

TOLLAND BOARD OF EDUCATION
Hicks Municipal Center
Council Chambers
Tolland, CT 06084

Zoom or In-Person

VISION STATEMENT

To represent education at its best, preparing each student for an ever-changing society, and becoming a full community of learning where excellence is achieved through each individual's success.

BOE GOALS

- Ensure the completion and implementation of the Portrait of a Graduate Report.
- Foster a culture and climate that supports high levels of learning and engagement, promotes mental and physical wellbeing, and leads to individual student success.
- Assess our district needs and advocate for resources to meet them, while pursuing non-traditional sources of revenue, ensuring a quality education for all students.
- Nurture and support an inclusive community where every person, regardless of their identity, is acknowledged and respected. This will ensure that Tolland students have the necessary resources to thrive at school, in the community, and in our diverse world.

REGULAR MEETING

7:00 PM

AGENDA
September 22, 2021

<https://us02web.zoom.us/j/86358441213?pwd=dUJpbnVDV3BoZW1MT1ZJZ1F1K21XZz09>

Meeting ID: 863 5844 1213

Passcode: 5FgfFH

Dial by your location
+1 929 436 2866 US (New York)
Meeting ID: 863 5844 1213
Passcode: 582724

Find your local number: <https://us02web.zoom.us/j/86358441213?pwd=dUJpbnVDV3BoZW1MT1ZJZ1F1K21XZz09>

A. CALL TO ORDER, PLEDGE OF ALLEGIANCE

B. APPROVAL OF THE AGENDA

C. APPROVAL OF MINUTES

- August 25, 2021
- September 8, 2021

D. PUBLIC PARTICIPATION (2-minute limit)

The members of the Tolland Board of Education welcome members of the public to share their thoughts and ideas at this time. When appropriate to do so, members of the Board and the administration may respond to comments during "Points of Information". However, in consideration of those in attendance and in an effort to proceed in a timely manner, follow-up discussion may need to take place outside of the meeting setting.

E. CORRESPONDENCE

F. POINTS OF INFORMATION

G. STUDENT REPRESENTATIVES' REPORT – Emily Pereira and Nathalie Mitchell

H. SUPERINTENDENT'S REPORT

- H.1 Monthly Financial Report
- H.2 Capital Budget Draft - Preview
- H.3 COVID Relief Fund & COVID update (no attachment)
- H.4 Turf Field discussion (no attachment)

I. COMMITTEE & LIAISON REPORTS

J. CHAIRPERSON'S REPORT

K. BOARD ACTION

- K.1 Policy 1010-Use of School Facilities
- K.2 Policy 1020-Possession of Deadly Weapons of Firearms
- K.3 Policy 5040-Transportation
- K.4 Title IX
- K.5 Policy 5080-Student

L. PUBLIC PARTICIPATION (2-minute limit)

Comments must be limited to items on this agenda.

M. POINTS OF INFORMATION

Town Council Meeting Minutes-September 14, 2021

N. FUTURE

O. NEW BUSINESS

P. ADJOURNMENT

TOLLAND BOARD OF EDUCATION
ZOOM Meeting

REGULAR MEETING – August 25, 2021

Members Present: Ashley Lundgren, Chair; Christina Plourd, Vice Chair; Secretary; Renie Besaw, Christine Griffin, Dana Philbin, Madhu Renduchintala, Sophia Shaikh

Members Absent: Tony Holt, Jacob Marie

Administrators Present: Dr. Walter Willett, Superintendent of Schools; Jen Webster,

A. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Ms. Lundgren called the meeting to order at 7:03 PM. The Pledge of Allegiance was recited.

B. APPROVAL OF THE AGENDA – n/a

C. APPROVAL OF MINUTES

- August 11, 2021

Mr. Renduchintala motioned to approve the minutes of the August 11, 2021 meeting.

Ms. Plourd seconded the motion.

Discussion: none

A roll call vote was taken. Motion passed unanimously.

D. PUBLIC PARTICIPATION - none

E. CORRESPONDENCE – n/a

F. POINTS OF INFORMATION - none

G. STUDENT REPRESENTATIVES' REPORT – Nathalie Mitchell and Emily Pereira - none

H. SUPERINTENDENT'S REPORT

H.1 Math Presentation (no enclosure)

Dr. Willett introduce Jen Webster, the Math Supervisor for the Tolland Public Schools.

Ms. Webster reviewed the following presentation:

- Tolland Public Schools: Mathematics, August 2021
- Terms to Know
 - Inquiry Based Learning
 - Student Centered
 - Problem Based
 - edReports
- What's New
 - Problem based learning
 - Using data to drive instruction
 - Supporting all learners
 - Fostering positive math mindsets

- Addressing Our Needs
 - Curriculum
 - New Resources
 - Data
 - Intervention
 - Co-Teaching
 - Summer Academy
- K-5 Pilot Adoption – Bridges in Mathematics
- EdReports Review – Bridges
 - Alignment
 - Usability
- 6-8 Pilot Adoption: Illustrative Math
- K-8 Resource Pilot
 - Math In Focus vs. Bridges in Mathematics and Illustrative Math
- Co-Teaching: Grades 6-12
- Looking Forward
 - Curriculum, Routines and Structures, Data

Ms. Plourd asked about the NWEA assessment and if they are using anything else to measure student achievement. Ms. Webster explained that depending on the grade they are using biweekly and monthly progress monitoring measures that are normed and standardized. Some assess foundational fluency skills depending on the grade level as well as progress monitoring measures that assess concepts and applications. Further, there are different benchmarks.

Ms. Griffin asked about Illustrative Math and if there will still be math levels in grades 6-8 as well as if there will be an algebra option. Ms. Webster responded that there will. Illustrative Math (IM) offers different levels, and she reviewed a comparison of IM with the former curriculum. She added that Algebra 1A will always be offered. Ms. Griffin asked what they do if they have 6-7 students and they do not run Algebra 1AB in the 8th grade. What is being done for those students who need a little more than just Algebra 1A? Ms. Webster responded that the only time they encountered this was this past year when there was 1 student and they put them in a 1A class and provided a variety of choices for extended projects and paired the student with an interventionist who was able to provide extension. Ms. Griffin asked about plans for changes at the high school level in terms of curriculum. Ms. Webster explained that the pandemic interrupted their work on this, but she expects to they will pick it back up. She added that it coincides with the Portrait of a Graduate. Ms. Griffin commented that due to the pandemic there was likely learning loss and asked if Bridge classes are available, staffed, and promoted. Ms. Webster responded that the high school teachers reviewed the coursework and prioritized major clusters of work. Anything they did not get to or reach as a level of exposure has been discussed during crossover meetings with the teachers who will teach the next courses in the sequence. The information is being added into the next sequence. This reaches all students to ensure they receive content. Ms. Webster noted that Bridge courses are still being offered and allows students the opportunity for continuity rather than skipping a semester.

Ms. Philbin confirmed that this summer all teachers were fully trained in Bridges in Mathematics and all of the classroom teachers have been provided a full Bridges kit for their grade level. Math interventionists and special ed teachers were previously trained and provided Bridges Intervention Kits which align to the grade level kits. All have been provided with planning time allowing them to work collaboratively and are receiving long-term support. Ms. Philbin commented that they had co-teaching at TIS for a time and it seems to be an area they can focus on for opportunities for growth. She asked if this would continue to grow in the lower grades. Ms. Webster explained that at TIS they currently have an informal model for co-teaching. Ms. Philbin asked about the Bridge courses at the high school and the game plan for students/parents to create their own pathways. Ms. Webster reviewed the chart of all possible pathways from 8th grade through graduation. Recommendations are made based on student data as well as teacher recommendations.

Mr. Renduchintala asked how students and staff are responding to the approach. Ms. Webster responded that the staff has been phenomenal and see the urgency for change. They review data and there is an urgency to meet students where they are and to improve for both students and staff. Co-teachers have seen value and enjoy working together. In terms of students, they have collected data at TMS and it shows they are enjoying the thrill of being mathematicians. Mr. Renduchintala asked what staff is needed for full and faithful implementation. Ms. Webster explained that the needs are the dedicated time for a co-planning approach with common planning time for teachers. Teachers need time to collaborate with each other as well as focus on data teams. Mr. Renduchintala asked what measures are in place to address learning loss over the summer. Ms. Webster explained that Summer Academy was open to all students. They had a math ELA comprised of comprehension and word work as well as SEL work. In terms of curriculum over time, they have updated the pacing guide to hyper focus on major cluster work for each grade level.

Ms. Plourd asked about the Bridge classes and if math is offered during every semester at the high school. Ms. Webster explained that it depends. Not every course is offered every semester, but the offerings are done in a thoughtful way. A student entering high school who is ready to take geometry may not take the course until the spring semester. Whether a student can take a math class every semester depends on the student's pathway and needs. Dr. Willett noted that Tolland students tend to be able to graduate with more credits than students from some other schools due to the structure.

Ms. Lundgren thanked Ms. Webster and commented that she is interested in seeing more about student achievement and see what is and is not working.

Ms. Shaikh asked if the trajectory is to end at Honors Calculus, why do the students take CP Precalculus and Honors Precalculus. Ms. Webster explained that it depends on a student's pathway. A student can go CP Precalculus to CP Calculus but to get to AP Calculus a student has to take Honors Advance Precalculus; however, someone who follows Honors leveling they go straight to AP Calculus.

Dr. Willett noted that he is reviewing a working copy this evening. Information is changing quickly, and they are making the necessary preparations. He expects there will be a revision of Executive Order 13D which will also affect information in the document.

Dr. Willett provided an overview of the information provided at the last meeting including the Pandemic Response Education Periods to respond to conditions.

- On August 5th, Executive Order 13A was signed which indicates that through September 30th masks must be worn in all schools.
- Vaccinated students and staff no longer need to quarantine. Unvaccinated students seated at least 3' away from a COVID positive student will not need to quarantine as long as the close contact student is asymptomatic and that students in the classroom are wearing masks. Close contact students and staff less than 6' away on buses, cafeterias, and other contexts must quarantine. Quarantines for students and staff deemed to be in close contact of someone who tests positive will be for 8-10 days from the day of contact. The person needs to be tested on day 5, 6, or 7. A negative test result needs to be presented on the 8th day in order to return to school. Otherwise, they need to wait 10 days.
- Students and staff do not need to report travel but do need to report COVID positive results.
- Masks are not needed for outdoor recess/PE
- Fall athletics will begin on time and fully vaccinated students and staff do not have to quarantine from sports or other activities
- Arts and Music – activities will be held outdoors when practical and extended distancing of 6' is required

Dr. Willett noted that he will hold Superintendent Open Forums via Zoom to answer questions on the following dates: August 31st and September 2nd at 6PM.

Dr. Willett noted that vaccinated teachers who are not symptomatic may be able to remove their masks when instructing students from the front of the room. Dr. Willett reviewed the Pandemic Response Education Periods and noted that a number of processes and forms will need to be created and available in the next week or so.

Dr. Willett noted that this year there is no remote learning option for Tolland for general education; however, students with severe health impacts that are at a level of COVID risk affecting their health severely or putting their life at risk, may apply for accommodation under an AIPGE Exemption Request (504). This would require that a medical personnel or mental health professionals designate that it rises to the level of severe health impact and that it may be a survival risk. If it does not raise to this level, it will not be granted. The State of Connecticut supports in-person learning designations. The AIPGE remote learning model will be online coursework with associated educator support. Families of students of special education would go through the typical IEP/PPT process.

The District COVID Accommodations and Exemptions committee (DCAE) will review all requests including mask accommodation requests, applications for the AIPGE, and provide determinations for staff requesting weekly testing condition. In regard to the

latter, under Executive Order 13D, Dr. Willett explained that the language reads that if staff or teachers have not been vaccinated by September 27th that their employment is to be discontinued. He noted that the document is being adjusted to what appears to be happening on the state level. The DCAE committee, which enforces the state's conditions, would provide determination for staff requesting a weekly testing condition should the option be allowed in an updated Executive Order 13D. Dr. Willett presented the language from Executive Order 13D.

Dr. Willett noted that people have the right to homeschool. While he is not saying that people should, he respects families' decisions.

Mr. Renduchintala clarified that if someone quarantines for 10 days then a test is not required to return. A negative test is only required to return on day 8 and it must be taken on day 5, 6, or 7.

Ms. Shaikh asked if students will be able to use lockers this year and what school lunch will look like. Dr. Willett responded that student will be allowed to use lockers and lunch will look normal with the exception that masks will need to be worn upon entry and sanitizers will be used. Cafeterias will operate as they have in the past, quarantines would be within 6 feet of a COVID positive person.

H.3 Field and Grounds Agreement – Turf Field (no enclosure)

Ms. Besaw explained that one of the issues is in regard to #21 where the Board and town will work collaboratively to come to up with a funding method for the turf field replacement. The turf roughly has 4 years before it needs to be replaced and the question is how they will get to the \$700K needed. The town has collected approximately \$128K in fees but Ms. Besaw is unsure if this is going toward the replacement and/or has been set aside. She explained that a plan is needed.

Dr. Willett presented an overview of the Fields and Grounds Maintenance Agreement and what the school system maintains. When the turf field was a grass field, it was under the domain of the town for maintenance. Turf fields require less maintenance but does need replacement in time.

Ms. Lundgren noted that this will be on the Town Council's agenda in September for discussion and is an important issue given the cost.

Mr. Renduchintala asked if there is a working definition for "working collaboratively". Ms. Besaw responded that there is not. There was discussion when the field was installed but it was not incorporated into the Agreement. The field has approximately a 10-year life span so one would not bond it for 20 years. She would like to know the Board's responsibilities and what can be expected from the town.

Ms. Plourd asked if the Board is going beyond its responsibility by discussing it early since it seems that collaboration comes later. If it is a capital request and the town cannot afford it, is there a chance it could be turned back to grass?

Ms. Griffin explained that the track resurfacing is in the capital budget and separate from the turf field replacement. Ms. Plourd apologized and thanked Ms. Griffin. Dr. Willett noted that a Spartan Re-Spray was done and paid for out of the Board's budget. Ms. Griffin explained that they cannot wait for a collaborative effort in 4 years. A plan needs to be put in place with information on how the cost will be split and funded.

Dr. Willett commented that as a grass turf field, the Board was not paying \$50,000 for maintenance. Over a period of 10 years, this expense was borne by the town. When the turf field was originally conceived, there was concern about this eventually becoming a Board burden. The language defines this as a major capital improvement is because it falls in the general category capital improvements, just as does a roof replacement etc.

Ms. Besaw noted that she agreed that the dollar figure is something that one would typically bond for, but the lifespan is not. The town is collecting revenue on the turf field, and this should be taken into consideration. The Board and the town are a team, and this should be discussed, and a plan created.

Dr. Willett will post the minutes from the original minutes regarding the turf field to the dashboard.

I. COMMITTEE & LIAISON REPORTS

- Birch Grove Building Committee – Ms. Philbin noted that the CO was received, and the school was officially turned over to the town. The contingency balances are approximately: \$50K (town) and \$16K (construction). The project is on time and on budget. The estimated installation for the swing set is November and the site has been prepped. Grand Opening: September 18th, 10-1PM; hosted by TEPTO.
- Communications – Reviewed the COVID plan and communication
- Finance and Facilities – Reviewed the following: potential capital budget considerations for November; projected year end numbers; renewal of the CRF and discussion with Council. Ms. Griffin asked if funds in the Birch Grove Building Project's contingencies could be used to address the loading dock (\$5K). Ms. Murray will investigate this.
- Curriculum – will meet in October
- Policy – Discussed 4 policies needing updating for compliance; will be presented to the Board
- Mental Health Task Force – Discussed the following: meeting with the CEO of the Hockanum Valley Community Council; ideas for a proposed teen center; surveying the public for input; next meeting is the 3rd week in September

J. CHAIRPERSON'S REPORT

Ms. Lundgren welcomed students back and she hopes it is wonderful. She is sure everyone will be ready to be back in the swing of things.

K. BOARD ACTION

K.1 Policy 9010

Ms. Besaw motioned to accept the changes to Policy 9010 as outlined in agenda item K.1 of the August 25, 2021, Board of Education Meeting.

Ms. Plourd seconded the motion.

Discussion: Ms. Besaw inquired about item E. Dr. Willett explained that state statutes override employment contracts.

A roll call vote was taken. Motion passed unanimously.

K.2 2022 BOE Meeting Dates

Mr. Renduchintala motioned to approve the Board of Education 2022 Meeting dates.

Ms. Plourd seconded the motion.

Discussion: none

A roll call vote was taken. Motion passed unanimously.

K.3 BGP Change Orders

Mr. Renduchintala motioned to accept documentation related to Project 142-0083-N State Change Order #7, presented in the Board of Education meeting of August 25, 2021, and authorize the Superintendent to sign all related documentation and approvals to apply for reimbursement from the State for eligible items.

Ms. Plourd seconded the motion.

Discussion: none

A roll call vote was taken. Motion passed unanimously.

L. PUBLIC PARTICIPATION - none

M. POINTS OF INFORMATION

- Town Council Meeting Minutes – August 10, 2021

N. FUTURE

O. NEW BUSINESS – none

P. ADJOURNMENT

Ms. Besaw motioned to adjourn at 9:28PM.

Mr. Renduchintala seconded the motion.

Discussion: none

A roll call vote was taken. Motion passed unanimously.

Respectfully submitted,
Lisa Pascuzzi
Clerk

TOLLAND BOARD OF EDUCATION
Zoom or In-Person Meeting

REGULAR MEETING – September 8, 2021

Members Present: Ashley Lundgren, Chair; Christina Plourd, Vice Chair; Tony Holt, Secretary; Renie Besaw (Zoom), Christine Griffin, Jacob Marie, Dana Philbin (Zoom, arrived 7:30PM), Madhu Renduchintala, Sophia Shaikh

Members Absent: none

Administrators Present: Dr. Walter Willett, Superintendent of Schools; Timothy McCluskey, Athletic Supervisor

- A. CALL TO ORDER, PLEDGE OF ALLEGIANCE
Ms. Lundgren called the meeting to order at 7:05 PM. The Pledge of Allegiance was recited.
- B. APPROVAL OF THE AGENDA - none
- C. APPROVAL OF MINUTES
- August 23, 2021
Mr. Marie motioned to approve the minutes of the August 23, 2021 meeting with the amendment that Ms. Shaikh was not present at the meeting.
Mr. Renduchintala seconded the motion.
Discussion: Ms. Shaikh did not attend the meeting or executive session.
A roll call vote was taken. Motion passed unanimously.
- D. PUBLIC PARTICIPATION - none
- E. CORRESPONDENCE
- E-mail offering information on equity in education
 - E-mail requesting that schools keep students in masks
 - E-mail thanking the Board and Superintendent for being understanding and communicating; writer is equally frustrated with the recent mandates from the Governor
 - E-mail offering proof that Wi-Fi and electromagnetic fields from power lines are harmful to children
 - E-mail requesting that masks be optional
 - E-mail requesting that the Board stand for freedom and allow masks to be a choice
 - E-mail asking if Tolland will offer remote learning
 - E-mail expressing concern on how students will be kept safe in the upcoming school year
 - E-mail from a physician offering information on the criticality of masks
 - E-mail requesting mandatory masking on behalf of 64 residents
 - E-mail stating that masks should be required in school
 - E-mail asking for information on why the meet and greets were scheduled as such
 - E-mail offering information on how to respond to the effects of the pandemic on children
 - E-mail concerning the posting of committee meetings on select Facebook pages
 - E-mail asking which Board members signed the letter to the EHHD
 - E-mail asking about the upcoming school calendar
 - E-mail offering a video on the perils of children and mask mandates

- E-mail offering a video on why all food should be organic

F. POINTS OF INFORMATION

- Mr. Renduchintala asked to make a petition not to have a Board meeting on the first day of school.
- Mr. Holt commented that today was the first day of school. He dropped his kindergartener off for her first day and the principal was out front. He was a ball of energy and excitement. It was amazing. Mr. Holt offered his appreciation to the entire school but to Mr. Swanson in particular for ensuring Mr. Holt's daughter was thrilled. He added that as a parent of a kindergartener with the bus issue he was a bit paranoid and called the school a half a dozen times. The woman who answered was calm, polite, and did an amazing job of putting him at ease.
- Mr. Renduchintala commented that the SRO at THS was super welcoming and full of energy as well. It was refreshing.
- Mr. Marie commented it was great to see the pictures of students going to Birch Grove and the school opening on time was great to see. He is looking forward to the Grand Opening.
- Ms. Lundgren commented that albeit with the bus issue, it was a great day for students to return to school and get back into the swing of things.

G. STUDENT REPRESENTATIVES' REPORT – Nathalie Mitchell and Emily Pereira - none

H. SUPERINTENDENT'S REPORT

H.1 Athletic Supervisor – Timothy McCluskey

Dr. Willett announced the appointment of Mr. McCluskey. He is a distinguished professional who has done a lot of work with social/emotional learning in athletics and is sensitive to many issues faced today.

Mr. McCluskey was in attendance in-person and thanked everyone for the opportunity. He is excited to get started and everyone he has met has been very helpful. The team is doing a great job. He is looking forward to day 1 hitting the ground running and working with everyone to ensure they move Tolland athletics to the next step.

H.2 Policy 1010 – Use of School Facilities

Dr. Willett reviewed attachment H.2.

Dr. Willett explained that the policies presented this evening are being updated as per information from Shipman & Goodwin LLC (S&G) provided to school districts.

Additionally, there are elements that are specific to Tolland Public Schools (TPS) which are in coordination with the attorneys at S&G. Items noted in green are added items that are specific to Tolland. The policies are being presented this evening for a first read.

Mr. Holt explained that not all of the changes and recommendations have to do with COVID, but many have been influenced by it. The formatting was done to assist the Board by highlighting edits.

Ms. Besaw asked about the Schedule of Fees and if it had been updated. Dr. Willett explained that they were fairly recently updated, and they are hourly rates. The fee schedule may be updated at any time, but he ran it by a few people who felt the fees were still in line. He will provide a date of when they were updated to the Board and include it in the appropriate location.

Ms. Shaikh addressed item C, Restrictions on Use of School Facilities, #6. She suggested adding energy drinks which can be dangerous to the student population. Further, the beverages can be abused. Additionally, under the Schedule of Fees she would like to add a sentence noting that the Schedule is subject to change. The Board was in agreement with the latter recommendation. A discussion took place regarding the energy drinks. Dr. Willett explained that energy drinks cover a wide range of items. Mr. Renduchintala recommended that it remain as “controlled substances”. Mr. Marie noted that he would prefer that energy drinks be more precisely defined. Dr. Willett explained that when visitors come to the schools, they may have logos for products that are not controlled substances on their equipment. Further, many dance troupes and others have sponsors.

The policy will be amended to add “subject to change” and presented to the Board for a second read.

H.3 Policy 1020 – Possession of Deadly Weapons of Firearms

Dr. Willett reviewed attachment H.3 and noted that the policy is being presented as a first read. The language has been updated based on the recommendations of S&G.

H.4 Policy 5040 - Transportation

Dr. Willett reviewed attachment H.4 and noted that the language has been updated based on the recommendations of S&G. The items specific to Tolland were vetted with S&G.

Ms. Griffin asked about III. Provision of Transportation and if transportation is not provided to kindergarteners and students in grades 1-3 who reside within 1 mile of the school. Dr. Willett responded that this is correct and is not unique.

H.5 Title IX

Dr. Willett reviewed attachment H.5. These are Policies 4060 and 5070 and associated regulations.

Dr. Willett explained that Title IX was completely redone by the state and with the new presidential administration. The guidelines were entirely new, and this is a complete replacement of the former language. It is boilerplate to what was provided by S&G. Dr. Willett noted that he provided the Policy Committee a presentation by S&G on this item. It is available on the Dashboard in the Policy Folder. Dr. Willett recommended that the language in this document not be edited.

H.6 Policy 5080 – Student Discipline

Dr. Willett reviewed attachment H.6. The updated language is based on recommendations by S&G.

Ms. Lungren asked about expulsions and why they start at grade 3. Dr. Willett explained they cannot expel a student who is in a lower grade aside from very limited exceptions.

Mr. Marie asked about item D. Hearing Procedures #16. If a student were to accidentally bring a knife to school from a camping trip, would they face an expulsion period that could not be amended? Dr. Willett explained that there are mandatory expulsion actions that the principal must execute. In regard to discretion, there can be a stipulated agreement. A stipulated agreement does not take away the expulsion – it has a probationary status for the students. The expulsion runs concurrent with the probationary status and either an alternative program is provided, or the student is allowed back into the general population to complete their program so long as certain conditions are met. If any of the conditions are violated, the student is placed back in expulsion status and sent out of the school or district. The district pays for the outplacement.

Ms. Besaw asked about item III, Actions Leading to Disciplinary Action, including Removal from Class, Suspension and/or Expulsion, #27, “walkman”. Dr. Willett explained that S&G did not recommend striking this from the document. There are students who take their parent’s walkmans. Ms. Besaw asked about item #39, “two students”, and if it could be more than 2 students. Ms. Besaw recommended striking, “two”. Dr. Willett will ask S&G but believes it may connect to Title IX language.

Ms. Shaikh referenced D. Hearing Procedures #2 and recommended striking “tape recording” and adding that the recording could be done by electronic means. Ms. Shaikh commented that throughout the Policy, when it addresses the student, it refers to the student as a minor. She cited the example of VIII. Procedures Governing Expulsion Hearing, E. Stipulated Agreements. The Policy does not make a provision for a student aged 18+. Students have rights which need to be upheld. Dr. Willett will ask S&G.

H.7 School Opening and COVID Update (no attachment)

Dr. Willett referenced the TPS Homepage > District > Superintendent > Superintendent Willett’s Page > Bulletins & Newsletters. The latest 2 bulletins provide information and the TPS Safe Return to In-Person Instruction and Continuity of Services Plan. Dr. Willett explained that the bulletins dated August 27th and August 31st describe the opening conditions, considerations, and other items. Additionally, there is a link to the TPS Pandemic Continuity of Learning Web-Site Resources. This is where parent/guardians can find COVID report, accommodation request, and reporting forms as well as other items. Dr. Willett noted that thus far there have been 5 reports of COVID identifications which were submitted prior to the start of school and did not impact classes. Dr. Willett noted that the School Meal Program has been updated as well. While families will not have to send money in for lunches (funding is being provided by the USDA), items will be available for sale a la carte, as long as school is in-person these items help balance the budget. Dr. Willett noted that remote learning will not be offered this year by TPS. Students of special education and their parent/guardian may request modifications and accommodations through the IEP/PPT process as in the past. A student in the general population may file for an alternative to In-Person accommodation under 504 and information for this is available on this page as well. Dr. Willett noted that all staff,

under Executive Order 13D, must be vaccinated or subject themselves to weekly testing as of September 27th. The staff have a site to report vaccination status and testing.

Ms. Griffin asked about reporting and quarantine – specifically travel to red states on the CT Travel Advisory List. Dr. Willett explained that right now people who are traveling do not need to report but if this changes the restrictions such as those on “red” states will become active.

Ms. Plourd asked what happens if school needs to be shut down and if the district can offer an alternative to in-person learning. Dr. Willett explained that this would only happen if conditions forced schools to shut down. He does not anticipate this happening. Many structures are in place to prevent it and address it aggressively. Further, many people are vaccinated. If the district was shut down, it would go to a model dictated by the state.

Mr. Renduchintala asked about alternative accommodation. Dr. Willett explained that the criteria for this is fairly high. One would need medical documentation that states that it is not possible for the individual to safely attend school for medical reasons and that the student could suffer severe impacts. If the criteria are met, a meeting is convened to consider a 504 accommodation. For example, at the grade 6-12 level, a student would be aligned with online courses and assisted by an associate educator. In grades K-5 the student would interact more with an associate educator in coordination with the teacher. They would not interact with the classroom during the span of the day. It would not resemble last year’s model.

I. COMMITTEE & LIAISON REPORTS

- Curriculum – will meet in October
- Finance and Facilities – will meet next week
- Mental Health Task Force – will meet in 2 weeks
- Birch Grove Building Committee – A phenomenal effort was made by all to ensure school opened today. Mr. Swanson and his team did a great job welcoming students. The Committee is reviewing change orders and authorized the loading dock leveler. D’Amato Construction is still onsite. TEPTO is sponsoring the Grand Opening on September 18th.
- Policy – See item H.
- Communications – next meeting August 28th (moved from August 27th)

J. CHAIRPERSON’S REPORT

Ms. Lundgren commented that students embarked on a new adventure today with new friends and teachers. She encouraged everyone to reach out to students to ensure they are comfortable and ready for success. They are the future and future leaders.

K. BOARD ACTION - none

L. PUBLIC PARTICIPATION - none

M. POINTS OF INFORMATION

- Town Council Meeting Minutes – August 24, 2021
- Joint Meeting with PZC minutes – August 25, 2021

N. EXECUTIVE SESSION – Personnel – Negotiations

Mr. Marie motioned for the Board to enter executive session at 8:22 PM for the purpose of discussing Personnel – Negotiations and invited Dr. Willett to attend.

Mr. Renduchintala seconded the motion.

Discussion: none

A roll call vote was taken. Motion passed unanimously.

The Board exited executive session at 9:49 PM.

Note: Ms. Besaw had a technical issue and disconnected during executive session. She did not return to vote.

Mr. Renduchintala motioned to approve changes to the Superintendent’s contract as specified in the Compensation Proposal for TPS Superintendent document provided to the board of education in the September 8, 2021 meeting, including the extension of the contractual agreement between the Board of Education and Superintendent Walter Willett for three years from July 1, 2021 through July 30, 2024 and the updating of the Superintendent’s contract accordingly.

Mr. Holt seconded the motion.

Discussion: none

A roll call vote was taken. Motion passed unanimously.

P. FUTURE - none

Q. NEW BUSINESS – none

R. ADJOURNMENT

Mr. Renduchintala motioned to adjourn at 9:52 PM.

Mr. Holt seconded the motion.

Discussion: none

A roll call vote was taken. Motion passed unanimously.

Respectfully submitted,
Lisa Pascuzzi
Clerk

TO: Board of Education

H.1

FROM: Mark S. McLaughlin, Tolland Public Schools Business Director

RE: Monthly Financial Report for August 2021

Date: September 14, 2021

CC: Walter Willett, Ph.D. Superintendent of Schools

Please find attached the first financial report for the FY 2021-2022 fiscal year. The month of August 2021 is the 2nd month of the 2021-2022 fiscal year. The monthly financials for this school year may look a little different as we come out of a COVID pandemic year. The attached report is only a temporary financial snapshot identifying two months of summer activity. As with any financial report that is generated this early in the year, not all purchase orders have been created, not all materials purchased and not all staff hired. This year's financial attachment is provided in an object format to clearly show the adopted budget and the YTD expenditures. This summary report provides the essential groups of accounts so the BOE can better understand the functional areas of the budget. The object line items follow the reporting format required by the State Dept. of Education. The line items show the approved budget, 2 months of expenses, encumbrances and available balances as generated through the financial software.

Since this report is exceptionally early, many line items such as salaries, health insurance, FICA/Medicaid & Social Security, retirements, legal and audit services, utilities, tuition, transportation, textbooks, professional services etc. have not all been fully encumbered or spent. This is normal for this time of year. The budget balance of \$4.63 million will be converted to encumbrances or expenditures over the next several of months.

The attached August 2021 financial report shows an available balance of \$4,631,526 or 11.35% of the BOE's current budget. As previously stated, these amounts, encumbrances and balances will change over the next several months. It is extremely important to understand that this available balance is a normal occurrence. Currently the timing of budget spending, needs of the students and expense patterns are cyclical in nature. Health Insurances will only be fully booked after teachers return to school, substitute expenses start in September, special education student tuitions will continue to increase, transportation routes have not been fully booked or adjusted, and instructional supplies will be spent as needed for the balance of the year. Some line items cannot be encumbered and will always have available balances such as substitutes, overtime, course reimbursement, consultants, unemployment compensation, workers compensation, and severance.

In a typical year, the budget is built 18-20 months from implementation, based on the best know data and assumptions from the town, state of Ct, grants, interest rates, market conditions, contacts, negotiations, Department of Ed. Mandates, and professional services etc.

The Budget for FY21-22 was Town Council approved for \$40,819,289 or \$801,999 more than FY21. The BOE is anticipating spending the allocated budget by year-end in accordance with CGS 10-222. As in the past, any balances may be returned to the town or the BOE will request to transfer the balance to the Educational Reserve Fund after final approval. It is anticipated that the district will receive the first excess cost payment in February 2022 from the state.

Tolland Public Schools

MM OBJ A Expenditure Report Summary (by OBJ - ??)

From Date: 7/1/2021

To Date: 8/31/2021

Fiscal Year: 2021-2022

- Subtotal by Collapse Mask
 Include pre encumbrance
 Print accounts with zero balance
 Filter Encumbrance Detail by Date Range
 Exclude Inactive Accounts with zero balance

Account Number	Description	GL Budget	Range To Date	YTD	Balance	Encumbrance	Budget Balance	% Bud
0100.0000.110.00.000.1	Salaries	\$23,366,979.52	\$1,179,311.89	\$1,179,311.89	\$22,187,667.63	\$22,700,049.21	(\$512,381.58)	-2.19%
0100.0000.120.00.000.1	Substitutes	\$367,228.00	\$2,594.00	\$2,594.00	\$364,634.00	\$174,600.00	\$190,034.00	51.75%
0100.0000.130.00.000.1	Overtime	\$218,871.00	\$67,177.93	\$67,177.93	\$151,693.07	\$0.00	\$151,693.07	69.31%
0100.0000.150.00.000.1	Stipends	\$394,028.03	(\$2,159.35)	(\$2,159.35)	\$396,187.38	\$476,087.01	(\$79,899.63)	-20.28%
0100.0000.190.00.000.1	Pension/Severance	\$160,374.00	\$3,719.92	\$3,719.92	\$156,654.08	\$0.00	\$156,654.08	97.68%
0100.0000.200.00.000.1	Employee Benefits	\$513,000.00	\$247,162.40	\$247,162.40	\$265,837.60	\$216,333.33	\$49,504.27	9.65%
0100.0000.210.00.000.1	Health/Life/Disabl Ins	\$5,303,181.00	\$133,042.09	\$133,042.09	\$5,170,138.91	\$5,141,049.68	\$29,089.23	0.55%
0100.0000.220.00.000.1	FICA/MED/Soc Sec	\$729,822.57	\$48,070.31	\$48,070.31	\$681,752.26	\$576,005.66	\$105,746.60	14.49%
0100.0000.240.00.000.1	Retirement (ICMA)	\$258,273.09	\$26,223.56	\$26,223.56	\$232,049.53	\$219,513.75	\$12,535.78	4.85%
0100.0000.250.00.000.1	Course Reimbursement-Degree Ch	\$50,000.00	\$0.00	\$0.00	\$50,000.00	\$0.00	\$50,000.00	100.00%
0100.0000.260.00.000.1	Unemployment Compensation	\$56,471.00	\$0.00	\$0.00	\$56,471.00	\$0.00	\$56,471.00	100.00%
0100.0000.270.00.000.1	Workers' Compensation	\$278,892.00	\$67,438.98	\$67,438.98	\$211,453.02	\$202,316.94	\$9,136.08	3.28%
0100.0000.300.00.000.1	Purch Prof & Tech Svcs	\$57,788.41	\$10,179.79	\$10,179.79	\$47,608.62	\$4,309.27	\$43,299.35	74.93%
0100.0000.310.00.000.1	Benefits Consultant Services	\$65,280.00	\$0.00	\$0.00	\$65,280.00	\$0.00	\$65,280.00	100.00%
0100.0000.320.00.000.1	Prof Educ Svcs	\$305,191.00	\$6,155.75	\$6,155.75	\$299,035.25	\$192,026.50	\$107,008.75	35.06%
0100.0000.330.00.000.1	Professional Tech Svcs	\$34,482.00	\$5,431.74	\$5,431.74	\$29,050.26	\$1,530.00	\$27,520.26	79.81%
0100.0000.340.00.000.1	Legal/Audit/Consult Svcs	\$213,145.00	\$56,429.35	\$56,429.35	\$156,715.65	\$101,500.00	\$55,215.65	25.91%
0100.0000.350.00.000.1	Tech Services	\$530,180.72	\$169,232.61	\$169,232.61	\$360,948.11	\$147,237.17	\$213,710.94	40.31%
0100.0000.410.00.000.1	Sewer/Water	\$35,465.00	\$35,465.00	\$35,465.00	\$0.00	\$0.00	\$0.00	0.00%
0100.0000.420.00.000.1	Cleaning/Rubbish Services	\$136,558.00	\$23,380.91	\$23,380.91	\$113,177.09	\$77,026.88	\$36,150.21	26.47%
0100.0000.430.00.000.1	Repair and Maint Servs (Facili	\$251,990.00	\$5,355.26	\$5,355.26	\$246,634.74	\$35,415.53	\$211,219.21	83.82%
0100.0000.440.00.000.1	Rentals	\$172,885.00	\$27,891.28	\$27,891.28	\$144,993.72	\$131,533.72	\$13,460.00	7.79%
0100.0000.510.00.000.1	Student Transp Svcs	\$2,621,994.00	\$0.00	\$0.00	\$2,621,994.00	\$64,145.16	\$2,557,848.84	97.55%
0100.0000.520.00.000.1	Property/Liability Insurance	\$233,202.00	\$79,718.85	\$79,718.85	\$153,483.15	\$136,050.00	\$17,433.15	7.48%
0100.0000.530.00.000.1	Telephone/ Postage	\$84,788.00	\$22,878.63	\$22,878.63	\$61,909.37	\$41,270.48	\$20,638.89	24.34%
0100.0000.540.00.000.1	Advertising	\$26,500.00	\$1,926.70	\$1,926.70	\$24,573.30	\$20,500.00	\$4,073.30	15.37%
0100.0000.550.00.000.1	Printing and Binding	\$19,947.00	\$0.00	\$0.00	\$19,947.00	\$574.85	\$19,372.15	97.12%
0100.0000.560.00.000.1	Tuition Educ Agency	\$1,601,733.00	\$108,171.42	\$108,171.42	\$1,493,561.58	\$1,353,044.98	\$140,516.60	8.77%
0100.0000.580.00.000.1	Travel and Conference	\$30,675.00	\$588.46	\$588.46	\$30,086.54	\$650.00	\$29,436.54	95.96%
0100.0000.590.00.000.1	Public Officers & State Troope	\$91,994.00	\$1,073.88	\$1,073.88	\$90,920.12	\$0.00	\$90,920.12	98.83%
0100.0000.600.00.000.1	General Supplies	\$165,553.00	\$16,040.70	\$16,040.70	\$149,512.30	\$72,644.37	\$76,867.93	46.43%
0100.0000.610.00.000.1	Instr Supplies/Mat'ls	\$276,312.88	\$9,318.28	\$9,318.28	\$266,994.60	\$58,202.79	\$208,791.81	75.56%
0100.0000.620.00.000.1	Energy	\$1,672,270.00	\$1,473,886.00	\$1,473,886.00	\$198,384.00	\$0.00	\$198,384.00	11.86%
0100.0000.640.00.000.1	Textbooks	\$189,074.62	\$768.75	\$768.75	\$188,305.87	\$95,942.25	\$92,363.62	48.85%
0100.0000.650.00.000.1	Films and Videos Supl	\$500.00	\$0.00	\$0.00	\$500.00	\$0.00	\$500.00	100.00%
0100.0000.660.00.000.1	Computer Software	\$48,794.24	\$3,402.00	\$3,402.00	\$45,392.24	\$38,246.70	\$7,145.54	14.64%
0100.0000.690.00.000.1	Misc Supplies	\$56,478.21	\$206.44	\$206.44	\$56,271.77	\$0.00	\$56,271.77	99.63%
0100.0000.730.00.000.1	Equip Instruct - New	\$136,640.89	\$10,800.15	\$10,800.15	\$125,840.74	\$43,653.42	\$82,187.32	60.15%
0100.0000.760.00.000.1	Equip - Spec Ed - Instr - New	\$850.00	\$0.00	\$0.00	\$850.00	\$0.00	\$850.00	100.00%
0100.0000.810.00.000.1	Dues and Fees	\$61,897.00	\$24,312.80	\$24,312.80	\$37,584.20	\$1,107.00	\$36,477.20	58.93%
Grand Total:		\$40,819,289.18	\$3,865,196.48	\$3,865,196.48	\$36,954,092.70	\$32,322,566.65	\$4,631,526.05	11.35%

End of Report

SUPERINTENDENT'S AGENDA ITEM BACKGROUND

ITEM: Capital Budget Request
ITEM SUBMITTED BY: Walter Willett, Ph.D., Superintendent
FOR BOE MEETING: September 28, 2021

ITEM SUMMARY:

The Capital Budget request is due from the TPS to the Town manager on October 7, 2021.

Attached is a review of the Five-Year Capital Budget request from the Tolland Public Schools through 2027:

2021-TPS Capital Budget Draft Preview

- The yellow represents BOE Capital Requests through FY27.
- The brown represents the Town Council Capital allocation of funds from FY18 for BOE Capital Projects.
- The green represents the Town Bonded Project status FY19-21.
- The purple represents WOA (or When the Opportunity Arises) items. Currently this is where many additional technology projects are requested.
- Orange are capital projects funded through the UISF.

FINANCIAL SUMMARY:

See attached.

BOARD ATTORNEY REVIEW:

N/A

BOE ACTION DESIRED:

Proposed Motion: *Motion to approve the BOE Capital Budget Request for FY22 through F26 and authorize the Superintendent to provide it to the Town Manager for consideration.*

Second. Discussion. Vote

SUPPORTING MATERIALS ATTACHED:

2021-TPS Capital Budget Draft Preview

Project Sheets / Descriptions (in process of being updated through October 7):

<https://drive.google.com/drive/folders/1TkK0cl5PWvLflSCzi3UjJv18hWRv5JC-?usp=sharing>

Historical Capital information:

http://www.tolland.k12.ct.us/DistrictOffices/superintendent/superintendent_willett_s_page/capital_improvement_plan

Department: Board of Education

Division: Central Office

MASTER DRAFT

Prepared By: Walter Willett Superintendent

Date Prepared: Original as of September 14, 2021 (ties to LH numbers)

** BOE Proj/Town Capital Funds Carried from FY18
Town Bonded Projects FY19-21
BOE Capital Requests FY22-27
BOE Capital Projects Funded by USIF

When Opportunity Arises WOA

Dept. Priority	Project Title	FY 2022	FY 2023	FY2024	FY2025	FY2026	FY2027	TOTAL	WOA
HIGH	TMS Paving of parking lot (exclud access Rd & exit)	259,310						259,310	
HIGH	Dist Wide IT Schl Surveil&Access Contol Sys BALANCE	17,167						17,167	
MEDIUM	THS Boiler Water Filtration System		85,000					85,000	
MEDIUM	TMS and TIS Geothermal Purge Cart		4,000					4,000	
MEDIUM	TMS Library and Main Office carpet			26,950				26,950	
MEDIUM	TIS Window Glass Replacements	16,850						16,850	
MEDIUM	TMS Bus Lot Paving	110,000						110,000	
MEDIUM	BOE-Articulating Lift	80,000						80,000	
HIGH	Replace THS Rear Loading Dock EOD System(new)	10,000						10,000	
HIGH	New Tractor for BGP w/increased sidewalks(new)	24,000						24,000	
MEDIUM	Maintenance Truck, Replace Ford F150 W/ F250(new)	35,000						35,000	
MEDIUM	TMS Track Re-surface		140,000					140,000	
HIGH	Dist Wide Wireless Access Point Upgrades		130,800					130,800	
HIGH	Replace (2) Tennant 5400 Floor Machines(new)		24,000					24,000	
HIGH	BOE Office Security: Cameras, Access Control(new)		16,000					16,000	
MEDIUM	TIS Modular Roof Replacement			45,000				45,000	
MEDIUM	TIS Nurse Re-design			41,000				41,000	
MEDIUM	TMS Café Tables			48,000				48,000	
MEDIUM	THS Track				350,000			350,000	
MEDIUM	TIS Hobart HighTempConveyorDishwsher&SinkStation	44,539						44,539	
HIGH	THS Roof Replacement					5,500,000		5,500,000	
MEDIUM	District Wide 1:1 Grade 3 Recurring Device Purhcase		41,400	41,400	41,400	41,400		165,600	
MEDIUM	District Wide 1:1 Grade 6 Recurring Device Purhcase				41,400	41,400		82,800	
MEDIUM	District Wide 1:1 Grade 9 Recurring Device Purhcase		75,000	75,000	75,000	75,000		300,000	
MEDIUM	Replace THS Stage Floor from Fir to Oak/Maple(new)						38,000	38,000	
MEDIUM	TMS Locker Replacements(new)			20,000	20,000	20,000	20,000	80,000	
MEDIUM	TIS Locker Replacements(new)			20,000	20,000	20,000	20,000	80,000	
MEDIUM	TIS Replacement Ceiling Tile (Building wide)	318,000						318,000	
MEDIUM	TMS Replacement Ceiling Tile (Building wide)	318,000						318,000	
HIGH	THS Classroom Tech Upgrades								126,122
HIGH	THS Business Lab Upgrade								16,125
HIGH	TMS Classroom Tech Upgrades								93,000
HIGH	THS Science Lab Tech Upgrades								56,761
HIGH	TIS Classroom Tech Upgrades								107,590
HIGH	TIS Science Lab Tech Upgrades								34,071
MEDIUM	TMS Computer Ed Labs Upgrade								75,450
MEDIUM	TMS Art & Music Labs Upgrade								35,173
MEDIUM	TMS Replacement Science Lab Furniture PS								36,380
MEDIUM	TMS Renovation of 6 Science Labs PS								1,060,000
MEDIUM	TMS Technology Ed Labs Upgrade								26,240
MEDIUM	TIS Computer Ed Lab Upgrade								14,818
MEDIUM	TIS Keyboarding Lab Upgrade								38,853
MEDIUM	TIS Library Lab Upgrade								24,308
MEDIUM	THS CADD Lab Upgrade								22,728
HIGH	DR Server Upgrades								15,413

BOE TOTAL CAPITAL PROJECTS w/o WOA	\$1,232,866	\$516,200	\$317,350	\$547,800	\$5,697,800	\$78,000	\$8,390,016	\$1,783,032
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BOE CAPITAL PROJECTS REQUESTED	\$320,389	\$512,200	\$317,350	\$547,800	\$5,697,800	\$78,000	\$7,473,539
BOE CAPITAL PROJECTS BONDED BY TOWN	\$636,000	\$0	\$0	\$0	\$0	\$0	\$636,000
BOE CAPITAL PROJECTS "WOA"	\$0	\$0	\$0	\$0	\$0	\$0	\$1,783,032
BOE CAPITAL PROJECTS TO BE FUNDED BY USIF	\$0	\$4,000	\$0	\$0	\$0	\$0	\$4,000
BOE Proj/Town Capital Funds Carried from FY18	\$276,477	\$0	\$0	\$0	\$0	\$0	\$276,477

ALL CAPITAL PROJECTS	\$1,232,866	\$516,200	\$317,350	\$547,800	\$5,697,800	\$78,000	\$10,173,048
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Note: ** BOE Proj/Town Capital Funds Carried from FY18
Projects Funded Per L Hancock TC agenda item of 5.14.19

SUPERINTENDENT'S AGENDA ITEM BACKGROUND

ITEM: Policy 1010-Use of School Facilities
ITEM SUBMITTED BY: Walter Willett, Ph.D., Superintendent
FOR BOE MEETING: September 22, 2021

ITEM SUMMARY:
Second read of Policy 1010 Use of School Facilities

FINANCIAL SUMMARY:
N/A

BOARD ATTORNEY REVIEW:
Updated per S&G model policies and district protocols and practices.

BOE ACTION DESIRED:

When ready:
Proposed Motion: *Motion to approve the updates to Policy 1010 – Use of School Facilities as documented in the Superintendent's Agenda Item K.1 for the September 22, 2021 Board of Education meeting.*

SUPPORTING MATERIALS ATTACHED:
Policy 1010 - Use of School Facilities – Revisions

TOLLAND PUBLIC SCHOOLS
Tolland, Connecticut

BOARD POLICY

REGARDING: Use of School Facilities

Number: 1010

Community/Board Operation

Approved: 2/28/01

Revised: 10/9/13

A. Application Procedures

In accordance with Conn. Gen. Stat. § 10-239, the Board of Education may permit the use of any school facility for nonprofit educational or community purposes whether or not school is in session. The Board of Education may also grant the temporary use of any school facility for public, educational, or other purposes, including the holding of political discussion, at such time the facility is not in use for school purposes. In addition, the Board shall grant such use for any purpose of voting under the provisions of Title 9 whether or not school is in session. In accordance with 20 ~~U.S.C.~~ **U.S.C.** §7905, the Board of Education shall not deny equal access to or a fair opportunity to meet, or otherwise discriminate, against any group officially affiliated with the Boy Scouts of America (or any other youth group listed as a patriotic society in title 36 of the United States code) that wishes to conduct a meeting using school facilities pursuant to this policy. Such uses shall be governed by the following rules and procedures, and shall be subject to such restrictions as the Superintendent or his/her designee considers expedient.

Consistent with this policy, the Superintendent shall develop and promulgate regulations and associated forms governing use of school buildings and facilities by community and other groups. **Since the primary purpose of school facilities is for educational activities, such activities will have priority over all other requested uses.**

Application for use of school buildings shall be made to the building principal. Groups requesting use of school buildings and facilities must identify specific facilities desired, and approval will be for those specific facilities only. All school equipment in the premises shall remain in the charge and control of the building principal or responsible administrator, and shall not be used without the express written permission of said administrator. **Use of building forms and procedures can be obtain by contacting the Tolland Superintendent's Office or any school office.**

Principals and other responsible administrators shall submit copies of each building use form with a notation of whether such uses have been **approved** **initially approved to move forward to the Superintendent's office for final approval**, or rejected. Approval of school facilities by the principal or other responsible party may be **rejected or** revoked by the Superintendent or his/her designee.

B. Eligible Organizations and Priority of Use

Administrators responsible for approving/disapproving requests for use of school district facilities will use the following guidelines regarding priority of usage of such facilities:

1. Educational programs and/or student activities approved by the school district.
 - ~~2. Student activities.~~
 2. Administrative, faculty, or staff activities.
 - ~~3. Administrative, faculty, or staff activities.~~
 - ~~4. School-affiliated organizations (e.g. PTO, Booster Clubs, After Graduation Committees, etc.).~~
 - ~~5. Town department or agency activities.~~
 - ~~6. Activities sponsored by and for organizations promoting the physical, political or cultural well-being of the residents of the Town.~~
 - ~~7. Private organizations or businesses for profit operating within the Town.~~
 - ~~8. Out of town organizations.~~
3. School-affiliated organizations (e.g. PTO, Booster Clubs, After Graduation Committees, etc.).
 4. Town department or agency activities.
 5. Activities sponsored by and for organizations promoting the physical, political, or cultural well being of residents of the Town.
 6. Activities of for-profit organizations operating within the Town.
 7. Out-of-Town organizations

C. Restrictions on Use of School Facilities

The following restrictions shall apply to the use of school facilities:

1. Illegal activities will not be tolerated.
2. Use or possession of alcoholic beverages or unauthorized controlled substances shall not be permitted on school property.
3. Unapproved vendors shall be prohibited in school buildings or on school grounds.

4. Refreshments may not be prepared, served or consumed without the prior approval of the responsible administrator. Notwithstanding, only those beverages permitted by state law may be sold during the school day. The responsible administrator may permit other beverages to be sold at the location of events occurring after the end of the regular school day or on the weekend as long as they are not sold from a vending machine or at a school store. Upon approval by the administrator, refreshments may be prepared, served and consumed only in areas designated by the responsible administrator.
5. Obscene advertising and/or decorations shall not be permitted on school property.
6. Advertising and/or decorations which depict logo or emblems that encourage the use of drugs, tobacco products, or alcoholic beverages shall not be permitted.
7. Activities that are disruptive of the school environment or violate the rights of others are not permitted.

~~Violation of these restrictions may result in permanent revocation of the privilege to use school facilities against the group involved.~~

Any violation of this Policy, any applicable Administrative Regulations, and/or district or school rules may result in permanent revocation of the privilege to use school facilities against the organization and/or individuals involved.

D. Fees

Users of school facilities shall be responsible for the fees and costs set out in a fee schedule established by the Superintendent with the approval of the Board of Education. The following guidelines shall be incorporated into such fee schedule:

1. Educational program and/or student activities approved by the school district: no rental fee or associated costs.
2. Student activities: no rental fee or associated costs.
3. Administrative faculty or staff activities: no rental fee or associated costs.
4. School affiliated organizations: no rental fee or associated costs.
5. Town department or agency activities: no rental fee; pay associated costs in accordance with fee schedule unless waived by the Superintendent.
6. Activities sponsored by and for in-town organizations promoting the physical, political, or cultural well-being of the residents of the Town: no rental fee, pay associated costs in accordance with fee schedule.

7. Private organizations or businesses for profit: pay rental fee and associated costs in accordance with fee schedule.
8. Out-of-town organizations: pay rental fee and associated costs in accordance with fee schedule.

“Associated costs” shall include, but shall not be limited to, fees for the services of any custodial personnel, food service personnel, security personnel, technology and A/V personnel, or other personnel deemed by the responsible administrator to be necessary in connection with the use of a school district facility. Such costs shall be at the current contractual or prevailing rate, whichever is applicable in accordance with the fee schedule. Rental charges otherwise applicable may be waived by the Superintendent or his/her designee if such waiver is deemed by the Superintendent or his/her designee to be in the best interest of the school system and/or the Town.

E. Responsibility for Damage to Property or Loss of Property

In order to use school district facilities, any organization or individual requesting such use must agree to assume responsibility for any damage to and/or theft or loss of any school district property arising out of the use of the facilities.

F. Health and Safety Protocols

In order to use school district facilities, any organization or individual requesting such use must agree to abide by all health and safety protocols in place by the school district at the time of use, including but not limited to protocols relating to cleaning of the facilities, signage, and health screenings of individuals requesting access to the facilities.

Legal References:

Connecticut General Statutes 10-239. Use of School Facilities for Other Purposes

Conn. Gen. Stat. § 10-215f

Conn. Gen. Stat. § 10-221q

Connecticut General Statutes Title 9. Elections.

Public Act 06-03, An Act Concerning Healthy Food and Beverages in Schools

20 U.S.C., Section 7905. Equal access to public schools for the Boy Scouts of America.

20 U.S.C., Section 101 et seq. patriotic and national organizations.

RENTAL OF SCHOOL BUILDINGS

Schedule of Fees *(subject to change as needed by the Tolland Public Schools)*

Rates and charges for the use of school facilities shall be applied in accordance with the schedule listed below. This schedule is included as part of the application for use of school facilities. All rental rates listed are on an **hourly rate basis**. There is a minimum two hour rental of space during the week when school is in session and a minimum of a three hour rental on weekends and holidays and after hours during vacation periods. Weekend rental rates reflect additional costs incurred by the School District to open the schools on the weekend or after regular hours.

RENTAL RATES – HOURLY-WEEKDAYS-WEEKENDS

2 HOUR MINIMUM RENTAL WEEKDAYS

3 HOUR MINIMUM RENTAL WEEKENDS, HOLIDAYS, AFTER HOURS DURING VACATION PERIOD

<u>AREA</u>	<u>WEEKDAYS</u>		<u>WEEKENDS</u>	
	<u>IN TOWN</u>	<u>OUT OF TOWN</u>	<u>IN TOWN</u>	<u>OUT OF TOWN</u>
<u>AUDITORIUMS</u>				
TOLLAND HIGH SCHOOL	\$75.00 90.00	\$100.00 115.00	\$100.00 115.00	\$150.00 165.00
TOLLAND MIDDLE SCHOOL	\$45.00 60.00	\$ 60.00 75.00	\$ 60.00 75.00	\$ 80.00 95.00
ELEMENTARY SCHOOLS	\$45.00 60.00	\$ 60.00 75.00	\$ 60.00 75.00	\$ 80.00 95.00
<u>CAFETERIA*</u>				
TOLLAND HIGH SCHOOL	\$40.00		\$60.00	
TOLLAND MIDDLE SCHOOL	\$30.00		\$45.00	
<u>CLASSROOMS</u>				
TOLLAND HIGH SCHOOL	\$20.00		\$35.00	
TOLLAND MIDDLE SCHOOL	\$15.00 20.00		\$25.00	
ELEMENTARY SCHOOLS	\$15.00 20.00		\$25.00	
<u>GYMNASIUMS</u>				
TOLLAND HIGH SCHOOL	\$50.00		\$75.00	
TOLLAND MIDDLE SCHOOLS	\$40.00		\$60.00	
ELEMENTARY SCHOOLS	\$30.00		\$45.00	
<u>LIBRARY</u>				
TOLLAND HIGH SCHOOL	\$30.00		\$45.00	
TOLLAND MIDDLE SCHOOLS	\$20.00		\$30.00	
ELEMENTARY SCHOOLS	\$25.00		\$40.00	
<u>OUTDOOR ATHLETIC FACILITIES</u> <u>(other than the turf field)</u>	\$30.00 40.00		\$40.00 50.00	

*A MINIMUM OF ONE CAFETERIA WORKER MUST BE PRESENT. COST WILL BE ADDED TO THE RENTAL FEE.

The above shall be in addition to custodial fees which are established at time and one-half (or double time) for the hours worked at the ongoing rate. Custodial fees are to be charged when custodial assistance is required or deemed desirable. Added to the custodial fees will be the applicable employer taxes and retirement contributions.

Agenda Item #K.2

SUPERINTENDENT'S AGENDA ITEM BACKGROUND

ITEM: Policy 1020-Possession of Deadly Weapons of Firearms

ITEM SUBMITTED BY: Walter Willett, Ph.D., Superintendent

FOR BOE MEETING: September 22, 2021

ITEM SUMMARY:

Second read Policy 1020 - Possession of Deadly Weapons or Firearms

FINANCIAL SUMMARY:

N/A

BOARD ATTORNEY REVIEW:

Updated per S&G model policies and district protocols and practices.

BOE ACTION DESIRED:

When ready:

Proposed Motion: *Motion to approve the updates to Policy 1020 – Possession of Deadly Weapons or Firearms as documented in the Superintendent's Agenda Item K.2 for the September 22, 2021, Board of Education meeting.*

SUPPORTING MATERIALS ATTACHED:

Policy 1020 - Possession of Deadly Weapons or Firearms Revision

TOLLAND PUBLIC SCHOOLS
Tolland, Connecticut

BOARD POLICY	REGARDING:	Possession of Deadly Weapons or Firearms
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Number: 1020
Community/Board Operation

Approved: 1/8/03

I. Definitions:

- A. **Deadly Weapon** means "any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles." Conn. Gen. Stat. § 53a-3 (6).
- B. **Firearm** means "any sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver, or other weapon, whether loaded or unloaded, from which a shot may be discharged." Conn. Gen. Stat. §53a-3 (19).
- C. ~~**Peace Officer** means a state police officer, a member of the local police department, an inspector in the state Division of Criminal Justice, a sheriff, deputy sheriff or special deputy sheriff, a conservation officer or special conservation officer, a constable who performs criminal law enforcement duties, a special policeman, an adult probation officer, a Department of Correction official authorized by the Commissioner of Correction to make arrests in a correctional institution or facility, an investigator in the investigations unit of the Office of the State Treasurer, or any special agent of the federal government. Conn. Gen. Stat. § 53a-3 (9).~~
- C. **Peace Officer** means "a member of the Division of State Police within the Department of Emergency Services and Public Protection or an organized local police department, a chief inspector or inspector in the Division of Criminal Justice, a state marshal while exercising authority granted under any provision of the general statutes, a judicial marshal in the performance of the duties of a judicial marshal, a conservation officer or special conservation officer, as defined in section 26-5, a constable who performs criminal law enforcement duties, a special policeman appointed under section 29-18, 29-18a or 29-19, an adult probation officer, an official of the Department of Correction authorized by the Commissioner of Correction to

make arrests in a correctional institution or facility, any investigator in the investigations unit of the office of the State Treasurer, an inspector of motor vehicles in the Department of Motor Vehicles, who is certified under the provisions of sections 7-294a to 7-294e, inclusive, a United States marshal or deputy marshal, any special agent of the federal government authorized to enforce the provisions of Title 21 of the United States Code, or a member of a law enforcement unit of the Mashantucket Pequot Tribe or the Mohegan Tribe of Indians of Connecticut created and governed by a memorandum of agreement under section 47-65c who is certified as a police officer by the Police Officer Standards and Training Council pursuant to sections 7-294a to 7-294e, inclusive.” Conn. Gen. Stat. § 53a-3 (9).

- D. **Real Property** means the land and all temporary and permanent structures comprising the district's elementary and secondary schools, and administrative office buildings. Real property includes, but is not limited to, the following: classrooms, hallways, storage facilities, theatres, gymnasiums, fields and parking lots.
- E. **School-Sponsored Activity** "means any activity sponsored, recognized or authorized by a board of education and includes activities conducted on or off school property." Conn. Gen. Stat. § 10-233a (H).

II. Prohibition of Deadly Weapons and Firearms

In accordance with Conn. Gen. Stat. § 29-28(e) and § 53a-217b, the possession and/or use of a deadly weapon or firearm on the real property of any school or administrative office building in this district, or at a school-sponsored activity, is prohibited, even if the person possessing the deadly weapon or firearm has a permit for such item.

III. Peace Officer Exception

A peace officer engaged in the performance of his or her official duties who is in lawful possession of a deadly weapon or firearm may bring such item on the real property of any school or administrative building in this district, or to a school-sponsored activity.

IV. Other Exceptions

Persons in lawful possession of a deadly weapon or firearm may possess such item on the real property of any school or administrative office building in this district, or to a school-sponsored activity if:

- A. The person brings the deadly weapon or firearm on the real property of any school or administrative office building or to a school-sponsored activity for use in a program approved by school officials. In such case, the person must give school officials notice of his/her intention to bring such item, and the person must receive prior written permission from school officials.
- B. The person possesses the deadly weapon or firearm on the real property of any school or administrative office building or at a school-sponsored activity pursuant to a written agreement with school officials or a written agreement between such person's employer and school officials.

V. Consequences

- A. Unless subject to one of the exceptions listed above, any person who possesses a deadly weapon or firearm on the real property of an elementary or secondary school in this district, or administrative office building, or at a school-sponsored activity, whether or not the person is lawfully permitted to carry such deadly weapon or firearm, will be reported to the local police authorities once school officials become aware of its possession.
- B. A student who possess and/or uses any deadly weapon or firearm on school property in violation of this policy shall be disciplined in accordance with board of education student discipline policy.
- C. The Board of Education reserves the right to forbid anyone caught possessing a deadly weapon or firearm on the real property of its school buildings or administrative office buildings, or at a school-sponsored activity, from using any and all school facilities.

Legal References:

Connecticut General Statutes ~~§10-233a, §29-28 (e), §53a-3 and §53a-217b.~~

Legal References:

Connecticut General Statutes § 10-233a
 § 10-244a
 § 29-28(e)
 § 53a-3
 § 53a-217b

SUPERINTENDENT'S AGENDA ITEM BACKGROUND

ITEM: Policy 5040-Transportation

ITEM SUBMITTED BY: Walter Willett, Ph.D., Superintendent

FOR BOE MEETING: September 22, 2021

ITEM SUMMARY:

Second read of Policy 5040 Transportation

FINANCIAL SUMMARY:

N/A

BOARD ATTORNEY REVIEW:

Updated per S&G model policies and district protocols and practices.

BOE ACTION DESIRED:

When ready:

Proposed Motion: *Motion to approve the updates to Policy 5040 – Transportation as documented in the Superintendent's Agenda Item K.3 for the September 22, 2021, Board of Education meeting.*

SUPPORTING MATERIALS ATTACHED:

Policy 5040 Transportation Revision

TOLLAND PUBLIC SCHOOLS
Tolland, Connecticut

BOARD POLICY

REGARDING: Transportation

Number: 5040
Students

Revised and Approved: 4/8/2020

I. Statement of Policy

The Board of Education will provide transportation for students under provisions of state law and regulations. The superintendent of schools shall administer the operation so as to:

1. provide for the safety of students, including consideration of hazardous conditions whether or not described in this policy;
2. provide for appropriate supervision for students while on school transportation, consistent with the Board's student discipline policy; and
3. assist disabled students by providing appropriate specialized transportation when required by law.
4. enrich the instructional program through carefully planned field trips as recommended by the staff.

II. Definitions

1. "School transportation" means the procedure, program, or fully effective and implemented plan by which a pupil is conveyed to and/or from school from his/her residence or the assigned bus stop at public expense, whether by use of publicly owned equipment or by contract. Such transportation shall be over public roads approved and maintained by the municipality or the State of Connecticut or private roads approved pursuant to C.G.S. Section 10-220c.
2. "Walking distance" means the linear measure of a prescribed or authorized pedestrian route between the pupil's residence and his/her school from a point at the curb or edge of a public or private road nearest the pupil's residence to a point at the entrance of the school, or a safe entrance to the school grounds

- located within one hundred feet of the school building entrance or the bus pick-up area, or the route from the point on the public thoroughfare nearest the residence to the school bus or vehicle embarkation point established by the Tolland Board of Education.
3. "One mile walking distance" means a reasonable measurement of a route to be traversed extending from the point of measurement at least 5,280 feet, but not more than 5,380 feet.
 4. "Grade K" means kindergarten, or a school program appropriate to a beginning pupil.
 5. "Hazard" means a thing or condition, as prescribed in this policy under "Hazardous Conditions—Guidelines" that affects the safety of pupils walking to or from school and/or to or from a designated bus pick-up area.
 6. "Sidewalk" means a portion of the landscape right of way approximately three feet wide, usually parallel to the traffic lanes which may be paved or unpaved, and marked by curbing, drainage ditch, grass area or fencing; apart from and independent of any white line safety markings along the street pavement.
 7. "Raised walk area" means a portion of the landscape right of way approximately three feet wide, usually parallel to the traffic lanes which may be paved or unpaved, distinguished by some elevation above the street pavement level and marked by curbing, drainage ditch, grass area or fencing; apart from and independent of any painted safety markings along the street pavement.
 8. "Walking route" means the route that the student is expected to travel between his/her residence to and from school and/or an assigned bus stop.
 9. "Bus stop" shall be defined as a geographical location designated by the Board of Education, school administration, or their designee where students can safely wait for purposes of embarking or disembarking a school bus.
 10. "Pupil" means any individual of school age enrolled in a public or nonprofit private school located within the school district or contiguous school district as the case may be.

III. Provision of Transportation

Transportation by private carrier may be provided whenever such practice is more economical than using school district-owned/leased facilities. If parents volunteer, and the administration permits, parents may be reimbursed for transportation of eligible

students whenever such practice is more economical or convenient for the school district.

In determining the provision of transportation for resident public and eligible private school students, the following guidelines regarding walking distances will be considered. Distance measurements will be based on the most direct route from the student's home beginning at a point at the curb or edge of a public road or highway nearest the home to the edge of the school property or bus pickup areas.

<u>Grade</u>	<u>Limit</u>
K	1 mile
1-3	1 mile
4-8	1 1/2 miles
9-12	2 miles

Students living within the stated limits will receive transportation when, in the opinion of the Superintendent of Schools, it is in the best interests of the district to provide transportation.

IV. Access to bus stops/transportation

Parents and/or guardians assume responsibility for ensuring the safety of their children up until the point when students board the school bus or other school provided transportation, and after students get off the bus after school. This responsibility includes the selection of walking routes to/from any bus stop, *compliance with health and safety precautions at the bus stop and along walking routes*, and the provision of supervision that is appropriate to the student's age, maturity and conditions along the walking route and/or at the bus stop at all times. *In order to use school transportation, all students and staff must abide by all health and safety protocols in place by the school district, the state and federal government, and their affiliated agencies*. Given that bus pick up times may vary, the board expects that parents and/or guardians will ensure that their children arrive at the bus stop in advance of any scheduled pick up time.

Students accessing school transportation are expected to behave in an appropriate manner, in accordance with all school rules and regulations. The Board's policies and procedures concerning student discipline shall apply to student behavior while accessing student transportation.

V. Hazardous Conditions

1. Any walking route to either the bus stop or the school which is in excess of the guidelines stated above.
2. Except as provided in Paragraph 8 of this Section, a street or road, along a designated walking route to or from school and/or to or from a designated bus pick-up area, having an adjacent or parallel sidewalk or raised walk area shall be deemed hazardous when any one of the following conditions exist:
 - a) For pupils under age ten, or enrolled in grades K through 3:
 - (i) The absence of pedestrian crossing light or crossing guard where three or more streets intersect, and at street crossings where there are no stop signs or crossing guards and the traffic count during the time that pupils are walking to or from school exceeds sixty vehicles per hour at the intersection and a pupil is expected to cross the street.
 - b) For pupils over age ten, or enrolled in grades 4 through 12:
 - (i) the absence of a traffic light or stop signs or crossing guard at an intersection where three or more streets intersect which has a traffic count which exceeds ninety vehicles per hour during the time that pupils are walking to or from school and such pupils are expected to cross the street;
 - c) For all pupils:
 - (i) any street, road, or highway with speed limits in excess of forty miles per hour which does not have pedestrian crossing lights or crossing guards or other safety provisions at points where pupils must cross when going to or from school or the bus stop;
 - (ii) For all pupils, the usual or frequent presence of any nuisance such as open man-holes, construction, snow plowed or piled on the walk area making walkways unusable, loading zones where delivery trucks are permitted to park on walkways, commercial entrances and exits where cars are crossing walking areas at speeds in excess of five miles per hour, and the like, including such nuisance which hazardous or attractive to children.
3. Any street, road, or highway, along a designated walking route to or from school and/or to or from a designated bus pick-up area, which has no sidewalks or raised walk areas shall be deemed hazardous if any one of the following conditions exist:

- a) For pupils under age ten, or enrolled in grade K through 3:
 - (i) any street, road, or highway possessing a traffic count of sixty or more vehicles per hour at the time that pupils are walking to or from schools;
 - (ii) any street, road, or highway possessing a speed limit in excess of thirty miles per hour.

 - b) For all pupils:
 - (i) the presence of man-made hazards including attractive nuisances, as stated in 2(c)(i) above; OR

 - (ii) any roadway available to vehicles that does not have a minimum width of approximately twenty-two feet; OR

 - (iii) any roadway available to vehicles that, when plowed free of snow accumulations, does not have a minimum width of approximately twenty feet; OR

 - (iv) any street, road, or highway where the line-of-sight visibility together with posted speed limits do not permit vehicular braking/stopping in accordance with the Connecticut Drivers Manual or Department of Transportation, Division of Design Standard, or other reasonable standard.
4. Any walkway, path, or bridge, along a designated walking route to or from school and/or to or from a designated bus pick-up area, in an area adjacent or parallel to railroad tracks shall be considered hazardous unless a suitable physical barrier along the entire pedestrian route is present and fixed between pupils and the track; and any crossing of railroad tracks that carry moving trains during hours that pupils are walking to or from school or to and from a designated bus pick-up area shall be deemed hazardous unless:
- a) a crossing guard is present; OR
 - b) for pupil under age ten, an automatic control bar is present at crossings; OR,
 - c) for pupils over age ten, a bar or red flashing signal light is operational.
5. For pupils in grades K through 4, the following conditions shall be deemed hazardous:
- a) a lake, pond, stream, culvert, water-way, or bridge shall be deemed a hazard in the absence of a fence or other suitable barrier fixed between the pupil and the water; OR

- b) any area adjacent to a roadway, sidewalk, or bridge, along a designated walking route to or from school and/or to or from a designated bus pick-up area, having a drop of three or more feet per four feet of travel length on either side of the established lanes, the absence of a fence or other suitable barrier.
6. For pupils in grades K through 8, walking to or from school or the bus stop at any time prior to one-half hour before sunrise or any time one-half hour after sunset shall be deemed hazardous.
 7. For all students, walking along any street, road, walkway, sidewalk, or path designated as a walking route for all school pupils which passes through an area which has a history of aggressive acts of molestation resulting in actual or threatened physical harm or moral degradation during the hours when pupils ordinarily walk to or from school shall be deemed hazardous.
 8. It shall not be a “hazard” or “hazardous condition” for a pupil whose residence abuts a public street, road or highway to (1) wait for the bus on the private property where the pupil resides for the school bus, until the school bus’s flashing red lights are activated to stop traffic so that the student can enter onto or cross the public street, road or highway to get on a school bus; or (2) exit a school bus that is stopped on the public street, road or highway, when the bus’s flashing red lights are activated to stop traffic so that the pupil can enter onto or cross such street, road or highway to access the private property where the pupil resides.

VI. Applicability and Exceptions

1. This policy is applicable to public road approved and maintained by the municipality or State of Connecticut, or private roads approved for passage of school transportation vehicles in accordance with C.G.S. Section 10-220c.
2. Special Education pupils and pupils eligible for services under Section 504 of the Rehabilitation Act shall be judged on an individual basis, and appropriate transportation provided.
3. The Superintendent of Schools may grant an exception to any provision of this guideline where a peculiar condition or combination of conditions renders such condition(s) a hazard based upon reasonable judgment; or where under the circumstances, other conditions exist under which the safety of students necessitate a variance with the above guidelines.

VII. Complaint Procedure

All complaints concerning school transportation safety shall be made in writing to the Superintendent of Schools or designee. The Superintendent or designee shall maintain a written record of all such complaints, and shall conduct appropriate investigations of the allegations in a timely manner. The investigation shall include 1) the review of the complaint raised with the appropriate personnel responsible for transportation of students and 2) the opportunity for the parent or other person making the complaint to meet with the Superintendent to discuss the complaint and any possible resolution thereof. If a complaint covered by Section 10-186 of the Connecticut General Statutes, and is not resolved by the Superintendent, the Superintendent shall inform parent or guardian, or an emancipated minor or a pupil eighteen years of age or older, of his or her right to request a hearing regarding the complaint. Such hearing, if requested, shall be held in accordance with Section 10-186 of the Connecticut General Statutes, as it may be amended from time to time.

Legal Reference: 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.
- 10-187 Appeal from finding of hearing board.
- 10-220 Duties of boards of education.
- 10-220c Transportation of children over private roads. Immunity from Liability.
- 10-221c Development of policy for reporting complaints regarding school transportation safety.
- 10-273a Reimbursement for transportation to and from elementary and secondary schools.
- 10-280a Transportation for students in non-profit private schools outside school district.
- 10-281 Transportation for pupils in nonprofit private schools within school district.
- 14-275 Equipment and color of school buses.
- 14-275b Transportation of mobility impaired students.
- 14-275c Regulations re: school buses and motor vehicles used to transport special education students.

SUPERINTENDENT'S AGENDA ITEM BACKGROUND

ITEM: Title IX

ITEM SUBMITTED BY: Walter Willett, Ph.D., Superintendent

FOR BOE MEETING: September 22, 2021

ITEM SUMMARY:

Second read of Policies 4060 and 5070 and associated regulations.

FINANCIAL SUMMARY:

N/A

BOARD ATTORNEY REVIEW:

Updated per S&G model policies and district protocols and practices.

BOE ACTION DESIRED:

When ready:

Proposed Motion: *Motion to approve the updates to Policies 4060 Sex Discrimination and Sexual Harassment in the Workplace (Personnel), and 5070 Sex Discrimination and Sexual Harassment (Students) and their associated regulations.*

SUPPORTING MATERIALS ATTACHED:

- Policy 4060 - Sex Discrimination and Sexual Harassment in the Workplace
- Regulation 4060 - Sex Discrimination and Sexual Harassment in the Workplace (Personnel)
- Policy 5070 - Sex Discrimination and Sexual Harassment (Students)
- Regulation 5070 - Sex Discrimination and Sexual Harassment (Students)

TOLLAND PUBLIC SCHOOLS
Tolland, Connecticut

BOARD POLICY REGARDING: Sex Discrimination and Sexual Harassment in the Workplace

Number: 4060
 Personnel

Approved: 2/12/03
Revised: 3/23/11

It is the policy of the Tolland Board of Education (the "Board") for the Tolland Public Schools (the "District") that any form of sex discrimination or sexual harassment is prohibited in the Board's education programs and activities, whether by students, Board employees or third parties subject to substantial control by the Board. It is the policy of the Board to maintain a working environment free from harassment, insults or intimidation on the basis of an employee's sex and free from discrimination based on sex.

The Board does not discriminate on the basis of sex in the education programs or activities that it operates and the Board is required by Title IX of the Education Amendments of 1972 and its implementing regulations ("Title IX"), Title VII of the Civil Rights Act of 1964 ("Title VII"), and Connecticut law not to discriminate in such a manner. Discrimination or harassment on the basis of sex includes discrimination or harassment on the basis of gender identity or sexual orientation. Students, Board employees and third parties are required to adhere to a standard of conduct that is respectful of the rights of all parties. Any employee or student who engages in conduct prohibited by this Policy shall be subject to disciplinary action, up to and including termination or expulsion, respectively. Third parties who engage in conduct prohibited by this Policy shall be subject to other sanctions, which may include exclusion from Board property and/or activities. Individuals who engage in acts of sex discrimination or sexual harassment may also be subject to civil and criminal penalties.

For conduct to violate Title IX, the conduct must have occurred in an education program or activity of the Board; the conduct must have occurred within the United States of America; and the complainant must be participating in or attempting to participate in the education program or activity of the Board. Conduct that does not meet these requirements still may constitute a violation of Title VII, Connecticut law, and/or another Board policy.

The Superintendent of Schools shall develop Administrative Regulations implementing this Policy and in accordance with Title IX, Title VII, and Connecticut law (the "Administrative Regulations").

Sex discrimination occurs when an employer refuses to hire, disciplines or discharges any individual, or otherwise discriminates against an individual with respect to his or her

compensation, terms, conditions, or privileges of employment on the basis of the individual's sex. Sex discrimination also 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.

Sexual harassment under Title IX means conduct on the basis of sex that satisfies one or more of the following:

(1) An employee of the Board conditioning the provision of an aid, benefit, or service of the Board on an individual's participation in unwelcome sexual conduct (*i.e., quid pro quo*);

(2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Board's education programs or activities; or

(3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Sexual harassment under Title VII and Connecticut law means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

(1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

(2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

(3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Reporting Sex Discrimination or Sexual Harassment

It is the express policy of the Board to encourage victims of sex discrimination and/or sexual harassment to report such claims. Employees are encouraged to report complaints of sex discrimination and/or sexual harassment promptly in accordance with the appropriate process set forth in the Administrative Regulations. The Board directs its employees to respond to such complaints in a prompt and equitable manner.

Violations of this Policy by employees will not be permitted and may result in discipline up to and including discharge from employment. Individuals who engage in acts of sex discrimination or sexual harassment may also be subject to civil and criminal penalties. Retaliation against any employee for complaining about sex discrimination or sexual harassment is prohibited under this Policy and illegal under state and federal law.

Any Board employee with notice of sex discrimination and/or sexual harassment allegations shall immediately report such information to the building principal and/or the Title IX Coordinator, or if the employee does not work in a school building, to the Title IX Coordinator.

The Tolland Public Schools administration (the "Administration") shall provide training to Title IX Coordinator(s), investigators, decision-makers, and any person who facilitates an informal resolution process (as set forth in the Administrative Regulations), which training shall include, but need not be limited to, the definition of sex discrimination and sexual harassment, the scope of the Board's education program and activity, how to conduct an investigation and implement the grievance process, and how to serve impartially, including by avoiding prejudice of the facts at issue, conflicts of interest, and bias. The Administration shall make the training materials used to provide these trainings publicly available on the Board's website. The Administration shall also periodically provide training to all Board employees on the topic of sex discrimination and sexual harassment under Title IX, Title VII, and Connecticut law, which shall include but not be limited to when reports of sex discrimination and/or sexual harassment must be made. The Administration shall distribute this Policy and the Administrative Regulations to employees, union representatives, students, parents and legal guardians and make the Policy and the Administrative Regulations available on the Board's website to promote an environment free of sex discrimination and sexual harassment.

The Board's Title IX Coordinator is Suzanne Waterhouse, Chief Personnel Officer. Any individual may make a report of sex discrimination and/or sexual harassment to any Board employee or directly to the Title IX Coordinator using any one, or multiple, of the following points of contact.

Mailing a complaint form to Suzanne Waterhouse, Board Office, 51 Tolland Green.

Or

Emailing swaterhouse@tolland.k12.ct.us using the subject Title IX.

Or

Calling 860-870-6850 extension 1 and ask for Suzanne Waterhouse.

Any Board employee in receipt of allegations of sex discrimination or sexual harassment, or in receipt of a formal complaint, shall immediately forward such information to the Title IX Coordinator. Board employees may also make a report of sexual harassment and/or sex discrimination to the U.S. Department of Education: Office for Civil Rights, Boston Office, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone: 617-289-0111).

Employees may also make a report of sexual harassment and/or 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).

Legal References:

Civil Rights Act of 1964, Title VII, 42 U.S.C. § 2000e-2(a).

Equal Employment Opportunity Commission Policy Guidance on Current Issues of Sexual Harassment (N-915.050), March 19, 1990.

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

Title IX of the Education Amendments of 1972, 34 CFR § 106, et seq.

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

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

TOLLAND PUBLIC SCHOOLS
Tolland, Connecticut

BOARD POLICY REGARDING: Sex Discrimination and Sexual Harassment (Students)

Number: 5070
Students

Approved: 2/12/03
Revised: 4/28/10

It is the policy of the Tolland Board of Education (the "Board") for the Tolland Public Schools (the "District") that any form of sex discrimination or sexual harassment is prohibited in the Board's education programs and activities, whether by students, Board employees or third parties subject to substantial control by the Board. The Board does not discriminate on the basis of sex in the education programs or activities that it operates and the Board is required by Title IX of the Education Amendments of 1972 and its implementing regulations ("Title IX") and Connecticut law not to discriminate in such a manner. Discrimination or harassment on the basis of sex includes discrimination or harassment on the basis of gender identity or sexual orientation. Students, Board employees and third parties are required to adhere to a standard of conduct that is respectful of the rights of students, employees and third parties. Any student or employee who engages in conduct prohibited by this Policy shall be subject to disciplinary action, up to and including expulsion or termination, respectively.

For conduct to violate Title IX, the conduct must have occurred in an education program or activity of the Board; the conduct must have occurred within the United States of America; and the complainant must be participating in or attempting to participate in the education program or activity of the Board. Conduct that does not meet these requirements still may constitute a violation of Connecticut law or another Board policy.

The Superintendent of Schools shall develop Administrative Regulations implementing this Policy and in accordance with Title IX and Connecticut law (the "Administrative Regulations").

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.

Sexual harassment under Title IX means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the Board conditioning the provision of an aid, benefit, or service of the Board on an individual's participation in unwelcome sexual conduct (*i.e., quid pro quo*);

(2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Board's education programs or activities; or

(3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Sexual harassment under Connecticut law means conduct in a school setting that 1) is sexual in nature; 2) is unwelcome; and 3) denies or limits a student's ability to participate in or benefit from a school's educational program. Sexual harassment can be verbal, nonverbal or physical. Sexual violence is a form of sexual harassment.

Reporting Sex Discrimination or Sexual Harassment

It is the express policy of the Board to encourage victims of sex discrimination and/or sexual harassment to report such claims. Students are encouraged to report complaints of sex discrimination and/or sexual harassment promptly in accordance with the appropriate process set forth in the Administrative Regulations. The Board directs its employees to respond to such complaints in a prompt and equitable manner. The Board further directs its employees to maintain confidentiality to the extent appropriate and not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of sex discrimination and/or sexual harassment. Any such reprisals or retaliation will result in disciplinary action against the retaliator, up to and including expulsion or termination as appropriate.

Any Board employee with notice of sex discrimination and/or sexual harassment allegations shall immediately report such information to the building principal and/or the Title IX Coordinator, or if the employee does not work in a school building, to the Title IX Coordinator.

The Tolland Public Schools administration (the "Administration") shall provide training to Title IX Coordinator(s), investigators, decision-makers, and any person who facilitates an informal resolution process (as set forth in the Administrative Regulations), which training shall include but need not be limited to, the definitions of sex discrimination and sexual harassment, the scope of the Board's education program and activity, how to conduct an investigation and grievance process, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The Administration shall make the training materials used to provide these trainings publicly available on the Board's website. The Administration shall also periodically provide training to all Board employees on the topic of sex discrimination and sexual harassment under Title IX and Connecticut law, which shall include but not be limited to when reports of sex discrimination and/or sexual harassment must be made. The Administration shall distribute this Policy and the Administrative Regulations to staff, students and parents and legal guardians and make the Policy and the Administrative Regulations available on the Board's website to promote an environment free of sex discrimination and sexual harassment.

The Board's Title IX Coordinator is Suzanne Waterhouse, Chief Personnel Officer. Any individual may make a report of sex discrimination and/or sexual harassment to any Board employee or directly to the Title IX Coordinator using any one, or multiple, of the following points of contact.

Mailing a complaint form to Suzanne Waterhouse, Board Office, 51 Tolland Green.

Or

Emailing swaterhouse@tolland.k12.ct.us using the subject Title IX.

Or

Calling 860-870-6850 extension 1 and ask for Suzanne Waterhouse.

Any Board employee in receipt of allegations of sex discrimination or sexual harassment, or in receipt of a formal complaint, shall immediately forward such information to the Title IX Coordinator. Students may also make a report of sexual harassment and/or sex discrimination to the U.S. Department of Education: Office for Civil Rights, Boston Office, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone (617) 289-0111).

Students may also make a report of sexual harassment and/or 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).

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.
 Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)
 Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)
 Conn. Gen. Stat. § 10-15c - Discrimination in public schools prohibited.

TOLLAND PUBLIC SCHOOLS
Tolland, Connecticut

ADMINISTRATIVE REGULATION REGARDING: Sex Discrimination and Sexual
Harassment in the
Workplace (Personnel)

Number: 4060
Administrative

Approved: 2/12/03

It is the policy of the Tolland Board of Education (the "Board") for the Tolland Public Schools (the "District") that any form of sex discrimination or sexual harassment is prohibited in the Board's education programs and activities, whether by students, Board employees or third parties subject to substantial control by the Board. Discrimination or harassment on the basis of sex includes discrimination or harassment on the basis of gender identity or sexual orientation. Students, District employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students, District employees, and third parties. It is the policy of the Board to maintain a working environment free from harassment, insults or intimidation on the basis of an employee's sex and free from discrimination based on sex. Verbal or physical conduct by a supervisor or co-worker relating to an employee's sex that has the effect of creating an intimidating, hostile or offensive work environment, unreasonably interfering with the employee's work performance, or adversely affecting the employee's employment opportunities is prohibited.

Any employee or student who engages in conduct prohibited by the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) shall be subject to disciplinary action. Any third party who engages in conduct prohibited by the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) shall be subject to remedial measures, which may include exclusion from school property.

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.

Sexual harassment under Title IX means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the Board conditioning the provision of an aid, benefit, or service of the Board on an individual's participation in unwelcome sexual conduct (i.e., *quid pro quo*);
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education programs or activities; or

(3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30). These definitions can be found in Appendix A of these Administrative Regulations.

Sexual harassment under Title VII and Connecticut law means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Although not an exhaustive list, the following are other examples of conduct prohibited by the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel):

1. Unwelcome sexual advances from a co-worker or supervisor, such as unwanted hugs, touches, or kisses;
2. Unwelcome attention of a sexual nature, such as degrading, suggestive or lewd remarks or noises;
3. Dirty jokes, derogatory or pornographic posters, cartoons or drawings;
4. The threat or suggestion that continued employment advancement, assignment or earnings depend on whether or not the employee will submit to or tolerate harassment;
5. Circulating, showing, or exchanging emails, text messages, digital images or websites of a sexual nature;
6. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel).

NOTICE OF THE TITLE IX COORDINATOR

The District's Title IX Coordinator is Suzanne Waterhouse, Chief Personnel Officer. Any individual may make a report of sex discrimination and/or sexual harassment to any District employee or directly to the Title IX Coordinator using any one, or multiple, of the following points of contact.

Mailing a complaint form to Suzanne Waterhouse, Board Office, 51 Tolland Green.

Or

Emailing swaterhouse@tolland.k12.ct.us using the subject Title IX.

Or

Calling 860-870-6850 extension 1 and ask for Suzanne Waterhouse.

Any District employee in receipt of allegations of sex discrimination or sexual harassment, or in receipt of a formal complaint, shall immediately forward such information to the Title IX Coordinator. The Title IX Coordinator manages the District's compliance with Title IX, Title VII and Connecticut law with respect to sexual harassment and/or sex discrimination and is an available resource to anyone seeking information or wishing to file a formal complaint of same. When a student, District employee, or other participant in the District's programs and activities feels that such person has been subjected to discrimination on the basis of sex in any District program or activity, including without limitation being subjected to sexual harassment, such person may contact the Title IX Coordinator or utilize the Title IX, Title VII and Connecticut law grievance systems set forth herein to bring concerns forward for the purpose of obtaining a prompt and equitable resolution.

EXPLANATION OF COMPLAINT PROCESS AND PROCEDURE

The federal regulations implementing Title IX require the adoption and publication of two separate grievance systems: a grievance process for complaints of sex discrimination involving allegations of sexual harassment and grievance procedures for complaints of sex discrimination that are not sexual harassment. Accordingly, the Administration will process any complaints of sex discrimination involving allegations of sexual harassment, as defined above, pursuant to the grievance process set forth in Section I of these regulations. The Administration will process any complaints of sex discrimination that are not sexual harassment pursuant to the grievance procedures set forth in Section II of these regulations.

The District will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), or as required by law, or to carry out the purposes of these Administrative Regulations, including the conduct of any investigation, hearing, or judicial proceeding arising from these Administrative Regulations.

The obligation to comply with Title IX is not obviated or alleviated by the FERPA.

SECTION I. GRIEVANCE PROCESS FOR COMPLAINTS OF SEXUAL HARASSMENT UNDER TITLE IX

A. Definitions

- Bias occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decision-maker(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 prejudgment of the facts at issue in the investigation.

- Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- A conflict of interest occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decision-maker(s) have personal, financial and/or familial interests that affected the outcome of the investigation.
- 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:

A. 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.

B. Affirmative consent may be revoked at any time during the sexual activity by any person engaged in the sexual activity.

C. It is the responsibility of each person engaging in 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.

D. It shall not be a valid excuse to an alleged lack of affirmative consent that the respondent to the alleged violation believed that the complainant consented to the sexual activity:

(i) because the respondent was intoxicated or reckless or failed to take reasonable steps to ascertain whether the complainant affirmatively consented, or

(ii) 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.

E. The existence of a past or current dating or sexual relationship between the complainant and the respondent, in and of itself, shall not be determinative of a finding of consent.

- For purposes of investigations and complaints of sexual harassment, education program or activity includes locations, events, or circumstances over which the Board exercises

substantial control over both the respondent and the context in which the sexual harassment occurs.

- 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.
- Formal complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment (as defined under Title IX) against a respondent and requesting that the Administration investigate the allegation of sexual harassment. A "document filed by a complainant" means a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
- Respondent means an individual who has been alleged to be the perpetrator of conduct that could constitute sexual harassment.
- School days means the days that school is in session as designated on the calendar posted on the Board'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 process.
- Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, increased security and monitoring, and other similar measures.

B. Reporting Sexual Harassment

1. It is the express policy of the Board to encourage victims of sexual harassment to report such claims. Any person may report sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator. If the District receives notice of sexual harassment or alleged sexual harassment against a person

in the District's education program or activity, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures, whether or not the complainant files a formal complaint, and will consider the complainant's wishes with respect to such measures. If the complainant has yet to file a formal complaint, the Title IX Coordinator will explain to the complainant the process for doing so.

2. The District will treat complainants and respondents equitably. A respondent is presumed not responsible for the alleged conduct and a determination regarding responsibility will be made at the conclusion of the grievance process if a formal complaint is filed. Nothing in these Administrative Regulations shall preclude the District from placing an employee respondent on administrative leave during the pendency of the grievance process. Further, nothing in these Administrative Regulations shall limit or preclude the District from removing a respondent from the District's education program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. If a respondent is removed on an emergency basis, the District shall provide the respondent with notice and an opportunity to challenge the decision immediately following the removal.

C. Formal Complaint and Grievance Process

1. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the District's education programs or activity. A formal complaint may be signed by the Title IX Coordinator. If the formal complaint being filed is against the Title IX Coordinator, the formal complaint should be filed with the Superintendent. If the formal complaint being filed is against the Superintendent, the formal complaint should be filed with the Board Chair, who will then retain an independent investigator to investigate the matter.
2. The District may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. If possible, formal complaints should be filed within ten (10) school days of the alleged occurrence in order to facilitate the prompt and equitable resolution of such claims. The District will attempt to complete the formal grievance process within ninety (90) school days of receiving a formal complaint. This timeframe may be temporarily delayed or extended in accordance with Subsection G of this Section.
3. Upon receipt of a formal complaint, if the Title IX Coordinator has not already discussed the availability of supportive measures with the complainant, the Title IX Coordinator will promptly contact the complainant to discuss the availability of such measures and consider the complainant's wishes with respect to them. The Title IX

Coordinator or designee may also contact the respondent, separately from the complainant, to discuss the availability of supportive measures for the respondent. The District will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide such supportive measures.

4. Within ten (10) school days of receiving a formal complaint, the District will provide the known parties with written notice of the allegations potentially constituting sexual harassment under Title IX and a copy of this grievance process. The written notice must also include the following:
 - i. The identities of the parties involved in the incident, if known;
 - ii. The conduct allegedly constituting sexual harassment as defined above;
 - iii. The date and the location of the alleged incident, if known;
 - iv. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
 - v. A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence; and
 - vi. A statement of any provision in the District's policies that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the District decides to investigate allegations about the complainant or respondent that are not included in the written notice, the District must provide notice of the additional allegations to the parties whose identities are known.

5. The parties may have an advisor of their choice accompany them during any grievance proceeding at which the party's attendance is required. The District may, in its discretion, establish certain restrictions regarding the extent to which an advisor may participate in the proceedings. If any such restrictions are established, they will be applied equally to all parties.
6. The Title IX Coordinator will, as applicable, promptly commence an investigation of the formal complaint, designate a school administrator to promptly investigate the formal complaint, or dismiss the formal complaint in accordance with Subsection F of this Section. The standard of evidence to be used to determine responsibility is the preponderance of the evidence standard (i.e., more likely than not). The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the District and not on the parties.
7. The parties will be given an equal opportunity to discuss the allegations under investigation with the investigator(s) and are permitted to gather and present relevant evidence. This opportunity includes presenting witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. The

District will provide to a party whose participation is invited or expected (including a witness) written notice of the date, time, location, participants, and purpose of all hearings (if applicable), investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

8. Both parties will be given an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. Prior to completion of the investigative report, the District will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have ten (10) school days to submit a written response, which the investigator(s) will consider prior to completion of the investigative report, as described in Paragraph 9 of this Subsection.
9. The investigator(s) will create an investigative report that fairly summarizes relevant evidence. The investigator(s) will send the investigative report, in an electronic format or hard copy, to each party and to each party's advisor for their review and written response at least ten (10) school days prior to the time a determination regarding responsibility is made.
10. The Superintendent will appoint a decision-maker(s), who shall be a District employee or third-party contractor and who shall be someone other than the Title IX Coordinator or investigator(s). If the formal complaint filed is against the Superintendent, the Board Chair shall appoint the decision-maker, who shall be someone other than the Title IX Coordinator or investigator(s). The investigator(s) and the decision-maker(s) shall not discuss the investigation's facts and/or determination while the formal complaint is pending. The decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) will explain to the party proposing the questions any decisions to exclude a question as not relevant.
11. The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker must apply the preponderance of the evidence standard. The written determination will include: (1) identification of the allegations potentially constituting sexual harassment; (2) a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; (3)

findings of fact supporting the determination; (4) conclusions regarding the application of the District's code of conduct to the facts; (5) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District will impose on the respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and (6) the District's procedures and permissible bases for the complainant and respondent to appeal. If the respondent is found responsible for violating the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel), the written determination shall indicate whether the respondent engaged in sexual harassment as defined by the Board's Policy and these Administrative Regulations. The written determination will be provided to both parties simultaneously.

12. Student respondents found responsible for violating the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) may be subject to discipline up to and including expulsion. Employee respondents found responsible for violating the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) may be subject to discipline up to and including termination of employment. Other respondents may be subject to exclusion from the District's programs, activities and/or property. In appropriate circumstances, the District may make a criminal referral. Remedies will be designed to restore or preserve equal access to the District's education programs or activities.
13. After receiving notification of the decision-maker(s)' decision, or after receiving notification that the District dismissed a formal complaint or any allegation therein, both complainant and respondent may avail themselves of the appeal process set forth in Section E of this Section.

D. Informal Resolution

At any time prior to reaching a determination regarding responsibility, but only after the filing of a formal complaint, the District may suggest to the parties the possibility of facilitating an informal resolution process, such as mediation, to resolve the formal complaint without the need for a full investigation and adjudication. If it is determined that an informal resolution may be appropriate, the Title IX Coordinator or designee will consult with the parties.

Prior to facilitating an informal resolution to a formal complaint, the Title IX Coordinator or designee will provide the parties with written notice disclosing the sexual harassment allegations, the requirements of an informal resolution process, and any consequences from participating in the informal resolution process. Upon receipt of this document, complainants and respondents have five (5) school days to determine whether they consent to participation in the informal resolution. The District must obtain voluntary, written consent to the informal resolution process from both parties.

Prior to agreeing to any resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint. If a satisfactory resolution is reached through this informal process, the matter will be considered resolved. If these efforts are unsuccessful, the formal grievance process will continue.

Nothing in this section precludes an employee 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.

An informal resolution is not permitted to resolve allegations that an employee sexually harassed a student.

E. Appeal Process

After receiving notification of the decision-maker(s)' decision, or after receiving notification that the District dismissed a formal complaint or any allegation therein, both complainant and respondent have five (5) school days to submit a formal letter of appeal to the Title IX Coordinator specifying the grounds upon which the appeal is based. Upon receipt of an appeal, the Superintendent shall appoint a decision-maker(s) for the appeal, who shall be someone other than the Title IX Coordinator, investigator(s) or initial decision-maker(s).

Appeals will be appropriate only in the following circumstances:

- new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- procedural irregularity that affected the outcome of the matter;
- the Title IX Coordinator, investigator(s), and/or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter. A conflict of interest or bias does not exist solely because the Title IX Coordinator, investigators(s), and/or decision-maker(s) previously worked with or disciplined the complainant or respondent.

The District will provide the other party with written notice of such appeal. The 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 process. The decision-maker(s) for the appeal will provide the appealing party's written statement to the other party. The other party will then have ten (10) school days to submit to the decision-maker for the appeal a written statement in support of, or challenging, the outcome of the grievance process. The decision-maker(s) for the appeal, in their discretion, will determine any additional necessary and appropriate procedures for the appeal.

After considering the parties' written statements, the decision-maker(s) for the appeal will provide a written decision. The decision-maker(s) for the appeal will attempt to issue the written decision within thirty (30) school days of receipt of all written statements from the parties. If it is found that one of the bases for appeal exists, the decision-maker(s) for the appeal will issue an appropriate remedy.

Supportive measures for either or both parties may be continued throughout the appeal process.

F. Dismissal of a Formal Complaint

The Title IX Coordinator shall dismiss any formal complaint that, under Title IX, 1) would not constitute sexual harassment as defined under Title IX even if proved, 2) did not occur in the District's education program or activity, or 3) did not occur against a person in the United States. Such dismissal does not preclude action under another Board policy.

The District may dismiss a formal complaint or any allegations therein, if at any time during the investigation or hearing a complainant notifies the Title IX Coordinator in writing that 1) the complainant would like to withdraw the formal complaint or any allegations therein; 2) the respondent is no longer enrolled or employed in the District; or 3) specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal, the District will promptly and simultaneously send written notice of the dismissal and reason(s) therefor to each party. Either party can appeal from the District's dismissal of a formal complaint or any allegations therein using the appeals procedure.

In the event a formal complaint is dismissed prior to the issuance of a decision under Title IX, the Title IX Coordinator shall determine if the allegations of sexual harassment shall proceed through the grievance procedures identified in Section II of these Administrative Regulations for claims of sex discrimination for consideration as to whether the allegations constitute sexual harassment under Title VII or Connecticut law.

A dismissal pursuant to this section does not preclude action by the District under the Student Discipline policy, Code of Conduct for students/or and employees, or any other applicable rule, policy, and/or collective bargaining agreement.

G. Miscellaneous

1. Any timeframe set forth in these Administrative Regulations may be temporarily delayed or extended for good cause. Good cause may include, but is not limited to, considerations such as the absence or illness of a party, a party's advisor, or a witness; concurrent law enforcement activity; concurrent activity by the Department of Children and Families; or the need for language assistance or accommodation of disabilities. If any timeframe is altered on a showing of good cause, written notice will be provided to each party with the reasons for the action.
2. If a sexual harassment complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the District (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.
3. If the sexual harassment complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall

report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.

4. Retaliation against any individual who complains pursuant to the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) and these Administrative Regulations is strictly prohibited. Neither the District nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or these Administrative Regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under these Administrative Regulations. The District will take actions designed to prevent retaliation. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described herein.
5. The District will maintain for a period of seven (7) years records of:
 - i. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the Board's education program or activity;
 - ii. Any appeal and the result therefrom;
 - iii. Any informal resolution and the result therefrom; and
 - iv. All material used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The Board will make these training materials publicly available on its website.

If the District has actual knowledge of sexual harassment in an education program or activity of the Board, and for any report or formal complaint of sexual harassment, the District will create and maintain for a period of seven (7) years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. The District will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the Board's education program or activity. If the District does not provide a complainant with supportive measures, then the District will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

SECTION II. GRIEVANCE PROCEDURES FOR CLAIMS OF SEX DISCRIMINATION (OTHER THAN SEXUAL HARASSMENT UNDER TITLE IX)

A. Definitions

- Complainant means an individual who is alleged to be the victim of conduct that could constitute sex discrimination.
- Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination.

B. Reporting Sex Discrimination Other than Sexual Harassment under Title IX

It is the express policy of the Board to encourage victims of sex discrimination to report such claims. Any person may report sex discrimination (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator. If the District receives notice of sex discrimination or alleged sex discrimination against a person in the District's education program or activity, the Title IX Coordinator or designee will promptly notify the complainant of the grievance process. The District will treat complainants and respondents equitably during the grievance process. Sexual harassment is a form of sex discrimination, and any incident of sexual harassment under Title IX, as defined above, shall be handled pursuant to Section I of these Administrative Regulations. Any allegations of sexual harassment under Title VII or Connecticut law, as defined above, shall be handled pursuant to this Section II of these Administrative Regulations.

C. Grievance Procedures

1. As soon as an employee feels that the employee has been subjected to sex discrimination other than sexual harassment as defined under Title IX (including, without limitation, sexual harassment under Title VII or Connecticut law), the employee should make a written complaint to the Title IX Coordinator or to the building principal, or designee. The employee will be provided a copy of the Board's Policy and Administrative Regulations and made aware of the employee's rights under this Policy and Administrative Regulations. Preferably, complaints should be filed within ten (10) school days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints.
2. The complaint should state the:
 - i. Name of the complainant;
 - ii. Date of the complaint;
 - iii. Date(s) of the alleged discrimination;
 - iv. Name(s) of the discriminator(s);
 - v. Location where such discrimination occurred;
 - vi. Names of any witness(es) to the discrimination;
 - vii. Detailed statement of the circumstances constituting the alleged discrimination; and
 - viii. Remedy requested.
3. Any employee who makes an oral complaint of sex discrimination to any of the above-mentioned personnel will be provided a copy of these Administrative Regulations and will be requested to make a written complaint pursuant to the above procedure.
4. All complaints are to be forwarded immediately to the building principal or designee unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent of Schools or designee. In addition, a copy of any complaint filed under this Policy shall be forwarded to the Title IX Coordinator. If

the complaint being filed is against the Title IX Coordinator, the complaint should be filed with the Superintendent. If the complaint being filed is against the Superintendent, the complaint should be filed with the Board Chair, who will then retain an independent investigator to investigate the matter.

5. The Title IX Coordinator or designee shall investigate all complaints of sex discrimination against an employee, regardless of whether the conduct occurred on or off-school grounds. 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 other extenuating circumstances. The investigation shall be conducted discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation.
6. Any employee who makes a complaint shall be notified of the District's intent to investigate the complaint. In the event the employee requests confidentiality or that an investigation not be conducted, the District will take reasonable steps to investigate and respond to the complaint to the extent possible, given the request for confidentiality or that the District not investigate the complaint. If the employee insists that this information not be shared with the alleged discriminator(s), the employee will be informed that the District's ability to investigate and/or take corrective action may be limited.
7. Upon receipt of a sex discrimination complaint, the Title IX Coordinator shall either promptly commence an investigation of the complaint, or shall designate a school administrator to promptly investigate the complaint. The Title IX Coordinator or designee shall:
 - i. offer to meet with the complainant and respondent (if applicable) separately within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant and respondent (if applicable) believe have relevant information, and obtain any relevant documents the complainant and respondent may have;
 - ii. provide the complainant and respondent (if applicable) with a copy of the Board's sex discrimination policy and accompanying regulations;
 - iii. consider whether any interim measures may be appropriate to protect the complainant or respondent (if applicable), pending the outcome of the investigation;
 - iv. conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;
 - v. consider whether alleged sex discrimination has created a hostile work environment, including consideration of the effects of off-campus conduct on the school;

- vi. communicate the outcome of the investigation in writing to the complainant, to the respondent, and to any individual properly identified as a party to the complaint (to the extent permitted by state and federal confidentiality requirements), within ninety (90) school days from the date the complaint was received by the Superintendent's office. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant and respondent (if applicable) shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the District will remedy the discrimination, adhering to the requirements of state and federal law; and
 - vii. when sex discrimination has been found, take steps that are reasonably calculated to end the discrimination, take corrective and/or disciplinary action aimed at preventing the recurrence of the discrimination, as deemed appropriate by the Superintendent or designee, and take steps to remedy the effects of the sex discrimination.
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. If fixed timeframes cannot be met, the complainant and respondent will receive notice and interim measures may be implemented as necessary.
9. If the complainant or respondent (if applicable) is dissatisfied with the findings of the investigation, the complainant or respondent may file a written appeal within five (5) school days to the Title IX Coordinator, or, if the Title IX Coordinator conducted the investigation, to the Superintendent of Schools. The Title IX Coordinator or Superintendent shall review the Title IX Coordinator or designee's written report, the information collected by the Title IX Coordinator or designee together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes sex discrimination. The Title IX Coordinator or Superintendent of Schools may determine if further action and/or investigation is warranted. After completing this review, the Title IX Coordinator or Superintendent of Schools shall respond to the complainant and respondent (if applicable), in writing, within fifteen (15) school days following the receipt of the written request for review.

D. Miscellaneous

1. If a sex discrimination complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the District (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.
2. If the sex discrimination complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a nonaccidental physical injury, or injury

which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.

3. Retaliation against any individual who complains pursuant to the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) and these Administrative Regulations is strictly prohibited. Neither the District nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or these Administrative Regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under these Administrative Regulations. The District will take actions designed to prevent retaliation as a result of filing a complaint. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described herein.

Section III. Further Reporting

At any time, a complainant alleging sex discrimination or sexual harassment may also file a complaint with the Office for Civil Rights, Boston Office, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone (617) 289-0111).

Employees may also make a report of sexual harassment and/or 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).

Copies of these Administrative Regulations will be distributed to all employees.

Appendix A

Sexual Assault: An offense classified as forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Rape—(Except Statutory Rape) The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

Sodomy—Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

Sexual Assault With An Object—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

Fondling—The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

Incest—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape—Nonforcible sexual intercourse with a person who is under the statutory age of consent.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence: Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

COMPLAINT FORM REGARDING SEXUAL HARASSMENT UNDER TITLE IX (PERSONNEL)

This complaint form should be used for complaints of sexual harassment as defined on page 1 of the Board's Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel)

Name of the complainant _____

Date of the complaint _____

Date of the alleged sexual harassment _____

Name or names of the sexual harasser(s) _____

Location where such sexual harassment occurred _____

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

Detailed statement of the circumstances constituting the alleged sexual harassment

Remedy requested _____

Signature of Complainant or Title IX Coordinator: _____

**COMPLAINT FORM REGARDING SEX DISCRIMINATION (OTHER THAN SEXUAL HARASSMENT
UNDER TITLE IX) (PERSONNEL)**

***This complaint form should be used for complaints of sex discrimination as defined on page 1
of the Board's Administrative Regulations regarding the Prohibition of Sex Discrimination and
Sexual Harassment (Personnel)***

Name of the complainant _____

Date of the complaint _____

Date of the alleged sex discrimination _____

Name or names of the sex discriminator(s) _____

Location where such sex discrimination occurred _____

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

Detailed statement of the circumstances constituting the alleged sex discrimination

Remedy requested _____

Signature: _____

TOLLAND PUBLIC SCHOOLS
Tolland, Connecticut

ADMINISTRATIVE REGULATION

REGARDING: Sex Discrimination and Sexual Harassment
(Students)

Number: 5070

Administrative

Approved: 2/12/03

Revised: 3/24/10

It is the policy of the Tolland Board of Education (the "Board") for the Tolland Public Schools that any form of sex discrimination or sexual harassment is prohibited, whether by students, District employees or third parties subject to substantial control by the Board. Discrimination or harassment on the basis of sex includes discrimination or harassment on the basis of gender identity or sexual orientation. Students, District employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students, District employees, and third parties. Any student or employee who engages in conduct prohibited by the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students) shall be subject to disciplinary action. Any third party who engages in conduct prohibited by the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students) shall be subject to remedial measures, which may include exclusion from school property.

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.

Sexual harassment under Title IX means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the Board conditioning the provision of an aid, benefit, or service of the Board on an individual's participation in unwelcome sexual conduct (i.e., *quid pro quo*);
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education programs or activities; or
- (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30). These definitions can be found in Appendix A of these Administrative Regulations.

Sexual harassment under Connecticut law means conduct in a school setting that 1) is sexual in nature; 2) is unwelcome; and 3) denies or limits a student's ability to participate in or benefit from a school's educational program. Sexual harassment can be verbal, nonverbal or physical. Sexual violence is a form of sexual harassment.

Although not an exhaustive list, the following are other examples of conduct prohibited by the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students):

1. Statements or other conduct indicating that a student's submission to, or rejection of, sexual overtures or advances will affect the student's grades and/or other academic progress.
2. Unwelcome attention and/or advances of a sexual nature, including verbal comments, sexual invitations, leering and physical touching.
3. Display of sexually suggestive objects, or use of sexually suggestive or obscene remarks, invitations, letters, emails, text messages, notes, slurs, jokes, pictures, cartoons, epithets or gestures.
4. Touching of a sexual nature or telling sexual or dirty jokes.
5. Transmitting or displaying emails or websites of a sexual nature.
6. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students).

NOTICE OF THE TITLE IX COORDINATOR

The District's Title IX Coordinator is Suzanne Waterhouse, Chief Personnel Officer. Any individual may make a report of sex discrimination and/or sexual harassment to any District employee or directly to the Title IX Coordinator using any one, or multiple, of the following points of contact.

Mailing a complaint form to Suzanne Waterhouse, Board Office, 51 Tolland Green.

Or

Emailing swaterhouse@tolland.k12.ct.us using the subject Title IX.

Or

Calling 860-870-6850 extension 1 and ask for Suzanne Waterhouse.

Any District employee in receipt of allegations of sex discrimination or sexual harassment, or in receipt of a formal complaint, shall immediately forward such information to the Title IX Coordinator. The Title IX Coordinator manages the District's compliance with Title IX and Connecticut law regarding sexual harassment and sex discrimination and is an available resource to anyone seeking information or wishing to file a formal complaint of same. When a student, District employee, or other participant in the District's programs and activities feels that such person has been subjected to discrimination on the basis of sex in any District program or activity, including without limitation being subjected to sexual harassment, such person may contact the Title IX Coordinator or utilize the Title IX grievance systems set forth herein to bring concerns forward for the purpose of obtaining a prompt and equitable resolution.

EXPLANATION OF COMPLAINT PROCESS AND PROCEDURE

The federal regulations implementing Title IX require the adoption and publication of two separate grievance systems: a grievance process for complaints of sex discrimination involving allegations of sexual harassment and grievance procedures for complaints of sex discrimination that are not sexual harassment. Accordingly, the Administration will process any complaints of sex discrimination involving allegations of sexual harassment, as defined above, pursuant to the **grievance process** set forth in Section I of these regulations. The Administration will process any complaints of sex discrimination that are not sexual harassment pursuant to the **grievance procedures** set forth in Section II of these regulations.

The District will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), or as required by law, or to carry out the purposes of these Administrative Regulations, including the conduct of any investigation, hearing, or judicial proceeding arising from these Administrative Regulations.

The obligation to comply with Title IX is not obviated or alleviated by the FERPA.

SECTION I. GRIEVANCE PROCESS FOR COMPLAINTS OF SEXUAL HARASSMENT UNDER TITLE IX

A. Definitions

- **Bias** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decision-maker(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 prejudgment of the facts at issue in the investigation.
- **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- A **conflict of interest** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decision-maker(s) have personal, financial and/or familial interests that affected the outcome of the investigation.
- **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:

- A. 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.
- B. Affirmative consent may be revoked at any time during the sexual activity by any person engaged in the sexual activity.

C. 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.

D. It shall not be a valid excuse to an alleged lack of affirmative consent that the respondent to the alleged violation believed that the complainant consented to the sexual activity:

(i) because the respondent was intoxicated or reckless or failed to take reasonable steps to ascertain whether the complainant consented, or

(ii) 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.

E. The existence of a past or current dating or sexual relationship between the complainant and the respondent, in and of itself, shall not be determinative of a finding of consent.

- For purposes of investigations and complaints of sexual harassment, **education program or activity** includes locations, events, or circumstances over which the Board exercises substantial control over both the respondent and the context in which the sexual harassment occurs.
- **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.
- **Formal complaint** means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment (as defined under Title IX) against a respondent and requesting that the Administration investigate the allegation of sexual harassment. A "document filed by a complainant" means a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
- **Respondent** means an individual who has been alleged to be the perpetrator of conduct that could constitute sexual harassment.
- **School days** means the days that school is in session as designated on the calendar posted on the Board'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 process.

- **Supportive measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, increased security and monitoring, and other similar measures.

B. Reporting Sexual Harassment

1. It is the express policy of the Board to encourage victims of sexual harassment to report such claims. Any person may report sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator. If the District receives notice of sexual harassment or alleged sexual harassment against a student in the District’s education program or activity, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures, whether or not the complainant files a formal complaint, and will consider the complainant’s wishes with respect to such measures. If the complainant has yet to file a formal complaint, the Title IX Coordinator will explain to the complainant the process for doing so.
2. The District will treat complainants and respondents equitably. A respondent is presumed not responsible for the alleged conduct and a determination regarding responsibility will be made at the conclusion of the grievance process if a formal complaint is filed. Nothing in this Regulation shall limit or preclude the District from removing a respondent from the District’s education program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. If a respondent is removed on an emergency basis, the District shall provide the respondent with notice and an opportunity to challenge the decision immediately following the removal.

C. Formal Complaint and Grievance Process

1. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the District’s education programs or activity. A formal complaint may be signed by the Title IX Coordinator. If the formal complaint being filed is against the Title IX Coordinator, the formal complaint should be filed with the Superintendent. If the formal complaint being filed is against the

Superintendent, the formal complaint should be filed with the Board Chair, who will then retain an independent investigator to investigate the matter.

2. The District may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. If possible, formal complaints should be filed within ten (10) school days of the alleged occurrence in order to facilitate the prompt and equitable resolution of such claims. The District will attempt to complete the formal grievance process within ninety (90) school days of receiving a formal complaint. This timeframe may be temporarily delayed or extended in accordance with Subsection G of this Section.
3. Upon receipt of a formal complaint, if the Title IX Coordinator has not already discussed the availability of supportive measures with the complainant, the Title IX Coordinator will promptly contact the complainant to discuss the availability of such measures and consider the complainant's wishes with respect to them. The Title IX Coordinator or designee may also contact the respondent, separately from the complainant, to discuss the availability of supportive measures for the respondent. The District will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide such supportive measures.
4. Within ten (10) school days of receiving a formal complaint, the District will provide the known parties with written notice of the allegations potentially constituting sexual harassment under Title IX and a copy of this grievance process. The written notice must also include the following:
 - i. The identities of the parties involved in the incident, if known;
 - ii. The conduct allegedly constituting sexual harassment as defined above;
 - iii. The date and the location of the alleged incident, if known;
 - iv. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
 - v. A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence; and
 - vi. A statement of any provision in the District's Student Discipline Policy or any other policy that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the District decides to investigate allegations about the complainant or respondent that are not included in the written notice, the District must provide notice of the additional allegations to the parties whose identities are known.

5. The parties may have an advisor of their choice accompany them during any grievance proceeding at which the party's attendance is required. The District may, in its discretion, establish certain restrictions regarding the extent to which an advisor may

participate in the proceedings. If any such restrictions are established, they will be applied equally to all parties.

6. The Title IX Coordinator will, as applicable, promptly commence an investigation of the formal complaint, designate a school administrator to promptly investigate the formal complaint, or dismiss the formal complaint in accordance with Subsection F of this Section. The standard of evidence to be used to determine responsibility is the preponderance of the evidence standard (i.e., more likely than not). The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the District and not on the parties.
7. The parties will be given an equal opportunity to discuss the allegations under investigation with the investigator(s) and are permitted to gather and present relevant evidence. This opportunity includes presenting witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. The District will provide to a party whose participation is invited or expected (including a witness), written notice of the date, time, location, participants, and purpose of all hearings (if applicable), investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
8. Both parties will be given an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. Prior to completion of the investigative report, the District will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have ten (10) school days to submit a written response, which the investigator(s) will consider prior to completion of the investigative report, as described in Paragraph 9 of this Subsection.
9. The investigator(s) will create an investigative report that fairly summarizes relevant evidence. The investigator(s) will send the investigative report, in an electronic format or hard copy, to each party and to each party's advisor for their review and written response at least ten (10) school days prior to the time a determination regarding responsibility is made.
10. The Superintendent will appoint a decision-maker(s), who shall be a District employee or third-party contractor and who shall be someone other than the Title IX Coordinator or investigator(s). If the formal complaint filed is against the Superintendent, the Board Chair shall appoint the decision-maker, who shall be a District employee or third-party contractor and who shall be someone other than the Title IX Coordinator or investigator(s). The investigator(s) and the decision-maker(s) shall not discuss the investigation's facts and/or determination while the formal complaint is pending. The decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) will explain to the party proposing the questions any decisions to exclude a question as not relevant.

11. The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker must apply the preponderance of the evidence standard. The written determination will include: (1) identification of the allegations potentially constituting sexual harassment; (2) a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; (3) findings of fact supporting the determination; (4) conclusions regarding the application of the District's code of conduct to the facts; (5) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District will impose on the respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and (6) the District's procedures and permissible bases for the complainant and respondent to appeal. If the respondent is found responsible for violating the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students), the written determination shall indicate whether the respondent engaged in sexual harassment as defined by the Board's Policy and these Administrative Regulations. The written determination will be provided to both parties simultaneously.
12. Student respondents found responsible for violating the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students) may be subject to discipline up to and including expulsion. Employee respondents found responsible for violating the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students) may be subject to discipline up to and including termination of employment. Other respondents may be subject to exclusion from the District's programs, activities and/or property. In appropriate circumstances, the District may make a criminal referral. Remedies will be designed to restore or preserve equal access to the District's education programs or activities.
13. After receiving notification of the decision-maker's decision, or after receiving notification that the District dismissed a formal complaint or any allegation therein, both complainant and respondent may avail themselves of the appeal process set forth in Subsection E of this Section.

D. Informal Resolution

At any time prior to reaching a determination regarding responsibility, but only after the filing of a formal complaint, the District may suggest to the parties the possibility of facilitating an informal resolution process, such as mediation, to resolve the formal complaint without the

need for a full investigation and adjudication. If it is determined that an informal resolution may be appropriate, the Title IX Coordinator or designee will consult with the parties.

Prior to facilitating an informal resolution to a formal complaint, the Title IX Coordinator or designee will provide the parties with written notice disclosing the sexual harassment allegations, the requirements of an informal resolution process, and any consequences from participating in the informal resolution process. Upon receipt of this document, complainants and respondents have five (5) school days to determine whether they consent to participation in the informal resolution. The District must obtain voluntary, written consent to the informal resolution process from both parties.

Prior to agreeing to any resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint. If a satisfactory resolution is reached through this informal process, the matter will be considered resolved. If these efforts are unsuccessful, the formal grievance process will continue.

Nothing in this section precludes a student 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.

An informal resolution is not permitted to resolve allegations that an employee sexually harassed a student.

E. Appeal Process

After receiving notification of the decision-makers decision, or after receiving notification that the District dismissed a formal complaint or any allegation therein, both complainant and respondent have five (5) school days to submit a formal letter of appeal to the Title IX Coordinator specifying the grounds upon which the appeal is based. Upon receipt of an appeal, the Superintendent shall appoint a decision-maker(s) for the appeal, who shall be someone other than the Title IX Coordinator, investigator(s), or initial decision-maker(s).

Appeals will be appropriate only in the following circumstances:

- new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- procedural irregularity that affected the outcome of the matter;
- the Title IX Coordinator, investigator(s), and/or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter. A conflict of interest or bias does not exist solely because the Title IX Coordinator, investigators(s), and/or decision-maker(s) previously worked with or disciplined the complainant or respondent.

The District will provide the other party with written notice of such appeal. The 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 process. The decision-maker(s) for the appeal will provide the appealing party's written statement to the other party. The other 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 process. The decision-maker(s) for the appeal, in their discretion, will determine any additional necessary and appropriate procedures for the appeal.

After considering the parties' written statements, the decision-maker(s) for the appeal will provide a written decision. The decision-maker(s) for the appeal will attempt to issue the written decision within thirty (30) school days of receipt of all written statements from the parties. If it is found that one of the bases for appeal exists, the decision-maker(s) for the appeal will issue an appropriate remedy.

Supportive measures for either or both parties may be continued throughout the appeal process.

F. Dismissal of a Formal Complaint

The Title IX Coordinator shall dismiss any formal complaint that, under Title IX 1) would not constitute sexual harassment as defined under Title IX even if proved, 2) did not occur in the District's education program or activity, or 3) did not occur against a person in the United States. Such dismissal does not preclude action under another Board policy.

The District may dismiss a formal complaint or any allegations therein, if at any time during the investigation or hearing a complainant notifies the Title IX Coordinator in writing that 1) the complainant would like to withdraw the formal complaint or any allegations therein; 2) the respondent is no longer enrolled or employed in the District; or 3) specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal, the District will promptly and simultaneously send written notice of the dismissal and reason(s) therefor to each party. Either party can appeal from the District's dismissal of a formal complaint or any allegations therein using the appeals procedure.

In the event a formal complaint is dismissed prior to the issuance of a decision under Title IX, the Title IX Coordinator shall determine if the allegations of sexual harassment shall proceed through the grievance procedures identified in Section II of these Administrative Regulations for claims of sex discrimination for consideration as to whether the allegations constitute sexual harassment under Connecticut law.

A dismissal pursuant to this section does not preclude action by the District under the Student Discipline policy, Code of Conduct for students/or and employees, or any other applicable rule, policy, and/or collective bargaining agreement.

G. Miscellaneous

1. Any timeframe set forth in these Administrative Regulations may be temporarily delayed or extended for good cause. Good cause may include, but is not limited to, considerations such as the absence or illness of a party, a party's advisor, or a witness; concurrent law enforcement activity; concurrent activity by the Department of Children and Families; or the need for language assistance or accommodation of disabilities. If any timeframe is altered on a showing of good cause, written notice will be provided to each party with the reasons for the action.
2. If a sexual harassment complaint raises a concern about bullying behavior, the Title IX Coordinator shall notify the Safe School Climate Specialist or designee who shall coordinate any bullying investigation with the Title IX Coordinator, to promote the alignment of any such bullying investigation with the requirements of applicable Board

policies and state law. Additionally, if a sexual harassment complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the District (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.

3. If the sexual harassment complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.
4. Retaliation against any individual who complains pursuant to the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students) and these Administrative Regulations is strictly prohibited. Neither the District nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or these Administrative Regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under these Administrative Regulations. The District will take actions designed to prevent retaliation. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described herein.
5. The District will maintain for a period of seven (7) years records of:
 - i. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the Board's education program or activity;
 - ii. Any appeal and the result therefrom;
 - iii. Any informal resolution and the result therefrom; and
 - iv. All material used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The Board will make these training materials publicly available on its website.

If the District has actual knowledge of sexual harassment in an education program or activity of the Board, and for any report or formal complaint of sexual harassment, the District will create and maintain for a period of seven (7) years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. The District will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the Board's education program or activity. If the District does not provide a complainant with supportive measures, then the District will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

SECTION II. GRIEVANCE PROCEDURES FOR CLAIMS OF SEX DISCRIMINATION (OTHER THAN SEXUAL HARASSMENT UNDER TITLE IX)

A. Definitions

- **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sex discrimination.
- **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination.

B. Reporting Sex Discrimination Other than Sexual Harassment under Title IX

It is the express policy of the Board to encourage victims of sex discrimination to report such claims. Any person may report sex discrimination (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator. If the District receives notice of sex discrimination or alleged sex discrimination against a student in the District's education program or activity, the Title IX Coordinator or designee will promptly notify the complainant of the grievance process. The District will treat complainants and respondents equitably during the grievance process. Sexual harassment is a form of sex discrimination, and any incident of sexual harassment under Title IX, as defined above, shall be handled pursuant to Section I of these Administrative Regulations. Any allegations of sexual harassment under Connecticut law, as defined above, shall be handled pursuant to this Section II of these Administrative Regulations.

C. Grievance Procedures

1. As soon as a student feels that the student has been subjected to sex discrimination other than sexual harassment as defined under Title IX (including, without limitation, sexual harassment under Connecticut law), the student or the student's parent/legal guardian should make a written complaint to the Title IX Coordinator or to the building principal, or designee. The student will be provided a copy of the Board's Policy and Administrative Regulations and made aware of the student's rights under this Policy and Administrative Regulations. Preferably, complaints should be filed within ten (10) school days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints.
2. The complaint should state the:
 - i. Name of the complainant;
 - ii. Date of the complaint;
 - iii. Date(s) of the alleged discrimination;
 - iv. Name(s) of the discriminator(s);
 - v. Location where such discrimination occurred;
 - vi. Names of any witness(es) to the discrimination;
 - vii. Detailed statement of the circumstances constituting the alleged discrimination; and
 - viii. Remedy requested.

3. Any student who makes an oral complaint of sex discrimination to any of the above-mentioned personnel will be provided a copy of these Administrative Regulations and will be requested to make a written complaint pursuant to the above procedure. In appropriate circumstances, such as due to the age of the student making the complaint, a parent or school administrator may be permitted to fill out the form on the student's behalf.
4. All complaints are to be forwarded immediately to the building principal or designee unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent of Schools or designee. In addition, a copy of any complaint filed under this Policy shall be forwarded to the Title IX Coordinator. If the complaint being filed is against the Title IX Coordinator, the complaint should be filed with the Superintendent. If the complaint being filed is against the Superintendent, the complaint should be filed with the Board Chair, who will then retain an independent investigator to investigate the matter.
5. The Title IX Coordinator or designee shall investigate all complaints of sex discrimination against a student, regardless of whether the conduct occurred on or off-school grounds. 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 other extenuating circumstances. The investigation shall be conducted discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation.
6. Any student who makes a complaint shall be notified of the District's intent to investigate the complaint. In the event the student requests confidentiality or that an investigation not be conducted, the District will take reasonable steps to investigate and respond to the complaint to the extent possible, given the request for confidentiality or that the District not investigate the complaint. If the student insists that the student's personally identifiable information not be shared with the alleged discriminator(s), the student will be informed that the District's ability to investigate and/or take corrective action may be limited.
7. Upon receipt of a sex discrimination complaint, the Title IX Coordinator shall either promptly commence an investigation of the complaint, or shall designate a school administrator to promptly investigate the complaint. The Title IX Coordinator or designee shall:
 - i. offer to meet with the complainant and respondent (if applicable) separately within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant and respondent (if applicable) believe have relevant information, and obtain any relevant documents the complainant and respondent may have;
 - ii. provide the complainant and respondent (if applicable) with a copy of the Board's sex discrimination policy and accompanying regulations;
 - iii. consider whether any interim measures may be appropriate to protect the complainant or respondent (if applicable), pending the outcome of the investigation;

- iv. conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;
 - v. consider whether alleged sex discrimination has created a hostile school environment, including consideration of the effects of off-campus conduct on the school;
 - vi. communicate the outcome of the investigation in writing to the complainant, to the respondent, and to any individual properly identified as a party to the complaint (to the extent permitted by state and federal confidentiality requirements), within ninety (90) school days from the date the complaint was received by the Superintendent's office. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant and respondent (if applicable) shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the District will remedy the discrimination, adhering to the requirements of state and federal law; and
 - vii. when sex discrimination has been found, take steps that are reasonably calculated to end the discrimination, take corrective and/or disciplinary action aimed at preventing the recurrence of the discrimination, as deemed appropriate by the Superintendent or designee, and take steps to remedy the effects of the sex discrimination.
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. If fixed timeframes cannot be met, the complainant and respondent will receive notice and interim measures may be implemented as necessary.
9. If the complainant or respondent (if applicable) is dissatisfied with the findings of the investigation, the complainant or respondent may file a written appeal within five (5) school days to the Title IX Coordinator, or, if the Title IX Coordinator conducted the investigation, to the Superintendent of Schools. The Title IX Coordinator or Superintendent shall review the Title IX Coordinator or designee's written report, the information collected by the Title IX Coordinator or designee together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes sex discrimination. The Title IX Coordinator or Superintendent of Schools may determine if further action and/or investigation is warranted. After completing this review, the Title IX Coordinator or Superintendent of Schools shall respond to the complainant and respondent (if applicable), in writing, within fifteen (15) school days following the receipt of the written request for review.

D. Miscellaneous

1. If a sex discrimination complaint raises a concern about bullying behavior, the Title IX Coordinator shall notify the Safe School Climate Specialist or designee who shall coordinate any bullying investigation with the Title IX Coordinator, to promote the alignment of any such bullying investigation with the requirements of applicable Board

policies and state law. Additionally, if a sex discrimination complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the District (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.

2. If the sex discrimination complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.
3. Retaliation against any individual who complains pursuant to the Board's Policy regarding Title IX of the Education Amendments of 1972-Prohibition of Sex Discrimination and Sexual Harassment (Students) and these Administrative Regulations is strictly prohibited. Neither the District nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or these Administrative Regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under these Administrative Regulations. The District will take actions designed to prevent retaliation as a result of filing a complaint. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described herein.

Section III. Further Reporting

At any time, a complainant alleging sex discrimination or sexual harassment may also file a complaint with the Office for Civil Rights, Boston Office, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone (617) 289-0111).

Students may also make a report of sexual harassment and/or 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).

A link is provided of Annual Notifications in all student Handbooks.

Appendix A

Sexual Assault: An offense classified as forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Rape— (Except Statutory Rape) The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

Sodomy—Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

Sexual Assault With An Object—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

Fondling—The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

Incest—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape—Nonforcible sexual intercourse with a person who is under the statutory age of consent.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence: Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

COMPLAINT FORM REGARDING SEXUAL HARASSMENT UNDER TITLE IX (STUDENTS)

This complaint form should be used for complaints of sexual harassment as defined on page 1 of the Board's Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students)

Name of the complainant _____

Date of the complaint _____

Date of the alleged sexual harassment _____

Name or names of the sexual harasser(s) _____

Location where such sexual harassment occurred _____

Name(s) of any witness(es) to the sexual harassment

Detailed statement of the circumstances constituting the alleged sexual harassment

Remedy requested _____

Signature of Complainant or Title IX Coordinator: _____

COMPLAINT FORM REGARDING SEX DISCRIMINATION (OTHER THAN SEXUAL HARASSMENT UNDER TITLE IX) (STUDENTS)

This complaint form should be used for complaints of sex discrimination as defined on page 1 of the Board's Administrative Regulations Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students)

Name of the complainant _____

Date of the complaint _____

Date of the alleged sex discrimination _____

Name or names of the sex discriminator(s) _____

Location where such sex discrimination occurred _____

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

Detailed statement of the circumstances constituting the alleged sex discrimination

Remedy requested _____

Signature: _____

SUPERINTENDENT'S AGENDA ITEM BACKGROUND

ITEM: Policy 5080-Bullying Prevention and Intervention

ITEM SUBMITTED BY: Walter Willett, Ph.D., Superintendent

FOR BOE MEETING: September 22, 2021

ITEM SUMMARY:

First read of Policy 5080 Student Discipline

FINANCIAL SUMMARY:

N/A

BOARD ATTORNEY REVIEW:

Updated per S&G model policies and district protocols and practices.

BOE ACTION DESIRED:

First read by the Board of Education.

When ready:

Proposed Motion: *Motion to approve the updates to Policy 5080 – Student Discipline as documented in the Superintendent's Agenda Item K.5 for the September 22, 2021, Board of Education meeting.*

SUPPORTING MATERIALS ATTACHED:

Policy 5080 - Student Discipline – Revision2

TOLLAND PUBLIC SCHOOLS
Tolland, Connecticut

BOARD POLICY

REGARDING: Student Discipline

Number: 5080
Students

Approved: 2/12/03

Revised: 6/28/06

Revised: 6/13/07

Revised: 6/25/08

Revised: 2/24/10

Revised: 6/22/11

Revised: 4/10/12

~~Revised: 6/26/13~~

I. Definitions

- A. **Dangerous instrument** includes but is not limited to any instrument, article or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury, and includes a “vehicle” or a dog that has been commanded to attack.

- B. **Deadly weapon** includes but is not limited to any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon or metal knuckles. A weapon such as a pellet gun and/or air soft pistol may constitute a deadly weapon if such weapon is designed for violence and which is capable of inflicting death or serious bodily harm. In making such determination, the following factors should be considered: design of weapon; how weapon is typically used (e.g. hunting); type of projectile; force and velocity of discharge; method of discharge (i.e. spring v. CO2 cartridge) and potential for serious bodily harm or death.

- B. **Electronic defense weapon** includes but is not limited to a weapon which by electronic impulse or current is capable of immobilizing a person temporarily, but is not capable of inflicting death or serious physical injury including a stun gun or other conductive energy device.

- C. **Emergency** means a situation in which the continued presence of the student in school poses such a danger to persons or property or such a disruption of

the educational process that a hearing may be delayed until a time as soon after the exclusion of such student as possible.

- D. **Exclusion** means any denial of public school privileges to a student for disciplinary purposes.
- F. **Expulsion** means the exclusion of a student from school privileges for more than ten (10) consecutive school days *and shall be deemed to include, but not be limited to, exclusion from the school and school program to which such pupil was assigned at the time such disciplinary action was taken.* The expulsion period may not extend beyond one (1) calendar year.
- G. **Firearm**, as defined in 18 U.S.C §921, means (a) any weapon that will, is designed to, or may be readily converted to expel a projectile by the action of an explosive, (b) the frame or receiver of any such weapon, (c) a firearm muffler or silencer, or (d) any destructive device. The term firearm does not include an antiques firearm. As used in this definition, a “destructive device” includes any explosive, incendiary, or poisonous gas device, including a bomb, a grenade, a rocket having a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, or any other similar device; or any weapon (other than a shotgun or shotgun shell particular suited for sporting purposes) that will, or may be readily converted to, expel a projectile by explosive or other propellant, and which has a barrel with a bore of more than ½” in diameter. The term “destructive device also includes any combination or parts either designed or intended for use in converting any device into any destructive device or any device from which a destructive device may be readily assembled. A “destructive device” does not include: an antiques firearm; a rifle intended to be used by the owner solely for sporting, recreational, or cultural purposes; or any device which is sporting, recreational, or cultural purposes; or any device which is neither designed nor redesigned for use as a weapon.
- H. **In-School Suspension** means an exclusion from regular classroom activity for no more than ten (10) consecutive school days, but not exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed. No student shall be placed on in-school suspension more than fifteen (15) times or a total of fifty (50) days in one (1) school year, whichever results in fewer days of exclusion.
- I. **Martial arts weapon** includes but is not limited to a nunchaku, kama, kasari-fundo, octagon sai, tonfa or chinese star.

- J. **Removal** is the exclusion of a student from a classroom for a class period, provided such exclusion shall not exceed beyond (90) ninety minutes.
- K. **School Days** shall mean days when school is in session for students.
- L. **School-Sponsored Activity** means any activity sponsored, recognized or authorized by the Board and includes activities conducted on or off school property.
- M. **Seriously Disruptive of the Educational Process** as applied to off-campus conduct, means any conduct that markedly interrupts or severely impedes the day-to-day operation of a school.
- N. **Suspension** means the exclusion of a student from school and/or transportation services for not more than ten (10) consecutive school days, provided such suspension shall not extend beyond the end of the school year in which such suspension is imposed; and further provided no student shall be suspended more than ten (10) times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion, unless such student is granted a formal hearing as provided below.
- O. **Weapon** includes but is not limited to any BB gun, any blackjack, any metal or brass knuckles, any police baton or nightstick, any dirk knife or switch knife, any knife having an automatic spring release devise by which a blade is released from the handle having a blade of over one and one-half inches in length, any stiletto, any knife the edged portion of the blade of which is four inches and over in length, any martial arts weapon or electronic instrument, unless permitted by law under section 29-38 of the Connecticut General Statues.
- P. Notwithstanding the foregoing, the reassignment of a student from one regular education classroom program in the district to another regular education classroom program in the district shall not constitute a suspension or expulsion.
- Q. *For purposes of this policy, references to "school" and "classroom" shall include physical educational environments, as well as virtual educational environments, whether synchronous or asynchronous, which occur on Internet-based platforms that allow students to engage in remote learning.*

II. Scope of the Student Discipline Policy

A. **Conduct on School Grounds or at a School-Sponsored Activity:**

Students may be disciplined for conduct on school grounds or at any school-sponsored activity that endangers persons or property, is seriously disruptive of the educational process, or that violates a publicized policy of the Board.

B. ***Conduct off School Grounds:***

1. Students may be suspended or expelled for conduct off school grounds if such conduct is seriously disruptive of the educational process and violative of a publicized policy of the Board. In making a determination as to whether such conduct is seriously disruptive of the educational process, the Administration and the Board of Education may consider, but such consideration shall not be limited to, the following factors: (1) whether the incident occurred within close proximity of a school; (2) whether other students from the school were involved or whether there was any gang involvement; (3) whether the conduct involved violence, threats of violence, or the unlawful use of a weapon, as defined in section Conn. Gen. Stat. § 29-38, and whether any injuries occurred; and (4) whether the conduct involved the use of alcohol.

In making a determination as to whether such conduct is seriously disruptive of the educational process, the Administration and/or the Board of Education may also consider ~~whether such off-campus conduct involved the use of drugs.~~ ***the following factors : (1) whether the incident occurred within close proximity of a school; (2) whether other students from the school were involved or whether there was any gang involvement; (3) whether the conduct involved violence, threats of violence, or the unlawful use of a weapon, as defined in Section 29-38 of the Connecticut General Statutes, and whether any injuries occurred; and (4) whether the conduct involved the use of alcohol. The Administration and/or the Board of Education may also consider (5) whether the off-campus conduct involved the illegal use of drugs.***

III. Actions Leading to Disciplinary Action, including Removal from Class, Suspension and/or Expulsion

Conduct which may lead to disciplinary action (including, but not limited to, removal from class, suspension and/or expulsion) includes conduct on school grounds or at a school-sponsored activity (including on a school bus), and conduct off school grounds, as set forth above. Such conduct includes, but is not limited to, the following:

1. Striking or assaulting a student, members of the school staff or other persons.
2. Theft.
3. The use of obscene or profane language or gestures, the possession and/or display of obscenity or pornographic images or the unauthorized possession and/or display of images, pictures or photographs depicting nudity.
4. Violation of smoking, dress, transportation regulations, or other regulations and/or policies governing student conduct.
5. Refusal to obey a member of the school staff, or law enforcement authorities, or school volunteers, or disruptive classroom behavior.
6. Any act of harassment based on an individual's sex, sexual orientation, race, color, religion, disability, national ~~origin or ancestry~~ *alienage, ancestry, gender identity or expression, marital status, age, pregnancy, veteran status or any other characteristic protected by law.*
7. Refusal by a student to identify himself/herself to a staff member when asked, misidentification of oneself to such person(s) lying to school officials or otherwise engaging in dishonest behavior.
8. Inappropriate displays of public affection of a sexual nature and/or sexual activity on school grounds or at a school-sponsored activity.
9. A walk-out from or sit-in within a classroom or school building or school grounds.
10. Blackmailing, threatening or intimidating school staff or students (or acting in a manner that could be construed to constitute

blackmail, a threat, or intimidation, regardless of whether intended as a joke).

11. Possession of any weapon, weapon facsimile, deadly weapon, pistol, knife, blackjack, bludgeon, box cutter, metal knuckles, pellet gun, air pistol, explosive device, firearm, whether loaded or unloaded, whether functional or not, or any other dangerous object. The possession and/or use of any object or device that has been converted or modified for use as a weapon.
12. Possession of any ammunition for any weapon described above in paragraph 11.
13. Unauthorized entrance into any school facility or portion of a school facility or aiding or abetting an unauthorized entrance.
14. Possession or ignition of any fireworks, combustible or other explosive materials, or ignition of any material causing a fire. Possession of any materials designed to be used in the ignition of combustible materials, including matches and lighters.
15. Unauthorized possession, sale, distribution, use, consumption, or aiding in the procurement of tobacco, drugs, narcotics or alcoholic beverages (or any facsimile of tobacco, drugs, narcotics or alcoholic beverages, or any item represented to be tobacco, drugs or alcoholic beverages), including being under the influence of any such substances.

For the purposes of this Paragraph 15, the term “electronic nicotine delivery system” shall mean an electronic device used in the delivery of nicotine or other substances to a person inhaling from the device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device, including, but not limited to, electronic cigarette liquid.

For the purposes of Paragraph 15, the term “vapor product” shall mean any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may or may not include nicotine and is inhaled by the user of such product.

For the purposes of this Paragraph 15, the term "drugs" shall include, but shall not be limited to, any medicinal preparation (prescription and non-prescription) and any controlled substance whose possession, sale, distribution, use or consumption is illegal under state and/or federal law.

16. Sale, distribution, or consumption of substances contained in household items; including, but not limited to glue, paint, accelerants/propellants for aerosol canisters, and/or items such as the aerators for whipped cream; if sold, distributed or consumed for the purpose of inducing a stimulant, depressant, hallucinogenic or mind-altering effect.
17. Possession of paraphernalia used or designed to be used in the consumption, sale or distribution of drugs, alcohol or tobacco, as described in subparagraph (15) above. For purposes of this policy, drug paraphernalia includes any equipment, products and materials or any kind which are used, intended for use of designed for use in growing, harvesting, manufacturing, producing, preparing, packaging, storing, containing or concealing, or injecting, ingesting, inhaling or otherwise introducing controlled drugs or controlled substances into the human body, including but not limited to items such as "bongs", pipes, "roach clips", vials, tobacco rolling papers, and any object or container used, intended or designed for use in storing, concealing, possessing, distributing or selling controlled drugs or controlled substances.
18. The destruction of real, personal or school property, such as, cutting, defacing or otherwise damaging property in any way.
19. Accumulation of offenses such as school and class tardiness, class or study hall cutting, or failure to attend detention.
20. Trespassing on school grounds while on out-of-school suspension or expulsion.
21. Making false bomb threats or other threats to the safety of students, staff members, and/or other persons.
22. Defiance of school rules and the valid authority of teachers, supervisors, administrators, other staff members and/or law enforcement authorities.

23. Throwing snowballs, rocks, sticks and/or similar objects, except as specifically authorized by school staff.
24. Unauthorized and/or reckless and/or improper operation of a motor vehicle on school grounds or at any school-sponsored activity.
25. Leaving school grounds, school transportation or a school-sponsored activity without authorization.
26. Use of or copying of the academic work of another individual and presenting it as the student's own work, without proper attribution; or any other form of academic dishonesty, cheating or plagiarism.
27. Use of, but not limited to a cellular telephone, radio, walkman, **portable audio player**, CD Player, Blackberry, Personal Data Assistant, walkie talkie, smartphone, mobile or handheld device, or similar electronic device on school grounds or at a school-sponsored activity in violation of board policy and/or administrative regulations regulating the use of such devices.
28. Use of a beeper or paging device on school grounds or at a school-sponsored activity without the written permission of the principal or his/her designee.
29. Unauthorized use of any school computer, computer system, computer software, Internet connection or similar school property or system, or the use of such property or system for inappropriate purposes.
30. Possession and/or use of a laser pointer, unless the student possesses the laser pointer temporarily for an educational purpose while under the direct supervision of a responsible adult.
31. Hazing.
32. Bullying, defined as the repeated use by one or more students of a written, verbal or electronic communication, such as cyberbullying, directed at or referring to another students attending school in the same school district, or a physical act or gesture by one or more students repeatedly directed at another student attending school in the same school district, that:

- a) causes physical or emotional harm to such student or damage to such student's property;
- b) places such student in reasonable fear of harm to himself or herself, or of damage to his or her property;
- c) creates a hostile environment at school for such student;
- d) infringes on the rights of such student at school; or
- e) substantially disrupts the education process or the orderly operation of a school.

Bullying shall include, but not limited to, a written, verbal or electronic communication or physical act or gesture based on any actual or perceived differentiating characteristics, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, socioeconomic status, academic status, physical appearance, or mental, physical, developmental or sensory disability, or by association with an individual or group who has or is perceived to have one or more of such characteristics.

- 33. Cyberbullying, defined as any act of bullying through the use of the internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices or any electronic communications.
- 34. Acting in any manner that creates a health and/or safety hazard for staff members, students, or the public, regardless of whether the conduct is intended as a joke, *including but not limited to violating school or district health and safety protocols.*
- 35. Engaging in a plan to stage or create a violent situation for the purposes recording it by electronic means; or recording by electronic means acts of violence for purposes of later publication.
- 36. Engaging in a plan to stage sexual activity for the purposes recording it by electronic means; or recording by electronic means sexual acts for the purposes of later publication.
- 37. Using computer systems, including, but not limited to email, instant messaging, text messaging, blogging or the use of social

networking websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.

38. Use of a privately owned electronic or technological device in violation of school rules, including the unauthorized recording (photographic or audio) of another individual without permission of the individual or a school staff member.
39. *Engaging in teen dating violence, defined as any act of physical, emotional or sexual abuse, including stalking, harassing and threatening, that occurs between students who are currently in or who have recently been in a dating relationship.*
40. Any action prohibited by a federal or state law.
41. Any other violation of school rules or regulations or a series of violations which makes the presence of the student in school seriously disruptive of the educational process and/or a danger to persons or property.

IV. DISCRETIONARY AND MANDATORY EXPULSIONS

- A. A principal may consider recommendation of expulsion of a student in *grades three to twelve and beyond, inclusive*, a case where he/she has reason to believe the student has engaged in conduct described at sections II.A. and II.B., above.
- B. A principal must recommend expulsion proceedings in all cases against any student whom the administration has reason to believe:
 1. was in possession on school grounds or at a school-sponsored activity of a deadly weapon, dangerous instrument, martial arts weapon, or firearm as defined in 18 U.S.C. §921 as amended from time to time; or
 2. off school grounds, possessed a firearm as defined in 18 U.S.C. §921, in violation of Conn. Gen. Stat. §29-35, or possessed and used a firearm as defined in 18 U.S.C. §921, a deadly weapon, a dangerous instrument or a martial arts weapon in the commission of a crime under Chapter 952 of the Connecticut General Statutes; or

3. was engaged on or off school grounds in offering for sale or distribution a controlled substance (as defined in Conn. Gen. Stat. §21a-240(9)), whose manufacturing, distribution, sale, prescription, dispensing, transporting, or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under Conn. Gen. Stat. §§21a-277 and 21a-278.

The terms ‘dangerous instrument,’ ‘deadly weapon,’ ‘electronic defense weapon,’ ‘firearm,’ and ‘martial arts weapon,’ are defined above in section I.

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

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

If the Superintendent or his/her designee determines that a student should or must be expelled, he or she shall forward his/her recommendation to the Board of Education so that the Board of Education can consider and act upon this recommendation.

- E. In keeping with Conn. Gen. Stat. § 10-233d and the Gun-free Schools Act, it shall be the policy to expel a student for one (1) full calendar year for: conduct described in section IV (b) (1), (2) and (3) of this policy. For mandatory expulsion offense, the board may modify the term of expulsion on a case-by-case basis.

V. Procedures Governing Removal from Class

- A. A student may be removed from class by a teacher or administrator if he/she deliberately causes a serious disruption of the educational

process. When a student is removed, the teacher must send him/her to a designated area and notify the principal or his/her designee at once.

- B. A student may not be removed from a class more than six (6) times in one school year nor more than twice in one week unless the student is referred to the building principal or designee and granted an informal hearing at which the student should be informed of the reasons for the disciplinary action and given an opportunity to explain the situation.
- C. The parents or guardian of any minor student removed from class shall be given notice of such disciplinary action by the principal or his/her designee within twenty-four (24) hours of the time of the institution of such removal from class.

VI. Procedures Governing Suspension

- A. The principal of a school, or designee on the administrative staff of the school, shall have the right to suspend any student for breach of conduct as noted in Section II of this policy for not more than ten (10) consecutive school days. In cases where suspension is contemplated, the following procedures shall be followed.
 - 1. Unless an emergency situation exists, no student shall be suspended prior to having an informal hearing before the principal or designee at which the student is informed of the charges and given an opportunity to respond. In the event of an emergency, the informal hearing shall be held as soon after the suspension as possible.
 - 2. If suspended, such suspension shall be an in-school suspension unless, during the informal hearing, the principal or designee determines that the student: (a) poses such a danger to persons or property or such a disruption of the educational process that he or she should be excluded from school during the period of suspension; or (b) the administration determines that an out-of-school suspension is appropriate based on evidence of (i) the student's previous disciplinary problems that have led to suspensions or expulsion of such student, and (ii) previous efforts by the administration to address the student's disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies.
 - 3. Evidence of past disciplinary problems that have led to removal from a classroom, suspension, or expulsion of a student who is

the subject of an informal hearing may be received by the principal or designee, but only considered in the determination of the length of suspensions.

4. By telephone, the principal or designee shall make reasonable attempts to immediately notify the parent or guardian of a minor student following the suspension and to state the cause(s) leading to the suspension.
5. Whether or not telephone contact is made with the parent or guardian of such minor student, the principal or designee shall forward a letter promptly to such parent or guardian to the last address reported on school records (or to a newer address if known by the principal, or designee), offering the parent or guardian an opportunity for a conference to discuss same.
6. In all cases, the parent or guardian of any minor student who has been suspended shall be given notice of such suspension within twenty four (24) hours of the time of the institution of the suspension.
7. Not later than twenty-four (24) hours after the commencement of the suspension, the principal or designee shall also notify the superintendent or his/her designee of the name of the student being suspended and the reason for the suspension.
8. The student shall be allowed to complete any classwork, including examinations, without penalty, which he or she missed while under suspension.
9. The school administration may, in its discretion, shorten or waive the suspension period for a student who has not previously been suspended or expelled, if the student completes an administration-specified program and meets any other conditions required by the administration. Such administration-specified program shall not require the student and/or the student's parents to pay for participation in the program.
10. Notice of the suspension shall be recorded in the student's cumulative educational record. Such notice shall be expunged from the cumulative educational record if the student graduates from high school. In cases where the student's period of suspension is shortened or waived in accordance with section VI.A(9), above, the administration may choose to expunge the

suspension notice from the cumulative record at the time the student completes the administration-specified program and meets any other conditions required by the administration.

11. If the student has not previously been suspended or expelled, and the administration chooses to expunge the suspension notice from the student's cumulative record prior to graduation, the administration may refer to the existence of the of the expunged disciplinary notice, notwithstanding the fact that such notice may have been expunged from the student's cumulative file, for the limited purpose of determining whether any subsequent suspensions or expulsions by the student would constitute the student's first such offense,
 12. The decision of the principal or designee with regard to disciplinary actions up to and including suspensions shall be final.
 13. During the period of suspension, the student shall not be permitted to be on school property and shall not be permitted to attend or participate in any school-sponsored activities unless the principal specifically authorizes the student to enter school property for a specified purpose or to participate in a particular school-sponsored activity.
- B. In cases where a student's suspension will result in the student being suspended, more than ten (10) times or for a total of fifty (50) days in a school year, whichever results in fewer days of exclusion, the student shall, prior to the pending suspension, be granted a formal hearing before the Board of Education. The principal or designee shall report the student to the Superintendent or designee and request a formal Board hearing. If an emergency situation exists, such hearing shall be held as soon after the suspension as possible.

VII. Procedures Governing In-School Suspension

- A. The principal or designee may impose in-school suspension in cases where a student's conduct endangers persons or property, violates school policy, seriously disrupts the educational process or in other appropriate circumstances as determined by the principal or designee.
- B. In-school suspension may not be imposed on a student without an informal hearing by the building principal or designee.

- C. In-school suspension may be served in the school that the student regularly attends or in any other school building within the jurisdiction of the Board.
- D. No student shall be placed on in-school suspension more than fifteen (15) times or for a total of fifty (50) days in one school year, whichever results in fewer days of exclusion.
- E. The parents or guardian of any minor student placed on in-school suspension shall be given notice of such suspension within twenty-four (24) hours of the time of the institution of the period of the in-school suspension.

VIII. Procedures Governing Expulsion Hearing

A. Emergency Exception:

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

B. Hearing Panel:

1. Expulsion hearings conducted by the Board will be heard by any three or more Board members. A decision to expel a student must be supported by a majority of the Board members present, provided that no less than three (3) affirmative votes to expel are cast.
2. Alternatively, the Board may appoint an impartial hearing board composed of one (1) or more persons to hear and decide the expulsion matter, provided that no member of the Board may serve on such panel.

C. Hearing Notice:

1. Written notice of the expulsion hearing must be given to the student, and, if the student is a minor, to his/her parent(s) or guardian(s) within a reasonable time prior to the time of the hearing.

2. A copy of this board policy on student discipline shall also be given to the student, and if the student is a minor, to his/her parent(s) or guardian(s) at the time the notice is sent that an expulsion hearing will be convened.
3. The written notice of the expulsion hearing shall inform the student of the following:
 - a. The date, time, place and nature of the hearing.
 - b. The legal authority and jurisdiction under which the hearing is to be held, including a reference to the particular sections of the legal statutes involved.
 - c. A short, plain description of the conduct alleged by the administration.
 - d. The student may present as evidence, relevant testimony and documents concerning the conduct alleged and the appropriate length and conditions of expulsion, and that the expulsion hearing may be the student's sole opportunity to present such evidence.
 - e. The student may cross-examine witnesses called by the administration.
 - f. The student may be represented by any third party of his/her choice, including an attorney, at his/her expense or at the expense of his/her parents.
 - g. A student is entitled to the services of a translator or interpreter, to be provided by the Board of Education, whenever the student or his/her parent(s) or guardian(s) requires the services of an interpreter because he/she/they do(es) not speak the English language or is disabled.
 - h. The conditions under which the Board is not legally required to give the student an alternative educational opportunity (if applicable).
 - i. Information about free or reduced-rate legal services and how to access such services.

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

D. Hearing Procedures:

1. The hearing will be conducted by the Presiding Officer, who will call the meeting to order, introduce the parties, Board members and counsel, briefly explain the hearing procedures, and swear in any witnesses called by the Administration or the student.
2. The hearing will be conducted in executive session. A verbatim record of the hearing will be made, either by tape recording, *electronic means*, or by a stenographer. A record of the hearing will be maintained, including the verbatim record, all written notices and documents relating to the case and all evidence received or considered at hearing.
3. *The Administration shall bear the burden of production to come forward with evidence to support its case and shall bear the burden of persuasion. The standard of proof shall be a preponderance of the evidence.*
4. Formal rules of evidence will not be followed. The Board has the right to accept hearsay and other evidence if it deems that evidence relevant or material to its determination. The presiding officer will rule on testimony or evidence as to it being immaterial or irrelevant.
5. The hearing will be conducted in two (2) parts. In the first part of the hearing, the Board will receive and consider evidence regarding the conduct alleged by the administration.
6. In the first part of the hearing, the charges will be introduced into the record by the Superintendent or his/her designee.
7. Each witness for the administration will be called and sworn. After a witness has finished testifying, he/she will be subject to cross-examination by the opposite party or his/her legal counsel, by the presiding officer and by Board members.

8. *The student shall not be compelled to testify at the hearing.*
9. After the Administration has presented its case, the student will be asked if he/she has any witnesses or evidence to present concerning the charges. If so, the witnesses will be sworn, will testify, and will be subject to cross examination and to questioning by the presiding officer and/or by the Board. The student may also choose to make a statement at this time. If the student chooses to make a statement, he or she will be sworn and subject to cross examination and questioning by the presiding officer and/or by the Board. Concluding statements will be made by the Administration and then by the student and/or his or her representative.
10. In cases where the student has denied the allegation, the Board must determine whether the student committed the offense(s) as charged by the Superintendent.
11. If the Board determines that the student has committed the conduct as alleged, then the Board shall proceed with the second portion of the hearing, during which the Board will receive and consider relevant evidence regarding the length and conditions of expulsion.
12. When considering the length and conditions of expulsion, the Board may review the student's attendance, academic and past disciplinary records. The board may not review notices of prior expulsions or suspensions which have been expunged from the student's cumulative record, except as so provided in Section VI A (8), (9), (10), above, and Section X below. The Board may ask the Superintendent for a recommendation as to the discipline to be imposed.
13. Evidence of past disciplinary problems which have led to removal from a classroom, suspension or expulsion of a student being considered for expulsion may be considered only during the second portion of the hearing, during which the Board is considering length of expulsion and nature of alternative educational opportunity to be offered.
14. Where administrators presented the case in support of the charges against the student, such administrative staff shall not be

present during the deliberations of the Board either on questions of evidence or on the final discipline to be imposed. The Superintendent may, after reviewing the incident with administrators, and reviewing the student's records, make a recommendation to the Board as to the appropriate discipline to be applied.

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

~~16. The board may, in its discretion, shorten or waive the expulsion period for a student who has not previously been suspended or expelled, if the student completes Board-specified program and meets any other conditions required by the board. The Board-specified program shall not require the student and/or the student's parents to pay for participation in the program.~~

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

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

18. The hearing may be conducted virtually, via video conference, at the direction of the Board, in the event school buildings are closed to students or individuals are provided limited access to school buildings

due to a serious health emergency. Any virtual hearing must provide the student the due process rights identified in this Subsection D.

E. Presence on School Grounds and Participation in School sponsored Activities During Expulsion:

During the period of expulsion, the student shall not be permitted to be on school property and shall not be permitted to attend or participate in any school-sponsored activities, except for the student's participation in any alternative educational program provided by the district in accordance with this policy, unless the superintendent specifically authorizes the student to enter school property for a specified purpose or to participate in a particular school-sponsored activity.

E. Stipulated Agreements:

In lieu of the procedures used in this section the administration and the parents (or legal guardians) of a student facing expulsion may choose to enter into a joint stipulation of the facts and a joint recommendation to the board concerning the length and conditions of expulsion. Such joint stipulation and recommendations to the board shall include language indicating that the parents (or legal guardians) understand their right to have an expulsion hearing held pursuant to these procedures, and language indicating that the board, in its discretion, has the right to accept or reject the joint stipulation of facts and recommendation. If the board rejects with the joint stipulation of facts and recommendation, an expulsion hearing shall be held pursuant to the procedures outlined herein. If the student is eighteen years of age or older, the student shall have the authority to enter into a joint stipulation and recommendation on his or her own behalf.

If the parties agree on the facts, but not on the disciplinary recommendation, the administration and the parents (or legal guardians) of a student facing expulsion may also choose to enter into a joint stipulation of the facts and submit only the stipulation of the facts to the board in lieu of holding the first part of the hearing, as described above. Such joint stipulation shall include language indicating that the parents understand their right to accept or reject the joint stipulation of facts. If the board rejects the joint stipulation of facts, a full expulsion hearing shall be held pursuant to the procedures outlined herein.

IX. Alternative Educational Opportunities for Expelled Students:

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

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

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

1. The Board of Education shall provide an alternative educational opportunity to a sixteen (16) to eighteen (18) year old student expelled for the first time if he/she requests it and if he/she agrees to the conditions set by the Board of Education such alternative educational opportunity may include, but shall not be limited to, the placement of a pupil who is at least sixteen years of age in an adult education program. Any pupil participating in an adult education program during a period of expulsion shall not be required to withdraw from school as a condition to his/her participation in the adult education program.
2. The Board of Education is not required to offer an alternative educational opportunity to any student between the ages of sixteen (16) and eighteen (18) who is expelled for the second time, or if it is determined at the hearing that (1) the student possessed a dangerous instrument, deadly weapon, firearm or martial arts weapon on school property or at a school-sponsored activity, or (2) the student offered a controlled substance for sale or distribution on school property or at a school-sponsored activity.
3. The Board of Education shall count the expulsion of a pupil when he/she was under sixteen of age for purposes of determining whether an alternative educational opportunity is required for such pupil when he/she is between the ages of sixteen and eighteen.

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

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

D. *Content of Alternative Educational Opportunity*

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

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

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

Notwithstanding Sections IX A. through C. above, if the Board of Education expels a student who has been identified as eligible for services under the Individuals with Disabilities Education Act (“IDEA”), it shall offer an alternative educational opportunity to such student in accordance with the requirements of IDEA, as it may be amended from time to time.

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

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

X. Notice of Student Expulsion on Cumulative Record:

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

In cases where the student's period of expulsion is shortened or waived in accordance with section VIII.D(14), above, the Board may choose to expunge the expulsion notice from the cumulative record at the time the student completes the Board-specified programs and meets any other conditions required by the Board.

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

XI. Change of Residence During Expulsion Proceedings:

A. *Student moving into the school district:*

1. If a student enrolls in the district while an expulsion hearing is pending in another district, such student shall not be excluded from school pending completion of the expulsion hearing unless an emergency exists, as defined above. The Board shall retain the authority to suspend the student or to conduct its own expulsion hearing.
2. Where a student enrolls in the district during the period of expulsion from another public school district, the Board may adopt the decision of the student expulsion hearing conducted by such other school district. The student shall be excluded from school pending such hearing. The excluded student shall be offered an alternative educational opportunity in accordance with statutory requirements. The Board shall make its determination based upon a hearing held by the Board, which hearing shall be limited to a determination of whether the conduct which was the basis of the previous public school district's expulsion would also warrant expulsion by the Board.

B. *Student moving out of the school district:*

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

XII. Procedures Governing Suspension and Expulsion of Students Identified as Eligible for Services under the Individuals with Disabilities Education Act ("IDEA"):

A. *Suspension of IDEA students:*

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

1. The administration shall make reasonable attempts to immediately notify the parents of the student of the decision to suspend on the date on which the decision to suspend was made, and a copy of the special education procedural safeguards must either be hand-delivered or sent by mail to the parents on the date that the decision to suspend was made.
2. During the period of suspension, the school district is not required to provide any educational services to the IDEA student beyond that which is provided to all students suspended by the school district.

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

Notwithstanding any provision to the contrary, if the administration recommends for expulsion an IDEA student who has violated any rule or code of conduct of the school district that applies to all students, the procedures described in this section shall apply. The procedures described in this section shall also apply for students whom the administration has suspended in a manner that is considered under the

IDEA, as it may be amended from time to time, to be a change in placement:

1. The parents of the student must be notified of the decision to recommend for expulsion (or to suspend if a change in placement) on the date on which the decision to suspend was made, and a copy of the special education procedural safeguards must either be hand-delivered or sent by mail to the parents on the date that the decision to recommend for expulsion (or to suspend if a change in placement) was made.
2. The school district shall immediately convene the student's planning and placement team "PPT", but in no case later than ten (10) school days after the recommendation for expulsion or the suspension that constitutes a change in placement was made. The student's PPT shall consider the relationship between the student's disability and the behavior that led to the recommendation for expulsion or the suspension which constitutes a change in placement, in order to determine whether the student's behavior was a manifestation of his/her disability.
3. If the student's PPT team finds that the behavior was a manifestation of the student's disability, the Administration shall not proceed with the recommendation for expulsion or the suspension that constitutes a change in placement.
4. If the student's PPT finds that the behavior was not a manifestation of the student's disability, the Administration may proceed with the recommended expulsion or suspension that constitutes a change in placement.
5. During any period of expulsion, or suspension of greater than ten (10) days per school year, the Administration shall provide the student with an alternative education program in accordance with the provisions of the IDEA.
6. When determining whether to recommend an expulsion or a suspension that constitutes a change in placement, the building administrator (or his designee) should

consider the nature of the misconduct and any relevant educational records of the student.

C. *Transfer of IDEA students for Certain Offenses:*

School personnel may transfer an IDEA student to an appropriate interim alternative educational setting for not more than forty-five (45) school days if the student:

1. Was in possession of a dangerous weapon, as defined in 18 U.S.C. 930(g)(2), as amended from time to time, on school grounds or at a school-sponsored activity, or
2. Knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance while at school or at a school-sponsored activity or;
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

The following definitions shall be used for this subsection XII. C.,

1. Dangerous weapon – means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2.5 inches in length.
2. Controlled substance – means a drug or other substance identified under Schedules I, II, III, IV, or V in Section 202 (c) of the Controlled Substances Act, 21 U.S.C. 812 (c).
3. Illegal drug – means a controlled substance but does not include a substance that is legally possessed or used under any other authority under the controlled substances act or under any other provision of federal law.
4. Serious bodily injury means a bodily injury which involves:
(a) a substantial risk of death; (b) extreme physical pain;
(c) protracted and obvious disfigurement; or (d) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

XIII. Procedures Governing Expulsions for Students Identified as Eligible [for Educational Accommodations] under Section 504 of the Rehabilitation Act of 1973 (“Section 504”):

A. ~~Notwithstanding any provision to the contrary, if the Administration recommends for expulsion a student identified as eligible for educational accommodations under Section 504 of the Rehabilitation Act of 1973 (a “Section 504 Student”) who has violated any rule or code of conduct of the school district that applies to all students, the following procedures shall apply:~~

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

1. The parents of the student must be notified of the decision to recommend the student for expulsion.
2. The district shall immediately convene the student's Section 504 team (504 team), for the purpose of reviewing the relationship between the student's disability and the behavior that led to the recommendation for expulsion. The 504 team will determine whether the student's behavior was a manifestation of his/her disability.
3. If the 504 team finds that the behavior was a manifestation of the student's disability, the Administration shall not proceed with the recommended expulsion. The 504 team shall consider the student's misconduct and revise the 504 plan to prevent a recurrence of the misconduct and to provide for the safety of other students and staff.
4. If the 504 team finds that the behavior was not a manifestation of the student's disability, the Administration may proceed with the recommended expulsion.

B. *The Board may take disciplinary action for violations pertaining to the use or possession of illegal drugs or alcohol against any student with a disability who currently is engaging in the illegal use of drugs or alcohol to the same extent that such disciplinary action is taken against nondisabled*

students. Thus, when a student with a disability is recommended for expulsion based solely on the illegal use or possession of drugs or alcohol, the 504 team shall not be required to meet to review the relationship between the student's disability and the behavior that led to the recommendation for expulsion.

XIV. Procedures Governing Expulsions for Students committed to a Juvenile Detention Center:

- A. Any student who commits an expellable offense and is subsequently committed to a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement for such offense may be expelled by the Board in accordance with the provisions of this section. The period of expulsion shall run concurrently with the period of commitment to a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement.
- B. If a student who committed an expellable offense seeks to return to a school district after having been in a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement, and such student has not been expelled by the Board of Education for such offense under subdivision (a) of this subsection, the board shall allow such student to return and may not expel the student for additional time for such offense.

XV. Early Readmission to School

An expelled student may apply for early readmission to school. The Board delegates the authority to make decisions on readmissions requests to the Superintendent. Students desiring readmission to school shall direct such readmission requests to the Superintendent. The Superintendent has the discretion to approve or deny such readmission requests, and may condition readmission on specified criteria.

XVI. Dissemination of Policy

The Board of Education shall, at the beginning of each school year and at such other times as it may deem appropriate, provide for an effective means of informing all students, parent(s) and/or guardian(s) of this policy.

XVII. Compliance with Reporting Requirements

- A. The Board of Education shall report all suspensions and expulsions to the State Department of Education.
- B. If the Board of Education expels a student for sale or distribution of a controlled substance, the Board shall refer such student to an appropriate state or local agency for rehabilitation, intervention or job training and inform the agency of its action.
- C. If the Board of Education expels a student for possession of a deadly weapon or firearm, as defined in Conn. Gen. Stat. § 53a-3, the violation shall be reported to the local police.

Legal References:

Connecticut General Statutes:

~~§§4-176e through 4-180a~~
~~AND §4-181a Uniform Administrative Procedures Act.~~
~~§§10-233a through 10-233e Suspension and expulsion of students.~~
~~§10-233f In-school suspension of students.~~
~~§29-38 Weapons in Vehicles~~
~~§53a-3 Definitions~~
~~§53a-206 (Definition Of "Weapon")~~
~~Packer v. Board of Educ. of the Town of Thomaston, 246 Conn.89 (1998).~~
~~State v. Hardy, 896 A.2d 755.278 Conn. 113 (2006)~~
~~State v. Guzman, 955 A.2d 72, 2008 Conn. App. LEXIS 445 (Sept. 16, 2008).~~
~~[Public Act 11-115, An Act Concerning Juvenile Reentry and Education~~
~~Public Act 11-126, An Act Concerning Adult Education.~~
~~Public Act 11-232, An Act Concerning The Strengthening of School Bully~~
~~Laws.~~
~~Public Act 11-157, An Act Concerning Juvenile Justice]~~

Federal law:

~~Honig v. Doe, (United States Supreme Court 1988)~~
~~Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq. as amended by the Individuals with Disabilities Education Improvement Act of 2004~~
~~PUB. L. 108-446~~
~~Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794(a).~~
~~18 U.S.C. § 921 (Definition of "Firearm")~~
~~18 U.S.C. § 930 (g) (2) (Definition of "Dangerous Weapon")~~
~~18 U.S.C. § 1365(H)(3) (Identifying "Serious Bodily Injury")~~
~~21 U.S.C. § 812(C) (Identifying "controlled substances")~~

34 C.F.R. § 300.530 (Defining Illegal Drugs")
Gun-Free Schools Act. Pub. L. 107-110, SEC. 401,115 Stat. 1762
(Codified at 20 U.S.C. §7151)

Legal References:

Connecticut General Statutes:

- § 10-16 Length of school year
- § 10-74j Alternative education

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

- § 10-222d Safe school climate plans. Definitions. Safe school climate assessments
- §§ 10-233a through 10-233f Suspension and expulsion of students
- § 10-233l Expulsion and suspension of children in preschool programs
- § 10-253 School privileges for children in certain placements, nonresident children, children in temporary shelters, homeless children and children in juvenile detention facilities. Liaison to facilitate transitions between school districts and juvenile and criminal justice systems.
- § 19a-342a Use of electronic nicotine delivery system or vapor product prohibited. Exceptions. Signage required. Penalties
- § 21a-240 Definitions
- § 21a-277 Penalty for illegal manufacture, distribution, sale, prescription, dispensing
- § 21a-278 Penalty for illegal manufacture, distribution, sale, prescription, or administration by non-drug-dependent person
- §§ 21a-408a through 408p Palliative Use of Marijuana
- § 29-35 Carrying of pistol or revolver without permit prohibited. Exceptions
- § 29-38 Weapons in vehicles
- § 53a-3 Definitions
- § 53-206 Carrying of dangerous weapons prohibited
- § 53-344 Sale or delivery of cigarettes or tobacco products to persons under twenty-one.
- § 53-344b Sale and delivery of electronic nicotine delivery system or vapor products to persons under twenty-one years or age

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

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

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

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

Federal law:

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

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

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

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

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

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

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

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

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

MINUTES

TOLLAND TOWN COUNCIL HYBRID MEETING September 14, 2021 – 7:00 P.M.

MEMBERS PRESENT: Tammy Nuccio, Chair; Steve Jones, Vice Chair; Bill Bode, Brenda Falusi (Zoom) (left at 8:18PM), Lou Luba, John Reagan, Kurt Schenher

MEMBERS ABSENT: none

OTHERS PRESENT: Lisa Hancock, Interim Town Manager; Mike Wilkinson, Director of Administrative Services (Zoom); Walt Willett, Superintendent (Zoom); Scott Lappen, Director, Public Works (ZOOM); Bruce Watt, Director, Recreation (Zoom)

1. **CALL TO ORDER:** Ms. Nuccio called the meeting to order at 7:04 p.m.

2. **PLEDGE OF ALLEGIANCE:** Recited

3. **MOMENT OF SILENCE:** Observed

4. **PROCLAMATIONS/PRESENTATIONS:**

4.1 Proclamation Request for October as Cyber Bullying Awareness Month

Ms. Nuccio explained that this proclamation was requested by Mr. Jones. She has discussed this with him and they are not going to move forward with the proclamation due to the policy in place. They will continue to discuss this offline to see if there is anything they can bring forward. The library will have a display to highlight this issue and Mr. Jones thanked people for their feedback about suggestions about messaging on this issue.

Mr. Jones motioned to deny the request under item 4.1.

Mr. Schenher seconded the motion.

Discussion: none

A roll call vote was taken.

In favor: Ms. Nuccio, Mr. Jones, Mr. Bode, Mr. Reagan, Mr. Schenher

Opposed: Ms. Falusi

Abstained: Mr. Luba

Motion passed.

4.2 Proclamation Request for Tolland Youth Football and Cheerleading

Ms. Nuccio explained that this proclamation and wording was requested by a resident.

Ms. Falusi requested that there be more specifics included in the proclamation. It is an opportunity to educate Tolland on what it has to offer. She asked that they do more research and celebrate what people bring to the community.

Ms. Nuccio noted that she would like to add to the proclamation that the Town of Tolland was a founding town of the Northern CT Football League in 1987, the organization represents over 120 families every year and is made up of over 150 athletes. The organization participates in multiple community service projects such as local food drives, winter hat and glove drives for the needy as well as the Spring Fling and Tolland Cleanup Day which benefit the town and residents. Their motto is: Family, School, Football, and Cheer.

Ms. Falusi noted that she would like to see the ages and teams the organization covers as well. Additionally, she would like to see a draft prior to approval.

Mr. Jones commented that he is in agreement with the recommended changes. He asked if the Council goes forward with the request if there will be a formal presentation of the proclamation by leadership and if it will be in person or virtual. Ms. Nuccio responded that the requestor asked for a presentation. Ms. Nuccio noted that she

reached out to the head of Tolland Youth Football regarding doing a presentation. The request for the proclamation was made within the 45-day grace period so it can be done.

Mr. Jones motioned to approve the proclamation request, as amended, under item 4.2.

Mr. Luba seconded the motion.

Discussion: Ms. Falusi asked if there will be another approval once the final language is drafted. Ms. Nuccio responded that this motion is to approve the request and the Council will receive the final language when it is addressed a second time. The proclamation with changes noted at tonight's meeting will be received by the Council at the next meeting. Ms. Falusi explained that she is not going to vote on something that does not have the final language for her to review. Mr. Jones confirmed that if any final changes need to be made to the proclamation they can be made during the meeting and printed out at a future date. The motion is to move the request forward with the suggested language. Ms. Falusi asked if when the final language is created if the Council will approve it. Ms. Nuccio responded that the Council will approve it. If anyone wants to make any changes they would need to be made prior to approval. Ms. Falusi noted that she will not vote until she sees the final language.

A roll call vote was taken.

In favor: Ms. Nuccio, Mr. Jones, Mr. Bode, Mr. Luba, Mr. Reagan, Mr. Schenher

Abstained: Ms. Falusi

Motion passed.

5. PUBLIC PETITIONS, COMMUNICATIONS, AND PUBLIC PARTICIPATION (on any subject within the jurisdiction of the Town Council) (2-minute limit)

Renie Besaw, 230 Grant Hill Road, commented that she saw that the turf field is on tonight's agenda. The Board of Education (BOE) requested a meeting with the Council on this item and Ms. Besaw asked that the Council not make any final decisions until the joint discussion can take place. She reviewed the materials and sees that the Council has materials that the BOE did not and would appreciate the Council holding off on final decisions until the discussion. The BOE raised its hand to say that this needs to be figured out. It should be a joint decision because it is a field used a lot by the BOE and is also used by the town. It is an important asset to the community, and she does not want it to be a unilateral decision by the Council. *Ms. Nuccio responded that this evening is an opportunity for the Council to get up to date on the history and a joint meeting will be scheduled.*

Sophia Johnson, 48 Crystal Lake Road, thanked the Council for having the September 11th observance for the community. She understands that in previous years the Fire Department would gather together, and she is grateful for this year's observance. The playing of *Taps* was the most moving she has ever heard. A fellow Tollerander saw her standing alone and held her hand. It was a somber and wonderful community event that recognized how the country was hurt and strengthened at the same time. She thanked Ms. Nuccio for her words and message as well as Mr. Luba for the message of strength. Ms. Johnson is grateful the observance was held in Tolland, and she hopes that they continue the tradition of doing this observance as a community.

6. PUBLIC HEARING ITEMS: none

7a. REPORTS OF BOARDS AND COMMITTEES RESPONSIBLE TO THE COUNCIL

Tourism – Ms. Falusi noted that the CT Visit webpage has changed to the fall campaign, and she will update items on the Tolland side. The campaign's name is Find Fall Faster. CT has everything the rest of New England has so one does not need to go far to find fall activities. Ms. Falusi noted that she has spoken to 4 people about the Tourism role. She added that she has invited over 700 people to the Tolland Tourism page and will be sharing information about small business on it as well.

Sustainable CT – no update

Census Committee – Ms. Falusi noted that the 2020 numbers were released for towns with over 5,000 residents. As of April 1, 2010, Tolland had 15,056 residents. On April 2, 2020, Tolland had 14,536. Ms. Falusi provided data on surrounding towns as well. She added that CT is starting to have discussions on voting districts.

7b. REPORTS OF TOWN COUNCIL LIAISONS

- Permanent Celebration Committee – Mr. Bode provided an update of the September 2nd meeting.
- Conservation Commission – Mr. Jones provided an update of the September 9th meeting. Next meeting is a site walk on September 23rd.
- Library Foundation – Mr. Jones provided an update of the September 13th meeting.
- Planning & Zoning Commission – Ms. Falusi provided an update of last night's meeting.
- Blight Committee – Ms. Falusi provided an update.
- Historic District Commission- Ms. Falusi noted they will meet on September 15th.
- WPCA – no meeting
- Economic Development Commission – Mr. Schenher provided an update of the September 1st meeting.
- Parks and Recreation – Mr. Schenher provided an update of last night's meeting.
- Birch Grove Building Committee – Mr. Luba provided an update.

8. NEW BUSINESS (ACTION/DISCUSSION ITEMS):

- 8.1 Consideration of a resolution to approve the firm of Strategic Government Resources (SGR) to conduct the Town Manager Recruitment process and authorizing the Director of Administrative Services to enter into an agreement with SGR in the absence of the Town Manager.

Mr. Wilkinson noted that the Council asked that he look into the company, SGR, which did the town manager recruitment in 2018/19. There was a clause in the contract that it could done at no charge if the town manager left within 18 months; however, he did not leave within 18 months. In turn, there would be a fee for recruitment. SGR reduced its fee to \$21,900. A similar staff would be used and there is equity given what was prepared for them. This item would be the approval to hire SGR. Mr. Wilkinson noted that there are other options including doing a full RFP for consultants.

Mr. Luba asked if SGR has the ability to conduct a full search inherent within the one organization. Mr. Wilkinson responded that SGR is a soup to nuts organization and does everything including meeting with the Council in advance to learn what it wants to do, preparing the information, documents, and brochures that need to go out about the position, advertising and recruitment on a national level, triaging of the applicants, and meeting with the Council in regular intervals. Further, once the Council selects a candidate, SGR will vet the person including doing the background checks and negotiate and draft the contract subject to a review by the town's attorney. SGR will also set up meetings in public forums to gather input as well as meet with staff. The only additional cost would be travel costs that are usually reimbursed to finalists as well as other expenses that are not covered directly under the fee. That said, most is covered under the fee. Mr. Luba asked if SGR is also subject to confidentiality agreements as well as if they have liability insurance etc. Mr. Wilkinson responded that SGR has to adhere to federal, state, and local laws in regard to confidentiality. SGR has insurance as does the town. Mr. Luba asked if SGR has legal counsel in-house and/or available to advise them on restrictions etc. Mr. Wilkinson responded that they do. It is a national company that needs to be cognizant and follow such items. Mr. Luba asked if the Council decided to go with a town committee or have town residents do the search, what the cost would be given the background checks, attorney contract review etc. Mr. Wilkinson responded that he does not have a comparable but as far as staff time and costs to farm items out it would be in the ballpark of the fee noted.

Mr. Schenher asked how SGR was originally selected. Mr. Wilkinson responded that an RFP was done, and multiple companies responded. The companies met with the Council and their proposals were reviewed and vetted. Based on the responses, the Council selected SGR to do the recruitment in 2018/19. It is under the Council's purview to select the town manager.

Ms. Falusi commented that they have not only selected Town Manager Steve Werbner through a panel of residents, but they have also chosen principals as well. She prefers going the route of having the residents do the recruitment. They know the town better and there are residents in town who are recruiters and upper-level management who recruit or are in the hiring process. Mr. Wilkinson is an expert that can help the panel follow the guidelines. Ms. Falusi explained that they were successful in a number of different ways and a panel of residents was the building committee for Birch Grove and the Charter. She noted that her preference is to have

a panel of residents. Her second preference is to not just go with SGR but do a search for a consultant. It took 2 searches for SGR to find candidates and she was not entirely pleased with the process. She would like to see who else is available and the products they offer for recruitment.

Mr. Reagan commented that they received some e-mails regarding residents who would like to use the community panel for this process. He asked what the process would look like for a community panel and the workload. Mr. Wilkinson responded that the Council would decide how to set up the panel. Once created, it would meet often and be intensive with a lot of information going out, coming in, and being reviewed. Further, the Council is the ultimate decision maker so its involvement would need to be decided as well. There would be a lot of work for the members of the panel as well as the Council. A lot is involved with recruitment at this level and ensuring everything is done correctly. Mr. Wilkinson noted that there are a lot of great people in Tolland, but it would be intensive. Mr. Reagan asked what the liability would be if they had a community panel, and a process was improperly followed. He explained that this is what concerns him. Mr. Wilkinson responded that that would be a concern and it would need to be addressed with the town attorneys. At each stage they would address this and what the possibilities could be for a problem, and this is a concern. Whenever people are doing things such as recruitment it is a concern, and it needs to be done rigorously following laws. Mr. Reagan asked if a recruiter would be a firewall between potential litigation and the town. Mr. Wilkinson responded that anyone can sue anyone. SGR has expertise and is a company with built in protection. They do this often and know what to look for. Ultimately, the town is also involved and could be brought in so he would not use the term "firewall" but there is structure and a company that does this all the time and knows the pitfalls to avoid.

Mr. Bode asked if when hiring for CEO level positions such as this one if it is standard operating procedure to use a search firm. Mr. Wilkinson responded that in his experience it is, and it is common. This is an expertise and niche that has grown in the last 20-30 years.

Ms. Falusi commented that if they have a panel of residents, when created, they can ensure they have people who are in HR and know hiring practices. They can make sure they have recruiters and consultants. Thus, they may be able to find all of the talent needed in Tolland. She added that she is a recruiter and is familiar with what questions may be asked during interviews. She is sure they can find residents who are just as familiar with the rules and laws and if there are questions, they can ask questions of the town attorney and Mr. Wilkinson. It will be difficult, but it is worth doing. Finding experts in Tolland will help get candidates who will fit in Tolland because the experts know the town better. Regarding creating the pamphlets and advertising, this is what recruiters do and they have a POCD and town webpage with historical information to attract candidates to the community.

Mr. Luba commented that similarities were drawn between creating a search group and other organizations such as the Birch Grove Building Committee. As a member of the Committee, he explained that the members heavily rely on the consultants hired by the state in relation to the building. The consultants work on the contract, present recommendations, and are vitally involved. While the citizens have to final approval authority, a number of outside groups are involved under the agreement with the state. Thus, Mr. Luba explained, that it is a false similarity to say they have a successful citizens group. Additionally, they regularly discuss burdens on the staff and if they are being overburdened. If there was a citizens' committee, they would be relying heavily on the town staff and town attorney on every issue. Additionally, a private firm would need to be hired to perform a background check. It would be done piecemeal rather than as a coherent package and this is his concern beyond the liability issue. Having been involved in hiring and promotion processes, he explained that the law is constantly changing. A nuance can completely change an item. Thus, they need more than just expertise and someone who can provide a package deal.

Ms. Nuccio asked if they go forward with SGR if the Council would be able to provide feedback from Council members who worked with the firm in the past. Mr. Wilkinson responded that he too has some ideas and if they work again with SGR, or another firm, this would be good input. SGR is receptive to what the Council would like to do, and he feels they could do this to help improve the process. Ms. Nuccio asked, with respect to the differing opinions, she would like to see a rigorous conversation with SGR around public input for the process and something more robust than last time in regard to this. Mr. Wilkinson responded that this sounds reasonable and prudent and is sure SGR would be open to this.

Mr. Jones noted that he is leaning toward having a community panel do the search. The Interim Town Manager has done an excellent job and he believes they have the time to build a panel to do the search. He gave an example of where there may be a disconnect in town of who is paid vs. elected leadership. This is an opportunity to get the community more involved and to have a better understanding of how town government works.

Mr. Reagan motioned:

BE IT RESOLVED by the Town that it hereby approves the firm of Strategic Government Resources (SGR) to conduct the Town Manager Recruitment process and authorizing the Director of Administrative Services to enter into an agreement with SGR in the absence of the Town Manager.

Mr. Luba seconded the motion.

Discussion: none

A roll call vote was taken.

In favor: Ms. Nuccio, Mr. Jones, Mr. Bode, Mr. Luba, Mr. Reagan, Mr. Schenher

Abstained: none

Opposed: Ms. Falusi, Mr. Jones

Motion passed.

8.2 Discussion on Zoom format for Executive Sessions.

Ms. Hancock provided background information on this item. She explained that there are times when it may be more accommodating for the Council to use the Zoom format as an option for an executive session if the Councilors desire. She explained that this item is being presented for discussion to consider this option. It would give the Council the option and ability to hold executive sessions via Zoom if it so desired.

Mr. Jones confirmed that if executive sessions were held exclusively via Zoom, on an evening such as this when the executive session was before the hybrid regular meeting, Councilors could be in Council Chambers and participate via their personal devices. Ms. Hancock noted that the Council could still hold executive sessions under the hybrid model if it chose to do so.

Mr. Jones motioned:

BE IT RESOLVED by the Tolland Town Council that it hereby approves conducting Zoom format Executive Session meetings until April 30, 2022.

Mr. Luba seconded the motion.

Discussion: none

A roll call vote was taken. Motion passed unanimously.

NOTE: Ms. Falusi left meeting at 8:18PM. She participated in the vote under item 8.2.

8.3 Update on Legal Timeline for a Cannabis Referendum

Ms. Hancock noted that at a previous meeting questions were posed about this item. She checked with the town attorney for clarification and explained that it would be too late to get this on the current referendum due to the timing of the process under the statute. Additionally, the Council cannot set this for a referendum vote. It would have to be petitioned by the public and then go through the state statute to be on the ballot.

Ms. Nuccio reviewed the e-mail from Attorney Conti to the Town Clerk dated August 31st.

Ms. Hancock noted that the Council and the PZC may create rules and regulations under the allowance of the bill.

Ms. Nuccio requested that this be added to a future Council agenda so they can look at ordinances that would need to be updated.

Mr. Jones asked if moratoriums fall under the ordinances of the Council or if they are under the auspices of the PZC. A resident reached out asking if the Council could be more engaged in the process. Ms. Hancock explained that the moratoriums she has seen thus far have fallen under the Council's purview, but she will get legal clarification.

8.4 Appointments to vacancies on various municipal boards/commissions.

- 8.4.a Reappointments to Cable Advisory Board
- 8.4.b. Appointment to Planning & Zoning Commission (Alternate)
- 8.4.c. Appointment to Veterans Recognition Commission (Member)
- 8.4.d. Appointment to Permanent Celebration Committee

Mr. Jones motioned to approve the following reappointments to the Cable Advisory Board: Larry Perosino and Paul Batterson Jr. for terms of 09/14/2021 – 06/14/2023.

Mr. Luba seconded the motion.

Discussion: none

A roll call vote was taken. Motion passed unanimously.

Mr. Jones motioned to approve the following new appointments of: Planning & Zoning Commission Alternate Ryan McCann (term 09/24/2021 – 11/09/2021); Veterans Recognition Commission Member Carl Davis (term 09/14/2021 – 10/31/2021); Permanent Celebration Committee Sophia Johnson (term 09/14/2021 – 11/09/2022).

Mr. Luba seconded the motion.

Discussion: none

A roll call vote was taken. Motion passed unanimously.

9. **OLD BUSINESS (ACTION/DISCUSSION ITEMS):**

9.1 COVID Relief Fund update for the Board of Education and review of funds left from last year.

Ms. Hancock reviewed background information on this item and explained that this is an accounting of the COVID Relief Fund (CRF) approved by Council last fiscal year - \$283,508 was allocated to the CRF. The expenses were \$283,352 leaving a balance of \$156. Ms. Hancock highlighted items noted on the MM OBJ Expenditure Report Summary.

Mr. Luba commented that the Summary appears to include salaries. It was his understanding that the COVID funds were for items above and beyond normal operating expenses. He sees salaries as something that would normally be included as part of the operating budget. He explained that his concern is that the CRF was used to pay for salaries that should have been under the BOE's operating budget. Dr. Willett explained that the salaries listed do not pay for any one person. Amounts were paid for services rendered that fell under that line item. This included people who were assisting with remote learning, working on COVID exposure letters, working on reopening plans, and courier expenses. Dr. Willett will research this line further. Mr. Luba asked if it was something related to the COVID response that involved overtime or additional work if it would be covered under the FEMA COVID expenditures or be reimbursable. Ms. Hancock explained that they tried to request reimbursement under FEMA for overtime expenses for the BOE. The response was that they would not be covered – only limited salaries would be covered. She added that the rules changed every quarter and ultimately, they would not cover the cost of hours for the BOE. Mr. Luba explained that on the Summary there is a list of positions that do not appear to be overtime. Mr. Luba commented that there appears to be \$91K for food expenditures. He asked if these would be covered under grants or funding via the USDA or other agencies. Dr. Willett responded that reimbursements are made for meals that are provided. He explained that for many years the food services program has always been self-funding. During the pandemic, the program took a hit from the lack of a la carte sales and was unable to balance the budget due to the losses. In turn, the BOE picked

up the cost via the CRF and moved some of the work they were doing into salaries to balance the budget. This allowed the food services program to remain solvent. Dr. Willett explained that this year he does not anticipate they will need to do this again. It was strictly due to last year's condition.

Mr. Jones asked about the line indicating that there may be a request from the BOE for additional appropriations from FY 20/21 balances. Dr. Willett responded that there is a desire, from end of year funds, to have the amount under the CRF agreement, set by the Council, to transfer funds provided the fund is continued.

Ms. Nuccio explained that this item is the first review of the accounting and a precursor to a discussion about extending the fund. Regarding food services, she confirmed that it is self-sustaining and covers the salaries, cost of food, and other items. The USDA is providing funding based on the meals being provided to students under the age of 18 in town. The expenses were higher than the USDA's reimbursement due to lack of a la carte sales and the \$91K covered the difference. Ms. Nuccio confirmed that the salary items listed in the Summary were for items people were doing that were above and beyond their roles. Dr. Willett explained that these salaries were mostly for existing staff who were helping cover items during the pandemic. Ms. Nuccio asked about the Transportation, Travel and Conference, Supplies, Equipment (non-instructional). Dr. Willett explained that Travel and Conference included transporting items to students' households including mileage reimbursement for carriers who transported items including equipment, manipulatives, and computers to/from people's households. Many of the supplies were custodial that typically would not be purchased during a non-pandemic year as well as masks, partitions etc. Further, there was an expense for a sanitizer for buses. Dr. Willett noted that he will get back to the Council with more detail regarding these items. Ms. Nuccio asked how the expenses crossover with the ESSER funds. Dr. Willett responded that nothing presented came from ESSER funds. Those funds were mainly used for staff to offset the learning losses of the PreK-2 and PreK-5 population by bringing on positions specific to the pandemic and limited in scope. Further, the Extended School Year program (ESY) served 300+ students this year and was expanded to the general student population over the summer. Dr. Willett provided a review of the program and noted that it was very successful. Participating students enjoyed the program and were very engaged.

Ms. Nuccio noted that a joint meeting will be set up for the Council and BOE regarding the CRF.

9.2 Artificial Turf Discussion.

Ms. Hancock explained that this item is to review the background information and noted that the BOE would like to have a joint meeting to discuss the field and the Artificial Turf Field Agreement.

Ms. Nuccio explained that she asked Ms. Hancock to provide the background information including the funding and finances of the turf field which is coming to the point where it needs to be replaced. She asked for a cost analysis of going back to a grass field as well. The turf field is currently in the capital plan (2023/2024).

The Council discussed having a joint meeting with the BOE to discuss the CRF and this item. Ms. Hancock will reach out to Dr. Willett to plan a meeting date in October to discuss both items.

Mr. Hancock reviewed the Artificial Turf Historical Information and Cost Benefit Analysis for Replacement.

- Historical Cost and Funding
- Maintenance and Use Agreement between Town and Board of Education
- Warranty
- Reported Injuries
- Current Field Condition
- Replace Artificial Turf or Remove and Replace with a Grass Field
 - Artificial Turf
 - Remove and Replace with Grass Field
 - Commentary

Mr. Jones asked if the general commentary items were solely from Mr. Lappen and Mr. Watt or if she received feedback from Mr. Sztaba or others. Ms. Hancock responded that they received input from Mr. Lappen, Mr. Watt, and the engineer who did the cost benefit analysis. They spoke with Mr. Sztaba as well. Mr. Jones asked

if they switched to a grass field if additional staffing would be requested or if it would limit attention to other fields. Ms. Hancock responded that it could require overtime. Mr. Lappen explained that the greatest hurdle is having an alternate site for play due to wear on the field and sod replacement. In terms of grass vs. artificial turf, staff would be impacted due to the maintenance commitment needed for grass. Mr. Jones asked if Mr. Lappen foresees an accelerated breakdown of the capital equipment. Mr. Lappen responded that he does not believe this would be an issue. Mr. Jones commented that when they discuss the ordinances for cannabis use that the Agreement is in alignment.

Mr. Schenher commented that he would not be won over by monetary arguments regarding grass vs. turf fields and asked about the usage of the HS field as compared to grass fields in town. Mr. Watt responded that the turf field gets more usage than the grass fields. They try to rotate game play and practices on the fields whereas the turf field may be used year-round. Additionally, with multiple sports there are natural wear spots on grass which does not occur on the turf field.

Mr. Reagan commented that 2 different companies examined the turf field in 2020 and noted that it had approximately 2 years of life remaining, but the pandemic slowed the use of the field. If they delay replacement, is there a potential for a cost increase? Ms. Hancock responded that there is always potential for a cost increase. The engineer provided an estimate of \$825K. In terms of funding, she also had to consider the impact on debt in the debt management plan.

Ms. Nuccio expressed concern about the lack of reported injuries and that they are not being reported or recorded. She knows of multiple injuries on the turf field. In terms of the Agreement, it notes that it includes the artificial turf field cared for by the town while it also states that the BOE is responsible for maintenance and associated costs during the period of use. Mr. Lappen explained that the DPW would hire a contractor to sanitize the field and test it for density and paid the bill. It was considered an in-kind service to the BOE which reimbursed them. Last year it was decided that Mr. Sztaba would carry it in his budget and the DPW budget was reduced. The only other maintenance done on the field by the DPW is to address it with a tractor. If there is an issue, they reach out to the contractor. During the discussion about the Grounds Agreement, the BOE felt that they use the track more than others and would take that on and the town would take on the responsibility of the turf replacement in its budget.

Ms. Nuccio asked about the quote of \$825K. Ms. Hancock explained that it came from the engineer. Mr. Lappen noted that one of Ms. Nuccio's concerns was relying on estimates from vendors who may be looking to sell the town a new field; therefore, they reached out to the town engineer. Ms. Nuccio asked if there is concern about rubber pellets and carcinogens. Mr. Lappen explained that the base material would be removed and replaced with current material.

Ms. Nuccio expressed concern about the turf field aside from injuries. The replacement cost is \$925K every 10 years which is approximately \$93K per year. Replacement via a grass field is \$715K but in 20 years they would still be paying \$93K/year to replace the turf field and the cost for a grass field would decrease. If it is going to cost the town \$93K/year, then how will they put money aside for this? She added that while there were a lot of dreams that most of the money would be recouped, they did not come to fruition. She credited the youth sports teams for contributing \$5K/year for usage but the field will cost the town every year. Ms. Nuccio noted that she understands the benefits of the turf field and would like to get input from the community.

Mr. Jones asked if there are liability issues if someone is injured on the field if it is used beyond its useful life. Ms. Hancock responded that she would ask the insurance agent.

Ms. Nuccio recognized Ms. Besaw.

Ms. Besaw commented that the BOE received a report that the town received \$125K toward usage/rental of the field but Ms. Hancock referred to the number \$89K. She asked about the differential. Ms. Hancock explained that \$125K is close to the total revenue. In the report she segregated what the youth teams paid vs. what was collected through the Recreation Department. The total is close to the \$125K.

10. REPORT OF THE TOWN MANAGER

- Annual Summary of the utility reserve fund; some of the money was used for capital purchases for both the town and the BOE; significant projects were accomplished
- Status of boards and commissions:
 - In person: Blight Review, Permanent Celebration, Veterans Recognition, WPCA
 - Remote: Birch Grove Primary School, Commission on People with Disabilities, Conservation Commission, Housing Authority, Library Advisory Board, Parks and Recreation, Tolland Mental Health and Substance Use Advisory Task Force, Tolland Water Commission
 - Hybrid: BOE, Economic Development Commission, Planning & Zoning, Zoning Board of Appeals
- Ms. Hancock met with the EDC and shared ideas about filling empty spaces in town and promoting areas which have not been developed. She has been meeting with developers in town as well about potential initiatives.
- Ms. Hancock visited Coventry and toured the Coventry Village. She met with town officials and those from other towns. They discussed initiatives, grants received, and attractions.
- Ms. Hancock met with the Public Works Director to discuss the issues due to the extensive amount of rain in town. The town has 3,000 catch basins and limited equipment. Money was budgeted to get a vendor to assist but it has been difficult, and they are discussing what can be done in the future. Ms. Hancock encouraged residents to reach out if a catch basin needs to be addressed. If someone feels comfortable cleaning out paper or debris, they are welcome to do so. To report an issue, visit the town webpage. The DPW Request button is on the top right of the main page. If there is a tree down or other emergency, residents should call 911.

11. ADOPTION OF MINUTES

11.1 August 24, 2021 Hybrid Regular Meeting Minutes

11.2 August 25, 2021 Hybrid Town Council/Planning & Zoning Commission Joint Meeting Minutes

Mr. Jones motioned to approve the minutes as outlined in item 11.1 and 11.2.

Mr. Schenher seconded the motion.

Discussion: none

A roll call vote was taken. Motion passed unanimously.

12. CORRESPONDENCE TO COUNCIL - tabled

13. CHAIRPERSON'S REPORT

Ms. Nuccio noted that she attended the EDC meeting to discuss potential business opportunities that may be available from the state. A law was passed regarding helping people with disabilities find employment opportunities and businesses would be incentivized to modify hiring and interview practices. Ms. Nuccio noted that the Grand Opening of Birch Grove is this Saturday, 10AM – 1PM. All are welcome to attend.

14. COMMUNICATIONS AND PETITIONS FROM COUNCILPERSONS

- Mr. Jones commented that he would like both topics addressed at the joint Council/BOE meeting. Mr. Jones asked that the Council's goals be reviewed, and a document created with information about what was and was not accomplished for the next council to provide a framework.

15. PUBLIC LISTED PARTICIPATION *(on any subject within the jurisdiction of the Town Council)*
(3 minute limit)

Sophia Johnson, 48 Crystal Lake Road, asked if there is anything in the town code that dictates how much responsibility the residents have regarding keeping storm drains clear. *Ms. Hancock responded that she does not believe so.*

Susan Salem, 180 Barstow Lane, commented that she supports the Council coming up with an ordinance to ban the use of cannabis in all public places similar to the one in Vernon. She added that she believes it is a prudent decision to place a moratorium on retail sales through November 2022 whether it is through the Council or the PZC. This gives the town time to figure out where it wants to land on this subject.

16. **ADJOURNMENT**

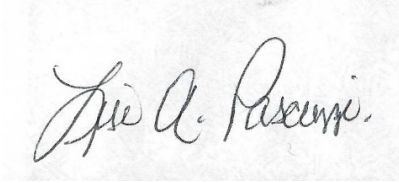
Mr. Jones motioned to adjourn the meeting at 10:05 PM

Mr. Schenher seconded the motion.

A roll call vote was taken.

Motion passed unanimously.

Respectfully submitted by,

A handwritten signature in cursive script, reading "Lisa A. Pascuzzi", is centered on a light-colored rectangular background.

Lisa Pascuzzi
Town Council Clerk

Town Council Chair