking a prescribed medication without proper notification and supervision of the school nurse or designee, will be subject to the procedures for improper drug or alcohol use outlined in this policy.

Student athletes with a documented medical history demonstrating the need for regular use of performance enhancing substances for therapeutic purposes shall not be considered to be in violation of this policy when such substances are properly prescribed and taken by the student athlete in accordance with Connecticut General Statutes Section 10-212a and the applicable regulations and in accordance with any Board policies and regulations concerning medication administration.

Student athletes with a documented medical history demonstrating the need for regular, palliative use of marijuana shall not be considered to be in violation of this policy when such substance is properly prescribed and taken by the student athlete in accordance with Connecticut General Statutes Sections 21a-408a through 408q. Under no circumstances shall the school nurse or designee administer to the student, or permit the palliative use of marijuana by the student, on a school bus, school grounds or property, in public places or in the presence of persons under the age of eighteen.

(4) Voluntary Disclosure of Drug/Alcohol Problem (Self-Referral).

The following procedures will be followed when a student athlete privately, and in confidence, discloses to a professional employee in a professional communication information concerning the student's use, possession, distribution or sale of a controlled drug, controlled substance or alcohol.

- (a) Professional employees are permitted, in their professional judgment, to disclose any information acquired through a professional communication with a student, when such information concerns alcohol or drug abuse or any alcohol or drug problem of such student athlete. In no event, however, will they be required to do so. Connecticut General Statutes Section 10-154a(b).
- (b) Any physical evidence obtained from such student athlete through a professional communication indicating that a crime has been or is being committed by the student athlete **must** be turned over to school

administrators or law enforcement officials as soon as possible, but no later than two calendar days after receipt of such physical evidence, excluding Saturdays, Sundays and holidays. Employees are encouraged to contact the school administrator immediately upon obtaining physical evidence. In no case, however, will such employee be required to disclose the name of the student athlete from whom the evidence was obtained. Connecticut General Statutes Section 10-154a(b).

- (c) Any professional employee who has received a professional communication from a student athlete may obtain advice and information concerning appropriate resources and refer the student athlete accordingly, subject to the rights of the professional employee as described in paragraph (a) above.
 - (d) If a student athlete consents to disclosure of a professional communication concerning the student athlete's alcohol or drug problem, or if the professional employee deems disclosure to be appropriate, the professional employee should report the student athlete's name and problem to the school's building administrator or designee who shall refer the student athlete to appropriate school staff members for intervention and counseling.
- (5) Involuntary Disclosure or Discovery of Drug/Alcohol Problems.

When any school staff member, or a coach or volunteer responsible for or involved in student athletic programs, obtains information related to a student athlete *from a source other than the student athlete's confidential disclosure*, that the student athlete, on or off school grounds or at a school-sponsored activity, is unlawfully under the influence of, or unlawfully possesses, uses, dispenses, distributes, administers, sells or aids in the procurement of a controlled drug, controlled substance, drug paraphernalia, performance enhancing substances or alcohol, that information is considered to be involuntarily disclosed. In this event, the following procedures will apply.

- (a) The staff member, coach or volunteer will immediately report the information to the building administrator or designee. The building administrator or designee will then refer the student athlete to appropriate school staff members for intervention and counseling.
- (b) Any physical evidence (for example, alcohol, drugs, drug paraphernalia or performance enhancing substances) obtained from a student athlete indicating that a crime has been or is being committed by the student athlete must be turned over to the building administrator or designee or to law enforcement officials as soon as possible, but no later than within two calendar days after receipt of such physical evidence, excluding Saturdays, Sundays and holidays. Connecticut General Statutes Section 10-154a(b). The name of the student athlete must be disclosed to the building administrator or designee.

- (c) Search and Seizure of Students and/or Possessions: A staff member, coach or volunteer who reasonably suspects that a student athlete is violating a state/federal law, school substance abuse policy or this chemical health policy must **immediately** report such suspicion to the building administrator or designee. The building administrator or designee may then search a student athlete's person or possessions connected to that person, in accordance with the Board's policies and regulations if such employee has reasonable suspicion from the inception of the search that the student athlete has violated or is violating either the law, a school substance abuse policy, or this chemical health policy.

Any physical evidence obtained in the search of a student athlete, or a student athlete's possessions, indicating that the student athlete is violating or has violated a state or federal law **must** be turned over to law enforcement officials as soon as possible, but not later than within three calendar days after receipt of such physical evidence, excluding Saturdays, Sundays and holidays. Connecticut General Statutes Section 10-154a(c). All school employees are encouraged to contact the school administration immediately upon obtaining physical evidence.

- (6) Consequences for the Use, Sale, Distribution or Possession of Controlled Drugs, Controlled Substances, Drug Paraphernalia, Performance Enhancing Substances or Alcohol.
- (a) Any student athlete in the Newtown Public Schools using, consuming, possessing, being under the influence of, manufacturing, distributing, selling or aiding in the procurement of controlled drugs, controlled substances, drug paraphernalia, performance enhancing substances or alcohol, either on or off school property, or at a school-sponsored activity, except as such use or possession is in accordance with Connecticut General Statutes Sections 21a-408a through 408q, is subject to discipline up to and including expulsion pursuant to the Board's student discipline policy. On and after January 1, 2022, a student shall not face greater discipline, punishment or sanction for the use, sale, or possession of cannabis on school property than a student would face for the use, sale, or possession of alcohol on school property, except as otherwise required by applicable law.
- (b) Student athletes found to be in violation of this policy may be referred by the building administrator to an appropriate agency licensed to assess and treat drug and alcohol involved individuals. In such event, assessment and treatment costs will be the responsibility of the parent or guardian.
- (c) A meeting may be scheduled with appropriate school staff members for the purpose of discussing the school's drug and alcohol policy and this chemical health policy with the student athlete and parent or guardian.
- (d) Law enforcement officials may be contacted by the building administrator in the case of suspected involvement in the use, sale or distribution of

controlled drugs, controlled substances, drug paraphernalia, performance enhancing substances or alcohol.

- (e) A student athlete found by the administration to have violated this policy may, in the discretion of school administrators, be suspended from play for short or long term periods, or may have student athletic participation privileges revoked.
 - (f) A student athlete found by the administration to have used performance enhancing substances shall receive a minimum penalty of revocation of athletic participation privileges for one hundred eighty (180) days. The Board shall report the violation to the CIAC.
 - (f) The Board recognizes that the CIAC may impose additional sanctions on student athletes participating in CIAC controlled activities who are found to have violated this policy.
- (7) Prohibition on the Promotion or Dispensing of Performance Enhancing Substances by School Staff Members, Coaches or Volunteers.
- (a) No school staff member, coach or volunteer responsible for or involved in student athletic programs shall dispense any drug, medication (prescription or non-prescription), or food supplement to any student athlete except under the supervision of the school nurse or designee in accordance with Connecticut General Statutes Section 10-212a and the applicable regulations, and in accordance with any Board policies and regulations concerning medication administration.
 - (b) No school staff member, coach or volunteer responsible for or involved in student athletic programs shall encourage the use of any drug, medication (prescription or non-prescription), or food supplement in a manner not described by the manufacturer.
 - (c) No school staff member, coach or volunteer responsible for or involved in student athletic programs shall supply, recommend, or knowingly permit student athletes to use any drug, medication (prescription or non-prescription), or food supplement for the specific purpose of enhancing their athletic performance.
 - (d) A school staff member, or coach responsible for or involved in student athletic programs, who violates the terms of this policy shall be subject to discipline, up to and including termination of employment. The Board may also report violations of this policy by employees to parents of student athletes and/or state and local authorities.
 - (e) The Board shall immediately terminate a volunteer responsible for or involved in student athletic programs who violates the terms of this policy. The Board may also report violations of this policy by volunteers to parents of student athletes and/or state and local authorities.

- (8) Publication of Chemical Health Policy to School Staff Members, Coaches, Volunteers and Student Athletes.
- (a) The Board shall publish this chemical health policy to all school staff members, coaches and volunteers responsible for or involved in student athletic programs.
 - (b) The Board shall publish this chemical health policy to all student athletes and their parents/guardians.

Legal References:

Connecticut General Statutes:

June Special Session, Public Act No. 21-1, An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis

Section 10-154a

Section 10-212a

Section 10-221

Section 21a-240

Section 21a-243

Sections 21a-408a through 408q

2021-2022 CIAC Handbook, Section 4.12.E (Chemical Health Policy and Regulations), available at https://www.casciac.org/pdfs/ciachandbook_2122.pdf

Adopted:

Revised:

NEWTOWN PUBLIC SCHOOLS

Newtown, Connecticut

Note: In July 2022, the U.S. Department of Education, Office for Civil Rights, released new guidance regarding supporting students with disabilities and avoiding the discriminatory use of discipline under Section 504 of the Rehabilitation Act.

S & G revised their model policy, and one of the forms, in light of this guidance. Also, they made edits to reflect gender-neutral language and other technical revisions to the policy, regulations, and forms.

This policy was updated in September 2022 and the NPS policy is dated November 21, 2017. It is recommended the Board adopt this policy and rescind the current policy, 5145.4. At the time of adoption of the new policy, the Superintendent will share the attached Administrative Regulations with the Board as an Item of Information.

Note: On September 30, 2024, S & G updated this policy and administrative regulations. New text is highlighted in yellow. Deleted text is bold and has a strikethrough. Changes were made to the following pages: 2, 5, 7, 8, 10, and 11.

**Series 5000
Students**

5145.4

**POLICY AND ADMINISTRATIVE REGULATIONS REGARDING
STUDENTS AND SECTION 504 OF THE REHABILITATION ACT OF 1973
AND TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) prohibits discrimination against individuals with a disability in any program receiving Federal financial assistance. Similarly, Title II of the Americans with Disabilities Act of 1990 (“Title II” or “ADA”) prohibits discrimination against individuals with a disability by state and local governments. To be protected under Section 504 and the ADA (“collectively, “Section 504/ADA”), an individual must (1) have a physical or mental impairment that substantially limits one or more major life activities; (2) have a record of such an impairment; or (3) be regarded as having such an impairment.

In order to fulfill its obligation under Section 504/ADA, the Newtown Public Schools (the “District”) recognize a responsibility to avoid discrimination in policies and practices regarding its personnel, students, parents/guardians and members of the public who participate in school sponsored programs, which may require reasonable modifications to such policies and practices. In this regard, the District prohibits discrimination against any person with a disability in any of the services, programs or activities of the school system.

The District has specific responsibilities under Section 504 to identify, evaluate and provide an educational placement for students who have a physical or mental impairment that substantially limits a major life activity. The District’s obligation includes providing access to a free appropriate public education (“FAPE”) for students determined to be eligible under Section 504/ADA. Under Section 504, FAPE is defined as the provision of regular or special education and related services that are designed to meet the individual

educational needs of a student with a disability as adequately as the needs of students without disabilities are met, and that are provided without cost (except for fees similarly imposed on nondisabled students/parents).

If a student's parents/guardians disagree with the decisions made by the professional staff of the District with respect to the identification, evaluation or educational placement of their child, such parents/guardians have a right to request an impartial due process hearing.

In addition, a student or parent/guardian of a student may also file an internal grievance/complaint on these issues or any other type of discrimination on the basis of disability by or within the District by utilizing the grievance/complaint procedures outlined in the Administrative Regulations Regarding Students and Section 504 of Rehabilitation Act of 1973 and Title II of Americans with Disabilities Act associated with this policy, and/or may file a complaint with the Office for Civil Rights, U.S. Department of Education ("OCR"):

Office for Civil Rights, Boston Office
U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109-3921
(617) 289-0111

Anyone who wishes to file a grievance/complaint with the District, or who has questions or concerns about this policy, should contact ~~Deborah Mailloux-Petersen~~, the Section 504/ADA Coordinator for the ~~Newtown Public Schools~~, at phone number ~~203-426-7628~~. **District:**

Deborah Mailloux-Petersen
Director of Pupil Services
3 Primrose Street
Newtown, CT 06470
Telephone: 203-426-7628
petersend@newtown.k12.ct.us

Legal References:

29 U.S.C. §§ 705, 794
34 C.F.R. Part 104
42 U.S.C. § 12101 et seq.
28 C.F.R. Part 35

Protecting Students with Disabilities, Frequently Asked Questions About Section 504 and the Education of Children with Disabilities, Office for Civil Rights (March 17, 2011), available at <http://www.ed.gov/about/offices/list/ocr/504faq.html>

Dear Colleague Letter, United States Department of Education, Office for Civil Rights
(January 19, 2012)

Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline Under Section 504 of the Rehabilitation Act of 1973, Office for Civil Rights (July 2022), available at https://www2.ed.gov/about/offices/list/ocr/docs/504-discipline-guidance.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term

Adopted:

NEWTOWN PUBLIC SCHOOLS

Revised:

Newtown, Connecticut

**ADMINISTRATIVE REGULATIONS REGARDING STUDENTS
AND SECTION 504 OF THE REHABILITATION ACT OF 1973
AND TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

Newtown Board of Education Section 504/ADA Grievance/Complaint
Procedures Regarding Discrimination Against Students on the Basis of Disability

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) and Title II of the Americans with Disabilities Act of 1990 (“Title II” or “ADA”) (collectively, “Section 504/ADA”) prohibit discrimination on the basis of disability. For the purposes of Section 504/ADA, the term “disability” with respect to an individual means: (a) a physical or mental impairment that substantially limits one or more major life activities of such individual; (b) a record of such an impairment; or (c) being regarded as having such an impairment.

I. Definitions

Free appropriate public education (FAPE) for purposes of Section 504, refers to the provision of regular or special education and related aids and services that are designed to meet individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met, that are provided without cost (except for fees similarly imposed on nondisabled students/parents), and is based upon adherence to procedures that satisfy the Section 504 requirements pertaining to educational setting, evaluation and placement, and procedural safeguards.

Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working. A major life activity also includes the operation of a major bodily function, such as the functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive systems. The operation of a major bodily function includes the operation of an individual organ within a body system.

Mitigating measures include, but are not limited to, (a) medication, medical supplies, equipment, appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment and supplies; (b) use of assistive technology; (c) reasonable modifications or auxiliary aids or services; (d) learned behavioral or adaptive neurological modifications; or (e) psychotherapy, behavioral therapy, or physical therapy.

Physical or mental impairment is (a) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems, such as: neurological, musculoskeletal, special sense organs, respiratory (including speech organs),

cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; (b) any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability; or (c) an impairment that is episodic or in remission if it would substantially limit a major life activity when active. Physical or mental impairment includes, but is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech, and hearing impairments, and cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

II. Procedures for Grievances/Complaints Alleging Discrimination on the Basis of Disability

- A. Any eligible person, including any student, parent/guardian, staff member or other employee who feels that the individual has been discriminated against on the basis of disability (including differential treatment, harassment and retaliation) may submit a written complaint to the designated Section 504/ADA Coordinator (*see* contact information below) for the Newtown Public Schools (the “District”) within thirty (30) school days of the alleged occurrence. Complaints by students and/or parents/guardians alleging discrimination involving students will be investigated under these procedures; complaints by employees or other non-students will be investigated under ~~Administrative Regulations 4118.14/4218.14.~~ **the appropriate administrative regulations.**
- B. Timely reporting of complaints facilitates the prompt investigation and resolution of such complaints. If a complaint is filed relating to alleged discrimination occurring more than thirty (30) school days after the alleged occurrence, the Board’s ability to investigate the allegations may be limited by the passage of time. Therefore, complaints received after thirty (30) school days of the alleged occurrence shall be investigated to the extent possible, given the passage of time and the impact on available information, witnesses and memory. If a complaint is made verbally, the individual taking the complaint will reduce the complaint to writing.
- C. At any time, when a complaint involves discrimination that is directly related to a claim regarding the identification, evaluation or educational placement of a student under Section 504, the complainant may request that the Section 504/ADA Coordinator submit the complaint directly to an impartial hearing officer and request a due process hearing in accordance with Section III.D. Complaints regarding a student’s rights with respect to the student’s identification, evaluation or educational placement shall be addressed in accordance with the procedures set forth below in Section III.
- D. Retaliation against any individual who complains pursuant to the Board’s policy and regulations listed herein is strictly prohibited. The District will not tolerate any retaliation that occurs as a result of the good faith reporting or complaint of disability-based discrimination or as a result of an individual’s participation or cooperation in the investigation of a complaint. The District will take necessary

actions to prevent retaliation as a result of filing a complaint or the participation in an investigation of a complaint.

- E. If the Section 504/ADA Coordinator is the subject of the complaint, the complaint should be submitted directly to the Superintendent who may conduct the investigation or appoint a designee to conduct the investigation in accordance with these procedures. If the Superintendent is the subject of the complaint, the Board shall designate an appropriate party to conduct the investigation in accordance with these procedures.
- F. Complaints will be investigated promptly. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information and other extenuating circumstances. Confidentiality will be maintained by all persons involved in the investigation to the extent possible.
- G. If a disability discrimination complaint raises a concern about bullying behavior, the Section 504 Coordinator shall notify the Safe School Climate Specialist or designee who shall coordinate any bullying investigation with the Section 504 Coordinator, so as to ensure that any such bullying investigation complies with the requirements of applicable Board policies.
- H. The complaint should contain the following information:
 - 1. The name of the complainant;
 - 2. The date of the complaint;
 - 3. The date(s) of the alleged discrimination;
 - 4. The names of any witnesses or individuals relevant the complaint;
 - 5. A detailed statement describing the circumstances in which the alleged discrimination occurred; and
 - 6. The remedy requested.

However, all complaints will be investigated to the extent possible, even if such information is not included in the complaint. In such circumstances, additional information may be requested by the investigator as part of the investigation process.

- I. Upon receipt of the complaint, the individual investigating the complaint shall:
 - 1. Provide a copy of the written complaint to the Superintendent of Schools;
 - 2. Meet separately with the complainant and the respondent within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant and respondent believe have relevant information, and obtain any relevant documents the complainant and respondent may have;
 - 3. Provide the complainant and the respondent with a copy of the applicable Board Section 504/ADA Policy and these administrative regulations;
 - 4. Consider whether and which interim measures might be appropriate for an alleged victim and the respondent pending the outcome of the District's investigation;
 - 5. Conduct an investigation of the factual basis of the complaint that is adequate, reliable, and impartial, including conducting interviews with individuals with information and review of documents relevant to the

- complaint;
6. Maintain confidentiality to the extent practicable throughout the investigative process in accordance with state and federal law;
 7. Communicate the outcome of the investigation in writing to the complainant, and to the respondent (to the extent permitted by state and federal confidentiality requirements), within fifteen (15) school days from the date the complaint was received by the Section 504/ADA Coordinator or Superintendent. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify how the District will remedy any identified violations of Section 504/ADA. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant and the respondent shall be notified of any such extension;
 8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint, and no later than fifteen (15) school days after the start of the following school year. The complainant and the respondent will receive notice if the investigation has been impeded by the summer recess, and interim measures may be implemented as necessary (see sub-paragraph 4);
 9. Ensure that appropriate corrective action is taken whenever allegations are verified. When allegations are verified, ensure that measures to remedy the effects of the discrimination and prevent its recurrence are appropriately considered, and offered, when appropriate. Corrective action should include steps to avoid continuing discrimination;
 10. In the event the investigator concludes that there is no violation of Section 504/ADA, the District may attempt to resolve the complainant's ongoing concerns, if possible.

J. ~~If the complainant or the respondent is not satisfied with the findings and conclusions of the investigation, the dissatisfied party may request review and reconsideration of the conclusion of the complaint (an "Appeal") within thirty (30) days of receipt of the written outcome. In requesting an Appeal, the appealing party must submit the complaint, the written outcome of the complaint, and explain why such party believes the factual information relied upon by the investigator was incomplete, the analysis of the facts was incorrect, and/or the appropriate legal standard was not applied, and how this information would change the investigator's determination in the case. Failure to provide all such information may result in the denial of the Appeal.~~

J. After receiving the written notice of outcome, parties shall have ten (10) school days to submit a formal written statement of appeal, if they so choose, to the Superintendent of Schools, challenging the outcome of the investigations and explaining the basis for appeal.

~~Upon review of an Appeal from the appealing party, the Superintendent shall review the investigative results of the investigator and determine if~~

~~further action and/or investigation is warranted, or shall appoint a designee to do so. Such action may include consultation with the investigator and other relevant witnesses, a meeting with appropriate individuals to attempt to resolve the complaint or a decision affirming or overruling the investigator's conclusions or findings. The Superintendent or designee shall provide written notice to the appealing party and the other party of the Superintendent or designee's decision within ten (10) school days following the receipt of the Appeal. When an Appeal is received during summer recess, the Superintendent or designee shall conduct the review as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the review, and no later than ten (10) school days after the start of the following school year. The Superintendent or designee's decision shall be final.~~

Upon receipt of an appeal, the Superintendent shall appoint a decisionmaker(s) for the appeal, who may be the Superintendent or designee. The decisionmaker(s) for the appeal will provide the appealing party's written statement to the non-appealing party. The non-appealing party will then have ten (10) school days to submit to the decisionmaker(s) for the appeal a written statement in support of, or challenging, the outcome of the investigation.

The decisionmaker(s) for the appeal shall review the evidence and the information presented by the parties and determine if further action and/or investigation is warranted. Such action may include consultation with the investigator(s) and the parties, a meeting with appropriate individuals to attempt to resolve the complaint, or a decision affirming or overruling the written outcome. Generally, a party's disagreement with the outcome of the investigation, alone, will not be the basis for further action. The decisionmaker(s) for the appeal will attempt to issue written notice of the outcome of the appeal to the parties within thirty (30) school days of receipt of all written statements from the parties.

III. **Grievance/Complaint Resolution Procedures for Complaints Involving a Student's Identification, Evaluation or Educational Placement**

Complaints regarding a student's identification, evaluation or educational placement shall generally be handled using the procedures described below. **However, at any time, the complainant may request that the Section 504/ADA Coordinator submit the complaint directly to an impartial hearing officer, and request a hearing in accordance with the provisions of subsection D (below).**

A. Submission of Complaint to Section 504/ADA Coordinator

1. In order to facilitate the prompt investigation of complaints, any complaint regarding a student's identification, evaluation or educational placement under Section 504 should be forwarded to the District's Section 504/ADA Coordinator (*see* contact information below) within thirty (30) school days of the alleged date that the dispute regarding the student's identification, evaluation and/or education placement arose. Timely

reporting of complaints facilitates the resolution of potential educational disputes.

2. The complaint concerning a student's identification, evaluation or educational placement should contain the following information:
 - a. Full name of the student, age, and grade level;
 - b. Name of parent(s);
 - c. Address and relevant contact information for parent/complainant;
 - d. Date of complaint;
 - e. Specific areas of disagreement relating to the student's identification, evaluation and/or placement; and
 - f. Remedy requested.

However, all complaints will be investigated to the extent possible even if such information is not included in the written complaint. In such circumstances, additional information may be requested by the investigator as part of the investigation process.

3. Complaints will be investigated promptly within timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information and other extenuating circumstances.
4. Upon receipt of the complaint, the Section 504/ADA Coordinator or the Coordinator's designee shall:
 - a. Forward a copy of the complaint to the Superintendent of Schools;
 - b. Meet with the complainant within ten (10) school days to discuss the nature of the complainant's concerns and determine if an appropriate resolution can be reached, or whether interim measures may be appropriate. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and other individuals who may have information relevant to the complaint, and no later than ten (10) school days after the start of the following school year;
 - c. If, following such a meeting, further investigation is deemed necessary, the Section 504/ADA Coordinator or designee shall promptly investigate the factual basis for the complaint, consulting with any individuals reasonably believed to have relevant information, including the student and/or complainant; and
 - d. Communicate the results of the investigation in writing to the complainant and any persons named as parties to the complaint (to the extent permitted by state and federal confidentiality

requirements) within fifteen (15) school days from the date the complaint was received by the Section 504/ADA Coordinator or designee.

- e. In the event that the Section 504/ADA Coordinator or designee has a conflict of interest that prevents such individual from serving in this role, the complaint shall be forwarded to the Superintendent who shall appoint an investigator who does not have a conflict of interest.

B. Review by Superintendent of Schools

~~1. If the complainant is not satisfied with the findings and conclusions of the investigation, the dissatisfied party may present the complaint and written outcome to the Superintendent for review and reconsideration (an "Appeal") within thirty (30) calendar days of receiving the findings. This process provides an opportunity for the appealing party to bring information to the Superintendent's attention that would change the outcome of the investigation. In submitting an Appeal, the appealing party must explain why such party believes the factual information relied upon by the investigator was incomplete, the analysis of the facts was incorrect, and/or the appropriate legal standard was not applied, and how this information would change the investigator's determination in the case. Failure to provide all such information may result in the denial of the Appeal.~~

1. After receiving the written notice of the outcome, the Complainant shall have ten (10) school days to submit a formal written statement of appeal, if they so choose, to the Superintendent of Schools challenging the outcome of the investigation and explaining the basis for appeal. Upon receipt of an appeal, the Superintendent shall appoint a decisionmaker(s) for the appeal, who may be the Superintendent or designee.
2. ~~Upon review of an Appeal from the appealing party, the Superintendent~~ The decisionmaker(s) for the appeal shall review the ~~investigative results of the investigator~~ evidence and information presented by the parties and determine if further action and/or investigation is warranted, ~~or appoint a designee to do so~~. Such action may include consultation with the investigator(s) and other relevant witnesses the parties, a meeting with appropriate individuals to attempt to resolve the complaint or a decision affirming or overruling the ~~investigator's conclusions or findings. The Superintendent or designee shall provide written notice to the appealing party of the Superintendent or designee's decision~~ the written outcome. Generally, a party's disagreement with the outcome of the investigation, alone, will not be basis for further action. The decisionmaker(s) for the appeal will attempt to issue written notice of the outcome of the appeal to the parties within ~~ten (10)~~ thirty (30) school days following the receipt of the

~~Appeal, or if the Appeal is received during summer recess, as quickly as possible but no later than ten (10) school days after the start of the following school year.~~ of receipt of all written statements from the parties.

3. If the complainant is not satisfied with the ~~Superintendent or designee's~~ decisionmaker for the appeal's decision or proposed resolution, such individual may request that the Superintendent submit the matter to a neutral mediator or to an impartial hearing officer. This request for mediation or a hearing should be made within fifteen (15) school days of the Superintendent or designee's decision.

C. Mediation Procedures

1. A parent/guardian or student aged 18 or older may request mediation with a neutral mediator to attempt to resolve a disagreement with the decisions made by the professional staff of the District with respect to the identification, evaluation or educational placement of the student.
2. A request for mediation regarding a student's identification, evaluation or educational placement under Section 504 should be forwarded to the District's Section 504/ADA Coordinator within thirty (30) school days of the alleged date that the dispute regarding the student's identification, evaluation, and/or education placement arose or within fifteen (15) school days of the Superintendent's decision in reviewing a complaint handled through the grievance/complaint procedure described in Section III.B, above. Mediation shall only occur by mutual agreement of the parties.
3. The request for mediation concerning a disagreement relating to a student's identification, evaluation or educational placement should contain the following information:
 - a. Full name of the student, age, and grade level;
 - b. Name of parent(s);
 - c. Address and relevant contact information for parent/complainant;
 - d. Date of complaint;
 - e. Specific areas of disagreement relating to the student's identification, evaluation and/or placement; and
 - f. Remedy requested.
4. Upon receipt of a request for mediation,
 - a. The Section 504/ADA Coordinator shall:
 - i. Forward a copy of the request for mediation to the Superintendent of Schools; and
 - ii. Inform the parent/guardian or student 18 years old or older as to whether the District agrees to mediation in writing.
 - b. If the District agrees to mediation, the Board shall retain a neutral mediator who is knowledgeable about the requirements of Section

504/ADA and has an understanding of a free appropriate public education (“FAPE”) under Section 504 and the distinctions between and among Section 504, the ADA and the Individuals with Disabilities Education Act (“IDEA”).

- c. If the District does not agree to mediation, the Section 504/ADA Coordinator shall inform the parent/guardian or student aged 18 or older of their right to request an impartial hearing.
5. The mediator shall inform all parties involved of the date, time and place of the mediation and of the right to have legal counsel or other representation at the complainant’s own expense, if desired.
6. The mediator shall meet with the parties jointly, or separately, as determined by the mediator, and shall facilitate a voluntary settlement of the dispute between the parties, if possible.
7. All statements, offers, or discussions and/or information shared during the mediation process, but not available from other means, shall be confidential, and may not be used in a subsequent hearing or other administrative or judicial proceeding related to the disagreement that is the subject of the mediation.
8. If the parties are not able to reach a voluntary settlement of the dispute, the complainant may request an impartial hearing, as described below.

D. Impartial Hearing Procedures

An impartial due process hearing is available to a parent/guardian of a student, or a student aged 18 years of age or older, who disagrees with the decisions made by the professional staff of the District with respect to the identification, evaluation or educational placement of the student, or otherwise makes a claim of discrimination relating to the identification, evaluation or educational placement of the student.

1. The request for a due process hearing concerning a disagreement relating to a student’s identification, evaluation or educational placement should contain the following information:
 - a. Full name of the student, age, and grade level;
 - b. Name of parent(s);
 - c. Address and relevant contact information for parent/complainant;
 - d. Date of complaint;
 - e. Specific areas of disagreement relating to the student’s identification, evaluation and/or placement; and
 - f. Remedy requested.
2. Upon receipt of a request for an impartial due process hearing, the Board shall retain an impartial hearing officer. The impartial hearing officer

must be someone who is knowledgeable about the requirements of Section 504/ADA and has an understanding of a free appropriate public education (“FAPE”) under Section 504 and the distinctions between and among Section 504, the ADA and the IDEA.

3. The impartial hearing office shall schedule a pre-hearing conference with the District and the parent(s) or student aged 18 years of age or older (and/or legal counsel for the student) to identify the issue(s) for hearing, set the hearing schedule and address other administrative matters related to the hearing, including the option for mediation.
4. The impartial hearing officer shall inform all parties involved of the date, time and place of the hearing and of the right to present witnesses, other evidence and to be represented by legal counsel at each party’s own expense, if desired.
5. The impartial hearing officer shall hear all aspects of the complainant’s complaint concerning the identification, evaluation or educational placement of the student and shall reach a decision within forty-five (45) school days of receipt of the request for hearing. The decision shall be presented in writing to the complainant and to the Section 504/ADA Coordinator. The impartial hearing officer’s decision shall be final.
6. An impartial hearing officer under Section 504 does not have jurisdiction to hear claims alleging discrimination, harassment or retaliation based on an individual’s disability unless such a claim is *directly related* to a claim regarding the identification, evaluation, or educational placement of a student under Section 504.
7. The time limits noted herein may be extended for good cause shown for reasons including, but not limited to, permitting more time for thorough review of the record, presentation of evidence or opportunity for resolution.

E. Drug/Alcohol Violations

If a student with a disability violates the Board’s policies relative to the use or possession of illegal drugs or alcohol, the Board may take disciplinary action against such student for the student’s illegal use or possession of drugs or alcohol to the same extent that the Board would take disciplinary action against nondisabled students. Such disciplinary action is not subject to the complaint or due process procedures outlined above.

IV. The Section 504/ADA Coordinator for the District is:

Deborah Mailloux-Petersen
Director of Pupil Services
3 Primrose Street
Newtown, CT 06470
Telephone: 203-426-7628

V. Complaints to Federal Agencies

At any time, the complainant has the right to 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); <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>.

NEWTOWN PUBLIC SCHOOLS

NOTICE OF PARENT/STUDENT RIGHTS UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973 AND TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) is a non-discrimination statute enacted by the United States Congress. Section 504 prohibits discrimination on the basis of disability by recipients of federal funds. Title II of the Americans with Disabilities Act (“ADA” or “Title II”) also prohibits discrimination on the basis of disability by state and local governments. To be protected under Section 504 and the ADA (“collectively, “Section 504/ADA”) as an individual with a disability, an individual must (1) have a physical or mental impairment that substantially limits one or more major life activities; (2) have a record of such an impairment; or (3) be regarded as having such an impairment.

Under Section 504, the Newtown Public Schools (the “District”) has specific responsibilities to identify, evaluate and provide an educational placement for students with a disability. The District’s obligation includes providing such eligible students a free appropriate public education (“FAPE”). Section 504 defines FAPE as the provision of regular or special education and related services that are designed to meet the individual educational needs of a student with a disability as adequately as the needs of students without disabilities are met, and that are provided without cost (except for fees similarly imposed on nondisabled students/parents).

A student is eligible for regular or special education and related services under Section 504 if it is determined that the student has a mental or physical disability that substantially limits one or more major life activity such as (but not limited to): caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating or working. A major life activity may also include the operation of a major bodily function, such as an individual’s immune, digestive, respiratory or circulatory systems.

A student can have a disability and be covered by Section 504/ADA even if the student does not qualify for, or receive, special education services under the IDEA.

The purpose of this notice is to provide parents/guardians and students 18 years of age or older with information regarding their rights under Section 504. Under Section 504, you have the right:

1. To be informed of your rights under Section 504;
2. To have your child take part in and receive benefits from the District’s education programs without discrimination based on your child’s disability;
3. For your child to have equal opportunities to participate in academic, nonacademic and extracurricular activities in your school without discrimination based on your child’s disability;
4. To be notified of decisions and the basis for decisions regarding the identification, evaluation, and educational placement of your child under Section 504;
5. If you suspect your child may have a disability, to request an evaluation, at no expense to you and to have an eligibility determination under Section 504 (and if eligible, placement decisions made) by a team of persons who are knowledgeable of your child, the assessment data, and any placement options;
6. If your child is eligible for services under Section 504, for your child to receive a free appropriate public education (FAPE). This includes the right to receive regular or special education and related services that are designed to meet the individual needs of your child as adequately as the needs of students without disabilities are met;
7. For your child to receive reasonable accommodations and services to allow your child an equal opportunity to participate in school, extra-curricular and school-related activities;

8. For your child to be educated with peers who do not have disabilities to the maximum extent appropriate;
9. To have your child educated in facilities and receive services comparable to those provided to non-disabled students;
10. To review all relevant records relating to decisions regarding your child's Section 504 identification, evaluation, and educational placement;
11. To examine or obtain copies of your child's educational records at a reasonable cost unless the fee would effectively deny you access to the records;
12. To request changes in the educational program of your child, to have your request and related information considered by the team, a decision made by the team, and if denied, an explanation for the team's decision/determination;
13. To request an impartial due process hearing if you disagree with the District's decisions regarding your child's Section 504 identification, evaluation or educational placement. The costs for this hearing are borne by the District. You and the student have the right to take part in the hearing and to have an attorney represent you at your expense;
14. To file a local grievance/complaint with the District's designated Section 504/ADA Coordinator to resolve complaints of discrimination including, but not limited to, claims of discrimination directly related to the identification, evaluation or placement of your child; and
15. To file a formal complaint with the U.S. Department of Education, Office for Civil Rights.

The Section 504/ADA Coordinator for the District is:

Deborah Mailloux-Petersen
Director of Pupil Services
3 Primrose Street
Newtown, CT 06470
Telephone: 203-426-7628
petersend@newtown.k12.ct.us

For additional assistance regarding your rights under Section 504 and Title II of the Americans with Disabilities Act, you may contact:

Office for Civil Rights, Boston Office
U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109-0111
(617) 289-0111.

Administrative Regulations Adopted:

Note: Staff may use these forms or those provided through CT Special Education Data System (CT SEDS)

**Newtown Public Schools
Section 504 Referral Form**

I. Identifying Information

Name: _____ DOB: _____ Age: _____
Date of Referral: _____

Primary Language: ___ English ___ Other: _____

Referring Person: _____ Relationship to Student: _____

Parent/Guardian:
Address: _____ Cell Phone: _____ E-mail: _____

Parent/Guardian
Address: _____ Cell Phone: _____ E-mail: _____

Current School: _____ Grade: _____

II. Background Information

A. Reason for Referral: (Identify areas of concern)

B. Strategies/Interventions to Date: (Attach copies of documentation)

C. Pertinent Evaluative Data: (e.g. test scores, grades, evaluations, etc.)

D. Other Relevant Information:

E. Special Services History

Are you aware of any special services that have been provided to this student in the past?

Yes No

If yes, describe the type, location and provider of the service.

4. Parent Notification (if individual other than Parent has made referral):

Has the parent/guardian been notified about your concerns regarding this student?

Yes No

If Yes, method of notification: _____

Date(s) parent/guardian was notified: _____

Signed: _____ Date: _____
(Signature of individual completing this form)

**NEWTOWN PUBLIC SCHOOLS
SECTION 504 MEETING NOTICE**

Date: _____

Parent/Guardian:
Street:
City/Zip Code:

Parent/Guardian:
Street:
City/Zip Code:

Dear _____:

Please be advised that a Section 504 meeting will be convened on behalf of your child,

_____. The meeting is scheduled as follows:
(Child's Name)

Date: _____ Time: _____

Location: _____

The purpose of this meeting is to:

- _____ Plan evaluation/initial evaluation
- _____ Determine eligibility
- _____ Develop Section 504 Plan
- _____ Review new information and/or possible need for re-evaluation
- _____ Review re-evaluation
- _____ Other

The following individuals have been invited to attend:

Name Administration	Name Title
---------------------	------------

Name Instruction	Name Title
------------------	------------

Name Related Service	Name Title
----------------------	------------

Name Student, if appropriate	Name Title
------------------------------	------------

Please make every effort to attend this meeting. You may bring anyone of your choosing to this meeting. The meeting can be rescheduled at a mutually agreed upon time and place. A COPY OF YOUR RIGHTS IS ENCLOSED. If you have any questions or wish to reschedule the meeting, please contact me:

Sincerely, _____
[Name and Title]

A copy of this notice has been sent to the parent(s), as 504 Rights have been transferred to the student at age 18.

NEWTOWN PUBLIC SCHOOLS

SECTION 504 PLAN

NAME: _____ DOB: _____ GRADE: _____

SCHOOL: _____

DATE OF MEETING: _____

1. Describe the nature of the concern: _____

2. Describe all evaluation data gathered: _____

3. Identify the disability(ies) (i.e., physical or mental impairment that substantially impacts one or more major life activities) : _____

4. Describe the basis for determining the disability(ies) (if any):

5. Describe how the disability affects each of the impacted major life activities:

6. Please describe the analysis undertaken to determine the potential impact on a major life activity, without consideration of the ameliorating effects of any “mitigating measures,” except for ordinary eyeglasses or contact lenses. Mitigating measures may include, but are not limited to, (a) medication, medical supplies, equipment, appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment and supplies; (b) use of assistive technology; (c) reasonable modifications

or auxiliary aids or services; (d) learned behavioral or adaptive neurological modifications; or (e) psychotherapy, behavioral therapy, or physical therapy.

Did the team consider the impact of the disability on a major life activity **without** the potential impact of any mitigating measures (except for ordinary eyeglasses and contact lenses)? For example, if the student is currently using a hearing aid, did the team consider whether the student has a physical or mental impairment that substantially limits a major life activity if the student were not using the hearing aid?

Yes No

Please describe:

7. Does the student require accommodations (i.e., regular or special education, and/or related aids and services) under section 504, in order to access the student's education and other programs of the District and/or to receive educational benefit? If so, please describe each accommodation that is necessary:

Accommodation/Service	Frequency (time/daily/weekly)	Responsible staff/implementer	Additional Description

Use this space for narrative descriptions, if necessary:

Next Projected Meeting Date: _____

Next Review/Re-evaluation Date: _____

(must be completed)

Participants (Name and Title)

_____	_____
_____	_____
_____	_____
_____	_____

cc: Student's Cumulative File

NEWTOWN PUBLIC SCHOOLS
Section 504
Student Eligibility Determination Worksheet

Name: _____ DOB: _____ Age: _____

Date of Meeting: _____ Current School: _____ Grade: _____

Case Manager: _____

Parent/Guardian: _____

Address: _____

Cell phone: _____

E-mail: _____

Parent/Guardian: _____

Address: _____

Cell phone: _____

E-mail: _____

Reason for Meeting: Initial ____ Review ____ Revise Plan ____

Describe the nature of the concern:

Describe any evaluation procedure, tests, recommendations or documentation used as a basis for the decision:

Cognitive:(dated)_____

Social/Emot./Beh:(dated)_____

Classroom Observation:(dated)_____

Developmental:(dated)_____

Health/Med:(dated)_____

Adaptive:(dated) _____

Communication:(dated)_____

Motor:(dated)_____

Achievement:(dated)_____

Other:(dated)_____

If further medical information is needed in order to determine eligibility, please specify steps to be taken to verify and/or obtain additional information:

_____ Consent to communicate with student's physician/medical provider requested
_____ Request for Parent(s)/Guardian(s) to provide additional medical or other information
(specify)

_____ Consultation with the District's medical advisor and/or school nurse requested
_____ Other (please describe): _____

Specify the mental or physical impairment(s):

(as recognized in DSM-5 or other respected source if not excluded under 504/ADA, e.g., current illegal drug use)

Indicate the Major Life Activity or Activities Substantially Affected by the Disability:

_____ **Does Require a 504 Plan**

_____ **Does NOT Require a 504 Plan**

D. Eligibility Determination:

A student is eligible to receive services and/or accommodations under Section 504 if it is determined that the student has a physical or mental impairment that substantially limits one or more major life activities. The team must consider a variety of sources when determining whether a student has such impairment.

1. What sources of information are available at this time? **Check all that apply**
(Include relevant dates and names of evaluators, where appropriate.)

- School records review (dated) _____
- Observations of student (dated) _____
- Grades & report card review (dated) _____
- Teacher reports (dated) _____
- Parent and/or student report (dated) _____
- Informal assessments (dated) _____
- Medical information (dated) _____
- Nursing Assessment (dated) _____
- Standardized testing (dated) _____
- Parent/Student Interviews (dated) _____
- Checklists/behavior rating scales (dated) _____
- Other (dated) _____

2. Is current available information sufficient to make the determination of the presence of a physical or mental impairment that substantially limits a major life activity?

- Yes If "YES," continue to number 3 below.
- No If "No," Specify the type of additional information that is needed: _____

➤ If the team determines additional information is necessary and the information to be obtained includes testing, team must obtain parent consent on *Consent for Section 504 Evaluation* form; tests/evaluations recommended by the team shall be conducted at District expense. Parent may wish to provide outside evaluation and/or testing information from a qualified provider to be considered by the team; such evaluations and/or testing shall be at Parent expense. The District shall consider such outside information at team meeting, and must determine whether the information provided by the Parent meets the District's standards for evaluators and evaluations. If it is necessary to communicate with outside providers, the District must obtain a release to communicate with professionals outside of district. Once needed information is gathered, a 504 meeting will be reconvened to continue the process of determining eligibility.

3. Does the student have one or more physical or mental impairments?

A "physical or mental impairment" means (a) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems, such as: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine or (b) any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability. Physical or mental impairment includes, but is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech, and hearing impairments, and cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

- NO
- YES

If "NO": If no physical or mental impairment exists, the student is not identified as an individual with a disability. Go to **Section E** of this form.

If “YES”: What are the impairments? *Please describe as recognized in DSM-5 or other respected source, if possible, if not excluded under Section 504/ADA (e.g., illegal drug use).*

- **Attach all supporting documentation to this form. A statement of “YES” without supporting documentation is insufficient to meet this standard.**
- **If the team determines that the student is identified as having one or more physical or mental impairments, continue to the next page to determine whether there is a substantial limitation to one or more major life activities.**

4. Does the identified impairment substantially limit one or more major life activities? Please describe degree of limitation as compared to other students. *Ask: Is the impairment impacting one or more major life activities? Which ones? How is one or more major life activity impacted? What is the impact at school?*

A “major life activity” includes, but is not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, or working. A major life activity also includes the operation of a major bodily function, such as the functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, or reproductive systems. The operation of a major bodily function includes the operation of an individual organ within a body system.

5. Mitigating Measures:

In determining eligibility, the team must consider the impact of the disability without consideration of the ameliorative effects of any “mitigating measures” that the student may be using. For example, if the student is currently using a hearing aid, did the team consider whether the student would have a physical or mental impairment that substantially limits a major life activity if the student were not using the hearing aid?

Therefore, with respect to this student, did the team consider the impact of the disability on a major life activity without the potential impact of mitigating measures (except eyeglasses or contact lenses)?

Yes No

Mitigating measures include, but are not limited to, (a) medication, medical supplies, equipment, appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment and supplies; (b) use of assistive technology; (c) reasonable modifications or auxiliary aids or services; (d) learned behavioral or adaptive neurological modifications; or (e) psychotherapy, behavioral therapy, or physical therapy.

Please include any information relevant to consideration of mitigating measures:

E. Does the student have a disability under Section 504?

1. Does the student have one or more **physical or mental impairments**?
 No Yes

2. Does the physical or mental impairment **substantially limit** one or more Major Life Activity? No Yes

*Both questions must be answered **YES**, based on the preceding review of evaluative data, in order to determine that the student **has a disability under Section 504 of the Rehabilitation Act.***

3. Based on the answers to #1 and #2 above, does the student have a disability under Section 504? No Yes

If the answer to #3 is "No," skip to Section I. If the answer to #3 is "Yes," continue to Section F.

F. Does the student require a Section 504 Plan in order to provide the student with a free appropriate public education and access to the school's programs (e.g. curriculum, extra-curricular activities, facilities, etc.)?

No Yes

If "Yes," the team must develop a Section 504 Plan.

G. Is this a re-evaluation (i.e. review of current plan/status) before a significant change in placement (e.g., review of new information)?

No Yes *[If "NO," skip to Section H]*

1. What is the anticipated significant change of placement?

- New information received about the student, the impairment or current placement
- Graduation
- Change in program due to Disciplinary Action
- Other (specify) _____

Please describe the updated information considered by the team in conducting the reevaluation.

If additional information, individualized testing and/or evaluations are necessary to determine continued eligibility and/or what is needed in the Student's Section 504 Plan to provide FAPE, please indicate.

2. Consider: Is the student still eligible? No Yes

3. If "Yes," does the student's Section 504 Plan as currently written provide FAPE? Yes No

4. If "No," what changes to the plan are required? Explain basis for each decision in light of information gathered in re-evaluation. _____

H. Other Relevant Information Discussed at Meeting, including any requests rejected, and basis for such rejection.

I. Summary of Actions Taken

- Parent/Guardian (or student if age 18 or over) was provided written notice of rights under Section 504 at the meeting.
- Insufficient information is available to determine student's eligibility. More evaluative information will be obtained prior to convening another Section 504 Team Meeting.
- Student is identified as a person with a disability under Section 504 and in need of regular or special education, or related services or aids.
 - A Section 504 Plan was developed.
- Student is NOT identified as a person with a disability under Section 504.
- A reevaluation has been conducted.
 - Additional information and/or evaluations are required.
- A re-valuation prior to significant change in placement has been conducted.
- Other (please specify) _____

Recorder

Title

**NEWTOWN PUBLIC SCHOOLS
SECTION 504/ADA DISCRIMINATION
GRIEVANCE/COMPLAINT FORM FOR ISSUES REGARDING STUDENTS**

This form is intended to be used if an individual has grievance/complaint under Section 504/ADA alleging discrimination on the basis of a disability, including in the identification, evaluation or educational placement of a student.

1. Name of Complainant: _____ Date: _____

2. Contact Information for Complainant:

(Address)

(Home Tel. #)

(Cell # or Work #)

(E-mail)

3. Name of the Student: _____

4. Address of Student (if different from above):

5. Age/Grade Level/School/ (if applicable):

6. Please describe the nature of your complaint:

7. Proposed resolution or corrective action you wish to see taken with regard to the stated issues:

**NEWTOWN PUBLIC SCHOOLS
 AGREEMENT TO CHANGE SECTION 504 PLAN WITHOUT CONVENING A SECTION 504
 MEETING**

Student: _____ DOB: _____ Grade: _____

School: _____ 504 Plan Being Changed: _____

Parent/Guardian: _____

We agree to make the changes to the student’s Section 504 Plan as described in the documents specified below and which are attached to this agreement. We understand that these changes were not made at a Section 504 meeting. We agree only to the changes described in the attached documents. We understand that this agreement is optional and that a parent/guardian can request a Section 504 meeting at any time to review the Section 504 Plan. We understand that this agreement can be made only if the changes are not part of an Annual Review of the student’s program.

 Parent/Guardian Signature _____
 Date

 School District Representative _____
 Date

This agreement must be signed by an administrator of the District who has full authority to sign such a document on behalf of the District and who is knowledgeable about the general education curriculum and is knowledgeable about the availability of resources of the public agency.

The following documents are attached to this agreement:

	Amendments (please specify)	
	Other (please specify)	

NEWTOWN PUBLIC SCHOOLS
NOTICE AND CONSENT TO CONDUCT A SECTION 504 EVALUATION/RE-EVALUATION

Date
: _____

Dear _____

Your child, _____, _____ has been referred for an evaluation to
 (student's name) (DOB)
 determine eligibility for services under Section 504. The District must obtain the consent of parents before conducting such an evaluation.

The tests/evaluation procedures listed below were recommended:

<u>TEST/EVALUATION PROCEDURE</u>	<u>AREA OF ASSESSMENT</u>	<u>EVALUATOR(S)</u>

Adaptations/accommodations required for this evaluation are:

If the student requires physical adaptations in order for testing/evaluations to be completed, the following adaptations are required: _____

If the student's native language is other than English, the following adaptations are required: _____

No adaptations/accommodations required

PARENTAL CONSENT

I give my consent for the [DISTRICT NAME] Public Schools to conduct the evaluations described above. I understand that this consent may be revoked at any time.

 Parent/Guardian Signature Date

I do not give my consent for the [DISTRICT NAME] Public Schools to conduct the evaluations described above. I understand that the District must take steps as are necessary, which may include requesting an impartial hearing, to ensure that my child receives or continues to receive a free appropriate public education.

 Parent/Guardian Signature Date

NEWTOWN PUBLIC SCHOOLS
NOTICE AND CONSENT FOR PLACEMENT ON SECTION 504 AND
FOR THE PROVISION OF SECTION 504 ACCOMMODATIONS/SERVICES

Date _____
:

Dear _____

Your child, _____, _____ has been evaluated and has been
(student's name) (DOB)

found eligible under Section 504. Prior to the implementation of Section 504 placement, and the provision of accommodations/services under Section 504 (as described in the Section 504 Plan attached hereto), the District requires your consent.

PARENTAL CONSENT

- I give my consent** for the [DISTRICT NAME] Public Schools to place my child on a Section 504 plan as described in the Section 504 Plan attached hereto). I understand that this consent may be revoked at any time.

Parent/Guardian Signature Date

- I do not give** my consent for the [DISTRICT NAME] Public Schools to provide the accommodations/services described in the Section 504 Plan attached hereto.

Parent/Guardian Signature Date

Included with this form are:

- The Section 504 Plan developed at the Section 504 meeting on _____.
 Your Notice of Rights Under Section 504.

NEWTOWN PUBLIC SCHOOLS

WORKSHEET FOR MANIFESTATION DETERMINATION

(For those situations when the expulsion of a 504 student is contemplated; following a series of suspensions that constitute a change in placement; or following a series of informal exclusions that constitute a change in placement)

STUDENT: _____ **GRADE:** _____ **DATE:** _____

1. SECTION 504 MEETING PARTICIPANTS:

NAME	Title
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

2. DESCRIBE NATURE OF STUDENT'S DISABILITY:

3. DESCRIPTION OF MISCONDUCT:

a. Date of Disciplinary Action: _____

b. Date Parents Notified of Disciplinary Action: _____

c. 504 of Notice of Rights Given? Yes No

4. INFORMATION CONSIDERED IN CONDUCTING A MANIFESTATION DETERMINATION:

(Each item below must be considered. Check box as each topic is addressed.)

- Teacher Observations of the Student
- Relevant Information Supplied by Parents
- Evaluations and Diagnostic Results
- Student's 504 Plan
- Relevant Information Supplied by School Staff
- Other (describe)

5. Was the misconduct in question caused by the student’s disability, or does the misconduct in question have a **direct and substantial relationship** to the student’s disability?

YES NO

Comments:

6. Was the misconduct in question a **direct result** of the District’s failure to implement the Section 504 Plan (in relationship to the misconduct in question)?

YES NO

Comments:

7. If the answer to **either** #5 or #6 is “**Yes**”, the behavior under review **is** considered a manifestation of the student's disability.

8. If the answer to **both** #5 and #6 is “**No**”, the behavior under review **is not** considered a manifestation of the student’s disability.

Procedure if Misconduct is not a Manifestation of the Student’s Disability:

If the manifestation determination team determines that the misconduct in question is **not** a manifestation of the student's disability, school personnel may apply the relevant disciplinary procedures to the student in the same manner and for the same duration as the procedures would be applied to a student without disabilities.

Procedure if Misconduct is a Manifestation of the Student’s Disability:

If the manifestation determination team determines that the misconduct in question **is** a manifestation of the student's disability, the 504 Team should:

- 1) conduct a functional behavioral assessment unless the District had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the student;
- or**
- 2) if a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior; **and**

- 3) return the student to the placement from which the student was removed, unless the parent and the District agree to a change of placement as part of the modification of the behavioral intervention plan.

Note: This is a mandated policy. It is recommended to rescind the current policy and approve this policy. The Superintendent will share Administrative Regulations with the Board as an Item of Information.

Names of the Title IX District Coordinator may change as personnel change and/or duties and responsibilities of personnel change. In those instances, the policy is updated and it is not considered a revision of the policy because the substantive content or of the policy is not changed.

**Series 5000
Students**

5145.5

**POLICY AND ADMINISTRATIVE REGULATIONS REGARDING
PROHIBITION OF SEX DISCRIMINATION,
INCLUDING SEX-BASED HARASSMENT**

The Newtown Board of Education (the “Board”) and the Newtown Public Schools (the “District”) do not discriminate on the basis of sex and prohibit sex discrimination in any education program or activity that the Board and/or District operate, as required by Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq. and its implementing regulations (“Title IX”), as it may be amended from time to time, Title VII of the Civil Rights Act of 1964 (“Title VII”), and Connecticut law.

Inquiries about Title IX may be referred to the District’s Title IX Coordinator, the U.S. Department of Education’s Office for Civil Rights, or both. The District’s Title IX Coordinator is:

Deborah Mailloux-Petersen
Director of Pupil Personnel
3 Primrose Street
Newtown, CT 06470
Telephone: 203-426-7628
petersend@newtown.k12.ct.us

The Superintendent of Schools shall develop and adopt grievance procedures that provide for the prompt and equitable resolution of complaints made (1) by students, employees, or other individuals who are participating or attempting to participate in the District’s education program or activity, or (2) by the Title IX Coordinator, alleging any action that would be prohibited by Title IX, Title VII, or Connecticut law (the “Administrative Regulations”). The Administrative Regulations are located hereafter.

Sex discrimination occurs when a person, because of the person’s sex, is denied participation in or the benefits of any education program or activity receiving federal financial assistance. This includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related

conditions, sexual orientation, and gender identity. **Sex discrimination includes sex-based harassment**, as defined below.

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

1. *Quid pro quo harassment*, or where an employee, agent or other person authorized by the Board to provide an aid, benefit or services under its education program or activity explicitly or impliedly conditions the provision of an aid, benefit, or service of the Board on an individual's participation in unwelcome sexual conduct;
2. *Hostile environment harassment*, or unwelcome sex-based conduct that based on the totality of the circumstances, is (1) subjectively and objectively offensive and (2) so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the District's education program or activity. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - a. the degree to which the conduct affected the complainant's ability to access the District's education program or activity;
 - b. the type, frequency, and duration of the conduct;
 - c. the parties' ages, roles within the District's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - d. the location of the conduct and the context in which the conduct occurred; and
 - e. other sex-based harassment in the District's education program or activity; or
3. *A specific offense*, as follows:
 - a. Sexual assault, meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
 - b. Dating violence, meaning violence committed by a person: (i) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (ii) where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship;
 - c. Domestic violence, meaning felony or misdemeanor crimes committed by a person who: (i) is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of Connecticut, or a person similarly situated to a spouse of the victim; (ii) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (iii) shares a child in common with the victim; or (iv) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of Connecticut; or

- d. Stalking, meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (i) fear for the person's safety or the safety of others; or (ii) suffer substantial emotional distress.

Reporting Sex Discrimination:

The following people have a right to make a complaint of sex discrimination, including a complaint of sex-based harassment, requesting that the District investigate and make a determination about alleged discrimination under Title IX:

1. A "complainant," which includes:
 - a. a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
 - b. a person other than a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the Board's education program or activity;
2. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; and
3. The District's Title IX Coordinator.

For clarity, a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of Title IX.

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:

- Any student of the District or employee of the Board; or
- Any person other than a student of the District or employee of the Board who was participating or attempting to participate in the Board's education program or activity at the time of the alleged sex discrimination.

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please contact the District's Title IX Coordinator or an administrator.

Any Board employee who has information about conduct that reasonably may constitute sex discrimination must as immediately as practicable notify the Title IX Coordinator. If the Title IX Coordinator is alleged to have engaged in sex discrimination, Board employees shall instead notify their building principal or the Superintendent of Schools, if the employee is not assigned to a school building.

Individuals may also make a report of sex discrimination to the U.S. Department of Education: Office for Civil Rights, Boston Office, U.S. Department of Education, 9th Floor, 5 Post Office

Square, Boston, MA 02109-3921 (Telephone (617) 289-0111) and/or to the Connecticut Commission on Human Rights and Opportunities, 450 Columbus Boulevard, Hartford, CT 06103-1835 (Telephone: 860-541-3400 or Connecticut Toll Free Number: 1-800-477-5737).

Legal References: 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.
Civil Rights Act of 1964, Title VII, 42 U.S.C. § 2000e-2(a)
Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)
Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)
Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)
Equal Employment Opportunity Commission Policy Guidance on Current Issues of Sexual Harassment (N-915.050), March 19, 1990
Conn. Gen. Stat. § 10-15c - Discrimination in public schools prohibited.
Conn. Gen. Stat. § 46a-54 - Commission powers Connecticut
Conn. Gen. Stat. § 46a-60 - Discriminatory employment practices prohibited
Conn. Gen. Stat. § 46a-81c - Sexual orientation discrimination:
Employment
Conn. Gen. Stat. § 10-153 - Discrimination on the basis of sex, gender identity or expression or marital status prohibited
Conn. Agencies Regs. §§ 46a-54-200 through § 46a-54-207
Brittell v. Department of Correction, 247 Conn. 148 (1998)
Fernandez v. Mac Motors, Inc., 205 Conn. App. 669 (2021)

Adopted:
Revised:

NEWTOWN PUBLIC SCHOOLS
Newtown, Connecticut

The gray highlighted text will be removed from the Administrative Regulations when the Policy is adopted.

Series 5000
Students

5145.5 R

[Note: The following administrative regulations are not part of the sex discrimination and sex-based harassment policy and need not be approved by the Board, unless such approval is required by the Board’s bylaws. However, because a complaint procedure is legally required, these administrative regulations are included for your convenience.]

In investigating conduct pursuant to these administrative regulations, districts are permitted to use a unified investigative model or a bifurcated investigative model. In a unified investigative model, one person—or multiple people working as a team—act as both the investigator and the decisionmaker for a matter. In a bifurcated investigative model, the investigator and the decisionmaker are separate people, or teams of people. These administrative regulations provide for a unified investigative model in most cases but allow a bifurcated investigative model to be implemented in certain circumstances. However, districts can choose to use a bifurcated investigative model for all matters, and the language in these administrative regulations is only one option.

Section IV.10 includes an appeals process. The appeals process regarding the determination of sex discrimination must, at minimum, be the same as the appeals processes in the district’s nondiscrimination policies.

For alleged conduct that occurred before August 1, 2024, districts are required to follow the applicable policy in place at the time the conduct allegedly occurred.]

ADMINISTRATIVE REGULATIONS REGARDING PROHIBITION OF SEX DISCRIMINATION, INCLUDING SEX-BASED HARASSMENT

The Newtown Board of Education (the “Board”) and the Newtown Public Schools (the “District”) do not discriminate on the basis of sex and prohibit sex discrimination in any education program or activity that the Board and/or District operate, as required by Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq. and its implementing regulations (“Title IX”), as it may be amended from time to time, Title VII of the Civil Rights Act of 1964 (“Title VII”), and Connecticut law.

The District has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in the District’s education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX, Title VII, or Connecticut

law. Any reference in these Administrative Regulations to the Title IX coordinator or to an administrator includes such person's designee.

Sex discrimination occurs when a person, because of the person's sex, is denied participation in or the benefits of any education program or activity receiving federal financial assistance. This includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. **Sex discrimination includes sex-based harassment**, as defined below.

Sex-based harassment under Title IX is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

1. *Quid pro quo harassment*, or where an employee, agent or other person authorized by the Board to provide an aid, benefit or services under its education program or activity explicitly or impliedly conditions the provision of an aid, benefit, or service of the Board on an individual's participation in unwelcome sexual conduct);
2. *Hostile environment harassment*, or unwelcome sex-based conduct that based on the totality of the circumstances, is (1) subjectively and objectively offensive and (2) so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the District's education program or activity. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - a. the degree to which the conduct affected the complainant's ability to access the District's education program or activity;
 - b. the type, frequency, and duration of the conduct;
 - c. the parties' ages, roles within the District's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - d. the location of the conduct and the context in which the conduct occurred; and
 - e. other sex-based harassment in the District's education program or activity; or
3. *A specific offense, as follows:*
 - a. Sexual assault, meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
 - b. Dating violence, meaning violence committed by a person: (i) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (ii) where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship;
 - c. Domestic violence, meaning felony or misdemeanor crimes committed by a person who: (i) is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of Connecticut, or a person similarly situated to a spouse of the victim; (ii) is cohabitating, or has cohabitated, with the victim as a

spouse or intimate partner; (iii) shares a child in common with the victim; or (iv) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of Connecticut; or

- d. Stalking, meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (i) fear for the person's safety or the safety of others; or (ii) suffer substantial emotional distress.

SECTION I: REPORTING SEX DISCRIMINATION

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination, please contact the District's Title IX Coordinator or an administrator. The District's Title IX Coordinator is:

Deborah Mailloux-Petersen
Director of Pupil Personnel
3 Primrose Street
Newtown, CT 06470
Telephone: 203-426-7628
petersend@newtown.k12.ct.us

The following people have a right to make a complaint of sex discrimination, including a complaint of sex-based harassment, requesting that the District investigate and make a determination about alleged discrimination under Title IX and under the Board's policy and these Administrative Regulations:

1. A "complainant," which includes:
 - a. a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
 - b. a person other than a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the District's education program or activity;
2. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant (collectively, "parent or guardian"); and
3. The District's Title IX Coordinator.

For clarity, a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of Title IX.

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following people have a right to make a complaint:

- Any student of the District or employee of the Board; or

- Any person other than a student of the District or employee of the Board who was participating or attempting to participate in the District’s education program or activity at the time of the alleged sex discrimination.

The District may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. Consolidation shall not violate the Family Educational Rights and Privacy Act (“FERPA”), and thus requires that prior written consent is obtained from the parents or eligible students to the disclosure of their education records. Where the District is unable to obtain prior written consent, complaints cannot be consolidated. When more than one complainant or more than one respondent is involved, references in these Administrative Regulations to a party, complainant, or respondent include the plural, as applicable.

SECTION II: DEFINITIONS

1. **Bias** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decisionmaker(s) demonstrate actual bias, rather than the appearance of bias. Actual bias includes, but is not limited to, demonstrated personal animus against the respondent or the complainant and/or prejudice of the facts at issue in the investigation.
2. **Complainant** means (1) a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or (2) a person other than a student of the District or employee of the Board who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in the District’s education program or activity at the time of the alleged sex discrimination. When a complainant is a student of the District, reference in these Administrative Regulations to the complainant includes the student’s parent or guardian.
3. **Complaint** means oral or written requests to the District that objectively can be understood as a request for the District to investigate and make a determination about alleged discrimination under Title IX or its regulations and under the Board’s policy and these Administrative Regulations.
4. A **conflict of interest** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decisionmaker(s) have personal, financial and/or familial interests that affected the outcome of the investigation.
5. **Consent** means an active, clear and voluntary agreement by a person to engage in sexual activity with another person (also referred to hereafter as “affirmative consent”).

For the purposes of an investigation conducted pursuant to these Administrative Regulations, the following principles shall be applied in determining whether consent for sexual activity was given and/or sustained:

- Affirmative consent is the standard used in determining whether consent to engage in sexual activity was given by all persons who engaged in the sexual activity.
- Affirmative consent may be revoked at any time during the sexual activity by any person engaged in the sexual activity.
- It is the responsibility of each person engaging in a sexual activity to ensure that the person has the affirmative consent of all persons engaged in the sexual activity to engage in the sexual activity and that the affirmative consent is sustained throughout the sexual activity.
- It shall not be a valid excuse to an alleged lack of affirmative consent that a respondent to the alleged violation believed that a complainant consented to the sexual activity:
 - because the respondent was intoxicated or reckless or failed to take reasonable steps to ascertain whether the complainant consented, or
 - if the respondent knew or should have known that the complainant was unable to consent because such individual was unconscious, asleep, unable to communicate due to a mental or physical condition, unable to consent due to the age of the individual or the age difference between the individual and the respondent, or incapacitated due to the influence of drugs, alcohol or medication.
- The existence of a past or current dating or sexual relationship between a complainant and a respondent, in and of itself, shall not be determinative of a finding of consent.

6. **Disciplinary sanctions** means consequences imposed on a respondent following a determination under Title IX or under the Board's policy and these Administrative Regulations that the respondent violated the District's prohibition on sex discrimination.
7. For purposes of investigations and complaints of sex discrimination, **education program or activity** includes buildings owned or controlled by the Board and conduct that is subject to the District's disciplinary authority. The District has an obligation to address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the District's education program or activity or outside the United States.
8. **Employee** means (A) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or working in a public elementary, middle or high school; or (B) any other individual who, in the performance of the individual's duties, has regular contact with students and who provides services to or on behalf of students enrolled in a public elementary, middle or high school, pursuant to a contract with the Board.
9. **Party** means a complainant or respondent.
10. **Pregnancy or related conditions** mean (A) pregnancy, childbirth, termination of pregnancy, or lactation; (B) medical conditions related to pregnancy, childbirth,

termination of pregnancy, or lactation; or (C) recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

11. **Relevant** means related to the allegations of sex discrimination under investigation as a part of the District's Title IX grievance procedures. Questions are **relevant** when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.
12. **Remedies** means measures provided, as appropriate, to a complainant or any other person the District identifies as having had their equal access to the District's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the District's education program or activity after the District determines that sex discrimination occurred.
13. **Respondent** means an individual who is alleged to have violated the District's prohibition on sex discrimination. When a respondent is a student of the District, reference in these Administrative Regulations to respondent includes the student's parent or guardian.
14. **Retaliation** means intimidation, threats, coercion, or discrimination against any person by a student or an employee or other person authorized by the District to provide aid, benefit, or service under the District's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or Title VII or their regulations or Connecticut law, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, hearing or informal resolution process conducted pursuant to federal Title IX regulations or under the Board's policy and these Administrative Regulations. This also includes **peer retaliation**, which means retaliation by a student against another student.
15. **School days** means the days that school is in session as designated on the calendar posted on the District's website. In its discretion, and when equitably applied and with proper notice to the parties, the District may consider business days during the summer recess as "school days" if such designation facilitates the prompt resolution of the grievance procedures.
16. **Supportive measures** means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to: (1) restore or preserve that party's access to the District's education program or activity, including measures that are designed to protect the safety of the parties or the District's educational environment; or (2) provide support during the District's grievance procedures or during the informal resolution process. Supportive measures may include counseling; extensions of deadlines or other course-related adjustments; increased security and monitoring; restrictions on contact; changes to class schedules or extracurriculars; training and education programs related to sex-based

harassment, and other similar measures as determined appropriate by the Title IX Coordinator.

SECTION III: RESPONSE TO SEX DISCRIMINATION

1. Notification of Procedures. When notified of conduct that reasonably may constitute sex discrimination, including sex-based harassment, the Title IX Coordinator shall notify the complainant or, if the complainant is unknown, the individual who reported the conduct, of the grievance procedures, and the informal resolution process, if available and appropriate. If a complaint is made, the Title IX Coordinator shall also notify the respondent of the grievance procedures and the informal resolution process, if available and appropriate.
2. Supportive Measures. When notified of conduct that reasonably may constitute sex discrimination, including sex-based harassment, an administrator will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the District's education program or activity or provide support during the District's Title IX grievance procedures or during the informal resolution process. The District will not disclose information about any supportive measures to persons other than the person to whom they apply and their parent or guardian unless necessary to provide the supportive measure or restore or preserve a party's access to the educational program or activity.
 - a. Where a supportive measure has been implemented, a party may seek the modification or termination of the supportive measure, if the supportive measure is applicable to them and if the party's circumstances have materially changed. The District may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures or at the conclusion of the informal resolution process.
 - b. *Challenge to Supportive Measures*. Upon an administrator's decision to provide, deny, modify or terminate a supportive measure, either a respondent or a complainant may challenge that decision. The challenged supportive measure must be applicable to the challenging party. A party's challenge may be based on, but is not limited to, concerns regarding whether the supportive measure is reasonably burdensome; reasonably available; being imposed for punitive or disciplinary reasons; imposed without fee or charge; or otherwise effective in meeting the purposes for which it is intended, including to restore or preserve access to the education program or activity, provide safety, or provide support during the grievance procedures. Such challenge shall be made in writing to the Title IX Coordinator.

Promptly and without undue delay after receiving a party's challenge, the Title IX Coordinator shall determine if the decision to provide, deny, modify, or terminate the supportive measure was inconsistent with the definition of supportive measures in this Administrative Regulation. When there is a change to a supportive measure currently in place, including the termination of the supportive measure, or where a

new supportive measure is implemented or a requested supportive measure has been denied, the Title IX Coordinator shall notify the affected party of the determination.

In the event that the Title IX Coordinator made the decision to provide, deny, modify or terminate a supportive measure, the challenge will be assigned to a disinterested administrator.

3. Informal Resolution Process. In lieu of resolving a complaint of sex discrimination through the District's formal grievance procedures (outlined below), the parties may instead elect to participate in an informal resolution process. The District has discretion to determine whether it is appropriate to offer an informal resolution process and may decline to offer informal resolution despite one or more of the parties' wishes. The District does not offer informal resolution to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of a student, or when such a process would conflict with the law. Upon the District offering the informal resolution process to both parties, that parties shall have seven (7) school days to decide if they would like to participate in the process. The District shall obtain the parties' voluntary consent to proceed with the informal resolution process. If the informal resolution process proceeds, the Title IX Coordinator shall appoint an informal resolution facilitator, who will not be the same person as the investigator or the decisionmaker.
 - a. *Notice of Informal Resolution Process*. Promptly upon obtaining the parties' voluntary consent to process with the informal resolution process and before initiation of the informal resolution process, the District must provide to the parties written notice that explains:
 - 1) the allegations;
 - 2) the requirements of the informal resolution process;
 - 3) that, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume the formal grievance procedures;
 - 4) that the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming the formal grievance procedures arising from the same allegations;
 - 5) the potential terms that may be requested or offered in an informal resolution agreement (which may include, but are not limited to, restrictions on contact, restrictions on the respondent's participation in the District's programs or activities, other disciplinary sanctions, and/or sensitivity training), including notice that an informal resolution agreement is binding only on the parties; and
 - 6) what information the District will maintain and whether and how the District could disclose such information for use in formal grievances procedures.
 - b. *Intake Meeting(s)*. From the date of the written notice provided in subsection III.3.a, above, the parties will have thirty (30) school days to reach a resolution. The Title IX Coordinator may extend this timeframe for the same reasons identified in subsection IV.1.d, below. If a resolution is not reached, the District will continue resolving the

complaint through the grievance procedures as outlined below. The informal resolution process will be designed to be collaborative, focusing on the needs of both parties. When the parties have agreed to pursue the informal resolution process, the informal resolution facilitator shall have a separate intake meeting with each party to determine the appropriate path for resolution. During the intake meeting(s), each party will have the opportunity to share their perspective on the allegations, and the informal resolution facilitator will ascertain the party's goals and motivation in pursuing an informal resolution process.

- c. *Informal Resolution Process.* Depending on the allegations of sex discrimination, the District may offer, or the parties may request (subject to the District's approval), one or more of the following types of informal resolution processes:
 - 1) Facilitated Dialogue: After the intake meeting(s), the parties engage in a direct conversation about the alleged sex discrimination with the assistance of the informal resolution facilitator. In a facilitated dialogue, the parties are communicating directly and sharing the same space (virtually or in-person). During a facilitated dialogue, the parties will have the opportunity to discuss their individual experiences and listen to the experiences of others with the intention of reaching a mutually agreeable resolution.
 - 2) Mediation: After the intake meeting, the parties will engage in back-and-forth communication to reach an agreed-upon resolution. Mediation may take place electronically or in-person or virtually, with the parties in different locations (e.g. not face-to-face). The parties will have the opportunity to speak with the informal resolution facilitator, and the informal resolution facilitator will communicate each party's perspective to the opposing party. Mediation may be completed in one session or may require multiple sessions.
- d. *Informal Resolution Agreement.* After the parties have reached an agreed-upon resolution, the informal resolution facilitator shall memorialize such agreement in writing. Such resolutions may include, but are not limited to, mutual no-contact orders; agreed upon sensitivity training; restrictions on the respondent's participation in the District's programs or activities or other disciplinary sanctions; or other mutually agreed upon resolutions. Both parties shall sign the informal resolution agreement, at which point the matter will be considered resolved.
- e. *Retaliation and Subsequent Conduct.* Nothing in this section precludes an individual from filing a complaint of retaliation for matters related to an informal resolution, nor does it preclude either party from filing complaints based on conduct that is alleged to occur following the District's facilitation of the informal resolution.

4. Emergency Removal. The District will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination. However, the District may remove a respondent from the District's program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, determines that an imminent and serious threat to the health or safety of the complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.
5. Students with Disabilities. If a complainant or respondent is a student with a disability, the Title IX Coordinator shall consult with one or more members of the student's Planning and Placement Team or Section 504 Team to determine how to comply with the requirements of the Individuals with Disabilities Education Act ("IDEA") and Section 504 of the Rehabilitation Act throughout the implementation of the grievance procedures, including in the implementation of supportive measures.
6. Absence of a Complaint. In the absence of a complaint, or the withdrawal of any or all allegations in the complaint, and in the absence or termination of the informal resolution process, the Title IX Coordinator shall make a fact-specific determination regarding whether the Title IX Coordinator should initiate a complaint of sex discrimination. In making this determination, the Title IX Coordinator shall consider, at a minimum, the following factors:
 - a. The complainant's request not to proceed with initiation of a complaint;
 - b. The complainant's reasonable safety concerns regarding initiation of a complaint;
 - c. The risk that additional acts of sex discrimination would occur if a complaint is not initiated;
 - d. The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from the District's program or activity or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
 - e. The age and relationship of the parties, including whether the respondent is a Board employee;
 - f. The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
 - g. The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
 - h. Whether the District could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures.

If, after considering these and other relevant factors, the Title IX Coordinator determines that the alleged conduct presents an imminent and serious threat to the health or safety of the complainant or other person, or that the alleged conduct prevents the District from ensuring

equal access on the basis of sex to its education program or activity, the Title IX Coordinator may initiate a complaint.

SECTION IV: GRIEVANCE PROCEDURES FOR COMPLAINTS OF SEX DISCRIMINATION

1. Basic Requirements for the Grievance Procedures.
 - a. The District will treat complainants and respondents equitably.
 - b. The District prohibits any Title IX Coordinator, investigator, or decisionmaker from having a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
 - c. The District presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of the grievance procedures.
 - d. The District has established timeframes for the major stages of the grievance procedures. The District has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay:
 - 1) When determining whether a reasonable extension of timeframes is appropriate, the Title IX Coordinator shall pursue a two-step inquiry. When appropriate, the Title IX Coordinator shall make this determination in consultation with the investigator, decisionmaker, appeal decisionmaker and/or the informal resolution facilitator.
 - 2) First, the Title IX Coordinator shall determine whether good cause exists. Good cause shall include, but is not limited to, the absence or illness of a party or a witness; concurrent law enforcement activity and/or activity by the Department of Children and Families; school being out of session; or particular circumstances based on the Title IX Coordinator's experience and familiarity with the complaint that constitute good cause. Reasonable modifications for those with disabilities and language assistance for those with limited proficiency in English should be provided within the established timeframes without need for a reasonable extension.
 - 3) The existence of good cause will not always require a reasonable extension. When evaluating whether such good cause warrants a reasonable extension of time, the Title IX Coordinator shall, in part, determine whether there is a reasonable alternative that may be pursued in lieu of an extension. Where no such alternative exists and where a reasonable extension is necessary to properly effectuate the District's grievance procedures, the Title IX Coordinator shall determine an appropriate extension of time and provide notice of the period of extension to the parties in writing.

- e. The District will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will be designed to not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consulting with their family members or confidential resources; or otherwise preparing for or participating in the grievance procedures. The District prohibits retaliation by or against any parties, including against witnesses.
 - f. The District will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory (tending to prove sex discrimination) and exculpatory evidence (tending to disprove sex discrimination). Credibility determinations will not be based on a person’s status as a complainant, respondent, or witness.
 - g. The following types of evidence, and questions seeking that evidence, are impermissible (*i.e.*, will not be accessed or considered, except by the District to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:
 - 1) Evidence that is protected under a privilege recognized by Federal or Connecticut law, unless the person to whom the privilege is owed has voluntarily waived the privilege;
 - 2) A party’s or witness’s records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the District obtains that party’s or witness’s voluntary, written consent for use in its grievance procedures; and
 - 3) Evidence that relates to the complainant’s sexual interests or prior sexual conduct, unless evidence about the complainant’s prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant’s prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant’s consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.
 - h. The District will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination. However, the District may remove a respondent from the District’s program or activity on an emergency basis, as discussed above.
2. Filing a Complaint. A complainant (as defined above) and/or their parent or guardian may file a written or oral complaint with the Title IX Coordinator or an administrator to initiate the District’s grievance procedures. Complaints should be filed within thirty (30) school days of the alleged occurrence. If a complaint is filed after thirty (30) school days of the alleged occurrence, the District may be limited in its ability to investigate the complaint.

3. Notice of District Grievance Procedures. If not already done, within five (5) school days of receiving a complaint, the Title IX Coordinator shall inform the complainant and their parent or guardian about the District's Title IX grievance procedures, offer the complainant supportive measures, and, where appropriate, inform the complainant and their parent or guardian about the District's informal resolution process. Through this notification, the Title IX Coordinator shall confirm that the complainant is requesting the District to conduct an investigation and make a determination regarding their allegations of sex discrimination. When the Title IX Coordinator is named as the respondent, the building principal or administrator responsible for the program shall notify the complainant and their parent or guardian.
4. Jurisdiction and Dismissal. Prior to initiating an investigation into the alleged sex discrimination and prior to issuing the notice of allegations, the Title IX Coordinator shall review the complaint and determine jurisdiction. If the alleged conduct occurred in the District's program or activity or the conduct is otherwise subject to the District's disciplinary authority, then the District has jurisdiction. If there is no jurisdiction, the Title IX Coordinator must dismiss the complaint. The Title IX Coordinator shall make a determination regarding jurisdiction within five (5) school days of receiving the complaint.
 - a. The Title IX Coordinator or the investigator may dismiss a complaint of sex discrimination prior to issuing the notice of allegations and prior to reaching a determination regarding responsibility where:
 - 1) The District is unable to identify the respondent after taking reasonable steps to do so;
 - 2) The respondent is not participating in the District's education program or activity and/or is not employed by the Board;
 - 3) The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the Title IX Coordinator determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
 - 4) The Title IX Coordinator determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the District will make reasonable efforts to clarify the allegations by communicating with the complainant to discuss the allegations in the complaint.
 - b. Upon dismissal of the complaint, the Title IX Coordinator will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the Title IX Coordinator will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing. When a complaint is dismissed, the District will, at a minimum:

- 1) Offer supportive measures to the complainant as appropriate;
 - 2) If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
 - 3) Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the District's education program or activity.
- c. Appeal of Dismissal. The Title IX Coordinator will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the Title IX Coordinator will also notify the respondent that the dismissal may be appealed. The District's appeal procedures will be implemented equally for all parties.
- 1) Dismissals may be appealed on the following bases:
 - a) Procedural irregularity that would change the outcome;
 - b) New evidence that would change the outcome and that was not reasonably available when the dismissal was issued; and
 - c) The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.
 - 2) If the dismissal is appealed, an administrator who did not take part in the investigation of the allegations or the dismissal of the complaint will be the appeal decisionmaker for the dismissal. The District's appeal process for the dismissal of a complaint provides the following:
 - a) The appealing party shall have five (5) school days, from the receipt of the dismissal, to submit a written statement in support of, or challenging the outcome of the dismissal;
 - b) The appeal decisionmaker must promptly notify the other party of the appeal;
 - c) The other party shall have five (5) school days, from receiving notice from the appeal decisionmaker to submit a written a statement in support of, or challenging, the outcome; and
 - d) Within ten (10) school days following the other party's opportunity to provide a statement, the appeals decisionmaker shall provide the parties the result of the appeal and the rationale for the result.
5. Notice of Allegations. Upon receipt or filing by the Title IX Coordinator of a complaint, and after determining that the District retains jurisdiction over the complaint, the Title IX Coordinator must provide a notice of allegations to the parties that includes the following:
- a. The District's Title IX grievance procedures and availability of the informal resolution process;

- b. Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- c. A statement that retaliation is prohibited; and
- d. A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence; and if the District provides a description of the evidence, the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.

If, in the course of an investigation, the investigator decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the initial notice of allegations or that are included in a complaint that is consolidated, the District will notify the parties of the additional allegations by issuing an additional notice of allegations.

6. Investigation. The District will provide for the adequate, reliable, and impartial investigation of complaints. In most circumstances, the District will institute a unified investigative model in which an administrator, or a team of administrators, will serve as both the investigator and the decisionmaker. In rare circumstances, the Title IX Coordinator may implement a bifurcated investigative model in which the investigator and the decisionmaker are separate administrators, or separate teams of administrators. The implementation of a bifurcated investigative model shall be in the sole discretion of the District, based on a review by the Title IX Coordinator of the complexity of the investigation and the resources needed. The following applies to all investigations, except as otherwise provided herein:

- a. The burden is on the District—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.
- b. The investigator(s) will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible.
- c. The investigator(s) will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.
- d. *Disclosure of Evidence*: Prior to making a determination, the investigator(s) will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible.
 - 1) Access to such evidence shall be accomplished by the investigator(s) providing the parties with a description of such evidence or the actual relevant and not otherwise impermissible evidence.
 - 2) The parties shall have five (5) school days to review a description of the evidence or the actual evidence.

- 3) If not already provided, the parties may request to review the relevant and not otherwise impermissible evidence, rather than a description of the evidence. Parties requesting a review of the evidence must do so within the five (5) school day review period identified above.
 - 4) The parties may submit a written response to the evidence, which must be received by the investigator(s) no later than the end of the five (5) school day review period identified above.
 - 5) Based on the complexity and amount of the evidence, the investigator(s) may provide the parties with additional time to review and respond to the evidence.
 - 6) The District strictly prohibits the unauthorized disclosure of information and evidence obtained solely through the grievance procedures by parties or any other individuals involved in the Title IX grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.
- e. *Only when using a bifurcated investigative model*, the investigator(s) will draft an investigative report that summarizes the relevant and not otherwise impermissible evidence. The investigator(s) will provide this report to the parties and to the decisionmaker(s).
7. Questioning the Parties and Witnesses. The decisionmaker(s) shall question parties and witnesses to adequately assess the credibility of a party or witness, to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination. Credibility may be considered to be in dispute where the decisionmaker(s) must choose between competing narratives to resolve the complaint. The decisionmaker(s), at their discretion, may conduct individual meetings with the parties or witnesses to evaluate credibility. The decisionmaker(s) may consider the following factors in making this evaluation:
- a. Plausibility – Whether the testimony is believable on its face; whether the party or witness experienced or perceived the conduct firsthand; and/or whether there are any inconsistencies in any part of the party’s or witness’s testimony;
 - b. Corroboration – Whether there is other testimony or physical evidence that tends to prove or disprove the party’s or witness’s testimony;
 - c. Motive to Falsify – Whether the party or the witness had a motive to lie; whether a bias, interest or other motive exists; and/or whether there is a fear of retaliation;
 - d. Demeanor – Evaluating the party’s or witness’s body language, including whether there is a perceived nervousness and/or they make tense body movements.
- The decisionmaker(s) shall consider the credibility of any party and witness based on the factors above, as well as the evidence and information gathered during the investigation.
8. Determination of Whether Sex Discrimination Occurred. Following an investigation and evaluation of all relevant and not otherwise impermissible evidence and within sixty (60) school days of issuing the initial notice of allegations, the decisionmaker(s) will:

- a. Use the preponderance of the evidence standard to determine whether sex discrimination occurred. The standard requires the decisionmaker(s) to evaluate relevant and not otherwise impermissible evidence and determine if it is more likely than not that the conduct occurred. If the decisionmaker(s) is not persuaded by a preponderance of the evidence that sex discrimination occurred, the decisionmaker(s) shall not determine that sex discrimination occurred;
 - b. Notify the parties in writing of the determination whether sex discrimination occurred under Title IX and/or the Board's policy and these Administrative Regulations, including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal;
 - c. Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination;
 - d. Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
 - e. Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.
9. Remedies and Disciplinary Sanctions. If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
- a. Coordinate the provision and implementation of remedies to a complainant and other people the District identified as having had equal access to the District's education program or activity limited or denied by sex discrimination. These remedies may include, but are not limited to: continued supports for the complainant and other people the District identifies; follow-up inquiries with the complainant and witnesses to ensure that the discriminatory/harassing conduct has stopped and that they have not experienced any retaliation; training or other interventions for the larger school community designed to ensure that students, staff, parents, Board members and other individuals within the school community understand the types of behavior that constitute discrimination/harassment, that the District does not tolerate it, and how to report it; counseling supports; other remedies as may be appropriate for a particular circumstance as determined by the Title IX Coordinator.
 - b. Coordinate the imposition of disciplinary sanctions, as appropriate, for a respondent, including notification to the complainant of any such disciplinary sanctions. The possible sanctions may include, but are not limited to, discipline up to and including expulsion for students and termination of employment for employees; resolution through restorative practices; and/or restrictions from athletics and other extracurricular activities.
 - c. Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the District's education program or activity.

- d. Communicate with a student's PPT or Section 504 team prior to disciplining a respondent to ensure compliance with the requirements of the IDEA and Section 504 with respect to discipline of students.
 - e. If expulsion is recommended, refer a student respondent to the Board for expulsion proceedings pursuant to Connecticut law.
10. Appeal of Determination. After receiving the written determination of the outcome, parties shall have ten (10) school days to submit a formal written statement of appeal, if they so choose, to the Title IX Coordinator challenging the outcome of the grievance procedures and explaining the basis for appeal.

Upon receipt of an appeal, the Superintendent shall appoint a decisionmaker(s) for the appeal, who shall be someone other than the Title IX Coordinator, investigator(s), or initial decisionmaker(s). The decisionmaker(s) for the appeal will provide the appealing party's written statement to the non-appealing party. The non-appealing party will then have ten (10) school days to submit to the decision-maker(s) for the appeal a written statement in support of, or challenging, the outcome of the grievance procedures.

The decisionmaker(s) for the appeal shall review the evidence and the information presented by the parties and determine if further action and/or investigation is warranted. Such action may include consultation with the investigator(s) and the parties, a meeting with appropriate individuals to attempt to resolve the complaint, or a decision affirming or overruling the written outcome. Generally, a party's disagreement with the outcome of the investigation, alone, will not be a basis for further action. The decisionmaker(s) for the appeal will attempt to issue written notice of the outcome of the appeal to the parties within thirty (30) school days of receipt of all written statements from the parties.

SECTION V: PREGNANCY OR RELATED CONDITIONS

When any District employee is notified by a student or a student's parent or guardian that the student is pregnant or has a related condition, the District employee must promptly provide the student or parent or guardian with the Title IX Coordinator's contact information and inform the person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the District's education program or activity. Once a student or a student's parent or guardian notifies the Title IX Coordinator of the student's pregnancy or related condition, the Title IX Coordinator must take specific actions to prevent discrimination and ensure equal access, as outlined in 34 C.F.R. § 106.40(b)(3) of the Title IX federal regulations.

For Board employees, the District will treat pregnancy or related conditions as any other temporary medical conditions for all job-related purposes and follow the provisions outlined in 34 C.F.R. § 106.57 of the Title IX federal regulations. The District will provide reasonable break time for an employee to express breast milk or breastfeed as needed. The District will also ensure that an employee can access a lactation space, which must be a space other than a bathroom that is clean, shielded from view, free from intrusion from others, and may be used by an employee for expressing breast milk or breastfeeding as needed.

SECTION VI: RETALIATION

The District prohibits retaliation, including peer retaliation, in its education program or activity. When the District has information about conduct that reasonably may constitute retaliation under Title IX and/or the Board's policy and these Administrative Regulations, the District must initiate its grievance procedures or, as appropriate, an informal resolution process.

SECTION VII: RECORDKEEPING

The District will maintain for a period of seven (7) years:

1. For each complaint of sex discrimination, records documenting the informal resolution process or the grievance procedures and the resulting outcome;
2. For each notification the Title IX Coordinator received of information about conduct that reasonably may constitute sex discrimination under Title IX, records documenting the actions the District took in response; and
3. All materials used to provide training to employees pursuant to this Administrative Regulation. The District will make these training materials available upon request for inspection by members of the public.

SECTION VIII: TRAINING

The District shall provide the individuals designated below with the following training promptly upon hiring or change of position that alters their duties, and annually thereafter.

1. *All employees.* All employees shall be annually trained on the District's obligation to address sex discrimination in its education program or activity; the scope of conduct that constitutes sex discrimination under Title IX, including the definition of sex-based harassment; and all applicable notification and information requirements related to pregnancy and related conditions and the District's response to sex discrimination.
2. *Investigators, decisionmakers, and other persons who are responsible for implementing the District's grievance procedures or have the authority to modify or terminate supportive measures.* Any employee who will act as an investigator, decisionmaker, or is responsible for supportive measures shall be annually trained on the District's response to sex discrimination; the District's grievance procedures; how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and the meaning and application of the term "relevant" in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance under the grievance procedures.
3. *Informal Resolution Facilitator.* Any employee who will act as an informal resolution facilitator shall be annually trained on the topics in subsection (1) and the rules and practices associated with the District's informal resolution process and on how to serve impartially, including by avoiding conflicts of interest and bias.

4. *Title IX Coordinator.* Any employee who will serve as the Title IX coordinator must be trained on above subsections (1)-(3) and must be trained on their specific responsibilities under Title IX, the District's recordkeeping system and the requirements recordkeeping under Title IX.

SECTION IX: FURTHER REPORTING

At any time, a complainant alleging sex discrimination may also file a complaint with the Office for Civil Rights, Boston Office, U.S. Department of Education, 9th Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone (617) 289-0111).

Individuals may also make a report of sex discrimination to the Connecticut Commission on Human Rights and Opportunities, 450 Columbus Boulevard, Hartford, CT 06103-1835 (Telephone: 860-541-3400 or Connecticut Toll Free Number: 1-800-477-5737).

Administrative Regulations Adopted:

**NEWTOWN PUBLIC SCHOOLS
COMPLAINT FORM REGARDING SEX DISCRIMINATION, INCLUDING
SEX-BASED HARASSMENT**

Name of the complainant: _____

Date of the alleged conduct: _____

Name(s) of the alleged perpetrator(s): _____

Location where such conduct occurred: _____

Name(s) of any witness(es) to the conduct: _____

Detailed statement of the circumstances:

Remedy requested: _____

Signature: _____

Date: _____

Note: This is a mandated policy. Boards of education are required, by statute, to provide HIV/AIDS instruction and implement the sexual abuse and assault awareness and prevention program described in this policy. Boards of education may, but are not required to, provide family life education and firearms safety programs. For instruction in any of these areas, as well as dissection, state law provides that parents and guardians may submit a written request for a curricular exemption, which must be granted in accordance with specific statutory requirements. S & G revised this policy to address firearms safety programs and exemption from such instruction. Firearms safety does not appear in this policy because NPS does not provide that instruction.

NPS does not have a current policy on curricular exemptions. On the website, Policies Under Revision, Policies of Instruction, Policy 8-700, Exemption for Aids/Sex Education Units, is outdated (adopted 2/14/89, modified 10/10/95) and not in compliance.

**Series 6000
Instruction**

6117

CURRICULAR EXEMPTIONS

Mandatory Curricular Exemptions:

Upon the written request of a parent or guardian received by the school district prior to planned instruction in the areas set forth below, the Newtown Board of Education (the “Board”) shall permit curricular exemptions for instruction in the following areas:

1. Dissection;
2. Family life education;
3. HIV/AIDS; or
4. Sexual abuse and assault awareness and prevention program.

Definitions:

“Dissection Instruction” is defined as instruction in which a student must participate in, or observe, the dissection of any animal.

“Family Life Education Instruction” is defined as instruction pertaining to family planning, human sexuality, parenting, nutrition and the emotional, physical, psychological, hygienic, economic and social aspects of family life.

“HIV/AIDS Instruction” is defined as ongoing and systematic instruction on Acquired Immune Deficiency Syndrome (AIDS) offered by the district pursuant to state law.

“Sexual abuse and assault awareness and prevention program” is defined as the state-wide program identified or developed by the Department of Children and Families, in collaboration with the Department of Education and Connecticut Sexual Assault Crisis

Services, Inc. (or a similar entity) that includes age-appropriate educational materials designed for children in grades kindergarten to twelve, inclusive, regarding child sexual abuse and assault awareness and prevention that may include, but not be limited to, (A) the skills to recognize (i) child sexual abuse and assault, (ii) boundary violations and unwanted forms of touching and contact, and (iii) ways offenders groom or desensitize victims, and (B) strategies to (i) promote disclosure, (ii) reduce self-blame, and (iii) mobilize bystanders.

Written Request for Mandatory Exemption:

Parents who wish to exercise such exemptions must notify the school district in writing in advance of the instruction to be provided.

Permissive Curricular Exemptions:

Except for the mandatory curricular exemptions noted above, or otherwise required by law, the Board does not require teachers to exempt students from any other aspect of the curriculum.

Alternative Assignments:

1. Any student excused from participating in, or observing, the dissection of any animal as part of classroom instruction shall be required to complete an alternate assignment to be determined by the teacher.
2. Any student excused from participating in 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 as determined by the teacher.
3. Any student excused from any other aspect of the curriculum may be required by the teacher to complete an alternative assignment as determined by the teacher.

Legal References:

Conn. Gen. Stat. § 10-16c.
Conn. Gen. Stat. § 10-16e.
Conn. Gen. Stat. § 10-18c.
Conn. Gen. Stat. § 10-18d.
Conn. Gen. Stat. § 10-19(b).
Conn. Gen. Stat. § 17a-101q.

Adopted:
Revised:

NEWTOWN PUBLIC SCHOOLS
Newtown, Connecticut

NEWTOWN BOARD OF EDUCATION
Curricular Exemption Request Form

I request that my child be exempted from instruction in the following areas:

Check all that apply:

- 1. Dissection _____
- 2. Family life education _____
- 3. HIV/AIDS _____
- 4. Sexual abuse and assault awareness and prevention program _____

I recognize that teachers may require my child to complete alternative assignments in lieu of the curricular instruction planned in the area of exemption.

This form must be completed annually and returned to the school principal by

Date

Name of Student (Please Print)

Parent's/Guardian's Signature Date

Or

Student's Signature (if 18 years of age) Date

Note: This is a mandated policy. The Superintendent will share the Administrative Regulations with the Board as an Item of Information. Policy 8-404 on the website is written as Administrative Regulations to reflect the procedures “in furtherance of this policy.” Policy 8-404 should be rescinded when the new policy is adopted.

**Series 6000
Instruction**

6145

**POLICY AND ADMINISTRATIVE REGULATIONS
REGARDING HOMEWORK**

It is the policy of the Newtown Board of Education (the “Board”) to ensure that all students comply with the homework requirements imposed by the school in which the child is enrolled. It is also the policy of the Board that any imposition of homework should be related to the curriculum goals and standards recognized as appropriate for the student's grade.

The Superintendent or his/her designee shall be responsible for developing procedures in furtherance of this policy.

Legal Reference:

Connecticut General Statutes §10-221(b)

Adopted:
Revised

NEWTOWN PUBLIC SCHOOLS
Newtown, Connecticut

ADMINISTRATIVE REGULATIONS REGARDING HOMEWORK

Homework is recognized as an integral part of the schools' educational program. It is a form of purposeful learning activity that can be an important contribution to regular classroom work at all grade levels. As a form of independent study directly related to classroom work, homework provides students with the opportunity to develop and to reinforce skills and attitudes that encourage responsibility and self-directed learning.

The classroom remains as the primary instructional center in the schools. Homework relevant to the instructional programs' objectives is to be assigned by the classroom teacher when it is necessary and considered to be an effective means to reinforce or enrich the classroom learning experience.

Homework can be classified into one of the three basic categories: practice, preparation, or extension.

Practice

Practice is the most common and simple kind of homework. Its purpose is to provide students with an opportunity to reinforce and master specific skills that have been presented in class.

Preparation

Preparation homework assignments are given to make students ready for the next class meeting, for example, students may be asked to read the next chapter in their biology text. Important considerations in making such assignments are to assess the length and difficulty of the assignment and to allow time for follow-up in class. This type of homework might also include library research or other activities that require students to gather and organize information in preparation for class discussion.

Extension

Extension assignments are designed to take students beyond the work covered in class and encourage them to apply concepts and skills learned in class to new and creative situations. This is a higher order of homework in that it is designed to help students develop their intellectual capabilities beyond those for memory or simple comprehension.

The type, frequency, and quantity of homework assigned by the teacher should be consistent not only with the instructional program's objectives but with the needs, capabilities, and interests of the individual student or class as well. In fulfillment of this objective, the teacher should help students to understand the purpose and significance of the assignment. The completion of homework assignments and the evaluation of appropriate homework should be considered in the assessment of a student's progress.

The following guidelines cannot always be uniformly applied each night of the week. However, it shall be the responsibility of the principal to see that the spirit of these guidelines

is implemented in a fair and consistent manner. It is important to acknowledge variables such as speed of assignment completion, study habits, and number of study halls, which make it impossible for all students in the same grade to have uniform time spent each evening completing school work.

The time indicated below are for students in the mainstream of academic achievement in Newtown Public Schools.

Grade 1	Homework may be assigned requiring 50 minutes in a week.
Grade 2	Homework requiring 1 to 1.5 hours per week may be assigned.
Grade 3	30 minutes per night
Grade 4	45 minutes per night
Grade 5	50 minutes per night
Grade 6	1 hour per night
Grades 7-8	1-1.5 hours per night
Grades 9-12	2 hours per night

Administrative Regulations Approved: