

Students

Nondiscrimination (Students)

The Board of Education (the “Board”) complies with all applicable federal, state and local laws prohibiting the exclusion of any person from any of its educational programs or activities, or the denial to any person of the benefits of any of its educational programs or activities because of race, color, religion, age sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, or gender identity or expression, or veteran status, subject to the conditions and limitations established by law.

It is the policy of the Board that any form of discrimination or harassment on the basis of color, race, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression, or veteran status, or any other basis prohibited by state or federal law is prohibited, whether by students, Board employees or third parties subject to the control of the Board. The Board's prohibition of discrimination or harassment in its educational programs or activities expressly extends to academic, nonacademic and extracurricular activities, including athletics. It is also the policy of the Board to provide for the prompt and equitable resolution of complaints alleging any discrimination or harassment on the basis of protected characteristics such as race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, or gender identity or expression or veteran status.

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

For the purposes of this policy, “gender identity or expression” means 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.

For the purposes of this policy, “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.

Transgender Students

This policy does not anticipate every situation that might occur with respect to transgender or gender non-conforming students and the needs of each transgender or gender non-conforming student must be assessed on a case-by-case basis. In all cases, the goal is to work collaboratively with the transgender or gender non-conforming student and family to ensure the safety, comfort, and healthy development of the transgender or gender non-conforming student while supporting the student’s social integration and providing for an environment that is free of discrimination and harassment.

I. Definitions

- A. Bullying means the repeated use by one or more students of a written, oral or electronic communication, such as cyberbullying, directed at or referring to another student attending school in the same school district or a physical act or gesture by one or more students repeatedly directed at another student attending school in the same school district that (1) causes physical or emotional harm to such student or damage to such student’s property, (2) places such student in reasonable fear of harm to the student, or of damage to the student’s property, (3) creates a hostile environment

at school for such student, (4) infringes on the rights of such student at school, or (5) substantially disrupts the education process or the orderly operation of a school.

Bullying shall include, but not be limited to, a written, oral, or electronic communication or physical act or gesture based on any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socioeconomic status, academic status, physical appearance, or mental, physical, developmental or sensory disability, or by association with an individual or group who has or is perceived to have one or more of such characteristics.

B. Gender identity or expression is a person's gender-related identity, appearance, or behavior, whether or not that identity, appearance, or behavior differs from that traditionally associated with the person's physiology or sex assigned at birth. If the district determines that it is necessary to confirm a student's stated gender, 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. However, students may identify as gender-fluid, expressing their gender identity as more than one gender, even one day to the next.

C. Sex Assigned at birth refers to the sex designation recorded on an individual's birth certificate at birth based on biological characteristics.

D. Transgender is a broad term that describes people whose gender identity, expression, or behavior is different from those typically associated with their sex assigned at birth

E. Gender Fluid may be a form of both gender identity and gender expression. It generally describes individuals who may not identify as the same gender all the time, and whose gender expression may change accordingly.

F. Gender non-conforming refers to gender-related identity and/or gender expression which does not conform to the social expectations or norms for a person of that gender assigned at birth.

II. Coordination of School

A. To proactively plan for a safe learning environment free of discrimination and harassment, parents/guardians of students with gender identity or expression concerns are encouraged to alert the school district and schedule a meeting with the Assistant Superintendent for Personnel and Administration. Upon request, the Assistant Superintendent of Personnel and Administration or designee shall schedule a meeting with the parent/guardian and the student for the purpose of evaluating the needs of the student and planning any accommodations that may be considered to facilitate a respectful and comfortable school program that supports the student's achievement.

III. Student Names Pronouns and Gender Marker

A. The District will use names and pronouns consistent with students' stated gender identity even if their education records or identification documents indicate a different name or sex. The District's obligation to address students consistent with their gender identity or expression does not require notice from the students' parents or guardians. If District personnel are uncertain about what name and pronouns to use when addressing or referring to a student, trained personnel should privately raise the subject with the student in an age-appropriate manner. Transgender students may have a variety of different ways of establishing their gender identity, including, but not limited to: (1) medical history, (2) care or treatment of the gender-related identity, (3) consistent and uniform

assertion of such an identity, or (4) any other evidence that the identity is sincerely held, part of the student's core identity, or that the student is not asserting such an identity for an improper purpose.

- B. The intentional or persistent refusal to respect a student's gender identity or expression (for example, intentionally referring to the student by a name or pronoun that does not correspond to the student's gender identity) is a violation of this policy, and individuals intentionally engaging in such conduct will be subject to discipline in accordance with Board policy.

IV. Student Records

- A. A student who has reached the age of majority or parent/guardian may request that the District change a student's education records to make them consistent with the student's chosen name and gender identity or expression in accordance with Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g and the Board's policy on student records, Policy 5008. While, generally, requests to change student records shall be made in accordance with FERPA and Board Policy 5008, there may be situations in which the District will consider changing a minor student's records at the minor student's request in order to respect the student's rights.
- B. In accordance with state guidance, District personnel will not require the student or the student's parents/guardians to produce a record of a legal name change. The District will not require students to submit any particular records relative to gender identity before making changes in the student's records. In no event will District personnel treat requests to change student records based on transgender status differently than it would treat any other request for a change to student records.
- C. In instances where a student is using a chosen name, the student's birth name and gender information shall constitute private information and shall not be disclosed except as permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g or otherwise required by law.

V. Restroom and Locker Room Accessibility

- A. All students will be provided access to locker room and restroom facilities consistent with their gender identity or expression. Transgender students will not be required to use facilities inconsistent with their gender identity or expression or use individual-user facilities when other students are not required to use individual-user facilities.
- B. A private option will be made available to any student interested in additional privacy. If the District's personnel or administration believe that there is a reason for increased privacy or safety, the District will provide any student interested in such option access to a reasonable alternative restroom, such as a single stall "unisex" restroom or the health office restroom. For locker rooms, the District will provide additional privacy options through the availability of alternative single-user changing facilities, different schedules, or through privacy barriers or options within existing facilities. If a privacy/unisex facility is utilized, that facility, to the extent feasible, will be as close as possible to the facilities the other students are using.
- C. School personnel will be available to discuss options and plans for the use of restrooms and locker rooms with any student and/or parent/guardian.

VI. Sports and Physical Education

Transgender students shall be provided the same opportunities to participate in physical education and any intramural school sports as all other students. Students shall be permitted to participate in physical education and any intramural school sports in accordance with their gender identity or expression. Issues concerning participation in interscholastic competitive sports are addressed by the Connecticut Interscholastic Athletic Conference.

VII. Other Activities

In any other circumstances where students are separated by gender in school activities (i.e., overnight field trips), students may be permitted to participate in accordance with their gender identity or expression. Activities that may involve the need for accommodations to address any student's privacy concerns will be addressed on a case-by-case basis.

VIII. Dress Code

Students have the right to dress in accordance with their gender identity or expression within the constraints of the school policy for student dress (#5012-Student Dress).

IX. Privacy

- A. As appropriate, school personnel shall work with any transgender students and their families in formulating an appropriate plan regarding the confidentiality of the student's transgender status. Privacy considerations may vary with the age of the student.
- B. To the extent possible and consistent with these guidelines, school personnel shall make efforts to maintain the confidentiality of the student's transgender status.

School personnel should not disclose information that may reveal a student's transgender status to others, including parents, unless legally required to do so or unless the student's parent, or student, if over the age of eighteen, has authorized such disclosure. Disclosure to other school personnel shall be handled in accordance with federal and state law.

X. Harassment, Intimidation and Bullying

- A. The District prohibits bullying in accordance with state law and discrimination (including harassment) prohibited by federal state law, including, but not limited to, bullying and discrimination on the basis of a student's gender identity or expression.
- B. District personnel must report instances or reports of instances of possible bullying or discrimination to the appropriate personnel in accordance with the Board's respective policies Bullying Prevention and Intervention, Policy # 5011; Non-Discrimination, Policy #5025; Sexual Harassment, Policy # 5026).
- C. Complaints alleging bullying or discrimination on the basis of a student's gender identify or expression may be made in accordance with the Board's respective policies: Policy # 5011 Bullying Prevention and Intervention; Policy #5025 Nondiscrimination,(Students); Policy # 5026 Sexual Discrimination and Sexual Harassment (Students). Copies of each of these policies, corresponding administrative regulations, complaint procedures and complaint forms, are available upon request at the Board offices and any Board school and are also available online at https://www.southwindsorschools.org/board_of_education/south_windsor_board_of_education_policies .

Complaint Procedure

Any student and/or parent/guardian wishing to file a complaint regarding discrimination or harassment may obtain a copy of the Board's complaint procedures and complaint form which are included in the Board's Administrative Regulations regarding Nondiscrimination (Students). These regulations accompany this policy and are available online at https://www.southwindsorschools.org/board_of_education/south_windsor_board_of_education_policies or upon request from the main office of any district school.

If a complaint involves allegations of discrimination or harassment based on reasons such as gender/sex, gender identity, sexual orientation, disability, or pregnancy, such complaints will be handled under other appropriate policies (e.g., Policy #5026 Sexual Discrimination and Sexual Harassment (Students); Policy #5024 Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990).

Anyone who has questions or concerns about this policy, or about the Board’s policies regarding discrimination or harassment on the basis of gender/sex gender identity, sexual orientation or disability, and/or who may wish to request or discuss accommodations based on religion, and/or who would like a copy of the Board’s complaint procedures or complaint forms related to claims of discrimination or harassment may contact:

Assistant Superintendent for Personnel and Administration
South Windsor Public Schools
1737 Main Street
South Windsor, CT 06074
(860) 291-1215

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 800-477-5737)

Legal References:

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, et seq.

Connecticut General Statutes §10-209 Records not to be public

Connecticut General Statutes § 10-15c, § 46a-58, and § 46a-81a, et seq.

Connecticut General Statutes § 27-103

Connecticut General Statutes § 1-1n, “Gender Identity or Expression” defined

Connecticut State Department of Education, *Guidance on Civil Rights Protections and Supports for Transgender Students (June 2017)*

Connecticut General Statutes § 46a-51, Definitions

Connecticut State Department of Education, *Guidance on Civil Rights Protections and Supports for Transgender Students: Frequently Asked Questions (June 2017)*

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

Public Act No. 21-79, “An Act Redefining ‘Veteran’ and Establishing a Qualifying Review Board

Federal Law:

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.

Americans with Disabilities Act, 42 U.S.C. § 12101, et seq.

Family and Educational Rights and Privacy Act, 20 U.S.C. § 1232g; 34 C.F.R. Part 99-

Policy Adopted: January 22, 2019

Policy Revised: April 27, 2021

Policy Revised: November 23, 2021

Students

Nondiscrimination (Students)

Regulations

It is the policy of the Board of Education that any form of discrimination or harassment on the basis of protected characteristics such as race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression or veteran status is forbidden, whether by students, Board employees or third parties subject to the control of the Board. Students, Board employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of all members of the school community.

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

If a complaint involves allegations of discrimination or harassment based on reasons such as gender/sex disability or pregnancy, such complaints will be handled under other appropriate policies (e.g. Policy #5026 Sexual Discrimination and Sexual Harassment (Students) (for claims of discrimination and/or harassment based on sex).

All other complaints by a student or other individuals alleging discrimination on the basis of the protected characteristics listed herein should file a written complaint with the Assistant Superintendent for Personnel and Administration, 1737 Main Street, South Windsor, CT 06074, (860) 291-1215.

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

The district will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of harassment or discrimination on the basis of race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression or veteran status. Any such reprisals or retaliation will result in disciplinary action against the retaliator, and other corrective actions as appropriate.

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

Complaint Procedure

As soon as an individual feel that he or she has been subjected to discrimination or harassment on the basis of race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression or veteran status, he/she should make a written complaint to the Assistant Superintendent for Personnel and Administration, or to the building principal, or designee. The student will be provided a copy of the Board's policy and regulation and made aware of his or her rights. In the event the Assistant Superintendent for Personnel and Administration receives a complaint alleging discrimination or harassment based on gender/sex or disability, the Assistant Superintendent for Personnel and Administration shall follow the procedures identified in the appropriate Board policies (e.g. Policy # 5026 Sex Discrimination and Sexual Harassment (Students:) and Policy # 5024 Section 504/ADA (Students), where applicable, rather than the complaint procedures provided in this policy.

If the complaint being filed is against the Superintendent, the complaint should be filed with the Board Chair, who will take appropriate steps, such as retaining an independent investigator, to cause the matter to be investigated in a manner consistent with the Board's non-discrimination policy and regulation. If either the Superintendent or any other party to the complaint is not satisfied with the findings and conclusions of the investigation, within (30) calendar days of receiving the findings, such party may present the complaint and written outcome to the Board Chair, who will take appropriate steps, such as retaining an independent investigator different from the investigator

who investigated the complaint, to cause the matter to be reviewed in a manner consistent with the Board's non-discrimination policy and regulation.

The student 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 Assistant Superintendent for Personnel and Administration receives a complaint alleging discrimination or harassment based on gender/sex, gender identity, sexual orientation, disability or pregnancy, the Assistant Superintendent for Personnel and Administration shall follow the procedures identified in the appropriate board policies, (e.g., Policy #5026 Sexual Discrimination and Sexual Harassment (Students); Policy #5024 Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990), rather than the complaint procedures provided in this policy..

The complaint should state the:

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

Any student who makes an oral complaint of harassment or discrimination to any of the above-mentioned personnel will be provided a copy of this regulation and will be requested to make a written complaint pursuant to the above procedure. If a student (or individual acting on behalf of the student) is unable to make a written complaint, the administrator receiving the oral complaint will either reduce the complaint to writing or assist the student (individual acting on behalf of the student) in completing the written complaint form.

All complaints are to be forwarded immediately to the Assistant Superintendent for Personnel and Administration. Upon receipt of a complaint alleging harassment or discrimination under this complaint procedure, the Assistant Superintendent and/or designee shall assign a district or school administrator 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 complainant, the alleged harasser/discriminator 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.

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

1. offer to meet with the complainant (and respondent, if applicable) within ten (10) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) to discuss the nature of the complaint, identify individuals the complainant believes has relevant information, and obtain any relevant documents the complainant may have;
2. provide the complainant (and respondent, if applicable) with a copy of the Board's anti-discrimination policy and accompanying regulations;
3. investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;
4. conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis for the complaint, including conducting interviews with individuals with information and review of documents relevant to the complaint;
5. maintain confidentiality to the extent practicable throughout the investigative process, in accordance with state and federal law

6. communicate the outcome of the investigation in writing to the complainant, and respondent, if applicable,(to the extent permitted by state and federal confidentiality requirements), within thirty (30) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants the complexity of the investigation, and/or other extenuating circumstances) from the date the complaint was received by the Assistant 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;
7. 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. If fixed timeframes cannot be met, complainant (and/or respondent, if applicable) will receive notice and interim measures may be implemented as necessary (see sub-paragraph 6);
8. whenever allegations are verified, ensure that appropriate corrective action is taken (including, but not limited to, disciplinary action) aimed at preventing the recurrence of the discrimination or harassment. Corrective action should include steps to avoid continuing discrimination or harassment.
9. If the complainant (and/or respondent, if applicable) is not satisfied with the findings and conclusions of the investigation, the complainant (and/or respondent, if applicable) may present the complaint and written outcome to the Superintendent within thirty (30) calendar days of receiving the findings. Upon review of a written request from the complainant (and/or respondent, if applicable), the Superintendent shall review the investigative results of the investigator and determine if further action and/or investigation is warranted. The Superintendent may also designate an outside investigator to conduct the review in lieu of, or in addition to, their review of the findings. Such action may include consultation with the investigator and complainant (and/or respondent, if applicable), a meeting with appropriate individuals to attempt to resolve the complaint, or a decision affirming or overruling the investigator's conclusions or findings. The Superintendent shall provide written notice to the complainant (and/or respondent, if applicable) of the proposed actions within fifteen (15) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) following the receipt of the written request for review.

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

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

Anyone who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of disability, and/or who may wish to request or discuss accommodations for a disability, may contact the Board's Section 504/ADA Coordinator:

Assistant Superintendent for Personnel and Administration
South Windsor Public Schools
1737 Main Street
South Windsor, CT 06074
(860) 291-1215
cmcnamara@swindsor.k12.ct.us

Any student and/or parent/guardian may file a complaint with the Office for Civil may file a complaint with the Office of Civil Rights.

U.S. Department of Education
Office for Civil Rights
8th Floor, 5 Post Office Square, Suite 900
Boston, MA 02109-0111
Tel: (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)

Regulations Adopted: January 22, 2019

Regulations Revised: April 27, 2021

Regulations Revised: November 23, 2021

DISCRIMINATION HARASSMENT COMPLAINT FORM

(For complaints based on race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression or veteran status)

Name of the complainant: _____

Date of the complaint: _____

Date of the alleged discrimination/harassment: _____

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

Location where such discrimination/harassment occurred: _____

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

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

Signature – Complainant

Date

Signature – Recipient

Date