



**WINDSOR LOCKS PUBLIC SCHOOLS
BOARD OF EDUCATION MEETING
Policy Subcommittee Meeting
September 16, 2020 - 4:00 p.m.
Remote Zoom Meeting**

1. Call To Order
2. Public Comment
3. Review for Discussion and/or First Reading
 - a. **RESCIND** 5114.21(a) - Conduct Code for Participation in Extracurricular Activities (conflicts with 6145.1a Extracurricular Activities - Eligibility to Participate)
 - b. **REVISED** 5145.4 - Nondiscrimination Toward Students Affirmative Action
 - c. **REVISED** 5145.52 - Discriminatory Harassment Prohibited
 - d. **REVISED** 5145 - 504 and Civil and Legal Rights and Responsibilities
4. Review for Second Reading and Approval - None
5. Adjourn

5114.21(a)

Students

Conduct Code for Participation in Extracurricular Activities

Extracurricular activities, for purposes of this policy, includes all extracurricular activities and all other school sponsored activities other than regular classroom and laboratory classes. The goal of such activities is to provide every participant the opportunity to grow mentally, morally, physically and emotionally. To assure that the program can provide these opportunities, a degree of self-discipline is required for each participant, which involves compliance with rules and regulations concerning personal behavior.

Participation in extracurricular activities and athletics is not a right but a privilege that may be regulated. Students participating in extracurricular activities and athletic programs at District schools are therefore expected to adhere to high standards of behavior. The student and/or the school are judged by the student's conduct. The attitude of a student has an impact on the attitude and conduct of others. Students participating in extracurricular activities are expected to abide by all rules outlined in District policies pertaining to conduct, in the Code of Conduct, as well as all other standard school rules and policies.

The Superintendent of Schools or his/her designee with input from coaches and sponsors/directors of extracurricular activities, shall develop a code of conduct for all participants in extracurricular activities consistent with Board policy and the rules, policies and regulations adopted by the Connecticut Interscholastic Athletic Association (CIAC) in which the District maintains a membership.

- (cf. 5114 – Suspension/Expulsion; Student Due Process)
- (cf. 5114.2 – Suspension from Interscholastic Athletics)
- (cf. 5131 – Conduct)
- (cf. 5131.6 – Alcohol Use, Drugs, and Tobacco (including Performance Substances))
- (cf. 5131.62 – Steroid Use)
- (cf. 5131.8 – Off School Grounds Misconduct)
- (cf. 5135 – Academic Eligibility)
- (cf. 5144 – Discipline/Punishment)
- (cf. 5145.125 – Drug Testing–Extracurricular Activities)
- (cf. 6164.11 – Drugs, Alcohol, Tobacco)

Legal Reference: Connecticut General Statutes

1-21b Smoking prohibited in certain places.

10-19 Teaching about alcohol, nicotine or tobacco, drugs and acquired immune deficiency syndrome. Training of personnel.

10-154a Professional communications between teacher or nurse and student. Surrender or physical evidence obtained from students.

5114.21(b)

Students

Conduct Code for Participation in Extracurricular Activities

Legal Reference: Connecticut General Statutes (continued)

10-220b Policy statement on drugs.

10-221(d) Boards of education to prescribe rules, policies and procedures re sale or possession of alcohol or controlled drugs.

21a-240 Definitions dependency producing drugs.

21a -240(8) Definitions “Controlled Drugs,” dependency producing drugs.

21a-240(9) Definitions “controlled substance.”

21a-243 Regulation re schedules of controlled substances.

53-198 Smoking in motor buses, railroad cars and school buses.

Federal Regulation 34 CFR Part 85 Drug-free Schools & Communities Act.

20 U.S.C. Section 7181 et. seq., No Child Left Behind Act.

New Jersey v. T.L.O, 469 U.S. 325 (1985).

Veronia School District 47J v. Acton, 515 U.S. 646 (1995) Board of Education of Independent School District No 92 of Pottawatomie County v. Earls 01-332 U.S. (2002).

Policy adopted: March 28, 2013
Windsor Locks, Connecticut

WINDSOR LOCKS PUBLIC SCHOOLS

5114.21R(a)

Students

Conduct Code for Participation in Extracurricular Activities

Code of Conduct for Student-Athletes

Statement of Purpose

The Board of Education believes that involvement in extracurricular activities, including interscholastic athletics, is essential to the development of a well-rounded individual and student. Participation in extracurricular activities such as sports is a privilege, and not a right. The purpose of this Code is to ensure that as a condition of extending the privilege, the District ensures that any student who represents the District in interscholastic competition demonstrates at all times the characteristics of a good citizen of both the school and the community.

The student-athlete who participates in interscholastic sports should recognize that he/she has an obligation to one's self, teammates, and the school community to strive for excellence. It is hoped that participation in interscholastic athletics will enable the student-athlete to value competition, instill self-discipline and self-control, and to exercise sportsmanship and mature judgment.

The following "Code of Conduct" shall govern all student participants involved in District interscholastic athletics. These standards of conduct shall supplement, and not supplant or replace, the Code of Conduct or any additional or more stringent rules and standards of conduct that the governing or supervising authority of each athletic team lawfully imposes as a condition of participation in such activity. Discipline imposed as a result of a violation of this generally applicable code of conduct shall not preclude additional discipline or consequences under the rules, regulations or bylaws of the individual sport. These rules must be read, and the attached Acknowledgment must be signed, by all athletes and their parents/guardians indicating an agreement to abide by the rules contained herein. The signed Acknowledgment must be returned to the District before the student is allowed to participate. The signed Acknowledgment will be retained by the Athletic Director.

Standards of Conduct

Participation in all interscholastic athletics in the secondary schools will be based on the following standards. Failure to meet these standards may result in suspension or removal from a team.

- A. Students shall be responsible for knowing their eligibility status.
- B. Students must carry, at a minimum, a full academic schedule as determined by the School District and the Connecticut Interscholastic Athletic Association (CIAC). A full academic schedule is, at a minimum, four (4) units of work or its equivalent.

5114.21R(b)

Students

Conduct Code for Participation in Extracurricular Activities

Code of Conduct for Student-Athletes

Standards of Conduct (continued)

C. Students must demonstrate good attendance. Unexcused absences, unexcused lateness, “cutting” class or study hall, etc., may result in suspension or dismissal from the activity. Students are expected to attend all practices, games or other scheduled events unless excused by the coach. Failure to attend practices, games or other scheduled events may result in the student’s suspension or dismissal from the team at the discretion of the coach or Athletic Director.

D. Students must also demonstrate good behavior and abide by the rules set forth in the District Code of Conduct and all District policies pertaining to student discipline. Any referrals for misconduct that are approved by an administrator may result in suspension or dismissal. Students under in-school or out-of-school suspension may not participate in any athletic activity for the duration of their disciplinary action.

E. Each student-athlete is expected to display good sportsmanship, win or lose. This means that student-athletes must demonstrate good citizenship in both school and the community at large. Misconduct in the community at large includes, but is not limited to, an arrest for, or conviction of, a crime.

Disrespectful comments, the use of foul language, or insubordination by a student-athlete directed toward any other person, including but not limited to game officials, coaches, advisors, teammates, athletes or members of opposing teams or schools, fans or spectators, or any other persons will subject the student to recourse by the District.

Such recourse may include suspension or expulsion from any or all extracurricular activities. This liability applies to all practices and meetings and all times before, during and after games or school-sponsored events, as well as bus trips to and from games or school sponsored events. Ejection from any contest or event for such conduct may result in additional disciplinary action by the District, including suspension or expulsion from extracurricular activities.

F. The District is committed to providing a safe and orderly environment that promotes respect, civility and dignity for all members of the school community. Therefore, hazing is strictly prohibited by the Board of Education. No hazing activities will be tolerated under any circumstances. Members of the District community may not participate or be involved in hazing activities.

5114.21R(c)

Students

Conduct Code for Participation in Extracurricular Activities

Code of Conduct for Student-Athletes

Standards of Conduct (continued)

The term “hazing”, as used in this “Code of Conduct,” means any conduct or methods of initiation into any student organization, whether on public or private property, before, during or after school hours, which willfully or recklessly endangers the physical or mental health of any student or other person, or which is reasonably likely to cause harassment, intimidation, physical, emotional or psychological harm, including embarrassment or loss of human dignity, to another person.

Such conduct shall include, but not be limited to the following:

- whipping, beating, branding, or any other physical assault;
- forced calisthenics of any kind, such as sit-ups, pushups, any other physically abusive exercises, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such person;
- forced exposure to weather or the elements;
- forced consumption of food, liquor, beverage, drug or any other substance;
- any forced activity which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation;
- forced total and/or partial nudity at any time;
- forced wearing or carrying of any obscene or physically burdensome or embarrassing article;
- forced transportation and intentional abandonment of any person or member at any location;
- any type of personal servitude performed for active members which is demeaning and/or of personal benefit to the active members;
- forced assignment of “pranks” such as stealing, painting objects, or harassing other organizations, institutions or activities; or
- calling or assigning prospective teammates demeaning names.

Consent of the victim of hazing shall not be available as a defense to any prosecution of hazing under this “Code of Conduct.” Whoever knows that another person is the victim of hazing and is at the scene of such a hazing shall, to the extent that the person can do so without danger or peril to himself/herself or others, report such activity to an appropriate official as soon as responsibly possible. Any person who knowingly and unreasonably fails to report hazing activity shall be guilty as an accomplice in such activity. Employees who fail to report an incident of hazing may be subject to disciplinary action.

5114.21R(d)

Students

Conduct Code for Participation in Extracurricular Activities

Code of Conduct for Student-Athletes

Standards of Conduct (continued)

G. Tobacco, Drug and Alcohol Issues

The sale of illegal drugs, controlled substances, substances represented to be a controlled substance, non-prescription medicines or drug paraphernalia by student-athletes participating in school District interscholastic athletics, whether on or off school grounds, will not be tolerated.

- Where a student is involved in conduct that constitutes the sale of a controlled substance or illegal drug, a non-prescription medicine or any substance represented as a controlled substance, on or off school property, he/she will be subject to suspension from all interscholastic athletic activities for one calendar year. (or if the district has a progressive series of suspensions, insert that here in lieu of this statement)
- The possession, consumption or use of alcoholic beverages, illegal drugs, controlled substances, substances represented to be a controlled substance, or drug paraphernalia and inappropriate use of non-prescription medicines by student-athletes participating in District interscholastic athletics, whether on or off school grounds, will not be tolerated. Students shall not attend or remain at any gathering where the illegal use of alcohol or any illegal drugs are present.

First Offense: The student-athlete shall be suspended for 25 (or 20%) percent of his/her season. The student-athlete is allowed to attend and participate in all scheduled practices during the suspension, He/she shall not be in uniform for competition, but may be present.

(Alternative: The student athlete will serve a three (3) week ineligibility from the interscholastic activity. The student may participate in practice, but not in official events. In the event the full consequence is not completed by the end of the school year, the remaining consequence will be carried over to the next school year.)

Second Offense: The student-athlete will be suspended for 50 percent of his/her season. The student-athlete is allowed to attend and participate in all scheduled practices during the suspension. He/she shall not be in uniform for competition, but may be present.

Third Offense: The student-athlete shall be suspended from participation in all interscholastic athletic activities for one (1) calendar year. (Note, the district can make this consequence for the second offense.)

5114.21R(e)

Students

Conduct Code for Participation in Extracurricular Activities

Code of Conduct for Student-Athletes

G. Tobacco, Drug and Alcohol Issues (continued)

- No student-athlete shall knowingly attend any party or other social gathering where underage drinking and illegal drug use occurs. This rule is intended to apply to gatherings of primarily students where underage drinking is occurring, usually without the knowledge or acquiescence of the students' parent/guardian, and shall not apply to any student-athlete attending an event which is hosted by his or her own family, such as a wedding or a family reunion. It shall not be a defense to this rule that a gathering of students at which alcohol and drugs are consumed was sanctioned by any parent/guardian, or held with parental consent. It is the attendance at such gatherings which is prohibited by this rule. Actual consumption of alcohol or use of drugs is not a prerequisite to establish a violation of this rule. Any student-athlete who has agreed to this "Code of Conduct" and who is found to have voluntarily remained in the vicinity of a gathering prohibited by this section shall be guilty of a violation of this rule whether he or she consumes or uses any substance at all.

No student-athlete will be deemed to have violated this rule if he or she can show to the satisfaction of the building Principal, Athletic Director and coach that, immediately upon becoming aware that underage drinking and/or drug use is present at a party or social gathering, he/she completely removed himself/herself from the place where the party or social gathering was held, including parking areas.

- The possession or use of tobacco products, including but not limited to, cigarettes, cigars, or chewing tobacco, by student-athletes participating in District interscholastic athletics, whether on or off school grounds, will not be permitted.

First Violation: The student-athlete must complete the Code of Conduct consequences if the violation occurred on District property or at a District event; and the student will serve a three (3) week ineligibility from the interscholastic activity. The student can participate in practice, but not in official events. In the event the consequence is not completed by the end of the school year, the remaining consequence will be carried over to the next school year; and

Second Violation: The student-athlete shall be removed from participation in all interscholastic athletic activities for that sport season.

5114.21R(f)

Students

Conduct Code for Participation in Extracurricular Activities

Code of Conduct for Student-Athletes (continued)

Penalties

The following are guidelines reflecting minimum penalties which may be imposed on student-athletes who participate in interscholastic athletics and who are found to have violated this “Code of Conduct.” These penalties shall not be construed as a promise or guarantee of any particular form of discipline, as the District retains the right to impose discipline under this policy, which it deems appropriate under the individual circumstances of each case. These penalties shall be served in addition to any penalties assessed under the District’s student discipline code of conduct.

Unless otherwise specified in previous sections of this regulation, students who violate the District’s student code of conduct and receive a penalty other than suspension out of school shall also serve the following penalties:

- 1st Offense One (1) day suspension from the activity
- 2nd Offense Three (3) days suspension from the activity
- 3rd Offense Seven (7) days suspension from the activity
- 4th Offense Dismissal from the activity

Unless otherwise previously specified in this regulation, students who are suspended from school shall also be suspended from interscholastic athletics for three (3) weeks (or other length determined by the local district). Students may only practice with the team during this period if their suspension from school has been completed. For example, a student suspended from school for one week would be suspended from the team for that week, and would not be eligible to compete for an additional two weeks.

Penalties for violations of this code which are not violations of the District’s code of conduct and not specified in the “Standards of Conduct” shall be at the discretion of the coach, Athletic Director and/or building Principal. Student involvement in an incident, on or off school grounds, in which a weapon is involved, may result in a one year suspension from interscholastic athletics.

WINDSOR LOCKS PUBLIC SCHOOLS
Windsor Locks, Connecticut

NOTICE OF ATHLETIC CODE OF CONDUCT VIOLATION

To: Parents/Guardian and Student Athlete: _____

Please be advised that I have received information which, if true, may constitute a violation of the School District's Athletic Code of Conduct governing the participation in interscholastic athletics. As a member of the _____ team, you have agreed to be bound by this Code of Conduct and any violations may affect _____ continued eligibility to participate.

Provision of Code Alleged to be Violated: _____

Details of Violation (time, place, specifics):

Please be advised that, in accordance with the School District Athletic Code of Conduct I must render a decision with respect to the above allegations. You (parents and student-athlete) have the right to meet with me and the coach to discuss these allegations. A meeting for that purpose has been scheduled for _____ in my office. If you do not attend such meeting, I will render a decision based on the information which has been provided to me. If you cannot attend the meeting at the prescribed time, please notify me so that the meeting can be rescheduled at a mutually convenient time.

Building Principal or Athletic Director

Date:

**WINDSOR LOCKS PUBLIC SCHOOLS
Windsor Locks, Connecticut**

ATHLETIC CODE OF CONDUCT ACKNOWLEDGMENT

PLEASE RETURN THIS SHEET TO THE COACH OR ATHLETIC DIRECTOR'S OFFICE

I have read the District's Code of Conduct and agree to follow it. I understand the consequences of my actions which violate these rules, as set forth above, which may include suspension or removal from the _____ team.

Student-Athlete (Sign name)

Date

Student-Athlete (Print name) _____

I have read the District's Code of Conduct and am aware of its implications for my son/daughter. Further, I will do my best to see to it that he/she follows said rules. In addition, my signature that my child has had no illnesses or injuries that should limit his/her participation in high school athletics or the extracurricular activity of his/her choice.

Parent/Guardian (Sign name)

Date

Parent/Guardian (Print name)

Address: _____

Telephone Numbers:

(home)

(business)

(cell)

Students

5145.4 - Nondiscrimination Toward Students Affirmative Action

The Windsor Locks Board of Education (Board) complies with all applicable state and federal laws prohibiting discrimination in its education program and activities on the basis of race, religion, color, national origin, sex, sexual orientation, gender identity or expression, marital status, age, disability (including pregnancy), or other legally protected status subject to the conditions and limitations established by law.

The Board subscribes to the intent, implementation, and spirit of state and federal nondiscrimination laws. Accordingly, the following are established on behalf of the student body:

1. Current policies and practices and the effects thereof concerning the treatment of students will be annually evaluated.
2. Appropriate remedial steps will be taken to eliminate the effects of any discrimination, which resulted or may have resulted from adherence to these practices.
3. Full cooperation is assured the Director of the Office for Civil Rights pursuant to Title IX regulations, on a humanistic as well as legal basis.
4. The Superintendent of Schools is designated to coordinate efforts to comply with and carry out responsibilities of the Board. This shall include:
 - a. appointing individuals to fill the roles of District Civil Rights Coordinator/Compliance Officer, 504/ADA Coordinator and Title IX Coordinator who are responsible for addressing inquiries, reports or complaints of discrimination occurring in the District's education program or activities.
 - b. establishing a regulation to accompany this policy that includes protocols and grievance procedures regarding how students may inquire, report, or complain about prohibited discrimination occurring in the District's education program and activities except for allegations of sexual harassment and disability discrimination. Disability discrimination and sexual harassment are addressed under separate policies and regulations. Allegations of sexual harassment shall be addressed in accordance with Board Policy 5145.5/4118.112/4218.112, Prohibition Against Sexual Harassment and its regulation, R5145.5/4218.112/4118.112, Prohibition Against Sexual Harassment: Response to Reports of Sexual Harassment and Grievance Procedures for Formal Complaints (R 5145.5). Allegations of disability discrimination shall be addressed in accordance with Board Policy 5145, Section 504 and Title II: Civil and Legal Rights and Responsibilities and its regulation, R5145, Administrative Regulation Regarding Students and Section 504 and Title II (R5145).
5. No student on the basis of race, religion, color, national origin, sex, sexual orientation, gender identity or expression, marital status, age, disability (including pregnancy), or other legally protected status subject to the conditions and limitations established by law shall be:
 - a. Subject to separate or different rules of behavior, sanctions, or other treatment;

- b. Discriminated against in the application of any rules of appearance;
- c. Provided different aids, benefits, or services or be provided such aids, benefits or services in a different manner;
- d. Denied any such aid, benefit or service;
- e. Otherwise limited in the enjoyment of any right, privilege, advantage or opportunity.

6. Notification of this policy will be made annually to students and parents.

Legal Reference:

Connecticut General Statutes

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

§ 46a-81a, et seq. - Discrimination on basis of sexual orientation

§ 1-1n, “Gender Identity or Expression” defined

Federal Law

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.

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.

Students

R5145.4 -Nondiscrimination Toward Students Affirmative Action

Designation of Civil Rights Coordinators/Compliance Officer

The Superintendent designates the Director of Special Services as the District's Civil Rights Coordinator/Compliance Officer. The Civil Rights Coordinator/Compliance Officer is responsible for overseeing district compliance with state and federal nondiscrimination laws and for responding to inquiries, reports or complaints of discrimination occurring in the District's education program or activities, except for those related to disability discrimination and sexual harassment.

Disability discrimination shall be addressed by the District's 504/ADA Coordinator and allegations of sexual harassment shall be addressed by the District's Title IX Coordinator. Students are directed to lodge complaints of disability discrimination and sexual harassment with the appropriate coordinator and in accordance with applicable board policies and regulations.

Any student who wishes to inquire or to register a complaint concerning alleged discrimination in the Windsor Locks Public Schools shall have an opportunity to bring such concerns to the attention of one of the District's Civil Rights Coordinators or Compliance Officers (i.e. Civil Rights Coordinator/Compliance Officer, Title IX Coordinator, 504 Coordinator) or the Superintendent, who has the authority to resolve such complaints.

Discrimination Complaints

It is the express policy of the Board of Education (Board) to provide for the prompt and equitable resolution of student complaints alleging discrimination on the basis of protected characteristics such as race, religion, color, national origin, sex, sexual orientation, gender identity or expression, marital status, age, disability (including pregnancy), or other legally protected status subject to the conditions and limitations established by law. In order to facilitate the timely resolution of such complaints, any student who feels that he/she has been discriminated against on the basis of these protected characteristics (except for disability discrimination and for sexual harassment) should file a written complaint with the Office of the Superintendent of Schools or directly with the District's Civil Rights Coordinator/Compliance Officer. Forms will be made available for this purpose.

Grievance Procedure for Discrimination Complaints

The purpose of this procedure is to secure, at the lowest possible administrative level, equitable solutions to problems which may arise concerning claims of discrimination. Evidence of reprisal against a complainant or witness shall be viewed as a violation of this policy.

The following Grievance Procedure shall be utilized by any student wishing to make a complaint of any form of alleged discrimination prohibited by state or federal law and/or Board policy except for sexual harassment and disability discrimination which have their own procedures.

Level I: The complainant shall discuss the alleged discriminatory act or practice with the appropriate Civil Right Coordinator/Compliance Officer or the individual closest to the daily decision-making level. This will normally be a Principal, teacher, counselor, Department Chairperson, Head Custodian, or Cafeteria Manager. If satisfaction cannot be achieved through informal discussion, the following procedure may be initiated.

Level II: While there is not a specific deadline for filing, the complainant is encouraged to put the complaint in writing on a District provided form, and to file it with the appropriate Civil Rights Coordinator/Compliance Officer within forty (40) calendar days of the alleged incident. Within five (5) working days of receipt of the complaint, a conference must be held. Within five (5) working days following the conference, the complaint must be resolved to the satisfaction of both parties or be referred to the Superintendent of Schools. Within five (5) working days, the Civil Rights Coordinator/Compliance Officer shall notify the Superintendent and must notify the complainant of this notification. The Board will be apprised by the Superintendent of any grievance reaching Level II.

Level III: Within ten (10) working days after receipt of notification by the Civil Rights Coordinator/Compliance Officer, the Superintendent must hold a hearing with the complainant; and within five (5) working days of the hearing, resolve the complaint or issue a determination.

Level IV: The Board of Education, Superintendent, and the Civil Rights Coordinators/Officers shall proceed in accordance with appropriate laws or regulations and provide the Complainant written notice of the outcome in a timely fashion.

If discrimination is found, immediate and appropriate action will be taken to stop the discrimination and deter its recurrence. The Board is committed to providing a safe educational environment free from discrimination.

Timelines provided for in the grievance procedure may be modified by agreement or modified in response to unforeseen or unusual circumstances necessitating a delay.

Retaliation against any individuals who report discrimination or participate in the investigation of a discrimination complaint is prohibited; such retaliation will be considered discrimination.

For Reports or Complaints of Disability Discrimination and Sexual Harassment

Students wishing to report or complain of disability discrimination are directed to Board Policy 5145, Section 504 and Title II: Civil and Legal Rights and Responsibilities and its regulation, R5145, Administrative Regulation Regarding Students and Section 504 and Title II, for specific protocols and grievance procedures for the making of reports or complaints of disability discrimination occurring in the District's education program or activities. Inquiries, reports or

complaints of disability discrimination shall be brought to the attention of the District's 504/ADA Coordinator and will be responded to in accordance with the protocols and grievance procedures set forth in R 5145.5.

Students wishing to report or complain of sexual harassment are directed to Board Policy, 5145.5/4218.112/4118.112, Prohibition Against Sexual Harassment and its regulation R5145.5, Prohibition Against Sexual Harassment: Response to Reports of Sexual Harassment and Grievance Procedures for Formal Complaints (R5145.5) for specific protocols for the informal reporting of sexual harassment and for grievance procedures for formal complaints of sexual harassment. Inquiries, reports or complaints of sexual harassment shall be brought to the attention of the District's Title IX Coordinator and will be responded to in accordance with the protocols and grievance procedures set forth in R5145.5.

Additional or Alternative Reporting of Discrimination

In addition to the internal complaint procedures set forth herein, complaints of discrimination and/or discriminatory harassment can be reported to:

Office for Civil Rights
U.S. Department of Education
5 Post Office Square, 8th Floor
Boston, MA 02109-3921
Telephone: 617-289-0111
Fax: 617-289-0150; TDD: 877-521-2172
Email: OCR.Boston@ed.gov
<http://www2.ed.gov/about/offices/list/ocr/complaintintro.html>

Dissemination of Grievance Procedures

To effectively inform all concerned persons about the process of grieving a complaint, the adopted Grievance Procedures is to be disseminated to students, parents/guardians, employees, and other interested parties. This information must be provided on a continuing basis. This Grievance Procedure shall be disseminated in a variety of ways, including, but not limited to, dissemination in: student/parent handbooks; bulletins or postings in district schools with the name of the coordinators posted on the school and/or district website; via a letter home to each student at the beginning of each school year and/or included as part of a school orientation package or employee orientation packet.

Public Notice of Non-Discrimination

Public Schools shall provide continuing notice to the public, personnel, and students that it does not discriminate on the basis of race, color, religious creed, age, veterans' status, genetic information, marital status, national origin, ancestry, sex, sexual orientation, gender identity or expression, pregnancy, physical disability, past or present history of mental disorder, intellectual disability, learning disability or other legally protected status with regard to admission or access to, or

treatment or employment in programs and activities of the school district. Continuing notification may include the posting of notices, publication in local newspapers, and placement of notices in school publications, in student/parent handbooks, on district websites and through distribution of memoranda or other written communication.

Regulation approved: March 28, 2013
Windsor Locks, Connecticut

WINDSOR LOCKS PUBLIC SCHOOLS

**WINDSOR LOCKS PUBLIC SCHOOLS
DISCRIMINATION COMPLAINT FORM**

(For use by students for complaints of discrimination on the basis of race, religion, color, national origin, sex, sexual orientation, gender identity or expression, marital status, age, disability or other legally protected status except for sexual harassment*)

*A different form(s) shall be used for reports/complaints of sexual harassment; see Board Policy 5145.5/4218.112/4118.112, Prohibition Against Sexual Harassment and related forms

Name of complainant _____

Date of complaint _____

Date of alleged discrimination/harassment _____

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

Detailed statement of the circumstances constituting the alleged discrimination or discriminatory harassment (include where, when and what happened, the frequency and duration of occurrence and who was involved, providing the full names of participants and witnesses and share specific language used, where applicable); attach any evidence, i.e., copies of text messages, postings, other communications, pictures, etc.).

Received by:

Name of Individual Receiving
Written Complaint

Date of Receipt

Signature

5145.52 - Discriminatory Harassment Prohibited

The Board strives to provide a safe, positive learning environment in the schools. Harassment based upon a student's race, color, (including any form of racial harassment), religion, sex, (including sexual harassment and pregnancy), national origin/ethnicity, physical attributes or disability, (including, but not limited to, mental retardation, past or present history of mental disorder, physical disability or learning disability), parental or marital status, sexual orientation, gender identity/expression, or age is a form of discrimination. In accordance with state and federal nondiscrimination laws, discriminatory harassment of students is prohibited in the District's education program and activities.

This policy applies to all students, staff members, Board members, parents, vendors, contracted individuals, volunteers, other employees and other visitors -- who are on District grounds or property or on property within the jurisdiction of the District; on buses operated by or for the District; while attending or engaged in District activities; and while away from District grounds if the misconduct directly affects the good order, efficient management, and welfare of the District.

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

For purposes of this policy, discriminatory harassment consists of verbal, written, graphic, or physical conduct relating to a student's race, color, (including any form of racial harassment), religion, sex, (including sexual harassment and pregnancy), national origin/ethnicity, physical attributes or disability, (including, but not limited to, mental retardation, past or present history of mental disorder, physical disability or learning disability), parental or marital status, sexual orientation, gender identity/expression, or age when such conduct/harassment is severe, persistent and pervasive and limits a student's ability to participate in or benefit from the District's educational program or activities..

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

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

Students may make inquiries, reports or complaints of discriminatory harassment based upon the above listed characteristics (except for disability discrimination and sexual harassment) to the District's Civil Rights Coordinator/Compliance Officer. Students wishing to lodge a complaint of discriminatory harassment shall use the District's Student Discrimination Complaint Form accompanying Policy 5145.4 and its regulation. Complaints shall be responded to in accordance with Board Policy 5145.4, Nondiscrimination Toward Students Affirmative Action and its regulation, R 5145.4, Nondiscrimination Toward Students Affirmative Action (R5145.4) containing grievance procedures.

Students specifically alleging sexual harassment are referred to Board Policy 5145.5/4218.112/4118.112, Prohibition Against Sexual Harassment and its regulation, R5145.5/4218.112/4118.112, Prohibition Against Sexual Harassment: Response to Reports of Sexual Harassment and Formal Complaints (R5145.5/4218.112/4118.112). Students are directed to use the forms designed for the informal reporting of sexual harassment and the lodging of a formal complaint that accompany the policy and regulation.

Students alleging discriminatory harassment based upon disability are referred to Board Policy 5145, Section 504 and Title II: Civil and Legal Rights and Responsibilities and its regulation, R5145, Section 504 and Title II (R5145). Students wishing to report discriminatory harassment based upon disability are directed to use the form accompanying Board Policy 5145.4, Nondiscrimination Toward Students Affirmative Action and its regulation, R 5145.4.

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

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

Legal Reference:

Connecticut General Statutes

46a-60 Discriminatory employment practices prohibited.

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

10-153 Discrimination on account of marital status.

17a-101 Protection of children from abuse.

Federal Law:

Title VII, Civil Rights Act, 42 U.S.C. 2000e, et seq.

29 CFR 1604.11, EEOC Guidelines on Sex Discrimination

Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq. 34 CFR Section 106.8(b), OCR Guidelines for Title IX.

Definitions, OCR Guidelines on Sexual Harassment, Fed. Reg. Vol 62, #49, 29 CFR Sec. 1606.8 (62 Fed Reg. 12033 (March 13, 1997) and 66 Fed. Reg. 5512 (January 19, 2001)

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

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

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

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

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

Policy adopted: March 28, 2013
Windsor Locks, Connecticut

WINDSOR LOCKS PUBLIC SCHOOLS

5145 - Section 504 and Title II: Civil and Legal Rights and Responsibilities

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.

In accordance with its responsibility under Section 504 and Title II/ADA, the District does not discriminate against students with disabilities in its services, programs, or activities. Accordingly, no otherwise qualified individual with disabilities shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any District program or activity or those provided by the District through contractual or other arrangements. District aids, benefits and services will afford qualified students with disabilities equal opportunity to obtain the same result gain the same benefit or reach the same level of achievement as students without disabilities in the most integrated setting appropriate to the student's needs. Programs and activities shall be accessible to and usable by individuals with disabilities as prescribed by law.

A qualified individual with disabilities under Section 504 is an individual who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment or is regarded as having such an impairment.

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 imposed on nondisabled students/parents). If the parent/guardian of a student disagrees with the decisions made by the professional staff of the school district with respect to the identification, evaluation or educational placement of his/her child, the parent/guardian has 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 Board's Administrative Regulation accompanying this policy

Anyone who wishes to file a grievance/complaint with the District, or who has questions or concerns about this policy, should contact the District's 504/ADA Coordinator. The name and contact information for the District's 504/ADA Coordinator shall be published annually in student handbooks as well as published on the Board's website and in other materials as appropriate.

Any individuals with complaints regarding Students and Section 504 of Rehabilitation Act of 1973 and Title II of Americans with Disabilities Act, may file a complaint with the Office for Civil Rights, U.S. Department of Education ("OCR"):

Office for Civil Rights
U.S. Department of Education
5 Post Office Square, 8th Floor
Boston, MA 02109-3921
Telephone: 617-289-0111
Fax: 617-289-0150; TDD: 877-521-2172
Email: OCR.Boston@ed.gov
<http://www2.ed.gov/about/offices/list/ocr/complaintintro.html>

Legal References:

Connecticut General Statutes
10-15c Discrimination in public schools prohibited.

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §§791, 793-794
(2006), (34 Code of Federal Regulations Part 104)

Americans with Disabilities Act of 1990, 42 U.S.C. §§12101-12213; 29 C.F.R. Part 1630 (2006);
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)

R5145 – Section 504 and Title II: Civil Rights and Responsibilities

Section 504 of the Rehabilitation Act of 1973 ("Section 504") and Title II of the Americans with Disabilities Act of 1990 ("Title 11" or "ADA") (collectively, "Section 504/ADA") prohibits 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 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: (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.

II. Compliance with 504 Regulations

A. Identification and Referral Procedures

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 FAPE for students determined to be eligible under Section 504 of the Rehabilitation Act of 1973 ("Section 504") and Title II of the Americans with Disabilities Act of 1990 ("ADA").

The District is obligated to evaluate any student who, because of disability, needs or is believed to need special education or related services. A student may be referred to a 504 Team by a parent/guardian, teacher, or other school employee for identification and evaluation. Upon receipt of a referral the Principal, or her/his designee, should communicate in person, via e-mail, or by telephone with the parent/guardian or student aged 18 or over to confirm the District's receipt of the referral and to schedule a 504 Team Meeting. A Section 504 Notice of Referral, Section 504 Team Meeting Notice, and Section 504 Procedural Safeguards Notice will subsequently be sent to the parent/guardian or student aged 18 or over. The 504 Team will be composed of persons knowledgeable about the student, the student's school history, the student's individual needs, the meaning of evaluation data, and the placement options. The 504 Coordinator will monitor the composition of the 504 Team to ensure that qualified personnel participate.

Upon convening to review a referral the 504 Team will consider the referral; and based upon a review of the student's existing records, including academic, social, and behavioral records, and any information provided by the parents/guardians, make a decision as to whether the student, because of disability, needs or is believed to need, special education or related services, so that an evaluation is required and will inform the parent/guardian or student aged 18 or over of this decision and of their procedural rights.

B. Evaluation

1. If a child because of disability needs, or is believed to need, special education or related services under Section 504, the District must evaluate the child before taking any action regarding the student's placement, including a denial of placement.
2. The District shall obtain written consent from the parent/guardian or student aged 18 or over prior to conducting an evaluation under Section 504.
3. The District's evaluation procedures shall ensure that tests and other evaluation materials:
 - Are validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer;
 - Are free of racial, cultural, language, or sex bias;

- Are tailored to assess specific areas of educational need and not merely designed to provide a single general intelligence quotient; and
 - Are selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).
4. The District's Section 504 evaluation shall:
- Draw upon information from a variety of sources (e.g. teacher(s), other school staff members, parent/legal guardian, physician, nurse, other professionals, or persons in the community), including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior;
 - Document and carefully consider information from all such sources (e.g. records, assessment data, service provider information, medical reports related to the suspected physical or mental impairment which may be substantially limiting a major life activity);
 - Be conducted by a team or group of persons including those who are knowledgeable about the child, the suspected disability, evaluation procedures, the meaning of evaluative data, and placement options; and
 - Ensure that the placement decision is made in conformity with 34 C.F.R. § 104.34.
5. Section 504 evaluation procedures may include: review of school or other records, interviews with persons knowledgeable about the child's functioning, observations in the school, home, or community environments, administration of educational, psychological, or other measures appropriate for assessing the presenting concern. No single procedure shall be used by the District to evaluate whether or not a student has a disability under Section 504.
6. The parent/guardian or student aged 18 or over must be invited to participate in the Section 504 Team meeting where the results of the evaluation, the determination of whether the student has a disability, and possible placement options will be discussed. Every effort should be made to hold this meeting at a time when the parent/guardian or student aged 18 or over is able to attend.
7. In order to determine whether a student has a disability under Section 504 and if so, is eligible for services, the Section 504 Team should consider the following steps:
- ❑ **Discuss all evaluation materials and information all sources presented to the 504 Team.**

❑ Determine whether a physical or mental impairment can be identified.

- ❑ Does the 504 Team have sufficient information to make this determination, or is additional information needed?
- ❑ If no additional information is needed, does the student currently have a mental and/or physical impairment that can be verified by reference to documentation and information considered by the 504 Team?

❑ Determine whether the impairment or condition substantially limits one or more major life activities.

"Substantial" relates to the limitation of a major life activity, not the condition or handicap.

The term **"Substantial"** is not defined. The 504 Team should consider the impact of the impairment upon any of the student's major life activities. The 504 Team should consider the following rules of construction when determining whether a physical and/or mental impairment substantially limits a major life activity:

- The term "substantially limits" shall be construed broadly.
- An impairment that substantially limits one major life activity does not need to limit other major life activities in order to be considered a substantially limiting impairment.
- An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.
- An impairment is a disability if it substantially limits the ability of an individual to perform a major life activity as compared to most people in the general population. However, an impairment does not need to prevent, or significantly or severely restrict, the individual from performing a major life activity in order to be considered substantially limiting.
- The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures. However, the ameliorative effects of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.

❑ Identify the major life activity(ies) that is/are affected by the student's impairment(s):

❑ Determine whether the student qualifies as an individual with a disability under Section 504:

- The student has a physical and/or mental impairment that substantially limits one or more major life activities.

8. If, upon evaluation, the 504 Team finds that a student is an individual with a disability under Section 504, the 504 Team shall meet to determine what, if any, regular or special education services and related aids and services (including accommodations and/or modifications) are necessary to ensure that the student receives FAPE, which shall be specified in a written 504 plan ("Section 504 Plan")

C. Section 504 Plan

The parents/guardian or student aged 18 or over shall be invited to participate in a 504 Team meeting where the "Section 504 Plan" will be developed and shall be given an opportunity to examine all relevant records concerning the student.

The 504 Team will develop a Section 504 Plan describing the student's

disability(ies) and identifying the types of regular or special education services, related aids and services, accommodations, and/or modifications ("services, accommodations, and/or modifications") are necessary to ensure that the student receives a FAPE. The Section 504 Plan will specify how services, accommodations and/or modifications are to be provided and by whom. In developing the Section 504 Plan, the 504 Team shall consider all available relevant information, drawing upon a variety of sources.

The Team may also determine that no services, accommodations, and/or modifications are appropriate. If so, the record of the 504 Team proceedings will reflect the identification of the student as an individual with a disability and will state the basis for the decision that no services, accommodations, or modifications are presently needed.

A student with a disability shall be placed in the regular education environment of the District with the use of the supplementary aids and services, unless the District demonstrates that such placement cannot be achieved satisfactorily. The student with a disability shall be educated with those who do not have a disability to the maximum extent appropriate to the individual needs of the student.

The 504 Team shall notify the parents/guardian or student aged 18 or over in writing of its final decision concerning the services, accommodations, and/or modifications to be provided and the parents shall be notified of the safeguards available to them, including the right to an impartial hearing.

If a Section 504 Plan is developed, all school personnel who work with the student shall be informed of the plan and a case manager will be assigned to monitor student progress.

D. Review

The 504 Team will monitor the effectiveness of the student's Section 504 Plan at least once every year to determine whether the services, accommodations, and/or modifications are appropriate and necessary for the student to receive a FAPE, i.e., that the student with a disability's needs are being met as adequately as the needs of non-disabled students.

E. Periodic Reevaluation

Each student with a disability under Section 504 shall be reevaluated at least once every three years. In addition, a reevaluation of the student's needs shall be conducted before any significant change in placement, but not more than once per year unless the student's needs change, or unless agreed to by the District and the parents/guardian or student aged 18 or over. Prior to conducting a reevaluation, the District shall acquire written consent from the parent/guardian or student aged 18 or over.

F. Procedural Safeguards

The District shall notify the parents/guardians or student aged 18 or over of all actions and decisions by the District regarding the identification, evaluation, or educational placement of the eligible child.

The parents/guardians or student aged 18 or over shall be notified that they may examine the eligible student's relevant educational records.

If a parent/guardian or student aged 18 years of age disagrees with the decision(s) of the 504 Team with respect to the identification, evaluation, or educational placement of the student, the parent/guardian or student aged 18 or over shall have the right to an impartial hearing (Section 504 due process hearing). A detailed description of the available impartial hearing procedure is described in section IV of this Administrative Regulation below.

A 504 student who is the subject of discipline that results in removal from school for more than ten days shall be provided appropriate due process in accordance with state and federal law. Due process procedures that meet the requirements of the IDEA may be used to meet the procedural safeguards of law. A 504 meeting shall be conducted to consider whether the misconduct in question is a manifestation of the student's disability. If it is determined that the misconduct is not directly and substantially related to the student's disability, the student may be excluded from school in the same manner as are similarly situated students who do not have disabilities. A student identified as a qualified individual with disabilities under Section 504, who is also covered by the Individuals with Disabilities Education Act, will be disciplined in accordance with Board policy #5144.3, "Discipline of Students with Disabilities."

A reevaluation will also be required before any other significant change in placement (i.e., transferring a student to alternative education, significantly changing the composition of the student's class schedule, such as from regular education to the resource room, etc.).

III. Procedures for Complaints Alleging Discrimination on the Basis of Disability

The purpose of this procedure is to secure, at the lowest possible administrative level, equitable solutions to problems which may arise concerning claims of discrimination. Evidence of reprisal against a complainant or witness shall be viewed as a violation of this policy.

Any person who wishes to inquire or to register a complaint concerning alleged disability discrimination in the Windsor Locks Public Schools shall have an opportunity to bring such concerns to the attention the District's 504 Coordinator/ADA or the Superintendent, who has the authority to resolve such complaints.

Students wishing to make an inquiry, report or complaint regarding disability discrimination shall use the same grievance procedure and complaint form set forth in Board Regulation R5145.5, Nondiscrimination Toward Students Affirmative Action. The grievance procedure applies to any form of alleged discrimination prohibited by state or federal law and/or Board policy except for complaints of sexual harassment. For inquiries, reports or complaints of sexual harassment, refer to Board Policy 5145.5/4218.112/4118.112 which contains its own protocols and grievance procedures.

For convenience the grievance procedure set forth in R5145 is repeated here:

Level I: The complainant shall discuss the alleged discriminatory act or practice with the appropriate Civil Right Coordinator/Compliance Officer or the individual closest to the daily decision-making level. This will normally be a Principal, teacher, counselor, Department Chairperson, Head Custodian, or Cafeteria Manager. If satisfaction cannot be achieved through informal discussion, the following procedure may be initiated.

Level II: While there is not a specific deadline for filing, the complainant is encouraged to put the complaint in writing on a District provided form, and to file it with the appropriate Civil Rights Coordinator/Compliance Officer within forty (40) calendar days of the alleged incident. Within five (5) working days of receipt of the complaint, a conference must be held. Within five (5) working days following the conference, the complaint must be resolved to the satisfaction of both parties or be referred to the Superintendent of Schools. Within five (5) working days, the Civil Rights Coordinator/Compliance Officer shall notify the Superintendent and must notify the complainant of this notification. The Board will be apprised by the Superintendent of any grievance reaching Level II.

Level III: Within ten (10) working days after receipt of notification by the Civil Rights Coordinator/Compliance Officer, the Superintendent must hold a hearing with the complainant; and within five (5) working days of the hearing, resolve the complaint or issue a determination.

Level IV: The Board of Education, Superintendent, and the Civil Rights Coordinators/Officers shall proceed in accordance with appropriate laws or regulations and provide the Complainant written notice of the outcome in a timely fashion.

If discrimination is found, immediate and appropriate action will be taken to stop the discrimination and deter its recurrence. The Board is committed to providing a safe educational environment free from discrimination.

In addition to the internal complaint procedures set forth herein, complaints of discrimination and/or discriminatory harassment can be reported to:

Office for Civil Rights
U.S. Department of Education
5 Post Office Square, 8th Floor
Boston, MA 02109-3921
Telephone: 617-289-0111
Fax: 617-289-0150; TDD: 877-521-2172
Email: OCR.Boston@ed.gov
<http://www2.ed.gov/about/offices/list/ocr/complaintintro.html>

Dissemination of Grievance Procedures

To effectively inform all concerned persons about the process of grieving a complaint, the adopted Grievance Procedures is to be disseminated to students, parents/guardians, employees, and other interested parties. This information must be provided on a continuing basis. This Grievance Procedure shall be disseminated in a variety of ways, including, but not limited to, dissemination in: student/parent handbooks; bulletins or postings in district schools with the name of the coordinators posted on the school and/or district website; via a letter home to each student at the beginning of each school year and/or included as part of a school orientation package or employee orientation packet.

Public Notice of Non-Discrimination

Public Schools shall provide continuing notice to the public, personnel, and students that it does not discriminate on the basis of race, color, religious creed, age, veterans' status, genetic information, marital status, national origin, ancestry, sex, sexual orientation, gender identity or expression, pregnancy, physical disability, past or present history of mental disorder, intellectual disability, learning disability or other legally protected status with regard to admission or access to, or treatment or employment in programs and activities of the school district. Continuing notification may include the posting of notices, publication in local newspapers, and placement of notices in school publications, in student/parent handbooks, on district websites and through distribution of memoranda or other written communication.

IV. Requests for an Impartial Hearing

An impartial 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.

A request for an impartial hearing 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 complaint procedure described in Section III.

- a. The request for an impartial hearing concerning a disagreement relating to a student's identification, evaluation or educational placement should contain the following information:
 - i. Full name of the student, age, and grade level;
 - ii. Name of parent(s);
 - iii. Address and relevant contact information for parent/complainant;
 - iv. Date of complaint;
 - v. Specific areas of disagreement relating to the student's identification, evaluation and/or placement; and
 - vi. Remedy requested.
- b. Upon receipt of a request for an impartial 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 Individuals with Disabilities Education Act ("IDEA"). The impartial hearing officer may not be a District employee.

- c. 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 (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.
- d. 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.
- e. 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.
- f. 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.

V. The Section 504/ADA Coordinator for this District is: Joshua Robinson, Director of Special Services, 58 South Elm Street, Windsor Locks, CT 06096

Legal Reference: Connecticut General Statutes

10-15c Discrimination in public schools prohibited.

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §§791, 793-794

(2006), (34 Code of Federal Regulations Part 104)

Americans with Disabilities Act of 1990, 42 U.S.C. §§12101-12213; 29 C.F.R. Part 1630

(2006); 28 C.F.R. Part 35 (2006)

Americans with Disabilities Amendments Act of 2008

Section 504 Notice of Conference

Student: _____ Dated: _____

Dear: _____
(Parent)

We would like you to attend a Section 504 meeting regarding your child. The purpose of this meeting is to (all that apply have been checked):

- _____ Discuss the results of the evaluation/504 eligibility determination
- _____ Discuss the student's academic progress
- _____ Review the current service agreement
- _____ Review placement
- _____ Discuss the results of the reevaluation
- _____ Other

The following records/data will be discussed at the meeting: _____

The meeting has been scheduled for the following location and time:

Location: _____ Time: _____

The following people will be invited to the meeting:

If you would like any additional people to attend this meeting, if you have any questions or if it is not possible for you to attend on the date and time listed above, please contact me as soon as possible.

Building 504 Administrator: _____

Address: _____

Phone: _____

Section 504 Eligibility Determination Form

Student: _____ Grade/Class/Team: _____ Date: _____
School: _____ Birth Date: _____ Parent(s): _____

District 504 Coordinator: [Insert name, telephone number and e-mail address of 504 Coordinator]
Building 504 Administrator: _____

Reason for Meeting:
_____ Initial Evaluation _____ Periodic Reevaluation _____ Reevaluation before change in placement

Variety of sources of evaluation information: (indicate each one used)
_____ achievement tests _____ teacher recommendations/observations
_____ adaptive behavior _____ student work samples
_____ medical report _____ cognitive assessments
_____ other (specify): _____

Eligibility Criteria (All must be answered “yes” for the student to be eligible)

- 1. _____ Yes _____ No Does the student have a physical or mental impairment supported by documentation or other reliable evidence (medical records, testing, observations, etc.)? If not, proceed no further. The child is not a protected child under Section 504.

Specify the mental or physical impairment: _____

Note: If the impairment is related to current use of illegal drugs or alcohol, the student is not eligible for Section 504.

- 2. _____ Yes _____ No Does the impairment affect one or more major life activities of the student such that the student is prohibited from participating in or having access to any aspect of the school program? If no major life activity is affected by the physical or mental impairment, proceed no further. The child is not a protected child under Section 504.

Check the major life activity that is affected by the impairment: _____
_____ seeing _____ hearing _____ caring for one’s self _____ breathing
_____ walking _____ learning _____ performing manual tasks _____ working
_____ other (specify): _____

The team must focus on the major life activity as a whole (e.g. learning), not on a particular class (e.g. math) or sub-area (e.g. socialization; study skills).

If so, which major life activities are affected by the physical or mental impairment? (There must be appropriate evidence supporting the conclusion that a major life activity is affected. A description of how the major life activity is affected must be provided.)

Section 504 Eligibility Determination Form

3. Is the student substantially limited in the identified major life activity(ies)? (Complete the scale below, then answer question)

The term “substantially limited” means that the student is: unable to perform a major life activity that the average student of approximately the same age can perform OR significantly restricted as to the condition, manner or duration under which a particular life activity is performed as compared to the average student of approximately the same age. (The impairment must be substantial and somewhat unique, rather than commonplace, when compared to the average student of approximately the same age.)

Discount from the analysis any sub-par performance due to other factors, such as lack of motivation, and the immediate situation or environment. Similarly, make an educated estimate of the mitigation of medication. Use the average student in the general population as the frame of reference for comparison.

Place an “X” on the following scale to indicate the specific degree that the impairment (in #1) limits the major life activity (in #2); for an “X” at 4/0 or above, fill in specific information evaluated by the team that justifies the rating:

- 5 _____ Extremely _____
- 4 _____ Substantially _____
- 3 _____ Moderately _____
- 2 _____ Mildly _____
- 1 _____ Negligibly _____

_____ Yes The team’s determination was a “4” or above. The team should determine and list on the 504 Accommodation Plan the specific accommodations that are necessary for the student to have an opportunity commensurate with nondisabled students of approximately the same age in this district.

OR

_____ No The team’s determination was less than 4; the student is not eligible for Section 504 protections.

Provide notice to parents of their procedural rights, including an impartial hearing.

Explain:

4. _____ Yes _____ No Is a service or accommodation needed as a result of the disability to enable a student to attend or participate in a program or activity safely and in a manner consistent with attendance and participation of non-disabled students?

If “yes” was answered to all four questions, the student is entitled to accommodations and services under Section 504 made necessary by the disability so that the student can access or attend programs or activities safely.

Our team has recommended a 504 Service Agreement for this student: _____ Yes _____ No

What supplemental aides and/or services does the student need, if any?

School Committee Members Check Area of Knowledge

_____ child	_____ evaluation data	_____ accommodation/placement
_____ child	_____ evaluation data	_____ accommodation/placement
_____ child	_____ evaluation data	_____ accommodation/placement

_____child _____evaluation data _____accommodation/placement