

## Students

### Civil and Legal Rights and Responsibilities

It is the policy of the Board of Education to provide a free and appropriate public education to each student with a disability within its jurisdiction, regardless of the nature or severity of the disability. Section 504 prohibits discrimination on the basis of disability by recipients of Federal funds.

It is the intent of the district to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with appropriate educational services. Students may be disabled under this policy even though they do not require services pursuant to the Individuals with Disabilities Education Act (IDEA). A student is qualified for purposes of Section 504 if the student has a physical or mental impairment which substantially limits one or more major life activities. Such student is required to have a free appropriate public education.

Moreover, the Board of Education does not discriminate in the admission or access to, or treatment or employment in, any of its programs and activities.

Due process rights of disabled students and their parents under Section 504 will be enforced.

The Director of Pupil Services is the Coordinator of Section 504 activities.

Legal Reference: Connecticut General Statutes

Goals 2000 - Educate America Act

10-15c Discrimination in public schools prohibited.

Section 504 of the Rehabilitation Act of 1973 (34 Code of Federal Regulations Part 104)

Policy adopted: October 15, 2007

THOMASTON PUBLIC SCHOOLS  
Thomaston, Connecticut

## **Students**

### **Civil, Legal Rights and Responsibility**

#### **Statement of Non-Discrimination**

In compliance with Title VII, Title IX and Section 504 of the Rehabilitation Act of 1973, the Board of Education does not discriminate on the basis of race, creed, color, national origin, age, sex, marital status, religion, sexual preference or disability in establishing and implementing hiring and employment practices and establishing and providing school activities and educational programs.

#### **Grievance Procedure**

##### **I. Informal Level**

- A. Any student, parent/guardian, staff member or applicant to a program who feels that he/she has been, discriminated against on the basis of race, color, national origin, religion, sex, sexual preference or disability shall contact the designated Compliance Coordinator within 30 days of the alleged occurrence to discuss the nature of the complaint.

The Compliance Coordinator shall maintain a written record which shall contain the following:

1. Full name and address of Complainant
  2. Full name and position of person(s) who allegedly discriminated against the Complainant
  3. A concise statement of the facts constituting the alleged discrimination
  4. Dates of the alleged discrimination
- B. At the time the alleged discrimination complaint is filed, the Compliance Coordinator will direct the Complainant to the appropriate Principal or Administrator who will investigate the complaint and send a written report to the Coordinator. The Coordinator shall then meet informally with the Complainant and the individuals against whom the complaint was lodged, and shall provide confidential counseling where advisable and shall finally seek an informal agreement between the parties concerned. Every attempt shall be made to seek a solution and resolve the alleged discrimination complaint at this level.

This process shall take no longer than ten (10) working days from the time the complaint was received.

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#### Grievance Procedure (continued)

#### II. Formal Level

If the Complainant is not satisfied with these initial informal procedures and within twenty (20) work days from the date of the original discussion with the Coordinator of Section 504, more formal procedures may be initiated by the Complainant to further explore and resolve the alleged discrimination complaint at this level.

- A. The Complainant shall present the written alleged discrimination complaint to the Superintendent or designee who may resolve the complaint alone or with the appropriate principal/administrator.
- B. The Superintendent or designee shall inform all parties of the date, time and place of the grievance hearing and of their right to present witnesses or representatives, if desired. The designee shall provide assistance to the Complainant in understanding the grievance procedure process. A written record of the hearing shall be kept.

The Superintendent or designee shall hear and fully review the case within (15) days of receipt of the discrimination complaint. A written decision shall be sent to the Complainant within (5) days of the hearing.

If the complainant is not satisfied with the Superintendent's recommendation he/she may submit a written appeal to the Board of Education within fifteen (15) days of the Superintendent's decision.

With at least five (5) days notice given prior to the hearing, the Board of Education shall inform all parties involved of the date, time and place of the hearing and of the right to present witnesses and to have legal counsel or other representation, if desired. The Board of Education shall hear all aspects of the appeal and shall reach a decision within twenty (20) days of receipt of the written appeal. The decision shall be presented in writing to the complainant at its next regularly scheduled meeting.

The time limits as noted throughout may be extended by mutual agreement in writing.

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### **Civil, Legal Rights and Responsibility**

#### **Grievance Procedure (continued)**

Any person may also file a complaint of illegal discrimination with the Office of Civil Rights, John W. McCormick Post Office and Court House Building, 2nd floor, Post Office Square, Boston, MA 02109 or O.C.R. Washington, D.C. at the same time he/she files a grievance, during or after use of the grievance process, or without using the grievance process at all. If a complaint is filed with the Office of Civil Rights, it must be filed in writing no later than 180 days after the occurrence of the possible discrimination.

#### **Parent/Student Rights**

##### **In Identification, Evaluation and Placement, Under Section 504 of the Rehabilitation Act of 1973**

The Rehabilitation Act of 1973, commonly referred to as Section 504, is a nondiscrimination statute enacted by the United States Congress. The purpose of the Act is to prohibit discrimination and to assure that disabled students have educational opportunities and benefits equal to those provided to non-disabled students.

An eligible student under Section 504 is a student who (a) has a physical or mental impairment which substantially limits one or more major life activities, (b) has a record of having or (c) is regarded as having, a physical or mental impairment which substantially limits a major life activity such as learning, self-care, walking, seeing, hearing, speaking, breathing, working, and performing manual tasks.

Many students will be eligible for educational services under both Section 504 and the Individuals With Disabilities Education Act (IDEA) but entitlement to services under the IDEA or other statutes is not required to receive services under Section 504.

- I. The following is a description of the rights and options granted by federal law to students with disabilities (handicaps). The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your-rights if you disagree with any of these decisions. You have the right to:
  1. Have your child take part in, and receive benefits from, public education programs without discrimination because of his/her disabling condition.
  2. Have the school district advise you of your rights and options under federal law.
  3. Receive notice with respect to identification, evaluation, or placement of your child.

## Students

### Civil, Legal Rights and Responsibility

#### Parent/Student Rights (continued)

#### **In Identification, Evaluation and Placement, Under Section 504 of the Rehabilitation Act of 1973 (continued)**

4. Have your child receive a free appropriate public education. This includes the right to be educated with non-disabled students to the maximum extent appropriate. It also includes the right to have the school district make accommodations to allow your child an equal opportunity to participate in school and school-related activities.
5. Have your child educated in facilities and receive services comparable to those provided to non-disabled students.
6. Have your child receive special education or related services and/or general education intervention/ modifications.
7. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who know the student, evaluation data, and placement options.
8. Have transportation provided to and from an alternative placement setting at no greater cost to you than would be incurred if the student were placed in a program operated by the district.
9. Have your child given an equal opportunity to participate in non-academic and extra curricular activities offered by the district.
10. Examine records relating to your child's educational program, including records relations to identification, evaluation and placement.
11. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records. State law provides that you are entitled to receive one free copy of your child's records.
12. A response from the school district to reasonable requests for explanations and interpretations of your child's records.

## Students

### Civil, Legal Rights and Responsibility

#### Parent/Student Rights (continued)

#### **In Identification, Evaluation and Placement, Under Section 504 of the Rehabilitation Act of 1973 (continued)**

13. Request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading, or otherwise in violation of the privacy rights of your child. If the school district refuses this request for amendment, it shall notify you within a reasonable time, and advise you of the right to a hearing. This hearing will be according to the Family Education Rights and Privacy Act (FERPA).
  14. Request an impartial hearing, or appeal related to decisions or actions regarding your child's identification, evaluation, educational program, or placement. The costs for the hearing are borne by the local school district.  
  
You and the student may take part in the hearing and have an attorney represent you at your expense. If you ultimately prevail on the issues raised at the hearing, you may be entitled to payment of all or part of your attorney's fees.
  15. Initiate the hearing process by filing a written request for a hearing with the Superintendent of Schools or designee, indicating the specific areas of disagreement and the remedy that you are requesting. Any such requests should be filed within 45 days of the action or decision with which you disagree.
  16. File a court action if you are dissatisfied with the hearing decision.
  17. File a local grievance to resolve complaints of discrimination other than those involving the identification, evaluation or placement of a student.
- II. The person in this district who is responsible for assuring that the district complies with Section 504 and the Americans with Disabilities Act (ADA) is:

Nancy Schnyer  
 Director of Pupil Services  
 One Thomas Avenue  
 Thomaston, CT 06787  
 860-283-3050

## Students

### Civil, Legal Rights and Responsibility

#### Parent/Student Rights (continued)

#### In Identification, Evaluation and Placement, Under Section 504 of the Rehabilitation Act of 1973 (continued)

III. Organizations and agencies which you may contact to obtain assistance with evaluation/placement questions include, but are not limited to, the following:

**A. Federal**

Office of Civil Rights  
Boston Regional Office Telephone: (617) 223-9662

**B. State**

Department of Education  
Bureau of Special Education  
and Pupil Services Telephone: (860) 807-2025

**C. Low-Cost Legal Services**

Legal Aid Society of  
New London County, Inc. Telephone: (860) 447-0323

IV. You also may file a complaint with the Office of Civil Rights, John W. McCormick, Post Office and Court House Building, 2nd Floor, Post Office Square, Boston, MA 02109. Any such complaints must be filed within 180 days of the possible act of discrimination.

### Impartial Hearing Requirement

The District shall conduct when requested an impartial hearing for parents or guardians of students with disabilities under Section 504 concerning the identification, evaluation, or education placement of a student with a disability. The Connecticut State Department of Education does not conduct these hearings.

The hearing officer selected by the District to conduct these hearings may not be a District employee involved in the student's care or education; have a personal or professional interest in the child; be a Board member; or be involved in the formulation of state policy affecting students with disabilities.

## **Students**

### **Civil, Legal Rights and Responsibility**

#### **Impartial Hearing Requirement** (continued)

The hearing officer may only review issues related to the identification, evaluation or placement of a child with a disability. The Section 504 hearing officer does not have jurisdiction to hear claims alleging discrimination, harassment or retaliation unless such a claim is directly related to the District's failure to provide the student with a free, appropriate public education (FAPE). The Section 504 hearing officer may not hear discrimination, harassment or retaliation claims which are not a part of an issue related to identification, evaluation or placement of a child with a disability.

Parents/guardians utilizing these Section 504 procedural safeguards are not legally entitled to state mediation, state advisory opinion, state hearing or complaint resolutions. These procedures, under IDEA, are not part of Section 504 procedures.

To ensure fundamental fairness, the child's current agreed-upon placement shall be maintained while a Section 504 hearing is pending.

The Section 504 hearing is not an IDEA hearing and has a narrower due process focus. Minimum necessary procedures for Section 504 include: notice, a right to inspect records, an impartial hearing with a right to representation by counsel and a review procedure. There is no requirement that cross-examinations be allowed or that a court reporter be provided. (See Form "Section 504 Parental Rights")

#### **Information Regarding - The American With Disabilities Act and Section 504 of the Rehabilitation Act of 1973**

The Americans With Disabilities Act (ADA) and Section 504 of the Rehabilitation Act prohibit discrimination against person with a disability in any program receiving Federal financial assistance.

A person with a disability is anyone who:

1. has a mental or physical impairment which substantially limits one or more major life activity (major life activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working);
2. has a record of such impairment; or
3. is regarded as having such an impairment.

In order to fulfill its obligation under the law, the District recognizes a responsibility to avoid discrimination in its policies and practices. No discrimination against any person with a disability will knowingly be permitted in any of the programs and practices of the school system.

## Students

### Civil, Legal Rights and Responsibility

#### Information Regarding - **The American With Disabilities Act and Section 504 of the Rehabilitation Act of 1973** (continued)

The school district has specific responsibilities under the law, which include the responsibility to identify and evaluate students who may be eligible under Section 504 in order to afford access to appropriate educational services.

If the parent or guardian disagrees with the determination made by the professional staff of the school district, he/she has a right to request a hearing with an impartial hearing officer.

If there are questions, please contact the Civil Rights Coordinator for the school district, at 860-283-3050 between the hours of 8:00 A.M. and 4:00 P.M.

#### Provisions of Services:

1. Merely being classified under Section 504 does not mean the child should be taught by other than the regular subject area endorsed classroom teacher or unless:
  - a. The child's written plan must describe the circumstances that prevent the child from receiving instruction from the regular certified teacher.
  - b. The child requires services in a setting other than the regular education classroom.
2. A Section 504 student may receive direct instruction from a certified special education teacher.

## Students

### Relations With Law Enforcement Agencies

#### School Police Cooperation

This regulation is intended to balance the needs of school and police officials. The reduction of ambiguity and confusion in how these officials interact will provide an optimal environment for education while ensuring that the public safety needs of the school and community are adequately met.

Generally, police should be notified immediately of any crime. Police will make every attempt to minimize distractions or disruption of school routines during the performance of their duties. There may be instances where the transgression is so slight that the school administrator can resolve the issue himself/herself. Examples of crimes that fall into this category are theft of pocket change, minor vandalism, or minor physical altercations in which there is no injury or pain inflicted upon either participant.

<b>Event</b>	<b>Suggested Action</b>
Vandalism, Breaking, Entering, etc.	Police should be notified immediately. (cf. 5131.5 - Vandalism)
Alcohol, Drugs, etc.	The suspected drug or alcohol should be secured by the building administrator and given directly to the responding police officer. The police officer will sign a receipt and give it to the building administrator. Prescription drugs out of the container should be seized and the prescription confirmed via the subscribing doctor. If the prescription is not valid the drug should be seized and the police notified. (cf. 5131.6 - Alcohol, Drugs and Tobacco)
Loitering	As long as the school grounds are posted, "no trespassing", warnings prior to arrest are not required. Notification of police and requests for arrest are within the discretion of the building administrator.

## Students

### Relations With Law Enforcement Agencies

#### School Police Cooperation (continued)

<b>Event</b>	<b>Suggested Action</b>
Confrontations	Confrontations where students become involved in loud tumultuous behavior but do not assault another is a violation of the law and police can arrest for this behavior. The decision to call police and request an arrest is within the discretion of the building administrator.
Assaults	Physical altercations in which students are injured or pain has been inflicted upon another should be reported to the police as soon as practicable.
Weapons	Confiscated weapons that are illegal in themselves should be turned over to the police department immediately by the school official who seized same. This category of weapons includes knives with over a four inch blade cutting edge, dirk knives, switch blade knives, martial arts weapons and guns. Ammunition should also be immediately turned over to the police. Any evidence or information relative to firearms in the school should be immediately relayed to the police. Weapons that are not illegal in themselves but are a violation of school policy. Police notification in these instances are within the discretion of the school administrator. (cf. 5131.7 - Weapons and Dangerous Instruments)
Bomb Scare Suspect Devices	Do not handle suspected devices. Notify Superintendent's office and police. Police will notify the Fire Department. A building check will be completed by custodial staff. The building administrator will decide whether or not to evacuate following discussions with the police and fire officials. The administrator will notify the Superintendent of his/her decision.

## Students

### Relations With Law Enforcement Agencies

#### School Police Cooperation (continued)

<b>Event</b>	<b>Suggested Action</b>
Civil Disobedience	When known about in advance, school and police should plan beforehand. Picketing is legal whereas blocking traffic, etc., is illegal.
Motor Vehicles, Parking Lots	Police routinely patrol parking lots and may arrest or summon individuals in said lots. Students involved in motor vehicle accidents in parking lots that result in personal injury or damages are required to report both to the police. (cf. 5131.3 - Student Driving/Parking)
Police Interviews	Police interviews generally will not take place on school grounds. However, if the police do indicate that an interview on school grounds is necessary, school authorities shall cooperate.
Police Interviews of Juveniles	When the interview involves a juvenile, the police will notify and shall usually arrange to have a parent present. The exceptions to this rule are (a) if the student is being interviewed as a victim and/or (b) if there is an overriding immediate public safety concern. If a student under the age of 16 is being interviewed by the police and the parent/guardian cannot be present, a member of the school staff will be present.
Child Abuse	School officials will notify the Department of Children and Families and the police of suspected child abuse cases. If staff members have reasonable cause to suspect that a child has been abused by a school employee, they must report the abuse to the Superintendent who will notify the DCF and police. (cf. 5141.4 - Reporting of Child Abuse/Neglect)

## Students

### Relations With Law Enforcement Agencies

#### School Police Cooperation (continued)

<b>Event</b>	<b>Suggested Action</b>
Extracurricular Activities	Police assigned on site must have two-way communications if additional police resources are needed. Police officials assigned to extracurricular activities shall report to the school administrator to discuss appropriate monitoring procedures.
Arrest Warrants	There are times in which the police may decide to pick up a student due to the Warrant being issued for his/her arrest. Once notified of an outstanding Arrest Warrant for a student, the student should be escorted from class by school personnel and remain in a secured office until the police arrive. The arrested student will be removed from the school in a way that minimizes embarrassment to the student and any disruption of the school routine.
Confidential Police Records	Police officials are prohibited by state and federal law from disclosing confidential juvenile arrest information or using the police computer network to obtain information relative to registration numbers, home addresses, etc.
Search of Students	School officials may search students, bookbags, lockers, desks, etc., using the established "reasonable suspicion" standard. In cases where a student is suspected of carrying a dangerous weapon and there is a safety issue inherent in the search process itself, the police should conduct the search after the student is secured in an office. (cf. 5145.12 - Search and Seizure)

## Students

### Relations With Law Enforcement Agencies

#### Notification of a Student's Arrest

Pursuant to the requirements of PA 94-221, whenever the Superintendent receives oral or written notification from the local police department or state police that a student was arrested for a felony or class A misdemeanor, he/she shall maintain the written report in a secure location and the information in the report shall be maintained as confidential in accordance with section 46b-124. The Superintendent may disclose such information only to the principal of the school in which the student is enrolled or the supervisory agent of any other school in which the student is enrolled.

The principal or supervisory agent may disclose such information only to special service staff or a consultant, such as a psychiatrist, psychologist or social worker, for the purposes of assessing the risk of danger posed by the person, other student school employees or property and effectuating an appropriate modification of such person's educational plan or placement for disciplinary purposes. Such information with respect to a child under sixteen years of age shall be confidential in accordance with 46b-124 and shall only be disclosed as provided in this section and shall not be further disclosed.

Legal Reference:        Connecticut General Statutes  
                                 10-221 Boards of education to prescribe rules.  
                                 10-233g(b) Boards to report school violence.  
                                 17a-101 Protection of children from abuse.  
                                 17a-102 Report of danger of abuse.  
                                 53a-185 Loitering in or about school grounds: Class C Misdemeanor.  
                                 Reports of principals to police authority.  
                                 *New Jersey v T.L.O.*, 53 U.S.L.W. 4083 (1988), 469 U.S. 325; 105 S.CT  
                                 733.  
                                 PA 94-221 An Act Concerning School Discipline and Security.

Regulation approved:        October 15, 2007

THOMASTON PUBLIC SCHOOLS  
Thomaston, Connecticut

## Students

### Students/Probation/Police/Courts

**Notification to Superintendent when Student Arrested for Felony.** Police who arrest, at any time during the year, an enrolled district student, ages seven to twenty, for a Class A misdemeanor, felony, or for selling, carrying or brandishing a facsimile firearm, are required by C.G.S. 10-233h, as amended by Public Act 94-221, Public Act 95-304, and Public Act 97-149, to notify orally the Superintendent of Schools by the end of the next weekday following the arrest, the identity of the student and the offense or offenses for which the student was arrested and follow up in writing, including a brief description of the incident, not later than seventy-two hours of the arrest.

The Superintendent shall maintain this information confidential in accordance with C.G.S. 46b-124 and in a secure location and disclosed, during the school year, only to the Principal of the school in which such person is a student or to the Principal or supervisory agent of any other school in which the Superintendent knows such person is a student. The Principal may disclose the information only to special services staff or a consultant (such as a psychiatrist, psychologist, or social worker) for the purpose of assessing the danger posed by such person to himself, other students, school employees, or school property and effectuating an appropriate modification of such person's educational plan or placement, and for disciplinary purposes.

Police may testify and provide information related to an arrest at an expulsion hearing if such testimony is requested by the Board of Education or an impartial board conducting the hearing, or by the school principal or student or his/her parent. Such testimony must be kept confidential in conformity with applicable state statutes.

**Attendance of Students Placed on Probation by a Court.** Before allowing a student placed on probation to return to school, the Connecticut court will request from the Superintendent of Schools information on the attendance, adjustment, and behavior of the student along with the Superintendent's recommendation for conditions of sentencing or disposition of the case.

**School Officials and Probation Investigations.** If requested by the court prior to disposition of a case, the Superintendent of Schools, or designee, shall provide information on a student's attendance, adjustment, and behavior, and any recommendations regarding the proposed conditions of probation included in the probation officer's investigation report.

**School Attendance As a Condition of Probation.** Under Section 46b-140, a court may include regular school attendance and compliance with school policies on student conduct and discipline as a condition of probation.

## Students

### Students/Probation/Police/Courts (continued)

**Information to Superintendents on a Student Adjudged to be a Delinquent as a Result of Felony.** Under Section 46b-124 of CGS, courts are required to release the identity of a student adjudged a delinquent as a result of felony to the Superintendent of Schools who may only use this information for school placement and disciplinary decisions.

**Information to Superintendents on a Student Adjudged to be a Youthful Offender.** Under Section 54-761 of CGS, courts are required to release the identity of a student adjudged a youthful offender to the Superintendent of Schools who may only use this information for school placement and disciplinary decisions.

(cf. 1411 Law Enforcement Agencies)

(cf. 5145.11 Police in Schools)

(cf. 5114 Suspension/Expulsion)

Legal Reference: Connecticut General Statutes

46b-121 “Juvenile matter” defined Authority of court. Fee.

46b-124 Confidentiality of records of juvenile matters. Exceptions.

46b-134 Investigation by probation officer prior to disposition of delinquency case. Physical mental and diagnostic examination

46b-140 Disposition upon conviction of child as delinquent.

53-206c Sale, carrying and brandishing of facsimile firearms prohibited. Class B misdemeanor.

54-761 Records confidential. Exceptions.

10-233a through 10-233g re student suspension, expulsion... Public Act 94-221 Public Act 95-304

10-233h Arrested students. Reports by police to superintendent, disclosure, confidentiality.

Policy adopted: October 15, 2007

THOMASTON PUBLIC SCHOOLS  
Thomaston, Connecticut

## Students

### Search and Seizure

#### Desks and School Lockers

Desks and school lockers are the property of the schools. The right to inspect desks and lockers assigned to students may be exercised by school officials to safeguard students, their property and school property with reasonable care for the Fourth Amendment rights of students.

The exercise of the right to inspect also requires protection of each student's personal privacy and protection from coercion. An authorized school administrator may search a student's locker or desk under three (3) conditions:

1. There is reason to believe that the student's desk or locker contains the probable presence of contraband material.
2. The probable presence of contraband material poses a serious threat to the maintenance of discipline, order, safety and health in the school.
3. The student(s) have been informed in advance that school Board policy allows desks and lockers to be inspected if the administration has reason to believe that materials injurious to the best interests of students and the school are contained therein.

#### Student Search

A student may be searched if there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school the scope of the search must be reasonably related to the objectives of the search and the nature of the infraction.

Legal Reference: Connecticut General Statutes

10-221 Boards of education to prescribe rules

54-33n Searches

*New Jersey v. T.L.O.*, 469 US 325; 105 S.CT.733

Policy adopted: October 15, 2007

THOMASTON PUBLIC SCHOOLS  
Thomaston, Connecticut

## **Students**

### **Search and Seizure**

#### **Justification for Student Searches**

Students possess the right to be free of unreasonable searches and seizures under the fourth amendment of the Constitution of the United States. Balanced against this right is the school officials' responsibility to create and maintain an environment consistent with school's educational mission. School officials have a duty to protect the health, safety and welfare of all students under their authority.

#### **Prohibited Items**

Students are requested not to bring to school items or substances which would disrupt the educational function of the school or which are prohibited by school board regulations or by law. Examples of items or substances in this category are weapons, clubs, explosives, firecrackers, alcoholic beverages and nonprescription drugs or drug paraphernalia.

#### **Lockers and Other School Property**

Lockers and other storage spaces are provided to students for their convenience. These storage areas remain school property, and as such, are subject to periodic inspections by school authorities. The purpose of such inspections is not to collect evidence of wrongdoing on the part of a single student, but rather to allow school authorities responsible for the appropriate use of school property the opportunity to confirm that lockers are being used in a manner consistent with the health and safety of all students. Students are therefore warned not to store items in lockers which they do not want to bring to the attention of school authorities.

#### **Emergencies**

Circumstances which put the safety of students or school staff at risk or could result in substantial property damage also will constitute sufficient reasons for school or police officials to conduct a thorough search of all school property. A bomb scare is an example of such an emergency.

#### **Student Searches**

School authorities are authorized to conduct searches of students or their property when reasonable suspicion indicates that a particular student is in possession of an item or a substance that represents a material threat to school routine or is prohibited by school board regulations or by law. Student property shall include, but not be limited to, purses, bookbags and cars. If students don't have access to their cars during school hours, the justification for searching student-driven cars is removed. School authorities in cooperation with the local police department reserve the right to conduct sniff searches with dogs of school property and student-driven cars.

## **Students**

### **Search and Seizure (continued)**

#### **Police Notification**

With regard to possession of items that constitute a violation of law, school authorities may wish to cooperate with the appropriate law enforcement agencies in the interest of preserving the integrity of the school's educational mission.

#### **Lockers and Other School Property (Desks)**

1. The school principal or his/her designee shall maintain an accurate list of all locker assignments and either a master key or combinations to all lockers.
2. At the time a student is assigned a locker or other storage space, he or she shall be informed that school authorities are empowered to conduct random periodic inspections of school lockers. Notices of this inspection policy also shall be posted in appropriate locations throughout the school.
3. Students also will be informed of the following locker regulations:
  - A. Students are responsible for the contents of the locker assigned to them.
  - B. Students are to keep their lockers locked.
  - C. Students are not to give other students access to their locker.
4. The exercise of that right to inspect also requires protection of each student's personal privacy and protection from coercion. An authorized school administrator may search a student's desk or locker under the following conditions:
  - A. There is reason to believe that the students' desk or locker contains contraband material and the presence of said material poses a serious threat to the maintenance of discipline, order, safety or health in the school.
  - B. The search of a group of students' desks or a group of students' lockers where no particular student within the group is suspected may be conducted only if there is a reasonable suspicion of conduct immediately harmful to students, staff or school property.

## **Students**

### **Search and Seizure** (continued)

#### **Prescription Drugs**

Students who have a legitimate need to bring prescription drugs to school should register this information in the nurse's office. (cf. 5141.21 - Administration of Medication)

#### **Lost or Abandoned Items**

Lost or abandoned items will be inspected by school authorities.

#### **Student Searches**

1. All searches of students shall be conducted or authorized by the principal or designee, in the presence of a witness.
2. When the need to search a student arises, the student may be asked to give his or her consent to the search, but in no event shall the student be threatened with harsher punishment or treatment for refusing to consent, nor shall he or she be coerced or induced to give consent in any other manner. The consent, if given, shall be put in writing. If the student is unwilling to give free and voluntary consent, the school administrator may order the student to submit to a search. If the student refuses to obey the order, the school administrator may bring insubordination charges against the student as stipulated in applicable school regulations.
3. Searches should be no more intrusive than necessary to discover that for which the search was instigated.
4. A search of a student's handbag, gym bag or similar personal property carried by a student may be conducted if there is "reasonable grounds" for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school.
5. Locker searches shall be conducted in the presence of another staff member and in the presence of the student responsible for the contents of the locker, if possible.
6. Searches may include, if school authorities think necessary, a frisk or patdown of student clothing. Frisk or patdown searches shall be conducted by a member of the same sex as the student and in the presence of another staff member.

## Students

### Search and Seizure

#### Student Searches (continued)

7. At no time should school officials conduct a search which requires a student to remove more clothing than his/her shoes or jacket. If school authorities are convinced that a more intrusive search is required to expose contraband they should advise the proper law enforcement agency.
8. A search of a student's person, or a search of a group of students where no particular student within the group is suspected, may be conducted only if there is a reasonable suspicion of conduct immediately harmful to students, staff or school property. "Strip searches" of students are prohibited by employees of this school district.
9. Student searches which disclose evidence of school misconduct, but not criminal misconduct, should be treated according to applicable policies and/or regulations.
10. In the event that a student search discloses evidence of criminal wrongdoing, the school principal or his/her designee shall determine whether or not police officials should be notified of the fruits of the search. If police officials are notified the student's parents should be advised of this fact as soon as possible.

#### Student Notification

Students shall be informed annually that Board policy allows student search and school desk/locker search.

Legal Reference: Connecticut General Statutes

10-221 Boards of education to prescribe rules.

*New Jersey v T.L.O.*, 53 U.S.L.W. 4083 (1985)

PA 94-115 An Act Concerning School Searches.

Regulation approved: October 15, 2007

THOMASTON PUBLIC SCHOOLS  
Thomaston, Connecticut

## Students

### Search and Seizure

#### Vehicle Searches on School Grounds

The privilege of bringing a student-operated motor vehicle onto school premises is hereby conditioned on consent by the student driver to allow the search of that motor vehicle when there is reasonable cause for a search of that motor vehicle. The act of bringing a motor vehicle upon school premises will allow school officials to presume consent by the student, parent or guardian, or owner of the vehicle for a search of that motor vehicle. Refusal by a student, parent or guardian, or owner of the vehicle to allow access to a motor vehicle on school premises at the time of a request to search the motor vehicle will be cause for termination, without further hearing, of the privilege of bringing a motor vehicle onto school premises. The Principal, or a building administrator, may request a law enforcement officer to search a motor vehicle on school premises, subject to provisions of this policy.

(cf. 5145.12 - Search and Seizure)

Legal Reference: Connecticut General Statutes

10-221 Boards of education to prescribe rules.

*New Jersey v T.L.O.*, 53 U.S.L.W. 4083 (1985)

Policy adopted: October 15, 2007

THOMASTON PUBLIC SCHOOLS  
Thomaston, Connecticut

## **Students**

### **Search and Seizure**

#### **Use of Dogs to Search School Property**

The Board supports the elimination of the possession or use of illegal substances/devices. The Board wants to convey a strong message to the community, faculty, staff, and student body concerning the use or possession of illegal substances.

The Board shall permit the administration to invite law enforcement agencies or other qualified agencies or individuals to search school property with dogs trained for the purpose of detecting the presence of illegal substances, when necessary to protect the health and safety of students, employees or property and to detect the presence of illegal substances or contraband, including alcohol and/or drugs. The use of trained canine sniffing dogs is subject to the following:

1. The administration shall authorize the search and the Principal or his/her designee shall be present while the search is taking place.
2. Parents and students shall be notified of this policy through its inclusion in the student and/or parent handbook.
3. All school property such as lockers, classrooms, parking areas and storage areas may be searched.
  - a. Dogs shall not be used in rooms occupied by persons except for demonstration purposes with the handler present.
  - b. When used for demonstration purposes, the dog may not sniff the person or any individual.
4. Individual(s) shall not be subjected to a search by dogs.
5. Once notification has been given to parents and students, through the inclusion of the policies in the student and/or parent handbook, the school district will have met its obligation to advertise the searches. Additional notices need not be given and actual times or dates of planned searches need not be released in advance.
6. Only the dog's official handler will determine what constitutes an alert by the dog. If the dog alerts on a particular item or place, the student having the use of that item or place or responsibility for it shall be called to witness the search. If a dog alerts on a locked vehicle, the student who brought it onto district property shall be asked to unlock it for inspection.
7. Law enforcement agencies will be given full authorization to investigate and prosecute any person(s) found to be responsible for illegal substances(s) on school property.

## Students

### Search and Seizure

#### Use of Dogs to Search School Property (continued)

(cf. - 5145.12 Search and Seizure)

Legal Reference: Connecticut General Statutes

10-221 Boards of education to prescribe rules.

*New Jersey v T.L.O.*, 53 U.S.L.W. 4083 (1985)

PA 94-115 An Act Concerning School Searches.

Policy adopted: October 15, 2007

THOMASTON PUBLIC SCHOOLS  
Thomaston, Connecticut

## **Students**

### **Search and Seizure**

#### **Breathalyzer Testing**

No student shall possess, use, be under the influence of, sell, or transfer any alcoholic beverage on school property, at any location of a school-sponsored activity, or en route to or from school or a school-sponsored activity.

Violation of this policy shall constitute reason for disciplinary action including suspension or expulsion from school and suspensions or dismissal from athletic teams.

When an administrator has reasonable suspicion that a student is under the influence of alcohol at school or a school-sponsored event, the student shall be given the option to take a Breathalyzer test. If screening results are negative, no action shall be taken. However, if the student tests positive or if the student declines to take the test when reasonable suspicion exists, he/she shall be subject to appropriate disciplinary action as set out in the District's disciplinary policies.

Reasonable suspicion shall refer to any of the following:

1. Observed use or possession of alcohol;
2. Apparent physical state of impairment of motor functions;
3. Marked changes in personal behavior not attributable to other factors; or
4. Involvement in, or contribution to, an accident where the use of alcohol is reasonably suspected or student involvement in a pattern of repetitive accidents, whether or not they involve actual or potential injury.

The Superintendent shall develop a process to reasonably ensure reliability of the screening instrument used, appropriate training for administrators, student privacy during the taking of the sample and security of the sample once obtained. Access to screening results shall be restricted on a need-to-know basis to those persons designated by the Superintendent.

Students who test positive on a confirmation alcohol test shall be subject to disciplinary action.

(cf. 5114 – Suspension/Expulsion)

(cf. 5131 – Conduct)

(cf. 5131.6 – Drugs, Alcohol, Tobacco)

(cf. 5131.8 – Out of School Misconduct)

(cf. 5144 – Discipline/Punishment)

(cf. 5145.11 Questioning and Apprehension)

(cf. 5145.12 – Search and Seizure)

## Students

### Search and Seizure

### Breathalyzer Testing

Legal Reference: Connecticut General Statutes

10a-18 Programs to be offered on effects of drugs and alcohol.

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

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

10-221d Boards of education to prescribe rules re; use, sale or possession.

21a-240 Definitions, dependency producing drugs.

21a-243 Regulation re schedules of controlled substances.

*New Jersey v. T.L.O.*, 469 325; 105 S.Ct. 733 (1985)

*Veronia School District 47J v. Acton*, 515 U.S. 646 (1995)

*Todd v. Rush County Schools*, 133F.3d 984 (7<sup>th</sup> Cir. 1998)

*Knox County Education Association v. Knox County Board of Education*, 158 F3d 361, 3885-386 (6<sup>th</sup> Cir. 1998)

Policy adopted: October 15, 2007

THOMASTON PUBLIC SCHOOLS  
Thomaston, Connecticut

## Students

### On-Campus Recruitment

Subject to the provisions of Subdivision (11) of Subsection (b) of Section 1-210 of the Connecticut General Statutes, the high schools of the school district shall provide the same directory information and on-campus recruiting opportunities to representatives of the armed forces of the United States of America and State Armed Services as are offered to nonmilitary recruiters, recruiters for commercial concerns and recruiters representing institutions of higher education.

The Board shall also provide full access for the recruitment of students by regional vocational technical schools, regional vocational agricultural centers, inter-district magnet schools, trade schools, charter schools and inter-district student attendance programs.

Directory information or class lists of student names and/or addresses shall not be distributed without the consent of the parent or legal guardian of the student or by the student who has attained majority status.

Military recruiters or institutions of higher learning shall have access to secondary school students' names, addresses, and telephone listings unless a secondary student or the parent of the student requests that such information not be released without prior written parental consent. The Board of Education shall notify parents of the option to make such request and shall comply with any request received.

The school administrator may make the determination of when the recruitment meetings are to take place and reserves the right to deny such meeting where the holding of such meeting will materially and substantially interfere with the proper and orderly operation of the school.

Any person or organization denied the rights accorded under this policy shall have the right to request a review of the decision by the Board of Education by filing a written request with the Superintendent of Schools.

(cf. 5125 - Student Records; Confidentiality)

Legal Reference:            Connecticut General Statutes  
                                  1-210 (11) Access to public records. Exempt records.  
                                  10-221b Boards of education to establish written uniform policy re treatment  
                                  of recruiters.(as amended by PA 98-252)  
                                  P.L. 106-398, 2000 H.R. 4205: The National Defense Authorization Act for  
                                  Fiscal Year 2001  
                                  P.L. 107-110 "No Child Left Behind Act" Title IX, Sec. 9528

Policy adopted:            October 15, 2007

THOMASTON PUBLIC SCHOOLS  
 Thomaston, Connecticut

## Students

### Directory Information

The District may disclose any of the items listed as “Directory Information” without prior written consent, unless notified in writing to the contrary.

“Directory information” means one or more of the following items: student’s name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, photograph, grade levels, electronic mail address, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous public or private school attended by the student.

Military recruiters or institutions of higher learning shall have access to secondary school students’ names, addresses, and telephone listings unless a secondary student or the parent of the student requests that such information not be released without prior written parental consent. The Board of Education shall notify parents of the option to make such a request and shall comply with any request received.

Any person or organization denied the rights accorded under this policy shall have the right to request a review of the decision by the Board of Education by filing a written request with the Superintendent of Schools.

(cf. 5125 - Student Records; Confidentiality)

Legal Reference: Connecticut General Statutes  
 1-210 (11) Access to public records. Exempt records.  
 10-221b Boards of education to establish written uniform policy re treatment of recruiters.  
 P.L. 106-398, 2000 H.R. 4205: The National Defense Authorization Act for Fiscal Year 2001.  
 P.L. 107-110 “No Child Left Behind Act” Title IX, Sec. 9528

Policy adopted: October 15, 2007

THOMASTON PUBLIC SCHOOLS  
 Thomaston, Connecticut

## **Students**

### **Freedom of Speech/Expression**

It shall be the policy of the school district to recognize and protect the rights of student expression. It will maintain a balance of these rights with the interests of an orderly and efficient educational process and of a school environment suitable for the healthy growth and development of all students. This policy will not be implemented on behalf of any other interests.

The school district shall assume no responsibility for the contents of any written material produced, posted, circulated or otherwise distributed, or of student conduct, taken in accordance with this policy, insofar as such matter or conduct may relate to any interests other than those of an orderly and efficient educational process and proper school environments.

In order to protect the educational process and school environment, printed material produced or distributed within the confines of school district property shall meet the following criteria:

1. Material shall be noncommercial.
2. Material shall not contain libelous or obscene language.
3. Material shall not advocate illegal actions.
4. Material shall not contain false statements or innuendoes that would subject any person to hatred, ridicule, contempt or injury of reputation.
5. Material will not imminently threaten to disrupt the educational process of the school.
6. Material shall not advocate action that would endanger the health or safety of students.
7. Material shall not invade the lawful rights of others.
8. Material published, posted or otherwise distributed shall bear the names of at least two students principally involved in the promotion of this material and, when applicable, the name of the sponsoring student organization or group.
9. Material may not be sold on school property, nor can material which seeks a donation or solicits funds be circulated.
10. Distributors of materials will be held responsible for cleaning up litter caused by such distribution.

## Students

### Freedom of Speech/Expression (continued)

(cf. 1220 - Citizens' Advisory Committees)

(cf. 1312 - Public Complaints)

(cf. 6144 - Controversial Issues)

(cf. 6161 Equipment, Books, Materials: Provision/Selection)

Legal Reference: Connecticut General Statutes

46b-121 "Juvenile matter" defined Authority of court. Fee.

46b-124 Confidentiality of records of juvenile matters. Exceptions.

46b-134 Investigation by probation officer prior to disposition of delinquency case. Physical mental and diagnostic examination.

46b-140 Disposition upon conviction of child as delinquent

53-206c Sale, carrying and brandishing of facsimile firearms prohibited. Class B misdemeanor

54-761 Records confidential, Exceptions.

10-233a through 10-233g re student suspension, expulsion... Public Act 94-221 Public Act 95-304

10-233h Arrested students. Reports by police to superintendent, disclosure, confidentiality.

Policy adopted: October 15, 2007

THOMASTON PUBLIC SCHOOLS  
Thomaston, Connecticut

## Students

### Nondiscrimination

#### Americans with Disabilities Act

The Board of Education recognizes its responsibility to comply with the letter and spirit of federal and state statutes regarding people with disabilities, including the Americans with Disabilities Act.

The Board directs the Superintendent to develop administrative regulations in order to implement appropriate ADA provisions for students, employees and others who may be affected by this Act.

(cf. 4118.12/4218.12 - Disabilities)

Legal Reference: Connecticut General Statutes

19-581 through 585 AIDS testing and medical information.

10-209 Records not to be public.

46a-60 Discriminatory employment practices prohibited.

Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b).

American Disability Act of 1989.

*Chalk v. The United States District Court of Central California.*

Policy adopted: October 15, 2007

THOMASTON PUBLIC SCHOOLS  
Thomaston, Connecticut

## **Students**

### **Sexual Harassment**

#### **Philosophy**

Sexual harassment will not be tolerated among students of the Thomaston School District. It is the policy of the Thomaston Board of Education to maintain a learning and working environment that is free from sexual harassment. Any form of sexual harassment is forbidden whether by students, supervisory or non-supervisory personnel, individuals under contract, or volunteers subject to the control of the Board. Students are expected to adhere to a standard of conduct that is respectful and courteous to employees, to fellow students, and to the public.

#### **Definition**

Sexual harassment is defined as follows:

Any unwelcome sexual advances, requests for sexual favors, or 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 educational benefit or employment (2) submission or rejection of such conduct by an individual is used as the basis for decisions affecting the individual's education or employment or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's educational performance or work performance or creating an intimidating, hostile, or offensive educational or working environment.

Specific behaviors that are unwanted and sexual in nature that could constitute sexual harassment are:

- Touching
- Verbal comments
- Sexual name calling
- Sexual rumors
- Inappropriate public display of affection
- Gestures
- Jokes/cartoons/pictures
- Inappropriate statements of a sexual nature
- Pulling at clothes
- Letter or notes of a sexual nature

## **Students**

### **Sexual Harassment**

#### **Reporting Procedure**

1. If a student believes that he/she is being or has been harassed, that person should immediately inform the harasser that his/her behavior is unwelcome, offensive, in poor taste, unprofessional, or highly inappropriate.
2. As soon as a student feels that he/she has been subjected to sexual harassment, he or she should make a written complaint to the appropriate school personnel, or the principal or his/her designee. The student and parent will be provided a copy of this policy and made aware of his/her rights.
3. In the written complaint the complainant should state the:
  - A. Name of the complainant
  - B. Date of the complaint
  - C. Date of the alleged harassment
  - D. Name or names of the harassers
  - E. Location where such harassment occurred
  - F. Name of any witnesses
  - G. Detailed statement of the circumstances constituting the alleged harassment.
4. Any student who makes an oral complaint of harassment to any of the above mentioned personnel will be provided a copy of this policy and will be instructed to make a written complaint pursuant to the above procedure.
5. All suspected cases of child abuse will be reported to the Thomaston Police Department and the State Department of Children and Families.
6. All complaints are to be forwarded immediately to the principal or designee unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent.
7. The principal and/or designee will notify the parents of the complainant that his/her child has filed a sexual harassment report which will be investigated and acted upon within five (5) working days, if possible.

## Students

### Sexual Harassment

#### Reporting Procedure (continued)

8. If possible, within five (5) working days of receipt of the complaint, the principal or designee handling the complaint shall commence an effective, thorough, objective and complete investigation of the complaint. The investigator shall consult with all individuals reasonably believed to have relevant information, including the student and the alleged harasser, any witnesses to the conduct, and victims of similar conduct that the investigator reasonably believes may exist. The investigation shall be free of stereotypical assumptions about either party. The investigation shall be carried on discreetly, so that confidentiality is maintained insofar as possible while still conducting an effective and thorough investigation. Throughout the entire investigative process, the due process rights of the alleged harasser will be upheld.
9. The investigator shall make a written report summarizing the results of the investigation and proposed disposition of the matter, and shall provide copies to the parents of the complainant, the alleged harasser, and the Superintendent of schools.
10. If the student complainant is dissatisfied with the result of the investigation, he or she may file a written appeal to the Superintendent, who shall review the investigator's written report, the information collected by the investigator together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes harassment. The Superintendent may also conduct a reasonable investigation, including interviewing the complainant and alleged harasser and any witnesses with relevant information. After completing this review, the Superintendent shall respond to the complainant, in writing, as soon as possible.

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

The harasser and any other students or employees, if appropriate, will be informed that appropriate action shall be taken if further acts of harassment or retaliation occur. If further acts of harassment or retaliation do occur, appropriate actions shall be taken up to and including suspension and/or expulsion from school.

Copies of this policy will be distributed and reviewed annually with all students and parents.

## Students

### Sexual Harassment

Legal Reference: Civil Rights Act of 1964, Title VII, 42 U.S.C. §2000-e2(a).  
Equal Employment Opportunity Commission Policy Guidance (N-915.035) on Current Issues of Sexual Harassment, effective 10/15/88.  
Title IX of the Education Amendments of 1972, 34 CFR Section 106.  
*Meritor Savings Bank. FSB v. Vinson*, 477 U.S. 57 (1986)  
*Faragher v. City of Boca Raton*, No. 97-282 (U.S. Supreme Court, June 26,1998)  
*Burlington Industries, Inc. v. Ellerth*, No. 97-569, (U.S. Supreme Court, June 26,1998)  
*Gebbser v. Lago Vista Indiana School District*, No. 99-1866, (U.S. Supreme Court, June 26,1998)  
*Davis v. Monroe County Board of Education*, No. 97-843 (U.S. Supreme Court, May 24, 1999).  
Connecticut General Statutes  
46a-60 Discriminatory employment practices prohibited.  
Constitution of the State of Connecticut, Article I, Section 20.

Policy adopted: October 15, 2007

THOMASTON PUBLIC SCHOOLS  
Thomaston, Connecticut

## Students

### Harassment

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

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

For purposes of this policy, **harassment** consists of verbal, written, graphic, or physical conduct relating to an individual's race, color, religion, sex, national origin/ethnicity, physical attributes or disability, parental or marital status, sexual orientation, or age when such conduct/harassment:

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

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

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

## Students

### Harassment (continued)

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

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

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

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

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

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

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

## Students

### Harassment (continued)

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

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

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

(cf. 4118.113/4218.113 - Harassment)

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

29 CFR 1604.11, EEOC Guidelines on Sex Discrimination.

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

34 CFR Section 106.8(b), OCR Guidelines for Title IX.

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

## Students

### Harassment

Legal References: (continued)

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

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

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

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

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

Connecticut General Statutes

46a-60 Discriminatory employment practices prohibited.

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

10-153 Discrimination on account of marital status.

17a-101 Protection of children from abuse.

Policy adopted: October 15, 2007

THOMASTON PUBLIC SCHOOLS  
Thomaston, Connecticut

## **Students**

### **Harassment**

#### **Harassment Complaint Procedure**

##### **Step 1 – Reporting**

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

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

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

##### **Step 2 – Investigation**

Upon receiving a complaint of unlawful harassment, the Building Principal shall immediately notify the Title IX Coordinator, unless the Building Principal is the subject of the complaint or is unable to conduct the investigation.

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

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

##### **Step 3 – Investigative Report**

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

Copies of the report shall be provided to the complainant, the accused and the Title IX Coordinator.

## **Students**

### **Harassment**

#### **Harassment Complaint Procedure (continued)**

##### **Step 4 – District Action**

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

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

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

##### **Step 4 – Appeal Procedure**

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

**REPORT FORM FOR COMPLAINTS OF UNLAWFUL HARASSMENT**

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

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

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

Name of person you believe violated the District's nondiscrimination policy:  
\_\_\_\_\_

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

When and where incident occurred: \_\_\_\_\_

List any witnesses who were present: \_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
Complainant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Received By

\_\_\_\_\_  
Date

## Students

### Non-Discrimination/Notification of Grievance Procedures

It is the policy of the Thomaston Public Schools not to discriminate on the basis of handicap as required under Section 504 of the Rehabilitation Act of 1973 in the admission of students to programs or any educational services or in the employment of personnel. The Coordinator for Section 504 is the Superintendent of Schools or designee, P.O. Box 166, Thomaston, CT 06787, telephone (860) 283-4796. Inquiries may be directed to the Coordinator or to the Regional Office for Civil Rights, 140 Federal Street, Boston, MA 02110.

Grievance procedures are available which provide for the prompt and equitable resolution of complaints alleging violations of Section 504. These may be obtained at the office of the Coordinator.

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

Policy adopted: October 15, 2007

THOMASTON PUBLIC SCHOOLS  
Thomaston, Connecticut

## Students

### Surrogate Parent Program

Any child considered by the school district to require special education and whose natural parents are unavailable as defined by law, or who is a ward of the state, may be provided a surrogate parent appointed by the Commissioner of Education in the manner provided by law.

The function of the surrogate parent will be to act as the child's advocate in the educational decision-making process which includes all special education identification, evaluation, placement, hearing, mediation and appeal procedures conducted for the student.

In addition, the surrogate parent will also act as the child's advocate in the evaluation and planning procedures available to children under Section 504 of the U.S. Rehabilitation Act.

Surrogate parents will be informed, by the Board as are regular parents, annually of Board policies regarding student conduct and discipline and if the Board suspends or expels a child for conduct that violates Board policy and seriously disrupts the educational process, for carrying a weapon or for selling or distributing drugs.

The law makes provisions whereby a parent or legal guardian or the student for whom a surrogate parent has been appointed may contest the surrogate parent appointment.

Legal Reference:        Connecticut General Statutes  
                                  10-94f Definitions.  
                                  10-94g Commissioner of Education to appoint surrogate parent; Procedure  
                                  for objection to or extension of said appointment. (as amended by PA 00-48)  
                                  10-94h Term of surrogate parent.  
                                  10-94i Rights and liabilities of surrogate parents.  
                                  10-94j Regulations re appointment of surrogate parents. (as amended by PA  
                                  00-48)  
                                  10-94k Funding of surrogate program.  
                                  10-233e Notice as to disciplinary policies and actions.  
                                  Section 504 U.S. Rehabilitation Act, 29 U.S.C. 791

Policy adopted:        October 15, 2007

THOMASTON PUBLIC SCHOOLS  
 Thomaston, Connecticut