

Special Meeting
Board of Education
Policy Committee Meeting
October 8, 2024

Municipal Building
3 Primrose Street
Newtown, CT 06470
BOE Conference Room
6:30 p.m.

AGENDA

- 1. Call to Order**
- 2. Public Participation**
- 3. Approval of Minutes of October 1, 2024**
- 4. Discussion and Possible Action**
 - A. Policies Updated as of the September 30, 2024, Model Policy Update by Shipman & Goodwin and for Second Read at the October 15, 2024, Board of Education Meeting
 1. 5110 Non-Discrimination
 2. 5111 Admission to the Public Schools at or Before Age Five
 3. 5113 Student Attendance, Truancy and Chronic Absenteeism
 4. 5118.1 Homeless Children and Youth
 5. 5145.4 Policy Regarding Students and Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990
 - B. Discussion of Policy 0521, Nondiscrimination, and Policy 5110, Non-Discrimination
 - C. Items of Information
 1. 5110 R Administrative Regulations Regarding Non-Discrimination
 2. 5111 R Administrative Regulations Regarding Admission to the Public Schools at or Before Age Five
 3. 5113 R Administrative Regulations Regarding Student Attendance, Truancy, and Chronic Absenteeism
 4. 5118.1 R Administrative Regulations Regarding Homeless Children and Youth
 5. 5145.4 R Administrative Regulations Regarding Students and Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990
- 5. Discussion and Possible Action on Policies That Went For First Read at 10/1/24 BOE Meeting**
 1. 5126 Student Privacy
 2. 5131.6 Drug and Alcohol Use by Students
 3. 5133 Education Stability Procedures for Transportation Coordination with the Department of Children and Families
 4. 5135 Recess and Play-Based Learning
 5. 5141.25 Management Plan and Guidelines for Students with Food

- 6. 5143 Allergies, Glycogen Storage Disease and/or Diabetes
Chemical Health Policy for Student Athletes
- 7. 5145.5 Prohibition of Sex Discrimination, Including Sex-Based
Harassment
- 8. 6117 Curricular Exemptions
- 9. 6145 Homework

6. Public Participation

7. Adjourn

Note: This is a mandated policy and the District does not have such a policy. S & G revised this policy in September 2023. Names of the District Coordinators and other personnel will be updated as personnel change. These updates are not considered revisions to the policy as they are not changes to the statute.

Note: On September 30, 2024, S & G updated this policy and administrative regulations. New text is highlighted in yellow. Deleted text is bold and has a strikethrough. Changes were made to the following pages: 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, and 15.

Series 5000
Students

5110

POLICY AND ADMINISTRATIVE REGULATIONS REGARDING NON-DISCRIMINATION (STUDENTS)

Protected Class Discrimination Prohibited:

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

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

Retaliation Prohibited:

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

Discrimination on the Basis of Protected Class Association Prohibited:

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

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

Scope and Applicability:

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

Definitions:

The following definitions apply for purposes of this policy:

A. Discrimination:

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

B. Harassment:

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

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

- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership, including but not limited to epithets relating to sex, sexual orientation, and/or gender identity or expression);
- 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 involve intent to harm, be directed at toward a specific target person, 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,~~ Including Sex-Based Harassment (Students). For more information regarding harassment based on sex, sexual orientation, pregnancy, or gender identity or expression, contact the District's Title IX Coordinator at:

Deborah Mailloux-Petersen
Director of Pupil Services
Newtown Public Schools
3 Primrose Street
Newtown, CT 06470
Telephone: 203-426-7627
email: petersend@newtown.k12.ct.us

C. Veteran:

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

D. Gender identity or expression:

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

E. Sexual ~~Orientation~~ orientation:

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

F. Race:

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

G. Domestic V violence:

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

Biased Conduct:

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

Reporting to District Officials:

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

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

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

If a complaint involves allegations of discrimination or harassment of a student based on sex, sexual orientation, pregnancy, or gender identity or expression, such complaints will be handled in accordance with the procedures set forth in Board Policy 5145.5, ~~Policy Regarding Title IX of the Educational Amendments of 1972—Prohibition of Sex Discrimination and Sexual~~, Including Sex-Based 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 5145.4, 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 Board 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 Board** employees witness such incidents or when **District Board** 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:**

Student-to-student reports:————
Deborah Mailloux-Petersen
Director of Pupil Services
Newtown Public Schools
3 Primrose Street
Newtown, CT 06470
Telephone: 203-426-7628
email: petersend@newtown.k12.ct.us

Employee-to-student reports:
~~Suzanne D'Eramo~~
~~Director of Human Resources~~
~~Newtown Public Schools~~
~~3 Primrose Street~~
~~Newtown, CT 06470~~
~~Telephone: 203-426-7605~~
email: deramos@newtown.k12.ct.us

Remedial Action:

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

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

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

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

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

Reporting to State and Federal Agencies:

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

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

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

Connecticut Commission on Human Rights and Opportunities:

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

Questions/Requests for Accommodation:

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

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

Deborah Mailloux-Petersen
Director of Pupil Services
Newtown Public Schools
3 Primrose Street
Newtown, CT 06470
Telephone: 203-246-7628
email: petersend@newtown.k12.ct.us

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:

Deborah Mailloux-Petersen
Director of Pupil Services
Newtown Public Schools
3 Primrose Street
Newtown, CT 06470
Telephone: 203-246-7628
email: petersend@newtown.k12.ct.us

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

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

Deborah Mailloux-Petersen

Director of Pupil Services
Newtown Public Schools
3 Primrose Street
Newtown, CT 06470
Telephone: 203-246-7628
email: petersend@newtown.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 Act, 20 U.S.C. § 7905
Americans with Disabilities Act, 42 U.S.C. § 12101, et seq.
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, et seq.
Connecticut General Statutes § 1-1n, "Gender Identity or Expression"
defined
Connecticut General Statutes § 10-15c
Connecticut General Statutes § 27-103
Connecticut General Statutes § 46a-51, Definitions
Connecticut General Statutes § 46a-58, Deprivation of rights
Connecticut General Statutes § 46b-1, Family relations matters and
domestic violence defined
Public Act No. 23-145, "An Act Revising the State's Antidiscrimination
Statutes"

Adopted:
Revised:

NEWTOWN PUBLIC SCHOOLS
Newtown, Connecticut

ADMINISTRATIVE REGULATIONS REGARDING DISCRIMINATION COMPLAINTS (STUDENTS)

Protected Class Discrimination Prohibited:

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

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

Retaliation Prohibited:

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

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

Discrimination on the Basis of Protected Class Association Prohibited:

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

Scope and Applicability:

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

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

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

- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership, including but not limited to epithets relating to sex, sexual orientation, and/or gender identity or expression);
- 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** involve intent to harm, be directed **at** toward a specific **target** person, 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. The District will investigate both formal and informal complaints of discrimination, harassment, or retaliation.

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

Deborah Mailloux-Petersen
Director of Pupil Services
Newtown Public Schools
3 Primrose Street
Newtown, CT 06470
Telephone: 203-426-7628

email: petersend@newtown.k12.ct.us

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

If a complaint involves allegations of discrimination or harassment of a student based on sex, sexual orientation, pregnancy, or gender identity or expression, such complaints will be handled in accordance with the procedures set forth in Board Policy 5141.5, Policy Regarding ~~Title IX of the Educational Amendments of 1972~~ Prohibition of Sex Discrimination **and Sexual, Including Sex-Based Harassment (Students)**. Complaints involving allegations of discrimination or harassment of students based on disability will be addressed in accordance with the procedures set forth in Board Policy 5145.4, Section 504/ADA (Students). In the event reported conducted allegedly violates more than one policy, the Board will coordinate any investigation in compliance with the applicable policies.

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

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

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

Mandatory Staff Reporting for Student Incidents:

District Board 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 Board** employees witness such incidents or when **District Board** 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:**

~~Student-to-student reports:~~

Deborah Mailloux-Petersen
Director of Pupil Services
Newtown Public Schools
3 Primrose Street
Newtown, CT 06470
Telephone: 203-426-7628
email: petersend@newtown.k12.ct.us

~~Employee-to-student reports:~~

Suzanne D'Eramo
Director of Human Resources
Newtown Public Schools
3 Primrose Street
Newtown, CT 06470
Telephone: 203-426-7605
email: deramos@newtown.k12.ct.us

Complaint Procedure

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.

As soon as a student feels that they, or another student has been subjected to Protected Class discrimination, harassment or retaliation, the individual should make a written complaint to Deborah Mailloux-Petersen, Director of Pupil Services, or to the building principal, or designee.

Students may make verbal or written reports about Protected Class discrimination, harassment, or retaliation to any school Board employee. School Board employees receiving such reports shall promptly forward them to any District administrator or to Deborah Mailloux-Petersen, Director of Pupil Services.

The student and/or parent/guardian or other individual will be provided a copy of the Board's policy and regulation and made aware of the student's rights under this policy and regulation. In the event the **Director of Pupil Services, Deborah Mailloux-Petersen**, receives a complaint alleging discrimination or harassment of a student based on sex, sexual orientation, pregnancy, or gender identity or expression, the **Director of Pupil Services, Deborah Mailloux-Petersen**, shall follow the procedures identified in Board Policy 5145.5, Policy Regarding ~~Title IX of the Educational Amendments of 1972~~ — Prohibition of Sex Discrimination **and Sexual, Including Sex-Based Harassment (Students)**. In the event the **Director of Pupil Services, Deborah Mailloux-Petersen**, receives a complaint alleging discrimination or harassment of a student based on disability, the **Director of Pupil Services, Deborah Mailloux-Petersen**, shall follow the procedures identified in Board Policy 5145.4, Section 504/ADA (Students).

The complaint should state the:

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

H. Proposed remedy.

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

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

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

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

4. Review any records, notes, statements, or other documents relevant to the complaint;
5. Maintain confidentiality to the extent practicable throughout the investigative process, in accordance with state and federal law;
6. Complete a final investigation report that includes: (i) a findings of fact based on the evidence gathered; (ii) for each allegation, the conclusion(s) and reasoning(s) as to whether the discrimination or harassment occurred; and (iii) for any individual(s) found to have engaged in discrimination or harassment, a broad statement of consequences imposed (to the extent permitted by state and federal confidentiality requirements) (i.e.g., "Consequences were imposed.").
7. Communicate the outcome of the investigation in writing to the complainant (and respondent, if applicable) (to the extent permitted by state and federal confidentiality requirements), within thirty (30) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) from the date the complaint was received by the Superintendent's office. The complainant (and respondent, if applicable) shall be notified of any extension of the investigation timeline. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the District will remedy the discrimination or harassment, adhering to the requirements of state and federal law;
8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of employees and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, the complainant (and respondent, if applicable) will receive notice and interim measures may be implemented as necessary (see 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 designed to avoid continuing discrimination or harassment;
10. ~~If a complainant or a respondent is not satisfied with the findings and conclusions of the investigation, the complainant (and/or respondent, if applicable) may present the complaint and written outcome to the Superintendent within thirty (30) calendar days of receiving the findings. Upon review of a written request from the complainant (and/or respondent, if applicable), the Superintendent shall review the investigative results of the investigator~~ After receiving the written notice of the outcome, parties shall have ten (10) school days to submit a formal written statement of appeal, if they so choose, to the Superintendent of Schools challenging the outcome of the investigation and explaining the basis for

appeal. Upon receipt of an appeal, the Superintendent shall appoint a decisionmaker(s) for the appeal, who may be the Superintendent or designee. The decisionmaker(s) for the appeal will provide the appealing party's written statement to the non-appealing party. The non-appealing party will then have ten (10) school days to submit to the decision-maker(s) for the appeal a written statement in support of, or challenging, the outcome of the investigation. The decisionmaker(s) for the appeal shall review the evidence and the information presented by the parties and determine if further action and/or investigation is warranted. Such action may include consultation with the investigator(s) and ~~complainant (and/or respondent, if applicable)~~ the parties, 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~~ written outcome. Generally, a party's disagreement with the outcome of the investigation, alone, will not be basis for further action. The decisionmaker(s) for the appeal will attempt to issue written notice of the outcome of the appeal to the parties within thirty (30) ~~business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances)~~ following the school days of receipt of the all written ~~request for review~~ statements from the parties.

Remedial Action:

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

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

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

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

- school property and/or activities and/or referral to appropriate state or local agencies;
- D. Follow-up inquiries with the complainant and witnesses to ensure that the discriminatory/harassing conduct has stopped and that they have not experienced any retaliation;
 - E. Supports for the complainant; and
 - F. Training or other interventions for the larger school community designed to ensure that students, staff, parents, Board members and other individuals within the school community understand the types of behavior that constitute discrimination/harassment, that the District does not tolerate it, and how to report it.

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

Staff Development:

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

Reporting to State and Federal Agencies:

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

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

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

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

Questions/Requests for Accommodation:

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

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

Deborah Mailloux-Petersen
Director of Pupil Services
Newtown Public Schools
3 Primrose Street
Newtown, CT 06470
Telephone: 203-426-7628
email: petersend@newtown.k12.ct.us

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

Deborah Mailloux-Petersen
Director of Pupil Services
Newtown Public Schools
3 Primrose Street
Newtown, CT 06470
Telephone: 203-426-7628
email: petersend@newtown.k12.ct.us

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

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

Deborah Mailloux-Petersen
Director of Pupil Services
Newtown Public Schools
3 Primrose Street
Newtown, CT 06470
Telephone: 203-426-7628
petersend@newtown.k12.ct.us

Administrative Regulations Adopted:

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

Name of the reporter _____

Name of the complainant/victim _____

School/program and grade of the complainant/victim _____

Reporter's **R** relationship to the complainant/victim

Date of the complaint _____

Date of the alleged discrimination/harassment _____

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

Location where such discrimination/harassment occurred _____

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

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

Proposed remedy _____

Note: The policy is not required, but the procedures are required. In October 2023, S & G released this policy, Admission to the Public Schools at or Before Age 5. In light of guidance from the Connecticut State Department of Education regarding early admission to kindergarten. S & G developed administrative regulations to accompany this policy. These administrative regulations are intended to assist districts with the assessment process for early admission to kindergarten and should be tailored to the district's specific needs.

Best practice is to approve the policy and review the Administrative Regulations as an Item of Information recommended by the Superintendent. After this policy is adopted, two current policies should be rescinded: 5111 Admission/Placement, and 5112 Ages of Attendance.

Note: On September 30, 2024, S & G updated this policy and administrative regulations. New text is highlighted in yellow. Deleted text is bold and has a strikethrough. Changes were made to the following pages: 1, and 3.

Series 5000
Students

5111

POLICY AND ADMINISTRATIVE REGULATIONS REGARDING ADMISSION TO THE PUBLIC SCHOOLS AT OR BEFORE AGE FIVE

The Newtown Board of Education (the "Board") complies with its legal obligation to cause each child five years of age and over and under eighteen years of age who is not a high school graduate and is residing within the Board's jurisdiction to attend school in accordance with Connecticut General Statutes § 10-184.

~~Effective July 1, 2024,~~ **The** the Newtown Public Schools (the "District") shall be open to resident children five years of age and over who reach age five on or before the first day of September of any school year. For children who will not reach the age of five on or before the first day of September of the school year, the child's parent or guardian may submit a written request to the principal of the school in which the child would be enrolled based on District residency and attendance area requirements seeking early admission to the District. Upon receipt of such written request, the principal and an appropriate certified staff member shall assess such child to determine whether admitting the child is developmentally appropriate. For decisions relating to early admission to the District, the decision of the principal and appropriate certified staff shall be final.

The Superintendent or designee shall be responsible for developing administrative regulations in furtherance of this policy. Such regulations shall identify procedures for the receipt and processing of requests for early admission to the District and for assessing whether early admission of a child is developmentally appropriate.

Legal Reference:

Connecticut General Statutes

10-15c

Discrimination by public schools prohibited. School attendance for five-year-olds

10-220	Duties of boards of education
10-221	Board of education to prescribe rules, policies, and procedures
10-184	Duties of parents. School attendance age requirements

Public Act 23-208, "An Act Making Certain Revisions to the Education Statutes."

Adopted:

NEWTOWN PUBLIC SCHOOLS

Revised:

Newtown, Connecticut

ADMINISTRATIVE REGULATIONS REGARDING EARLY ADMISSION TO KINDERGARTEN

In accordance with state law, ~~effective July 1, 2024~~, the Newtown Public Schools (the "District") are open to all children five years of age and over who reach age five on or before September 1 of any school year. A child who has not reached the age of five on or before September 1 of the school year may be admitted to kindergarten only (1) upon a written request by the parent or guardian of the child to the principal of the school in which the child would be enrolled based on District residency and attendance area requirements, and (2) following an assessment of the child, conducted by the principal of the school and an appropriate certified staff member of the school, to ensure that admitting the child is developmentally appropriate ("Early Admission Process"). The Early Admission Process shall be available only for a child who will reach the age of five on or after September 2 and before January 1 of the school year.

I. Assessment

- A. The District will assess a child who does not meet the statutory age requirement if admission of such child is requested in writing by a child's parent or guardian. Such request must be sent by electronic mail to the principal of the school in which the child would be enrolled based on District residency and attendance area requirements (the "Building Principal") and must be received by the Building Principal no later than February 1.
- B. The Building Principal and an appropriate certified staff member of the school (together, the "Assessment Team") will conduct an assessment of the child to gather information pertaining to the question of whether admitting the child is developmentally appropriate.
- C. The Assessment Team will take a holistic approach to assess a child's developmental level in a variety of developmental domains (e.g. cognitive, social-emotional, physical development and health, etc.). The Assessment Team ~~will~~ may use the Connecticut Early Learning and Development Standards (ELDS) as a guide to assessing a child's developmental level.
- D. The Assessment Team will obtain information from the parent or guardian as part of the assessment.
- E. The Assessment Team will gather and consider relevant information from the child's preschool teacher/early care provider, if available, as part of the assessment.

- F. The Assessment Team will conduct the assessment in a manner that is designed to be culturally and linguistically appropriate.
- G. The Assessment Team will assess children whose parents request early admission at specifically defined times. In order to be considered for early admission, the student must be registered at the school in their attendance area. If the request for early admission is received before February 1, the Early Admission Process will occur on or before February 28. If the request for early admission is received on or after February 1, the Early Admission Process will occur on a rolling basis. All requests for early admission must be submitted before the school year begins.
- H. The Early Admission Process will be administered universally across all schools in the District that operate kindergarten classrooms.

II. Children with Disabilities

- A. All parents and guardians, including those of children with disabilities, may request early entry to kindergarten pursuant to the Early Admission Process in Section I.
- B. For a child with an Individualized Education Program (IEP), the Early Admission Process will be individualized and in alignment with the documented IEP accommodations/modifications in Section 5 (Supplementary Aids and Services) and Section 11 (District and State Testing).
- C. For a child with a Section 504 plan, the Early Admission Process will be individualized and in alignment with the accommodations documented in the child's 504 plan.

III. Notification

The District will strive to notify parents and guardians who have requested their child be granted early admission to kindergarten as soon as possible.

Legal Reference:

Conn. Gen. Stat. § 10-15c	Discrimination by public schools prohibited. School attendance for five-year-olds
Conn. Gen. Stat. § 10-220	Duties of boards of education
Conn. Gen. Stat. § 10-221	Board of education to prescribe rules, policies, and procedures

Conn. Gen. Stat. § 10-184 Duties of parents. School attendance age requirements

Public Act 23-208, "An Act Making Certain Revisions to the Education Statutes."

Connecticut State Department of Education, *New Entry Age for Kindergarten: Considerations for Connecticut Schools*, October 23, 2023.

Administrative Regulations Adopted:

Note: This is a mandated policy and it was revised by S & G in May 2023 based on guidance from the State Department of Education regarding mental health wellness days. S & G revised the regulations in light of section 16 of Public Act No. 22-47, which requires boards of education to update their policies and procedures concerning truant students to include provision of notice to the parent or guardian of a child who is truant. The notice to parents must include information concerning the existence and availability of the 2-1-1 Infoline program, and other pediatric mental and behavioral health screening services and tools. The Act also requires that the policies and procedures concerning truant students, beginning July 1, 2023, include a school mental health specialist to conduct an evaluation of truant students to determine if additional behavioral health interventions are necessary for the well-being of the child. The regulations include this requirement.

It is recommended to approve this policy and after approval to rescind the following policies: 5113 Attendance/Excuses/Dismissal and 5113.2 Truancy. The Superintendent will share Administrative Regulations with the Board as an Item of Information at the time the policy is recommended for adoption.

Note: On September 30, 2024, S & G updated this policy and administrative regulations. New text is highlighted in yellow. Deleted text is bold and has a strikethrough. Changes were made to the following pages: 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, and 24.

**Series 5000
Students**

5113

POLICY AND ADMINISTRATIVE REGULATIONS REGARDING STUDENT ATTENDANCE, TRUANCY AND CHRONIC ABSENTEEISM

Regular and punctual student attendance in school is essential to the educational process. Connecticut state law places responsibility for assuring that students attend school with the parent or other person having control of the child. To assist parents and other persons in meeting this responsibility, the Board of Education (the "Board"), through its Superintendent, will adopt and maintain procedures to implement this policy.

In addition, the Board takes seriously the issue of chronic absenteeism. To address this issue, the Board, through its Superintendent, will adopt and maintain procedures regarding chronic absenteeism in accordance with state law.

Legal References:

Public Act No. ~~22-47~~ 23-160, "An Act Concerning Education Mandate Relief and Other Technical and Assorted Revisions and Additions to the Education and Early Childhood Education Statutes."

Connecticut General Statutes § 10-220

Connecticut General Statutes § 10-184

Connecticut General Statutes § 10-186

Connecticut General Statutes § 10-198a

Connecticut General Statutes § 10-198b

Connecticut General Statutes § 10-198c

Connecticut General Statutes § 10-198d

Connecticut General Statutes § 10-198e

Connecticut General Statutes § 10-198f

Connecticut State Department of Education, *Guidelines for Reporting Student Attendance in the Public School Information System* (January 2008)

Connecticut State Board of Education Memorandum, *Definitions of Excused and Unexcused Absences* (June 27, 2012)

Connecticut State Department of Education, *Guidelines for Implementation of the Definitions of Excused and Unexcused Absences and Best Practices for Absence Prevention and Intervention* (April 2013)

Connecticut State Department of Education, *Reducing Chronic Absence in Connecticut's Schools: A Prevention and Intervention Guide for Schools and Districts* (April 2017)

Connecticut State Department of Education Memorandum, *Youth Service Bureau Referral for Truancy and Defiance of School Rules* (February 22, 2018)

Connecticut State Department of Education, *Youth Service Bureau Referral Guide* (February 2018)

Connecticut State Department of Education Memorandum, *Mental Health Wellness Days* (January 24, 2022)

Connecticut State Department of Education Memorandum, *Adoption of Definition of Remote Absence* (September 7, 2022)

Connecticut State Board of Education Resolution (September 7, 2022)

Adopted:

Revised:

NEWTOWN PUBLIC SCHOOLS
Newtown, Connecticut

Note: These Administrative Regulations are recommended by the Superintendent to the Board as an Item of Information.

Series 5000
Students

5113 R

ADMINISTRATIVE REGULATIONS REGARDING ATTENDANCE, TRUANCY AND CHRONIC ABSENTEEISM

I. Attendance and Truancy

A. Definitions for Section I

1. "Absence" - any day during which a student is not considered "in attendance" as defined in these regulations.
2. "Disciplinary absence" - any absence as a result of school or District disciplinary action. Any student serving an out-of-school suspension or expulsion should be considered absent except for each day that the student receives alternative education programming for at least half of the instructional school day. A disciplinary absence is not considered excused or unexcused for attendance and truancy purposes.
3. "Educational evaluation" - for purposes of this policy, an educational evaluation is an assessment of a student's educational development, which, based upon the student's presenting characteristics, would assess (as appropriate) the following areas: health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities.
4. "Excused absence" - a student is considered excused from school if the school has received written documentation describing the reason for the absence within ten (10) school days of the student's return to school, or if the student has been excluded from school in accordance with Conn. Gen. Stat. § 10-210 (regarding communicable diseases), and the following criteria are met:
 - a. Any absence before the student's tenth (10th) absence is considered excused when the student's parent/guardian approves such absence and submits appropriate written documentation in accordance with this regulation.
 - b. For the student's tenth (10th) absence and all absences thereafter, a student's absences from school are, with appropriate documentation in accordance with this

regulation, considered excused only for the following reasons:

- i. student illness (verified by an appropriately licensed medical professional);
 - ii. religious holidays;
 - iii. mandated court appearances (documentation required);
 - iv. funeral or death in the family, or other emergency beyond the control of the student's family;
 - v. extraordinary educational opportunities pre-approved by the District administrators and in accordance with Connecticut State Department of Education ("State Department of Education") guidance and this regulation; or
 - vi. lack of transportation that is normally provided by a **District school district** other than the one the student attends.
- c. A student, age five (5) to eighteen (18), inclusive, whose parent or legal guardian is an active duty member of the armed forces who has been called for duty, is on leave from or has immediately returned from deployment to a combat zone or combat support posting, shall be granted ten (10) days of excused absences in any school year, and, in the discretion of the administration, additional excused absences to visit such student's parent or legal guardian with respect to the parent's leave or deployment. In the case of such excused absences, the student and parent or legal guardian are responsible for obtaining assignments from the student's teacher prior to any period of excused absence, and for ensuring that such assignments are completed by the student prior to the student's return to school.
5. "In attendance" - any day during which a student is present at the student's assigned school, and/or participating in an activity sponsored by the school (e.g., field trip) for at least half of the regular school day; and/or participating in statutorily authorized remote learning as determined through a combination of: synchronous virtual classes, synchronous virtual meetings, activities on time-logged electronic systems, and/or the completion and submission of assignments for at least half of the instructional school day.

6. "Mental health wellness day" - a school day during which a student attends to such student's emotional and psychological well-being in lieu of attending school.
7. "Remote learning" means instruction by means of one or more Internet-based software platforms as part of a remote learning model as may be authorized by the Newtown Board of Education (the "Board") in accordance with applicable law.
8. "Student" - a student enrolled in the Newtown Public Schools (the "District").
9. "Truant" - any student five (5) to eighteen (18) years of age, inclusive, who has four (4) unexcused absences from school in any one month or ten (10) unexcused absences from school in any school year.
10. "Unexcused absence" - any absence from a regularly scheduled school day for at least one half of the school day, which is not excused or considered a disciplinary absence.

The determination of whether an absence is excused will be made by the building principal or designee. Parents or other persons having control of the child may appeal that decision to the Superintendent or designee, whose decision shall be final.

B. Mental Health Wellness Days

Any student enrolled in grades kindergarten to twelve, inclusive, shall be permitted to take two mental health wellness days during the school year, during which day such student shall not be required to attend school. No student shall take mental health wellness days during consecutive school days. Mental health wellness days shall be excused when permission by the student's parent/guardian is documented by the student's school, regardless of the number of absences a student has accrued in the school year. Mental health wellness days will not be included in reporting or referrals related to truancy. Mental health wellness day will count as an "absence" for determining chronic absenteeism, as defined in Section II of this policy.

C. Written Documentation Requirements for Absences

1. Written documentation must be submitted for each incidence of absence within ten (10) school days of the student's return to school. Consecutive days of absence are considered one incidence of absence.

2. The first nine (9) days of absence will be excused upon receipt of a signed note from the student's parent/guardian, a signed note from a school official that spoke in person with the parent/guardian regarding the absence, or a note confirming the absence by the school nurse or by a licensed medical professional, as appropriate.
3. For the student's tenth (10th) absence, and all absences thereafter, documentation of the absence must be submitted in accordance with paragraphs 1 and 2 above, and must also include the reason for the absence and the following additional information:
 - a. student illness:
 - i. a signed note from a medical professional, who may be the school nurse, who has evaluated the student confirming the absence and giving an expected return date; or
 - ii. a signed note from the school nurse who has spoken with the student's medical professional and confirmed the absence, including the date and location of the consultation.
 - b. religious holidays: none.
 - c. mandated court appearances:
 - i. a police summons;
 - ii. a subpoena;
 - iii. a notice to appear;
 - iv. a signed note from a court official; or
 - v. any other official, written documentation of the legal requirement to appear in court.
 - d. funeral or death in the family, or other emergency beyond the control of the student's family: a written document explaining the nature of the emergency.
 - e. extraordinary educational opportunity pre-approved by the District administrators and in accordance with ~~Connecticut~~ State Department of Education guidance and this policy: written pre-approval from the administration, in accordance with this regulation.

- f. lack of transportation that is normally provided by a **District school district** other than the one the student attends: none.
- 4. Neither e-mail nor text message shall ~~serve to~~ satisfy the requirement of written documentation. Under certain circumstances, a building administrator may, ~~in the administrator's own discretion,~~ accept the delivery of written documentation through a scanned copy sent by e-mail or submission through an online system established for parents/guardians to comply with attendance reporting requirements.
- 5. The District reserves the right to randomly audit written documentation received, through telephone and other methods of communication, to determine its authenticity.
- 6. Any absence that is not documented in accordance with this regulation within ten (10) school days after the incidence of absence will be recorded as unexcused. If documentation is provided within ten (10) school days, but is incomplete, the building principal may, at the **building** principal's own discretion, grant up to a five (5) school day extension for provision of the completed documentation.

D. Extraordinary Educational Opportunities

- 1. To qualify as an extraordinary educational opportunity, the opportunity must:
 - a. be educational in nature and must have a learning objective related to the student's course work or plan of study;
 - b. be an opportunity not ordinarily available to the student;
 - c. be grade and developmentally appropriate; and
 - d. include content that is highly relevant to the student; while some opportunities will be relevant to all students, others will contain very specific content that would limit their relevance to a smaller group of students.
- 2. Family vacations do not qualify as extraordinary educational opportunities.
- 3. All requests for approval of extraordinary educational opportunities must:

- a. be submitted to the building principal in writing prior to the opportunity, but no later than ten (10) school days prior to the opportunity except in exceptional circumstances at the discretion of the building ~~administrator~~ principal;
 - b. contain the signatures of both the parent/guardian and the student;
 - c. include an outline of the learning objective of the opportunity and include detail as to how the objective is linked to the student's coursework or plan of study; and
 - d. include additional documentation, where available, about the opportunity.
4. The building principal shall provide a response in writing and include the following:
 - a. either approval or denial of the request;
 - b. brief reason for any denial;
 - c. any requirements placed upon the student as a condition of approval;
 - d. the specific days approved as excused absences for the opportunity; and
 - e. the understanding that the building administrator may withdraw approval if the opportunity is canceled or the student fails to meet the agreed-upon requirements of the approval.
5. All decisions of the building principal relating to extraordinary educational opportunities shall be final.
6. Students who are granted excusal from school to participate in extraordinary educational opportunities are expected to share their experiences with other students and/or school staff when they return.
7. Approval for an extraordinary educational opportunity is determined on a case-by-case basis and the analysis of individualized factors. An opportunity approved for one student may not be approved for another.

E. Truancy Exceptions:

1. A student five (5) or six (6) years of age shall not be considered truant if the parent or person having control over such student has appeared personally at the District office and exercised the option of not sending the child to school at five (5) or six (6) years of age.
2. ~~Until June 30, 2023, A~~ student who is both (1) under seventeen (17) years of age ~~shall not be considered truant if the parent or person having control over such student consents to such student's withdrawal from school. Such parent or person shall personally appear at the District office and sign a withdrawal form indicating such consent. Such withdrawal form must include an attestation from a guidance counselor or school administrator from the school that the District provided the parent (or person having control of the child) with information on the educational options available in the school system and community.~~ and (2) a parent, may request permission from the Board to attend adult education classes. The Board may, by a majority vote of the members of the Board present and voting at a regular or special meeting of the Board called for such purpose, assign such student to adult education classes.
3. ~~A student who is eighteen (18) years of age or older may withdraw from school. Such student shall personally appear in person at the school District office and sign a withdrawal form. Such withdrawal form must include an attestation from a guidance counselor or school administrator from the school that the District provided such student with information on the educational options available in the school system and community.~~
- 4.3. ~~Beginning July 1, 2023, a~~ A student who is seventeen (17) years of age shall not be considered truant if the parent or person having control over such child withdraws such child from school and enrolls such child in an adult education program pursuant to Conn. Gen. Stat. § 10-69. Such parent or person shall personally appear at the District office and sign an adult education withdrawal and enrollment form. Such adult education withdrawal and enrollment form shall include an attestation (1) from a school counselor or school administrator of the school that the District has provided such parent or person with information on the educational options available in the school system and in the community, and (2) from such parent or person that such child will be enrolled in an adult education program upon such child's withdrawal from school.

4. A student who is eighteen (18) years of age or older may withdraw from school. Such student shall personally appear in person at the District office and sign a withdrawal form. Such withdrawal form must include an attestation from a guidance counselor, school counselor, or school administrator of the school that the District has provided such student with information on the educational options available in the school system and community.
5. If a parent or guardian of an expelled student chooses not to enroll the student in an alternative program, the student shall not be considered to be "truant."

F. Readmission to School Following Voluntary Withdrawal

1. Except as noted in paragraph 2 below, if a student voluntarily withdraws from school (in accordance with Section E.2 or E.4, above) and subsequently seeks readmission, the Board may deny school accommodations to the student for up to ninety (90) school days from the date of the student's withdrawal from school.
2. If a student who has voluntarily withdrawn from school (in accordance with Section E.2 3 or E.4; above) seeks readmission within ten (10) school days of the student's withdrawal, the Board shall provide school accommodations to the student not later than three (3) school days after the student requests readmission.

G. Determinations of Whether a Student is "In Attendance":

1. A student serving an ~~out-of-school~~ out-of-school suspension or expulsion shall be reported as absent unless the student receives an alternative educational program for at least half of the instructional school day. In any event, the absence is considered a disciplinary absence, and will not be designated as excused or unexcused.
2. On early dismissal days and days shortened due to inclement weather, the regular school day for attendance purposes is considered to be the amount of instructional time offered to students on that day. For example, if school is open for four hours on a shortened day scheduled, a student must be present for a minimum of two hours in order to be considered "in attendance."
3. Students placed on homebound instruction due to illness or injury in accordance with applicable regulations and requirements are counted as being "in attendance" for every day that they receive

instruction from an appropriately certified teacher for an amount of time deemed adequate in accordance with applicable law.

H. Procedures for students in grades K-12

1. Notification

- a. Annually at the beginning of the school year and upon the enrollment of any child during the school year, the administration shall notify the parent or other person having control of the student enrolled in grades K - 12 in writing of the obligations pursuant to Conn. Gen. Stat. § 10-184 to ensure that such a student attends school regularly or to show that the child is elsewhere receiving equivalent instruction in the studies taught in the District.
- b. Annually at the beginning of the school year and upon the enrollment of any child during the school year, the administration shall obtain from the parent or other person having control of the student in grades K-12 a telephone number or other means of contacting such parent or other person during the school day.

2. Monitoring

Each school shall implement a system of monitoring individual unexcused absences of students in grades K-12. Whenever such a student fails to report to school on a regularly scheduled school day, school personnel under the direction of the building principal or designee shall make a reasonable effort to notify the parent or other person having control of such student by telephone ~~and by~~ e-mail of the student's absence, unless school personnel have received an indication that the parent or other person is aware of the student's absence. Reasonable efforts shall include two (2) attempts to reach the parent or other person at the ~~telephone number~~ **contact information** provided by the parent or other person. Such attempts shall be recorded on a form provided by the Superintendent. Any person who, in good faith, gives or fails to give such notice shall be immune from liability, civil or criminal, which might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding which results from such notice or failure to give notice.

I. Procedures applicable to students ages five (5) to eighteen (18)

1. Intervention

- a. When a student is truant, the building principal or designee shall schedule a meeting with the parent (or other person

having control of such student) and appropriate school personnel to review and evaluate the reasons for the student's truancy. This meeting shall be held no later than **ten (10) days** after the student becomes truant. The District shall document the meeting, and if parent or other person declines to attend the meeting, or is otherwise non-responsive, that fact shall also be documented and the meeting shall proceed with school personnel in attendance.

- b. When a student is truant, the Superintendent or designee shall coordinate services with and referrals of students to community agencies providing child and family services, as appropriate. The District shall document efforts to contact and include families and to provide early intervention in truancy matters.
- c. When a student is truant, the Superintendent or designee shall provide notice to the student's parent or guardian of the information concerning the existence and availability of the 2-1-1 Infoline program, and other pediatric mental and behavioral health screening services and tools described in Conn. Gen. Stat. § 17a-22r.
- d. ~~Beginning July 1, 2023, w~~ When a student is truant, an appropriate school mental health specialist, as determined by the District, shall conduct an evaluation of the student to determine if additional behavioral health interventions are necessary for the well-being of the child. "School mental health specialist" means any person employed by the District to provide mental health services to students, including but not limited to a school social worker, school psychologist, trauma specialist, behavior technician, board certified behavior analyst, school counselor, licensed professional counselor or licensed marriage and family therapist.
- e. When a student is truant, the District shall implement the truancy intervention model developed by the State Department of Education that accounts for mental and behavioral health, if the State Department of Education has developed such model. Otherwise, the District shall implement a truancy intervention plan that meets the requirements set forth in Conn. Gen. Stat. § 10-198e(b).
- ef. If the Commissioner of Education determines that any school under the jurisdiction of the Board has a disproportionately high rate of truancy, the District shall implement in that school a truancy intervention model identified by the

- fg. In addition to the procedures specified in subsections (a) through (c) above, a regular education student who is experiencing attendance problems should be referred to the building Child Study Team or other appropriate school-based team (the "Team") to consider the need for additional interventions and/or assistance. The Team will also consider whether the student should be referred to a planning and placement team ("PPT") meeting to review the student's need and eligibility for special education. A special education student who is experiencing attendance problems should be referred to a PPT meeting for program review.
- gh. Where the documented implementation of the procedures specified in subsections (a) through (d e) above does not result in improved outcomes despite collaboration with the parent/guardian, the Superintendent or designee may, with written parental consent, refer a student who is truant to a Youth Service Bureau.

J. Attendance Records

All attendance records developed by the **Board District** shall include the individual student's state-assigned student identifier (SASID).

II. **Chronic Absenteeism**

A. Definitions for Section II

1. "Chronically absent child" - a child who is enrolled in a school under the jurisdiction of the Board and whose total number of absences at any time during a school year is equal to or greater than ten percent (10%) of the total number of days that such student has been enrolled at such school during such school year.
2. "Absence" - an excused absence, unexcused absence or disciplinary absence, as those terms are defined by the State **Board Department** of Education pursuant to Conn. Gen. Stat. § 10-198b and these administrative regulations.
3. "District chronic absenteeism rate" - the total number of chronically absent children under the jurisdiction of the Board in the previous school year divided by the total number of students under the jurisdiction of the Board for such school year.
4. "School chronic absenteeism rate" - the total number of chronically absent students for a school in the previous school year divided by the total number of students enrolled in such school for such school year.

B. Establishment of Attendance Review Teams

If the **Board District** has a **district District** chronic absenteeism rate of ten percent (10%) or higher, it shall establish an attendance review team for the District.

If a school under the jurisdiction of the Board has a school chronic absenteeism rate of fifteen percent (15%) or higher, it shall establish an attendance review team for that school.

If the **Board District** has more than one school with a school chronic absenteeism rate of fifteen percent (15%) or higher, it shall establish an attendance review team for the District or at each such school.

If the **Board District** has a district chronic absenteeism rate of ten percent (10%) or higher and one or more schools with a school chronic absenteeism rate of fifteen percent (15%) or higher, it shall establish an attendance review team for the District or at each such school.

C. Composition and Role of Attendance Review Teams

Any attendance review team established under these regulations may include school administrators, guidance counselors, school social workers, teachers, representatives from community-based programs who address issues related to student attendance by providing programs and services to truants, as defined under I.A.9, and chronically absent students and their parents or guardians.

Each attendance review team shall be responsible for reviewing the cases of truants and chronically absent students, discussing school interventions and community referrals for such truants and chronically absent students and making any additional recommendations for such truants and chronically absent children and their parents or guardians. Each attendance review team shall meet at least monthly.

D. State Chronic Absenteeism Prevention and Intervention Plan

The **Board District** and its attendance review teams, if any, will consider any chronic absenteeism prevention and intervention plan developed by the State Department of Education.

III. **Reports to the State Regarding Truancy Data**

Annually, the Board shall include information regarding the number of truants and chronically absent children in the strategic school profile report for each school under its jurisdiction and for the District as a whole submitted to the Commissioner of Education. Measures of truancy include the type of data that is required to be collected by the **State** Department of Education regarding attendance and unexcused absences in order for the department to comply with

federal reporting requirements and the actions taken by the Board to reduce truancy in the District.

IV. ~~Evolving State Department of Education and State Board of Education Guidance~~

~~The Board will comply with any and all guidance issued by the State Department of Education and/or State Board of Education regarding attendance requirements, including during periods of remote learning.~~

Legal References:

Public Act No. ~~22-47~~ 23-160 “An Act Concerning Education Mandate Relief and Other Technical and Assorted Revisions and Additions to the Education and Early childhood Education Statutes.”

Connecticut General Statutes § 10-73d

Connecticut General Statutes § 10-220

Connecticut General Statutes § 10-184

Connecticut General Statutes § 10-186

Connecticut General Statutes § 10-198a

Connecticut General Statutes § 10-198b

Connecticut General Statutes § 10-198c

Connecticut General Statutes § 10-198d

Connecticut General Statutes § 10-198e

Connecticut General Statutes § 10-198f

Connecticut State Department of Education, *Guidelines for Reporting Student Attendance in the Public School Information System* (January 2008)

Connecticut State Board of Education Memorandum, *Definitions of Excused and Unexcused Absences* (June 27, 2012)

Connecticut State Department of Education, *Guidelines for Implementation of the Definitions of Excused and Unexcused Absences and Best Practices for Absence Prevention and Intervention* (April 2013)

Connecticut State Department of Education, *Reducing Chronic Absence in Connecticut's Schools: A Prevention and Intervention Guide for Schools and Districts* (April 2017)

Connecticut State Department of Education Memorandum, *Youth Service Bureau Referral for Truancy and Defiance of School Rules* (February 22, 2018)

Connecticut State Department of Education, *Youth Service Bureau Referral Guide* (February 2018)

Connecticut State Department of Education Memorandum, *Mental Health Wellness Days* (January 24, 2022)

Connecticut State Department of Education Memorandum, *Adoption of Definition of Remote Absence* (September 7, 2022)

Connecticut State Board of Education Resolution (September 7, 2022)

Administrative Regulations Adopted:

SAMPLE NOTIFICATION REGARDING STUDENT ATTENDANCE*

Regular and punctual student attendance is essential to the educational process. Connecticut General Statutes Section 10-184 provides that “each parent or other person having control of a child five years of age and over and under eighteen years of age shall cause such child to attend a public **day** school regularly during the hours and terms the public school in the district **wherein in which** such child resides is in session, unless such child is a high school graduate or the parent or person having control of such child is able to show that the child is elsewhere receiving equivalent instruction in the studies taught in the public schools. ~~For the school years commencing July 1, 2011, to July 2022, inclusive, the parent or person having control of a child seventeen years of age may consent, as provided in this section, to such child’s withdrawal from school. For the school year commencing July 1, 2023, and each school year thereafter, a~~ **A** student who is eighteen years of age or older may withdraw from school. Such parent, person or student shall personally appear at the school district office and sign a withdrawal form. Such withdrawal form shall include an attestation from a guidance counselor, school counselor or school administrator of the school that such school district has provided such parent, person or student with information on the educational options available in the school system and community. The parent or person having control of a child seventeen years of age may withdraw such child from school and enroll such child in an adult education program pursuant to [Connecticut General Statutes Section] 10-69. Such parent or person shall personally appear at the school district office and sign an adult education withdrawal and enrollment form. Such adult education withdrawal and enrollment form shall include an attestation (1) from a school counselor or school administrator of the school that such school district has provided such parent or person with information on the educational options available in the school system and in the community, and (2) from such parent or person that such child will be enrolled in an adult education program upon such child’s withdrawal from school. The parent or person having control of a child five years of age shall have the option of not sending the child to school until the child is six years of age and the parent or person having control of a child six years of age shall have the option of not sending the child to school until the child is seven years of age. The parent or person shall exercise such option by personally appearing at the school district office and signing an option form. The school district shall provide the parent or person with information on the educational opportunities available in the school system.”

In order to assist parents and other persons in meeting this responsibility, the Newtown Board of Education (the “Board”) monitors unexcused student absences and makes reasonable efforts to notify parents or other persons by contacting them when a student fails to report to school. State law provides that any person who, in good faith, gives or fails to give such notice shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding which results from such notice or failure to give such notice. The Board, therefore, must obtain a telephone number or other means of contacting parents or other persons during the school day.

Please provide the following information and return the completed form, signed and dated to:

Student's Name: _____

Address: _____

School/grade: _____ / _____

Parent/Guardian's Daytime Telephone Number*: _____

Parent/Guardian's Daytime Telephone Number*: _____

Parent/Guardian E-mail Address: _____

~~Daytime Telephone Number* of~~

Name of Other Person Having Control of Student: _____

~~of Student:~~ Relationship to Student: _____

Daytime Telephone Number* _____

*If no daytime telephone number is available, please specify other means by which school personnel may contact you during the school day. _____

Signature: _____

Date: _____

UNEXCUSED ABSENCES DOCUMENTATION LOG

_____ Date _____

_____ School _____

School Staff Member/ Volunteer	Student's Name	Parent or Other Person Having Control of Student	Telephone Number	Outcome*	Excused or Unexcused	Reason Absence is Excused or Unexcused
				Attempt #1 _____ Attempt #2 _____ Written -Notice mailed or e-mailed _____		
				Attempt #1 _____ Attempt #2 _____ Written -Notice mailed or e-mailed _____		
				Attempt #1 _____ Attempt #2 _____ Written -Notice mailed or e-mailed _____		
				Attempt #1 _____ Attempt #2 _____ Written -Notice mailed or e-mailed _____		
				Attempt #1 _____ Attempt #2 _____ Written -Notice mailed or e-mailed _____		

* No answer = N Notifications made = NM
Left Message = LM

Newtown Board of Education
Extraordinary Educational Experience Request Form

Pursuant to guidelines from the Connecticut State Department of Education, the Newtown Public Schools will consider certain extraordinary educational experiences to be excused absences. In order for an experience to qualify as an extraordinary educational experience, the opportunity must be educational in nature and must have a learning objective specifically related to the student's coursework or plan of study. It is important to note that not all memorable and/or life experiences are considered extraordinary educational experiences for the purpose of an excused absence. In order to qualify, the experience must be an opportunity not ordinarily available to the student. The experience must be grade and developmentally appropriate and the content of the experience must be highly relevant to the individual student. Whether an experience fits the requirements of an extraordinary educational experience for the purpose of an excused absence is a determination within the discretion of the building principal or designee.

To request consideration of an experience as an extraordinary educational experience, the following form must be filled out, signed by the parent and student, and returned at least ~~five~~ **ten (5 10)** school days in advance of the date of the opportunity. Please note that approval is not assured. Approvals are ~~awarded on a case-by-case~~ **considered on a case-by-case** basis and are based on a number of factors. An experience approved for one student does not guarantee that it will be approved for others.

Name of Student: _____ Today's Date: _____

Title of Educational Opportunity:

Please describe the learning objective of the educational opportunity and how the objective is linked to the student's coursework or plan of study (you may attach additional sheets):

Date(s) of educational opportunity:

Dates and total number of days of planned absence:

Signature of Parent _____

Signature of Student _____

For Office Use Only. Received by _____ on _____. Approved? Yes/No By _____.

NEWTOWN BOARD OF EDUCATION
3 Primrose Street
Newtown, CT 06470

SCHOOL ATTENDANCE OPTION FORM (CHILDREN AGE 5 OR 6)

Name of Child: _____ Date of Birth: _____

Address of Child: _____

Name of Parent(s): _____

Address of Parent(s) (if different from child): _____

In accordance with Connecticut General Statutes Section 10-184, the parent or person having control of a child five (5) years of age or older and under age eighteen (18) is required to ensure that such child attends school. Section 10-184 further provides that a parent or person having control of a child age five (5) shall have the option of not sending the child to school until age six (6), and a parent or person having control of a child age six (6) shall have the option of not sending the child to school until age seven (7). A parent or person having control of such child who is seeking to elect this option must appear in person at the school district offices and sign this option form.

I, _____, am the parent or person having control of, _____,

Name of parent or person

Name of child

a child who is age five/six (circle appropriate age), and I elect not to send my child to school until the age of six/seven (circle appropriate age). I understand that this option is effective for only one (1) school year. By signing, I understand that if my child is currently age five (5) and I wish to elect next school year not to send my child to school, I must reappear at the school next year to elect this option. I further understand that if my child is currently age six (6), I am required by Section 10-184 to send my child to the public school, or demonstrate that the child is "elsewhere receiving equivalent instruction in the studies taught in the public schools," when the child turns seven (7).

Signature: _____ Date: _____

School Personnel Use Only

Parent/person in control of the child appeared in person and has been provided with information on the educational opportunities in the school system

Signature: _____ Date: _____

Title: _____

NEWTOWN BOARD OF EDUCATION
3 Primrose Street
Newtown, CT 06470

SCHOOL ATTENDANCE OPTION FORM (CHILDREN AGE 17)

Name of Child: _____ Date of Birth: _____

Address of Child: _____

Name of Parent(s): _____

Address of Parent(s) (if different from child): _____

In accordance with Connecticut General Statutes Section 10-184, the parent or person having control of a child five (5) years of age or older and under age eighteen (18) is required to ensure that such child attends school.

Section 10-184 further provides that a parent or person having control of a student **seventeen (17) years of age** may consent to such student's withdrawal from school if they simultaneously enroll such child in an adult education program pursuant to Connecticut General Statutes Section 10-69. Such parent or person shall personally appear at the school district office and sign an adult education withdrawal and enrollment form. Such adult education withdrawal and enrollment form shall include an attestation (1) from a school counselor or school administrator of the school that such school district has provided such parent or person with information on the educational options available in the school system and in the community, and (2) from such parent or person that such child will be enrolled in an adult education program upon such child's withdrawal from school.

I, _____, am the parent or person having control of, _____,
Name of parent or person Name of child

a child who is seventeen years of age. I hereby withdraw my child from school and attest that, upon my child's withdrawal, I will enroll my child in an adult education program pursuant to Connecticut General Statutes Section 10-69. I have personally appeared at the school district office and received information on the educational options available in the school system and community for my child.

Signature: _____ Date: _____

School Personnel Use Only

Parent/person in control of the child appeared in person and has been provided with information on the educational opportunities in the school system and community.

Signature: _____ Date: _____

Title: _____

NEWTOWN BOARD OF EDUCATION
3 Primrose Street
Newtown, CT 06470

SCHOOL ATTENDANCE OPTION FORM (STUDENTS AGE 18)

Name of Student: _____ Date of Birth: _____

Address of Student: _____

In accordance with Connecticut General Statutes Section 10-184, the parent or person having control of a child five (5) years of age or older and under age eighteen (18) is required to ensure that such child attends school.

Section 10-184 further provides that, for ~~the school year commencing July 1, 2023 and each school year thereafter~~, a student who is **eighteen (18) years of age or older** may withdraw from school. Such student shall personally appear at the school district office and sign a withdrawal form. Such withdrawal form shall include an attestation from a guidance counselor, school counselor or school administrator of the school that such school district has provided such student with information on the educational options available in the school system and in the community.

Withdrawal from School by Student Age 18 or Over

I, _____, am a student of at least eighteen years of age,
Name of student

and I hereby withdraw from school. I have personally appeared at the school district office and received information on the educational options available in the school system and community for me.

Signature: _____ Date: _____

School Personnel Use Only

Student appeared in person and has been provided with information on the educational opportunities in the school system and community.

Signature: _____ Date: _____

Title: _____

Note: This is a mandated policy. This policy was updated by S & G in December 2023 when the U.S. Department of Education Office for Civil Rights released two fact sheets regarding protecting access to education for unaccompanied children and migratory children. In light of these fact sheets, S & G revised their model administrative regulations to specifically address students who are English learners/multilingual learners and families who have limited English proficiency.

It is recommended to approve this policy and to rescind the current NPS policy from January 2019. The attached Administrative Regulations will be shared with the Board as an Item of Information by the Superintendent at the time the policy is recommended for adoption.

Note: On September 30, 2024, S & G updated this policy and administrative regulations. New text is highlighted in yellow. Deleted text is bold and has a ~~striketrough~~. Changes were made to the following pages: 1,2, 4, 10, 19, and 21.

Series 5000
Students

5118.1

POLICY AND ADMINISTRATIVE REGULATIONS REGARDING HOMELESS CHILDREN AND YOUTH

In accordance with federal law, it is the policy of the Newtown Board of Education (the "Board") to prohibit discrimination against, segregation of, or stigmatization of, homeless children and youth. The Board authorizes the Administration to establish regulations setting forth procedures necessary to implement the requirements of law with respect to homeless children and youth. In the event of conflict between federal and/or state law and these administrative regulations, the provisions of law shall control.

Legal References:

State Law:

Connecticut General Statutes § 10-186 Duties of local and regional boards of education re school attendance. Hearings. Appeals to state board. Establishment of hearing board. Readmission. Transfers

Connecticut General Statutes § 10-253 School privileges for children in certain placements, non-resident children and children in temporary shelters, homeless children and children in juvenile residential centers. Liaison to facilitate transactions between school districts and juvenile and criminal justice systems.

Federal Law:

The McKinney-Vento Homeless Education Assistance Act, 42 U.S.C. §§ 11431 et seq., as amended by Every Student Succeeds Act, Pub. L. 114-95.

Adopted:
Revised:

NEWTOWN PUBLIC SCHOOLS
Newtown, Connecticut

ADMINISTRATIVE REGULATIONS REGARDING HOMELESS CHILDREN AND YOUTH

In accordance with federal law, the Newtown Board of Education (the “Board”) and the Newtown Public Schools (the “District”) does not permit discrimination against, segregation of, or stigmatization of, homeless children and youth. The following sets forth the procedures to implement the requirements of law with respect to homeless children and youth. In the event of conflict between federal and/or state law and these regulations with respect to homeless children and youth, the provisions of law shall control.

I. Definitions:

- A. **Enroll and Enrollment:** includes attending classes and participating fully in school activities.
- B. **Homeless Children and Youth:** means children and youth ~~twenty-one years of age and younger~~ who lack a fixed, regular, and adequate nighttime residence, including children and youth who:
 - 1. Are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason.
 - 2. Are living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations.
 - 3. Are living in emergency or transitional shelters.
 - 4. Are abandoned in hospitals.
 - 5. Have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.
 - 6. Are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.
 - 7. Are migratory children living in the above described circumstances.
- C. **School of Origin:** means the school that a homeless child or youth attended when permanently housed or the school in which the homeless child was last enrolled. School of origin may include preschool

administered by the District and, when a homeless child or youth completes the final grade level served by the school of origin, school of origin also includes the designated receiving school at the next grade level for all feeder schools.

- D. **Unaccompanied Youth:** means a homeless child or youth not in the physical custody of a parent or guardian.

II. Homeless Liaison:

- A. The District's Homeless Liaison is Deborah Mailloux-Petersen.

- B. The duties of the District's Homeless Liaison include:

1. Ensuring that homeless children and youth are identified by school personnel and through outreach and coordination with other entities and agencies.
2. Ensuring that homeless children and youth enroll in, and have full and equal opportunity to succeed in the District's schools, including ensuring that such homeless children and youth have opportunities to meet the same challenging state academic standards as other children and youths.
3. Ensuring that homeless families, children, and youths receive educational services for which such families, children and youth are eligible, including services through Head Start and Even Start, early intervention services under Part C of the Individuals with Disabilities Education Act and preschool programs administered by the District.
4. Ensuring that parents and guardians of homeless children and youth and unaccompanied youth receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services.
5. Ensuring that parents and guardians of homeless children and youth and unaccompanied youth are informed of educational and related opportunities available to homeless children and youth, including extracurricular activities, and that parents and guardians of homeless children and youth are provided with meaningful opportunities to participate in the education of their children.
6. Ensuring that public notice of the educational rights of homeless children under the McKinney-Vento Act is disseminated in locations frequented by parents, guardians, and unaccompanied youth in a manner and form that is understandable to them.

7. Ensuring that enrollment disputes are mediated in accordance with the McKinney-Vento Act, including carrying out the initial dispute resolution process and ensuring that homeless students are immediately enrolled pending resolution of any enrollment dispute.
8. Ensuring that parent(s)/guardian(s) of homeless children and youth and unaccompanied youth are fully informed of all transportation services, including transportation to and from the school of origin, and are assisted in accessing those services.
9. Assisting homeless children and youth in enrolling in school and accessing school services and removing barriers to enrollment and retention due to outstanding fees, fines or absences.
10. Ensuring that students who are English learners/multilingual learners are not deterred or discouraged from applying and/or accessing special academic programs and offerings, including advanced courses and programs, because they are English learners/multilingual learners or because they have interrupted formal schooling due to work-related mobility.
11. Informing parent(s)/guardian(s) of homeless children and youth and unaccompanied youth, school personnel, and others of the rights of such students.
12. Assisting homeless children and youth who do not have immunizations or immunization/medical records to obtain necessary immunizations or immunization/medical records.
13. Assisting unaccompanied youth in placement/enrollment decisions, including considering the unaccompanied youth's wishes in those decisions, and providing notice to the unaccompanied youth of ~~his or her~~ **the** right to appeal such decisions.
14. Ensuring that high school age homeless children and youth receive assistance from counselors to advise such youths on preparation and readiness for college, including informing such children and youths of their status as independent students under the Higher Education Act of 1965 and that they may obtain assistance from the district to receive verification of this status for purposes of the Free Application for Federal Student Aid (FAFSA).
15. Ensuring collaboration with community and school personnel responsible for providing education and related support services to homeless children and youth.
16. Collaborating with and participating in professional development and technical assistance activities offered by the State Office of the Coordinator for the Education of Homeless Children and Youth.

17. Ensuring that school personnel providing services to homeless children and youth receive professional development and other technical assistance activities regarding the McKinney-Vento Act.
18. Ensuring that unaccompanied youth are enrolled in school and that procedures are implemented to identify and remove barriers that prevent them from receiving credit for full or partial coursework satisfactorily completed at a prior school, in accordance with state, local, and school policies.
19. Ensuring that information about enrollment, classes, and other educational programs and activities is made accessible to parents and guardians who have limited English proficiency.
20. With appropriate training, affirming that a child or youth who is eligible for and participating in a program provided by the District, or the immediate family of such a child or youth, is eligible for homeless assistance programs administered under Title IV of the McKinney-Vento Act.

III. Enrollment of Homeless Children and Youth:

- A. Enrollment of homeless children and youth may not be denied or delayed due to the lack of any document normally required for enrollment. However, administrators shall require the parent/guardian or unaccompanied youth to provide contact information prior to enrollment.
- B. To facilitate enrollment, administrators:
 1. May permit parents/guardians of homeless children and youth and unaccompanied youth to sign affidavits of residency to replace typical proof of residency.
 2. May permit unaccompanied youth to enroll with affidavits to replace typical proof of guardianship.
 3. Shall refer parent/guardian/unaccompanied youth to the District's Homeless Liaison who will assist in obtaining immunizations.
 4. Shall contact previous schools for records and assistance with placement decisions.
 5. Shall maintain records so that the records are available in a timely fashion when the student enters a new school or school district.

IV. School Selection:

A. Standards for School Selection:

1. The District is required to make a determination as to the best interests of a homeless child or youth in making a determination as to the appropriate school of placement.
2. In making such a determination, the District is required to keep a homeless child or youth in the child's or youth's school of origin for the duration of homelessness when a homeless child or youth becomes homeless between academic years or during an academic year; or for the remainder of the academic year if the homeless child or youth becomes permanently housed during an academic year, to the extent feasible, unless it is against the wishes of the parent or guardian or unaccompanied youth. Otherwise, the homeless child or youth shall be enrolled in a public school that non-homeless students who live in the area where the homeless child or youth is actually living are eligible to attend.
3. The District must presume that keeping the homeless child or youth in the school of origin is in the child's or youth's best interest unless doing so is contrary to the request of the child's or youth's parent or guardian, or in the case of an unaccompanied youth, the unaccompanied youth. In considering the child's or youth's best interest, the District must consider student-centered factors related to the child's or youth's best interest, giving priority to the request of the parent or guardian or unaccompanied youth.

B. Procedures for Review of School Selection Recommendation:

1. The Principal or designee of the school in which enrollment is sought shall review an enrollment request in accordance with the standards discussed above, and shall make an initial recommendation regarding the same. If the Principal's or designee's recommendation is to select a placement other than the school desired by the parent(s) or guardian(s) of the homeless child or youth or the unaccompanied youth, then the Principal or designee shall refer the matter to the Superintendent or designee for review of the recommendation and the reasons therefor, and shall notify the District's Homeless Liaison of same.
2. The Superintendent or designee shall review the matter and consult with the District's Homeless Liaison concerning the same. If the Superintendent or designee agrees with the recommendation of the Principal or designee, and a dispute remains between the District and the parent(s) or guardian(s) of a homeless child or youth or an unaccompanied youth about a school selection and/or enrollment decision; the Superintendent or designee shall provide the parent(s) or guardian(s) of a homeless child or youth or an unaccompanied

youth with a written explanation of the District's decision regarding this matter, and the right to appeal such decision to the Board.

C. Dispute Resolution Process:

1. The District's Homeless Liaison shall be responsible for promoting objective and expeditious dispute resolutions, and adherence to these administrative regulations.
2. If the parent(s) or guardian(s) of a homeless child or youth or an unaccompanied youth disputes the school placement decision or enrollment, the District must immediately enroll the homeless child or youth in the school in which enrollment is sought, pending resolution of the dispute. The homeless child or youth shall also have the right to all appropriate educational services, including transportation to and from the school in which enrollment is sought, while the dispute is pending.
3. If necessary, the District's Homeless Liaison shall assist parent(s) or guardian(s) of a homeless child or youth or an unaccompanied youth with completion of the necessary appeal paperwork required to file for an appeal to the Board, and provide the parent(s) or guardian(s) of a homeless child or youth or an unaccompanied youth with a copy of Connecticut General Statutes Section 10-186(b).
4. Not later than ten (10) days after receipt of an appeal to the Board by a parent(s) or guardian(s) of a homeless child or youth or an unaccompanied youth, the District shall hold a hearing before the Board concerning such appeal, and such hearing shall be conducted in accordance with Connecticut General Statutes Section 10-186(b).
5. If the Board finds in favor of the Superintendent or designee, a parent or guardian of a homeless child or youth or unaccompanied youth may appeal the Board's decision to the State Board of Education within twenty (20) days of receipt of the Board's written decision, in accordance with Connecticut General Statutes Section 10-186(b). If necessary, the District's Homeless Liaison shall assist a parent or guardian of a homeless child or youth or unaccompanied youth with filing the necessary appeal paperwork to the State Board of Education. The homeless child or youth or unaccompanied youth shall remain in the child's or youth's school of origin pending resolution of the dispute, including all available appeals.

V. Services:

- A. Homeless children and youth shall be provided with services comparable to those offered other students in the selected school including:
 - 1. Title I services or similar state or local programs, educational programs for students with disabilities, and preschool programs.
 - 2. Language assistance services for students who have limited English proficiency to enable students who are English learners/multilingual learners to meaningfully participate in the educational programs.
 - 3. Transportation services.
 - 4. Vocational and technical education.
 - 5. Programs for gifted and talented students.
 - 6. School nutrition programs.
 - 7. Before and after school programs.
- B. The District shall coordinate with local social service agencies, other service providers, housing assistance providers and other school districts to ensure that homeless children and youth have access and reasonable proximity to available education and support services.

VI. Transportation:

- A. The District shall provide transportation comparable to that available to other students.
- B. Transportation shall be provided, at a parent or guardian or unaccompanied youth's request, to and from the school of origin for a homeless child or youth. Transportation shall be provided for the entire time the child or youth is homeless and until the end of any academic year in which they move into permanent housing. Transportation to the school of origin shall also be provided during pending disputes. The District's Homeless Liaison shall request transportation to and from the school of origin for an unaccompanied youth. Parents and unaccompanied youth shall be informed of this right to transportation before they select a school for attendance.
- C. To comply with these requirements:
 - 1. Parents/guardians, schools, and the District's Homeless Liaison shall use the district transportation form to process transportation requests.
 - 2. If the homeless child or youth is living and attending school in this District, the District shall arrange transportation.

3. If the homeless child or youth is living in this District but attending school in another, or attending school in this District and living in another, the District will follow the inter-district transportation agreement to determine the responsibility and costs for such transportation. If there is no inter-district transportation agreement, the District shall confer with the other school district's Homeless Liaison to determine an apportionment of the responsibility and costs.
4. If no mutually agreeable arrangement can be reached, then the District shall:
 - (a) arrange transportation immediately;
 - (b) bring the matter to the attention of the State Coordinator for the Education of Homeless Children and Youth; and
 - (c) ensure that such disputes do not interfere with the homeless child or youth attending school.

VII. Records:

An unaccompanied youth, as defined in section I.D, above, is entitled to knowledge of and access to all educational, medical, or similar records in the cumulative record of such unaccompanied youth maintained by this District.

VIII. Contact Information:

- A. Local Contact: for further information, contact:

Deborah Mailloux-Petersen
Director of Pupil Services
Newtown Public Schools
3 Primrose Street
Newtown, CT 06470
(203)-426-7628
petersend@newtown.k12.ct.us

- B. State Contact: for further information or technical assistance, contact:

Louis Tallarita, State Coordinator
Connecticut Department of Education
450 Columbus Boulevard
Hartford, CT 06103
(860) 807-2058
Louis.Tallarita@ct.gov

Legal References:

State Law:

Connecticut General Statutes § 10-186 Duties of local and regional boards of education re school attendance. Hearings. Appeals to state board. Establishment of hearing board. Readmission. Transfers

Connecticut General Statutes § 10-253 School privileges for children in certain placements, non-resident children and children in temporary shelters. homeless children and children in juvenile residential centers. Liaison to facilitate transitions between school districts and juvenile and criminal justice systems.

Connecticut General Statutes § 10-76d Duties and powers of boards of education to provide special education programs and services. Medicaid enrollment, participation and billing requirements. Development of individualized education program. Planning and placement team meetings. Public agency placements; apportionment of costs. Relationship of insurance to special education costs. Prohibition on punishing members of planning and placement teams and birth-to-three service coordinators and qualified personnel for certain conduct.

Federal Law:

The McKinney-Vento Homeless Education Assistance Act, 42 U.S.C. §§ 11431 et seq., as amended by Every Student Succeeds Act, Pub. L. 114-95.

United States Department of Education, Office for Civil Rights, *Protecting Access to Education for Unaccompanied Children* (June 2023).

United States Department of Education, Office for Civil Rights, *Protecting Access to Education for Migratory Children* (June 2023).

Administrative Regulations Adopted:

**DISPUTE RESOLUTION PROCESS
UNDER CONNECTICUT GENERAL STATUTES SECTION 10-186**

(1) If any board of education denies such accommodations, the parent or guardian of any child who is denied schooling, or an emancipated minor, a pupil eighteen years of age or older or an unaccompanied youth who is denied schooling, or an agent or officer charged with the enforcement of the laws concerning attendance at school, may, in writing request a hearing by the board of education. The board of education may

- (A) conduct the hearing,
- (B) designate a subcommittee of the board composed of three board members to conduct the hearing, or
- (C) establish a local impartial hearing board of one or more persons not members of the board of education to conduct the hearing.

The board, subcommittee or local impartial hearing board shall give such person a hearing not later than ten days after receipt of the written request, make a stenographic record or tape recording of the hearing and make a finding not later than ten days after the hearing. Hearings shall be conducted in accordance with the provisions of sections 4-176e to 4-180a, inclusive, and section 4-181a. Any child, emancipated minor, pupil eighteen years of age or older or unaccompanied youth who is denied accommodations on the basis of residency may continue in attendance in the school district at the request of the parent or guardian of such child or emancipated minor, pupil eighteen years of age or older or unaccompanied youth, pending a hearing pursuant to this subdivision. The party claiming ineligibility for school accommodations shall have the burden of proving such ineligibility by a preponderance of the evidence, except in cases of denial of schooling based on residency, the party denied schooling shall have the burden of proving residency by a preponderance of the evidence, unless the party denied schooling is claiming that he or she is a homeless child or youth, as defined in 42 USC 11434a, as amended from time to time, in which case, the party claiming ineligibility based on residency shall have the burden of proving that the party denied schooling is not a homeless child or youth by a preponderance of the evidence in accordance with the provisions of 42 USC 11431, et seq., as amended from time to time.

(2) Any homeless child or youth who is denied accommodations by a board of education as the result of a determination by such board, or a subcommittee of the board or local impartial hearing board, that the child is not entitled to school accommodations in the district, shall continue in attendance or be immediately enrolled in the school selected by the child in the school district pursuant to 42 USC 11432(g)(3), as amended from time to time. The board of education for such school district shall (A) provide, in accordance with the provisions of 42 USC 11432(g)(3)(E)(ii), as amended from time to time, the homeless child or youth or the parent or guardian of such homeless child or youth with (i) a written explanation of the reasons for the denial of accommodations that is in a manner and form understandable to such homeless child or youth or parent or guardian, and (ii) information regarding the right to appeal the decision of the denial of accommodations pursuant to subdivision (3) of this subsection, and (B) refer, in

accordance with the provisions of 42 USC 11432(g)(3)(E)(iii), as amended from time to time, the homeless child or youth or the parent or guardian of such homeless child or youth to the liaison, designated pursuant to 42 USC 11432(g)(1)(J)(ii), as amended from time to time, who is responsible for carrying out the duties described in 42 USC 11432(g)(6)(A), as amended from time to time.

(3) Any such parent, guardian, emancipated minor, pupil eighteen years of age or older, unaccompanied youth, or agent or officer, aggrieved by the finding shall, upon request, be provided with a transcript of the hearing within thirty days after such request and may take an appeal from the finding to the State Board of Education. A copy of each notice of appeal shall be filed simultaneously with the local or regional board of education and the State Board of Education. Any child, emancipated minor or pupil eighteen years of age or older or unaccompanied youth who is denied accommodations by a board of education as the result of a determination by such board, or a subcommittee of the board or local impartial hearing board, that the child is not a resident of the school district and therefore is not entitled to school accommodations in the district may continue in attendance in the school district at the request of the parent or guardian of such child or such minor or pupil, pending a determination of such appeal, except any homeless child or youth shall be entitled to continue in attendance in the school district during all available appeals pursuant to 42 USC 11432(g)(2)(E). If an appeal is not taken to the State Board of Education within twenty days of the mailing of the finding to the aggrieved party, the decision of the board, subcommittee or local impartial hearing board shall be final. The local or regional board of education shall, within ten days after receipt of notice of an appeal, forward the record of the hearing to the State Board of Education. The State Board of Education shall, on receipt of a written request for a hearing made in accordance with the provisions of this subsection, establish an impartial hearing board of one or more persons to hold a public hearing in the local or regional school district in which the cause of the complaint arises. Members of the hearing board may be employees of the state Department of Education or may be qualified persons from outside the department. No member of the board of education under review nor any employee of such board of education shall be a member of the hearing board. Members of the hearing board, other than those employed by the state of Connecticut, shall be paid reasonable fees and expenses as established by the State Board of Education within the limits of available appropriations. Such hearing board may examine witnesses and shall maintain a verbatim record of all formal sessions of the hearing. Either party to the hearing may request that the hearing board join all interested parties to the hearing, or the hearing board may join any interested party on its own motion. The hearing board shall have no authority to make a determination of the rights and responsibilities of a board of education if such board is not a party to the hearing. The hearing board may render a determination of actual residence of any child, emancipated minor, pupil eighteen years of age or older or unaccompanied youth where residency is at issue.

(4) The hearing board shall render its decision within forty-five days after receipt of the notice of appeal except that an extension may be granted by the Commissioner of

Education upon an application by a party or the hearing board describing circumstances related to the hearing which require an extension.

(5) If, after the hearing, the hearing board finds that any child is illegally or unreasonably denied schooling, the hearing board shall order the board of education under whose jurisdiction it has been found such child should be attending school to make arrangements to enable the child to attend public school. Except in the case of a residency determination, the finding of the local or regional board of education, subcommittee of such board or a local impartial hearing board shall be upheld unless it is determined by the hearing board that the finding was arbitrary, capricious or unreasonable. If such school officers fail to take action upon such order in any case in which such child is currently denied schooling and no suitable provision is made for such child within fifteen days after receipt of the order and in all other cases, within thirty days after receipt of the order, there shall be a forfeiture of the money appropriated by the state for the support of schools amounting to fifty dollars for each child for each day such child is denied schooling. If the hearing board makes a determination that the child was not a resident of the school district and therefore not entitled to school accommodations from such district, the board of education may assess tuition against the parent or guardian of the child or the emancipated minor or pupil eighteen years of age or older based on the following: One one-hundred-eightieth of the town's net current local educational expenditure, as defined in section 10-261, per pupil multiplied by the number of days of school attendance of the child in the district while not entitled to school accommodations provided by that district. The local board of education may seek to recover the amount of the assessment through available civil remedies.

NEWTOWN PUBLIC SCHOOLS
3 Primrose Street
Newtown, CT 06470

WRITTEN NOTIFICATION OF ENROLLMENT DECISION

[Month] __, 20__

VIA HAND DELIVERY AND U.S. MAIL

[Insert Name of Parent or Unaccompanied Youth]

[Insert Home Address]

Re: Notification of Enrollment Decision

Dear [Parent/Guardian or Unaccompanied Youth]:

After reviewing your request to enroll the student(s) listed above [name(s)], the enrollment request is denied. This determination is based upon the following factors:

[List factors]

Under the McKinney-Vento Homeless Education Assistance Act, you have the right to appeal this decision by completing the form attached to this notice or by contacting the school district's homeless education liaison:

Deborah Mailloux-Petersen
Director of Pupil Services
Newtown Public Schools
3 Primrose Street
Newtown, CT 06470
(203)-426-7628
petersend@newtown.k12.ct.us

In addition, the student listed above has the right to immediately enroll in the school of choice pending resolution of the dispute. You may provide written or verbal evidence to support your position. You may seek the assistance of advocates or attorneys at your own expense; however, you may qualify for free legal services. To inquire about free legal assistance, please call Statewide Legal Services at 1-800-453-3320. You may also contact the state coordinator for homeless education:

Louis Tallarita, State Coordinator
State Department of Education
450 Columbus Boulevard

Hartford, CT 06103
(860) 807-2058
Louis.Tallarita@ct.gov

A copy of the dispute resolution process under Connecticut General Statutes Section 10-186 is attached to this notice.

Please contact the District's Homeless Liaison listed above if you have any questions.

Sincerely,

[Name]
Superintendent of Schools

cc: **[Superintendent of Schools in which enrollment is sought, if appropriate]**

NEWTOWN PUBLIC SCHOOLS
3 Primrose Street
Newtown, CT 06470

**NOTIFICATION OF DECISION
TO APPEAL EDUCATIONAL PLACEMENT**

This form is to be completed by the parent, guardian, caretaker, or unaccompanied youth when a dispute arises. If you need assistance in preparing this form, you may meet with the District's Homeless Liaison, Deborah Mailloux-Petersen, who can be reached at (203)-426-7628.

Person completing form: _____

Relation to Student: _____

Contact Information: _____

I am requesting a Board of Education Hearing under Section 10-186 of the Connecticut General Statutes to appeal the enrollment decision made by [Name of District], [Name of School]. I have been provided with a written explanation of the District's decision, contact information for the District's homeless education liaison, and a copy of the Dispute Resolution Process under Connecticut General Statutes Section 10-186.

 Name

 Date

Optional. You may also include a written explanation to support your appeal in the space below or provide your explanation verbally to the District's Homeless Liaison.

NEWTOWN PUBLIC SCHOOLS
3 Primrose Street
Newtown, CT 06470

APPENDIX D

NOTIFICATION OF HEARING
REGARDING ENROLLMENT DISPUTE

[Month] __, 20__

VIA HAND DELIVERY AND U.S. MAIL

[Insert Name of Parent or Unaccompanied Youth]
[Insert Home Address]

Re: Educational Placement

Dear [Name of Parent or Unaccompanied Youth]:

You have requested a hearing before the Newtown Board of Education (the "Board") regarding the educational placement of [insert name(s) of student(s)] at [name of school]. The Board will conduct a hearing regarding your claim on [date] at [time]. The hearing will be held at the offices of the Board, which are located at [insert address].

The hearing will be conducted in accordance with the provisions of Section 10-186 of the Connecticut General Statutes, a copy of which is enclosed. The hearing will be conducted in executive session, and the Board will make either a tape recording or a stenographic record of the hearing. You may be represented by counsel or by an advocate, at your expense, if you so desire; however, you may qualify for free legal services. To inquire about free legal assistance, please call Statewide Legal Services at 1-800-453-3320.

Please contact the District's Homeless Liaison, Deborah Mailloux-Petersen at (203)-426-7628, if you have any questions.

Sincerely,

[Name]
Superintendent of Schools

cc: [Superintendent of Schools in which enrollment is sought, if appropriate]

NEWTOWN PUBLIC SCHOOLS
3 Primrose Street
Newtown, CT 06470

STUDENT RESIDENCY AFFIDAVIT
[PARENT/GUARDIAN FORM]

[Name of District] _____

Name of student: _____

Birthdate: _____

Name and Location of School Last Attended: _____

I, _____ declare and affirm as follows:

I am of legal age and believe in the obligations of an oath.

I am the parent/legal guardian/caregiver of _____ (name of student) who is of school age and is seeking admission to [School District].

Since _____ (date), _____ (name of student) has not had a permanent home. The student is currently staying at _____ (may list multiple addresses, if applicable). The student has been staying there since _____ (date).

This location is:

- _____ a shelter
- _____ a motel/hotel
- _____ a campsite
- _____ shared housing with other persons
- _____ other _____

If the location is shared housing with other persons, please specify the reason why the student is living in such housing:

Prior to staying at this location, the student was staying at _____
 From _____ (date) to _____ (date).

I regularly receive my mail at: _____.
 I am currently staying at the following address(es): _____,
 _____, I plan to stay at this/these
 location(s) until: _____ (date). I can be reached at the following telephone number:
 _____. I can be reached for emergencies at: _____.

I authorize school district officials to contact _____ (case worker/shelter staff/other) at _____ to obtain further information in order to verify the information contained in this affidavit and in order to coordinate necessary services for the student.

I declare under penalty of perjury under the laws of Connecticut that the information provided is true and correct and of my own personal knowledge. ~~I understand that giving false or otherwise untrue information on this form could result in a criminal charge of perjury being brought against me.~~

AFFIANT,

Signature of Affiant

Print Name of Affiant

Subscribed and sworn to before me
this ____ day of ____, 20__.

NOTARY PUBLIC

NEWTOWN PUBLIC SCHOOLS
3 Primrose Street
Newtown, CT 06470

STUDENT RESIDENCY AFFIDAVIT
[UNACCOMPANIED YOUTH FORM]

[Name of District]

Name of student: _____

Birthdate: _____

Name and Location of School Last Attended: _____

I, _____ declare and affirm as follows:

I, _____ am of school age and is seeking admission to [School District].

Since _____ (date), I, _____ have not had a permanent home. I am currently staying at _____ (may list multiple addresses, if applicable). I have been staying there since _____ (date).

This location is:

- _____ a shelter
- _____ a motel/hotel
- _____ a campsite
- _____ shared housing with other persons
- _____ other _____

If the location is shared housing with other persons, please specify the reason why the student is living in such housing:

Prior to staying at this location, I was staying at _____
 From _____ (date) to _____ (date).

I regularly receive my mail at: _____
 I am currently staying at the following address(es): _____
 _____, I plan to stay at this/these
 location(s) until: _____ (date). I can be reached at the following telephone number:
 _____. I can be reached for emergencies at: _____.

I authorize school district officials to contact _____ (case worker/shelter staff/other) at _____ to obtain further information in order to verify the information contained in this affidavit and in order to coordinate necessary services for me.

I declare under penalty of perjury under the laws of Connecticut that the information provided is true and correct and of my own personal knowledge. ~~I understand that giving false or otherwise untrue information on this form could result in a criminal charge of perjury being brought against me.~~

AFFIANT,

Signature of Affiant

Print Name of Affiant

Subscribed and sworn to before me
this ____ day of ____, 20__.

NOTARY PUBLIC

NEWTOWN PUBLIC SCHOOLS
3 Primrose Street
Newtown, CT 06470

AFFIDAVIT FOR MISSING ENROLLMENT DOCUMENTATION
[PARENT FORM]

[District]

I, _____, being duly sworn upon oath and based on my personal knowledge hereby state and affirm the following information regarding [name of student's] missing enrollment documentation for the following:

_____ Proof of residency	_____ Immunization Record
_____ Proof of guardianship	_____ School Health Record
_____ Proof of identity	_____ School Records
_____ Birth Certificate	

I am of legal age and believe in the obligations of an oath.

I am unable to present a copy of the document(s) requested above for the following reasons:

The name and location of the last school the student attended is

_____.

I understand that I must obtain the necessary immunization and health records and provide a copy to the District. I understand that the Homeless Liaison is available to assist me in obtaining any such immunization or health records. The Homeless Liaison is _____ and can be reached at _____.

AFFIANT,

Signature of Affiant

Print Name of Affiant

Subscribed and sworn to before me
this ____ day of ____, 20__.

NOTARY PUBLIC

NEWTOWN PUBLIC SCHOOLS
3 Primrose Street
Newtown, CT 06470

AFFIDAVIT FOR MISSING ENROLLMENT DOCUMENTATION
[UNACCOMPANIED YOUTH FORM]

[District]

I, _____, being duly sworn upon oath and based on my personal knowledge hereby state and affirm the following information regarding my missing enrollment documentation for the following:

_____ Proof of residency	_____ Immunization Record
_____ Proof of guardianship	_____ School Health Record
_____ Proof of identity	_____ School Records
_____ Birth Certificate	

I am unable to present a copy of the document(s) requested above for the following reasons:

The name and location of the last school I attended is

_____.

I understand that I must obtain the necessary immunization and health records and provide a copy to the District. I understand that the Homeless Liaison is available to assist me in obtaining any such immunization or health records. The Homeless Liaison is _____ and can be reached at _____.

AFFIANT,

 Signature of Affiant

 Print Name of Affiant

Subscribed and sworn to before me
 this ____ day of ____, 20__.

 NOTARY PUBLIC

Note: In July 2022, the U.S. Department of Education, Office for Civil Rights, released new guidance regarding supporting students with disabilities and avoiding the discriminatory use of discipline under Section 504 of the Rehabilitation Act.

S & G revised their model policy, and one of the forms, in light of this guidance. Also, they made edits to reflect gender-neutral language and other technical revisions to the policy, regulations, and forms.

This policy was updated in September 2022 and the NPS policy is dated November 21, 2017. It is recommended the Board adopt this policy and rescind the current policy, 5145.4. At the time of adoption of the new policy, the Superintendent will share the attached Administrative Regulations with the Board as an Item of Information.

Note: On September 30, 2024, S & G updated this policy and administrative regulations. New text is highlighted in yellow. Deleted text is bold and has a strikethrough. Changes were made to the following pages: 2, 5, 7, 8, 10, and 11.

**Series 5000
Students**

5145.4

**POLICY AND ADMINISTRATIVE REGULATIONS REGARDING
STUDENTS AND SECTION 504 OF THE REHABILITATION ACT OF 1973
AND TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) prohibits discrimination against individuals with a disability in any program receiving Federal financial assistance. Similarly, Title II of the Americans with Disabilities Act of 1990 (“Title II” or “ADA”) prohibits discrimination against individuals with a disability by state and local governments. To be protected under Section 504 and the ADA (“collectively, “Section 504/ADA”), an individual must (1) have a physical or mental impairment that substantially limits one or more major life activities; (2) have a record of such an impairment; or (3) be regarded as having such an impairment.

In order to fulfill its obligation under Section 504/ADA, the Newtown Public Schools (the “District”) recognize a responsibility to avoid discrimination in policies and practices regarding its personnel, students, parents/guardians and members of the public who participate in school sponsored programs, which may require reasonable modifications to such policies and practices. In this regard, the District prohibits discrimination against any person with a disability in any of the services, programs or activities of the school system.

The District has specific responsibilities under Section 504 to identify, evaluate and provide an educational placement for students who have a physical or mental impairment that substantially limits a major life activity. The District’s obligation includes providing access to a free appropriate public education (“FAPE”) for students determined to be eligible under Section 504/ADA. Under Section 504, FAPE is

defined as the provision of regular or special education and related services that are designed to meet the individual educational needs of a student with a disability as adequately as the needs of students without disabilities are met, and that are provided without cost (except for fees similarly imposed on nondisabled students/parents).

If a student's parents/guardians disagree with the decisions made by the professional staff of the District with respect to the identification, evaluation or educational placement of their child, such parents/guardians have a right to request an impartial due process hearing.

In addition, a student or parent/guardian of a student may also file an internal grievance/complaint on these issues or any other type of discrimination on the basis of disability by or within the District by utilizing the grievance/complaint procedures outlined in the Administrative Regulations Regarding Students and Section 504 of Rehabilitation Act of 1973 and Title II of Americans with Disabilities Act associated with this policy, and/or 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

Anyone who wishes to file a grievance/complaint with the District, or who has questions or concerns about this policy, should contact ~~Deborah Mailloux-Petersen~~, the Section 504/ADA Coordinator for the ~~Newtown Public Schools~~, at phone number ~~203-426-7628~~. District:

Deborah Mailloux-Petersen
Director of Pupil Services
3 Primrose Street
Newtown, CT 06470
Telephone: 203-426-7628
petersend@newtown.k12.ct.us

Legal References:

29 U.S.C. §§ 705, 794
34 C.F.R. Part 104
42 U.S.C. § 12101 et seq.
28 C.F.R. Part 35

Protecting Students with Disabilities, Frequently Asked Questions About Section 504 and the Education of Children with Disabilities, Office for Civil Rights (March 17, 2011), available at <http://www.ed.gov/about/offices/list/ocr/504faq.html>

Dear Colleague Letter, United States Department of Education, Office for Civil Rights
(January 19, 2012)

*Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student
Discipline Under Section 504 of the Rehabilitation Act of 1973*, Office for Civil Rights
(July 2022), available at

https://www2.ed.gov/about/offices/list/ocr/docs/504-discipline-guidance.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term

Adopted:

NEWTOWN PUBLIC SCHOOLS

Revised:

Newtown, Connecticut

**ADMINISTRATIVE REGULATIONS REGARDING STUDENTS
AND SECTION 504 OF THE REHABILITATION ACT OF 1973
AND TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

Newtown Board of Education Section 504/ADA Grievance/Complaint
Procedures Regarding Discrimination Against Students on the Basis of Disability

Section 504 of the Rehabilitation Act of 1973 ("Section 504") and Title II of the Americans with Disabilities Act of 1990 ("Title II" or "ADA") (collectively, "Section 504/ADA") prohibit discrimination on the basis of disability. For the purposes of Section 504/ADA, the term "disability" with respect to an individual means: (a) a physical or mental impairment that substantially limits one or more major life activities of such individual; (b) a record of such an impairment; or (c) being regarded as having such an impairment.

I. Definitions

Free appropriate public education (FAPE) for purposes of Section 504, refers to the provision of regular or special education and related aids and services that are designed to meet individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met, that are provided without cost (except for fees similarly imposed on nondisabled students/parents), and is based upon adherence to procedures that satisfy the Section 504 requirements pertaining to educational setting, evaluation and placement, and procedural safeguards.

Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working. A major life activity also includes the operation of a major bodily function, such as the functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive systems. The operation of a major bodily function includes the operation of an individual organ within a body system.

Mitigating measures include, but are not limited to, (a) medication, medical supplies, equipment, appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment and supplies; (b) use of assistive technology; (c) reasonable modifications or auxiliary aids or services; (d) learned behavioral or adaptive neurological modifications; or (e) psychotherapy, behavioral therapy, or physical therapy.

Physical or mental impairment is (a) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems, such

as: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; (b) any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability; or (c) an impairment that is episodic or in remission if it would substantially limit a major life activity when active. Physical or mental impairment includes, but is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech, and hearing impairments, and cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

II. Procedures for Grievances/Complaints Alleging Discrimination on the Basis of Disability

- A. Any eligible person, including any student, parent/guardian, staff member or other employee who feels that the individual has been discriminated against on the basis of disability (including differential treatment, harassment and retaliation) may submit a written complaint to the designated Section 504/ADA Coordinator (*see* contact information below) for the Newtown Public Schools (the “District”) within thirty (30) school days of the alleged occurrence. Complaints by students and/or parents/guardians alleging discrimination involving students will be investigated under these procedures; complaints by employees or other non-students will be investigated under **Administrative Regulations 4118.14/4218.14. the appropriate administrative regulations.**
- B. Timely reporting of complaints facilitates the prompt investigation and resolution of such complaints. If a complaint is filed relating to alleged discrimination occurring more than thirty (30) school days after the alleged occurrence, the Board’s ability to investigate the allegations may be limited by the passage of time. Therefore, complaints received after thirty (30) school days of the alleged occurrence shall be investigated to the extent possible, given the passage of time and the impact on available information, witnesses and memory. If a complaint is made verbally, the individual taking the complaint will reduce the complaint to writing.
- C. At any time, when a complaint involves discrimination that is directly related to a claim regarding the identification, evaluation or educational placement of a student under Section 504, the complainant may request that the Section 504/ADA Coordinator submit the complaint directly to an impartial hearing officer and request a due process hearing in accordance with Section III.D. Complaints regarding a student’s rights with respect to the student’s identification, evaluation or educational placement shall be addressed in accordance with the procedures set forth below in Section III.
- D. Retaliation against any individual who complains pursuant to the Board’s policy and regulations listed herein is strictly prohibited. The District will not tolerate any retaliation that occurs as a result of the good faith reporting or complaint of

disability-based discrimination or as a result of an individual's participation or cooperation in the investigation of a complaint. The District will take necessary actions to prevent retaliation as a result of filing a complaint or the participation in an investigation of a complaint.

- E. If the Section 504/ADA Coordinator is the subject of the complaint, the complaint should be submitted directly to the Superintendent who may conduct the investigation or appoint a designee to conduct the investigation in accordance with these procedures. If the Superintendent is the subject of the complaint, the Board shall designate an appropriate party to conduct the investigation in accordance with these procedures.
- F. Complaints will be investigated promptly. 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.
- G. If a disability discrimination complaint raises a concern about bullying behavior, the Section 504 Coordinator shall notify the Safe School Climate Specialist or designee who shall coordinate any bullying investigation with the Section 504 Coordinator, so as to ensure that any such bullying investigation complies with the requirements of applicable Board policies.
- H. The complaint should contain the following information:
 - 1. The name of the complainant;
 - 2. The date of the complaint;
 - 3. The date(s) of the alleged discrimination;
 - 4. The names of any witnesses or individuals relevant the complaint;
 - 5. A detailed statement describing the circumstances in which the alleged discrimination occurred; and
 - 6. The remedy requested.

However, all complaints will be investigated to the extent possible, even if such information is not included in the complaint. In such circumstances, additional information may be requested by the investigator as part of the investigation process.

- I. Upon receipt of the complaint, the individual investigating the complaint shall:
 - 1. Provide a copy of the written complaint to the Superintendent of Schools;
 - 2. Meet separately with the complainant and the respondent within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant and respondent believe have relevant information, and obtain any relevant documents the complainant and respondent may have;
 - 3. Provide the complainant and the respondent with a copy of the applicable Board Section 504/ADA Policy and these administrative regulations;

4. Consider whether and which interim measures might be appropriate for an alleged victim and the respondent pending the outcome of the District's investigation;
5. Conduct an investigation of the factual basis of the complaint that is adequate, reliable, and impartial, including conducting interviews with individuals with information and review of documents relevant to the complaint;
6. Maintain confidentiality to the extent practicable throughout the investigative process in accordance with state and federal law;
7. Communicate the outcome of the investigation in writing to the complainant, and to the respondent (to the extent permitted by state and federal confidentiality requirements), within fifteen (15) school days from the date the complaint was received by the Section 504/ADA Coordinator or Superintendent. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify how the District will remedy any identified violations of Section 504/ADA. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant and the respondent shall be notified of any such extension;
8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint, and no later than fifteen (15) school days after the start of the following school year. The complainant and the respondent will receive notice if the investigation has been impeded by the summer recess, and interim measures may be implemented as necessary (see sub-paragraph 4);
9. Ensure that appropriate corrective action is taken whenever allegations are verified. When allegations are verified, ensure that measures to remedy the effects of the discrimination and prevent its recurrence are appropriately considered, and offered, when appropriate. Corrective action should include steps to avoid continuing discrimination;
10. In the event the investigator concludes that there is no violation of Section 504/ADA, the District may attempt to resolve the complainant's ongoing concerns, if possible.

J. ~~If the complainant or the respondent is not satisfied with the findings and conclusions of the investigation, the dissatisfied party may request review and reconsideration of the conclusion of the complaint (an "Appeal") within thirty (30) days of receipt of the written outcome. In requesting an Appeal, the appealing party must submit the complaint, the written outcome of the complaint, and explain why such party believes the factual information relied upon by the investigator was incomplete, the analysis of the facts was incorrect, and/or the appropriate legal standard was not applied, and how this information would change the investigator's determination in the case. Failure to provide all such information may result in the denial of the Appeal.~~

- J. After receiving the written notice of outcome, parties shall have ten (10) school days to submit a formal written statement of appeal, if they so choose, to the Superintendent of Schools, challenging the outcome of the investigations and explaining the basis for appeal.

~~Upon review of an Appeal from the appealing party, the Superintendent shall review the investigative results of the investigator and determine if further action and/or investigation is warranted, or shall appoint a designee to do so. Such action may include consultation with the investigator and other relevant witnesses, 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 or designee shall provide written notice to the appealing party and the other party of the Superintendent or designee's decision within ten (10) school days following the receipt of the Appeal. When an Appeal is received during summer recess, the Superintendent or designee shall conduct the review as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the review, and no later than ten (10) school days after the start of the following school year. The Superintendent or designee's decision shall be final.~~

Upon receipt of an appeal, the Superintendent shall appoint a decisionmaker(s) for the appeal, who may be the Superintendent or designee. The decisionmaker(s) for the appeal will provide the appealing party's written statement to the non-appealing party. The non-appealing party will then have ten (10) school days to submit to the decisionmaker(s) for the appeal a written statement in support of, or challenging, the outcome of the investigation.

The decisionmaker(s) for the appeal shall review the evidence and the information presented by the parties and determine if further action and/or investigation is warranted. Such action may include consultation with the investigator(s) and the parties, a meeting with appropriate individuals to attempt to resolve the complaint, or a decision affirming or overruling the written outcome. Generally, a party's disagreement with the outcome of the investigation, alone, will not be the basis for further action. The decisionmaker(s) for the appeal will attempt to issue written notice of the outcome of the appeal to the parties within thirty (30) school days of receipt of all written statements from the parties.

III. **Grievance/Complaint Resolution Procedures for Complaints Involving a Student's Identification, Evaluation or Educational Placement**

Complaints regarding a student's identification, evaluation or educational placement shall generally be handled using the procedures described below. However, at any time, the complainant may request that the Section 504/ADA Coordinator submit the complaint directly to an impartial hearing officer, and request a hearing in accordance with the provisions of subsection D (below).

A. Submission of Complaint to Section 504/ADA Coordinator

1. In order to facilitate the prompt investigation of complaints, any complaint regarding a student's identification, evaluation or educational placement under Section 504 should be forwarded to the District's Section 504/ADA Coordinator (*see* contact information below) within thirty (30) school days of the alleged date that the dispute regarding the student's identification, evaluation and/or education placement arose. Timely reporting of complaints facilitates the resolution of potential educational disputes.
2. The complaint concerning a student's identification, evaluation or educational placement should contain the following information:
 - a. Full name of the student, age, and grade level;
 - b. Name of parent(s);
 - c. Address and relevant contact information for parent/complainant;
 - d. Date of complaint;
 - e. Specific areas of disagreement relating to the student's identification, evaluation and/or placement; and
 - f. Remedy requested.

However, all complaints will be investigated to the extent possible even if such information is not included in the written complaint. In such circumstances, additional information may be requested by the investigator as part of the investigation process.

3. Complaints will be investigated promptly within 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.
4. Upon receipt of the complaint, the Section 504/ADA Coordinator or the Coordinator's designee shall:
 - a. Forward a copy of the complaint to the Superintendent of Schools;
 - b. Meet with the complainant within ten (10) school days to discuss the nature of the complainant's concerns and determine if an appropriate resolution can be reached, or whether interim measures may be appropriate. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and other individuals who may have information relevant to the complaint, and no later than ten (10) school days after the start of the following school year;

- c. If, following such a meeting, further investigation is deemed necessary, the Section 504/ADA Coordinator or designee shall promptly investigate the factual basis for the complaint, consulting with any individuals reasonably believed to have relevant information, including the student and/or complainant; and
- d. Communicate the results of the investigation in writing to the complainant and any persons named as parties to the complaint (to the extent permitted by state and federal confidentiality requirements) within fifteen (15) school days from the date the complaint was received by the Section 504/ADA Coordinator or designee.
- e. In the event that the Section 504/ADA Coordinator or designee has a conflict of interest that prevents such individual from serving in this role, the complaint shall be forwarded to the Superintendent who shall appoint an investigator who does not have a conflict of interest.

B. Review by Superintendent of Schools

- ~~1. If the complainant is not satisfied with the findings and conclusions of the investigation, the dissatisfied party may present the complaint and written outcome to the Superintendent for review and reconsideration (an "Appeal") within thirty (30) calendar days of receiving the findings. This process provides an opportunity for the appealing party to bring information to the Superintendent's attention that would change the outcome of the investigation. In submitting an Appeal, the appealing party must explain why such party believes the factual information relied upon by the investigator was incomplete, the analysis of the facts was incorrect, and/or the appropriate legal standard was not applied, and how this information would change the investigator's determination in the case. Failure to provide all such information may result in the denial of the Appeal.~~
1. After receiving the written notice of the outcome, the Complainant shall have ten (10) school days to submit a formal written statement of appeal, if they so choose, to the Superintendent of Schools challenging the outcome of the investigation and explaining the basis for appeal. Upon receipt of an appeal, the Superintendent shall appoint a decisionmaker(s) for the appeal, who may be the Superintendent or designee.
2. ~~Upon review of an Appeal from the appealing party, the Superintendent~~ The decisionmaker(s) for the appeal shall review the ~~investigative results of the investigator~~ evidence and information

presented by the parties and determine if further action and/or investigation is warranted, ~~or appoint a designee to do so~~. Such action may include consultation with the investigator(s) and ~~other relevant witnesses~~ the parties, 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 or designee shall provide written notice to the appealing party of the Superintendent or designee's decision~~ the written outcome. Generally, a party's disagreement with the outcome of the investigation, alone, will not be basis for further action. The decisionmaker(s) for the appeal will attempt to issue written notice of the outcome of the appeal to the parties within ~~ten (10)~~ thirty (30) school days ~~following the receipt of the Appeal, or if the Appeal is received during summer recess, as quickly as possible but no later than ten (10) school days after the start of the following school year.~~ of receipt of all written statements from the parties.

3. If the complainant is not satisfied with the ~~Superintendent or designee's~~ decisionmaker for the appeal's decision or proposed resolution, such individual may request that the Superintendent submit the matter to a neutral mediator or to an impartial hearing officer. This request for mediation or a hearing should be made within fifteen (15) school days of the Superintendent or designee's decision.

C. Mediation Procedures

1. A parent/guardian or student aged 18 or older may request mediation with a neutral mediator to attempt to resolve a disagreement with the decisions made by the professional staff of the District with respect to the identification, evaluation or educational placement of the student.
2. A request for mediation regarding a student's identification, evaluation or educational placement under Section 504 should be forwarded to the District's Section 504/ADA Coordinator within thirty (30) school days of the alleged date that the dispute regarding the student's identification, evaluation, and/or education placement arose or within fifteen (15) school days of the Superintendent's decision in reviewing a complaint handled through the grievance/complaint procedure described in Section III.B, above. Mediation shall only occur by mutual agreement of the parties.
3. The request for mediation concerning a disagreement relating to a student's identification, evaluation or educational placement should contain the following information:
 - a. Full name of the student, age, and grade level;
 - b. Name of parent(s);
 - c. Address and relevant contact information for parent/complainant;
 - d. Date of complaint;

- e. Specific areas of disagreement relating to the student's identification, evaluation and/or placement; and
 - f. Remedy requested.
4. Upon receipt of a request for mediation,
- a. The Section 504/ADA Coordinator shall:
 - i. Forward a copy of the request for mediation to the Superintendent of Schools; and
 - ii. Inform the parent/guardian or student 18 years old or older as to whether the District agrees to mediation in writing.
 - b. If the District agrees to mediation, the Board shall retain a neutral mediator who is knowledgeable about the requirements of Section 504/ADA and has an understanding of a free appropriate public education ("FAPE") under Section 504 and the distinctions between and among Section 504, the ADA and the Individuals with Disabilities Education Act ("IDEA").
 - c. If the District does not agree to mediation, the Section 504/ADA Coordinator shall inform the parent/guardian or student aged 18 or older of their right to request an impartial hearing.
5. The mediator shall inform all parties involved of the date, time and place of the mediation and of the right to have legal counsel or other representation at the complainant's own expense, if desired.
6. The mediator shall meet with the parties jointly, or separately, as determined by the mediator, and shall facilitate a voluntary settlement of the dispute between the parties, if possible.
7. All statements, offers, or discussions and/or information shared during the mediation process, but not available from other means, shall be confidential, and may not be used in a subsequent hearing or other administrative or judicial proceeding related to the disagreement that is the subject of the mediation.
8. If the parties are not able to reach a voluntary settlement of the dispute, the complainant may request an impartial hearing, as described below.

D. Impartial Hearing Procedures

An impartial due process hearing is available to a parent/guardian of a student, or a student aged 18 years of age or older, who disagrees with the decisions made by the professional staff of the District with respect to the identification, evaluation or educational placement of the student, or otherwise makes a claim of discrimination relating to the identification, evaluation or educational placement of the student.

1. The request for a due process hearing concerning a disagreement relating to a student's identification, evaluation or educational placement should contain the following information:
 - a. Full name of the student, age, and grade level;
 - b. Name of parent(s);
 - c. Address and relevant contact information for parent/complainant;
 - d. Date of complaint;
 - e. Specific areas of disagreement relating to the student's identification, evaluation and/or placement; and
 - f. Remedy requested.
2. Upon receipt of a request for an impartial due process hearing, the Board shall retain an impartial hearing officer. The impartial hearing officer must be someone who is knowledgeable about the requirements of Section 504/ADA and has an understanding of a free appropriate public education ("FAPE") under Section 504 and the distinctions between and among Section 504, the ADA and the IDEA.
3. The impartial hearing office shall schedule a pre-hearing conference with the District and the parent(s) or student aged 18 years of age or older (and/or legal counsel for the student) to identify the issue(s) for hearing, set the hearing schedule and address other administrative matters related to the hearing, including the option for mediation.
4. The impartial hearing officer shall inform all parties involved of the date, time and place of the hearing and of the right to present witnesses, other evidence and to be represented by legal counsel at each party's own expense, if desired.
5. The impartial hearing officer shall hear all aspects of the complainant's complaint concerning the identification, evaluation or educational placement of the student and shall reach a decision within forty-five (45) school days of receipt of the request for hearing. The decision shall be presented in writing to the complainant and to the Section 504/ADA Coordinator. The impartial hearing officer's decision shall be final.
6. An impartial hearing officer under Section 504 does not have jurisdiction to hear claims alleging discrimination, harassment or retaliation based on an individual's disability unless such a claim is *directly related* to a claim regarding the identification, evaluation, or educational placement of a student under Section 504.
7. The time limits noted herein may be extended for good cause shown for reasons including, but not limited to, permitting more time for thorough review of the record, presentation of evidence or opportunity for resolution.

E. Drug/Alcohol Violations

If a student with a disability violates the Board's policies relative to the use or possession of illegal drugs or alcohol, the Board may take disciplinary action against such student for the student's illegal use or possession of drugs or alcohol to the same extent that the Board would take disciplinary action against nondisabled students. Such disciplinary action is not subject to the complaint or due process procedures outlined above.

IV. The Section 504/ADA Coordinator for the District is:

Deborah Mailloux-Petersen
Director of Pupil Services
3 Primrose Street
Newtown, CT 06470
Telephone: 203-426-7628
petersend@newtown.k12.ct.us

V. Complaints to Federal Agencies

At any time, the complainant has the right to file a formal complaint with the U.S. Department of Education, Office for Civil Rights, 8th Floor, 5 Post Office Square, Suite 900, Boston, MA 02109-0111 (Telephone number (617) 289-0111);
<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>.

NEWTOWN PUBLIC SCHOOLS

NOTICE OF PARENT/STUDENT RIGHTS UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973 AND TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990

Section 504 of the Rehabilitation Act of 1973 ("Section 504") is a non-discrimination statute enacted by the United States Congress. Section 504 prohibits discrimination on the basis of disability by recipients of federal funds. Title II of the Americans with Disabilities Act ("ADA" or "Title II") also prohibits discrimination on the basis of disability by state and local governments. To be protected under Section 504 and the ADA ("collectively, "Section 504/ADA") as an individual with a disability, an individual must (1) have a physical or mental impairment that substantially limits one or more major life activities; (2) have a record of such an impairment; or (3) be regarded as having such an impairment.

Under Section 504, the Newtown Public Schools (the "District") has specific responsibilities to identify, evaluate and provide an educational placement for students with a disability. The District's obligation includes providing such eligible students a free appropriate public education ("FAPE"). Section 504 defines FAPE as the provision of regular or special education and related services that are designed to meet the individual educational needs of a student with a disability as adequately as the needs of students without disabilities are met, and that are provided without cost (except for fees similarly imposed on nondisabled students/parents).

A student is eligible for regular or special education and related services under Section 504 if it is determined that the student has a mental or physical disability that substantially limits one or more major life activity such as (but not limited to): caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating or working. A major life activity may also include the operation of a major bodily function, such as an individual's immune, digestive, respiratory or circulatory systems.

A student can have a disability and be covered by Section 504/ADA even if the student does not qualify for, or receive, special education services under the IDEA.

The purpose of this notice is to provide parents/guardians and students 18 years of age or older with information regarding their rights under Section 504. Under Section 504, you have the right:

1. To be informed of your rights under Section 504;
2. To have your child take part in and receive benefits from the District's education programs without discrimination based on your child's disability;
3. For your child to have equal opportunities to participate in academic, nonacademic and extracurricular activities in your school without discrimination based on your child's disability;

4. To be notified of decisions and the basis for decisions regarding the identification, evaluation, and educational placement of your child under Section 504;
5. If you suspect your child may have a disability, to request an evaluation, at no expense to you and to have an eligibility determination under Section 504 (and if eligible, placement decisions made) by a team of persons who are knowledgeable of your child, the assessment data, and any placement options;
6. If your child is eligible for services under Section 504, for your child to receive a free appropriate public education (FAPE). This includes the right to receive regular or special education and related services that are designed to meet the individual needs of your child as adequately as the needs of students without disabilities are met;
7. For your child to receive reasonable accommodations and services to allow your child an equal opportunity to participate in school, extra-curricular and school-related activities;
8. For your child to be educated with peers who do not have disabilities to the maximum extent appropriate;
9. To have your child educated in facilities and receive services comparable to those provided to non-disabled students;
10. To review all relevant records relating to decisions regarding your child's Section 504 identification, evaluation, and educational placement;
11. To examine or obtain copies of your child's educational records at a reasonable cost unless the fee would effectively deny you access to the records;
12. To request changes in the educational program of your child, to have your request and related information considered by the team, a decision made by the team, and if denied, an explanation for the team's decision/determination;
13. To request an impartial due process hearing if you disagree with the District's decisions regarding your child's Section 504 identification, evaluation or educational placement. The costs for this hearing are borne by the District. You and the student have the right to take part in the hearing and to have an attorney represent you at your expense;
14. To file a local grievance/complaint with the District's designated Section 504/ADA Coordinator to resolve complaints of discrimination including, but not limited to, claims of discrimination directly related to the identification, evaluation or placement of your child; and
15. To file a formal complaint with the U.S. Department of Education, Office for Civil Rights.

The Section 504/ADA Coordinator for the District is:

Deborah Mailloux-Petersen
Director of Pupil Services
3 Primrose Street
Newtown, CT 06470
Telephone: 203-426-7628
petersend@newtown.k12.ct.us

For additional assistance regarding your rights under Section 504 and Title II of the Americans with Disabilities Act, you may contact:

Office for Civil Rights, Boston Office
U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109-0111
(617) 289-0111.

Administrative Regulations Adopted:

Note: Staff may use these forms or those provided through CT Special Education Data System (CT SEDS)

**Newtown Public Schools
Section 504 Referral Form**

I. Identifying Information

Name: _____ DOB: _____ Age: _____
Date of Referral: _____

Primary Language: _____ English _____ Other: _____

Referring Person: _____ Relationship to Student: _____

Parent/Guardian:

Address: _____ Cell Phone: _____ E-mail: _____

Parent/Guardian

Address: _____ Cell Phone: _____ E-mail: _____

Current School: _____ Grade: _____

II. Background Information

A. Reason for Referral: (Identify areas of concern)

B. Strategies/Interventions to Date: (Attach copies of documentation)

C. Pertinent Evaluative Data: (e.g. test scores, grades, evaluations, etc.)

D. Other Relevant Information:

E. Special Services History

Are you aware of any special services that have been provided to this student in the past?

☐ Yes ☐ No

If yes, describe the type, location and provider of the service.

4. Parent Notification (if individual other than Parent has made referral):

Has the parent/guardian been notified about your concerns regarding this student?

☐ Yes ☐ No

If Yes, method of notification: _____

Date(s) parent/guardian was notified: _____

Signed: _____ Date: _____
(Signature of individual completing this form)

**NEWTOWN PUBLIC SCHOOLS
SECTION 504 MEETING NOTICE**

Date: _____

Parent/Guardian:
Street:
City/Zip Code:

Parent/Guardian:
Street:
City/Zip Code:

Dear _____:

Please be advised that a Section 504 meeting will be convened on behalf of your child,

_____. The meeting is scheduled as follows:
(Child's Name)

Date: _____ Time: _____

Location: _____

The purpose of this meeting is to:

- _____ Plan evaluation/initial evaluation
- _____ Determine eligibility
- _____ Develop Section 504 Plan
- _____ Review new information and/or possible need for re-evaluation
- _____ Review re-evaluation
- _____ Other

The following individuals have been invited to attend:

_____ Name Administration	_____ Name Title
_____ Name Instruction	_____ Name Title
_____ Name Related Service	_____ Name Title
_____ Name Student, if appropriate	_____ Name Title

Please make every effort to attend this meeting. You may bring anyone of your choosing to this meeting. The meeting can be rescheduled at a mutually agreed upon time and place. A COPY OF YOUR RIGHTS IS ENCLOSED. If you have any questions or wish to reschedule the meeting, please contact me:

Sincerely, _____
[Name and Title]

☐ A copy of this notice has been sent to the parent(s), as 504 Rights have been transferred to the student at age 18.

NEWTOWN PUBLIC SCHOOLS

SECTION 504 PLAN

NAME: _____ DOB: _____ GRADE: _____

SCHOOL: _____

DATE OF MEETING: _____

1. Describe the nature of the concern: _____

2. Describe all evaluation data gathered: _____

3. Identify the disability(ies) (i.e., physical or mental impairment that substantially impacts one or more major life activities) : _____

4. Describe the basis for determining the disability(ies) (if any):

5. Describe how the disability affects each of the impacted major life activities:

6. Please describe the analysis undertaken to determine the potential impact on a major life activity, without consideration of the ameliorating effects of any "mitigating measures," except for ordinary eyeglasses or contact lenses. Mitigating measures may include, but are not limited to, (a) medication, medical supplies, equipment, appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment and supplies; (b) use of assistive technology; (c) reasonable

modifications or auxiliary aids or services; (d) learned behavioral or adaptive neurological modifications; or (e) psychotherapy, behavioral therapy, or physical therapy.

Did the team consider the impact of the disability on a major life activity **without** the potential impact of any mitigating measures (except for ordinary eyeglasses and contact lenses)? For example, if the student is currently using a hearing aid, did the team consider whether the student has a physical or mental impairment that substantially limits a major life activity if the student were not using the hearing aid?

Yes No

Please describe:

7. Does the student require accommodations (i.e., regular or special education, and/or related aids and services) under section 504, in order to access the student's education and other programs of the District and/or to receive educational benefit? If so, please describe each accommodation that is necessary:

Accommodation/Service	Frequency (time/daily/weekly)	Responsible staff/implementer	Additional Description

Use this space for narrative descriptions, if necessary:

Next Projected Meeting Date: _____

Next Review/Re-evaluation Date: _____
(must be completed)

Participants (Name and Title)

_____	_____
_____	_____
_____	_____
_____	_____

cc: Student's Cumulative File

NEWTOWN PUBLIC SCHOOLS
Section 504
Student Eligibility Determination Worksheet

Name: _____ DOB: _____ Age: _____

Date of Meeting: _____ Current School: _____ Grade: _____

Case Manager: _____

Parent/Guardian: _____

Address: _____

Cell phone: _____

E-mail: _____

Parent/Guardian: _____

Address: _____

Cell phone: _____

E-mail: _____

Reason for Meeting: Initial ____ Review ____ Revise Plan ____

Describe the nature of the concern:

Describe any evaluation procedure, tests, recommendations or documentation used as a basis for the decision:

☐ Cognitive:(dated) _____

☐ Social/Emot./Beh:(dated) _____

☐ Classroom Observation:(dated) _____

☐ Developmental:(dated) _____

☐ Health/Med:(dated) _____

☐ Adaptive:(dated) _____

☐ Communication:(dated) _____

☐ Motor:(dated) _____

☐ Achievement:(dated) _____

☐ Other:(dated) _____

If further medical information is needed in order to determine eligibility, please specify steps to be taken to verify and/or obtain additional information:

_____ Consent to communicate with student's physician/medical provider requested

_____ Request for Parent(s)/Guardian(s) to provide additional medical or other information (specify)

_____ Consultation with the District's medical advisor and/or school nurse requested

_____ Other (please describe): _____

Specify the mental or physical impairment(s):

(as recognized in DSM-5 or other respected source if not excluded under 504/ADA, e.g., current illegal drug use)

Indicate the Major Life Activity or Activities Substantially Affected by the Disability:

_____ **Does Require a 504 Plan**

_____ **Does NOT Require a 504 Plan**

D. Eligibility Determination:

A student is eligible to receive services and/or accommodations under Section 504 if it is determined that the student has a physical or mental impairment that substantially limits one or more major life activities. The team must consider a variety of sources when determining whether a student has such impairment.

1. What sources of information are available at this time? **Check all that apply**
(Include relevant dates and names of evaluators, where appropriate.)

- ☐ School records review (dated) _____ ☐ Observations of student (dated) _____
- ☐ Grades & report card review (dated) _____ ☐ Teacher reports (dated) _____
- ☐ Parent and/or student report (dated) _____ ☐ Informal assessments (dated) _____
- ☐ Medical information (dated) _____ ☐ Nursing Assessment (dated) _____
- ☐ Standardized testing (dated) _____ ☐ Parent/Student Interviews (dated) _____
- ☐ Checklists/behavior rating scales (dated) _____
- ☐ Other (dated) _____

2. Is current available information sufficient to make the determination of the presence of a physical or mental impairment that substantially limits a major life activity?

☐ Yes If "YES," continue to number 3 below.

☐ No If "No," Specify the type of additional information that is needed: _____

- If the team determines additional information is necessary and the information to be obtained includes testing, team must obtain parent consent on *Consent for Section 504 Evaluation* form; tests/evaluations recommended by the team shall be conducted at District expense. Parent may wish to provide outside evaluation and/or testing information from a qualified provider to be considered by the team; such evaluations and/or testing shall be at Parent expense. The District shall consider such outside information at team meeting, and must determine whether the information provided by the Parent meets the District's standards for evaluators and evaluations. If it is necessary to communicate with outside providers, the District must obtain a release to communicate with professionals outside of district. Once needed information is gathered, a 504 meeting will be reconvened to continue the process of determining eligibility.

3. Does the student have one or more physical or mental impairments?

A "physical or mental impairment" means (a) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems, such as: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine or (b) any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability. Physical or mental impairment includes, but is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech, and hearing impairments, and cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

☐ NO ☐ YES

If **“NO”**: If no physical or mental impairment exists, the student is not identified as an individual with a disability. Go to **Section E** of this form.

If **“YES”**: What are the impairments? *Please describe as recognized in DSM-5 or other respected source, if possible, if not excluded under Section 504/ADA (e.g., illegal drug use).*

- **Attach all supporting documentation to this form. A statement of “YES” without supporting documentation is insufficient to meet this standard.**
- **If the team determines that the student is identified as having one or more physical or mental impairments, continue to the next page to determine whether there is a substantial limitation to one or more major life activities.**

4. Does the identified impairment substantially limit one or more major life activities? Please describe degree of limitation as compared to other students. *Ask: Is the impairment impacting one or more major life activities? Which ones? How is one or more major life activity impacted? What is the impact at school?*

A “major life activity” includes, but is not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, or working. A major life activity also includes the operation of a major bodily function, such as the functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, or reproductive systems. The operation of a major bodily function includes the operation of an individual organ within a body system.

5. Mitigating Measures:

In determining eligibility, the team must consider the impact of the disability without consideration of the ameliorative effects of any “mitigating measures” that the student may be using. For example, if the student is currently using a hearing aid, did the team consider whether the student would have a physical or mental impairment that substantially limits a major life activity if the student were not using the hearing aid?

Therefore, with respect to this student, did the team consider the impact of the disability on a major life activity without the potential impact of mitigating measures (except eyeglasses or contact lenses)?

Yes ☐ No ☐

Mitigating measures include, but are not limited to, (a) medication, medical supplies, equipment, appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment and supplies; (b) use of assistive technology; (c) reasonable modifications or auxiliary aids or services; (d) learned behavioral or adaptive neurological modifications; or (e) psychotherapy, behavioral therapy, or physical therapy.

Please include any information relevant to consideration of mitigating measures:

E. Does the student have a disability under Section 504?

1. Does the student have one or more **physical or mental impairments**?

☐ No ☐ Yes

2. Does the physical or mental impairment **substantially limit** one or more Major Life Activity? ☐ No ☐ Yes

Both questions must be answered YES, based on the preceding review of evaluative data, in order to determine that the student has a disability under Section 504 of the Rehabilitation Act.

3. Based on the answers to #1 and #2 above, does the student have a disability?
under Section 504? ☐ No ☐ Yes

If the answer to #3 is "No," skip to Section I. If the answer to #3 is "Yes," continue to Section F.

F. Does the student require a Section 504 Plan in order to provide the student with a free appropriate public education and access to the school's programs (e.g. curriculum, extra-curricular activities, facilities, etc.)?

☐ No

☐ Yes

If "Yes," the team must develop a Section 504 Plan.

G. Is this a re-evaluation (i.e. review of current plan/status) before a significant change in placement (e.g., review of new information)?

☐ No ☐ Yes *[If "NO," skip to Section H]*

1. What is the anticipated significant change of placement?

☐ New information received about the student, the impairment or current placement

☐ Graduation

☐ Change in program due to Disciplinary Action

☐ Other (specify) _____

Please describe the updated information considered by the team in conducting the reevaluation.

If additional information, individualized testing and/or evaluations are necessary to determine continued eligibility and/or what is needed in the Student's Section 504 Plan to provide FAPE, please indicate.

2. Consider: Is the student still eligible? ☐ No ☐ Yes

3. If "Yes," does the student's Section 504 Plan as currently written provide FAPE? ☐ Yes ☐ No

4. If "No," what changes to the plan are required? Explain basis for each decision in light of information gathered in re-evaluation. _____

H. Other Relevant Information Discussed at Meeting, including any requests rejected, and basis for such rejection.

I. Summary of Actions Taken

- ☐ Parent/Guardian (or student if age 18 or over) was provided written notice of rights under Section 504 at the meeting.
- ☐ Insufficient information is available to determine student's eligibility. More evaluative information will be obtained prior to convening another Section 504 Team Meeting.
- ☐ Student is identified as a person with a disability under Section 504 and in need of regular or special education, or related services or aids.
 - ☐ A Section 504 Plan was developed.
- ☐ Student is NOT identified as a person with a disability under Section 504.
- ☐ A reevaluation has been conducted.
 - ☐ Additional information and/or evaluations are required.
- ☐ A re-valuation prior to significant change in placement has been conducted.
- ☐ Other (please specify) _____

Recorder

Title

NEWTOWN PUBLIC SCHOOLS

Section 504 Request for Mediation/Hearing

This form is intended to be used if a parent or guardian or student 18 years of age or older wishes to pursue mediation or an impartial hearing with respect to the identification, evaluation, or educational placement of the student.

Name of person requesting mediation/hearing: _____

Relationship to student: _____

Address: _____

Phone #: _____

E-mail: _____

I/we request a **MEDIATION** / **HEARING** (please circle) concerning:
_____, _____, who resides at
(Name of student) (Date of birth)

_____ and attends _____.
(Address of student) (Name of school)

The date of the Section 504 meeting at which the parties failed to reach agreement: _____

Description of the issues in dispute between the parties regarding the identification, evaluation or educational placement of the student:

Proposed resolution or corrective action you wish to see taken with regard to the stated issues:

Signature of Parent/Guardian

Date

**NEWTOWN PUBLIC SCHOOLS
SECTION 504/ADA DISCRIMINATION**

GRIEVANCE/COMPLAINT FORM FOR ISSUES REGARDING STUDENTS

This form is intended to be used if an individual has grievance/complaint under Section 504/ADA alleging discrimination on the basis of a disability, including in the identification, evaluation or educational placement of a student.

1. Name of Complainant: _____ Date: _____

2. Contact Information for Complainant:

(Address)

(Home Tel. #)

(Cell # or Work #)

(E-mail)

3. Name of the Student: _____

4. Address of Student (if different from above):

5. Age/Grade Level/School/ (if applicable):

6. Please describe the nature of your complaint:

7. Proposed resolution or corrective action you wish to see taken with regard to the stated issues:

NEWTOWN PUBLIC SCHOOLS
AGREEMENT TO CHANGE SECTION 504 PLAN WITHOUT CONVENING A SECTION 504 MEETING

Student: _____ DOB: _____ Grade: _____

School: _____ 504 Plan Being Changed: _____

Parent/Guardian: _____

We agree to make the changes to the student's Section 504 Plan as described in the documents specified below and which are attached to this agreement. We understand that these changes were not made at a Section 504 meeting. We agree only to the changes described in the attached documents. We understand that this agreement is optional and that a parent/guardian can request a Section 504 meeting at any time to review the Section 504 Plan. We understand that this agreement can be made only if the changes are not part of an Annual Review of the student's program.

Parent/Guardian Signature

Date

School District Representative

Date

This agreement must be signed by an administrator of the District who has full authority to sign such a document on behalf of the District and who is knowledgeable about the general education curriculum and is knowledgeable about the availability of resources of the public agency.

The following documents are attached to this agreement:

	Amendments (please specify)	
	Other (please specify)	

NEWTOWN PUBLIC SCHOOLS
NOTICE AND CONSENT TO CONDUCT A SECTION 504
EVALUATION/RE-EVALUATION

Date _____

Dear _____

Your child, _____, _____ has been referred for an evaluation to
(student's name) (DOB)
determine eligibility for services under Section 504. The District must obtain the consent of parents before
conducting such an evaluation.

The tests/evaluation procedures listed below were recommended:

<u>TEST/EVALUATION PROCEDURE</u>	<u>AREA OF ASSESSMENT</u>	<u>EVALUATOR(S)</u>

☐ Adaptations/accommodations required for this evaluation are:

If the student requires physical adaptations in order for testing/evaluations to be completed,
the following adaptations are required: _____

If the student's native language is other than English, the following adaptations are required: _____

☐ No adaptations/accommodations required

PARENTAL CONSENT

☐ **I give my consent** for the [DISTRICT NAME] Public Schools to conduct the evaluations described
above. I understand that this consent may be revoked at any time.

Parent/Guardian Signature

Date

☐ **I do not give** my consent for the [DISTRICT NAME] Public Schools to conduct the evaluations
described above. I understand that the District must take steps as are necessary, which may include
requesting an impartial hearing, to ensure that my child receives or continues to receive a free
appropriate public education.

Parent/Guardian Signature

Date

NEWTOWN PUBLIC SCHOOLS
NOTICE AND CONSENT FOR PLACEMENT ON SECTION 504 AND
FOR THE PROVISION OF SECTION 504 ACCOMMODATIONS/SERVICES

Date _____

Dear _____

Your child, _____, _____ has been evaluated and has been
(student's name) (DOB)

found eligible under Section 504. Prior to the implementation of Section 504 placement, and the provision of accommodations/services under Section 504 (as described in the Section 504 Plan attached hereto), the District requires your consent.

PARENTAL CONSENT

- ☐ **I give my consent** for the [DISTRICT NAME] Public Schools to place my child on a Section 504 plan as described in the Section 504 Plan attached hereto). I understand that this consent may be revoked at any time.

Parent/Guardian Signature

Date

- ☐ **I do not give** my consent for the [DISTRICT NAME] Public Schools to provide the accommodations/services described in the Section 504 Plan attached hereto.

Parent/Guardian Signature

Date

Included with this form are:

- ☐ The Section 504 Plan developed at the Section 504 meeting on _____.
☐ Your Notice of Rights Under Section 504.

NEWTOWN PUBLIC SCHOOLS

WORKSHEET FOR MANIFESTATION DETERMINATION

(For those situations when the expulsion of a 504 student is contemplated; following a series of suspensions that constitute a change in placement; or following a series of informal exclusions that constitute a change in placement)

STUDENT: _____ GRADE: _____ DATE: _____

1. SECTION 504 MEETING PARTICIPANTS:

NAME

Title

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

2. DESCRIBE NATURE OF STUDENT'S DISABILITY:

3. DESCRIPTION OF MISCONDUCT:

a. Date of Disciplinary Action: _____

b. Date Parents Notified of Disciplinary Action: _____

c. 504 of Notice of Rights Given? Yes No

4. INFORMATION CONSIDERED IN CONDUCTING A MANIFESTATION DETERMINATION:

(Each item below must be considered. Check box as each topic is addressed.)

- ☐ Teacher Observations of the Student
- ☐ Relevant Information Supplied by Parents
- ☐ Evaluations and Diagnostic Results
- ☐ Student's 504 Plan
- ☐ Relevant Information Supplied by School Staff
- ☐ Other (describe)

5. Was the misconduct in question caused by the student's disability, or does the misconduct in question have a **direct and substantial relationship** to the student's disability?

YES NO

Comments:

6. Was the misconduct in question a **direct result** of the District's failure to implement the Section 504 Plan (in relationship to the misconduct in question)?

YES NO

Comments:

7. If the answer to **either** #5 or #6 is "Yes", the behavior under review **is** considered a manifestation of the student's disability.

8. If the answer to **both** #5 and #6 is "No", the behavior under review **is not** considered a manifestation of the student's disability.

Procedure if Misconduct is not a Manifestation of the Student's Disability:

If the manifestation determination team determines that the misconduct in question is **not** a manifestation of the student's disability, school personnel may apply the relevant disciplinary procedures to the student in the same manner and for the same duration as the procedures would be applied to a student without disabilities.

Procedure if Misconduct is a Manifestation of the Student's Disability:

If the manifestation determination team determines that the misconduct in question **is** a manifestation of the student's disability, the 504 Team should:

- 1) conduct a functional behavioral assessment unless the District had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the student;
or
- 2) if a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior; **and**
- 3) return the student to the placement from which the student was removed, unless the parent and the District agree to a change of placement as part of the modification of the behavioral intervention plan.