

Students

Civil, Legal Rights and Responsibilities

Statement of Non-Discrimination

In compliance with Title VI, Title IX and Section 504 of the Rehabilitation Act of 1973, the Board of Education does not discriminate on the basis of race, creed, color, national origin, age, gender, marital status, religion, sexual preference, mental disability, learning disability, physical disability or disability in establishing and implementing hiring and employment practices and establishing and providing school activities and educational programs.

Grievance Procedure

I. Informal Level

- A. Any student, parent/guardian, staff member or applicant to a program who feels that he/she has been discriminated against on the basis of race, color, national origin, religion, sex, sexual preference or disability shall contact the designated Compliance Coordinator (Director of Pupil Services) within 30 days of the alleged occurrence to discuss the nature of the complaint.

The Compliance Coordinator shall maintain a written record which shall contain the following:

1. Full name and address of Complainant
 2. Full name and position of person(s) who allegedly discriminated against the Complainant
 3. A concise statement of the facts constituting the alleged discrimination
 4. Dates of the alleged discrimination
- B. At the time the alleged discrimination complaint is filed, the Compliance Coordinator will direct the Complainant to the appropriate Principal or Administrator who will investigate the complaint and send a written report to the Coordinator. The Coordinator shall then meet informally with the Complainant and the individuals against whom the complaint was lodged, and shall provide confidential counseling where advisable and shall finally seek an informal agreement between the parties concerned. Every attempt shall be made to seek a solution and resolve the alleged discrimination complaint at this level.

This process shall generally take no longer than ten (10) working days from the time the complaint was received.

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Grievance Procedure (continued)

II. Formal Level

If the Complainant is not satisfied with these initial informal procedures and within twenty (20) work days from the date of the original complaint, more formal procedures may be initiated by the Complainant to further explore and resolve the alleged discrimination complaint at this level.

- A. The Complainant shall present the written alleged discrimination complaint to the Superintendent or designee who may resolve the complaint alone or with the appropriate Principal/administrator.
- B. The Superintendent or designee shall inform all parties of the date, time and place of the grievance hearing and of their right to present witnesses or representatives, if desired. The designee shall provide assistance to the Complainant in understanding the grievance procedure process. A written record of the hearing shall be kept.

The Superintendent or designee shall hear and fully review the case within (15) days of receipt of the discrimination complaint. A written decision shall be sent to the Complainant within (5) days of the hearing.

If the Complainant is not satisfied with the Superintendent's recommendation he/she may submit a written appeal to the Board of Education within fifteen (15) days of the Superintendent's decision.

With at least five (5) days notice given prior to the hearing, the Board of Education shall inform all parties involved of the date, time and place of the hearing and of the right to present witnesses and to have legal counsel or other representation, if desired. The Board of Education shall hear all aspects of the appeal and shall reach a decision within twenty (20) days of receipt of the written appeal. The decision shall be presented in writing to the Complainant at its next regularly scheduled meeting.

The time limits as noted throughout may be extended by mutual agreement in writing.

Any person may also file a complaint of illegal discrimination with the Office of Civil Rights, John W. McCormick Post Office and Court House Building, 2nd floor, Post Office Square, Boston, MA 02109 or O.C.R Washington, D.C. at the same time he/she files a grievance, during or after use of the grievance process, or without using the grievance process at all. If a complaint is filed with the Office of Civil Rights, it must be filed in writing no later than 180 days after the occurrence of the possible discrimination.

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Legal Reference: Connecticut General Statutes

Goals 2000 – Educate America Act

10-15c Discrimination in public schools prohibited.

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

Students

Section 504: Civil and Legal Rights and Responsibilities

The District recognizes its responsibility to provide a free, appropriate public education to students with disabilities under Section 504 of the Rehabilitation Act of 1973. Accordingly, no otherwise qualified individual with disabilities shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any District program or activity or those provided by the District through contractual or other arrangements. District aids, benefits and services will afford qualified students with disabilities equal opportunity to obtain the same result gain the same benefit or reach the same level of achievement as students without disabilities in the most integrated setting appropriate to the student's needs. Programs and activities shall be accessible to and usable by individuals with disabilities as prescribed by law.

A qualified individual with disabilities under Section 504 is an individual who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment or is regarded as having such an impairment.

In compliance with the provisions of Section 504, the District will:

1. Provide written assurance of nondiscrimination in accordance with application procedures whenever the District receives federal money;
2. Designate an employee to coordinate compliance with Section 504;
3. Provide procedures to resolve complaints of discrimination under Section 504;
4. Provide notice to students, parents, employees, including those with vision or hearing impairments, of the District's policy and compliance with law assuring nondiscrimination in admission or access to, or treatment, in District programs, activities or employment. Notice will be included in student/parent and staff handbooks and other materials as appropriate;
5. Annually identify and locate all Section 504 qualified students with disabilities in the District who are not receiving a free appropriate, public education;
6. Ensure that tests and other evaluation materials have been validated, are administered by trained personnel, are tailored to assess educational need and are not based on IQ scores, and reflect what the tests purport to measure;
7. Provide nonacademic and extracurricular services and activities in such a manner as to afford students with disabilities an equal opportunity for participation in such services and activities;

Students

Section 504: Civil and Legal Rights and Responsibilities (continued)

8. Annually notify students with disabilities and their parents or guardians of the District's responsibilities under Section 504, including those with limited proficiency in English and those with vision or hearing impairments;
9. Provide parents or guardians with procedural safeguards, including notification of their right:
 - a. To be notified in writing of any decisions made by the District concerning the identification, evaluation or educational placement of their student pursuant to Section 504. (The District will request parental consent prior to conducting an evaluation of the student);
 - b. To examine, copy and request amendments of the student's educational records;
 - c. To request an impartial hearing, with opportunity for participation by the student's parents or guardian and representation by counsel regarding District decisions concerning identification, evaluation or educational placement of their student. A review procedure will be provided.

Students identified as qualified individuals with disabilities under Section 504 shall be placed in the regular educational environment unless it is demonstrated by the District that the education of the student with the use of related aids and services in such a placement cannot be achieved satisfactorily. All placement decisions will be made by an evaluation team comprised of persons designated by the Superintendent or designee, knowledgeable about the student, the meaning of the evaluation data and placement options.

Students will be reevaluated periodically, but no less than every three years. Additionally, before implementing discipline that constitutes a significant change in the placement (i.e., expulsion, serial suspensions which exceed 10 school days in a school year, a series of suspensions each of which is 10 or fewer school days in duration but that creates a pattern of exclusion), the District shall conduct a reevaluation of the student to determine whether the misconduct in question is caused by the student's disability and, if so, whether the student's current educational placement is appropriate.

If it is determined that the misconduct of the student is caused by the disability, the District's team will continue the evaluation, following the requirements of Section 504 and the Americans with Disabilities Act of 1990 and Americans with Disabilities Act Amendments Act of 2008 (ADA) for evaluation and placement to determine whether the student's current educational placement is appropriate. Due process procedures that meet the requirements of the IDEA may be used to meet the procedural safeguards of law.

Students

Section 504: Civil and Legal Rights and Responsibilities (continued)

If it is determined that the misconduct is not caused by the student's disability, the student may be excluded from school in the same manner as are similarly situated students who do not have disabilities.

A student identified as a qualified individual with disabilities under Section 504, who is also covered by the Individuals with Disabilities Education Act, will be disciplined in accordance with Board policy #5144.3, "Discipline of Students with Disabilities."

A reevaluation will also be required before any other significant change in placement (i.e., transferring a student to alternative education, significantly changing the composition of the student's class schedule, such as from regular education to the resource room, etc.).

Legal Reference: Connecticut General Statutes
10-15c Discrimination in public schools prohibited.
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §§791, 793-794 (2006), (34 Code of Federal Regulations Part 104)
Americans with Disabilities Act of 1990, 42 U.S.C. §§12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006)
Americans with Disabilities Amendments Act of 2008

Students

Police in Schools

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

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

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

When investigating a possible criminal violation occurring off school grounds or not part of a school program, police will be encouraged to question students in their homes; however, they may be permitted to question students in the schools when the procedures outlined in 1-3 above are observed.

(cf. 1411 - Law Enforcement Agencies)

Students

Police in Schools

Questioning and Apprehension

In these regulations, the administration is reminded that a student who has attained the age of 18 enjoys the responsibility of speaking for him/herself without the agreement of parent, guardian or representative as to whether or not he/she will submit to questioning.

Initiated by School Administrators and Conducted by Administrators

Building Principals shall have the authority and duty to conduct investigations and to question students pertaining to infractions of school rules, whether or not the alleged conduct is a violation of criminal law. Such investigations shall be conducted in a manner which does not interfere with school activities.

Initiated by School Administrators and Conducted by Law Enforcement Officers

The building Principal shall determine when the necessity exists that law enforcement officers be asked to conduct an investigation of alleged criminal behavior which jeopardizes the safety of other people or school property or which interferes with the operation of the schools.

The building Principal may request that law enforcement officers conduct an investigation and question students who are potential witnesses of such alleged criminal behavior during school hours. A reasonable attempt shall be made to contact the student's parents, guardian or representative prior to questioning by law enforcement officers. Reasonable requests of the parents, guardian or representative shall be observed. The administrator involved shall document such notifications or attempted notifications to parents, guardian or representative. In the absence of a student's parents, guardian or representative during any questioning of such students, the Principal or a designated, certified school staff person shall be present as may be allowed by law.

If the investigation has centered on any particular student suspected of any alleged criminal activity, the procedure for taking students into custody by the procedure set forth below shall be followed to the extent that it does not interfere with reasonable law enforcement procedures.

Initiated and Conducted by Law Enforcement Officers

Although cooperation with law enforcement officers will be maintained, it is the preference of the District that it will not normally be necessary for law enforcement officers to initiate and conduct any investigation and interrogation on the school premises during school hours pertaining to criminal activities unrelated to the operation of the school. It is preferred that only in demonstrated emergency situations, when law enforcement officers find it absolutely necessary, will they conduct such an investigation during school hours. These circumstances might be limited to those in which delay might result in danger to any person, flight of a person reasonably suspected of a crime from the jurisdiction or local authorities, destruction of evidence, or continued criminal behavior. No school official, however, should ever place him/herself in the position of interfering with a law enforcement official in the performance of his or her duties as an officer of the law.

Students

Police in Schools

Questioning and Apprehension

Initiated and Conducted by Law Enforcement Officers (continued)

If the law enforcement officials are not recognized and/or are lacking a warrant or court order, the building Principal shall require proper identification of such officials and the reason(s) for the visit to the school. If the Principal is not satisfied he/she shall attempt to notify the Superintendent and the officer's superior, documenting such action.

In all cases, the officers shall be requested to obtain prior approval of the Principal or other designated person before beginning such an investigation on school premises. The administrator shall document the circumstances of such investigations as soon as practical. Alleged criminal behavior related to the school environment brought to the Principal's attention by law enforcement officers shall be dealt with under the provisions of the two previous sections.

Interrogation of Student during Investigation of Violations of School Rules

In instances where school rules have allegedly been violated, the Principal may notify the suspected rule violator(s) or potential witness(es) to the infraction. When suspension or expulsion may be a consideration, the suspect student shall be advised orally or in writing of the nature of the alleged offense and of the evidence, if any, against the student.

In questioning a potential student witness to an alleged disciplinary infraction, care should be taken by the administrator to ensure there is a reasonable likelihood that the student was indeed a witness. School officials should not engage in detailed questioning of students at random without reasonable cause in hope of gathering information as to school misconduct. Probable witnesses should be told the nature of the alleged misconduct and the reason to believe that they were witnesses. Such students should be given the opportunity to give their consent before answering questions of school officials.

Circumstances may arise where it would be advisable to have another adult present during questioning of students.

Violations of Criminal Law

During an investigation of violation of school rules, it may come to the attention of an administrator that the investigated activity may also be a violation of criminal law. In proceeding with the investigation, the Principal shall attempt to ascertain whether there is sufficient justification to believe that a criminal offense was committed that warrants notifying law enforcement officials.

Students

Police in Schools

Questioning and Apprehension (continued)

Interrogation and Investigations Conducted in School

When a suspected violation of criminal law has occurred on the school grounds involving the operation of the school or a school-sponsored activity, law enforcement officials may be notified and their presence requested for the questioning of suspected students. If such officials are notified, unless circumstances dictate otherwise, questioning of the student shall not begin or continue until the law enforcement officers arrive.

Reasonable attempts shall be made to contact a student's parents, guardian or representative who, unless an emergency exists, shall be given the opportunity to confer with the student and to be present with the student during such questioning. The administrator shall document the notification or attempted notification to the student's parents, guardian, or representative.

In the absence of parent/guardian and student consent, it is the preference of the District that law enforcement officers on school premises shall not question a student. The law enforcement officers shall be asked to advise the student of his/her legal rights. If the parent/guardian or student refuses consent to the questioning, the law enforcement officer(s) will determine the course of action to be pursued.

Information of criminal conduct not related to the schools shall be turned over to law enforcement officials, without additional investigation by school officials.

Taking a Student into Custody

School officials shall not release students to law enforcement authorities voluntarily unless the student has been placed under arrest or unless the parent, guardian or representative and the student agree to the release.

When students are removed from school for any reason by law enforcement authorities, every reasonable effort will be made to notify the student's parents, guardian or representative immediately. Such effort shall be documented.

Whenever an attempt to remove a student from school occurs without an arrest warrant or court order or without acquiescence of the parent, guardian/representative or the student, the administrator shall immediately notify a superior of the law enforcement officers involved to make objection to the removal of the student and shall attempt to notify the parents/guardians of the student. The Superintendent's office shall be notified immediately of any removal of a student from school by law enforcement officers under any circumstances.

Students

Police in Schools

Questioning and Apprehension (continued)

Taking a Student into Custody (continued)

The building Principal shall make reasonable efforts to persuade law enforcement officers not to make arrests or to take students into custody on school premises. Whenever the need arises to make arrests or take students into custody on school premises, the Principal shall make reasonable efforts to persuade the law enforcement officers to utilize a non-uniformed officer in making the arrest.

When it is necessary to take a student into custody on school premises and time permits, the law enforcement officer shall be requested to notify the building Principal and relate the circumstances necessitating such action. When possible, the Principal shall have the student summoned to the Principal's office where the student may be taken into custody.

When an emergency exists, the Principal may summon law enforcement officials to the school to take a student into custody.

When a student has been taken into custody or arrested on school premises without prior notification to the building Principal, the school staff present shall encourage the law enforcement officers to notify the Principal of the circumstances as quickly as possible. In the event that the officers decline to notify the Principal, the school staff members present shall immediately notify the Principal or the Superintendent.

If at all possible, the parents, guardian or representative of the student shall be notified by the Principal or other school administrator before the student is taken into custody by law enforcement officers or as quickly thereafter as possible. The administrator shall document such notification or attempted notification.

Disturbance of School Environment

Law enforcement officers may be requested to assist in controlling disturbances of the school environment which the building Principal or other school administrator has found to be unmanageable by school personnel and which disturbances have the potential of causing harm to students, other persons, or school property. Such potential of possible disturbance includes members of the general public who have exhibited undesirable or illegal conduct on school premises or at a school event held on school property and who have been requested to leave by an administrator, but have failed or refused to do so.

Students

Police in Schools

Questioning and Apprehension (continued)

Coordination of Policies by Enforcement Officials

School administrators shall meet at least annually with local law enforcement officials to discuss the District's policy and rules regarding law enforcement contacts with the District. Law enforcement officials will be asked to instruct their staffs as to the terms of the school's policies and rules.

Students

Students/Probation/Police/Courts

Notification to Superintendent when Student Arrested for Felony.

Police who arrest, at any time during the year, an enrolled district student, ages seven to twenty, for a Class A misdemeanor, felony, or for selling, carrying or brandishing a facsimile firearm, are required by C.G.S. 10-233h, as amended by Public Act 94-221, Public Act 95-304, and Public Act 97-149, to notify orally the Superintendent of Schools by the end of the next weekday following the arrest, the identity of the student and the offense or offenses for which the student was arrested and follow up in writing, including a brief description of the incident, not later than seventy-two hours of the arrest.

The Superintendent shall maintain this information confidential in accordance with C.G.S. 46b-124 and in a secure location and disclosed, during the school year, only to the Principal of the school in which such person is a student or to the Principal or supervisory agent of any other school in which the Superintendent knows such person is a student. The Principal may disclose the information only to special services staff or a consultant (such as a psychiatrist, psychologist, or social worker) for the purpose of assessing the danger posed by such person to himself, other students, school employees, or school property and effectuating an appropriate modification of such person's educational plan or placement, and for disciplinary purposes.

Police may testify and provide information related to an arrest at an expulsion hearing if such testimony is requested by the Board of Education or an impartial board conducting the hearing, or by the school principal or student or his/her parent. Such testimony must be kept confidential in conformity with applicable state statutes.

Attendance of Students Placed on Probation by a Court.

Before allowing a student placed on probation to return to school, the Connecticut court will request from the Superintendent of Schools information on the attendance, adjustment, and behavior of the student along with the Superintendent's recommendation for conditions of sentencing or disposition of the case.

School Officials and Probation Investigations.

If requested by the court prior to disposition of a case, the Superintendent of Schools, or designee, shall provide information on a student's attendance, adjustment, and behavior, and any recommendations regarding the proposed conditions of probation included in the probation officer's investigation report.

School Attendance As a Condition of Probation.

Under Section 46b-140, a court may include regular school attendance and compliance with school policies on student conduct and discipline as a condition of probation.

Students

Students/Probation/Police/Courts (continued)

Information to Superintendents on a Student Adjudged to be a Delinquent as a Result of Felony.

Under Section 46b-124 of CGS, courts are required to release the identity of a student adjudged a delinquent as a result of felony to the Superintendent of Schools who may only use this information for school placement and disciplinary decisions.

Information to Superintendents on a Student Adjudged to be a Youthful Offender.

Under Section 54-761 of CGS, courts are required to release the identity of a student adjudged a youthful offender to the Superintendent of Schools who may only use this information for school placement and disciplinary decisions.

(cf. 1411 Law Enforcement Agencies)

(cf. 5145.11 Police in Schools)

(cf. 5114 Suspension/Expulsion)

Legal Reference: Connecticut General Statutes

46b-121 “Juvenile matter” defined Authority of court. Fee.

46b-124 Confidentiality of records of juvenile matters. Exceptions.

46b-134 Investigation by probation officer prior to disposition of delinquency case. Physical mental and diagnostic examination

46b-140 Disposition upon conviction of child as delinquent.

53-206c Sale, carrying and brandishing of facsimile firearms prohibited. Class B misdemeanor.

54-761 Records confidential. Exceptions.

10-233a through 10-233g re student suspension, expulsion... Public Act 94-221 Public Act 95-304

10-233h Arrested students. Reports by police to superintendent, disclosure, confidentiality.

Policy adopted: August 20, 2013

REGIONAL SCHOOL DISTRICT NO. 17
Higganum, Connecticut

Students

Search and Seizure

Desks and School Lockers

Desks and school lockers are the property of the schools. The right to inspect desks and lockers assigned to students may be exercised by school officials to safeguard students, their property and school property with reasonable care for the Fourth Amendment rights of students.

The exercise of the right to inspect also requires protection of each student's personal privacy and protection from coercion. An authorized school administrator may search a student's locker or desk under three (3) conditions:

1. There is reason to believe that the student's desk or locker contains the probable presence of contraband material.
2. The probable presence of contraband material poses a serious threat to the maintenance of discipline, order, safety and health in the school.
3. The student(s) have been informed in advance that school Board policy allows desks and lockers to be inspected if the administration has reason to believe that materials injurious to the best interests of students and the school are contained therein.

This policy shall not be construed to limit general custodial searches or clearing of desks, lockers and other school property.

Student Search

A student may be searched according to a decision of the Supreme Court of the United States, if there are "reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school." According to the Court, the way the search is conducted should be "reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction." The Court unanimously affirmed that Fourth Amendment rights to be free from unreasonable searches and seizures apply to searches conducted by public school officials.

Legal Reference: Connecticut General Statutes
 10-221 Boards of education to prescribe rules
 The United States Supreme Court in *New Jersey vs. T.L.O.* 53 U.S.L.W 4083 (1985)
 PA 94-115 An Act Concerning School Searches
Stafford Unified School District #1 v. Redding (U.S. Sup. CT 08-479)

Policy adopted: August 20, 2103

REGIONAL SCHOOL DISTRICT NO. 17
 Higganum, Connecticut

Students

Search and Seizure

Justification for Student Searches

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

Prohibited Items

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

Lockers and Other School Property

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

Emergencies

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

Student Searches

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

Students

Search and Seizure (continued)

Police Notification

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

Lockers and Other School Property (Desks)

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

Prescription Drugs

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

Students

Search and Seizure (continued)

Lost or Abandoned Items

Lost or abandoned items will be inspected by school authorities.

Student Searches

1. All searches of students shall be conducted or authorized by the Principal or designee, in the presence of a witness.
2. Searches should be no more intrusive than necessary to discover that for which the search was instigated.
3. A search of a student's handbag, gym bag or similar personal property carried by a student may be conducted if there is "reasonable grounds" for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school.
4. Locker searches shall be conducted in the presence of another staff member and in the presence of the student responsible for the contents of the locker, if possible.
5. Searches may include, if school authorities think necessary, a frisk or patdown of student clothing. Frisk or patdown searches shall be conducted by a member of the same sex as the student and in the presence of another staff member.
6. At no time should school officials conduct a search which requires a student to remove more clothing than his/her shoes or jacket. If school authorities are convinced that a more intrusive search is required to expose contraband they should advise the proper law enforcement agency.
7. A search of a student's person, or a search of a group of students where no particular student within the group is suspected, may be conducted only if there is a reasonable suspicion of conduct immediately harmful to students, staff or school property. "Strip searches" of students are prohibited by employees of this school district.
8. Student searches which disclose evidence of school misconduct, but not criminal misconduct, should be treated according to applicable policies and/or regulations.
9. In the event that a student search discloses evidence of criminal wrongdoing, the school Principal or his/her designee shall determine whether or not police officials should be notified of the fruits of the search. If police officials are notified the student's parents should be advised of this fact as soon as possible.

Students

Search and Seizure (continued)

Student Notification

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

Legal Reference: Connecticut General Statutes

10-221 Boards of education to prescribe rules.

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

PA 94-115 An Act Concerning School Searches.

Stafford Unified School District #1 v. Redding (U.S. Sup. CT 08-479)

Regulation approved:

August 20, 2103

REGIONAL SCHOOL DISTRICT NO. 17
Higganum, Connecticut

Students

Search and Seizure

Vehicle Searches on School Grounds

The privilege of bringing a student-operated motor vehicle onto school premises is hereby conditioned on consent by the student driver to allow the search of that motor vehicle when there is reasonable cause for a search of that motor vehicle. The act of bringing a motor vehicle upon school premises will allow school officials to presume consent by the student, parent or guardian, or owner of the vehicle for a search of that motor vehicle. Refusal by a student, parent or guardian, or owner of the vehicle to allow access to a motor vehicle on school premises at the time of a request to search the motor vehicle will be cause for termination, without further hearing, of the privilege of bringing a motor vehicle onto school premises. The Principal, or a building Administrator, may request a law enforcement officer to search a motor vehicle on school premises, subject to provisions of this policy.

(cf. 5145.12 - Search and Seizure)

Legal Reference: Connecticut General Statutes

10-221 Boards of education to prescribe rules.

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

Policy adopted: August 20, 2013

REGIONAL SCHOOL DISTRICT NO. 17
Higganum, Connecticut

Students

Directory Information

The District may disclose any of the items listed as “Directory Information” without prior written consent, unless notified in writing to the contrary.

“Directory information” means one or more of the following items: student’s name, address, telephone number, date and place of birth, major field(s) of study, participation in officially recognized activities and sports, photographic, computer and/or video images, grade levels, electronic mail address, weight and height of members of athletic teams, dates of attendance, degrees and awards received, including honor roll publication, and the most recent previous public or private school attended by the student, parent’s name and/or e-mail address.

A student’s Social Security Number or student ID number is prohibited from designation as directory information. However, student ID numbers and other electronic personal identifiers used to access or communicate in electronic systems may be disclosed only if the identifier is not used by itself to authenticate identity and cannot be used to gain access to education records.

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

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

Public Notice

The District will give annual public notice to parents/guardians of students in attendance and students eighteen years of age or emancipated. The notice shall identify the types of information considered to be directory information, the District’s option to release such information and the requirement that the District must, by law, release secondary students’ names, addresses and telephone numbers to military recruiters and/or institutions of higher education, unless parents/guardians or eligible students request the District withhold this information. Such notice will be given prior to the release of directory information.

Exclusions

Exclusions from any or all directory categories named as directory information or release of information to military recruiters and/or institutions of higher education must be submitted in writing to the Principal by the parent/guardian, student of eighteen years of age or emancipated student with fifteen days of the annual public notice.

Students

Directory Information (continued)

(cf. 5125 - Student Records; Confidentiality)

Legal Reference: Connecticut General Statutes

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

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

Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Act, as amended, added by section 513 of P.L. 93-568, codified at 20 U.S.C. 1232g and Final Rule 34 CFR Part 99, December 9, 2008.)

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

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

REGIONAL SCHOOL DISTRICT No. 17 PUBLIC SCHOOLS

Access to Student Information by Military College Recruiters

Name of Student: _____ Date: _____

Name of Parent: _____ School: _____

Dear Parent/Guardian and Secondary Students:

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

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

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

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

Military Recruiters (please check one)

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

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

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

Parent Signature: _____ Date _____

Adult Student Signature: _____ Date _____

Students

Freedom of Speech/Expression

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

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

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

1. Material shall be noncommercial.
2. Material shall not contain libelous or obscene language.
3. Material shall not advocate illegal actions.
4. Material shall not contain false statements or innuendoes that would subject any person to hatred, ridicule, contempt or injury of reputation.
5. Material will not imminently threaten to disrupt the educational process of the school.
6. Material shall not advocate action that would endanger the health or safety of students.
7. Material shall not invade the lawful rights of others.
8. Material published, posted or otherwise distributed shall bear the names of at least two students principally involved in the promotion of this material and, when applicable, the name of the sponsoring student organization or group.
9. Distributors of materials will be held responsible for cleaning up litter caused by such distribution.

(cf. 1220 - Citizens' Advisory Committees)

(cf. 1312 - Public Complaints)

(cf. 6144 - Controversial Issues)

(cf. 6161 Equipment, Books, Materials: Provision/Selection)

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

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

Amendment of U.S. Constitution - Article I.

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

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

Policy adopted: August 20, 2013

REGIONAL SCHOOL DISTRICT NO. 17
Higganum, Connecticut

Students

Sexual Harassment

Sexual harassment will not be tolerated among students of the school district. It is the policy of the Board of Education that any form of sexual harassment is forbidden whether by students, supervisory or non-supervisory personnel, individuals under contract, or volunteers subject to the control of the Board. Students are expected to adhere to a standard of conduct that is respectful and courteous to employees, to fellow students and to the public.

Definition

Sexual harassment is defined as unwelcome conduct of a sexual nature, whether verbal or physical, including, but not limited to, insulting or degrading sexual remarks or conduct; threats or suggestions that a student's submission to or rejection of unwelcome conduct will in any way influence a decision regarding that student, or conduct of a sexual nature which substantially interferes with the student's learning, or creates an intimidating, hostile or offensive learning environment, such as the display in the educational setting of sexually suggestive objects or pictures.

Procedure

It is the express policy of the Board of Education to encourage victims of sexual harassment to report such claims. Students are encouraged to promptly report complaints of sexual harassment to the Director of Pupil-Personnel or Superintendent. Complaints will be investigated promptly and corrective action will be taken when allegations are verified. Confidentiality will be maintained by all persons involved in the investigation and no reprisals or retaliation will be allowed to occur as a result of the good faith reporting of charges of sexual harassment.

The school district will provide staff development for district administrators and grievance committee members and will annually distribute its policy and grievance procedures to staff and students in an effort to maintain an environment free of sexual harassment.

Legal Reference: Civil Rights Act of 1964, Title VII, 42 U.S.C. §2000-e2(a).

 Equal Employment Opportunity Commission Policy Guidance (N-915.035)
 on Current Issues of Sexual Harassment, effective 10/15/88.

 Title IX of the Education Amendments of 1972, 34 CFR Section 106.

 Meritor Savings Bank. FSB v. Vinson, 477 U.S. 57 (1986)

 Faragher v. City of Boca Raton, No. 97-282 (U.S. Supreme Court, June
 26,1998)

Students

Sexual Harassment (continued)

Legal Reference: *Burlington Industries, Inc. v. Ellerth*, No. 97-569, (U.S. Supreme Court, June 26,1998)

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

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

Connecticut General Statutes

46a-60 Discriminatory employment practices prohibited.

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

Students

Sexual Harassment

Procedures for Reporting and Investigating Allegations of Sexual Harassment

The following procedures shall be followed pursuant to Board of Education Policy #5145.5 prohibiting sexual harassment of students and employees of the Regional School District No. 17.

1. Policy Awareness

- A. Board of Education Policy #5145.5 shall be distributed to all employees annually in September by each building Principal.
- B. The district's high school, middle school, and elementary school handbooks shall print the following announcement:

"The Regional School District No. 17 does not permit or condone sexual harassment of employees or students. If individuals or parents suspect that they or any students may be a victim of sexual harassment, they should contact the District Title IX Compliance Officer, the Director of Pupil Services at 860-345-8541 immediately."
- C. Middle and high school Principals shall provide the Superintendent of Schools annually in September of each year written assurance that the Board of Education policy on sexual harassment and implementing procedures have been appropriately and widely distributed and explained to students by appropriate professional staff members.
- D. Students shall receive instruction, annually, on the nature of sexual harassment and the process for reporting suspected incidents. This instruction shall be conducted in an age-appropriate manner at the elementary, middle, and high school levels. As part of this instruction, students shall be informed that they may report allegations of sexual harassment directly to a guidance counselor, school nurse, or any trusted adult or peer. Students should be advised that if they are identified as a trusted peer by a friend, they have an obligation to that friend to report the alleged sexual harassment to a guidance counselor, school nurse, or trusted adult.
- E. Staff training in the prevention of sexual harassment in the workplace shall be a part of the district's continuing staff development program.

2. Reporting Procedures

- A. The Superintendent of Schools will appoint a District Title IX Compliance Officer and announce the identity of this person annually prior to the beginning of the school year.

Students

Sexual Harassment

Procedures for Reporting and Investigating Allegations of Sexual Harassment

B. Reporting Procedures for Students

The maturity levels of students may inhibit their ability to recognize and report suspected sexual harassment directed toward them. School authorities have the responsibility to provide for the care, control, and custody of children under their care. This responsibility extends to protecting students from sexual harassment and assisting them in recognizing and reporting any such behavior(s). The following procedures shall apply in reporting suspected sexual harassment of students:

- (1) Sufficiently mature and self-confident students who feel comfortable filing a complaint personally shall be advised that forms for this purpose are available at both the guidance office and health office. In such cases, guidance counselors or school nurses shall assist students in the process of completing the form and in supplying to the student a copy of the Board of Education policy and procedures on sexual harassment. The guidance counselor or school nurse shall also notify the District Title IX Compliance Officer immediately and the parent/guardian, if the complaint is not directed toward them. If the student is a legal adult (18 years of age or older), the parent will be contacted only with the consent of the student.
- (2) In cases where a student discloses alleged sexual harassment to a trusted adult or peer, but is unwilling to personally initiate a formal complaint, the trusted adult or peer shall report the allegation to the guidance counselor or school nurse. The guidance counselor or school nurse shall contact the student to provide counseling and support, and shall also notify the District Title IX Compliance Officer immediately.

Role of the District Title IX Compliance Officer

The District Title IX Compliance Officer shall immediately institute an inquiry into the allegations which shall include, but not limited, to:

- A. Advising the Superintendent of Schools that a complaint of alleged sexual harassment has been filed.
- B. Interviewing the complaining adult or student in a confidential setting. In the case of a student the parent/guardian shall be notified (unless the parent/guardian is the subject of the allegations) and invited to be present for the interview.

Students

Sexual Harassment

Procedures for Reporting and Investigating Allegations of Sexual Harassment

- C. Conducting interviews with all parties named as perpetrators of and witnesses to the alleged sexual harassment.
- D. Filing a report of findings with the Superintendent of Schools. If the findings confirm that sexual harassment did exist, and that it was to a degree that may constitute sexual abuse of a minor, the District Title IX Compliance Officer shall also file a report with the State of Connecticut Department of Children and Families.

The inquiry shall be conducted in a timely manner. If the findings of the District Title IX Compliance Officer reject the allegations of sexual harassment, the accused and charging parties shall be so advised in writing by the Compliance Officer. Any and all material in the matter shall be removed from the file of the exonerated party, unless the exonerated party requests that a certification of the finding of insufficient evidence be placed in his/her file.

Obligations of the Superintendent of Schools

If the findings of the District Title IX Compliance Officer indicate the presence of reasonable evidence to substantiate allegations of sexual harassment, the Superintendent of Schools shall initiate a due process hearing under appropriate state statutes governing employee or student discipline. The hearing officer may be the Superintendent or his/her designee.

General Policy Administration and Monitoring

The District Title IX Compliance Officer shall maintain a comprehensive record of all filings of sexual harassment and their disposition. An annual report shall be made to the Superintendent of Schools at the end of each school year.

REGIONAL SCHOOL DISTRICT No. 17 PUBLIC SCHOOLS

SEXUAL HARASSMENT REPORT FORM

The Regional School District No. 17 Public Schools maintains a firm policy prohibiting all forms of discrimination based on sex. Sexual harassment against students or employees is sex discrimination. All persons are to be treated with respect and dignity. Sexual advances or other forms of personal harassment by any person, male or female, which create an intimidating, hostile or offensive environment will not be tolerated under any circumstances. Individuals who suspect that they may be victims of sexual harassment shall complete this form and file it with the District Title IX Compliance Officer _____ at _____

Complainant _____
Home Address _____
Work Address _____
Home Phone _____ Work Phone _____

Date of Alleged Incident(s) _____
Name of person(s) you believe sexually harassed you _____
List any witnesses that were present _____

Where did the incident(s) occur? _____

Describe the incident(s) as clearly as possible, including such things as: what force, if any, was used: any specific verbal statements (i.e. threats, requests, demands, etc.); what, if any, physical contact was involved; what did you do to avoid the situation, etc. (Attach additional pages if necessary.)

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

(Complainant Signature) (Date)

Received by _____ (Date)
Signature-District
Title IX Compliance
Officer

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

Students

Student Grievance Procedures

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

Purpose of Student Grievance Procedures

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

Student Grievance Procedures

If a student or parent feels that a problem that develops between a student and a teacher has not been handled well, the parents may take up the issue in the following manner:

1. First, discuss the problem with the teacher.
2. If this does not produce satisfactory results, discuss it with the Principal.
3. If this does not produce satisfactory results, the problem can then be taken up with the Superintendent of Schools.

It is generally understood that the Principal is fully responsible for his/her building and the students and personnel who work therein.

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

Students

Student Grievance Procedures

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

Purpose of Student Grievance Procedures

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

General Conditions

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

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

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

Students

Student Grievance Procedures (continued)

Procedures

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

Committee Membership

1. Three committee members from each grade level shall be appointed by the president of the student council.
2. One of the three senior committee members shall be appointed chairperson by the president of the student council.

Students

Student Grievance Procedures

Committee Membership (continued)

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

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

Students

Special Education – Due Process

The Board of Education shall make available due process procedures to parents with regard to the provisions of special education and related services for their child.

Due process procedures shall be provided in accordance with Connecticut General Statutes 10-76h-1 and Connecticut State Board of Education Regulations 10-76h-2.

Legal Reference: Connecticut General Statutes
 10-76h Special education hearing and review procedure. Mediation of disputes
 State Board of Education Regulations
 10-76h-1 Due process procedures
 10-76h-2 Requirements
 (a) Administrative review
 (b) Hearing
 (c) Mediation
 (d) Notice of hearing
 (e) Establishment of a hearing board
 (f) Hearing procedures
 (g) Hearing board decision