

**WESTBROOK BOARD OF EDUCATION
EDUCATE, CHALLENGE, & INSPIRE**

**WESTBROOK BOARD OF EDUCATION
Thursday, November 3, 2022 @ 5:00 p.m.
Policy Subcommittee Meeting
BOE Conference Room**

AGENDA

- I. Call to Order
- II. Approval of Minutes
 1. October 20, 2022
- III. Policy 3515 – Use of Facility
- IV. Code of Conduct for Board Members – Shipman Policy and CAGE policy
- V. Meal Charging Policy – Shipman
- VI. Title IX – Sex Discrimination and Sexual Harassment
- VII. Review 2000 Series – time permitting.
- VIII. Adjourn

**WESTBROOK BOARD OF EDUCATION
EDUCATE, CHALLENGE, & INSPIRE**

**WESTBROOK BOARD OF EDUCATION
Thursday October 20, 2022 @ 4:45 p.m.
Policy Subcommittee Meeting
BOE Conference Room**

Members present: Kim Walker, Mary Ella Luft, Christine Kuehlewind

Absent: Zachary Hayden

Also present: Superintendent Kristina Martineau

MINUTES

I. Call to Order: K. Walker, Chair called the Policy subcommittee meeting to order at 4:45 pm in the BOE conference room.

II. Approval to Minutes:

MOTION by M. Luft and SECOND by C. Kuehlewind to approve the minutes of the September 22, 2022 Policy subcommittee meeting. Vote unanimous.

III: Discussion and Action Steps:

- Rescind 1230, 3280 x 2, 3281 and 1324 (First Reading in November)
- Adopt Policy 3280 (Shipman model written for us)
- Discussion of Shipman 3515. The Committee recommended adding language to the regulation that would address student-adult supervision ratio (field trip), rental fees for Community Music School and Slamma Jamma (non Park and Rec programs running through Park and Rec) as examples (or any non Westbrook exclusive program), and adding language in line with procedures for building approval.
- Committee recommends adopting Shipman 3515 (First Reading at November BOE)

Superintendent Martineau will cross reference regulations for Use of Facilities with Lesley Wysocki.

IV Recommendation to table Online/Remote Learning Policy until legislation and interpretation is finalized.

V. Next meeting: November 3, 2022

Meal Charging, Code of Conduct, and 2000 series review (reminder to do your homework), and Title IX Prohibition of Sexual Discrimination.

Community/Board Operation

USE OF SCHOOL FACILITIES

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

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

A. Application Procedures

Applications for use of facilities shall be submitted to the following individuals, in accordance with the Administrative Regulations:

<u>Facility</u>	<u>Application Submitted To</u>
For use of school buildings	Building Principal
For use of athletic fields and facilities	Athletic Director
For use of other school facilities	Superintendent of Schools

Groups requesting use of school buildings and facilities must identify the specific facilities desired, and approval will be for those specific facilities only. All school equipment on the premises shall remain in the charge and control of the building principal or responsible administrator, and shall not be used without the express written permission of the administrator.

Principals and other responsible administrators shall submit copies of each building use form with a notation of whether such uses have been approved. Approval of school facilities by the principal or other responsible party may be revoked at any time by the Superintendent or his/her designee.

B. Eligible Organizations and Priority of Use

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

Order of priority:

1. School-sponsored programs and activities.
2. Activities of school-related organizations (*e.g.*, PTO, Booster Clubs, After Graduation Committees and similar organizations).
3. Town department or agency activities.
4. Activities of non-profit organizations operating within the Town, other than school-related organizations covered by category #2 above.
5. Activities of for-profit organizations operating within the Town.
6. Out-of-town organizations.

C. Restrictions on Use of School Facilities

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

1. Illegal activities will not be tolerated.
2. Use or possession of tobacco, vapor products, alcoholic beverages or unauthorized controlled substances shall not be permitted on school property.
3. Refreshments may not be prepared, served or consumed without the prior approval of the responsible administrator. Notwithstanding, only those beverages permitted by state law may be sold during the school day. The responsible administrator may permit other beverages to be sold at the location of events occurring after the end of the regular school day or on the weekend as long as they are not sold from a vending machine or at a school store. Upon approval by the administrator,

refreshments may be prepared, served and consumed only in areas designated by the responsible administrator.

4. Obscene advertising, decorations or materials shall not be permitted on school property.
5. Advertising, decorations or other materials that promote the use of illegal drugs, tobacco products, vapor products, or alcoholic beverages shall not be permitted.
6. Activities that are disruptive of the school environment are not permitted.

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

D. Fees and Other Costs

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

<u>Category</u>	<u>Fee</u>
1. School-sponsored programs and activities.	No rental fee or associated costs.
2. Activities of school-related organizations (e.g., PTO, Booster Clubs, After Graduation Committees and similar organizations).	No rental fee or associated costs.
3. Town department or agency activities.	Associated costs.
4. Activities of non-profit organizations operating within the Town, other than school-related organizations covered by category #2 above.	Associated costs.
5. Activities of for-profit organizations operating within the Town.	Rental fee and associated costs.
6. Out-of-town organizations.	Rental fee and associated costs.

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

E. Responsibility for Damage to Property or Loss of Property

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

F. Health and Safety Protocols

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

Legal References:

Conn. Gen. Stat. § 10-239
Conn. Gen. Stat. § 10-215f
Conn. Gen. Stat. § 10-221q
Conn. Gen. Stat. Title 9

Boy Scouts of America Equal Access Act, 20 U.S.C. § 7905
Patriotic and National Organizations, 36 U.S.C. § 1010 et seq.

ADOPTED: _____
REVISED: _____

7/5/2021

Westbrook Policy

we are going to
update Facilities Form
internally + update
regulations. Keep separate.

3515

Business/Non-Instructional Operations

Community Use of School Facilities

The Board of Education recognizes that the school, building and grounds, is a community center and a valuable public resource. The Board is committed to making these facilities available to the community as much as possible under proper and appropriate conditions when such use does not conflict with school activities and functions. The Board of Education shall grant the use of school facilities for activities of an educational, cultural, civic, and other non-commercial uses consistent with the public interest when such use does not interfere with the school program or school-sponsored activities.

Any use of the school building and grounds by recognized community groups or organizations must be approved by the Superintendent of Schools.

The Superintendent of Schools is authorized to use his/her discretion in approving or disapproving applications under this policy.

School facilities will be allocated according to the following priorities with all possible efforts to adjust schedules for mutual convenience and maximum usage.

1. School functions under the direction of the Principal and/or teachers.
2. Meetings and programs sponsored by the Board of Education, Board of Selectman, Recreation Commission, PTO or other town governmental or non-profit agencies. (Non-profit agencies, recognized youth groups, scouts, athletic organizations, 4H groups, etc.)
3. Other non-profit community groups composed of local residents.

The use of school facilities by individuals, private groups and organizations or non-community groups is prohibited.

Applications for the use of school facilities and grounds must be made in writing and submitted to the Superintendent of Schools at least two (2) weeks before the date of intended use. Agencies using the school on a long term basis must submit applications annually.

A custodian must be present when the school building is being used to insure building security, proper maintenance, and to see that it is used appropriately and left in proper order. Any group or organization may be required to pay any or all maintenance costs, including the hourly rate for custodial services when and if a custodian time extends beyond regular employment hours.

Kitchen staff is required for use of the school's kitchen equipment.

Any group or organization using the school building, grounds, or equipment, is responsible for and must assume the cost of all damages to any school property.

School grounds shall not be available for use after sundown except by permission of the Board.

The possession or consumption of tobacco and/or illicit drugs on school grounds or property is prohibited.

Parking is restricted to designated parking areas. Parking is prohibited on all grass areas, playgrounds, and those areas designated for emergency vehicles.

The Boy Scouts of America, Big Sisters of America, Boys and Girls Clubs of America, Future Farmers of America, Girl Scouts of America, Little League Baseball, Inc. and any other group intended to serve youth under the age of 21 listed in Title 36 of the U.S. Code may use school property upon payment of suitable fees and costs according to the Board approved fee schedule.

Legal Reference: Connecticut General Statutes

10-239 Use of school facilities for other purposes

Equal Access Act, 20 U.S.C. ss 4071-4074

Good News Club v. Milford Central School, Sup. Ct., 6-11-01

20 U.S.C. 7905 (Boy Scouts of America Equal Access Act contained in No Child Left Behind Act of 2001)

Policy adopted: March 11, 2008

WESTBROOK PUBLIC SCHOOLS

Westbrook, Connecticut

CODE OF CONDUCT FOR BOARD MEMBERS

It is the policy of the Westbrook Board of Education (the "Board") that all members of the Board will:

1. adhere to all Board policies, rules and regulations;
2. conduct themselves in a fair and impartial manner;
3. refrain from interfering with the implementation of a Board policy decision by the administration;
4. refrain from interfering with the duties of any school district official; and
5. refrain from divulging to anyone any aspect of matters considered and discussed in executive session.

Each member of the Board shall act in complete accordance with the provisions and tenor of this policy. Should any member of the Board fail to so act, such failure shall constitute cause for censure or other such disciplinary action as deemed appropriate by the Board.

Procedures for Censure or Other Disciplinary Action

The following procedures shall be used in lieu of any procedures set forth in Robert's Rules of Order with respect to any proposed action to censure or take other disciplinary action regarding a Board member for cause:

- 1) The Board shall review the performance and/or conduct of the Board member in open or executive session (as determined by the Board and the Board member in accordance with the Freedom of Information Act) at a regular or special meeting of the Board, prior to initiating any action to censure or take other disciplinary action regarding a Board member for cause.
- 2) If the Board determines as a result of such discussion that censure or other disciplinary action concerning a Board member may be appropriate, the Board shall provide the Board member with:
 - a) reasonable written notice of the Board's intent to consider censure or other disciplinary action, including the factual basis for the claimed "cause" for the censure or disciplinary action against the member, with such notice to be provided after being authorized by majority vote of those Board members present and voting; and

- b) an informal opportunity to be heard by the Board regarding such possible censure or other disciplinary action, at which the Board member shall have the right to be represented by counsel at the Board member's own expense and to present relevant evidence to the Board. The informal opportunity to be heard shall take place in open or executive session (as determined by the Board and the Board member in accordance with the Freedom of Information Act) at a regular or special meeting of the Board.
- 3) Any action to censure or take other disciplinary action regarding a Board member for cause following such informal hearing shall require an affirmative vote by a majority of all members of the Board.

Legal References:

Connecticut General Statutes
10-220 Duties of boards of education.

ADOPTED: _____
REVISED: _____

10/18/2021

Bylaws of the Board

Code of Conduct on Data Use

As a guide to the appropriate use of data in the decision-making process, Board members should:

1. Request information and data gathered by District staff that helps the Board members make better-informed decisions about policies affecting student achievement district-wide.
2. Request data as a Board, not as an individual, unless the information is readily available and will not redirect staff time.
3. Use data to represent all of the Board member's constituents honestly and equally and refuse to surrender the Board member's responsibilities to special interest or partisan political groups.
4. Avoid using the Board position, and the information data supplies as a result of Board membership, for personal gain.
5. Recognize that decisions can be made only by a majority vote at a Board meeting after everyone on the Board has had adequate time to review all the data and information.
6. Respect the confidentiality of privileged information.
7. Abide by majority decisions of the Board, while retaining the right to seek changes through ethical and constructive channels.

Bylaw adopted by the Board:

Series 5000 Students

[NOTE: This policy is written in connection with state law and United States Department of Agriculture (USDA) Food and Nutrition Services' Child Nutrition Programs. Optional language is designated throughout the policy for boards that participate in the federal programs. Before adopting this policy, the board should review any existing school nutrition-related policies and procedures, even those that have not been formally adopted by the board, to ensure internal consistency and compliance with state and federal requirements.]

MEAL CHARGING POLICY

The Westbrook Board of Education (the "Board") recognizes the importance of providing nutritious food to students in the Westbrook Public Schools (the "District").

[LANGUAGE FOR BOARDS THAT PARTICIPATE IN THE USDA PROGRAM:]

The Board is a sponsor of the United States Department of Agriculture (USDA) Food and Nutrition Services' Child Nutrition Programs, including the National School Lunch Program (NSLP) and the School Breakfast Program (SBP), and the District shall adhere to the federal and state guidelines and regulations pertaining to these school Child Nutrition Programs. In accordance with federal law, the Board will make a public announcement and notify parents and guardians of the eligibility criteria for free and reduced price meals and provide information regarding how a household may make an application for these benefits. Such notice and application will generally be distributed at the beginning of each school year.]

Charging Meals

The District uses an automated prepayment system for student meal accounts. Students whose accounts have insufficient funds, and who do not bring a meal or other funds to school to pay for meals, may charge meals to their meal accounts. Students will be informed of their right to purchase a meal, which excludes a la carte items, for any school breakfast, lunch or other meal offered by the District, even if the student's account has insufficient funds.

The Board prohibits publicly identifying or shaming a student for any unpaid meal charges, including, but not limited to, the following:

- Delaying or refusing to serve a meal to such student;
- Designating a specific meal option for the student; or
- Otherwise taking any disciplinary action against the student.

Collection of Unpaid Meal Charges

The District's efforts to recover from households money owed due to the charging of meals must not have a negative impact on the children involved and shall focus primarily on the adults in the household responsible for providing funds for meal purchases. The District shall consider whether the benefits of potential collections outweigh the costs that would be incurred to achieve those collections.

For purposes of this policy, "delinquent debt" means unpaid meal charges.

The District will contact the parents/guardians of students who charge meals to their meal accounts in order for the District to collect the delinquent debt. The first such communication will be a written communication, by mail or e-mail, after *[insert number determined by Board]* number of meal(s) have been charged. Subsequent written and verbal communications with parents/guardians concerning delinquent debt will be made by the building administrator or designee, as may be necessary and appropriate. All communications regarding unpaid meal charges shall be made directly and discreetly to parents/guardians. Written communications with parents/guardians regarding collection of a student's unpaid meal charges shall include *[IF APPLICABLE: an application for free or reduced price meals,]* information on local food pantries and the Connecticut Department of Social Services' supplemental nutrition assistance program, and a link to the District's or Town's website that lists *[FOR REGIONAL SCHOOL DISTRICTS: Towns' websites that list]* any community services available to Town residents.

In the event a student's unpaid meal charges are equal to or more than the cost of thirty (30) meals, the parents/guardians of such student will be referred to the District's homeless education liaison.

The Board shall comply with applicable federal and state laws and other federal or state requirements concerning the collection of unpaid meal charges. *[LANGUAGE FOR BOARDS THAT PARTICIPATE IN THE USDA PROGRAM: including but not limited to requirements relating to delinquent debt and "bad debt," as defined by federal law, and record-keeping relating thereto.]* The Board may accept gifts, donations or grants from any public or private sources for the purpose of paying off any unpaid charges for school lunches, breakfasts or other such feeding.

Dissemination of Policy

This policy shall be provided in writing to all households at the start of each school year and to households transferring to the District during the school year. This policy shall be provided to all District staff responsible for its enforcement. In addition, school social workers, nurses, the homeless liaison, and other staff members assisting children in need or who may be contacted by families with unpaid meal charges shall be informed of this policy.

The District shall maintain, to the extent required by law, documentation of the methods used to communicate this policy to households and District staff responsible for policy enforcement.

The District shall provide this policy to the Connecticut State Department of Education during Administrative Reviews.

The Superintendent or designee may, if necessary and appropriate, develop administrative regulations in furtherance of this policy.

Legal References:

State law:

Connecticut General Statutes

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

State of Connecticut, Department of Education, School Health, Nutrition and Family Services Operational Memorandum No. 11-22, "Connecticut Statutory Requirements for Unpaid Meal Charges in Public Schools," June 15, 2022.

State of Connecticut, Department of Education, Bureau of Health/Nutrition, Family Services and Adult Education Operational Memorandum No. 4-17, "Guidance on Unpaid Meal Charges and Collection of Delinquent Meal Payments," Nov. 2, 2016.

Federal law:

7 C.F.R. Part 210 National School Lunch Program.

7 C.F.R. Part 220 School Breakfast Program.

7 C.F.R. Part 245 Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools.

U.S. Department of Agriculture, Food and Nutrition Service, Policy Memo SP 46-2016, "Unpaid Meal Charges: Local Meal Charge Policy," July 8, 2016.

U.S. Department of Agriculture, Food and Nutrition Service, Policy Memo SP 47-2016, "Unpaid Meal Charges: Clarification on Collection of Delinquent Meal Payments," July 8, 2016.

U.S. Department of Agriculture, Food and Nutrition Service, Policy Memo SP 57-2016, "Unpaid Meal Charges: Guidance and Q&A," Sept. 16, 2016.

APPROVED: _____

REVISED: _____

8/2/22

Updated
by Shipman +
comply w/ new
laws. Rescind
3145.5 and
3145.44

Series 5000
Students

**POLICY REGARDING TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 -
PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT
(STUDENTS)**

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

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

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

Sex discrimination occurs when a person, because of the person's sex, is denied participation in or the benefits of any education program or activity receiving federal financial assistance.

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

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

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

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

Reporting Sex Discrimination or Sexual Harassment

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

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

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

The Board’s Title IX Coordinator is _____ *[include name or title - this may be multiple individuals]*. Any individual may make a report of sex discrimination and/or sexual harassment to any Board employee or directly to the Title IX Coordinator using any one, or multiple, of the following points of contact *[must include all of this contact information]*:

OFFICE ADDRESS

ELECTRONIC MAIL ADDRESS

TELEPHONE NUMBER

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

Students may also make a report of sexual harassment and/or sex discrimination to the Connecticut Commission on Human Rights and Opportunities, 450 Columbus Boulevard, Hartford, CT 06103-1835 (Telephone: 860-541-3400 or Connecticut Toll Free Number: 1-800-477-5737).

Legal References: Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.
Title IX of the Education Amendments of 1972, 34 C.F.R § 106.1, et seq.
Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)
Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)
Conn. Gen. Stat. § 10-15c - Discrimination in public schools prohibited.

ADOPTED: _____
REVISED: _____

7/15/2021

RESCIND

5145.44

Students

Policy Regarding Title IX of The Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment

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

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

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

Sex discrimination occurs when a person, because of the person's sex, is denied participation in or the benefits of any education program or activity receiving federal financial assistance.

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

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

Reporting Sex Discrimination or Sexual Harassment

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

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

The Westbrook Public Schools administration (the "Administration") shall provide training to Title IX Coordinator(s), investigators, decision-makers, and any person who facilitates an informal resolution process (as set forth in the Administrative Regulations) on the definitions of sex discrimination and sexual harassment, the scope of the Board's education program and activity, how to conduct an investigation and grievance process, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The Administration shall make the training materials used to provide these trainings publicly available on the Board's website. The Administration shall also periodically provide training to all Board employees on the topic of

sex discrimination and sexual harassment under Title IX, which shall include but not be limited to when reports of sex discrimination and/or sexual harassment must be made. The Administration shall distribute this Policy and the Administrative Regulations to staff, students and parents and legal guardians and make the Policy and the Administrative Regulations available on the Board's website to promote an environment free of sex discrimination and sexual harassment.

The Board's Title IX Coordinator is the Superintendent of Schools. Any individual may make a report of sex discrimination and/or sexual harassment directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:

Dr. Kristina J. Martineau, Superintendent - Westbrook Board of Education - 158 McVeagh Road, Westbrook, CT 06498 - ELECTRONIC MAIL ADDRESS: kmartineau@westbrookctschools.org Phone: 860-399-6432

Any individual may also make a report of sexual harassment and/or sex discrimination to the U.S. Department of Education: Office for Civil Rights, Boston Office, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone (617) 289-0111).

Legal References: Connecticut General Statutes

Title IX of the Education Amendments of 1972, 20 USCS §1681, et seq.

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

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

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

Policy adopted: March 9, 2021

WESTBROOK PUBLIC SCHOOLS

Westbrook, Connecticut

RESCIND

5145.5

Students

If this was not rescinded, we need to rescind it.

POLICY REGARDING SEX DISCRIMINATION AND SEXUAL HARASSMENT

It is the policy of the Board of Education that any form of sex discrimination or sexual harassment is prohibited, whether by students, Board employees or third parties subject to the control of the Board. Students, Board employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students. Any student or employee who engages in conduct prohibited by this policy shall be subject to disciplinary action.

The Superintendent of Schools shall develop Administrative Regulations implementing this Policy.

Definitions

Sex discrimination occurs when a person, because of his or her sex, is denied participation in or the benefits of any education program receiving federal financial assistance.

Sexual harassment: In a school setting, sexual harassment is conduct that 1) is sexual in nature; 2) is unwelcome; and 3) denies or limits a student's ability to participate in or benefit from a school's educational program. Sexual harassment can be verbal, nonverbal or physical. Sexual violence is a form of sexual harassment. Sexual harassment creates a hostile environment if the conduct is sufficiently severe or pervasive such that it interferes with or limits a student's ability to participate in or benefit from the school's program. Although not an exhaustive list, the following are examples of sexual conduct prohibited by this policy:

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

Sexual Violence: Sexual violence is a form of sexual harassment. For the purposes of this policy, sexual violence refers to physical acts that are sexual in nature, perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol, the victim's age, the difference in age between the victim and the perpetrator, an intellectual or other disability, or any other factor that would prevent the victim from giving consent.

Procedure

It is the express policy of the Board of Education to encourage victims of sex discrimination or sexual harassment to report such claims. Students are encouraged to promptly report complaints of sex discrimination or sexual harassment to the appropriate personnel, as set forth in the Administrative Regulations implementing this Policy. The district will investigate such complaints promptly, take interim measures, and take corrective action where appropriate. The district will maintain confidentiality to the extent appropriate. The district will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of sexual harassment or sex discrimination. Any such reprisals or retaliation will result in disciplinary action against the retaliator.

The school district will periodically provide staff development for district administrators, and periodically distribute this Policy and the implementing Administrative Regulations to staff and students in an effort to maintain an environment free of sexual discrimination and sex harassment.

Sex discrimination and/or sexual harassment may also constitute bullying behavior under the Board's Bullying Behavior in the Schools Policy.

Legal References: United States Constitution, Amendment XIV

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

Title IX of the Education Amendments of 1972, 34 C.F.R § 106.1, et seq.

Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)

Office for Civil Rights, U.S. Department of Education, Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, 66 Fed. Reg. 5512 (Jan. 19, 2001).

Office for Civil Rights, U.S. Department of Education Dear Colleague Letter: Sexual Violence (April 4, 2011).

Constitution of the State of Connecticut, Article I, Section 20.

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