

## Students

### Civil and Legal Rights and Responsibilities

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

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

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

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

The Special Education Director is the Coordinator of Section 504 activities.

Legal Reference: Connecticut General Statutes

Goals 2000 - Educate America Act

10-15c Discrimination in public schools prohibited.

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

Policy adopted: August 17, 2010

PUTNAM PUBLIC SCHOOLS  
Putnam, Connecticut

## Students

### Police in Schools

Schools are responsible for students during school hours which includes protecting each student's constitutional rights, assuring due process in questioning and arrest, and protecting students from any form of illegal coercion.

When police are investigating possible criminal acts which occurred, or may have occurred, on school property, or while under the jurisdiction of the school district, they may question students at school when the following procedures are observed:

1. Students will be questioned as confidentially and inconspicuously as possible.
2. An attempt will be made to notify the student's parents so that they may be present during the questioning. The school principal, or his/her designee, will be present.

When investigating a possible criminal violation occurring off school grounds or not part of a school program, police will be encouraged to question students in their homes; however, they may be permitted to question students in the schools when the procedures outlined in 1 and 2 above are observed.

## **Students**

### **Search and Seizure**

School administrators have the authority to conduct reasonable searches and seize materials in accordance with this policy for the purpose of maintaining a safe, orderly environment and for upholding standards of conduct established by the Board of Education or school. This policy does not apply to investigations conducted by law enforcement officials or to investigations conducted exclusively for the purpose of criminal prosecution. School officials carrying out a search and seizure are expected to be knowledgeable about the constitutional rights of students and appropriate procedures for conducting the search or seizure.

Reasonable suspicion that a student has unauthorized or illegal materials is generally required before an individual may be singled out for a search. Reasonable suspicion is not required if a student freely, voluntarily and knowingly consents and agrees to the search of his/her person or personal effects.

#### **1. Search of a Student and His/Her Effects**

Fourth Amendment rights to be free from unreasonable searches and seizures apply to searches conducted by public school officials. A student and his/her effects may be searched if there are “reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school.” The way the search is conducted should be “reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.” Under no circumstances is a school official authorized to conduct a “strip search” of a student.

#### **2. Search of a Locker, Desk and Other Storage Area**

A. Lockers, desks and other storage areas provided by the school system for use by students are the property of the school system. Such storage areas are provided for the temporary convenience of students only. The Board of Education authorizes the administration and/or law enforcement officials to search lockers and other school property available for use by students for the presence of weapons, contraband or the fruits of a crime if there are reasonable grounds at the inception of the search for suspecting that the search will reveal evidence that the student has violated or is violating either the law or the rules of the school. Moreover, the scope of the search shall be reasonably related to the objectives of the search and shall not be excessively intrusive in light of the age and sex of the student and the nature of the infraction.

## Students

### Search and Seizure (continued)

#### 2. Search of a Locker, Desk and Other Storage Area (continued)

- B. If the school administration reasonably suspects that a student is not maintaining a locker or other storage area assigned to him/her in a sanitary condition, or that the storage area contains items the possession of which is illegal or in violation of school regulations or that endangers the health, safety or welfare of the student or others, it has the right to open and examine the storage area and to seize any such items that are found.
- C. When required by law and otherwise at the option of the building Principal, items that have been seized shall be submitted to the police department for proper disposition. Items not submitted to the police department shall be disposed of as directed by the building Principal.
- D. The decision to search shall be made by the Principal or the Principal's designee. The search shall be made in the presence of at least one witness. Should a student refuse to cooperate, the administration may contact the police to assist with the search. Discovery of illegal or dangerous materials shall be reported to the Office of the Superintendent.

#### 3. Searches of Student Motor Vehicles

Students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to patrol student parking lots at any time, without notice or consent. The interiors of vehicles on school property may be searched if a school official has reasonable suspicion to believe that illegal, unauthorized or contraband items, other evidence of a crime or violation of district policy, or items which may be a threat to safety or security are contained inside.

#### 4. Use of Trained Dogs

The District may elect to use specially trained drug dogs to alert the dog's handler to the presence of controlled substances in school facilities, grounds and parking lots, at the discretion of the Superintendent or designee. The trained drug dogs may sniff lockers, student motor vehicles, and other inanimate objects. Such inspections are not considered searches and do not require notice or consent. Only the trained dog's handler will determine what constitutes an alert by the dog. A drug dog's alert constitutes reasonable suspicion for district officials to search the lockers, personal items or vehicles. Such a search by District officials may be conducted without notice or consent, and without a search warrant.

Dogs may not be used for random searches of students or other persons.

# Students

## Search and Seizure (continued)

### 5. Use of Metal Detectors

A metal detector can be used to search a student's person and/or personal effects whenever a school official has reasonable suspicion to believe that the student is in possession of a weapon. The search must be conducted by a school official. The search will be conducted in private, where feasible.

A school is authorized to conduct general searches of students and their personal effects with a metal detector before a student can gain entry to the school campus or any school-sponsored extracurricular activity. The search must be conducted in accordance with procedures established by the Superintendent or designee. Prior to initiating general searches, the school must:

- Substantiate to the Superintendent the need for general searches based upon a pattern or expectation of violence or disruption.
- Provide written notice, if feasible, to students and parents/guardians of the school policy governing general searches, but not of specific times or places where searches will be conducted.

(cf. 5131.111 – Video Surveillance)

(cf. 5131.3 – Student Driving/Parking)

(cf. 5131.6 – Drugs, Tobacco, Alcohol)

(cf. 5131.61 – Inhalant Abuse)

(cf. 5131.62 – Steroid Use)

(cf. 5131.612 – Surrender of Physical Evidence Obtained From Students)

(cf. 5131.7 – Weapons and Dangerous Instruments)

Legal References: Connecticut General Statutes

Section 10-221 Boards of Education to prescribe rules

Section 54-33n Searches

*New Jersey v. T.L.O.*; 469 U.S. 325 (1985)

Policy adopted: August 17, 2010

PUTNAM PUBLIC SCHOOLS  
Putnam, Connecticut

**5145.12(a)**

## **Students**

### **Search and Seizure**

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

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

#### **Prohibited Items**

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

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

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

#### **Emergencies**

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

#### **Student Searches**

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

## **Students**

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

#### **Police Notification**

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

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

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

#### **Prescription Drugs**

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

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

Lost or abandoned items will be inspected by school authorities.

## Students

### Search and Seizure (continued)

#### Student Searches

1. All searches of students shall be conducted or authorized by the principal or designee, in the presence of a witness.
2. When the need to search a student arises, the student may be asked to give his or her consent to the search, but in no event shall the student be threatened with harsher punishment or treatment for refusing to consent, nor shall he or she be coerced or induced to give consent in any other manner. The consent, if given, shall be put in writing. If the student is unwilling to give free and voluntary consent, the school administrator may order the student to submit to a search. If the student refuses to obey the order, the school administrator may bring insubordination charges against the student as stipulated in applicable school regulations.
3. Searches should be no more intrusive than necessary to discover that for which the search was instigated.
4. A search of a student's handbag, gym bag or similar personal property carried by a student may be conducted if there is "reasonable grounds" for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school.
5. Locker searches shall be conducted in the presence of another staff member and in the presence of the student responsible for the contents of the locker, if possible.
6. Searches may include, if school authorities think necessary, a frisk or patdown of student clothing. Frisk or patdown searches shall be conducted by a member of the same sex as the student and in the presence of another staff member.
7. At no time should school officials conduct a search which requires a student to remove more clothing than his/her shoes or jacket. If school authorities are convinced that a more intrusive search is required to expose contraband they should advise the proper law enforcement agency.
8. A search of a student's person, or a search of a group of students where no particular student within the group is suspected, may be conducted only if there is a reasonable suspicion of conduct immediately harmful to students, staff or school property. "Strip searches" of students are prohibited by employees of this school district.
9. Student searches which disclose evidence of school misconduct, but not criminal misconduct, should be treated according to applicable policies and/or regulations.

## Students

### Search and Seizure (continued)

#### Student Searches (continued)

10. In the event that a student search discloses evidence of criminal wrongdoing, the school principal or his/her designee shall determine whether or not police officials should be notified of the fruits of the search. If police officials are notified the student's parents should be advised of this fact as soon as possible.

#### Student Notification

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

Legal Reference: Connecticut General Statutes

10-221 Boards of education to prescribe rules.

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

PA 94-115 An Act Concerning School Searches.

## Search and Seizure

### Student Interrogations, Searches and Arrests

1. What factors cause you to have a reasonable suspicion that the search of this student or his or her effects, locker or automobile will turn up evidence that the student has violated or is violating the law or the rules of the school?

**A. Eyewitness account:**

1. By whom: \_\_\_\_\_
  2. Date/time: \_\_\_\_\_
  3. Place: \_\_\_\_\_
  4. What was seen: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**B. Information from a reliable source.**

1. From whom: \_\_\_\_\_
  2. Time received: \_\_\_\_\_
  3. How information was received: \_\_\_\_\_
  4. Who received the information: \_\_\_\_\_
  5. Describe information: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**C. Suspicious behavior. Explain:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**D. Time of search:** \_\_\_\_\_

**E. Location of search:** \_\_\_\_\_

**F. Student told purpose of search:** \_\_\_\_\_

**G. Consent requested:** \_\_\_\_\_

## Search and Seizure

### Student Interrogations, Searches and Arrests (continued)

**2. Was the search you conducted reasonable in terms of scope and intrusiveness?**

- A. What are you searching for: \_\_\_\_\_
- B. Sex of the student: \_\_\_\_\_
- C. Age of the student: \_\_\_\_\_
- D. Exigency of the situation: \_\_\_\_\_
- E. What type of search is being conducted: \_\_\_\_\_
- F. Who is conducting the search: \_\_\_\_\_  
Position: \_\_\_\_\_  
Sex: \_\_\_\_\_
- G. Witness(es): \_\_\_\_\_

**3. Explanation of Search.**

- A. Describe the time and location of the search: \_\_\_\_\_
- B. Describe exactly what was searched: \_\_\_\_\_
- C. What did the search yield: \_\_\_\_\_
- D. What was seized: \_\_\_\_\_
- E. Were any materials turned over to the police: \_\_\_\_\_
- F. Were parents notified of the search, including the reason for it and the scope:  
\_\_\_\_\_

## Students

### On-Campus Recruitment

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

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

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

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

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

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

(cf. 5125 - Student Records; Confidentiality)

(cf. 5145.15 – Directory Information)

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

Policy adopted: August 17, 2010

PUTNAM PUBLIC SCHOOLS  
 Putnam, Connecticut

## Students

### On-Campus Recruitment

The following regulations are established to ensure that on-campus recruitment of students is conducted in an orderly manner that is not disruptive to the high school program.

1. Organizations wishing to recruit at Putnam High School must make arrangements with the high school Principal or designee who will determine the schedule for the recruitment meeting.
2. Recruitment meetings will be limited to the same number for each organization for each academic year. The exact number will be determined by the Principal and will usually not exceed two recruitment meetings per year.
3. On-campus follow-up meetings with individual students will be permitted only upon the request of the student(s) and with the approval of the Principal or designee.
4. Scheduled visits by recruiters will be made known to the student body by school personnel.
5. The school administration reserves the right to deny a recruitment meeting or access request where the holding of such a meeting will materially and substantially interfere with the proper and orderly operation and discipline of the school; is likely to cause violence or disorder; or will constitute an invasion or violation of the rights of other students. Any person or entity denied access under this regulation shall have the right to request a review of the administrative decision by the Board of Education by filing an appropriate written request with the Superintendent of Schools.

Legal Reference: Connecticut General Statutes

10-221b Boards of education to establish written uniform policy re treatment of recruiters

P.L. 106-398, 2000 H.R. 4205: The National Defense Authorization Act for Fiscal Year 2001

P.L. 107-110 "No Child Left Behind Act" Title IX, Sec. 9528

Regulation approved: August 17, 2010

PUTNAM PUBLIC SCHOOLS  
Putnam, Connecticut

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Putnam, Connecticut

Access to Student Information by Military College Recruiters

Name of Student: \_\_\_\_\_ Date: \_\_\_\_\_

Name of Parent: \_\_\_\_\_ School: \_\_\_\_\_

Dear Parent/Guardian and Secondary Students:

Our District receives funds from the federal government under the *No Child Left Behind Act of 2001*. These funds are used in a variety of ways to provide additional help to students in greatest academic need. The law also requires that districts receiving these funds must, upon request, provide to military recruiters, colleges and universities, access to the names, addresses and telephone listings of secondary students.

It is important for you to know that a secondary school student or his/her parent or guardian may request that the student's name, address, and telephone number not be released by the District without prior written parental consent. If you would like to make such a request, please complete the following and return it to your child's school.

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***Parent or Guardian: Please complete this section and return the entire form to your child's school. Use a separate form for each child.***

I am aware the District must provide access to military recruiters and colleges or universities of student names, addresses and telephone listings. I am aware the District will provide this information upon request, unless I require that such information not be given to the following groups *without prior written parental consent*:

**Military Recruiters** *(please check one)*

- Do not release my secondary student's information to military recruiters at any time.
- Do not release my secondary student's information to military recruiters until you have first obtained my *prior written parental consent* before doing so.

**Colleges, Universities, or Institutions of Higher Learning** *(please check one)*

- Do not release my secondary student's information to colleges, universities or other institutions of higher learning at any time.
- Do not release my secondary student's information to colleges, universities or institutions of higher learning until you have first obtained my *prior written parental consent* before doing so.

Parent Signature: \_\_\_\_\_ Date \_\_\_\_\_

Adult Student Signature: \_\_\_\_\_ Date \_\_\_\_\_

## **Students**

### **Directory Information**

The Board may disclose “directory information” without prior consent, unless a parent/guardian or eligible student notifies the District in writing that s/he does not consent to the release of directory information pertaining to that student. Directory information or class lists of student names and/or addresses, e-mail and telephone lists shall be available to school-based organizations, such as Parent-Teacher Organizations, Athletic Association, Project Graduation and Alumni Associations.

(cf. 5125 - Student Records; Confidentiality)

Legal Reference: Connecticut General Statutes

1-210 (11) Access to public records. Exempt records.

10-221b Boards of education to establish written uniform policy re treatment of recruiters.

P.L. 106-398, 2000 H.R. 4205: The National Defense Authorization Act for Fiscal Year 2001.

P.L. 107-110 “No Child Left Behind Act” Title IX, Sec. 9528

Policy adopted: August 17, 2010

PUTNAM PUBLIC SCHOOLS  
Putnam, Connecticut

## **Students**

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

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

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

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

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

## Students

### Freedom of Speech/Expression (continued)

Legal Reference: *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969).

*Grayned v. City of Rockford*, 408 U.S. 104 (1972).

Amendment of U.S. Constitution - Article I.

Connecticut Constitution, Article First, Declaration of Rights, Sections 4, 5.

Academic Freedom Policy (adopted by Connecticut State Board of Education, 9/9/81).

Policy adopted: August 17, 2010

PUTNAM PUBLIC SCHOOLS  
Putnam, Connecticut

## **Students**

### **Student Government**

#### **Student Involvement in Decision Making**

Students can make positive contributions to the improvement of the educational program and to the operation of an effective school system.

It is the Board's belief that students, in keeping with their level of maturity, should be encouraged to participate in the development of policies, regulations, and procedures which affect them. Such participation in decision making is considered part of the educational process.

As appropriate to the maturity of students and varying grade levels, class or school organizations and school government organizations, such as student councils, may be formed to offer practice in self-government and to serve as channels for the expression of student ideas and opinions.

The Board, through the staff, will take into consideration student opinions in establishing policies which directly affect student programs, activities, privileges, and other areas of student sensitivity.

Students will be welcomed at Board meetings and granted privileges of speaking in line with such privileges extended the general public.

## **Students**

### **Nondiscrimination**

#### **Americans with Disabilities Act/Section 504**

In compliance with its obligations under both Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act, as amended, the District does not discriminate against otherwise qualified students with disabilities in the provision of its educational programs and activities.

It is the intent of the District to provide a free and appropriate public education to each Section 504/ADA qualified and eligible student with a disability within its jurisdiction.

It is the further intent of the District to ensure that each student with a disability within the meaning of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, as amended, is identified, evaluated, and provided with a free and appropriate public education.

Students who because of a disability, need or are believed to need reasonable accommodations, services, and/or programs are addressed under this policy. Under this policy, a student with a disability is one who (a) has a physical or mental impairment that subsequently limits one or more major life activities, including learning; (b) has a record of such impairment; or (c) is regarded as having such an impairment.

A student may be a student with a disability under Section 504 and this policy even though the student does not require services pursuant to the Individuals with Disabilities Education Improvement Act (IDEIA). Students who are identified as individuals with exceptional needs according to the IDEIA criteria are not addressed under this policy, as the needs of such students are provided for elsewhere under state and federal law, and the District's special education procedures.

(cf. 5113.2 – Student Attendance and Truancy)  
(cf. 5114 – Suspension/Expulsion; Student Due Process)  
(cf. 5123 – Promotion/Retention)  
(cf. 5125 – Student Records/Confidentiality)

Legal Reference: Connecticut General Statutes  
10-76a Definitions. (as amended by PA 00-48 and PA 06-18)  
10-76b State supervision of special education programs and services.  
10-76c Receipt and use of money and personal property.  
10-76d Duties and powers of boards of education to provide special education programs and services. (as amended by PA 97-114, PA 00-48 and PA 06-18)

## Students

### Nondiscrimination

#### Americans with Disabilities Act/Section 504

Legal Reference: Connecticut General Statutes (continued)  
10-76ff Procedures for determining if a child requires special education. (as amended by PA 06-18)  
10-76h Special education hearing and review procedure. Mediation of disputes. (as amended by PA 00-48)  
10-76k Development of experimental educational programs.  
PA 06-18 An Act Concerning Special Education.  
State Board of Education Regulations.  
10-76a-1 et seq. Definitions. (as amended by PA 00-48)  
10-76b-1 through 10-76b-4 Supervision and administration.  
10-76d-1 through 10-76d-19 Conditions of instruction.  
10-76h-1 through 10-76h-2 Due process.  
10-145a-24 through 10-145a-31 Special Education (re teacher certification).  
34 C.F.R. 3000 Assistance to States for Education for Handicapped Children.  
American with Disabilities Act, 42 U.S.C. §12101 et seq. (42 U.S.C. Ch 126 §12112), as amended by ADA Amendments Act of 2008.  
Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq.  
Rehabilitation Act of 1973, Section 504, 29 U.S.C. § 794.  
P.L. 108-446 The 2004 Reauthorization of the Individuals with Disabilities Act.  
20 U.S.C. §6368(3) The No Child Left Behind Act.  
Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b).  
American Disability Act of 1989 (42 U.S.C. Ch 126 §12112), as amended by ADA Amendments Act of 2008.

Policy adopted: August 17, 2010

PUTNAM PUBLIC SCHOOLS  
Putnam, Connecticut

## **Students**

### **Sexual and Other Forms of Harassment**

Sexual harassment or any other form of harassment based on protected class status (including, but not limited to race, sex, color, national origin, religion, or disability) will not be tolerated in the Putnam School District. The Board of Education strictly forbids any form of harassment by students, personnel, individuals under contract, or volunteers subject to the control of the Board. Students who engage in harassment will be subject to discipline, up to and including expulsion.

### **Definitions**

#### **Sexual Harassment**

Sexual harassment is defined as unwelcome conduct of a sexual nature, whether verbal or physical, including, but not limited to, advances or requests for sexual favors, insulting or degrading sexual remarks or conduct, threats or suggestions that a student's submission to or rejection of unwelcome conduct will in any way influence a decision regarding that student, or conduct of a sexual nature which substantially interferes with the student's learning or creates an intimidating, hostile or offensive learning environment. Examples of sexual harassment include, but are not limited to:

1. Pressure for sexual activity
2. Repeated remarks with sexual or sexually demeaning implications
3. Unwelcomed or inappropriate touching
4. Suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning a student's grades or academic standing

#### **Other Forms of Harassment Based on Protected Class Status**

For purposes of this policy, harassment of a student based on protected class status other than sexual harassment consists of verbal or physical conduct when the harassing conduct is so severe, persistent or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening or abusive educational environment; the harassing conduct has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or the harassing conduct otherwise adversely affects an individual's work or academic performance.

## **Students**

### **Sexual and Other Forms of Harassment (continued)**

#### **Title IX, Title VI and Section 504 Coordinator**

Questions, complaints, and other matters concerning harassment will normally be handled by the Director of Special Education, who is designated as the District's Title IX, Title VI and Section 504 Coordinator and who may be reached at (860) 963-6926. The Director of Special Education is responsible for ensuring compliance with federal and state law and Board policy concerning sexual and other forms of harassment. In the alternative, such questions, complaints and other matters including but not limited to investigations may be referred directly to and handled by the Superintendent or his/her designee.

#### **Complaint Procedure**

Students who believe they have been victims of sexual or other forms of harassment are encouraged to promptly report such claims. Complaints will be investigated and corrective action will be taken as appropriate. Confidentiality, both of the complainant and the accused, will be respected by all persons involved, consistent with the Board's legal obligations and the necessity to investigate the allegations. Reprisals or retaliation as a result of the reporting of charges of harassment will not be tolerated. Reporting claims of harassment will not affect a student's status, participation in extracurricular activities, grades or work assignments.

A student who believes that he/she has been subjected to behavior that could constitute sexual or other forms of harassment should, whenever possible, immediately inform the alleged harasser that his/her behavior is unwelcome and unacceptable, and that such behavior must stop immediately. It is recognized, however, that the responsibility for ending the harassment rests with the harasser, not the victim.

A student who believes that he/she has been subjected to sexual or other forms of harassment should next submit a written complaint to the Director of Special Education. If the Director of Special Education is the alleged harasser, the complaint should be forwarded directly to the Superintendent or his/her designee. Normally, complaints should be made immediately, or as soon after the act of harassment as possible. Complaint forms are available from the Director of Special Education, guidance office, building principal, and the Superintendent. The complaint should state the name of the complainant and the date of the complaint, the date of the alleged harassment, the name or names of the harasser or harassers, where such harassment occurred, and a statement of the circumstances constituting the alleged harassment.

## **Students**

### **Sexual and Other Forms of Harassment**

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

Any student who makes an oral complaint of harassment to personnel will be provided a copy of this policy and a complaint form, and will be encouraged to submit a written complaint. Failure to provide a written complaint will not, however, preclude investigation and attempted remediation, if necessary, of the complaint. Copies of the complaint form and complaint procedure will be forwarded to parents of any elementary school student who makes a verbal complaint of harassment. All complaints are to be forwarded immediately to the Director of Special Education unless that individual is the alleged harasser, in which case the complaint should be forwarded directly to the Superintendent or his/her designee.

#### **Investigation**

Within five (5) working days of receipt of a complaint or as soon thereafter as possible, the Director of Special Education, or other personnel as appropriate, shall commence an investigation. The investigation should normally include consultation with all individuals reasonably believed to have relevant information, including the complainant, the alleged harasser or harassers, any witnesses to the conduct, and any victims of similar conduct, if known. The investigation shall be carried on discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation. Throughout the entire investigative process, the due process rights of the alleged harasser will be upheld.

At the conclusion of the investigation, the investigator shall provide a written report to the Superintendent, or other appropriate personnel, summarizing the results of the investigation and recommended disposition of the matter. Under normal circumstances, the Superintendent will respond to the investigation within thirty (30) business days after receiving notification of the results from the investigator. If there is reasonable cause to believe that sexual or other forms of harassment have occurred, the Superintendent or his/her designee shall take all reasonable steps to ensure that the harassment ceases and will not re-occur. Steps may include discipline of students, up to and including expulsion and/or discipline of employees, up to and including termination of employment.

If the complainant is not satisfied with the resolution of his/her complaint, he/she can appeal to the Board of Education. The appeal must include a copy of the original complaint, the specific action or inaction being appealed and a proposed resolution.

Following a finding of harassment, victims may be periodically interviewed by the appropriate supervisor as necessary to ensure that the harassment has not re-occurred and that no retaliation has occurred. Such review will continue for a period of time deemed appropriate by the Director of Special Education and/or the Superintendent.

## Students

### Sexual and Other Forms of Harassment (continued)

#### Dissemination, Posting and Discussion of Policy

This policy shall appear in the Student Handbook. This policy shall be discussed with students at least annually and more often as needed. This policy shall be posted in prominent and accessible locations in each school building.

#### Alternate Complaint Procedures

In addition to filing a harassment complaint through the procedures set forth in this policy, a student may choose to exercise other options, including but not limited to filing a complaint with an outside agency or filing a private lawsuit. A charge of harassment may be investigated by the Office for Civil Rights of the United States Department of Education, which may be contacted as follows:

Office for Civil Rights  
U.S. Department of Education, Region 1  
5 Post Office Square  
Boston, MA 02109-3921  
Telephone: (617) 289-0111

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

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PUTNAM PUBLIC SCHOOLS  
Putnam, Connecticut

**SEXUAL HARASSMENT IS ILLEGAL AND IS PROHIBITED BY  
THE CONNECTICUT DISCRIMINATORY EMPLOYMENT PRACTICES ACT  
(Section 46-60(a)(8) of the Connecticut General Statutes)  
AND  
TITLE VII OF THE CIVIL RIGHTS ACT OF 1964  
(42 United States Code Section 2000e et seq.)**

Sexual harassment means any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

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

Such conduct may further constitute illegal harassment if based upon other protected class status including: race, color, religious creed, age, sex, pregnancy, national origin, past or present history of mental disorder, mental retardation, physical disability, marital status, ancestry and sexual orientation. Any harassment based on protected class status will not be tolerated.

**Examples of SEXUAL HARASSMENT include**

UNWELCOME SEXUAL ADVANCES; SUGGESTIVE OR LEWD REMARKS; UNWANTED HUGS, TOUCHES, KISSES; REQUESTS FOR SEXUAL FAVORS; RETALIATION FOR COMPLAINING ABOUT SEXUAL HARASSMENT; DEROGATORY OR PORNOGRAPHIC POSTERS, CARTOONS OR DRAWINGS

**Remedies for SEXUAL HARASSMENT may include**

CEASE AND DESIST ORDERS; BACK PAY; COMPENSATORY DAMAGES; HIRING, PROMOTION OR REINSTATEMENT

Individuals who engage in acts of sexual harassment or harassment based on protected class status may also be subject to civil and criminal penalties.

Contact the Director of Special Education if you have questions or concerns or believe that you or others are being harassed. Please refer to the policies of the Putnam Board of Education concerning sexual and other forms of harassment and complaint procedures (Policy 4118 for Personnel and Policy 5145.5 for Students).

If you feel that you have been discriminated against, contact the Connecticut Commission on Human Rights and Opportunities, 21 Grand Street, Hartford, Connecticut 06106. (Telephone Number: 860-541-3408. Connecticut law requires that a formal written complaint be filed with the Commission within 180 days of the date when the alleged harassment occurred.

If you need additional information, contact the Permanent Commission on the Status of Women, 18-20

Trinity Street, Hartford, Connecticut 06106. (Telephone and TDD Number: 860-240-8300).

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Sexual Harassment Report Form<sup>1</sup>

The Putnam Public Schools maintains a firm policy prohibiting all forms of harassment based on sex or other protected class. Sexual advances or other forms of sexual harassment or any other form of harassment by any person, which creates an intimidating, hostile or offensive environment will not be tolerated under any circumstances. Individuals who suspect that they may be victims of sexual or other forms of harassment shall complete this form and file it with the Director of Special Education, or if deemed more appropriate, with the Superintendent of Schools or his/her designee.

Complainant \_\_\_\_\_

Home Address: \_\_\_\_\_

Work Address: \_\_\_\_\_

Home Phone \_\_\_\_\_ Work Phone: \_\_\_\_\_

Date(s) of alleged incident(s) \_\_\_\_\_

Name of person you believe sexually harassed you \_\_\_\_\_

List of any witnesses that were present \_\_\_\_\_

Where did the incident(s) occur? \_\_\_\_\_

Describe the incident(s) as clearly as possible, including but not necessarily to descriptions of: what force, if any, was used; any specific verbal statements (i.e., threats, requests, demands, etc.); what, if any, physical contact was involved; what did you do to avoid the situation, etc. (Attach additional pages if necessary.)

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

This complaint is filed based on my honest belief that \_\_\_\_\_ has harassed me. I hereby certify that the information I have provided in this complaint is true, correct, and complete to the best of my knowledge and belief.

\_\_\_\_\_  
Signature – Complainant

\_\_\_\_\_  
Date

Received by \_\_\_\_\_

Signature – Director of Special Education

\_\_\_\_\_  
Date

A copy of this form shall be provided to the complainant.

<sup>1</sup>This reporting form should be used for all forms of alleged harassment.

## **Students**

### **Student Grievance Procedures (Title IX)**

#### **Designation of Responsible Employee**

The Board of Education shall designate an individual as the responsible employee to coordinate school district compliance with Title IX and its administrative regulations.

The designee, the District's Compliance Officer, shall formulate procedures for carrying out the policies in this statement and shall be responsible for continuing surveillance of district educational programs and activities with regard to compliance with Title IX and its administrative regulations.

The designee shall, upon adoption of this policy and once each academic year thereafter, notify all students and employees of the District of the name, office address and telephone number of the designee. Notification shall be by posting and/or other means sufficient to reasonably advise all students and employees.

#### **Grievance Procedure**

Any student or employee shall have a ready means of resolving any claim of discrimination on the basis of sex in the educational programs or activities of the District. Grievance procedures are set forth in administrative regulations.

#### **Dissemination of Policy**

The Superintendent of Schools shall notify applicants for admission, students, parents/guardians of elementary and secondary school students, sources of referral of applicants for admission, employees and applicants for employment that it does not discriminate on the basis of sex in the educational programs or activities which it operates and that it is required by Title IX and its administrative regulations not to discriminate in such a manner. The notification shall be made in the form and manner required by law or regulation.

Legal Reference: 20 U.S.C. 1681 – Title IX of the Educational Amendments of 1972

34 C.F.R. Part 106 – Title IX of the Educational Amendments of 1972

Policy adopted: August 17, 2010

PUTNAM PUBLIC SCHOOLS  
Putnam, Connecticut

## **Students**

### **Student Grievance Procedures**

Any student may bring a grievance before a student grievance committee using the following procedures:

#### **Purpose of Student Grievance Procedures**

1. To define the correct procedure for students to follow in resolving grievances.
2. To allow students to come before a committee with peer representation.
3. To secure at the lowest possible level an equitable solution to the problem for those parties involved with the grievance.

#### **General Conditions**

1. Procedures described herein do not limit the right of any student having a problem to discuss it with the principal or any appropriate administrator without the assistance of the student grievance committee.
2. The student must initiate definite action on the grievance within ten (10) days following the event or occurrence which gives rise to the grievance or it shall be considered waived.
3. This procedure shall be used only when direct negotiation between parties involved would aggravate existing relationships.
4. Failure at any level of a school district administrator or the Board of Education to submit a written decision within the specified time limits shall permit the aggrieved student to take said grievance to the next level.

Failure by the student to take the grievance to the next level within the specified time limit shall be considered acceptance of the decision rendered at the particular level.

5. Days indicated at each level should be considered as maximum, and every effort should be made to expedite the grievance process. Specified time limits may be extended by mutual written agreement of involved parties.
6. Formal grievances and decisions shall be in writing.
7. In the event a grievance is filed after June 1 of any year and this procedure will not allow for settlement prior to completion of the school year, all parties shall attempt to resolve the grievance within ten (10) weekdays of the event or occurrence.

## Students

### Student Grievance Procedures (continued)

#### Procedures

1. **Level One.** The student takes up the grievance with the person immediately concerned.
  - A. In those cases where the student believes a relationship is already such that further contact with the other party can only make matters worse, he/she may complete a grievance identification form, obtained in the principal's office, and return it to the student grievance committee within five (5) days.
  - B. One committee member shall be assigned to contact the student. Within five (5) days, a grievance committee meeting will be held to render a validity judgment on the grievance. At this time the student will be advised by the committee as to whether he/she must make another effort to resolve the problem at level one or continue to level two.
2. **Level Two.** If the problem is not resolved at level one, the student may submit a formal grievance to the grievance committee. The committee shall immediately refer the grievance to the appropriate administrator who will discuss the grievance with all parties involved, including parents of the student if necessary. The student may choose a committee representative to assist him/her in discussion. Following the discussion, the administrator shall render a decision in writing to all parties involved within ten (10) days after receiving the grievance form.
3. **Level Three.** If the student is not satisfied at level two, the student may appeal to the Superintendent, or the Superintendent's designee, within five (5) days of receiving the written decision. The Superintendent or designee will discuss the grievance with the parties including the parents of the student if necessary. The student may choose a representative of the committee to assist him/her in discussion. Following the discussion the Superintendent or the Superintendent's designee shall render a written decision to the parties within ten (10) days of receiving the appeal.
4. **Level Four.** If the student is not satisfied with the decision at level three, within five (5) days of receiving the written decision, he/she may appeal to the Board of Education. Within one (1) month of receiving the appeal, the grievance shall be placed on the agenda of a Board meeting and all involved parties notified of the meeting at which the grievance will be discussed. The student may choose a representative of the committee to assist him/her in discussion. Following the discussion and consideration, the Board of Education shall render a decision in writing to all parties involved.
5. **Level Five.** If the student and/or the student's parents wish to pursue the grievance, he/she must involve due process of the court system. The committee may assist the student's legal representative with any information regarding the grievance.

## Students

### Student Grievance Procedures (continued)

#### Committee Membership

1. Three committee members from each grade level shall be appointed by the president of the student council.
2. One of the three senior committee members shall be appointed chairperson by the president of the student council.
3. The student members of the committee shall select two faculty members to participate on the committee.
4. The faculty shall select two teachers to participate as committee members.
5. An administrator shall be named by the school principal to act as a direct communications link to the committee. The administrator acts as a consultant in matters concerning administrative practice and procedure and shall have no voting powers and is not a committee member.
6. The committee should reflect broad and diverse points of view, and, whenever reasonably possible, there should be some overlap of committee members to insure continuity.

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

## Students

### Age of Majority

All students who have reached the age of majority shall be considered students in the same manner as those under the age of eighteen (18). The entire curriculum shall be available to them without special restrictions. The student shall be governed by all regulations formulated for students and shall have equal opportunities to participate in extracurricular and other student activities as was the case prior to the enactment of the policy.

Inasmuch as a student at the age of eighteen (18) has legal control of himself/herself, policies and regulations which heretofore have referred to the parent or guardian will now in a legal sense refer to the student himself/herself.

Unless the school is officially instructed in writing by the individual student who has reached the age of majority to do otherwise, the school will continue to keep the parent or guardian informed as is the case with all other students, so long as the student in question shall continue to reside in the home of the parent or guardian. When a student at the age of eighteen (18) officially makes such a request as outlined above, the school shall so notify the parent or guardian in writing and shall comply with the written request of the student.

Legal Reference: Connecticut General Statutes

1-1d "Minor," "infant," "infancy," "age of majority," defined

46b-150 Emancipation of minor, Procedures

46b-150d Effect of emancipation

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