



**Policy Committee**  
**Avon Board of Education**  
34 Simsbury Road, Avon, Connecticut

**Mission Statement**

*Our mission is to inspire in each student a joy and passion for learning and a commitment to excellence, personal integrity, and social responsibility.*

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Tuesday, November 28, 2023 6:00 pm

via virtual meeting

The Board will conduct this meeting remotely. Please email Christine Sardinkas, [csardinkas@avon.k12.ct.us](mailto:csardinkas@avon.k12.ct.us) not less than twenty-four (24) hours prior to the meeting if you require any electronic equipment necessary to attend such meeting in real-time. In such cases, the Board will provide a physical location and the necessary electronic equipment. Please be advised that the same opportunities to provide comment or testimony and otherwise participate in such meetings if such meetings were held in person will continue to apply.

To join Zoom meeting, click on link below:

<https://avonk12ctus.zoom.us/j/83391119449?pwd=TTVWenhGOGxvK3UyRjFyUzk2eHFJZz09>

To join by phone, call:

646-558-8656 or 301-715-8592

Meeting ID: 833 9111 9449 Passcode: 462544

**Agenda**

- I. Call to Order
- II. Approval of September 12, 2023 Policy Committee Meeting Minutes
- III. Communication from Public  
Communications are generally limited to 15 minutes as a total maximum for all speakers, with each speaker limited to 3 minutes in accordance with standing Board policy. The Board may waive these limits in exceptional circumstances. Members of the public must indicate their desire to speak by contacting the Zoom host, Christine Sardinkas, via Zoom chat once the meeting starts. Guests will be called to speak in order notification is received and speakers must identify themselves with their name and address.
- IV. New Business – Items for Review and Discussion
  - a. **Policy 5145.4** – Nondiscrimination (Student)
  - b. **Policy 4118.11**- Nondiscrimination (Personnel)
  - c. **Policy 4118.235** - Reports of Suspected abuse or neglect of children or Reports of Sexual Assault of Students by School Employees
  - d. **6148** - Improve Completion of FAFSA
  - e. **9325.2** - Construction of Agenda
- V. Future Items for Review
- VI. Adjournment



**Minutes**  
**POLICY COMMITTEE MEETING**  
**Avon Board of Education**  
**34 Simsbury, Avon, Connecticut 06001**  
**Via Zoom**  
**Tuesday, September 12, 2023 – 6:00 p.m.**

**Attendance**

**Members Present:** Ms. Laura Young, Chair; Ms. Nicole Russo; Ms. Thej Singh; Ms. Sarah Thompson

**Member(s) Absent:** None

**Administration Present:** Dr. Bridget Heston Carnemolla, Superintendent of Schools; Mr. Jess Giannini, Assistant Superintendent;

**Others Present:** Ms. Deb Chute, Board Chair; Ms. Christine Sardinkas, Recording Secretary;

I. **Call to Order**

The meeting was called to order at 6:01 pm by Committee Chair, Ms. Laura Young.

II. **Approval of February 13, 2023 Minutes**

*Ms. Thej Singh motioned to approve the minutes of May 2, 2023 Policy meeting, Ms. Nicole Russo seconded*

*The motion passed 4-0-0*

*Ms. Thej Singh motioned to approve the corrected minutes of March 14, 2023 Policy meeting. Ms. Nicole Russo seconded*

*The motion passed 4-0-0*

III. **Communication from Public**

There was no communication from the public.

IV. **New Business-Items for Review and Discussion**

A. **Policy 4112.5- Security/Credit Check**

Dr. Carnemolla stated that the district is looking to replace the existing Avon Security/Credit Check policy with the Shipman & Goodwin Employment and Student Teacher Checks model policy. The recommendation is being made, as the more comprehensive model policy language meets current statutory requirements regarding any disclosure of past arrest history. The model policy reflects a new state law that prohibits employers from asking employees about any previous ‘erased’ criminal history.

*Ms. Young motioned to replace existing policy 4112.5, Security/Credit Check with Shipman & Goodwin policy Employment and Student Teacher Checks as presented, and bring it to the full board for approval. Ms. Thompson seconded.*

*Motion passed 4-0-0*

B. **Policy 5144 - Discipline**

Dr. Carnemolla stated that this policy has been revised to add a definition of “Protected Class Harassment” and to clarify that Protected Class Harassment is an offense which may lead to disciplinary action. Ms. Russo posed a question

regarding possible disciplinary consequences of harassing someone who is identified as being in a protected class, as opposed to not being in a protected class. Dr. Carnemolla answered that this definition encompasses everyone and it is comprehensive enough to *not* be excluding anyone, so the consequences could be the same.

An additional update was discussed that is pursuant to changes in Connecticut law regarding the legalization of cannabis under certain circumstances. The proposed revisions clarify that the sale or distribution of less than one kilogram of cannabis would not be subject to mandatory expulsion pursuant to Connecticut General Statutes Section 10-233d. There was a brief discussion about Mandatory Expulsion and which offenses carry ‘what’ discipline. Dr. Carnemolla explained that based on the severity and level of disruption to the educational process, suspension and expulsion are always an option, but restorative practices are always a first choice, especially with younger students.

***Ms. Young made a motion to bring revised policy 5144, Discipline, to the full board as presented for approval. Ms. Singh seconded.  
Motion passed 4-0-0***

**C. Policy 5131.911- Bullying**

Dr. Carnemolla stated that this policy was revised to include expanded definitions of Discrimination and Harassment. A discussion ensued regarding a question about any specific definition of Teen Dating. Dr. Carnemolla explained that there is no actual definition of Teen Dating, as defined by the state. That being said, if there is a potential occurrence of Discrimination and Harassment pertaining to Teen Dating, multiple factors would be considered including what has been stated by a victim, as well as what may be learned from any others involved, etc. Dr. Carnemolla also stated that the policy is comprehensive and there is no technicality where any students would *not* be covered. Further discussion ensued regarding Cyberbullying and group texting. There was a question raised as to who gets disciplined when there is a group text if there is bullying involved. Dr. Carnemolla answered that this would be handled on a case-by-case scenario and situationally dependent.

***Ms. Young made a motion to bring revised policy 5131.911, Bullying Prevention and Intervention as presented, to the full board for approval. Ms. Singh seconded.***

***Motion passed 4-0-0***

**D. Policy 6146.1- Basis for Grading, Weighted Grading and Calculation of Grade Point Averages**

Dr. Carnemolla reminded the committee that this policy was recently updated. Since it is already a comprehensive policy that has been working well for the High School, she is recommending that the district maintain the language of this policy. Shipman & Goodwin has suggested adding verbiage to the existing policy regarding the CAAP - CT Automatic Acceptance Program which calculates a GPA on a different rubric, to identify students who would be automatically accepted into State Colleges. The revisions presented regarding the CAAP will allow this existing policy to remain compliant with the law, as well as the CAAP program.

***Ms. Young made a motion to bring revised policy, 6146.1 Basis for Grading, Weighted Grading and Calculation of Grade Point Average, to the full board as presented for approval. Ms. Singh seconded.  
Motion passed 4-0-0***

E. Policy 6146 - Graduation Requirements

Dr. Carnemolla stated that this policy has to be revised to reflect the state minimum of 25 credits to graduate. Since the minimum to graduate is 25 credits, the minimum number to be taken each year has to be changed to equal the 25 credits. Ms. Young questioned if this would be updated in the student handbooks, given to counselors and pushed out to parents. Dr. Carnemolla assured the committee that updates are reflected in the student handbooks, the High School Course of Studies and also online in the policy.

***Ms. Young made a motion to bring revised policy 6146 Graduation Requirements, to the full board as presented for approval. Ms. Singh seconded.  
Motion passed 4-0-0***

VI. Future Items for Review

Ms. Young stated that there are no items for review at this time.

VI. Adjournment

***Ms. Thej Singh motioned to adjourn the meeting at 6:50 pm, Ms. Russo seconded  
Motion passed 4-0-0***

Minutes prepared by Christine Sardinkas, Recording Secretary

Minutes respectfully submitted by Laura Young, Policy Committee Chair

September 21, 2023

Minutes approved by Jeffrey S. Fleischman, Board Secretary

***Minutes are approved at the next Policy meeting, and any corrections to the minutes, if needed, will be made at that time.***

## Students

### Nondiscrimination

The Avon Board of Education (the "Board") complies with all applicable federal, state and local 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 because of, 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, or 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 race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression, or veteran status, or any other basis prohibited by state or federal law is prohibited 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 Avon 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. It is also the policy of the Board to provide for the prompt and equitable resolution of complaints alleging any discrimination or harassment on the basis of protected characteristics such as race, color, religion, age,

#### **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.

## Students

### Nondiscrimination (continued)

#### 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.

## Students

### Nondiscrimination (continued)

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 5145.5, 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, marital status, national origin, alienage, ancestry, disability, pregnancy, or gender identity or expression, or veteran status, Contact the District’s Title IX Coordinator at:

**Roberto Medic, Assistant Superintendent, 34 Simsbury Road,  
Avon, CT 06001 or by phone 860-404-4700**

#### C. Veteran:

For the purposes of this policy, “A veteran” means **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:

For the purposes of this policy, “Gender identity or expression” includes “transgender” and “gender non-conforming” ~~”~~ means **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.

## Students

### Nondiscrimination (continued)

#### 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:

For the purposes of this policy, "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 members; (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.



## Students

### Nondiscrimination (continued)

#### **H. 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 wishing to file a complaint regarding who believes a student has experienced Protected Class discrimination or harassment may obtain a copy of for an act of retaliation or reprisal in violation of this policy should report such concern in writing to the school principal or designee in accordance with the Board's complaint procedures and complaint form, which are included in the Board's Administrative Regulations Regarding Non-Discrimination/Students. These regulations, which accompany Board Policy # \_\_\_\_\_ [Insert Policy # for Students/Non-Discrimination Policy] this policy and are available online at [www.avon.k12.ct.us](http://www.avon.k12.ct.us) or upon request from the main office of any district school. 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 based on reasons such as gender/sex, gender identity, sexual orientation, disability, or pregnancy pregnancy, or gender identity or expression, such complaints will be handled under other appropriate policies (e.g., in accordance with the procedures set forth in Board Policy #5145.5 Students/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 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:  
**Mr. Roberto Medic, Asst. Superintendent.**

## Students

### Nondiscrimination (continued)

#### 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.

## Students

### Nondiscrimination (continued)

#### 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, and/or who would like a copy of the Board’s complaint procedures or complaint forms related to claims of discrimination or harassment, may contact:

**Mr. Roberto Medic, Asst. Superintendent**  
**34 Simsbury Road, Avon, CT 06001**  
**rmedic@avon.k12.ct.us**

Anyone 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:

**Mr. Roberto Medic, Asst. Superintendent**  
**34 Simsbury Road, Avon, CT 06001**  
**rmedic@avon.k12.ct.us**

## Students

### Nondiscrimination (continued)

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

1. ~~Anyone who has~~ **specific** 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;~~ **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:

**Ms. Tiffany Fox, Director of Pupil Services**  
**34 Simsbury Road, Avon, CT 06001**  
**[tfox@avon.k12.ct.us](mailto:tfox@avon.k12.ct.us)**

### 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, 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**

Policy adopted: February 15, 2022

Policy revised: May 16, 2023

Policy revised:

AVON PUBLIC SCHOOLS  
Avon, Connecticut

## Students Nondiscrimination

It is the policy of the The Avon Board of Education (the "Board") that any form of discrimination or harassment 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 characteristics such as characteristic (or protected class) including race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression, or 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.

It is forbidden 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 Avon 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.

It is also the policy of the Board to provide for the prompt and equitable resolution of complaints alleging any Protected Class discrimination or harassment on the basis of protected characteristics such as race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression, or veteran status. The District will investigate both formal and informal complaints of discrimination, harassment or retaliation.

Although not an exhaustive list, the following are examples of the type of conduct that may be considered Protected Class harassment and 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.

## Students

### Nondiscrimination (continued)

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

Any student, staff member and/or parent/guardian wishing to file a complaint regarding who believes a student has experienced Protected Class discrimination or harassment may obtain a copy of an act of retaliation or reprisal in violation of Board policy should report such concern in writing to **MR. Roberto Medic, Avon Public Schools, 34 Simsbury Road, Avon, CT 06001** in accordance with the Board's complaint procedures and complaint form which are included in the Board's these Administrative Regulations Regarding Non-Discrimination/Students. These regulations accompany Board Policy # \_\_\_\_\_ **[Insert Policy # for Students/Non-Discrimination Policy]** and are available online at **[Insert website address for Board policies]** or upon request from the main office of any district school.

If a complaint involves allegations of discrimination or harassment based on reasons such as gender/sex, gender identity, sexual orientation, disability, or pregnancy/pregnancy, or gender identity or expression, such complaints will be handled under other appropriate policies (e.g., in accordance with the procedures set forth in Board Policy #5145.5 Students/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 based on disability will be addressed in accordance with the procedures set forth in Board Policy # 5145 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.

All other complaints by a student or parents/guardians alleging discrimination or harassment against a student on the basis of the protected characteristics listed herein should file a written complaint with:

**[INSERT HERE THE NAMES AND CONTACT INFORMATION OF APPROPRIATE SCHOOL PERSONNEL]**

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.

The District will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of harassment or discrimination on the basis of race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry,

## Students

### Nondiscrimination (continued)

~~disability, pregnancy, gender identity or expression, or veteran status~~ Protected Class discrimination or harassment. The Board further prohibits reprisal or retaliation against any individual who participates in the investigation of reports of alleged Protected Class harassment/discrimination. Any such reprisals or retaliation will result in disciplinary action against the retaliator, and other corrective actions as appropriate.

The District will periodically provide staff development for District administrators and periodically distribute ~~this~~ the Non-Discrimination policy and the implementing administrative regulations to staff ~~employees~~ and students in an effort to maintain an environment free of harassment and discrimination ~~and harassment~~.

### Complaint Procedure

~~As soon as a student feels that he or she has been subjected to discrimination or harassment on the basis of race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression, or veteran status, he/she~~ As soon as a student feels that they, or another student has been subjected to Protected Class discrimination or harassment, the individual should make a written complaint to the building principal, or designee.

~~If the complaint being filed is against~~ Complaints pertaining to the Superintendent, the complaint should be filed with the Board Chair, ~~who will~~. Complaints pertaining to any Board members other than the Board Chair should be filed with the Board Chair. Complaints pertaining to the Board Chair should be filed with the Board Vice Chair. In all cases, the individual receiving the complaint shall take appropriate steps, ~~such as retaining an independent investigator,~~ to cause the matter to be investigated in a manner consistent with the Board's non-discrimination policy and regulation. If either the Superintendent or any other party to the complaint involving the Superintendent or a Board member is not satisfied with the findings and conclusions of the investigation, within (30) calendar days of receiving the findings, such party may present the complaint and written outcome to the Board Chair (or, if presented by the Board Chair, the Board Vice Chair), who will take appropriate steps, such as retaining an independent investigator different from the investigator who investigated the complaint, to cause the matter to be reviewed in a manner consistent with the Board's non-discrimination policy and regulation.

The student ~~and/or parent/guardian~~ 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 the building principal or designee receives a complaint alleging discrimination or

## Students

### Nondiscrimination (continued)

harassment based on ~~gender/sex, gender identity, sexual orientation, disability or pregnancy,~~ or gender identity or expression, the building principal or designee shall follow the procedures identified in the ~~appropriate Board policies ((e.g., Board Policy 5145.5, Policy Regarding Title IX of the Educational Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students));~~ In the event building principal or designee receives a complaint alleging discrimination or harassment based on disability, the building principal or designee shall follow the procedures identified in Board Policy #5145.5, Section 504/ADA (Students); where applicable, rather than the complaint procedures provided in this policy.

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~~ who makes an oral complaint of ~~harassment or~~ discrimination or harassment 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 administrator 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.



## Students

### Nondiscrimination (continued)

All complaints are to be forwarded immediately to the Superintendent or designee. Upon receipt of a complaint alleging harassment or discrimination or harassment 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 harasser/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, 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. Investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;~~
1. ~~4. Conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis for of the complaint, including, as applicable, conducting interviews with the parties to the complaint and any relevant witnesses or other individuals with information and review of documents deemed relevant to the complaint;~~
2. Review any records, notes, statements, or other documents relevant to the complaint;

## Students

### Nondiscrimination (continued)

3. Maintain confidentiality to the extent practicable throughout the investigative process, in accordance with state and federal law;
4. 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.").
5. ~~6.~~ 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;
6. ~~7.~~ 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 sub-paragraph 6);
7. ~~8.~~ 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;
8. ~~9.~~ If ~~the~~ a complainant ~~(and/or~~ or a respondent, ~~if applicable)~~ 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

## Students

### Nondiscrimination (continued)

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 ~~fifteen~~thirty (1530) 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.

If the District makes a finding of discrimination, harassment or retaliation, the District will take appropriate remedial action designed to 1) eliminate the discriminatory/harassing conduct, 2) prevent its recurrence, and 3) address its effects on the complainant and any other affected individuals. Examples of appropriate action may include:

- (a) Interventions for the individual who engaged in the discrimination/harassment, such as parent/guardian notification, discipline, or counseling.
- (b) Interventions for the complainant, such as counseling, academic support, and information on how to report further incidents of discrimination.
- (c) Separating the complainant and the individual who engaged in the discrimination/harassment, provided the separation does not penalize the complainant.
- (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) Training or other interventions for the larger school community to ensure that students, staff, and parents understand the types of behavior that constitute discrimination/harassment, that the District does not tolerate it, and how to report it.

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>

**Students**

**Nondiscrimination (continued)**

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)

Anyone who has questions or concerns about these regulations, and/or who may wish to request or discuss accommodations based on religion, may contact:

**Mr. Roberto Medic, 34 Simsbury Road, Avon, CT 06001, rmedic@avon.k12.ct.us**

Anyone who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of gender/sex, gender identity, or sexual orientation may contact the Board's Title IX Coordinator:

**Mr. Roberto Medic, Assistant Superintendent, rmedic@avon.k12.ct.us**

Anyone 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 Board's Section 504/ADA Coordinator:

**Ms. Tiffany Fox, Pupil Personnel Director, tfox@avon.k12.ct.us**

Regulation approved: February 15, 2022

Regulation revised: May 13, 2023

Regulation revised:

**AVON PUBLIC SCHOOLS**

Avon, Connecticut

**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~~, or veteran status, **or status as a victim of domestic violence**)**

Name of the complainant \_\_\_\_\_

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 \_\_\_\_\_

## 4218.11 Personnel - Certified/Non-Certified

### Nondiscrimination

#### **Protected Class Discrimination Prohibited:**

The Avon 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, religion, color, national origin, ancestry, sex, sexual orientation, alienage, marital status, age, disability (including pregnancy), veteran status, genetic information, or 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 of Education that any form of discrimination or harassment on the basis of race, religion, color, national origin, sex, sexual orientation, marital status, age, disability (including pregnancy), genetic information, veteran status or gender identity or expression, or any other basis prohibited by state or federal law is prohibited, 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 Avon 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. It is also the policy of the Board of Education to provide for the prompt and equitable resolution of complaints alleging any discrimination on the basis of protected characteristics such as race, religion, color, national origin, ancestry, sex, sexual orientation, marital status, age, disability (including pregnancy), veteran status, genetic information, or gender identity or expression.

#### **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 the District facilities) are expected to adhere to the 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.

## 4218.11 Personnel - Certified/Non-Certified

### Nondiscrimination

#### 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 communication 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 4000.1, Policy regarding prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Personnel). For more information regarding harassment based on sex, sexual orientation or gender identity or expression, contact the District's Title IX Coordinator at:

**Roberto Medic 860-404-4700 [rmedic@avon.k12.ct.us](mailto:rmedic@avon.k12.ct.us)**

## 4218.11 Personnel - Certified/Non-Certified

### Nondiscrimination

#### C. Genetic information

For the purposes of this policy, “genetic information” means 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

For the purposes of this policy, A “veteran” means is any person honorably discharged from, or released under honorable conditions from or released with 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 (A) 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, (B) 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 (C) 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. 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. Gender Identity or expression

For the purposes of this policy, “Gender identity or expression” includes “transgender” and “gender non-conforming” and means 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.

#### 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, locks, twists, Bantu knots, afros and afro puffs.



## 4218.11 Personnel - Certified/Non-Certified

### Nondiscrimination

#### 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 members; (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

### II. 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 wishing to file a complaint regarding who believes they or another employee has experienced Protected Class discrimination may obtain a copy of or an act of retaliation or reprisal in violation of this policy should report such concern in writing to Roberto Medic, 34 Simsbury Road, Avon, CT 06001, in accordance with the Board's complaint procedures and complaint form which are included in the Board's Administrative Regulations Regarding Non-Discrimination/Personnel These regulations which accompany Board Policy # 4118.11 this policy is available online at [www.avon.k12.ct.us](http://www.avon.k12.ct.us) 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 reasons such as gender/sex, gender identity, sexual orientation, disability or pregnancy, pregnancy, or gender identity or expression, such complaints will be handled under other appropriate policies (e.g., in accordance with the procedures set forth in Board Policy # 4000.1 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 policy #

## 4218.11 Personnel - Certified/Non-Certified

### Nondiscrimination

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:

**Roberto Medic, 34 Simsbury Road, Avon, CT 06001**

#### **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:

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.

## 4218.11 Personnel - Certified/Non-Certified

### Nondiscrimination

#### Reporting to State and Federal Agencies:

Any In addition to reporting to the Board, any employee may also 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>

Employees may also file a complaint regarding employment discrimination with the 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)

Employees 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  
(800-477-5737)

#### Questions/Requests for Accommodation:

Any employee who:

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

**Roberto Medic, Assistant Superintendent, 34 Simsbury Road, Avon, CT 06001 or by phone at 860-404-4700.**

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

**Roberto Medic, Assistant Superintendent, 34 Simsbury Road, Avon, CT 06001 or by phone at 860-404-4700.**

## 4218.11 Personnel - Certified/Non-Certified

### Nondiscrimination

#### Any employee who:

1. has specific 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 applicable to employees; OR
2. wishes to request an accommodation on the basis of disability

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

**Tiffany Fox, Director of Pupil Services, 34 Simsbury Road, Avon, CT 06001 or by phone at 860-404-4700.**

#### 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

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 § 10-153. Discrimination on basis of sex, gender or expression or marital status prohibited

Connecticut General Statutes § 27-103

**Connecticut General Statutes 31-51i**

Connecticut Fair Employment Practices Act, Connecticut General Statutes § 46a-60

~~Connecticut General Statutes § 46a-81a Discrimination on basis of sexual orientation: Definitions~~

**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 17-127, An Act Concerning Discriminatory Practices Against Veterans, Leaves of Absence for National Guard Members, Application for Certain Medicaid Programs, and Disclosure of Certain Records to Federal Military Law Enforcement.

~~Public Act No 23-145, "An Act Concerning Online Dating Operators, the creation of a Grant Program to Reduce Occurrences of Online Abuse and the Provision of Domestic Violence Training and Protections for Victims of Domestic Violence. Revising the State's Antidiscrimination Statutes~~

Policy adopted: February 15, 2022

Policy revised: May 16, 2023

Policy revised:

AVON PUBLIC SCHOOLS  
Avon, Connecticut

**Personnel - Certified/Non-Certified**

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

It is the policy of the The Avon Board of Education will not make employment decisions (including decisions related to hiring, assignment, compensation, promotion, demotion, disciplinary action and termination) that any form of discrimination or harassment on the basis of protected characteristics such as race, religion, color, national origin, ancestry, sex, sexual orientation, alienage, marital status, age, disability, pregnancy, veteran status, genetic information, or gender identity or expression is forbidden, 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 Avon 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 express policy of the Board to provide for the prompt and equitable resolution of complaints alleging any Protected Class discrimination, or harassment on the basis of protected characteristics such as race, religion, color, national origin, ancestry, sex, sexual orientation, marital status, age, disability (including pregnancy), veteran status, genetic information, or gender identity or expression. 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 participated 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.

## Personnel - Certified/Non-Certified

### 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:

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 Roberto Medic, [rmedic@avon.k12.ct.us](mailto:rmedic@avon.k12.ct.us) or 34 Simsbury Road, Avon, CT 06001 in accordance with the Board's complaint procedures included in these Administrative

## Personnel - Certified/Non-Certified

### Regulations Regarding Non-Discrimination/Personnel.

If a complaint involves allegations of discrimination or harassment based on reasons such as gender/sex, gender identity, sexual orientation, disability or pregnancy, pregnancy, or gender identity or expression, such complaints will be handled under other appropriate policies (e.g., in accordance with the procedures set forth in Board Policy # 4000.1 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 policy #

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 of discrimination, harassment or retaliation in other forms. Reports should be made to any District administrator or to:

Mr. Roberto Medic, Assistant Superintendent [rmedic@avon.k12.ct.us](mailto:rmedic@avon.k12.ct.us)

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.

The District will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of harassment or discrimination on the basis of race, religion, color, national origin, ancestry, sex, sexual orientation, marital status, age, disability (including pregnancy), veteran status, genetic information, or gender identity or expression. Protected Class discrimination or harassment. The Board further prohibits reprisal or retaliation against any individual who participates in the investigation of reports of alleged Protected Class harassment/discrimination. Any such reprisals or retaliation will result in disciplinary action against the retaliator, and other corrective actions as appropriate.

The District will periodically provide staff development for District administrators and periodically distribute this Non-Discrimination Policy and the implementing Administrative Regulations to staff and students in an effort to maintain an environment free of harassment and discrimination.

## Personnel - Certified/Non-Certified

As soon as an individual feel that he or she **they, or another employee** has been subjected to **Protected Class** discrimination or harassment on the basis of race, religion, color, national origin, ancestry, sex, sexual orientation, marital status, age, disability (including pregnancy), veteran status, genetic information, or gender identity or expression, he/she **individual** should make a written complaint to the Superintendent, or designee.

If the complaint being filed is against ~~Complaints pertaining to the Superintendent, the complaint should be filed with the Board Chair. Complaints pertaining to any Board members other than the Board Chair should be filed with the Board Chair. Complaints pertaining to the board Chair should be filed with the Board Vice Chair.~~ In all cases, the individual receiving the complaint shall take appropriate steps, such as retaining an independent investigator, to cause the matter to be investigated in a manner consistent with the Board's non-discrimination policy and regulation. If

~~either the Superintendent or any other party to the complaint 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, such as retaining an independent investigator different from the investigator who investigated the complaint, 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.~~

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 his/her 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 4000.1 Policy regarding 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 4118.11**.

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),



## Personnel - Certified/Non-Certified

- 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 harassment or discrimination 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 or 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 his/her designee. Upon receipt of a complaint alleging harassment or discrimination of an employee, under this complaint procedure, the Superintendent or his/her designee 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 alleged harasser/discriminator 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 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 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 during periods of time when school is not in session) to discuss the nature of the complaint, discuss the availability of interim measures, identify individuals the complainant or the respondent believes has relevant information, and obtain any relevant documents the complainant may have;
2. provide the complainant and respondent (if applicable) with a copy of the Board's nondiscrimination policy and accompanying regulations;
3. investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;

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3. investigate that is adequate, reliable, and impartial. Investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals with **the parties to the complaint and any relevant witnesses or other** individuals' ~~information and review of documents~~ **deemed** relevant to the complaint;
4. **Review a 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; (kk) for each allegation, the conclusion(s) and reasoning(s) as to whether the discrimination or harassment occurred; an d(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 extended by fifteen (15) business days during periods of time when school is in session or reasonably extended based on the availability of necessary witnesses and/or participants during periods of time when school is not in session) 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 sub-paragraph 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 either party to the complaint,~~ 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

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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 ~~fifteen (15)~~ **Thirty (30)** business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants during periods of time when school is not in session) 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 Mr. Roberto Medic, Assistant Superintendent. 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

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- C. teh 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;
- D. In the case of respondent who is otherwise associated with the school community, interventions for the individual who engaged in teh 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;
- E. 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.
- F. Supports for the complainant; and
- G. 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:

Any In addition to reporting to the Board, any employee may also 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>

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  
(800-477-5737)

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Anyone who has questions or concerns about this policy or its accompanying regulation; and/or who may wish to request or discuss accommodations based on religion; or would like a copy of the Board's complaint procedures or complaint forms related to claims of discrimination or harassment should contact the following District official:

**Roberto Medic, Assistant Superintendent, 34 Simsbury Road, Avon, CT 06001 or by phone at 860-404-4700.**

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

**Roberto Medic, Assistant Superintendent 34 Simsbury Road, Avon, CT 06001 or by phone at 860-404-4700.**

Any employee who has specific questions or concerns about the Board's policies regarding discrimination or harassment on the basis of disability applicable to employees, or wishes to request an accommodation on the basis of disability should contact the District's Section 504/ADA Coordinator:

**Tiffany Fox, Director of Pupil Services, 34 Simsbury Road, Avon, CT 06001 or by phone at 860-404-4700.**

**Regulation Approved: February 15, 2022**  
**Regulation Revised:**

**AVON PUBLIC SCHOOLS**  
**Avon, Connecticut**

**AVON BOARD OF EDUCATION**

**DISCRIMINATION/HARASSMENT COMPLAINT FORM**

**(For complaints based on race, religion, color, national origin, ancestry, sex, sexual orientation, marital status, age, disability (including pregnancy), veteran status, genetic information, status as a victim of domestic violence or gender identity or expression)**

Name of the 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:

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Requested remedy:

For Office Use Only

Form Received By: \_\_\_\_\_ Date: \_\_\_\_\_ Rev. 10/15/19

## Personnel

### Reports of Suspected Abuse or Neglect of Children Or Reports of Sexual Assault of Students by School Employees

Conn. Gen. Stat. Section 17a-101 et seq. requires school employees who have reasonable cause to suspect or believe (1) that any child under eighteen has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, or has been placed at imminent risk of serious harm, or (2) that any person who is being educated by the Technical Education and Career System or a local or regional board of education, other than as part of an adult education program, is a victim of sexual assault, and the perpetrator is a school employee, to report such suspicions to the appropriate authority. In furtherance of this statute and its purpose, it is the policy of the Avon Board of Education ("Board") to require ALL EMPLOYEES of the Board of Education to report suspected abuse and/or neglect, nonaccidental physical injury, imminent risk of serious harm, or sexual assault of a student by a school employee, in accordance with the procedures set forth below.

#### 1. Scope of Policy

This policy applies not only to school employees who are required by law to report suspected child abuse and/or neglect, nonaccidental physical injury, imminent risk of serious harm, or sexual assault of a student by a school employee, but to ALL EMPLOYEES of the Board of Education.

#### 2. Definitions

For the purposes of this policy:

"Abused" means that a child (a) has had physical injury or injuries inflicted upon the child other than by accidental means, or (b) has injuries which are at variance with the history given of them, or (c) is in a condition which is the result of maltreatment, such as, but not limited to, malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional maltreatment or cruel punishment.

"Neglected" means that a child (a) has been abandoned, or (b) is being denied proper care and attention, physically, educationally, emotionally or morally, or (c) is being permitted to live under conditions, circumstances or associations injurious to the child's well-being, or (d) has been abused.

"School employee" means (a) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or who is working in a Board elementary, middle or high school; or (b) any other person who, in the performance of that person's duties, has regular contact with students and who provides

## Personnel

### Reports of Suspected Abuse or Neglect of Children Or Reports of Sexual Assault of Students by School Employees

services to or on behalf of students enrolled in the Avon Public Schools ("District"), pursuant to a contract with the Board.

**"Sexual assault"** means, for the purposes of the mandatory reporting laws and this policy, a violation of Sections 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a of the Connecticut General Statutes. Please see Appendix A of this policy for the relevant statutory definitions of sexual assault laws and related terms covered by the mandatory reporting laws and this policy.

**"Statutorily mandated reporter"** means an individual required by Conn. Gen. Stat. Section 17a-101 *et seq.* to report suspected abuse and/or neglect of children or the sexual assault of a student by a school employee. The term "statutorily mandated reporter" includes all school employees, as defined above, any person who is a licensed behavior analyst, and any person who holds or is issued a coaching permit by the State Board of Education, is a coach of intramural or interscholastic athletics, and is eighteen years of age or older.

#### 3. What Must Be Reported

- a) A report must be made when any employee of the Board of Education in the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that any child under the age of eighteen years:
  - i) has been abused or neglected;
  - ii) has had non accidental physical injury, or injury which is at variance with the history given for such injury, inflicted upon the child;
  - iii) is placed at imminent risk of serious harm; or
  
- b) A report must be made when any employee of the Board of Education in the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that any person, regardless of age, who is being educated by the Technical Education and Career System or a local or regional board of education, other than as part of an adult education program, is a victim of the following sexual assault crimes, and the perpetrator is a school employee:
  - i) sexual assault in the first degree;
  - ii) aggravated sexual assault in the first degree;
  - iii) sexual assault in the second degree;



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**Reports of Suspected Abuse or Neglect of Children Or Reports of Sexual Assault of Students by School Employees**

- iv) sexual assault in the third degree;
- v) sexual assault in the third degree with a firearm; or
- vi) sexual assault in the fourth degree.

Please see Appendix A of this policy for the relevant statutory definitions of sexual assault laws and related terms covered by the mandatory reporting laws and this policy.

- c) The suspicion or belief of a Board employee may be based on factors including, but not limited to, observations, allegations, facts or statements by a child or victim, as described above, or a third party. Such suspicion or belief does not require certainty or probable cause.

4. Reporting Procedures for Statutorily Mandated Reporters

The following procedures apply only to statutorily mandated reporters, as defined above.

- a) When an employee of the Board of Education who is a statutorily mandated reporter and who, in the ordinary course of the person's employment, has reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm, or a student is a victim of sexual assault by a school employee, as described in Paragraph 3, above, the following steps shall be taken.

- (1) The employee shall make an oral or electronic report as soon as practicable, but not later than twelve (12) hours after having reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm, or a student is a victim of sexual assault by a school employee.

- (a) An oral report shall be made by telephone or in person to the Commissioner of the Department of Children and Families ("DCF") or the local law enforcement agency. DCF has established a 24hour Child Abuse and Neglect Careline at 1-800-842-2288 for the purpose of making such oral reports.

**Personnel****Reports of Suspected Abuse or Neglect of Children Or Reports of Sexual Assault of Students by School Employees**

- (b) An electronic report shall be made in the manner prescribed by the Commissioner of DCF. An employee making an electronic report shall respond to further inquiries from the Commissioner of DCF or Commissioner's designee made within twenty-four (24) hours. Such employee shall inform the Superintendent or Superintendent's designee as soon as possible as to the nature of the further communication with the Commissioner or Commissioner's designee.
- (2) The employee shall also make an oral report as soon as practicable to the Building Principal or Building Principal's designee, and/or the Superintendent or Superintendent's designee. If the Building Principal is the alleged perpetrator of the abuse/neglect or sexual assault of a student, then the employee shall notify the Superintendent or Superintendent's designee directly.
- (3) In cases involving suspected or believed abuse, neglect, or sexual assault of a student by a school employee, the Superintendent or Superintendent's designee shall immediately notify the child's parent or guardian that such a report has been made.
- (4) Not later than forty-eight (48) hours after making an oral report, the employee shall submit a written or electronic report to the Commissioner of DCF or the Commissioner's designee containing all of the required information. The written or electronic report should be submitted in the manner prescribed by the Commissioner of DCF. When such a report is submitted electronically, the employee shall respond to further inquiries from the Commissioner of DCF or Commissioner's designee made within twenty-four (24) hours. Such employee shall inform the Superintendent or Superintendent's designee as soon as possible as to the nature of the further communication with the Commissioner or Commissioner's designee.
- (5) The employee shall immediately submit a copy of the written or electronic report to the Building Principal or Building Principal's designee and to the Superintendent or the Superintendent's designee.
- (6) If the report concerns suspected abuse, neglect, or sexual assault of a student by a school employee holding a certificate, authorization or permit issued by the State Department of Education, the Commissioner of DCF (or Commissioner of DCF's designee) shall submit a copy of the written or electronic report to the Commissioner of Education (or Commissioner of Education's designee).

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### Reports of Suspected Abuse or Neglect of Children Or Reports of Sexual Assault of Students by School Employees

#### 5. Reporting Procedures for Employees Other Than Statutorily Mandated Reporters

The following procedures apply only to employees who are not statutorily mandated reporters, as defined above.

- a) When an employee who is not a statutorily mandated reporter and who, in the ordinary course of the person's employment or profession, has reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm, or a student is a victim of sexual assault by a school employee, as described in Paragraph 3, above, the following steps shall be taken.
  - (1) The employee shall make an oral report as soon as practicable, but not later than twelve (12) hours after the employee has reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm or a student is a victim of sexual assault by a school employee. Such oral report shall be made by telephone or in person to the Superintendent of Schools or Superintendent's designee, to be followed by an immediate written report to the Superintendent or Superintendent's designee.
  - (2) If the Superintendent or Superintendent's designee determines that there is reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm or a student is a victim of sexual assault by a school employee, the Superintendent or designee, shall cause reports to be made in accordance with the procedures set forth for statutorily mandated reporters.
- b) Nothing in this policy shall be construed to preclude an employee reporting suspected child abuse, neglect or sexual assault by a school employee from reporting the same directly to the Commissioner of DCF.

#### 6. Contents of Reports

Any report made pursuant to this policy shall contain the following information, if known:

- a) The names and addresses of the child\* and the child's parents or other person responsible for the child's care;
- b) the age of the child;
- c) the gender of the child;

## Personnel

### Reports of Suspected Abuse or Neglect of Children Or Reports of Sexual Assault of Students by School Employees

- d) the nature and extent of the child's injury or injuries, maltreatment or neglect;
- e) the approximate date and time the injury or injuries, maltreatment or neglect occurred;
- f) information concerning any previous injury or injuries to, or maltreatment or neglect of the child or the child's siblings;
- g) the circumstances in which the injury or injuries, maltreatment or neglect came to be known to the reporter;
- h) the name of the person or persons suspected to be responsible for causing such injury or injuries, maltreatment or neglect;
- i) the reasons such person or persons are suspected of causing such injury or injuries, maltreatment or neglect;
- j) any information concerning any prior cases in which such person or persons have been suspected of causing an injury, maltreatment or neglect of a child; and
- k) whatever action, if any, was taken to treat, provide shelter or otherwise assist the child.

\*For purposes of this Paragraph, the term "child" includes any victim of sexual assault by a school employee, as described in Paragraph 3, above.

#### 7. Investigation of the Report

- a) The Superintendent or Superintendent's designee shall thoroughly investigate reports of suspected abuse, neglect or sexual assault if/when such report involves an employee of the Board of Education or other individual under the control of the Board, provided the procedures in subparagraph (b), below are followed. In all other cases, DCF shall be responsible for conducting the investigation with the cooperation and collaboration of the Board, as appropriate.

**Personnel****Reports of Suspected Abuse or Neglect of Children Or Reports of Sexual Assault of Students by School Employees**

- b) Recognizing that DCF is the lead agency for the investigation of child abuse and neglect reports and reports of a student's sexual assault by school employees, the Superintendent's investigation shall permit and give priority to any investigation conducted by the Commissioner of DCF or the appropriate local law enforcement agency. The Superintendent shall conduct the District's investigation and take any disciplinary action, consistent with state law, upon notice from the Commissioner of DCF or the appropriate local law enforcement agency that the District's investigation will not interfere with the investigation of the Commissioner of DCF or the local law enforcement agency.
- c) The Superintendent shall coordinate investigatory activities in order to minimize the number of interviews of any child or student victim of sexual assault and share information with other persons authorized to conduct an investigation of child abuse or neglect, **or sexual assault**, as appropriate.
- d) Any person reporting child abuse or neglect or the sexual assault of a student by a school employee, or having any information relevant to alleged abuse or neglect or of the sexual assault of a student by a school employee, shall provide the Superintendent with all information related to the investigation that is in the possession or control of such person, except as expressly prohibited by state or federal law.
- e) When the school district is conducting an investigation involving suspected abuse or neglect or sexual assault of a student by an employee of the Board or other individual under the control of the Board, the Superintendent's investigation shall include an opportunity for the individual suspected of abuse, neglect or sexual assault to be heard with respect to the allegations contained within the report. During the course of such investigation, the Superintendent may suspend a Board employee with pay or may place the employee on administrative leave with pay, pending the outcome of the investigation. If the individual is one who provides services to or on behalf of students enrolled in the District, pursuant to a contract with the Board of Education, the Superintendent may suspend the provision of such services, and direct the individual to refrain from any contact with students enrolled in the District, pending the outcome of the investigation.

**Personnel****Reports of Suspected Abuse or Neglect of Children Or Reports of Sexual Assault of Students by School Employees****8. Evidence of Abuse, Neglect or Sexual Assault by a School Employee**

- a) If, upon completion of the investigation by the Commissioner of DCF (“Commissioner”), the Superintendent has received a report from the Commissioner that the Commissioner has reasonable cause to believe that (1) a child has been abused or neglected by a school employee, as defined above, and the Commissioner has recommended that such employee be placed on the DCF Child Abuse and Neglect Registry, or (2) a student is a victim of sexual assault by a school employee, the Superintendent shall request (and the law provides) that DCF notify the Superintendent not later than five (5) working days after such finding, and provide the Superintendent with records, whether or not created by DCF, concerning such investigation. The Superintendent shall suspend such school employees. Such suspension shall be with pay and shall not result in the diminution or termination of benefits to such employee.
- b) Not later than seventy-two (72) hours after such suspension, the Superintendent shall notify the Board of Education and the Commissioner of Education, or the Commissioner of Education's representative, of the reasons for and the conditions of the suspension. The Superintendent shall disclose such records to the Commissioner of Education and the Board of Education or its attorney for purposes of review of employment status or the status of such employee's certificate, permit or authorization, if any.
- c) The suspension of a school employee employed in a position requiring a certificate shall remain in effect until the Superintendent and/or Board of Education acts pursuant to the provisions of Conn. Gen. Stat. §10-151. If the contract of employment of such certified school employee is terminated, or such certified school employee resigns such employment, the Superintendent shall notify the Commissioner of Education, or the Commissioner of Education's representative, within seventy-two (72) hours after such termination or resignation.
- d) The suspension of a school employee employed in a position requiring an authorization or permit shall remain in effect until the Superintendent and/or Board of Education acts pursuant to any applicable termination provisions. If the contract of employment of a school employee holding an authorization or permit from the State Department of Education is terminated, or such school employee resigns such employment, the Superintendent shall notify the Commissioner of Education, or the Commissioner of Education's representative, within seventy-two (72) hours after such termination or resignation.

**Personnel****Reports of Suspected Abuse or Neglect of Children Or Reports of Sexual Assault of Students by School Employees**

- e) Regardless of the outcome of any investigation by the Commissioner of DCF and/or the police, the Superintendent and/or the Board, as appropriate, may take disciplinary action, up to and including termination of employment, in accordance with the provisions of any applicable statute, if the Superintendent's investigation produces evidence that a child has been abused or neglected by a school employee or that a student has been a victim of sexual assault by a school employee.
- f) The District shall not employ a person whose employment contract is terminated or who resigned from employment following a suspension pursuant to Paragraph 8(a) of this policy and Conn. Gen. Stat. § 17a-101i, if such person is convicted of a crime involving an act of child abuse or neglect or an act of sexual assault of a student, as described in Paragraph 2 of this policy.

9. Evidence of Abuse, Neglect or Sexual Assault by an Independent Contractor of the Board of Education

If the investigation by the Superintendent and/or the Commissioner of DCF produces evidence that a child has been abused or neglected, or a student has been sexually assaulted, by any individual who provides services to or on behalf of students enrolled in the District, pursuant to a contract with the Board, the Superintendent shall permanently suspend the provision of such services, and direct the individual to refrain from any contact with students enrolled in the District.

10. Delegation of Authority by Superintendent

The Superintendent may appoint a designee for the purposes of receiving and making reports, notifying and receiving notification, or investigating reports pursuant to this policy.

11. Confidential Rapid Response Team

The Superintendent shall establish a confidential rapid response team to coordinate with DCF to (1) ensure prompt reporting of suspected abuse or neglect or sexual assault of a student by a school employee, as described in Paragraph 2, above, and (2) provide immediate access to information and individuals relevant to the department's investigation. The confidential rapid response team shall consist of a teacher and the Superintendent, a local police officer and any other person the Board of Education, acting through its Superintendent, deems appropriate.

12. Disciplinary Action for Failure to Follow Policy

Except as provided in Section 14 below, any employee who fails to comply with the requirements of this policy shall be subject to discipline, up to and including termination of employment.

## Personnel

### Reports of Suspected Abuse or Neglect of Children Or Reports of Sexual Assault of Students by School Employees

13. The District shall not hire any person whose employment contract was previously terminated by a board of education or who resigned from such employment, if such person has been convicted of a violation of Section 17a-101a of the Connecticut General Statutes, as amended, relating to mandatory reporting, when an allegation of abuse or neglect or sexual assault has been substantiated.

14. Non-Discrimination Policy/Prohibition Against Retaliation

The Board of Education expressly prohibits retaliation against individuals reporting child abuse or neglect or the sexual assault of a student by a school employee and shall not discharge or in any manner discriminate or retaliate against any employee who, in good faith, makes a report pursuant to this policy, or testifies or is about to testify in any proceeding involving abuse or neglect or sexual assault by a school employee. The Board of Education also prohibits any employee from hindering or preventing or attempting to hinder or prevent any employee from making a report pursuant to this policy or state law concerning suspected child abuse or neglect or the sexual assault of a student by a school employee or testifying in any proceeding involving child abuse or neglect or the sexual assault of a student by a school employee.

15. Distribution of Policy, Guidelines and Posting of Careline Information

This policy shall annually be distributed electronically to all school employees employed by the Board. The Board shall document that all such school employees have received this written policy and completed the training and refresher training programs required by in Section 16, below. Guidelines regarding identifying and reporting child sexual abuse developed by the Governor's task force on justice for abused children shall annually be distributed electronically to all school employees, Board members, and the parents or guardians of students enrolled in the schools under the jurisdiction of the Board. The Board shall post the Internet web site address and telephone number for the DCF Child Abuse and Neglect Careline in a conspicuous location frequented by students in each school under the jurisdiction of the Board.

16. Training

- a) All new school employees, as defined above, shall be required to complete an educational training program for the accurate and prompt identification and reporting of child abuse and neglect. Such training programs shall be developed and approved by the Commissioner of DCF.
- b) All school employees, as defined above, shall take a refresher training course developed and approved by the Commissioner of DCF at least once every three years.



**Personnel****Reports of Suspected Abuse or Neglect of Children Or Reports of Sexual Assault of Students by School Employees**

- c) The principal for each school shall annually certify to the Superintendent that each school employee, as defined above, working at such school, is in compliance with the training provisions in this policy and as required by state law. The Superintendent shall certify such compliance to the State Board of Education.
- d) Beginning July 1, 2023, all school employees, as defined above, shall complete the (1) training regarding the prevention and identification of, and response to, child sexual abuse and assault; (2) bystander training program; and (3) appropriate interaction with children training program. Each employee must repeat these training sessions at least once every three years. Such training shall be identified or developed by DCF.

17. Records

- a) The Board shall maintain in a central location all records of allegations, investigations, and reports that a child has been abused or neglected by a school employee employed by the Board or that a student has been a victim of sexual assault by a school employee employed by the Board, as defined above, and conducted in accordance with this policy. Such records shall include any reports made to DCF. The State Department of Education shall have access to such records upon request.
- b) Notwithstanding the provisions of Conn. Gen. Stat. §10-151c, the Board shall provide the Commissioner of DCF, upon request and for the purposes of an investigation by the Commissioner of DCF of suspected child abuse or neglect by a teacher employed by the Board, any records maintained or kept on file by the Board. Such records shall include, but not be limited to, supervisory records, reports of competence, personal character and efficiency maintained in such teacher's personnel file with reference to evaluation of performance as a professional employee of the Board, and records of the personal misconduct of such teacher. For purposes of this section, "teacher" includes each certified professional employee below the rank of superintendent employed by the Board in a position requiring a certificate issued by the State Board of Education.

18. Child Sexual Abuse and/or Sexual Assault Response Policy and Reporting Procedure

The Board has adopted a uniform child sexual abuse and/or sexual assault response policy and reporting procedure in connection with the implementation of the sexual assault and abuse prevention and awareness program identified or developed by DCF, as outlined in Board Policy [#], **Child Sexual Abuse and/or Sexual Assault Response Policy and Reporting Procedure**. Upon receipt of any report of child sexual abuse and/or sexual assault from any source, a school employee shall report such suspicion to the Safe School Climate Coordinator

**Personnel****Reports of Suspected Abuse or Neglect of Children Or Reports of Sexual Assault of Students by School Employees**

in addition to complying with the school employee's obligations under this Policy and the law regarding mandatory reporting of abuse, neglect and sexual assault.

Beginning July 1, 2023, and annually thereafter, information regarding the sexual abuse and assault awareness and prevention program identified or developed by DCF shall be distributed electronically to all school employees, Board members, and the parents or guardians of enrolled students.

## Legal References:

## Connecticut General Statutes:

Section 10-151	Employment of teachers. Definitions. Tenure. Notice and hearing on failure to renew or termination of contract. Appeal.
Section 10-221s	Posting of Careline telephone numbers in schools. Investigations of child abuse and neglect. Disciplinary action.
Section 17a-101 <u>et seq.</u>	Protection of children from abuse. Mandated reporters. Educational and training programs. Model mandated reporting policy.
Section 17a-101q	Statewide Sexual Abuse and Assault Awareness and Prevention Program.
Section 17a-103	Reports by others. False reports. Notifications to law enforcement agencies.
Section 46b-120	Definitions.
Section 53a-65	Definitions.

Public Act No. 22-87, "An Act Concerning the Identification and Prevention of and Response to Adult Sexual Misconduct Against Children."

Public Act No. 23-47, "An Act Concerning Various Revisions to the Criminal Law and Criminal Justice Statutes"

ADOPTED: December 20, 2022  
Policy Revised:

AVON PUBLIC SCHOOL DISTRICT  
Avon, Connecticut

## Appendix A

### RELEVANT EXCERPTS OF STATUTORY DEFINITIONS OF SEXUAL ASSAULT AND RELATED TERMS COVERED BY MANDATORY REPORTING LAWS AND THIS POLICY

An employee of the Board of Education must make a report in accordance with this policy when the employee of the Board of Education in the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that any person, regardless of age, who is being educated by the Technical Education and Career System or a local or regional board of education, other than as part of an adult education program, is a victim of the following sexual assault crimes, and the perpetrator is a school employee. The following are relevant excerpts of the sexual assault laws and related terms covered by mandatory reporting laws and this policy.

#### **Intimate Parts (Conn. Gen. Stat. § 53a-65)**

"Intimate parts" means the genital area or any substance emitted therefrom, groin, anus or any substance emitted therefrom, inner thighs, buttocks or breasts.

#### **Sexual Intercourse (Conn. Gen. Stat. § 53a-65)**

"Sexual intercourse" means vaginal intercourse, anal intercourse, fellatio or cunnilingus between persons regardless of sex. Penetration, however slight, is sufficient to complete vaginal intercourse, anal intercourse or fellatio and does not require emission of semen. Penetration may be committed by an object manipulated by the actor into the genital or anal opening of the victim's body.

#### **Sexual Contact (Conn. Gen. Stat. § 53a-65)**

"Sexual contact" means (A) any contact with the intimate parts of a person for the purpose of sexual gratification of the actor or for the purpose of degrading or humiliating such person or any contact of the intimate parts of the actor with a person for the purpose of sexual gratification of the actor or for the purpose of degrading or humiliating such person, or (B) for the purposes of subdivision (4) of subsection (a) of section 53a-73a, any contact with the intimate parts of a dead human body, or any contact of the intimate parts of the actor with a dead human body, for the purpose of sexual gratification of the actor.

#### **Sexual Assault in the First Degree (Conn. Gen. Stat. § 53a-70)**

A person is guilty of sexual assault in the first degree when such person (1) compels another person to engage in sexual intercourse by the use of force against such other person or a third person, or by the threat of use of force against such other person or against a third person which reasonably causes such person to fear physical injury to such person or a third person, or (2) engages in sexual intercourse with another person and such other person is under thirteen years of age and the actor is more than two years older than such person, or (3) commits sexual assault in the second degree as provided in section 53a-71 and in the commission of such offense is aided by two or more other persons actually present, or (4) engages in sexual intercourse with another person and such other person is mentally incapacitated to the extent that such other person is unable to consent to such sexual intercourse.

### **Aggravated Sexual Assault in the First Degree (Conn. Gen. Stat. § 53a-70a)**

A person is guilty of aggravated sexual assault in the first degree when such person commits sexual assault in the first degree as provided in section 53a-70 and in the commission of such offense (1) such person uses or is armed with and threatens the use of or displays or represents by such person's words or conduct that such person possesses a deadly weapon, (2) with intent to disfigure the victim seriously and permanently, or to destroy, amputate or disable permanently a member or organ of the victim's body, such person causes such injury to such victim, (3) under circumstances evincing an extreme indifference to human life such person recklessly engages in conduct which creates a risk of death to the victim, and thereby causes serious physical injury to such victim, or (4) such person is aided by two or more other persons actually present. No person shall be convicted of sexual assault in the first degree and aggravated sexual assault in the first degree upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information.

### **Sexual Assault in the Second Degree (Conn. Gen. Stat. § 53a-71)**

A person is guilty of sexual assault in the second degree when such person engages in sexual intercourse with another person and: (1) Such other person is thirteen years of age or older but under sixteen years of age and the actor is more than three years older than such other person; or (2) such other person is impaired because of mental disability or disease to the extent that such other person is unable to consent to such sexual intercourse; or (3) such other person is physically helpless; or (4) such other person is less than eighteen years old and the actor is such person's guardian or otherwise responsible for the general supervision of such person's welfare; or (5) such other person is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or (6) the actor is a psychotherapist and such other person is (A) a patient of the actor and the sexual intercourse occurs during the psychotherapy session, (B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or (C) a patient or former patient of the actor and the sexual intercourse occurs by means of therapeutic deception; or (7) the actor accomplishes the sexual intercourse by means of false representation that the sexual intercourse is for a bona fide medical purpose by a health care professional; or (8) the actor is a school employee and such other person is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor; or (9) the actor is a coach in an athletic activity or a person who provides intensive, ongoing instruction and such other person is a recipient of coaching or instruction from the actor and (A) is a secondary school student and receives such coaching or instruction in a secondary school setting, or (B) is under eighteen years of age; or (10) the actor is twenty years of age or older and stands in a position of power, authority or supervision over such other person by virtue of the actor's professional, legal, occupational or volunteer status and such other person's participation in a program or activity, and such other person is under eighteen years of age; or (11) such other person is placed or receiving services under the direction of the Commissioner of Developmental Services in any public or private facility or program and the actor has supervisory or disciplinary authority over such other person.

### **Sexual Assault in the Third Degree (Conn. Gen. Stat. § 53a-72a)**

A person is guilty of sexual assault in the third degree when such person (1) compels another person to submit to sexual contact (A) by the use of force against such other person or a third person, or (B) by the threat of use of force against such other person or against a third person, which reasonably causes such other person to fear physical injury to himself or herself or a third person, or (2) subjects another person to sexual contact and such other person is mentally incapacitated or impaired because of mental disability or disease to the extent that such other person is unable to

consent to such sexual contact, or (3) engages in sexual intercourse with another person whom the actor knows to be related to him or her within any of the degrees of kindred specified in section 46b-21.

#### **Sexual Assault in the Third Degree with a Firearm (Conn. Gen. Stat. § 53a-72b)**

A person is guilty of sexual assault in the third degree with a firearm when such person commits sexual assault in the third degree as provided in section 53a-72a, and in the commission of such offense, such person uses or is armed with and threatens the use of or displays or represents by such person's words or conduct that such person possesses a pistol, revolver, machine gun, rifle, shotgun or other firearm. No person shall be convicted of sexual assault in the third degree and sexual assault in the third degree with a firearm upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information.

#### **Sexual Assault in the Fourth Degree (Conn. Gen. Stat. § 53a-73a)**

A person is guilty of sexual assault in the fourth degree when: (1) Such person subjects another person to sexual contact who is (A) under thirteen years of age and the actor is more than two years older than such other person, or (B) thirteen years of age or older but under fifteen years of age and the actor is more than three years older than such other person, or (C) physically helpless, or (D) less than eighteen years old and the actor is such other person's guardian or otherwise responsible for the general supervision of such other person's welfare, or (E) in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or (2) such person subjects another person to sexual contact without such other person's consent; or (3) such person engages in sexual contact with an animal or dead body; or (4) such person is a engages in sexual contact with a dead human body; or (5) such person is a psychotherapist and subjects another person to sexual contact who is (A) a patient of the actor and the sexual contact occurs during the psychotherapy session, or (B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or (C) a patient or former patient of the actor and the sexual contact occurs by means of therapeutic deception; or (5) (6) such person subjects another person to sexual contact and accomplishes the sexual contact by means of false representation that the sexual contact is for a bona fide medical purpose by a health care professional; or (6) (7) such person is a school employee and subjects another person to sexual contact who is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor; or (7) (8) such person is a coach in an athletic activity or a person who provides intensive, ongoing instruction and subjects another person to sexual contact who is a recipient of coaching or instruction from the actor and (A) is a secondary school student and receives such coaching or instruction in a secondary school setting, or (B) is under eighteen years of age; or (8) (9) such person subjects another person to sexual contact and (A) the actor is twenty years of age or older and stands in a position of power, authority or supervision over such other person by virtue of the actor's professional, legal, occupational or volunteer status and such other person's participation in a program or activity, and (B) such other person is under eighteen years of age; or (9) (10) such person subjects another person to sexual contact who is placed or receiving services under the direction of the Commissioner of Developmental Services in any public or private facility or program and the actor has supervisory or disciplinary authority over such other person.

## APPENDIX B

### Operational Definitions of Child Abuse and Neglect

The purpose of this policy is to provide consistency for staff in defining and identifying operational definitions, evidence of abuse and/or neglect and examples of adverse impact indicators.

The following operational definitions are working definitions and examples of child abuse and neglect as used by the Connecticut DCF.

For the purposes of these operational definitions,

- A person responsible for a child's health, welfare or care means:
  - the child's parent, guardian, or foster parent; an employee of a public or private residential home, agency or institution or other person legally responsible under State law for the child's welfare in a residential setting; or any staff person providing out-of-home care, including center-based child day care, family day care, or group day care.
- A person given access to a child is a person who is permitted to have personal interaction with a child by the person responsible for the child's health, welfare or care or by a person entrusted with the care of a child.
- A person entrusted with the care of a child is a person who is given access to a child by a person responsible for the health, welfare or care of a child for the purpose of providing education, child care, counseling, spiritual guidance, coaching, training, instruction, tutoring or mentoring.
- **Note:** Only a "child" as defined in the policy above may be classified as a victim of child abuse and/or neglect; only a "person responsible," "person given access," or "person entrusted" as defined above may be classified as a perpetrator of child abuse and/or neglect.
  - While only a child under eighteen may be a victim of child abuse or neglect, a report under mandatory reporting laws and this policy is required if an employee of the Board of Education in the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that any person, regardless of age, who is being educated by the Technical Education and Career System or a local or regional board of education, other than as part of an adult education program, is a victim of sexual assault, as set forth in this policy, and the perpetrator is a school employee.

### Physical Abuse

**A child may be found to have been physically abused who:**

has been inflicted with physical injury or injuries other than by accidental means,

is in a condition which is the result of maltreatment such as, but not limited to, malnutrition, sexual molestation, deprivation of necessities, emotional maltreatment or cruel punishment, and/or

has injuries at variance with the history given of them.

**Evidence of physical abuse includes, but is not limited to the following:**

excessive physical punishment;

bruises, scratches, lacerations;

burns, and/or scalds;

reddening or blistering of the tissue through application of heat by fire, chemical substances, cigarettes, matches, electricity, scalding water, friction, etc.;

injuries to bone, muscle, cartilage, ligaments:

fractures, dislocations, sprains, strains, displacements, hematomas, etc.;

head injuries;

internal injuries;

death;

misuse of medical treatments or therapies;

malnutrition related to acts of commission or omission by an established caregiver resulting in a child's malnourished state that can be supported by professional medical opinion;

deprivation of necessities acts of commission or omission by an established caregiver resulting in physical harm to child; and/or

cruel punishment.

**Sexual Abuse/Exploitation Sexual Abuse/Exploitation**

**Sexual Abuse/Exploitation** is any incident involving a child's non-accidental exposure to sexual behavior.

**Evidence of sexual abuse includes, but is not limited to the following:**

rape;

penetration: digital, penile, or foreign objects;

oral / genital contact;

indecent exposure for the purpose of sexual gratification of the offender, or for purposes of shaming, humiliating, shocking or exerting control over the victim;

incest;

fondling, including kissing, for the purpose of sexual gratification of the offender, or for purposes of shaming, humiliating, shocking or exerting control over the victim;

sexual exploitation, including possession, manufacture, or distribution of child pornography, online enticement of a child for sexual acts, child prostitution, child-sex tourism, unsolicited obscene material sent to a child, or misleading domain name likely to attract a child to an inappropriate website;

coercing or forcing a child to participate in, or be negligently exposed to, pornography and/or sexual behavior;

disease or condition that arises from sexual transmission; and/or

other verbal, written or physical behavior not overtly sexual but likely designed to “groom” a child for future sexual abuse.

**Legal References:** Federal Law 18 U.S.C. 2251 Sexual Exploitation of Children.

### **Emotional Maltreatment-Abuse**

**Emotional Maltreatment-Abuse is an:**

act(s), statement(s), or threat(s), which

has had, or is likely to have an adverse impact on the child; and/or

interferes with a child’s positive emotional development.

**Evidence of emotional maltreatment-abuse includes, but is not limited to, the following:**

rejecting;

degrading;

isolating and/or victimizing a child by means of cruel, unusual, or excessive methods of discipline; and/or

exposing the child to brutal or intimidating acts or statements.

**Indicators of Adverse Impact of emotional maltreatment-abuse may include, but are not limited to, the following:**

depression;

withdrawal;

low self-esteem;

anxiety;

fear;



aggression/ passivity;  
emotional instability;  
sleep disturbances;  
somatic complaints with no medical basis;  
inappropriate behavior for age or development;  
suicidal ideations or attempts;  
extreme dependence;  
academic regression; and/or  
trust issues.

### **Physical Neglect**

**A child may be found neglected who:**

has been abandoned;  
is being denied proper care and attention physically, educationally, emotionally, or morally;  
is being permitted to live under conditions, circumstances or associations injurious  
to the child's well-being; and/or  
has been abused.

**Evidence of physical neglect includes, but is not limited to:**

inadequate food;  
malnutrition;  
inadequate clothing;  
inadequate housing or shelter;  
erratic, deviant, or impaired behavior by the person responsible for the child's health, welfare or care; by a person given access to the child; or by a person entrusted with the child's care which adversely impacts the child;  
permitting the child to live under conditions, circumstances or associations injurious to the child's well-being including, but not limited to, the following:  
substance abuse by caregiver, which adversely impacts the child physically;

substance abuse by the mother of a newborn child and the newborn has a positive urine or meconium toxicology for drugs;

psychiatric problem of the caregiver which adversely impacts the child physically;

exposure to family violence which adversely impacts the child physically;

exposure to violent events, situations, or persons that would be reasonably judged to compromise a child's physical safety;

non-accidental, negligent exposure to drug trafficking and/or individuals engaged in the active abuse of illegal substances;

voluntarily and knowingly entrusting the care of a child to individuals who may be disqualified to provide safe care, *e.g.*, persons who are subject to active protective or restraining orders; persons with past history of violent/drug/sex crimes; persons appearing on the Central Registry;

non-accidental or negligent exposure to pornography or sexual acts;

inability to consistently provide the minimum of child-caring tasks;

inability to provide or maintain a safe living environment;

action/inaction resulting in death;

abandonment;

action/inaction resulting in the child's failure to thrive;

transience;

inadequate supervision:

creating or allowing a circumstance in which a child is alone for an excessive period of time given the child's age and cognitive abilities;

holding the child responsible for the care of siblings or others beyond the child's ability; and/or

failure to provide reasonable and proper supervision of a child given the child's age and cognitive abilities.

#### Note:

- Inadequate food, clothing, or shelter or transience finding must be related to caregiver acts of omission or commission and not simply a function of poverty alone.
- Whether or not the adverse impact has to be demonstrated is a function of the child's age, cognitive abilities, verbal ability and developmental level.
- The presence of legal or illegal substances in the bodily fluids of (1) a parent or legal guardian or (2) a pregnant person shall not form the sole or primary basis for any action or proceeding by the Department. Any action or proceeding by the Department must be based on harm or risk of harm to a child and the parent or guardian's ability to provide appropriate care for the child.
- Adverse impact may not be required if the action/inaction is a single incident that demonstrates a serious disregard for the child's welfare.

## Medical Neglect

**Medical Neglect** is the unreasonable delay, refusal or failure on the part of the person responsible for the child's health, welfare or care or the person entrusted with the child's care to seek, obtain, and/or maintain those services for necessary medical, dental or mental health care when such person knows, or should reasonably be expected to know, that such actions may have an adverse impact on the child.

**Evidence of medical neglect includes, but is not limited to:**

frequently missed appointments, therapies or other necessary medical and/or mental health treatments;

withholding or failing to obtain or maintain medically necessary treatment from a child with life-threatening, acute or chronic medical or mental health conditions; and/or

withholding medically indicated treatment from disabled infants with life-threatening conditions.

**Note:** Failure to provide the child with immunizations or routine well-child care in and of itself does not constitute medical neglect.

## Educational Neglect

Except as noted below, **Educational Neglect** occurs when a school-aged child has excessive absences from school through the intent or neglect of the parent or caregiver.

**Definition of School-Aged Child:** Except as noted below, a school-aged child is a child five years of age and older and under 18 years of age who is not a high school graduate. **Note:** Excessive absenteeism and school avoidance may be presenting symptoms of a failure to meet the physical, emotional or medical needs of a child. Careline staff shall consider these potential additional allegations at the time of referral.

### Criteria:

- For children school-aged to age 12, excessive absenteeism may be indicative of the parent's or caregiver's failure to meet the educational needs of a student.
- For children older than age 12, excessive absenteeism, coupled with a failure by the parent or caregiver to engage in efforts to improve the child's attendance, may be indicative of educational neglect.
  - For children older than age 12, excessive absenteeism through the child's own intent, despite the parent's or caregiver's efforts, is not educational neglect. Rather, this is truancy, which is handled through the school district.

**Child's Characteristics.** In determining the criteria for excessive absenteeism, the following characteristics of the child shall be considered by the social worker:

- Age;
- Health;

- Level of functioning;
- Academic standing; and
- Dependency on parent or caregiver

**Parent or Caregiver's Characteristics.** In determining the criteria for excessive absenteeism, the following characteristics of the parent or caregiver shall be considered by the social worker:

- Rationale provided for the absences;
- Efforts to communicate and engage with the educational provider; and
- Failure to enroll a school-aged child in appropriate educational programming (including homeschooling)

**Exceptions (in accordance with Conn. Gen. Stat. § 10-184):**

1. A parent or person having control of a child may exercise the option of not sending the child to school at age five (5) or age six (6) years by personally appearing at the school district office and signing an option form. In these cases, educational neglect occurs if the parent or person having control of the child has registered the child at age five (5) or age (6) years and then does not allow the child to attend school or receive home instruction.
2. A parent or person having control of a child seventeen (17) years of age may consent to such child's withdrawal from school. Such parent or person shall personally appear at the school district office and sign a withdrawal form.

**Note:** Failure to sign a registration option form for such a child is not in and of itself educational neglect.

**Emotional Neglect**

**Emotional Neglect** is the denial of proper care and attention, or failure to respond, to a child's affective needs by the person responsible for the child's health, welfare or care; by the person given access to the child; or by the person entrusted with the child's care which has an adverse impact on the child or seriously interferes with a child's positive emotional development.

**Note:** Whether or not the adverse impact has to be demonstrated is a function of the child's age, cognitive abilities, verbal ability and developmental level. Adverse impact is not required if the action/inaction is a single incident which demonstrates a serious disregard for the child's welfare.

**Note:** The adverse impact may result from a single event and/or from a consistent pattern of behavior and may be currently observed or predicted as supported by evidence-based practice.

**Evidence of emotional neglect includes, but is not limited to, the following:**

- inappropriate expectations of the child given the child's developmental level;
- failure to provide the child with appropriate support, attention and affection;
- permitting the child to live under conditions, circumstances or associations;

**injurious to the child's well-being including, but not limited to, the following:**

**substance abuse by caregiver, which adversely impacts the child emotionally;**

**psychiatric problem of the caregiver, which adversely impacts the child emotionally;  
and/or**

**exposure to family violence which adversely impacts the child emotionally.**

**Indicators may include, but are not limited to, the following:**

**depression;**

**withdrawal;**

**low self-esteem;**

**anxiety;**

**fear;**

**aggression/ passivity;**

**emotional instability;**

**sleep disturbances;**

**somatic complaints with no medical basis;**

**inappropriate behavior for age or development;**

**suicidal ideations or attempts;**

**extreme dependence;**

**academic regression; and/or  
trust issues.**

### **Moral Neglect**

**Moral Neglect:** Exposing, allowing, or encouraging the child to engage in illegal or reprehensible activities by the person responsible for the child's health, welfare or care or person given access or person entrusted with the child's care.

**Evidence of Moral Neglect includes but is not limited to:**

**stealing;**

**using drugs and/or alcohol; and/or**

**involving a child in the commission of a crime, directly or by caregiver indifference.**

## Appendix C

### INDICATORS OF CHILD ABUSE AND NEGLECT

#### Indicators of Physical Abuse

##### HISTORICAL

Delay in seeking appropriate care after injury

No witnesses

Inconsistent or changing descriptions of accident by child and/or parent

Child's developmental level inconsistent with history

History of prior "accidents"

Absence of parental concern

Child is handicapped (physically, mentally, developmentally) or otherwise perceived as "different" by parent

Unexplained school absenteeism

History of precipitating crisis

##### PHYSICAL

Soft tissue injuries on face, lips, mouth, back, buttocks, thighs or large areas of the torso

Clusters of skin lesions; regular patterns consistent with an implement

Shape of lesions inconsistent with accidental bruise

Bruises/welts in various stages of healing

Burn pattern consistent with an implement on soles, palms, back, buttocks and genitalia; symmetrical and/or sharply demarcated edges

Fractures/dislocations inconsistent with history

Laceration of mouth, lips, gums or eyes

Bald patches on scalp

Abdominal swelling or vomiting

Adult-size human bite mark(s)

Fading cutaneous lesions noted after weekends or absences

Rope marks

## **BEHAVIORAL**

Wary of physical contact with adults

Affection inappropriate for age

Extremes in behavior, aggressiveness/withdrawal

Expresses fear of parents

Reports injury by parent

Reluctance to go home

Feels responsible (punishment "deserved")

Poor self-esteem

Clothing covers arms and legs even in hot weather

## **Indicators of Sexual Abuse**

## **HISTORICAL**

Vague somatic complaint

Excessive school absences

Inadequate supervision at home

History of urinary tract infection or vaginitis

Complaint of pain; genital, anal or lower back/abdominal

Complaint of genital itching

Any disclosure of sexual activity, even if contradictory

## **PHYSICAL**

Discomfort in walking, sitting

Evidence of trauma or lesions in and around mouth

Vaginal discharge/vaginitis

Vaginal or rectal bleeding

Bruises, swelling or lacerations around genitalia, inner thighs

Dysuria

Vulvitis

Any other signs or symptoms of sexually transmitted disease

Pregnancy

## **BEHAVIORAL**

Low self-esteem

Change in eating pattern

Unusual new fears

Regressive behaviors

Personality changes (hostile/aggressive or extreme compliance)

Depression

Decline in school achievement

Social withdrawal or poor peer relationships

Indicates sophisticated or unusual sexual knowledge for age

Seductive behavior, promiscuity or prostitution

Substance abuse

Suicide ideation or attempt

Runaway

## **Indicators of Emotional Abuse**

## **HISTORICAL**

Parent ignores/isolates/belittles/rejects/scapegoats child

Parent's expectations inappropriate to child's development



Prior episode(s) of physical abuse

Parent perceives child as "different"

## **PHYSICAL**

(Frequently none)

Failure to thrive

Speech disorder

Lag in physical development

Signs/symptoms of physical abuse

## **BEHAVIORAL**

Poor self-esteem

Regressive behavior (sucking, rocking, enuresis)

Sleep disorders

Adult behaviors (parenting sibling)

Antisocial behavior

Emotional or cognitive developmental delay

Extremes in behavior - overly aggressive/compliant

Depression

Suicide ideation/attempt

## **Indicators of Physical Neglect**

### **HISTORICAL**

High rate of school absenteeism

Frequent visits to school nurse with nonspecific complaints

Inadequate supervision, especially for long periods and for dangerous activities

Child frequently unattended; locked out of house

Parental inattention to recommended medical care

No food intake for 24 hours

Home substandard (no windows, doors, heat), dirty, infested, obvious hazards

Family member addicted to drugs/alcohol

## **PHYSICAL**

Hunger, dehydration

Poor personal hygiene, unkempt, dirty

Dental cavities/poor oral hygiene

Inappropriate clothing for weather/size of child, clothing dirty; wears same clothes day after day

Constant fatigue or listlessness

Unattended physical or health care needs

Infestations

Multiple skin lesions/sores from infection

## **BEHAVIORAL**

Comes to school early, leaves late

Frequent sleeping in class

Begging for/stealing food

Adult behavior/maturity (parenting siblings)

Delinquent behaviors

Drug/alcohol use/abuse

## Students

### Improving Completion Rates Of The Free Application For Federal Student Aid (Fafsa)

The Avon Board of Education (the "Board") understands that completion of the Free Application for Federal Student Aid ("FAFSA") is an important step in the path to postsecondary education and is associated with higher rates of college enrollment. The Board is committed to improving the completion rates of the FAFSA for students enrolled in the Avon Public Schools (the "District").

#### Program to Improve FAFSA Completion Rates

In order to improve the completion rates of the FAFSA by students enrolled in grade twelve in the District, the District shall develop a systematic program through which students are educated about the purpose and content of the FAFSA, encouraged to complete the FAFSA, and assisted in the completion of the FAFSA, as may be necessary and appropriate. The Board directs the Superintendent or designee to develop administrative regulations in furtherance of this policy. The Board further directs the Superintendent or designee to conduct periodic assessments of such regulations, at least annually, to determine the effectiveness of such regulations in improving completion rates of the FAFSA.

#### FAFSA Graduation Requirements

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

1. completed a 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.

#### Confidentiality of FAFSA

Any information contained in a FAFSA, held by the Board, shall not be a public record for purposes of the Freedom of Information Act and thus shall not be subject to disclosure under the provisions of section 1-210 of the Connecticut General Statutes.

**Students**

**Improving Completion Rates Of The Free Application For Federal Student Aid (FAFSA)**

**Reporting of FAFSA Completion Rates**

Each year, the Superintendent or designee will report to the Board the FAFSA completion rate for each high school in the District.

**Gifts, Grants and Donations to Implement Policy**

The Board may accept gifts, grants and donations, including in-kind donations, to implement the provisions of this policy.

Legal References:

Conn. Gen. Stat. § 10a-11i

Conn. Gen. Stat. § 10-223m

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

ADOPTED: February 28, 2023

Revised:

AVON PUBLIC SCHOOLS  
Avon, Connecticut

## Bylaws

### Construction And Posting Of Agenda

#### I. Construction of Agenda

- A. The Superintendent in cooperation with the Chairperson of the Board of Education (the "Board") shall prepare an agenda for each meeting of the Avon Board of Education.
- B. If there is any Board member interested in an item that does not appear on the agenda, they shall arrange to speak with the Chair or the Superintendent of Schools before the meeting to discuss the matter. If the item is appropriate to the meeting, it may be discussed under New Business or Old Business. If the item requires extensive discussion or additional information, it may be placed on a future agenda.

#### II. Posting of Agenda

- A. At least twenty-four (24) hours prior to the time of the regular [or special] meeting, an agenda will be constructed and posted by the Superintendent of Schools for the Board.
- B. An agenda will be posted at Town Hall, the Board's Administrative Offices, and on the Board's Internet web site. Any associated documents that may be reviewed by members of the Board at such meeting shall be posted on the board's Internet web site, provided such documents are not exempt from disclosure under the Freedom of Information Act.
- C. The Board may add items to the agenda of any regular meeting by a two-thirds vote of those Board Members present and voting.
- D. If, in accordance with applicable law, the Board holds a public meeting that is accessible to the public by means of electronic equipment or by means of electronic equipment in conjunction with an in-person meeting, the agenda shall include instructions for the public to attend and provide comment or otherwise participate in the meeting by means of electronic equipment or in person, as applicable and permitted by law. Any such agenda shall be posted in accordance with the provisions of Connecticut General Statutes Section 1-225.

#### Legal Reference:

#### Connecticut General Statutes

Public Act 22-3, "An Act Concerning Remote Meetings Under the Freedom of Information Act."

**Bylaws**

**Construction And Posting Of Agenda**

1-225 Meetings of government agencies to be public. Recording of votes. Schedule and agenda of certain meetings to be filed and posted on web sites. Notice of special meetings. Executive sessions

10-218 Officers. Meetings

Public Act 23-160, "An Act Concerning Education Mandate Relief and Other Technical and Assorted Revisions and Additions to the Education and Early Childhood Education Statutes."

10-220 Duties of board of education

Policy adopted: April 23, 2020

Policy revised: May 16, 2023

Policy revised:

AVON PUBLIC SCHOOLS  
Avon, Connecticut