

NEW MILFORD BOARD OF EDUCATION
New Milford Public Schools
25 Sunny Valley Road, Suite A
New Milford, Connecticut 06776

POLICY SUB-COMMITTEE
MEETING NOTICE

RECEIVED
TOWN CLERK

2023 DEC -1 P 3:00

NEW MILFORD, CT

DATE: December 5, 2023
TIME: 6:45 P.M.
PLACE: Sarah Noble Intermediate School Library Media Center

AGENDA

New Milford Public Schools Mission Statement

The mission of the New Milford Public Schools, a collaborative partnership of students, educators, family, and community, is to prepare each and every student to compete and excel in an ever-changing world, embrace challenges with vigor, respect and appreciate the worth of every human being, and contribute to society by providing effective instruction and dynamic curriculum, offering a wide range of valuable experiences, and inspiring students to pursue their dreams and aspirations.

1. Call to Order

2. Public Comment

An individual may address the Board concerning any item on the agenda for the meeting subject to the following provisions:

- A. A three-minute time limit may be allocated to each speaker with a maximum of twenty minutes being set aside per meeting. The Board may, by a majority vote, cancel or adjust these time limits.
- B. If a member of the public comments about the performance of an employee or a Board member, whether positive, negative, or neutral, and whether named or not, the Board shall not respond to such comments unless the topic is an explicit item on the agenda and the employee or the Board member has been provided with the requisite notice and due process required by law. Similarly, in accordance with federal law pertaining to student confidentiality, the Board shall not respond to or otherwise discuss any comments that might be made pertaining to students.

3. Discussion and Possible Action

A. Policies Recommended for Approval at Initial Reading due to Statutory Changes or Legal Requirement

1. 1105 Non-Discrimination (Community)
2. 3440 Individuals with Disabilities Education Act Fiscal Compliance
3. 3514 Code of Conduct Governing Procurements Under a Federal Award
4. 4111.1 Non-Discrimination (Personnel)
4211.1
5. 5000 Non-Discrimination (Students)
6. 5165 Graduation Requirements

B. Policy for First Read

1. 3280 Gifts, Grants and Bequests to the District

C. Policies Recommended for Deletion Once Policies in 3.A are Approved

1. 3440 Inventories
2. 3514 Equipment

4. Items of Information

1. 1105 R Administrative Regulations Regarding Non-Discrimination (Community)
2. 3280 R Administrative Regulations Regarding Gifts, Grants and Bequests to the District
3. 3440 R Administrative Regulations Regarding Individuals with Disabilities Education Act Fiscal Compliance
4. 4111.1 R Administrative Regulations Regarding Non-Discrimination (Personnel)
4211.1 R
5. 5000 R Administrative Regulations Regarding Non-Discrimination (Students)

5. Public Comment

An individual may address the Board concerning any item on the agenda for the meeting subject to the following provisions:

- A. A three-minute time limit may be allocated to each speaker with a maximum of twenty minutes being set aside per meeting. The Board may, by a majority vote, cancel or adjust these time limits.
- B. If a member of the public comments about the performance of an employee or a Board member, whether positive, negative, or neutral, and whether named or not, the Board shall not respond to such comments unless the topic is an explicit item on the agenda and the employee or the Board member has been provided with the requisite notice and due process required by law. Similarly, in accordance with federal law pertaining to student confidentiality, the Board shall not respond to or otherwise discuss any comments that might be made pertaining to students.

6. Adjourn

**Sub-Committee Members: Olga I. Rella, Chairperson
Tammy McInerney
Leslie Sarich
Sarah Herring**

**Alternates: Brian McCauley
Eric Hansell**

Note from Shipman & Goodwin:

Non-Discrimination (Community) (October 2023 Revision)

Connecticut’s anti-discrimination laws prohibit discrimination on the basis of many different categories, including but not limited to sexual orientation. In 2023, Public Act No. 23-145 established a statutory definition of the term “sexual orientation.” We revised this policy to include this new definition and to reflect the federal requirement that boards of education provide equal access to the Boy Scouts and other groups. We also made several technical revisions to this policy for clarity.

**Series 1000
Community/Board Operation**

1105

**POLICY AND ADMINISTRATIVE REGULATIONS REGARDING
NON-DISCRIMINATION (COMMUNITY)**

Protected Class Discrimination Prohibited:

It is the policy of the New Milford Board of Education (the “Board”) that any form of discrimination or harassment on the basis of race, religion, color, national origin, ancestry, alienage, sex, sexual orientation, marital status, age, disability, pregnancy, gender identity or expression, veteran status, status as a victim of domestic violence, or any other basis prohibited by state or federal law (“Protected Class”) is prohibited in the New Milford Public Schools (the “District”), whether by students, Board employees, Board members or third parties subject to the control of the Board. The Board’s prohibition of discrimination or harassment in its educational programs or activities expressly extends to academic, nonacademic and extracurricular activities, including athletics, school-sponsored activities, as well as the district website. When the Board has created a limited public forum, the Board shall provide equal access to the Boy Scouts and other groups as required by law.

Retaliation Prohibited:

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

Discrimination on the Basis of Protected Class Association Prohibited:

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

Scope and Applicability:

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

Definitions:

The following definitions apply for purposes of this policy:

A. **Discrimination**: Discrimination in violation of this policy occurs when an individual is denied participation in, or the benefits of, a program or activity of the Board because of such individual's actual or perceived membership in a Protected Class.

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

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

- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership);
- other words or phrases considered demeaning or degrading on the basis of Protected Class membership;
- display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class;
- graphic, written or electronic communications that are harmful or humiliating based on Protected Class membership;
- bigoted conduct or communications; or
- physical, written, electronic or verbal threats based on Protected Class membership.

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

Sexual harassment is a form of harassment that is prohibited by law and Board policy. For more information regarding harassment based on sex, sexual orientation, pregnancy, or gender identity or expression, contact the District's Title IX Coordinator at:

Teresa Kavanagh
Director of Human Resources
25 Sunny Valley Road, Suite A
New Milford, CT 06776
Telephone: 860-210-2200
kavanaght@newmilfordps.org

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

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

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

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

G. Domestic violence: Domestic violence means (1) a continuous threat of present physical pain or physical injury against a family or household member, as defined in Conn. Gen. Stat. § 46b-38a; (2) stalking, including but not limited to, stalking as described in Conn. Gen. Stat. § 53a-181d, of such family or household member; (3) a pattern of threatening, including but not limited to, a pattern of threatening as described in Conn. Gen. Stat. § 53a-62, of such family or household member or a third party that intimidates such family or household member; or (4) coercive control of such family or household member, which is a pattern of behavior that in purpose or effect unreasonably interferes with a person's free will and personal liberty. "Coercive control" includes, but is not limited to, unreasonably engaging in any of the following: (a) isolating the family or household member from friends, relatives or other sources of support; (b) depriving the family or household member of basic necessities; (c) controlling, regulating or monitoring the family or household member's movements, communications, daily behavior, finances, economic resources or access to services; (d) compelling the family or

household member by force, threat or intimidation, including, but not limited to, threats based on actual or suspected immigration status, to (i) engage in conduct from which such family or household member has a right to abstain, or (ii) abstain from conduct that such family or household member has a right to pursue; (e) committing or threatening to commit cruelty to animals that intimidates the family or household member; or (f) forced sex acts, or threats of a sexual nature, including, but not limited to, threatened acts of sexual conduct, threats based on a person's sexuality or threats to release sexual images.

Alleged Discrimination/Harassment of Students or Employees:

Complaints of alleged discrimination and/or harassment of students and/or employees will be investigated in accordance with the non-discrimination policies applicable to students and/or personnel respectively. Complaints pertaining to specific forms of discrimination and/or harassment, such as sexual harassment or disability-based harassment, have specific policies and procedures applicable to these forms of harassment and will be investigated in accordance with the specific procedures for such issues. If a complaint involves allegations of discrimination or harassment of an employee or of a student based on sex, sexual orientation, pregnancy, or gender identity or expression, such complaints will be handled in accordance with the procedures set forth in Board Policy 4118.113/4218.113, Policy Regarding Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Personnel), or Policy 5145.7, Policy Regarding Title IX of the Educational Amendments of 1972 – Prohibition of Sex Discrimination and Sexual Harassment (Students). Complaints involving allegations of discrimination or harassment of an employee or of a student based on disability will be addressed in accordance with the procedures set forth in Board Policy 4118.112/4218.112, Section 504/ADA (Personnel), or Board Policy 5145.45, Section 504/ADA (Students).

Alleged Discrimination/Harassment of Community Members on the Basis of Sex:

In the event the District receives a complaint alleging discrimination or harassment of a community member (e.g., an individual affiliated with the District, accessing or seeking access to District facilities who is not a student or an employee) on the basis of sex, sexual orientation, pregnancy, or gender identity or expression, the complaint shall be referred to the District's Title IX Coordinator, who shall take steps designed to ensure that applicable state and federal law are followed.

Alleged Discrimination/Harassment of Community Members on the Basis of Disability:

In the event the District receives a complaint alleging discrimination or harassment of a community member (e.g., an individual affiliated with the District, accessing or seeking access to District facilities who is not a student or an employee) based on disability, the complaint shall be referred to the District's Section 504/ADA Coordinator, who shall take steps designed to ensure that applicable state and federal law are followed.

Reporting to District Officials:

It is the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment.

Any individual who believes a community member has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of this policy should report such concern in writing to **Teresa Kavanagh, Director of Human Resources**, in accordance with the Board's complaint procedures included in the Board's Administrative Regulations Regarding Non-Discrimination/Community, which accompany this policy, and are available online at [New Milford Board of Education Policies](#) or upon request from the main office of any District school.

Reporting to State and Federal Agencies:

In addition to reporting to District officials in accordance with this policy, individuals also may file a complaint with the following agencies:

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

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

Connecticut Commission on Human Rights and Opportunities:

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

Equal Employment Opportunity Commission (employees only):

Equal Employment Opportunity Commission, Boston Area Office
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
(800-669-4000)

Questions/Requests for Accommodation:

Any parent, student, staff member, Board member or community member (e.g., other individual affiliated with the District, accessing or seeking access to District facilities) who:

1. has questions or concerns about this policy or its accompanying regulations;
OR
2. wishes to request or discuss accommodations based on religion; OR
3. who would like a copy of the Board's complaint procedures or complaint forms related to claims of discrimination or harassment:

may contact any District administrator or the following District official:

Teresa Kavanagh
Director of Human Resources
25 Sunny Valley Road, Suite A
New Milford, CT 06776
Telephone: 860-210-2200
kavanaght@newmilfordps.org

Any parent, student, staff member, Board member or community member (e.g., other individual affiliated with the District, accessing or seeking access to District facilities) who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of gender/sex, gender identity or expression, sexual orientation or pregnancy may contact the District's Title IX Coordinator:

Teresa Kavanagh
Director of Human Resources
25 Sunny Valley Road, Suite A
New Milford, CT 06776
Telephone: 860-210-2200
kavanaght@newmilfordps.org

Any parent, student, staff member, Board member or community member (e.g., other individual affiliated with the District, accessing or seeking access to District facilities) who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of disability, and/or who may wish to request or discuss accommodations for a disability, may contact the District's Section 504/ADA Coordinator:

Teresa Kavanagh
Director of Human Resources
25 Sunny Valley Road, Suite A
New Milford, CT 06776
Telephone: 860-210-2200
kavanaght@newmilfordps.org

Legal References:

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.
Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.
Boy Scouts of America Equal Access Act, 20 U.S.C. § 7905
Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq.
Americans with Disabilities Act, 42 U.S.C. § 12101
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794
Connecticut General Statutes § 1-1n, “Gender Identity or Expression”
defined
Connecticut General Statutes § 27-103
Connecticut General Statutes § 46a-51, Definitions
Connecticut General Statutes § 46a-58, Deprivation of rights
Connecticut Fair Employment Practices Act, Connecticut General Statutes
§ 46a-60
Connecticut General Statutes § 46a-81c, Sexual orientation discrimination:
Employment
Connecticut General Statutes § 46b-1, Family relations matters and
domestic violence defined
Public Act No. 23-145, “An Act Revising the State’s Antidiscrimination
Statutes”

Approved: October 19, 2023
Revised:

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

**ADMINISTRATIVE REGULATIONS REGARDING DISCRIMINATION
COMPLAINTS (COMMUNITY MEMBERS)**

Protected Class Discrimination Prohibited:

It is the policy of the New Milford Board of Education (the “Board”) that any form of discrimination or harassment on the basis of race, religion, color, national origin, ancestry, alienage, sex, sexual orientation, marital status, age, disability, pregnancy, gender identity or expression, veteran status, status as a victim of domestic violence, or any other basis prohibited by state or federal law (“Protected Class”) is prohibited in the New Milford Public Schools (the “District”), whether by students, Board employees, Board members or third parties subject to the control of the Board. When the Board has created a limited public forum, the Board shall provide equal access to the Boy Scouts and other groups as required by law.

Retaliation Prohibited:

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

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

Discrimination on the Basis of Protected Class Association Prohibited:

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

Scope and Applicability:

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

It is also the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment.

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

- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership);
- other words or phrases considered demeaning or degrading on the basis of Protected Class membership;
- display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class;
- graphic, written or electronic communications that are harmful or humiliating based on Protected Class membership;
- bigoted conduct or communications; or
- physical, written, electronic or verbal threats based on Protected Class membership.

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

Alleged Discrimination/Harassment of Students or Employees:

Complaints of alleged discrimination and/or harassment of students and/or personnel will be investigated in accordance with the non-discrimination policies applicable to students and/or personnel respectively. Complaints pertaining to specific forms of discrimination and/or harassment, such as sexual harassment or disability based harassment, have specific policies and procedures applicable to these forms of harassment and will be investigated in accordance with the specific procedures for such issues. If a complaint involves allegations of discrimination or harassment of a student or an employee based on sex, sexual orientation, pregnancy, or gender identity or expression, such complaints will be handled in accordance with the procedures set forth in Board Policy 41118.113/4218.113, Policy Regarding Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Personnel), or Policy 5145.7 Policy Regarding Title IX of the Educational Amendments of 1972 – Prohibition of Sex Discrimination and Sexual Harassment (Students). Complaints involving allegations of discrimination or harassment of a student or an employee based on disability will be addressed in accordance with the procedures set forth in Board Policy 4118.112/4218.112, Section 504/ADA (Personnel), or Board Policy 5145.45, Section 504/ADA (Students).

Alleged Discrimination/Harassment of Community Members on the Basis of Sex:

In the event the District receives a complaint alleging discrimination or harassment of a community member (e.g. an individual affiliated with the District, accessing or seeking access to District facilities who is not a student or an employee) on the basis of sex, sexual orientation, pregnancy, or gender identity or expression, the complaint shall be referred to the District's Title IX Coordinator, who shall take steps designed to ensure that applicable state and federal law are followed.

Alleged Discrimination/Harassment of Community Members on the Basis of Disability:

In the event the District receives a complaint alleging discrimination or harassment of a community member (e.g. an individual affiliated with the District, accessing or seeking access to District facilities who is not a student or an employee) based on disability, the complaint shall be referred to the District's Section 504/ADA Coordinator, who shall take steps designed to ensure that applicable state and federal law are followed.

Reporting to District Officials:

Any individual who believes that they, or another individual, has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of Board policy should report such concern in writing to **Teresa Kavanagh, Director of Human Resources**, in accordance with the Board's complaint procedures included in these Administrative Regulations Regarding Non-Discrimination/Community.

Complaint Procedure

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

As soon as an individual feels that they, or another individual, has been subjected to Protected Class discrimination or harassment, the individual should make a written complaint to the Superintendent or designee.

The individual who is alleged have experienced Protected Class discrimination/harassment (the "complainant") and any individual accused of Protected Class discrimination/harassment (the "respondent") (if applicable) will be provided a copy of the Board's policy and regulation and made aware of the individual's rights under this policy and regulation. In the event reported conduct allegedly violates more than one policy, the Board will coordinate an investigation in compliance with the applicable policies, laws and regulations.

The complaint should state the:

- A. Name of the complainant,
- B. Date of the complaint,
- C. Date(s) of the alleged harassment/discrimination,
- D. Name(s) of the harasser(s) or discriminator(s),
- E. Location where such harassment/discrimination occurred,

- F. Names of any witness(es) to the harassment/discrimination,
- G. Detailed statement of the circumstances constituting the alleged harassment/discrimination; and
- H. Proposed remedy.

Any individual who makes an oral complaint of discrimination or harassment of a community member (e.g. an individual affiliated with the District, accessing or seeking access to District facilities who is not a student or an employee) will be provided a copy of this regulation and will be requested to make a written complaint pursuant to the above procedure. If an individual is unable to make a written complaint, the employee receiving the oral complaint will either reduce the complaint to writing, assist the individual with completing the written complaint form, or request the assistance of a District administrator to do so.

All complaints received by employees are to be forwarded immediately to the Superintendent or designee. Upon receipt of a complaint alleging discrimination or harassment of a community member (e.g. an individual affiliated with the District, accessing or seeking access to District facilities who is not a student or an employee) under this complaint procedure, the Superintendent or designee shall promptly investigate the complaint. During the course of the investigation, the investigator shall interview or consult with all individuals reasonably believed to have relevant information, including the complainant, the reporter (if different from the complainant), the respondent and any witnesses to the conduct. Complaints will be investigated promptly within the timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information and/or other extenuating circumstances. Confidentiality will be maintained by all persons involved in the investigation to the extent possible, as determined by the investigator.

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

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

interviews with the parties to the complaint and any relevant witnesses or other individuals deemed relevant to the complaint;

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

and respondent (if any) and meeting with appropriate individuals to attempt to resolve the complaint, or a decision affirming or overruling a designated investigator's conclusions or findings (if applicable). The Superintendent shall provide written notice to the complainant and respondent (if any) of the proposed actions within thirty (30) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) following the receipt of the written request for review.

Complaint Procedure for Superintendent/Board Member Complaints:

Any district administrator or Board member who receives a complaint of discrimination, harassment or retaliation of a community member by a Board Member and/or the Superintendent shall forward the complaint promptly to the **Director of Human Resources, Teresa Kavanagh**. Complaints pertaining to the Superintendent or Board of Education members will be forwarded to the Chair of the Board of Education. Complaints pertaining to the Board Chair will be forwarded to the Board Vice Chair. In all cases, the individual receiving the complaint shall take appropriate steps to cause the matter to be investigated in a manner consistent with the procedures described above.

If a complainant or a respondent is not satisfied with the findings and conclusions of an investigation in which the Superintendent or a member of the Board is the respondent, within (30) calendar days of receiving the findings such party may present the complaint and written outcome to the Board Chair (or, if initially presented by the Board Chair, the Board Vice Chair), who will take appropriate steps to cause the matter to be reviewed in a manner consistent with the Board's non-discrimination policy and regulation. Such steps may include retention of an independent investigator different from the investigator who investigated the complaint.

Remedial Action:

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

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

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

- A. In the case of a student respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, discipline (including but not limited to suspension and/or expulsion), educational interventions, exclusion from extra-curricular activities and/or sports programs, and/or referral to appropriate state or local agencies;
- B. In the case of an employee respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to,

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

Staff Development:

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

Reporting to State and Federal Agencies:

A complainant alleging discrimination or harassment may file a formal complaint with the Boston Office, Office for Civil Rights, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921 (TELEPHONE NUMBER: 617-289-0111).

A complainant may also file a complaint with the Connecticut Commission on Human Rights and Opportunities, 450 Columbus Blvd., Hartford, CT 06103-1835 (TELEPHONE NUMBER: 860-541-3400).

An employee alleging discrimination or harassment related to their employment may also file a complaint with the Equal Employment Opportunity Commission, Boston Area Office, John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203 (TELEPHONE NUMBER: 800-669-4000).

Questions/Requests for Accommodation:

Any parent, student, staff member, Board member or community member (e.g., other individual affiliated with the District, accessing or seeking access to District facilities) who:

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

3. who would like a copy of the Board's complaint procedures or complaint forms related to claims of discrimination or harassment:

may contact any building administrator or the following District official:

Teresa Kavanagh
Director of Human Resources
25 Sunny Valley Road, Suite A
New Milford, CT 06776
Telephone: 860-210-2200
kavanaght@newmilfordps.org

Any parent, student, staff member, Board member or community member (e.g., other individual affiliated with the District, accessing or seeking access to District facilities) who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of gender/sex, gender identity or expression, sexual orientation or pregnancy may contact the District's Title IX Coordinator:

Teresa Kavanagh
Director of Human Resources
25 Sunny Valley Road, Suite A
New Milford, CT 06776
Telephone: 860-210-2200
kavanaght@newmilfordps.org

Any parent, student, staff member, Board member or community member (e.g., other individual affiliated with the District, accessing or seeking access to District facilities) who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of disability, and/or who may wish to request or discuss accommodations for a disability, may contact the District's Section 504/ADA Coordinator:

Teresa Kavanagh
Director of Human Resources
25 Sunny Valley Road, Suite A
New Milford, CT 06776
Telephone: 860-210-2200
kavanaght@newmilfordps.org

Regulation approved: October 19, 2023

Regulation revised:

DISCRIMINATION/HARASSMENT COMPLAINT FORM
(For complaints based on race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression, veteran status, or status as a victim of domestic violence)

Name of the reporter _____

Relationship of reporter to the District _____

Name of the alleged complainant/victim _____

Relationship of alleged complainant/victim to the District _____

Date of the complaint _____

Date of the alleged discrimination/harassment _____

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

Location where such discrimination/harassment occurred _____

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

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

Proposed remedy: _____

This is a mandated policy and recommended in the audit of the 3000 Series. This is a new policy for the district.

**Series 3000
Business**

**New 3440
(The number will be from a deleted policy.)**

**POLICY AND ADMINISTRATIVE REGULATIONS REGARDING
INDIVIDUALS WITH DISABILITIES EDUCATION ACT
FISCAL COMPLIANCE**

The New Milford Board of Education (the “Board”) will, in all respects, comply with the requirements of state and federal law with regard to special education fiscal compliance. Pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq. (“IDEA”) and its associated regulations, the Board shall specifically ensure compliance with the fiscal provisions of the IDEA, as they may be amended from time to time. The Superintendent or designee shall develop administrative regulations with regard to such fiscal compliance.

Legal References:

Individuals with Disabilities Education Act, 20 U.S.C. § 1400, et seq. (IDEA)
34 C.F.R. § 300.144
34 C.F.R. § 300.202(a)(3)
34 C.F.R. § 300.133(d)
34 C.F.R. § 300.172
34 C.F.R. § 300.205(d)
34 C.F.R. § 300.226(a)
34 C.F.R. § 300.209(b)
34 C.F.R. § 300.818, Appendix A

Approved:
Revised:

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

**ADMINISTRATIVE REGULATIONS CONCERNING
INDIVIDUALS WITH DISABILITIES EDUCATION ACT FISCAL
COMPLIANCE**

The New Milford Board of Education (the “Board”) will, in all respects, comply with the requirements of state and federal law with regard to special education fiscal compliance. Pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq. (“IDEA”) and its associated regulations, the Board shall specifically ensure compliance with the fiscal provisions of the IDEA, as they may be amended from time to time.

1. Property, Equipment and Supplies

The Board, through the Director of Special Education or designee, shall ensure that any property, equipment or supplies purchased with funds from an IDEA grant shall be purchased, used and maintained in accordance with such grant requirements. Among any other statutory or regulatory requirement, the Director of Special Education or designee must ensure that:

- A. All property, equipment and supplies purchased with IDEA grant funds are labeled as such, including equipment supplied to students with disabilities attending private schools at parental expense;
- B. A labeling procedure is in place for all property, equipment and supplies purchased with IDEA grant funds;
- C. All property, equipment and supplies purchased with IDEA grant funds are used for assistive technology, instructional or educational purposes;
- D. Copies of purchase orders for property, equipment and supplies purchased with IDEA grant funds indicate the source of funding for such purchases; and
- E. A tracking procedure is in place for all property, equipment and supplies purchased with IDEA grant funding.

Any procedures mentioned above shall be developed and maintained by the Director of Special Education or designee.

2. Supplanting

Funding provided to the Board through an IDEA grant must be used to supplement state, local and other federal funds, not to supplant those funds. The Board shall comply with all federal and state laws in this regard.

3. Parentally Placed Private School Special Education Students - Expenditures

The Director of Special Education or designee will maintain an ongoing census of all students with disabilities who are eligible for special education and related services and attend school within the geographical bounds of the district. Eligible students with disabilities who attend private schools within the geographical bounds of the district will receive services equal to a proportional share of the IDEA grant funds received annually by the district. The proportionate share shall be calculated on an annual basis in accordance with federal law, but no later than October 1st of any given year. Calculation of the proportionate share shall be the responsibility of the Director of Special Education or designee.

The Director of Special Education or designee shall meet annually with all private school representatives to consult on matters related to the distribution of funds under the IDEA. Documentation regarding annual meetings shall be maintained by the Director of Special Education or designee.

The Director of Special Education or designee shall annually maintain budgets with regard to the manner in which IDEA grant funds are expended for eligible parentally placed private school students with disabilities.

4. National Instructional Materials Accessibility Standard

The Board shall ensure compliance with the National Instructional Materials Accessibility Standard (“NIMAS”). In this regard, the Director of Special Education or designee shall maintain procedures to inform all staff within the district how a blind and/or print disabled student shall be referred in order to receive materials from the National Instructional Materials Access Center (“NIMAC”). Such procedures shall include, but not be limited to, the following:

- A. Initial referral to a planning and placement team (“PPT”), or if such child is already identified as having a disability under the IDEA, direct referral to the child’s PPT;
- B. Identification of the name of the district personnel who shall receive, and are responsible for, referrals for the receipt of materials from NIMAC; and
- C. The requirement that either (i) publishers prepare and, on or before delivery of the print instructional materials, provide to the NIMAC electronic files containing the contents of the print instructional materials using the standards of the NIMAS; or (ii) instructional materials are purchased from the publisher that are produced in, or may be rendered in, specialized formats.

5. Coordinated Early Intervening Services

Coordinated Early Intervening Services (“CEIS”) may be used to support students in grades K-12 who are not currently identified as needing special education or related services, but who need additional academic or behavioral support to succeed in a general

education environment. Up to 15% of IDEA grant funds may be used for CEIS. In this regard, the Director of Special Education or designee shall maintain procedures to ensure that:

- A. The funds used for CEIS are used only for the K-12 levels;
- B. Students receiving CEIS are tracked directly over a three-year period to determine if, at any time during this period, these students should be referred for special education services; and
- C. Documentation of funds spent on professional development are maintained, which documentation shall include the teachers who receive professional development for CEIS and the names of the students of those teachers who would have benefited from the teacher receiving the professional development.

6. Charter Schools

In compliance with federal law, the Board shall ensure that all eligible students with disabilities who attend charter schools that are part of the district receive special education services in the same manner as eligible students with disabilities who attend other district schools. Further, the Board shall ensure that IDEA grant funds are provided to charter schools within the district that serve eligible students with disabilities on the same basis as the district provides funds to other public schools within the district.

7. Excess Costs Calculation - Federal Requirement

The Board shall comply with federal law with regard to the calculation of excess cost. The Director of Special Education or designee shall maintain documentation regarding the separate excess cost calculations for elementary and secondary school students, as well as the formulas used for each level of students.

Legal References:

Individuals with Disabilities Education Act, 20 U.S.C. § 1400, et seq. (IDEA)
34 C.F.R. § 300.144
34 C.F.R. § 300.202(a)(3)
34 C.F.R. § 300.133(d)
34 C.F.R. § 300.172
34 C.F.R. § 300.205(d)
34 C.F.R. § 300.226(a)
34 C.F.R. § 300.209(b)
34 C.F.R. § 300.818, Appendix A

Regulation approved:

Revised:

Note from Shipman & Goodwin:

Federal law requires non-Federal entities, including school districts, that receive Federal funds to develop and implement a written code of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and/or administration of Federal funded contracts. This means that, in all applicable cases, property and/or services purchased with Federal awards, including Connecticut School Nutrition Program funds, must be purchased in accordance with a written code of conduct. Federal law also requires that the school district's code of conduct provide for disciplinary actions to be taken for violating the standards set forth in its code of conduct. This document provides a sample code of conduct that complies with 2 C.F.R. § 200.318 and outlines proper practices for procuring property and services under a Federal award with fairness and integrity.

This is a mandated policy and is new for the district.

**Series 3000
Business**

**New 3514
(The number will be from a deleted policy.)**

**CODE OF CONDUCT
GOVERNING PROCUREMENTS UNDER A FEDERAL AWARD**

In compliance with Code of Federal Regulations 2 C.F.R. § 200.318

In accordance with Federal and State regulations, the following Code of Conduct applies to the selection, award, and/or administration of a contract procuring property or services under a Federal award, including the expenditure of Connecticut School Nutrition Program (“School Nutrition Program”) funds by any New Milford Board of Education (“Board”) employee or agent.

Article I. Purpose

The purpose of this Code of Conduct is to establish standards of conduct covering real or apparent conflicts of interest and governing the actions of Board employees engaged in the selection, award, and/or administration of contracts procuring property or services under a Federal award, including expending School Nutrition Program funds on goods and/or services. This Code of Conduct also sets forth discipline that may result from violating these standards.

Article II. Code of Conduct Provisions

In addition to other applicable policies and regulations promulgated by the Board, the Board expects the following conduct of all persons who are engaged in the award and administration of contracts supported by Federal funds, including School Nutrition Program funds:

1. No employee, officer, or agent of the Board shall participate in the selection, award and/or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Conflicts of interest arise when one of the following has a financial or other interest in, or a tangible personal benefit from, the firm selected for the award:
 - a. The employee, officer, or agent of the Board;
 - b. Any immediate family member of the Board employee, officer, or agent (spouse, sibling, parent, child);
 - c. The partner of the Board employee, officer, or agent; or
 - d. An organization that employs or is about to employ one of the above.
2. The Board's employees, officers, or agents shall neither solicit nor accept gratuities, favors, travel packages, incentives or anything of monetary value from contractors, potential contractors, or parties to sub-agreements related to programs funded by the Federal government, in whole or in part. In determining whether an item is an impermissible gratuity or of monetary value, the definition of 'gratuity' shall be anything of more than fifty dollars in value.
3. The Board's employees, officers, or agents shall disclose any actual or potential conflict of interest to the Superintendent of Schools or his/her designee. Thereafter, as required by law, the Board shall disclose in writing any potential conflict of interest to the Connecticut State Department of Education.

Failure of any Board employee to abide by this code of conduct may result in disciplinary action, up to and including termination. The Board reserves the right to pursue legal actions for violations as permitted by law.

Legal References:

Federal Regulations and Guidance

2 C.F.R. § 200.112 Conflict of Interest.

2 C.F.R. § 200.318 General Procurement Standards.

2 C.F.R. § 400.2 Conflict of Interest.

United States Department of Agriculture, Contracting with Food Service Management Companies: Guidance for School Food Authorities, https://fns-prod.azureedge.net/sites/default/files/cn/SP40_CACFP12_SFSP14-2016a2.pdf (May 2016).

United States Department of Agriculture, Contracting with Food Service Management Companies: Guidance for State Agencies, <https://fns->

prod.azureedge.net/sites/default/files/cn/SP40_CACFP12_SFSP14-2016a1.pdf
(May 2016).

United States Department of Agriculture, Written Codes of Conduct and Performance of Employees Engaged in Award and Administration of Contracts, SP 09-2015, CACFP 03-2015, SFSP 02-2015,
https://fns-prod.azureedge.net/sites/default/files/cn/SP09_CACFP%2003_SFSP02-2015os.pdf (November 2014).

Connecticut Statutes, Regulations and Guidance

Conn. Gen. Stat. § 1-79 Definitions.

Conn. Gen. Stat. § 10-215 Lunches, breakfasts and other feeding programs for public school children and employees.

Conn. Gen. Stat. § 10-215b Duties of State Board of Education re feeding programs.

Conn. Gen. Stat. § 10-216 Payment of expenses.

Regs. Conn. State. Agencies § 10-215b-1 Competitive foods.

State of Connecticut, Department of Education, Operational Memorandum No. 10-16, Written Code of Conduct and Performance of Employees Engaged in Award and Administration Contracts,
<https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/Memos/OM2016/OM10-16.pdf>
(August 2016).

Approved:
Revised:

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

**Notice from Shipman & Goodwin:
Non-Discrimination (Personnel) (October 2023 Revision)
Connecticut’s anti-discrimination laws prohibit discrimination on the basis of many different categories, including but not limited to sexual orientation. In 2023, Public Act No. 23-145 established a statutory definition of the term “sexual orientation.” We revised this policy to include this new protected class definition. We also made several technical revisions to this policy for clarity.**

**Series 4000 4111.1
Personnel 4211.1**

**POLICY AND ADMINISTRATIVE REGULATIONS REGARDING
NON-DISCRIMINATION (PERSONNEL)**

Protected Class Discrimination Prohibited:

The New Milford Board of Education (the “Board”) will not make employment decisions (including decisions related to hiring, assignment, compensation, promotion, demotion, disciplinary action and termination) on the basis of race, color, religion, age, sex, marital status, sexual orientation, national origin, alienage, ancestry, disability, pregnancy, genetic information, veteran status, gender identity or expression, status as a victim of domestic violence, or any other basis prohibited by state or federal law (“Protected Class”), except in the case of a bona fide occupational qualification.

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

Discrimination on the Basis of Erased Criminal History Prohibited:

The Board will not discriminate against any employee or applicant for employment solely on the basis of the individual’s erased criminal history record information, as defined in Conn. Gen. Stat. § 46a-80a.

Retaliation Prohibited:

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

Discrimination on the Basis of Protected Class Association Prohibited:

Discrimination and/or harassment against any individual on the basis of that individual's association with someone in a Protected Class may also be considered a form of Protected Class discrimination and/or harassment, and is therefore prohibited by this policy.

Scope and Applicability:

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

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

Definitions:

The following definitions apply for purposes of this policy:

A. Discrimination

It is illegal for employers to treat employees differently in relation to hiring, discharging, compensating, or providing the terms, conditions, and privileges of employment because of such employee's actual or perceived membership in a Protected Class.

B. Harassment

Harassment is a form of Protected Class discrimination that is prohibited by law and by this policy. Harassment is unwelcome conduct that is based on an employee's actual or perceived membership in a Protected Class. Harassment constitutes unlawful discrimination when 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

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

- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership);
- other words or phrases commonly considered demeaning or degrading on the basis of Protected Class membership;

- display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class;
- graphic, written or electronic communications that are harmful or humiliating based on Protected Class membership;
- bigoted conduct or communications; or
- physical, written, electronic or verbal threats based on Protected Class membership.

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

Sexual harassment is a form of harassment that is prohibited by law and Board Policy 4118.113/4218.113, Policy Regarding Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Personnel). For more information regarding harassment based on sex, sexual orientation, pregnancy, or gender identity or expression, contact the District's Title IX Coordinator at:

Teresa Kavanagh
Director of Human Resources
25 Sunny Valley Road, Suite A
New Milford, CT 06776
Telephone: 860-210-2200
kavanaght@newmilfordps.org

C. Genetic information

The information about genes, gene products, or inherited characteristics that may derive from an individual or a family member. "Genetic information" may also include an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

D. Veteran

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

primary reason for an other than honorable discharge, as determined in accordance with Conn. Gen. Stat. §§ 27-103(c), (d).

E. Gender identity or expression

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

F. Sexual orientation

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

G. Race

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

H. Domestic violence

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

or household member has a right to pursue; (e) committing or threatening to commit cruelty to animals that intimidates the family or household member; or (f) forced sex acts, or threats of a sexual nature, including, but not limited to, threatened acts of sexual conduct, threats based on a person's sexuality or threats to release sexual images.

Reporting to District Officials:

It is the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment.

Any employee who believes they or another employee has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of this policy should report such concern in writing to **Teresa Kavanagh, Director of Human Resources**, in accordance with the Board's complaint procedures included in the Board's Administrative Regulations Regarding Non-Discrimination/Personnel, which accompany this policy and are available online at [New Milford Board of Education Policies](#) or upon request from the main office of any District school.

Employees are encouraged to report incidents of alleged Protected Class discrimination, harassment, or retaliation immediately.

If a complaint involves allegations of discrimination or harassment based on sex, sexual orientation, pregnancy, or gender identity or expression, such complaints will be handled in accordance with the procedures set forth in Board Policy 4118.113/4218.113, Policy Regarding Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Personnel).

If a complaint involves allegations of discrimination or harassment based on disability, such complaints will be addressed in accordance with the procedures set forth in Board Policy 4118.112/4218.112, Section 504/ADA (Personnel).

In the event conduct reported as Protected Class discrimination and/or harassment allegedly violates more than one policy, the Board will coordinate any investigation in compliance with the applicable policies.

Mandatory Staff Reporting for Student Incidents:

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

**Teresa Kavanagh
Director of Human Resources
25 Sunny Valley Road, Suite A**

New Milford, CT 06776
Telephone: 860-210-2200
e-mail: kavanaght@newmilfordps.org

Remedial Action:

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

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

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

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

Reporting to State and Federal Agencies:

In addition to reporting to the Board, any employee also may file a complaint with the following:

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

Office for Civil Rights, Boston Office

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

Equal Employment Opportunity Commission:

Equal Employment Opportunity Commission, Boston Area Office
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
(800-669-4000)

Connecticut Commission on Human Rights and Opportunities:

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

Questions/Requests for Accommodation:

Any employee who:

1. has questions or concerns about this policy or its accompanying regulations;
2. wishes to request or discuss accommodations based on religion; OR
3. would like a copy the Board's complaint procedures or complaint forms related to claims of discrimination or harassment

should contact the following District official:

Teresa Kavanagh
Director of Human Resources
25 Sunny Valley Road, Suite A
New Milford, CT 06776
Telephone Number: 860-210-2200
kavanagt@newmilfordps.org

Any employee who has questions or concerns about the Board's policies regarding discrimination on the basis of gender/sex/sexual orientation/pregnancy/gender identity or expression applicable to employees should contact the District's Title IX Coordinator:

Teresa Kavanagh
Director of Human Resources
25 Sunny Valley Road, Suite A

New Milford, CT 06776
Telephone Number: 860-210-2200
kavanaght@newmilfordps.org

Any employee who:

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

Teresa Kavanagh
Director of Human Resources
25 Sunny Valley Road, Suite A
New Milford, CT 06776
Telephone Number: 860-210-2200
kavanaght@newmilfordps.org

Legal References:

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.
Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.
Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq.
Americans with Disabilities Act, 42 U.S.C. § 12101
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794
Title II of the Genetic Information Nondiscrimination Act of 2008,
Pub.L.110-233, 42 U.S.C. § 2000ff; 29 CFR 1635.1 et seq.
Connecticut General Statutes § 1-1n, "Gender Identity or Expression"
defined
Connecticut General Statutes § 10-153, Discrimination on the basis of sex,
gender or expression or marital status prohibited
Connecticut General Statutes § 27-103
Connecticut General Statutes § 31-51i
Connecticut General Statutes § 46a-51, Definitions
Connecticut General Statutes § 46a-58, Deprivation of rights
Connecticut Fair Employment Practices Act, Connecticut General Statutes
§ 46a-60
Connecticut General Statutes § 46a-80a
Connecticut General Statutes § 46a-81c, Sexual orientation discrimination:
Employment
Connecticut General Statutes § 46b-1, Family relations matters and
domestic violence defined
Public Act No. 23-145, "An Act Revising the State's Antidiscrimination
Statutes"

Approved: August 15, 2023
Revised:

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

**ADMINISTRATIVE REGULATIONS REGARDING DISCRIMINATION
COMPLAINTS (PERSONNEL)**

Protected Class Discrimination Prohibited:

The New Milford Board of Education (the “Board”) will not make employment decisions (including decisions related to hiring, assignment, compensation, promotion, demotion, disciplinary action and termination) on the basis of race, color, religion, age, sex, marital status, sexual orientation, national origin, alienage, ancestry, disability, pregnancy, genetic information, veteran status, gender identity or expression, status as a victim of domestic violence, or any other basis prohibited by state or federal law (“Protected Class”), except in the case of a bona fide occupational qualification

It is the policy of the Board that any form of discrimination or harassment on the basis of an individual’s actual or perceived membership in a Protected Class, whether by students, Board employees, Board members or third parties subject to the control of the Board, is prohibited in the New Milford Public Schools (the “District”). Students, Board employees, Board members and third parties are expected to adhere to a standard of conduct that is respectful of the rights of all members of the school community.

Discrimination on the Basis of Erased Criminal History Prohibited:

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

Retaliation Prohibited:

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

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

Discrimination on the Basis of Protected Class Association Prohibited:

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

Scope and Applicability:

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

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

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

- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership);
- other words or phrases commonly considered demeaning or degrading on the basis of Protected Class membership;
- display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class;
- graphic, written or electronic communications that are harmful or humiliating based on Protected Class membership;
- bigoted conduct or communications; OR
- physical, written, electronic or verbal threats based on Protected Class membership.

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

Reporting to District Officials:

It is the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment.

Employees are encouraged to report incidents of alleged Protected Class discrimination, harassment, or retaliation immediately.

Any employee who believes they or another employee has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of Board policy should report such concern in writing to **Teresa Kavanagh, Director of Human Resources**, in accordance with the Board's complaint procedures included in these Administrative Regulations Regarding Non-Discrimination/Personnel.

If a complaint involves allegations of discrimination or harassment based on sex, sexual orientation, pregnancy, or gender identity or expression, such complaints will be handled in accordance with the procedures set forth in Board Policy 4118.113/4218.113, Policy

Regarding Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Personnel).

If a complaint involves allegations of discrimination or harassment based on disability, such complaints will be addressed in accordance with the procedures set forth in Board Policy 4118.112/4218.112, Section 504/ADA (Personnel).

In the event conduct reported as Protected Class discrimination and/or harassment allegedly violates more than one policy, the Board will coordinate any investigation in compliance with the applicable policies.

Mandatory Staff Reporting for Student Incidents:

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

Teresa Kavanagh
Director of Human Resources
25 Sunny Valley Road, Suite A
New Milford, CT 06776
Telephone Number: 860-210-2200
kavanaght@newmilfordps.org

Complaint Procedure

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

As soon as an individual feels that they, or another employee has been subjected to Protected Class discrimination or harassment, the individual should make a written complaint to the Superintendent or designee.

The individual who is alleged to have experienced Protected Class discrimination/harassment (the “complainant”) and any individual accused of Protected Class discrimination/harassment (the “respondent”) (if applicable) will be provided a copy of the Board’s policy and regulation and made aware of the individual’s rights under this policy and regulation. In the event the Superintendent or designee receives a complaint alleging discrimination or harassment based on sex, sexual orientation, pregnancy, or gender identity or expression, the Superintendent or designee shall follow the procedures identified in Board Policy 4118.113/4218.113, Policy Regarding Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Personnel). In the event the Superintendent or designee receives a complaint alleging discrimination

or harassment based on disability, the Superintendent or designee shall follow the procedures identified in Board Policy 4118.112/4218.112, Section 504/ADA (Personnel).

The complaint should state the:

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

Any individual who makes an oral complaint of discrimination or harassment of an employee will be provided a copy of this regulation and will be requested to make a written complaint pursuant to the above procedure. If an individual is unable to make a written complaint, the employee receiving the oral complaint will either reduce the complaint to writing, assist the individual with completing the written complaint form or request that a District administrator assist the individual.

All complaints received by employees are to be forwarded immediately to the Superintendent or designee. Upon receipt of a complaint alleging discrimination or harassment of an employee under this complaint procedure, the Superintendent shall promptly investigate the complaint, or designate a District administrator or other trained individual to do so.

During the course of the investigation, the investigator shall interview or consult with all individuals reasonably believed to have relevant information, including the complainant, the reporter (if different from the complainant), the respondent, and any witnesses to the conduct. Complaints will be investigated promptly within the timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information and/or other extenuating circumstances. Confidentiality will be maintained by all persons involved in the investigation to the extent possible, to the extent consistent with due process, as determined by the investigator.

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

1. Offer to meet with the complainant and respondent (if applicable) within ten (10) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) to discuss the nature of the complaint, discuss the availability of interim measures, identify individuals the complainant or respondent believes has relevant information, and obtain any relevant documents the complainant or respondent may have;
2. Provide the complainant and respondent (if applicable) with a copy of the Board's non-discrimination policy and accompanying regulations;
3. Conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis of the complaint, including, as applicable, conducting interviews with the parties to the complaint and any relevant witnesses or other individuals deemed relevant to the complaint;
4. Review any records, notes, statements, or other documents relevant to the complaint;
5. Maintain confidentiality to the extent practicable throughout the investigative process, in accordance with state and federal law;
6. Complete a final investigation report that includes: (i) a findings of fact based on the evidence gathered; (ii) for each allegation, the conclusion(s) and reasoning(s) as to whether the discrimination or harassment occurred; and (iii) for any individual(s) found to have engaged in discrimination or harassment, a broad statement of consequences imposed (to the extent permitted by state and federal confidentiality requirements) (i.e. "Consequences were imposed.");
7. Communicate the outcome of the investigation in writing to the complainant and respondent (if any) (to the extent permitted by state and federal confidentiality requirements), within thirty (30) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) from the date the complaint was received by the Superintendent's office. The complainant and respondent (if any) 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 or harassment, adhering to the requirements of state and federal law;
8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of employees and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, the complainant and respondent (if any) will receive notice and interim measures may be implemented as necessary (see subparagraph 6);

9. Whenever allegations are verified, ensure that appropriate corrective action is taken (including, but not limited to, disciplinary action) aimed at preventing the recurrence of the discrimination or harassment. Corrective action should include steps to avoid continuing discrimination or harassment;
10. If a complainant or a respondent is not satisfied with the findings and conclusions of the investigation, such party may present the complaint and written outcome to the Superintendent within thirty (30) calendar days of receiving the findings. Upon review of a written request from the party requesting an appeal, the Superintendent shall review the investigative results of the investigator and determine if further action and/or investigation is warranted. Such action may include consultation with a designated investigator (if applicable), complainant, and respondent (if any) and meeting with appropriate individuals to attempt to resolve the complaint, or a decision affirming or overruling a designated investigator's conclusions or findings (if applicable). The Superintendent shall provide written notice to the complainant and respondent (if any) of the proposed actions within thirty (30) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) following the receipt of the written request for review.

Complaint Procedure for Superintendent/Board Members Complaints:

Any District administrator or Board member who receives a complaint of discrimination, harassment or retaliation of any employee by a Board Member or by the Superintendent shall forward the complaint promptly to **Teresa Kavanagh, Director of Human Resources**. Complaints pertaining to the Superintendent or Board of Education members will be forwarded to the Chair of the Board of Education. Complaints pertaining to the Board Chair will be forwarded to the Board Vice Chair. In all cases, the individual receiving the complaint shall take appropriate steps to cause the matter to be investigated in a manner consistent with the procedures described above.

If a complainant or a respondent is not satisfied with the findings and conclusions of an investigation in which the Superintendent or a member of the Board is the respondent, within (30) calendar days of receiving the findings such party may present the complaint and written outcome to the Board Chair (or, if initially presented by the Board Chair, the Board Vice Chair), who will take appropriate steps to cause the matter to be reviewed in a manner consistent with the Board's non-discrimination policy and regulation. Such steps may include retention of an independent investigator different from the investigator who investigated the complaint.

Remedial Action:

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

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

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

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

Staff Development:

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

Reporting to State and Federal Agencies:

In addition to reporting to the Board, any employee also may file a complaint with the following:

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

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

(617-289-0111)

<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

Equal Employment Opportunity Commission:

Equal Employment Opportunity Commission, Boston Area Office
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
(800-669-4000)

Connecticut Commission on Human Rights and Opportunities:

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

Questions/Requests for Accommodation:

Any employee who:

1. has questions or concerns about this policy or its accompanying regulations;
2. wishes to request or discuss accommodations based on religion; OR
3. would like a copy the Board's complaint procedures or complaint forms related to claims of discrimination or harassment should contact the following District official:

Teresa Kavanagh
Director of Human Resources
25 Sunny Valley Road, Suite A
New Milford, CT 06776
Telephone Number: 860-210-2200
kavanaght@newmilfordps.org

Any employee who has questions or concerns about the Board's policies regarding discrimination on the basis of gender/sex/sexual orientation/pregnancy/gender identity or expression applicable to employees should contact the District's Title IX Coordinator:

Teresa Kavanagh
Director of Human Resources
25 Sunny Valley Road, Suite A
New Milford, CT 06776
Telephone Number: 860-210-2200
kavanaght@newmilfordps.org

Any employee who:

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

Teresa Kavanagh
Director of Human Resources
25 Sunny Valley Road, Suite A
New Milford, CT 06776
Telephone Number: 860-210-2200
kavanaght@newmilfordps.org

Regulation approved: August 15, 2023

Regulation revised:

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

Name of the reporter _____

Name of alleged victim/complainant _____

Name of alleged victim/complainant _____

Relationship of reporter to the alleged victim/complainant _____

Date of the complaint _____

Date of the alleged discrimination/harassment _____

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

Location where such discrimination/harassment occurred _____

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

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

Proposed remedy _____

Note from Shipman & Goodwin:

Non-Discrimination (Students) (October 2023 Revision)

Connecticut’s anti-discrimination laws prohibit discrimination on the basis of many different categories, including but not limited to sexual orientation. In 2023, Public Act No. 23-145 established a statutory definition of the term “sexual orientation.” We revised this policy to include this new definition and to reflect the federal requirement that boards of education provide equal access to the Boy Scouts and other groups. We also made several technical revisions to this policy for clarity.

**Series 5000
Students**

5000

**POLICY AND ADMINISTRATIVE REGULATIONS REGARDING
NON-DISCRIMINATION (STUDENTS)**

Protected Class Discrimination Prohibited:

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

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

Retaliation Prohibited:

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

Discrimination on the Basis of Protected Class Association Prohibited:

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

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

Scope and Applicability:

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

Definitions:

The following definitions apply for purposes of this policy:

A. Discrimination:

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

B. Harassment:

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

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

- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership);
- other words or phrases commonly considered demeaning or degrading on the basis of Protected Class membership;
- display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class;
- graphic, written or electronic communications that are harmful, or humiliating based on Protected Class membership;
- bigoted conduct or communications; or
- physical, written, electronic or verbal threats based on Protected Class membership.

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

Sexual harassment is a form of harassment that is prohibited by law and Board Policy 5145.7, Policy Regarding Title IX of the Education Amendments of 1972 – Prohibition of Sex Discrimination and Sexual Harassment (Students). For more information regarding harassment based on sex, sexual orientation, pregnancy, or gender identity or expression, contact the District’s Title IX Coordinator at:

Holly Hollander, Assistant Superintendent
25 Sunny Valley Road, Suite A
New Milford, CT 06776
Telephone: 860-354-3235
e-mail: hollanderh@newmilfordps.org

C. Veteran:

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

D. Gender identity or expression:

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

E. Sexual Orientation:

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

F. Race:

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

G. Domestic Violence:

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

Note from Shipman: In response to requests from many of our clients, Shipman has developed the language below to in order to address incidents of biased conduct and/or communications by students. Please note that bias in this context is not currently defined by law, except when such bias raises to the level of unlawful discrimination and/or harassment. That said, it is commonly acknowledged that incidents of bias may be precursors to discriminatory and/or harassing conduct. Boards that wish to explicitly include reference to bias in this policy may utilize the language below in order to acknowledge the concerns presented regarding bias:

Biased Conduct:

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

Reporting to District Officials:

It is the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment.

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

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

If a complaint involves allegations of discrimination or harassment of a student based on sex, sexual orientation, pregnancy, or gender identity or expression, such complaints will be handled in accordance with the procedures set forth in 5145.7, Policy Regarding Title IX of the Educational Amendments of 1972 – Prohibition of Sex Discrimination and Sexual Harassment (Students). Complaints involving allegations of discrimination or harassment of a student based on disability will be addressed in accordance with the procedures set forth in Board Policy 5145.45, Section 504/ADA (Students). In the event reported conducted allegedly violates more than one policy, the Board will coordinate any investigation in compliance with the applicable policies.

Mandatory Staff Reporting for Student Incidents:

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

Holly Hollander, Assistant Superintendent
25 Sunny Valley Road, Suite A
New Milford, CT 06776
Telephone: 860-354-3235
e-mail: hollanderh@newmilfordps.org

Remedial Action:

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

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

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

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

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

Reporting to State and Federal Agencies:

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

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

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

Connecticut Commission on Human Rights and Opportunities:

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

Questions/Requests for Accommodation:

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

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

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

Holly Hollander, Assistant Superintendent
25 Sunny Valley Road, Suite A
New Milford, CT 06776
Telephone: 860-354-3235
e-mail: hollanderh@newmilfordps.org

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

1. has specific questions or concerns about the Board's policies regarding discrimination on the basis of disability applicable to students; OR
2. wishes to request an accommodation for a student on the basis of disability

may contact the District's Section 504/ADA Coordinator:

Holly Hollander, Assistant Superintendent
25 Sunny Valley Road, Suite A
New Milford, CT 06776
Telephone: 860-354-3235
e-mail: hollanderh@newmilfordps.org

Legal References:

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.
Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq.

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

Approved: June 20, 2023
Revised:

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

**ADMINISTRATIVE REGULATIONS REGARDING DISCRIMINATION
COMPLAINTS (STUDENTS)**

Protected Class Discrimination Prohibited:

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

It is the policy of the Board that any form of discrimination or harassment on the basis of an individual’s actual or perceived membership in a Protected Class, whether by students, Board employees, Board members or third parties subject to the control of the Board, is prohibited in the New Milford Public Schools (the “District”)

Retaliation Prohibited:

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

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

Discrimination on the Basis of Protected Class Association Prohibited:

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

Scope and Applicability:

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

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

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

- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership);
- other words or phrases commonly considered demeaning or degrading on the basis of Protected Class membership;
- display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class;
- graphic, written or electronic communications that are harmful, or humiliating based on Protected Class membership;
- bigoted conduct or communications; or
- physical, written, electronic or verbal threats based on Protected Class membership.

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

Reporting to District Officials:

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

Gwen Gallagher, Principal
Northville Elementary School
22 Hipp Road
New Milford, CT 06776
Telephone: 860-355-3713
e-mail: gallagherg@newmilfordps.org

Cathy Calabrese, Principal
Hill and Plain Elementary School
60 Old Town Park Road
New Milford, CT 06776
Telephone: 860-354-5430
e-mail: calabresec@newmilfordps.org

Jennifer Chmielewski, Assistant Principal
Sarah Noble Intermediate School
25 Sunny Valley Road

New Milford, CT 06776
Telephone: 860-210-4020
e-mail: chmielewskij@newmilfordps.org

Michael Boucher, Assistant Principal
Schaghticoke Middle School
23 Hipp Road
New Milford, CT 06776
Telephone: 860-354-2204
e-mail: boucherm@newmilfordps.org

Keith Lipinsky, Athletic Director
New Milford High School
388 Danbury Road New Milford, CT
06776 Telephone: 860-350-6647, ext. 1411
e-mail: lipinskyk@newmilfordps.org

Holly Hollander, Assistant Superintendent
25 Sunny Valley Road, Suite A
New Milford, CT 06776
Telephone: 860-354-3235
e-mail: hollanderh@newmilfordps.org

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

If a complaint involves allegations of discrimination or harassment of a student based on sex, sexual orientation, pregnancy, or gender identity or expression, such complaints will be handled in accordance with the procedures set forth in Board Policy 5145.7, Policy Regarding Title IX of the Educational Amendments of 1972 – Prohibition of Sex Discrimination and Sexual Harassment (Students). Complaints involving allegations of discrimination or harassment of student based on disability will be addressed in accordance with the procedures set forth in Board Policy 5145.45, Section 504/ADA (Students). In the event reported conducted allegedly violates more than one policy, the Board will coordinate any investigation in compliance with the applicable policies.

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

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

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

Mandatory Staff Reporting for Student Incidents:

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

Holly Hollander, Assistant Superintendent
25 Sunny Valley Road, Suite A
New Milford, CT 06776
Telephone: 860-354-3235
e-mail: hollanderh@newmilfordps.org

Complaint Procedure

As soon as a student feels that they, or another student has been subjected to Protected Class discrimination, harassment or retaliation, the individual should make a written complaint to Gwendolyn Gallaher, Principal, Northville Elementary School, Cathy Calabrese, Principal, Hill and Plain School, Jennifer Chmielewski, Assistant Principal, Sarah Noble Intermediate School, Michael Boucher, Assistant Principal of Schaghticoke Middle School and Keith Lipinsky, Athletic Director, New Milford High School or Holly Hollander, Assistant Superintendent, Central Office.

Students may make verbal or written reports about Protected Class discrimination, harassment, or retaliation to any school employee. School employees receiving such reports shall promptly forward them to any District administrator or to Gwen Gallagher, Principal, Northville Elementary School, Cathy Calabrese, Principal, Hill and Plain School, Jennifer Chmielewski, Assistant Principal, Sarah Noble Intermediate School, Michael Boucher, Assistant Principal of Schaghticoke Middle School and Keith Lipinsky, Athletic Director, New Milford High School or Holly Hollander, Assistant Superintendent, Central Office.

The student and/or parent/guardian or other individual will be provided a copy of the Board's policy and regulation and made aware of the student's rights under this policy and regulation. In the event Principal Gallagher, Northville Elementary School, or Cathy Calabrese, Principal, Hill and Plain School, or Jennifer Chmielewski, Assistant Principal, Sarah Noble Intermediate School or Michael Boucher, Assistant Principal, Schaghticoke Middle School, or Keith Lipinsky, Athletic Director, New Milford High School, or Holly Hollander, Assistant Superintendent, Central Office receives a complaint alleging discrimination or harassment of a student based on sex, sexual orientation, pregnancy, or gender identity or expression, the **above named individuals** shall follow the procedures identified in Board Policy 5145.7, Policy Regarding Title IX of the Educational Amendments of 1972 – Prohibition of Sex Discrimination and Sexual Harassment (Students). In the event the **above named individuals** receive a complaint alleging

discrimination or harassment of a student based on disability, Principal Gallagher, Northville Elementary School, or Cathy Calabrese, Principal, Hill and Plain School, or Jennifer Chmielewski, Assistant Principal, Sarah Noble Intermediate School or Michael Boucher, Assistant Principal, Schaghticoke Middle School, or Keith Lipinsky, Athletic Director, New Milford High School, or Holly Hollander, Assistant Superintendent, Central Office shall follow the procedures identified in Board Policy 5145.45, Section 504/ADA (Students).

The complaint should state the:

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

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

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

by all persons involved in the investigation to the extent possible to the extent consistent with principles of due process, as determined by the investigator.

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

1. Offer to meet with the complainant (and respondent, if applicable) within ten (10) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) to discuss the nature of the complaint, discuss the availability of interim measures, identify individuals the complainant or respondent believes has relevant information, and obtain any relevant documents the complainant or respondent may have;
2. Provide the complainant (and respondent, if applicable) with a copy of the Board's non-discrimination policy and accompanying regulations;
3. Conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis of the complaint, including, as applicable, conducting interviews with the parties to the complaint and any relevant witnesses or other individuals deemed relevant to the complaint;
4. Review any records, notes, statements, or other documents relevant to the complaint;
5. Maintain confidentiality to the extent practicable throughout the investigative process, in accordance with state and federal law;
6. Complete a final investigation report that includes: (i) a findings of fact based on the evidence gathered; (ii) for each allegation, the conclusion(s) and reasoning(s) as to whether the discrimination or harassment occurred; and (iii) for any individual(s) found to have engaged in discrimination or harassment, a broad statement of consequences imposed (to the extent permitted by state and federal confidentiality requirements) (i.e. "Consequences were imposed.").
7. Communicate the outcome of the investigation in writing to the complainant (and respondent, if applicable) (to the extent permitted by state and federal confidentiality requirements), within thirty (30) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) from the date the complaint was received by the Superintendent's office. The complainant (and respondent, if applicable) shall be notified of any extension of the investigation timeline. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the District will remedy the discrimination or harassment, adhering to the requirements of state and federal law;

8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of employees and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, the complainant (and respondent, if applicable) will receive notice and interim measures may be implemented as necessary (see subparagraph 6);
9. Whenever allegations are verified, ensure that appropriate corrective action is taken (including, but not limited to, disciplinary action) aimed at preventing the recurrence of the discrimination or harassment. Corrective action should include steps designed to avoid continuing discrimination or harassment;
10. If a complainant or a respondent is not satisfied with the findings and conclusions of the investigation, the complainant (and/or respondent, if applicable) may present the complaint and written outcome to the Superintendent within thirty (30) calendar days of receiving the findings. Upon review of a written request from the complainant (and/or respondent, if applicable), the Superintendent shall review the investigative results of the investigator and determine if further action and/or investigation is warranted. Such action may include consultation with the investigator and complainant (and/or respondent, if applicable), a meeting with appropriate individuals to attempt to resolve the complaint, or a decision affirming or overruling the investigator's conclusions or findings. The Superintendent shall provide written notice to the complainant (and respondent, if applicable) of the proposed actions within thirty (30) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) following the receipt of the written request for review.

Remedial Action:

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

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

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

- A. In the case of a student respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, discipline (including but not limited to suspension and/or expulsion), educational interventions, exclusion from extra-curricular activities and/or sports programs, and/or referral to appropriate state or local agencies;

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

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

Staff Development:

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

Reporting to State and Federal Agencies:

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

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

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

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

Questions/Requests for Accommodation:

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

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

may contact:

Holly Hollander, Assistant Superintendent
25 Sunny Valley Road, Suite A
New Milford, CT 06776
Telephone: 860-354-3235
e-mail: hollanderh@newmilfordps.org

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

Holly Hollander, Assistant Superintendent
25 Sunny Valley Road, Suite A
New Milford, CT 06776
Telephone: 860-354-3235
e-mail: hollanderh@newmilfordps.org

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

1. has specific questions or concerns about the Board's policies regarding discrimination on the basis of disability applicable to students; OR
2. wishes to request an accommodation for a student on the basis of disability

may contact the District's Section 504/ADA Coordinator:

Holly Hollander, Assistant Superintendent
25 Sunny Valley Road, Suite A
New Milford, CT 06776
Telephone: 860-354-3235
e-mail: hollanderh@newmilfordps.org

Regulation approved: June 20, 2023

Regulation revised:

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

Name of the reporter _____

Name of the complainant/victim _____

School/program and grade of the complainant/victim _____

Reporter's Relationship to the complainant/victim _____

Date of the complaint _____

Date of the alleged discrimination/harassment _____

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

Location where such discrimination/harassment occurred _____

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

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

Proposed remedy _____

Note from Shipman & Goodwin:

Under prior law, students graduating in 2024 and beyond were required to complete a one-credit mastery-based diploma assessment to graduate high school. Public Act No. 23-204 amends this requirement to afford boards of education discretion whether to require this one-credit mastery-based diploma assessment as a graduation requirement, and this policy has been updated to reflect this change. This revised policy also includes the new requirement that students graduating in 2027 and beyond complete one-half credit in Personal Financial Management and Financial Literacy, which may be counted toward the humanities or as an elective credit, in order to graduate. In addition, we revised this model policy to address the new FAFSA graduation requirements detailed in the summary concerning the revisions made to the Policy to Improve Completion Rates of the FAFSA. Lastly, we made other technical revisions to this policy, including the elimination of outdated policy language

**Series 5000
Students**

5165

HIGH SCHOOL GRADUATION REQUIREMENTS

In order to satisfy the high school graduation requirements within the New Milford Public Schools, a student must have satisfactorily completed the prescribed courses of study; demonstrated proficiency in basic skills identified by the New Milford Board of Education (the “Board”); satisfied the legally mandated number and distribution of credits required to graduate from high school; and if graduating in 2025 and thereafter, satisfied the Free Application for Federal Student Aid (“FAFSA”) requirements detailed below.

Pathways for the NMHS Graduate

Two Year College/Career Ready Pathway: Minimum requirement is a high school diploma and attainment of the distribution of credits as prescribed. It is recommended that the student take the most personally challenging course load during their high school tenure and integrate work in the field whenever possible (internships, job shadowing, work, etc.)

Four Year College Pathway: Minimum requirement is a high school diploma and attainment of the distribution of credits as prescribed. Most four-year colleges require that the graduate take four credits in English and math, three credits in science and social studies, and at least two credits in a world language.

Highly Competitive Colleges Pathway: Minimum requirement is a high school diploma and attainment of the distribution of credits as prescribed. Most highly competitive colleges require that the graduate take four credits in English, math, science and social studies, and at least three credits in a world language. It is also highly encouraged that the level of these courses be at the Advanced Placement level and at the very least honors level when available.

To graduate from the New Milford Public Schools, a student must earn a minimum number of credits, fulfill credit distribution requirements and meet district performance standards.

Required Coursework and Credits for Graduation

The Board of Education conforms with state law regarding credits for graduation from high school.

Year of Graduation 2020	4.0 English 4.0 Mathematics 3.0 Social Studies (including 0.5 credit in civics and 1 credit for U.S. history) 3.0 Science 2.0 Physical Education 1.0 Arts (Fine or Practical) 0.5 Health 8.5 Electives (including 0.5 in humanities and 0.5 in Financial Literacy)
	<hr/> 26.0 TOTAL CREDITS

Year of Graduation 2021	4.0 English 4.0 Mathematics 3.0 Social Studies (including 0.5 credit in civics and 1 credit for U.S. history) 3.0 Science 1.0 Physical Education
Year of Graduation 2022	1.0 Arts (Fine or Practical) 0.5 Health 8.5 Electives (including 0.5 in humanities and 0.5 in Financial Literacy)
	<hr/> 25.0 TOTAL CREDITS

Classes Graduating in 2024, 2025, and 2026

For classes graduating in 2024, 2025, and 2026, the following 25 credits are required:

<p>Humanities Cluster: 9 Credits</p> <ul style="list-style-type: none"> ● No less than 3 credits in English <ul style="list-style-type: none"> ○ English I, II, III/AP (3 Credits) ● No less than 3 credits in Social Studies <ul style="list-style-type: none"> ○ Must include 1.0 credit in US History and 0.5 credit in Civics) ○ 1.5 additional credits in Social Studies (See Program of Studies) ● 3 additional credits of student choice (additional English, Social Studies, Level 4 or above in World Language, Art History, History of Jazz, History of American Musical Theater etc.)

STEM Cluster: 9 Credits

- No less than 3 credits in Science
 - Integrated Science, Biology, Chemistry (3 Credits)
- No less than 3 credits in Math (See Program of Studies)
 - Maximum of 1 credit awarded for successful completion (B-/80) of Geometry taken at the middle school
- 3 additional credits of student choice (additional Science, Math, Tech. Ed., Intro to Business, Computer Literacy, Business Computer Applications, Website Design I&II, Intro to Computer Programming, AP Computer Science A, AP Computer Science Principles etc.)

Health and Wellness Cluster: 2 Credits

- 1 credit in Physical Education and Wellness
- 1 credit in Health and Safety Education
 - Must include 0.5 credit in Health 1
 - Additional 0.5 credit of student choice (*Health 2, Allied Health, Medical Technology, Emergency Medical Technician, Sports Medicine, Early Childhood, Child Development etc.)

World Language Cluster: 1 Credit

- 1 credit of any World Language course at New Milford High School
 - 1 credit awarded for successful completion (B-/80) of Part A & Part B of the same World Language course from grades 7 & 8 (Not including Conversational World Language Courses)

Electives Cluster: 3 Credits

- 1 credit in Practical or Fine Arts (See Program of Studies)
- 0.5 credit in Personal Finance - Required by state law
- 1.5 additional credits of student choice

Mastery Based: 1 Credit

- 0.5 Credit in Assured Skills Experiences
- 0.5 Credit in Assured Content Experiences

25.0 TOTAL CREDITSClasses Graduating in 2027 and Thereafter

For classes graduating in 2027 and thereafter, the following 25 credits are required:

Humanities Cluster: 9 Credits

- No less than 3 credits in English
 - English I, II, III/AP (3 Credits)
- No less than 3 credits in Social Studies
 - Must include 1.0 credit in US History and 0.5 credit in Civics)
 - 1.5 additional credits in Social Studies (See Program of Studies)
- 3 additional credits of student choice (additional English, Social Studies, Level 4 or above in World Language, Art History, History of Jazz, History of American Musical Theater etc.)

STEM Cluster: 9 Credits

- No less than 3 credits in Science
 - Integrated Science, Biology, Chemistry (3 Credits)
- No less than 3 credits in Math (See Program of Studies)
 - Maximum of 1 credit awarded for successful completion (B-/80) of Geometry taken at the middle school
- 3 additional credits of student choice (additional Science, Math, Tech. Ed., Intro to Business, Computer Literacy, Business Computer Applications, Website Design I&II, Intro to Computer Programming, AP Computer Science A, AP Computer Science Principles etc.)

Health and Wellness Cluster: 2 Credits

- 1 credit in Physical Education and Wellness
- 1 credit in Health and Safety Education
 - Must include 0.5 credit in Health 1
 - Additional 0.5 credit of student choice (*Health 2, Allied Health, Medical Technology, Emergency Medical Technician, Sports Medicine, Early Childhood, Child Development etc.)

World Language Cluster: 1 Credit

- 1 credit of any World Language course at New Milford High School
 - 1 credit awarded for successful completion (B-/80) of Part A & Part B of the same World Language course from grades 7 & 8 (Not including Conversational World Language Courses)

Electives Cluster: 3 Credits

- 1 credit in Practical or Fine Arts (See Program of Studies)
- 0.5 credit in Personal Financial Management and Financial Literacy - Required by state law
- 1.5 additional credits of student choice

Mastery Based: 1 Credit

- 0.5 Credit in Assured Skills Experiences
- 0.5 Credit in Assured Content Experiences

25.0 TOTAL CREDITS

A student who presents written documentation from a physician or advanced practice registered nurse stating that participation in physical education is not advisable because of the physical condition of the student, shall be excused from the physical education requirement. In such a case, another subject must be substituted.

Any student who is deaf or hearing impaired may be exempted from any world language graduation requirement if the student's parent or guardian requests such exemption in writing.

Exemptions: modifications and accommodations of graduation requirements will be made for any student with a disability as determined by the planning and placement team or 504 team.

A maximum of two credits (1 credit in Geometry and 1 credit in World Language) may be granted for successful completion of courses taken at the middle school level that align with the high school curriculum.

A credit is defined as not less than the equivalent of a forty (40) minute class period for each school day of a school year except for a credit or part of a credit toward high school graduation earned (1) at an institution accredited by the Board of Regents for Higher Education or Office of Higher Education or regionally accredited, (2) through on-line coursework that is completed satisfactorily in accordance with Board policy, or (3) through a demonstration of mastery based on competency and performance standards, in accordance with guidelines adopted by the State Board of Education.

Only courses taken in grades nine to twelve inclusive, and that are in accordance with the state-wide subject matter content standards, adopted by the State Board of Education, shall satisfy the above graduation requirements, except that the Board will grant a student successful completion of courses taken at the middle school level that align with the high school curriculum.

Demonstration of Proficiency in Basic Skills

In addition to meeting the coursework and credit graduation requirements listed above, to graduate high school, each student must demonstrate proficiency in the basic skills:

Reading, Evidence-Based Writing, Communication, Critical Thinking and Problem-Solving

Problem-Solving

Students may demonstrate proficiency in the basic skills described above by achieving satisfactory results on:

Meet the State of Connecticut expectations for 11th Grade proficiency on the math portion of the PSAT or SAT;

Meet the ACT score for proficiency on the math portion of that test;

Pass a competency-based assessment to demonstrate proficiency in math;

Meet the proficiency standard on a district-developed problem-solving portfolio;

Complete a course internship in a field of study, employment opportunity, or volunteer role that requires the use of Algebra II level math at a minimum;

Provide evidence of proficiency on a nationally recognized math assessment;

Score a 3 or higher on Advanced Placement Calculus AB, Advanced Placement Calculus BC, or Advanced Placement Statistics;

Reading, Communication and Evidence-Based Writing;

Meet the State of Connecticut expectations for 11th Grade proficiency on the Evidence-Based Reading and Writing portion of the PSAT or SAT;

Meet the ACT score for proficiency on the English, Reading or Writing portion of that test;

Pass a competency-based assessment to demonstrate proficiency in Reading;

Meet the proficiency standard on a district-developed literacy portfolio;

Complete a course internship in a field of study, employment opportunity, or volunteer Role that requires the use of junior year level English;

Provide evidence of proficiency on a nationally recognized Reading or Writing assessment;

For English Language Learners who have lived in Connecticut for fewer than five years, a score of proficiency or above on the State English Mastery exam designed for this population;

The district will offer intervention classes in these basic competencies for students making insufficient progress.

FAFSA Requirement for Classes Graduating in 2025 and Thereafter

Students graduating in 2025 and beyond are required to have satisfied one of the following prior to graduation:

- (1) completed a Free Application for Federal Student Aid (“FAFSA”);
- (2) for students without legal immigration status, completed and submitted to a public institution of higher education an application for institutional financial aid; or
- (3) completed a waiver of completion of the FAFSA and/or financial aid application, as applicable, on a form prescribed by the Commissioner of Education, signed by

the student's parent or guardian or signed by the student if the student is eighteen or older.

On and after March 15 of each school year, a principal, school counselor, teacher, or other certified educator may complete the waiver on behalf of any student who has not satisfied the above requirements if such principal, school counselor, teacher, or other certified educator affirms that they have made a good faith effort to contact the parent/guardian or student about completion of such applications.

Graduation During Period of Expulsion

A student may graduate during an expulsion period if the Board determines that the student has completed the necessary credits required for graduation.

Diplomas May be Awarded to Veterans Who Left School to Serve in the Armed Forces

In accordance with state law, the Board of Education may award a high school diploma to a veteran of World War II, the Korean hostilities, or the Vietnam Era who left high school to serve in the armed forces and did not receive a diploma as a consequence of such service as well as any person who withdrew from high school prior to graduation to work in a job that assisted the war effort during World War II, did not receive a diploma as a consequence of such work and has resided in the state for at least fifty consecutive years.

Early Graduation

Students may finish in seven semesters provided all graduation requirements have been satisfied. Any student interested in being considered for early graduation must notify his/her counselor or his/her intentions by May 1 of the Junior year. Students applying for early graduation must obtain the Early Graduation Policy statement and related application from the School Counseling Office.

Legal References:

Conn. Gen. Stat. § 10-14n

Conn. Gen. Stat. § 10-16b

Conn. Gen. Stat. § 10-221a

Conn. Gen. Stat. § 10-223a

Public Act No. 23-21, "An Act Concerning Financial Literacy Instruction"

Public Act No. 23-204, "An Act Concerning the State Budget for the Biennium Ending June 30, 2025, and Making Appropriations Therefor, and Provisions Related to Revenue and Other Items Implementing the State Budget"

Public Act No. 23-167, “An Act Concerning Transparency in Education”

Approved: September 19, 2023
Revised:

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

This policy is recommended in the audit of the 3000 Series.

**Series 3000
Business**

3280

**POLICY AND ADMINISTRATIVE REGULATIONS REGARDING
GIFTS, GRANTS, AND BEQUESTS TO THE DISTRICT**

Gifts of personal property to the district, including monetary donations, that meet criteria set forth in the administrative regulations established in accordance with this policy are welcomed and encouraged.

The Superintendent of Schools shall develop administrative regulations governing the acceptance of gifts and the procedure for examining and evaluating offers of gifts to the district.

The school principal may approve gifts to a school that are valued at \$500 or under and meet criteria established by the administrative regulations established in accordance with this policy. The Superintendent of Schools must accept gifts that are valued over \$500 and meet criteria established by the administrative regulations established in accordance with this policy.

The Superintendent, in consultation with the principals and considering the wishes of the donor, may determine the school(s), program(s) or facility(ies) to which the gift shall go if it is valued at more than \$500. The Superintendent shall inform the Board of Education of any gift valued at more than \$500 that has been accepted by the district.

If the Superintendent determines that a gift fails to meet the criteria established in the administrative regulations, the Superintendent shall inform the Board of Education. Any gift rejected by the Board of Education shall be returned to the donor or the donor's estate, with a statement indicating the reason for rejection of such gift.

Legal Reference:

Conn. Gen. Stat. § 10-237

Approved:
Revised:

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

**ADMINISTRATIVE REGULATIONS REGARDING GIFTS, GRANTS
AND BEQUESTS TO THE DISTRICT**

Any gift presented to the school district must be accompanied by a letter from the donor identifying the subject and purpose of the gift and any restrictions that may apply for official action and recognition by the Board of Education.

To be accepted, a gift must be used for the educational benefit of students and satisfy the following criteria:

- Have a purpose consistent with the purposes of the school district
- Will not begin a program that the Board of Education would be unwilling to take over when the gift or grant funds are exhausted
- Would not bring unanticipated costs to the school district
- Will place no restrictions on the school program
- Will be suitable for use in meeting the instructional needs of the school
- Will not be inappropriate or harmful to the best educational interests of students, as determined by the administration
- Will not imply endorsement of any business or product
- Will not be in conflict with any provisions of the school code or public law

All gifts, grants and bequests shall become school district property.

Regulation approved: