

P.A. 15-96 An Act Prohibiting Out-of-School Suspensions and Expulsions for Students in Preschool and Grades Kindergarten to Two

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(Background Information for Policy Review Committee)

This Act, which modifies C.G.S. 10-233c and 10-233d, with certain exceptions, prohibits boards of education from imposing out-of-school suspensions and expulsion on students in grades preschool through two. The exceptions are:

1. out-of-school suspensions for board of education preschool through grade two students whose conduct is of a violent or sexual nature that endangers others;
2. expulsions for board of education kindergarten through grade two students who (a) possess firearms or certain other weapons or (b) sell or distribute controlled substances; and
3. expulsions for preschool students who possess a firearm on or off school grounds or at school-sponsored activities at preschool programs offered by local and regional boards of education, state and local charter schools, and interdistrict magnet schools (i.e., “preschool program providers”), in accordance with federal law.

The Act prohibits preschool program providers from imposing out-of-school suspensions for their preschool students and establishes expulsion hearing procedures for their preschool students.

Additionally, the Act requires school-based primary mental health programs administered by boards of education to include a component for systematic early detection and screening to identify children experiencing behavioral or disciplinary problems. (Existing law requires the identification of children experiencing early school adjustment problems only.) It also requires the (1) programs to include services to address those problems and (2) Education Commissioner to consider, as an additional factor when awarding school-based primary mental health program grants to boards of education, the number of children enrolled in grades kindergarten to two who experience behavioral, disciplinary, or early school adjustment problems.

Out-of-School Suspensions

Preschool through Grade Two Programs Administered by Boards of Education

The legislation prohibits boards of education from authorizing out-of-school suspensions for students enrolled in preschool through grade two unless the school administration determines during a disciplinary hearing that there is evidence of conduct on school grounds of a violent or sexual nature that endangers others. Under current law, kindergarten through grade two students may receive an out-of-school suspension for the same reasons as students in grades three through twelve (e.g., posing a danger to persons or property, disrupting the educational process). The Act also reiterates that mandated reporter duties for suspected child abuse or neglect under existing law remain applicable in light of such student conduct.

However, the Act also prohibits boards of education from authorizing any suspensions for preschool students other than in-school suspensions.

Preschool Programs Administered by Charter or Magnet Schools

The Act prohibits state or local charter schools or interdistrict magnet schools from authorizing out-of-school suspensions for preschool students. It allows them to authorize only in-school suspensions for such students.

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Kindergarten through Grade Two Expulsions

The Act prohibits boards of education from expelling a student enrolled in kindergarten through grade two, unless the student:

1. possessed a firearm, deadly weapon, dangerous instrument, or martial arts weapon on school grounds or at a school-sponsored activity;
2. possessed such a firearm, instrument, or weapon in the commission of a crime off school grounds; or
3. offered on or off school grounds, a controlled substance for sale or distribution whose manufacture, distribution, sale, prescription, dispensing, transporting, or possessing with intent to sell, dispense, offer, or administer is subject to criminal penalties under state law.

As under existing law, such students are subject to expulsion for one calendar year, which the board may reduce on a case-by-case basis for specified reasons. Under current law, kindergarten through grade two students may be expelled for the same reasons as students in grades three through twelve.

Preschool Expulsions

The Act conforms state law to federal law by requiring boards of education to expel preschool students for one calendar year when the school administration determines during a disciplinary hearing that there is reason to believe that the student possessed a firearm on or off school grounds or at a school-sponsored event. Existing law requires this for students in grades kindergarten through twelve. The new legislation also subjects preschool students enrolled in a state or local charter school or interdistrict magnet school preschool program to the same mandatory expulsion requirement.

The Act allows boards of education, state or local charter schools, and interdistrict magnet schools that offer preschool programs to modify this mandatory expulsion period on a case-by-case basis. It does not establish criteria for modifying the one-year period.

Preschool Expulsion Hearing Procedures

The Act requires preschool expulsion hearings for firearm possession to be conducted by the local or regional board of education, state or local charter school, or interdistrict magnet school providing the preschool program, except that it also allows hearings to be conducted by:

1. the local or regional board of education if a regional education service center or a state or local charter school is the program provider, and such providers have an agreement with the board to do so, or
2. an impartial hearing board established by the local or regional board of education, state or local charter school, or interdistrict magnet school providing the preschool program.

The Act generally conforms preschool expulsion hearing requirements to the requirements in existing law for kindergarten through grade twelve expulsion hearings.

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The Act prohibits preschool program provider employees from serving as members of impartial expulsion hearing boards but appears to permit local or regional board of education members to serve on an impartial preschool hearing expulsion board. Under existing law for kindergarten through grade twelve students, board of education members cannot be members of an impartial expulsion hearing board.

Existing law also requires, for a kindergarten through grade twelve expulsion hearing conducted by a board of education, at least three affirmative votes for expulsion before a student can be expelled.

Firearms Requiring Expulsion

The federal Gun Free Schools Act describes the following weapons as firearms that require one calendar year of mandatory expulsion:

1. any weapon that can expel a projectile by the action of an explosive;
2. a firearm frame, receiver, muffler, or silencer; or
3. any destructive device, which includes explosives, incendiaries, and poison gases (but not rifles intended for sporting, recreational, or cultural purposes or knives) (18 USC §921(a)(3)-(4)).

State law currently complies with this mandatory expulsion requirement for grades kindergarten through twelve (CGS §10-233d(a)(2)).

Conflicting Preschool Suspension Provisions

The Act both (1) prohibits boards of education from authorizing any suspensions for preschool students other than in-school suspensions and (2) permits them to authorize out-of-school suspensions when the school administration determines during a disciplinary hearing that there is evidence of conduct on school grounds of a violent or sexual nature that endangers others.

The effective date of this Act is July 1, 2015.

Policy Implications

This legislation impacts three policies. They are:

1. Policy #5114 – Suspension and Expulsion/Due Process
2. Policy #5131 – Student Conduct
3. Policy #5144 – Discipline

State statute requires that boards of education adopt a policy pertaining to discipline. Any one of these three can fulfill that obligation.

August 2015

**REVISED SDE STANDARDS FOR ALTERNATIVE EDUCATIONAL OPPORTUNITIES
FOR EXPELLED STUDENTS
(BACKGROUND INFORMATION FOR POLICY SERVICES)**

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Connecticut General Statute 10-233d requires boards of education (boards) to offer an alternative educational opportunity to (a) any student under 16 years old who has been expelled; and (b) any student between 16 and 18 years old who has been expelled for the first time, who wishes to continue with his/her education and complies with conditions set by the board. Pursuant to Public Act 17-220, *An Act Concerning Education Mandate Relief*, the State Board of Education was required to adopt standards for the provision of an adequate alternative educational opportunity. Public Act 17-220 notes that the standards must address, but need not be limited to, the kind of instruction and number of hours to be provided to a student enrolled in an alternative educational opportunity.

C.G.S. 10-233d subsection d:

(d) Any pupil under sixteen years of age who is expelled shall be offered an alternative educational opportunity, which shall be equivalent to alternative education, as defined by section 10-74j, with an individualized learning plan, during the period of expulsion, provided any parent or guardian of such pupil who does not choose to have his or her child enrolled in an alternative educational program shall not be subject to the provisions of section 10-184. Any pupil expelled for the first time who is between the ages of sixteen and eighteen and who wishes to continue his or her education shall be offered such an alternative educational opportunity if he or she complies with conditions established by his or her local or regional board of education. Such alternative educational opportunity may include, but shall not be limited to, the placement of a pupil who is at least seventeen years of age in an adult education program pursuant to section 10-69. Any pupil participating in an adult education program during a period of expulsion shall not be required to withdraw from school under section 10-184. A local or regional board of education shall count the expulsion of a pupil when he was under sixteen years of age for purposes of determining whether an alternative educational opportunity is required for such pupil when he is between the ages of sixteen and eighteen. A local or regional board of education may offer an alternative educational opportunity to a pupil for whom such alternative educational opportunity is not required pursuant to this section.

Background

In 2016, the Connecticut State Department of Education (CSDE) issued its *Guidelines for Alternative Education Settings*, as required by a 2015 law calling for the Connecticut State Board of Education to establish guidelines concerning alternative education programs in general. During the 2016 legislative session, the General Assembly passed a law expanding and more clearly defining the obligation of Local Education Agencies (LEAs) to provide alternative educational opportunities for students who have been expelled in particular. In articulating this obligation, the General Assembly relied on the definition of “alternative education” from the more general alternative education law passed in 2015. Thus, the CSDE reconvened the *Alternative Schools Committee* (ASC) – originally established to help the CSDE develop the *Guidelines for Alternative Education Settings* – to assist in developing guidelines specifically addressing alternative educational opportunities for students who have been expelled.

In 2017, after the reconvened ASC completed its work, the General Assembly further refined the law governing educational opportunities for students who have been expelled – including directing the CSDE to adopt standards for the provision of such alternative educational opportunities. In preparing the standards that follow, the CSDE considered the input provided by the ASC and incorporated the statutory changes resulting from the 2017 legislation.

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Overview of Legal Requirements

Connecticut law requires LEAs to offer an “alternative educational opportunity” to students who have been expelled in certain circumstances and further provides that LEAs may offer such an opportunity to any expelled student.

A. When an Alternative Educational Opportunity is Required

Under Section 10-233d of the Connecticut General Statutes (C.G.S.), LEAs are required to offer an alternative educational opportunity to:

1. Any student under 16 years old who has been expelled (regardless of the reason); and
2. Any student between 16-18 years old who has been expelled for the first time and wishes to continue his or her education if the student complies with conditions established by the LEA.

B. The Alternative Educational Opportunity Requirement

In preparing these standards, the CSDE recognized that many districts offer alternative education programs that may be appropriate for students who have been expelled. The CSDE also understands the recent legislation in this area to have confirmed the importance of making individualized assessments concerning the appropriate educational programming and setting for each student – as is expected with any placement of a student into an alternative education program. Thus, the standards require a determination concerning appropriate programming and the development of an individualized learning plan (ILP) for all students who have been expelled.

To ensure proper implementation of the laws concerning alternative education (C.G.S. Sections 10-74j and 10-74k) and expulsions (C.G.S. Section 10-233d, as amended by Public Act 17-220), the CSDE has concluded that an LEA has the following options when determining an appropriate alternative educational opportunity for a student who has been expelled:

1. The LEA may offer the student enrollment in an alternative education program operated by the LEA if the program is appropriate for the student under the standards set forth below; **OR**
2. The LEA may provide a different alternative educational opportunity in accordance with the standards set forth below (including through an alternative education program offered by another LEA or operator).

The CSDE expects that, in most cases, LEAs will determine that enrollment in an alternative education program (operated by the LEA or by another provider) is the appropriate alternative educational opportunity for a student who has been expelled. However, the CSDE recognizes that there may be unusual cases in which placement in such a setting would not be suitable or in which such a setting may not be available. LEAs should use the following standards in making an individualized determination of the appropriate alternative educational opportunity for each student who has been expelled and is entitled to an alternative educational opportunity under C.G.S. Section 10-233d.

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While LEAs must offer an alternative educational opportunity to eligible students who have been expelled, parents/guardians are not required to enroll their child in such an opportunity. Thus, if a parent or guardian of a child who has been expelled chooses not to enroll his or her child in an alternative educational opportunity, the parent/guardian is not subject to the provisions of C.G.S. Section 10-184 concerning compulsory school attendance.

Standards for Alternative Educational Opportunities (Adopted by State Board of Education – January 3, 2018)

Guiding Principles

Consistent with the *Guidelines for Alternative Education Settings*, these standards are grounded in the conviction that alternative educational opportunities for students who have been expelled should exhibit the following characteristics:

- whole student approach that addresses the personal, social, emotional, intellectual, work skills, safety, and security needs of all students in addition to academic content (including the Connecticut Core Standards);
- full time, comprehensive experience, where the learning is comparable to what the student would experience in a regular school environment;
- instruction that is based on a curriculum aligned to the Connecticut Core Standards unless modified as indicated by goals and objectives of an Individualized Education Program (IEP);
- high expectations that are consistent with LEA goals and Connecticut state standards including the belief that all students are capable and can be successful regardless of their discipline history; and
- research/evidence-based practices with student success in mind including the engagement of parents/guardians and families as well as community partners, as appropriate.

These principles are unlikely to be satisfied by assignment to homebound instruction.

Student Placement

If a decision to expel occurs, it is expected that the LEA will then take the following steps:

- Meet with the student's parent(s)/guardian(s) prior to placement to provide information concerning the potentially appropriate alternative educational opportunities for the student.
- The educational programming and placement during the period of expulsion for students who receive special education and related services under the Individuals with Disabilities Education Act (IDEA), should be determined by the students' Planning and Placement Team (PPT) in accordance with IDEA.

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- Consult with relevant school personnel knowledgeable about the student to obtain information regarding the student's academic, social and behavioral history that will help inform the decision concerning an appropriate alternative educational opportunity. The input shared by school personnel may be gathered via written reports.
- After parents/guardians have been informed and the appropriate school personnel have shared information regarding the student, all alternative educational opportunities are explored at a placement meeting. The placement decision should be made at this meeting.
- At the time of expulsion, parents/students should be informed of the right to apply for early readmission, which can be granted at the discretion of the Board of Education (BOE) or Superintendent (if the BOE delegates this authority to the Superintendent) under C.G.S. Section 10-233d(j). Any criteria for early readmission to the school from which the student has been expelled should be recorded in the individualized learning plan (ILP) defined below.

Individualized Learning Plan (ILP)

Once the student is admitted to an alternative education placement due to expulsion, an ILP must be developed to govern the programming for the student for the period of the expulsion. Through collaboration among school personnel, the student and the parent/guardian, an ILP will be developed to inform and direct the student's learning goals and activities for the duration of the expulsion.

The ILP will reference student records with information relevant to the provision of an alternative educational opportunity, such as student success plan, Individualized Education Program (IEP) under special education, Section 504 Plan, Individualized Health Plan, and/or other academic and behavioral data. For students who have a student success plan as mandated by state law, the student success plan may inform the ILP but does not replace the ILP. The ILP must address the following:

- The student's academic and behavioral needs and appropriate academic and behavioral goals and interventions. Include the student's core classes at the time of expulsion and the student's current placement or progress in the curriculum of those classes so that the student has an opportunity to continue to progress in the LEA's academic program and earn graduation credits, if applicable;
- Benchmarks to measure progress towards the goals and ultimately, progress towards graduation;
- Timing and method for reviewing the student's progress and for communicating that progress to the parent/guardian or student. For most students, monitoring and reviewing the student's progress will include monitoring the student's attendance, work completion and progress toward meeting the relevant academic standards for particular coursework, and thus progressing toward graduation, if applicable. Such progress must be communicated to the parent/guardian or student with the same frequency as similar progress for students in the regular school environment is reported and communicated to parents/guardians or students;

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- Provision for the timely transfer of the student's records both from the student's school to the alternative educational opportunity provider, and also from the alternative educational opportunity provider to the student's school; and
- The possibility of early readmission to the school from which the student was expelled and the early readmission criteria.

Review of Student Placement

To ensure that the student is receiving the necessary supports and that continued placement in the alternative educational opportunity is appropriate during the expulsion period, LEAs must have a clear process that is written in policy regarding monitoring the student's progress.

Progress Monitoring of Student Performance and Placement

A review of the appropriateness of placement occurs at least once per marking period. The following issues are to be considered:

- A review of the student's ILP to assess progress and to make adjustments as necessary;
- Opportunities for early readmission to the school from which the student was expelled shall be reviewed as indicated by the readmission goal outlined in the ILP; and
- A review of the student's ILP and alignment to the goals of his/her IEP, where applicable.

Process for Transition Planning

It is expected that, in most cases, students are best served in regular school environments with their peers and thus should be able to be readmitted to the school from which the students were expelled, as soon as possible. The LEA must adopt procedures to address students' transition from the alternative educational opportunity back to their regular school environments. As a part of the readmission process and the student's ILP, the following should be considered:

- Efforts to readmit students at semester start points at the high school level to facilitate reentry;
- A plan to transfer the student's credits and record back to the school from which the student was expelled;
- The student's needs for academic and other supports upon return to the home school environment; and
- Efforts to connect returning students with opportunities to participate in extracurricular activities to support student engagement and general health and development.

If there is a determination that placement in the current alternative educational opportunity is no longer beneficial to a student who has been expelled but it is also inappropriate to have the student return to the school from which the student was expelled, a plan for different alternative educational opportunities should be developed, following the procedure outlined in the Student Placement section (subsections: Expulsion Placement and Process for Placement).

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Policy Implications

The new standards pertaining to the providing of an alternative educational opportunity for expelled students mark significant changes from that which was previously considered the norm. In a report presented to the Connecticut State Board of Education in December 2017 it was indicated that 46 percent of expelled students get homework assignments and nothing else while on expulsion. Another 14 percent get tutoring and 23 percent are put into an alternative education setting. The report indicated that nearly one in ten gets nothing. This report was based on information provided by districts.

Now, as previously described in this narrative, school districts, utilizing one of two options, must provide an alternative educational opportunity that complies with the required 900 hours/180 days of instruction that applies to alternative education programs per C.G.S. 10-74j or, under the newly adopted Standards, the alternative education experience opportunity must be a “full time, comprehensive experience, where the learning is comparable to what the student would experience in a regular school environment.” The traditional ten hours of tutoring per week for an expelled student will no longer be sufficient. Therefore, the specificity of the new Standards pose potentially costly and time consuming requirements for school districts. Further, the new requirement for an Individualized Learning Plan (ILP) are reminiscent of the IEP requirements for a special education student in terms of placement information, progress reports, meetings etc.

An important clarification, however, is that the determination of the appropriate alternative educational opportunity is not the responsibility of the board of education. The Standard requires the school staff to meet with parents/guardians of the expelled student after an expulsion to review the alternative education opportunity options and to establish the student’s alternative educational opportunity, in concert with the amended statute and the Standards.

The topic of expulsions, depending on the district, is covered in one or more of the following three policies:

- Policy #5114 – Suspension/Expulsion; Student Due Process
- Policy #5131 – Conduct
- Policy #5144 – Discipline/Punishment

CABE’s model policy #5114 contains the following language:

“--and a statement that students under sixteen years old who are expelled and students between sixteen and eighteen who have been expelled for the first time and who comply with conditions set forth by the Board of Education, must be offered an alternative educational opportunity.”

CABE’s model policy #5131 and #5144 contain similar language indicating that such alternative education be provided in accordance with the standards adopted by the State Board of Education.

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The statutorily required newly adopted Standards by the State Board of Education contain detailed language which enumerate the requirements to be fulfilled by local school districts when meeting the obligation to provide an alternative educational opportunity for an expelled student. It is believed that such content does not need to be made a part of the board's policy pertaining to expulsion. The language listed above is believed sufficient.

The Standard's requirements can be enumerated in an appendix to the district's policy.

A new detailed appendix pertaining to the actions required on this issue has been developed and follows for your consideration.

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(Background Information for Policy Sub-Committee)

This Act makes several changes affecting juvenile detention and other juvenile justice matters, children returning to school after a juvenile justice placement and other school disciplinary and related matters. Attention will be given in this publication to issues impacting schools.

The Act makes various changes affecting public schools, such as:

1. requiring schools to offer an alternative educational opportunity to a larger category of expelled students;
2. eliminating a child's truancy as permissible grounds for a family with service needs complaint;
3. requiring schools with a disproportionately high truancy rate to implement an approved intervention model; and
4. requiring the State Department of Education (SDE), in collaboration with other agencies, to develop plans on certain matters, such as school-based diversion initiatives and addressing educational deficiencies among children in the juvenile justice system.

The Act also includes provisions on, among other matters, police training, a recidivism reduction framework, and training on and monitoring of de-escalation efforts.

A review of the portions of the Act pertaining to schools follows.

§§7-9 – Truancy

Family with Service Needs

The Act eliminates, from the permissible grounds for a family with service needs (FWSN) complaint, a child being a truant, habitual truant, or continuously and overtly defying school rules and regulations. It makes corresponding changes by *eliminating requirements that*:

1. school notices on unexcused absences for K-8 students contain a warning that a specified number of such absences may lead to a FWSN complaint; and
2. superintendents file a FWSN complaint within 15 calendar days after a parent or other person with control of a child (a) fails to attend a meeting with school officials to discuss the child's truancy or (b) otherwise fails to cooperate in addressing the child's school absences.

(Under existing law, a student is a truant if he or she has four unexcused absences in a month or 10 unexcused absences in a school year.)

The effective date of this portion of the Act is August 15, 2017.

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Effective Truancy Intervention Models

The Act requires SDE to identify effective truancy intervention models for school boards to implement as set forth below. By August 15, 2017, SDE must make available a list of the models it approves.

Existing law requires school boards to adopt and implement policies and procedures on truancy. The Act requires the policies and procedures to include, **by August 15, 2018**, implementing an approved truancy intervention model at any school with a disproportionately high truancy rate. The Commissioner of Education must determine which schools have such a truancy rate.

§12 – School Expulsion

The Act makes various changes concerning school expulsion. By law, an “expulsion” is the exclusion from school privileges for between 11 days and one year.

Notice of Hearing and Right to an Attorney or Advocate

By law, except in emergencies, a school board must hold a formal hearing before expelling a student. If the student is a minor, the school board must give the parent or guardian notice of the hearing.

The Act requires school boards to provide the notice to the student’s parent or guardian at least five business days before the hearing. It requires the notice to include information on the parent’s or guardian’s and student’s legal rights. The law already requires the notice to include information on free or low-cost legal services and how to obtain them.

The Act specifies that an attorney or advocate may represent any student subject to expulsion proceedings. It allows the parent or guardian to postpone the hearing for up to one week to provide time to find representation, except in emergencies.

Under existing law and the Act, in an emergency, the hearing must be held as soon after expulsion as possible. An emergency is when the student’s continued presence poses such a danger or disruption as to require a pre-hearing exclusion from school, with the hearing held as soon as possible after the exclusion.

Alternative Education for Expelled Students

Existing law requires school boards to offer an alternative educational opportunity to expelled students under age 16. Generally, students between ages 16 and 18 who are expelled for the first time must also be offered this opportunity, if they comply with conditions set by the school board.

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The Act applies an existing definition of “alternative education” to these provisions. Under this definition, an alternative education is a school or program maintained and operated by a school board that is offered to students in a nontraditional setting and addresses their social, emotional, behavioral, and academic needs. Such program must conform to SBE guidelines and be provided in accordance with C.G.S. 10-15 and 10-16 (180 days/900 hours).

Under the Act, school boards must offer an individualized learning plan as part of the alternative education for expelled students under age 16. (The statute does not define “individualized learning plan.”)

The Act also expands the category of expelled students who must be offered an alternative educational opportunity. It does so by repealing a provision that allows school boards to deny this opportunity to a student between ages 16 and 18 who is expelled for conduct that endangered others and involved the following, on school grounds or at a school-sponsored event:

1. possession of a firearm, deadly weapon, dangerous instrument, or martial arts weapon; or
2. offering an illegal drug for sale or distribution.

Therefore, students between the ages of 16-18 who are expelled for items #1 and/or #2 listed above must be offered an alternative educational opportunity if it is the students first expulsion, when this section of the Act becomes effective as of August 15, 2017.

Reports to Police

Under current law, if a student is expelled for possessing a firearm or deadly weapon, the school board must report the violation to the local police, or the State Police if the student was enrolled in a technical high school. The Act specifies that this reporting requirement also applies to expulsions for possessing dangerous instruments or martial arts weapons. (Generally, “dangerous instruments” are those that can be used to cause death or serious physical injury.)

Returning to School After Placement in the Juvenile Justice System

Under the Act, if a student who committed an expellable offense was not expelled and is seeking to return to school after participating in a diversionary program, the school district must (1) allow the student to re-enroll and (2) not expel the student for additional time for the offense. This already applies to such students seeking to re-enroll after placement in a juvenile detention center, the Connecticut Juvenile Training School, or any other residential placement.

The effective date of these changes pertaining to expulsions is August 15, 2017.

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Policy Implications

The policies impacted by the portions of this legislation pertaining to schools are:

1. Policy #5113 - Attendance/Excuses/ Dismissal*
2. Policy #5113.2 - Unexcused Absences /Truancy*
3. Policy #5114 - Suspension and Expulsion/Due Process**
4. Policy #5131 - Conduct and Discipline**
5. Policy #5144 - Discipline**

*Districts are mandated to have a policy pertaining to truancy, which can be fulfilled by either #5113 or #5113.2, depending on the language contained within the policy.

**Districts are mandated to have a policy pertaining to student discipline. It is not necessary to have each of these three policies. Any one of the three fulfill the mandate.

There are several versions of these policies and accompanying administrative regulations available. Only one of each is provided in this Update based on the availability of space. The language provided indicates the needed revisions in the policies. The others will be available upon request.

Due to the fact that these changes do not become effective until August 15, 2017, only one policy containing the expulsion language is presented at this time, in order for you to see the impact of this new language and how it may be applicable to your existing policy.

A mandated policy to consider.

Students

Suspension and Expulsion/Due Process

It is the goal of the Board of Education to ensure the safety and welfare of all students in attendance, and to maintain an atmosphere conducive to learning. In keeping with this goal, students are expected to comply with school rules and regulations, as well as Board policies. Students may be disciplined for conduct on school grounds or at any school-sponsored activity that endangers persons or property, is seriously disruptive of the educational process, or that violates a publicized policy of the Board. Students may be disciplined for conduct off school grounds if such conduct is seriously disruptive of the educational process and violates a publicized policy of the Board.

In working with students, emphasis shall be placed upon developing effective self-discipline as the most effective disciplinary approach.

A. Definitions

1. **“Exclusion”** shall be defined as any denial of public school privileges to a student for disciplinary purposes.
2. **“Removal”** shall be defined as an exclusion from a classroom for all or a part of single class period, provided such exclusion shall not extend beyond ninety (90) minutes.
3. **“In-School Suspension”** shall be defined as an exclusion from regular classroom activity for no more than ten consecutive school days, but not exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed. Such suspensions shall be served in the school attended by the student. (or: Such suspensions may be served in any school building under the jurisdiction of the Board of Education. The Board has determined that in-school suspensions shall be served in the following District schools: _____.)
4. **“Suspension”** shall be defined as an exclusion from school privileges or from transportation services for no more than ten (10) consecutive school days, provided such exclusion shall not extend beyond the end of the school year in which such suspension was imposed. All suspensions shall be in-school suspensions unless the administration determines for any student in grades three through twelve, inclusive, that (1) the student being suspended poses such a danger to persons or property or such a disruption of the educational process that the student (grades three to twelve, inclusive) shall be excluded from school during the period of suspension, or (2) that an out-of-school suspension is appropriate based on evidence of previous disciplinary problems that have led to suspensions or expulsion of the student and efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive support strategies.

Students

Suspension and Expulsion/Due Process

A. Definitions (continued)

A student in grades preschool to two, inclusive, may be given an out-of-school suspension if it is determined by the administration that such suspension is appropriate based on evidence that the student's conduct on school grounds is of a violent or sexual nature that endangers persons. In addition, a person's duty as a mandated reporter to report suspected child abuse or neglect is not limited by this provision.

5. **"Expulsion"** shall be defined as an exclusion from school privileges for any student in grades three to twelve, inclusive, for more than ten (10) consecutive school days and shall be deemed to include but not be limited to, exclusion from the school to which such student was assigned at the time such disciplinary action was taken, provided that assignment to a regular classroom program in a different school in the district shall not constitute a suspension or an expulsion. Such period of exclusion may extend to the school year following the school year in which the exclusion was imposed, up to one calendar year. To be expelled, the student's conduct must be found to be both violative of a Board policy and either seriously disruptive of the educational process or endangering persons or property.
6. **"Emergency"** shall be defined as a situation under which the continued presence of the student in the school imposes such a danger to persons or property or such a disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of such student as possible.
7. **"Days"** is defined as days when school is in session.
8. **"School-sponsored activity"** is defined as any activity sponsored, recognized or authorized by the Board of Education and includes activities conducted on or off school property.
9. **"Possess"** means to have physical possession or otherwise to exercise dominion or control over tangible property.
10. **"Deadly weapon"** means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles. A weapon such as a pellet gun and/or airsoft pistol may constitute a deadly weapon if such weapon is designed for violence and is capable of inflicting death or serious bodily harm.

Students

Suspension and Expulsion/Due Process

A. Definitions (continued)

11. **“Firearm”** as defined in 18 U.S.C. §921, means 1) any weapon (including a starter gun) which will or is designed to or readily be converted to expel a projectile by the action of an explosive; 2) the frame or receiver of any such weapon; 3) any firearm muffler or firearm silencer; or 4) any destructive device. Firearm does not include any antique firearm. For purposes of this definition “destructive device” means any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than 4 ounces, missile having an explosive or incendiary charge of more than ¼ ounce, mine, or device similar to any of the weapons described herein. A “destructive device” does not include an antique firearm; a rifle intended to be used by the owner solely for sporting, recreational, or cultural purposes; or any device which is neither designed nor redesigned for use as a weapon.
12. **“Vehicle”** means a **“motor vehicle”** as defined in Section 14-1 of the Connecticut General Statutes, snow mobile, any aircraft, or any vessel equipped for propulsion by mechanical means or sail.
13. **“Martial arts weapon”** means a nunchakum kama, kasari-fundo, octagon sai, tonfa or chinese star.
14. **“Dangerous Drugs and Narcotics”** is defined as any controlled drug in accordance with Connecticut General Statutes §219-240.
15. **“Alternate education”** means a school or program maintained and operated by the Board of Education that is offered to students in a nontraditional setting and addresses their social, emotional, behavioral and academic needs. Such program must conform to SBE guidelines and conform to C.G.S. 10-15 and 16 (180 days/900 hours).
16. **“Dangerous Instrument”** means any instrument, article, or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury, and includes a “vehicle” or a dog that has been commanded to attack.
17. **“Seriously disruptive of the educational process”** means, as applied to off-campus conduct, any conduct that markedly interrupts or severely impedes the day-to-day operation of a school.

Students

Suspension and Expulsion/Due Process (continued)

B. Removal from Class

1. All teachers are hereby authorized to remove a student from class when such student causes a serious disruption of the educational process within the classroom.
2. Such teacher shall send the student to a designated area and shall immediately inform the building Principal or his/her designee as to the name of the student and the reason for removal.
3. No student shall be removed from class more than six (6) times in any year nor more than twice in one week, unless such student is referred to the Building Principal or his/her designee and granted an informal hearing in accordance with the provisions of this policy, as stated in G(3).

C. Exclusion from Co-Curricular and Extra-Curricular Activities

Participation in co-curricular and extra-curricular activities is a privilege and not an entitlement. Students involved in such programs are expected to follow all school rules and demonstrate good citizenship. Failure to do so may result in partial or complete exclusion from said activities and programs. Activities include, but are not limited to, athletic programs, musical or drama productions, clubs, field trips, and school trips out-of-state and abroad.

D. Suspension and Expulsion (Actions Leading to Disciplinary Action)

1. A student may be removed from class, suspended (in-school) or suspended (out-of-school) or expelled (grade three to twelve, inclusive) for conduct on school property or at a school-sponsored activity that endangers persons or property, is violative of a publicized policy of the Board, or is seriously disruptive of the educational process, including but not limited to one or more of the following reasons:

(Note: In order for a student to be expelled, the student's conduct must be found to be both (1) violative of a Board policy and (2) either seriously disruptive of the educational process or endangering persons or property.)

- a. Conduct causing danger to the physical well-being of himself/herself or other people that is not reasonably necessary for self-defense;
- b. Intentionally causing or attempting to cause physical injury to another person that is not reasonably necessary for self-defense;
- c. Intentionally causing or attempting to cause damage or school property or material belonging to staff (private property);
- d. Stealing or attempting to steal private or school property or taking or attempting to take personal property or money from any other person;

Students

Suspension and Expulsion/Due Process

D. Suspension and Expulsion (Actions Leading to Disciplinary Action) (continued)

- e. The use of obscene or profane language or gestures, the possession and/or display of obscenity or pornographic images or the unauthorized or inappropriate possession and/or display of images, pictures, or photographs depicting nudity on school property or at a school-sponsored activity;
- f. Deliberate refusal to obey the directions or orders of a member of the school staff, law enforcement authorities, or school volunteers or disruptive classroom behavior;
- g. Harassment and/or hazing/bullying on the basis of that person's race, color, religion, disability, national origin, ancestry, ethnic background, gender, sexual orientation, or gender identity or expression;
- h. Open defiance of the authority of any teacher or person having authority over the student, including verbal abuse;
- i. Threatening in any manner, including orally, in writing, or via electronic communication, a member of the school including any teacher, a member of the school administration or any other employee, or a fellow student;
- j. Blackmailing a member of the school community, including any teacher, member of the school administration or any other employee or fellow student or making an untrue statement of fact about a staff member with malice or reckless disregard for the truths;
- k. Possession of a firearm, deadly weapon, dangerous instrument, or martial arts weapon, as defined in Section 53a-3, such as a pistol, knife, blackjack, etc.;
- l. Possession of any weapon or weapon facsimile, including but not limited to knife, pistol, pellet guns and/or air soft pistols.
- m. Possession, transmission, distribution, selling, use or consumption of alcoholic beverages, dangerous drugs or narcotics or intoxicant of any kind or any facsimile of a dangerous drug, narcotic or intoxicant of any kind;
- n. Knowingly being in the presence of those who are in possession of using, transmitting, or being under the influence of any dangerous drug, narcotic, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind;

Students

Suspension and Expulsion/Due Process

D. Suspension and Expulsion (continued)

- o. Participation in any unauthorized occupancy by any group of students or others of any part of any school, school premises or other building owned by any school district after having been ordered to leave said school premises or other facility by the Principal or other person then in charge of said school building or facility;
- p. Participation in any walkout from a classroom or school building by any group of students and refusing to immediately return to said classroom or school building after having been directed to do so by the Principal or other person then in charge of said classroom or school building;
- q. Intentional incitement which results in an unauthorized occupation of, or walkout from, any school building, school premises, facility or classroom by any group of students or other persons;
- r. Repeated unauthorized absence from or tardiness to school;
- s. Intentional and successful incitement of truancy by other students;
- t. The use or copying of the academic work of another and the presenting of it as one's own without proper attribution;
- u. Violation of school rules and practices or Board policy, regulation or agreement, including that dealing with conduct on school buses and the use of school district equipment;
- v. Violation of any federal or state law which would indicate that the violator presents a danger to any person in the school community or to school property;
- w. Lying, misleading or being deceitful to a school employee or person having authority over the student;
- x. Unauthorized leaving of school or school-sponsored activities;
- y. Unlawful possession, sale, distribution, use, consumption of tobacco, electronic nicotine delivery systems and vapor products;
- z. Use of a privately owned electronic or technological device in violation of school rules, including without limitation, the unauthorized photogenic, audio, and/or video recording of another individual without permission of the individual or a staff member;
- aa. Engaging in teen dating violence, defined as any act of physical, emotional or sexual abuse, including stalking, harassing and threatening, that occurs between two students who are currently in or who have been in a dating relationship;

Students

Suspension and Expulsion/Due Process

D. Suspension and Expulsion (continued)

- bb. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social media, or other forms of electronic communications, to engage in any conduct prohibited by this policy;
- cc. Engaging in a plan to stage or create a violent situation for the purposes of recording it by photographing, audio, or video; or recording by photographic audio, or video acts of violence for purposes of later publication;
- dd. Engaging in a plan to stage sexual activity for the purposes of recording it by photographing, audio, or video; or recording by photographing, audio, or video sexual acts for purposes of later publication;
- ee. Striking or assaulting a student, members of the school staff or other persons;
- ff. Inappropriate displays of public affection of a sexual nature and/or sexual activity on school grounds or at a school-sponsored activity;
- gg. Possession and/or use of a cellular telephone, radio, portable audio player, CD player, blackberry, personal data assistant, walkie-talkie, Smartphone, mobile or hand-held devices, or similar electronic devices on school grounds or at a school-sponsored activity in violation of Board policy and/or administrative regulations pertaining to the use of such devices.
- hh. Unauthorized use of or tampering with any school computer, computer system, computer software, Internet connection or similar school property or system, or the use of such property or system for inappropriate purposes;
- ii. Violation of the District's "Acceptable Use Agreement/Internet Use" for the applicable grade level.

E. Suspension for Conduct Off School Grounds

1. Students are subject to suspension for conduct off school property and outside of school-sponsored activities in accordance with law, for conduct that violates a publicized policy of the Board and is seriously disruptive of the educational process, including but not limited to the following:
 - a. Conduct leading to a violation of any federal or state law if that conduct is determined to pose a danger to the student himself/herself, other students, school employees or school property.

Students

Suspension and Expulsion/Due Process

E. Suspension for Conduct Off School Grounds (continued)

- b. Adjudication as a delinquent or a youthful offender as the result of a felony if the conduct leading to the adjudication is determined to pose a danger to the student himself/herself, other students, school employees or school property.
2. In making a determination as to whether conduct is “seriously disruptive of the educational process,” the administration, Board of Education or impartial hearing board may consider, but such consideration shall not be limited to; (1) whether the incident occurred within close proximity of a school; (2) whether other students from the school were involved or whether there was any gang involvement; (3) whether the conduct involved violence, threats of violence or the unlawful use of a weapon as defined in Section 29-38 and whether any injuries occurred, and (4) whether the conduct involved the use of alcohol, narcotic drug, hallucinogenic drug, amphetamine, barbiturate or marijuana.

F. Mandatory Expulsion

It shall be the policy of the Board to expel a student, grades preschool, and kindergarten to twelve, inclusive, for one full calendar year if:

1. The student, on grounds or at a school-sponsored activity, was in possession of a firearm, as defined in 18 U.S.C. 921*, as amended from time to time, or deadly weapon, dangerous instrument or martial arts weapon, as defined in C.G.S. 53A-3; or the student, off school grounds, did possess such firearm in violation of C.G.S. 29-35 or did possess and use such a firearm, instrument or weapon in the commission of a crime; or the student, on or off school grounds offered for sale or distribution a controlled substance, as defined in subdivision (9) of C.G.S. 21a-240, whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under C.G.S. 21-277 and 21a-278.
2. Such a student shall be expelled for one calendar year if the Board of Education or impartial hearing board finds that the student did so possess or so possess and use, as appropriate, such a weapon or firearm, instrument or weapon or did so offer for sale or distribution such a controlled substance.
3. The Board may modify the period of a mandatory expulsion on a case-by-case basis.

*A firearm; currently defined by 18 U.S.C. 921, is any weapon that can expel a projectile by an explosive action and includes explosive devices, incendiaries, poison gases, and firearm frames, receivers, mufflers or silencers.

Students

Suspension and Expulsion/Due Process

F. Mandatory Expulsion (continued)

4. A firearm, as defined by C.G.S. 53a-3 includes any sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver, or other weapon, whether loaded or unloaded from which a shot may be discharged, or a switchblade knife, a gravity knife, billy, black jack, bludgeon or metal knuckles.
5. A student enrolled in a preschool program provided by the Board of Education, state or local charter school or interdistrict magnet school shall not be expelled from such school except that a student shall be expelled for one calendar year from such preschool program pursuant to the mandatory expulsion requirement in compliance with the Gun-Free School Act, as described in this section.

G. Suspension Procedure

1. The administration of each school shall have the authority to invoke suspension for a period of up to ten days or to invoke in-school suspension for a period of up to ten school days of any student for one or more of the reasons stated in paragraph D, above, in accordance with the procedure outlined in this paragraph. Suspensions shall be in-school suspensions unless the administration determines that the student being suspended poses such a danger to persons or property or such a disruption of the educational process that the student shall be excluded from school during the period of suspension. The administration may also consider a student's previous disciplinary problems when deciding whether an out-of-school suspension is warranted, as long as the school previously attempted to address the problems by means other than an out-of-school suspension or an expulsion.

The administration is expected to use the guidelines developed and promulgated by the Commissioner of Education to help determine whether a student should receive an in-school or out-of-school suspension.

The administration shall also have the authority to suspend a student from transportation services whose conduct while awaiting or receiving transportation violates the standards set forth in paragraph D, above. The administration shall have the authority to immediately suspend from school any student when an emergency exists as that term is defined in paragraph A, above.

If an emergency situation exists, the hearing outlined in paragraph G (3) shall be held as soon as possible after the exclusion of the student.

Students

Suspension and Expulsion/Due Process

G. Suspension Procedure (continued)

2. In the case of suspension, the administration shall notify the student's parents and the Superintendent of Schools not later than twenty-four (24) hours of the suspension as to the name of the student who has been suspended and the reason therefore. Any student who is suspended shall be given an opportunity to complete any class work including, but not limited to, examinations which such student missed during the period of his/her suspension.
3. Except in the case of an emergency, as defined in paragraph A, above, a student shall be afforded the opportunity to meet with the administration and to respond to the stated charges prior to the effectuation of any period of suspension or in-school suspension. If, at such a meeting the student denies the stated charges, he/she may at that time present his/her version of the incident(s) upon which the proposed suspension is based. The administration shall then determine whether or not suspension or in-school suspension is warranted. In determining the length of a suspension period, the administration may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, in-school suspension, or expulsion.
4. For any student who is suspended for the first time and who has never been expelled, the school administration may shorten the length of or waive the suspension period if the student successfully completes an administration-specified program and meets any other administration-required conditions. Such program shall be at no expense to the student or his/her parents/guardians.
5. No student shall be suspended more than ten times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion, unless a hearing as provided in paragraph H(5) is first granted.
6. No student shall be placed on in-school suspension more than fifteen times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion, unless a hearing as provided in paragraph H(5) is first granted.

H. Expulsion Procedures

1. The Board of Education may, upon recommendation of the Superintendent of Schools, expel any student for one or more of the reasons stated in this policy if in the judgment of the Board of Education, such disciplinary action is in the best interest of the school system.

Students

Suspension and Expulsion/Due Process

H. Expulsion Procedures (continued)

2. Upon receipt of a recommendation for expulsion from the Superintendent of Schools the Board shall, after giving written notice, at least five (5) business days before such hearing, to the student and his parents or guardian, if said student is less than 18 years of age, conduct a hearing prior to taking any action on the expulsion of said student, provided however, that in the event of an emergency as defined in this policy, the student may be expelled prior to the hearing but in such case even a hearing shall be held as soon after the expulsion as possible. The notice shall include information concerning the student's and his/her parent's/guardian's legal rights and concerning legal services that are provided free of charge or at a reduced rate that are available locally (CT Legal Service a source of such services) and how to access such services. An attorney or other advocate may represent any student subject to expulsion proceedings. The parent/guardian of the student has the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation, except that if an emergency exists, such hearing shall be held as soon after the expulsion as possible.
3. Three members of the Board of Education shall constitute a quorum for an expulsion hearing. A student may be expelled if a majority of the Board members sitting in the expulsion hearing vote to expel and provided at least three affirmative votes for expulsion are cast.
4. A special education student's handicapping conditions shall be considered before making a decision to expel. A Planning and Placement Team (PPT) meeting must be held to determine whether the behavior or student actions violative of Board of Education standards set forth in policy governing suspension and expulsion are the result of the student's handicapping condition.
5. The procedure for any hearing conducted under this paragraph shall at least include the right to:
 - a. Notice prior to the date of the proposed hearing which shall include a statement of the time, place and nature of the hearing and a statement of the legal jurisdiction under which the hearing is to be held and a statement that students under sixteen years old who are expelled and students between sixteen and eighteen who have been expelled for the first time and who comply with conditions set by the Board of Education, must be offered an alternative educational opportunity;

Students

Suspension and Expulsion/Due Process

H. Expulsion Procedures (continued)

- b. A short and plain statement of the matters asserted, if such matters have not already been provided in a statement of reasons requested by the student;
 - c. The opportunity to be heard in the student's own defense;
 - d. The opportunity to present witnesses and evidence in the student's defense;
 - e. The opportunity to cross-examine adverse witnesses;
 - f. The opportunity to be represented by counsel at the parents'/student's own expense; and
 - g. Information concerning legal services provided free of charge or at a reduced rate that are available locally and how to access such services;
 - h. The opportunity to have the services of a translator, to be provided by the Board of Education whenever the student or his/her parent or legal guardian do not speak the English language;
 - i. The prompt notification of the decision of the Board of Education, which decision shall be in writing if adverse to the student concerned.
6. The record of the hearing held in any expulsion case shall include the following:
 - a. All evidence received and considered by the Board of Education;
 - b. Questions and offers of proof, objections and ruling on such objections;
 - c. The decision of the Board of Education rendered after such hearing; and
 - d. A copy of the initial letter of notice of proposed expulsion, a copy of any statement of reasons provided upon request, a statement of the notice of hearing and the official transcript, if any or if not transcribed, any recording or stenographic record of the hearing.
 7. Rules of evidence at expulsion hearings shall assure fairness, but shall not be controlled by the formal rules of evidence, and shall include the following:
 - a. Any oral or documentary evidence may be received by the Board of Education but, as a matter of policy, irrelevant, immaterial or unduly repetitious evidence may be excluded. In addition, other evidence of past disciplinary problems which have led to removal from a classroom, in-school suspension, suspension, or expulsion may be received for considering the length of an expulsion and the nature of the alternative educational opportunity, if any, to be offered;

Students

Suspension and Expulsion/Due Process

H. Expulsion Procedures (continued)

- b. The Board of Education shall give effect to the rules of privilege by law;
 - c. In order to expedite a hearing, evidence may be received in written form, provided the interest of any party is not substantially prejudiced thereby;
 - d. Documentary evidence may be received in the form of copies or excerpts;
 - e. A party to an expulsion hearing may conduct cross-examination of witnesses where examination is required for a full and accurate disclosure of the facts;
 - f. The Board of Education may take notice of judicially cognizable facts in addition to facts within the Board's specialized knowledge provided, however, the parties shall be notified either before or during the hearing of the material noticed, including any staff memoranda or data, and an opportunity shall be afforded to any party to contest the material so noticed;
 - g. A stenographic record or tape-recording of any oral proceedings before the Board of Education at an expulsion hearing shall be made provided, however, that a transcript of such proceedings shall be furnished upon request of a party with the cost of such transcript to be paid by the requesting party. Findings of fact made by the Board after an expulsion hearing shall be based exclusively upon the evidence adduced at the hearing.
 - h. Decisions shall be in writing if adverse to the student, and shall include findings of fact and conclusions necessary for the decision. Findings of fact made by the Board after an expulsion hearing shall be based exclusively upon the evidence adduced at the hearing.
8. For any student expelled for the first time and who has never been suspended, except for a student who has been expelled based on possession of a firearm or deadly weapon, the Board of Education may shorten the length of or waive the expulsion period if the student successfully completes a Board specified program and meets any other conditions required by the Board. Such a Board specified program shall not require the student or the parent/guardian of such student to pay for participation in the program.

I. Notification

1. All students and parents within the jurisdiction of the Board of Education shall be informed, annually, of Board Policy governing student conduct by the delivery to each said student of a written copy of said Board Policy.

Students

Suspension and Expulsion/Due Process

I. Notification (continued)

2. The parents or guardian of any minor student either expelled or suspended shall be given notice of such disciplinary action no later than 24 hours of the time of the institution of the period of expulsion or suspension.
3. The notice of an expulsion hearing shall be given at least five (5) business days before such hearing to the student and his/her parents or guardians, if said student is less than 18 years of age shall include information concerning the parent's/guardian's and the student's legal rights and concerning legal services that are provided free of charge or at a reduced rate that are available and how to access such services. The notification shall include a statement that an attorney or other advocate may represent any student subject to expulsion proceedings. The parent/guardian of the student shall be notified of the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation, except that if an emergency exists, such hearing shall be held as soon after the expulsion as possible.

J. Students with Disabilities

A special education student's IEP and/or 504 disability shall be considered before making a decision to suspend. A student with disabilities may be suspended for up to ten school days in a school year without the need for the district to provide any educational services. A disabled student may be additionally removed (suspended) for up to ten school days at a time for separate acts of misconduct as long as the removals do not constitute a pattern. During any subsequent suspension of ten days or less of a student with disabilities, the district shall provide services to the disabled student to the extent determined necessary to enable the student to appropriately advance in the general education curriculum and toward achieving his/her IEP goals. In cases involving removals for ten days or less, school personnel (school administration) in consultation with the child's special education teacher, shall make the service determination.

If the disabled student's suspensions beyond ten school days in a school year constitute a pattern because of factors such as the length of each removal, the total amount of time the child is removed and the proximity of the removals to one another, the IEP team (PPT) shall conduct a manifestation determination. Meetings of a student's IEP team (PPT) are required to develop a behavioral assessment plan or to review and modify as necessary one previously developed when the disabled student has been removed (suspended) from his/her current placement for more than ten school days in a school year and when commencing a removal (suspension) that constitutes a change in placement.

Whenever a student is suspended, notice of the suspension and the conduct for which the student was suspended shall be included on the student's cumulative educational record. Such notice shall be expunged from the record by the Board if the student graduates from high school.

Students

Suspension and Expulsion/Due Process

J. Students with Disabilities (continued)

Notwithstanding the foregoing, the following procedures shall apply to students who have been identified as having one or more disabilities under the IDEA and/or Section 504 of the Rehabilitation Act (a “student with disabilities”):

1. If a student with disabilities engages in conduct that would lead to a recommendation for expulsion, the district shall promptly convene an IEP team (PPT) meeting to determine whether the misconduct was caused by or had a direct and substantial relationship to the student’s disability or if the conduct in question was the direct result of the District’s failure to implement the IEP. A student may be suspended for up to ten days pending the IEP team (PPT) determination.
2. If the District, parent and relevant members of the IEP team (PPT) determine that the misconduct was not caused by the disability, the Superintendent may proceed with a recommendation for expulsion. During any period of expulsion, a student with disabilities under the IDEA shall receive an alternative educational plan consistent with the student’s educational needs as determined by the IEP team (PPT) in light of such expulsion and the student’s IEP. The services must continue to the extent determined necessary to enable the disabled student to appropriately advance in the general education curriculum and to advance toward achieving the goals of his/her IEP, and be provided a free appropriate public education.
3. If the District, parent and relevant members of the IEP team (PPT) determine that the misconduct was caused by or had a direct and substantial relationship to the disability, or the conduct in question was the direct result of the District’s failure to implement the student’s IEP, the Superintendent shall not proceed with the recommendation for expulsion. The IEP team (PPT) shall consider the student’s misconduct and revise the IEP to prevent a recurrence of such misconduct and to provide for the safety of the other students and staff. A functional behavioral assessment shall be conducted, if not previously done, and a behavioral intervention plan implemented or revised, if in existence. The student shall be returned to the placement from which he/she was removed unless agreed otherwise by the District and parent.]
4. Should a parent of a student with disabilities who is eligible for services under the IDEA (or the student himself/herself if eighteen years of age or older) file a request for a due process hearing to contest an expulsion under subparagraph (2) above or a proposed change in placement under subparagraph (3), unless the parents (or student if eighteen years of age or older) and the Board otherwise agree, the child shall stay in the interim alternate educational setting, if so placed by student authorities, pending decision in said due process hearing and any subsequent judicial review proceedings.

Students

Suspension and Expulsion/Due Process

J. Students with Disabilities (continued)

5. Notwithstanding the provisions of the preceding subparagraph (4), a student with disabilities may be assigned to an interim alternative educational setting for not more than forty-five (45) school days if the student brings a weapon to school or to a school function or knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function, or has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function. For purposes of this paragraph, “weapon” means a device instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, but excludes a pocket knife with a blade of less than 2 ½ inches in length. “Serious bodily injury” is defined as bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty. The interim alternative placement shall be determined by the IEP team (PPT). If a due process hearing is requested, the student shall remain in said interim alternative placement pending a decision in the due process hearing, unless the Board and the parents otherwise agree, or the Board obtains a court order.
6. In order for the district to unilaterally obtain a 45 day change in placement from a federal judge of Connecticut hearing officer, it must prove by substantial evidence that maintaining the current placement of the student is substantially likely to result in injury to the child or others. The school must also prove that it has made reasonable efforts to minimize the risk of harm the student presents in the current placement.

K. Alternative Educational Opportunity

The Board of Education recognizes its obligation to offer any student under the age of sixteen (16) who is expelled an alternative educational opportunity which shall be equivalent to alternative education, as defined, by C.G.S. 10-74j with an individualized learning plan, (1) if the Board provides such alternative education, or (2) in accordance with the standards adopted by the State Board of Education (by 8/15/17), which includes the kind of instruction to be provided and the number of hours to be provided, during the period of expulsion. Any parent or guardian of such student who does not choose to have his or her child enrolled in an alternative educational opportunity shall not be subject to the provision of Section 10-184 of the Connecticut General Statutes. Any expelled student who is between the ages of sixteen (16) and eighteen (18) not previously expelled and who wishes to continue his or her education shall be offered such an alternative educational opportunity if he or she complies with conditions established by the Board of Education. Such alternative educational opportunity may include, but shall not be limited to, the assignment of a student (who is seventeen (17) years of age or older) to any such adult education program or placement of such student in a regular classroom program of a school other than the one from which the student has been excluded.

Students

Suspension and Expulsion/Due Process

K. Alternative Educational Opportunity (continued)

Any student participating in an adult education program during a period of expulsion shall not be required to withdraw from school under C.G.S. 10-184. In determining the nature of the alternative education opportunity to be offered under this Section, the Board of Education may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, suspension, or expulsion.

The Board of Education is not obligated to provide such alternative educational opportunity to any student eighteen years of age or older. The Board of Education is also required to offer such alternative educational opportunity, as defined, to any student between the ages of sixteen and eighteen who is expelled because of conduct which endangers persons, and involved the following, on school grounds or at a school-sponsored event:

1. Possession of a firearm, deadly weapon, dangerous instrument or martial arts weapon, or
2. Offering an illegal drug for sale or distribution.

If the Board expels a student for the sale or distribution of a controlled substance, the Board shall refer the student to an appropriate state or local agency for rehabilitation, intervention or job training, or any combination thereof, and inform the agency of its action. If a student is expelled for possession of a firearm, deadly weapon, dangerous instruments (those that can be used to cause death or serious injury) or martial arts weapons the Board shall report the violation to the local police department.

This provision shall not apply to students requiring special education who are described in subdivision (1) of sub-section (e) of C.G.S. 10-76a. The alternative educational opportunity for any such student shall be established by the IEP team (PPT) in accordance with the procedures described above.

L. Other Considerations

1. If a student is expelled, notice of the expulsion and the conduct for which the student was expelled shall be included on the student's cumulative educational record. Such notice, except for the notice of an expulsion of a student in grades nine through twelve, inclusive, based on possession of a firearm or deadly weapon, shall be expunged from the cumulative educational record by the Board if the Board determines that the student's conduct and behavior in the years following such expulsion warrants an expungement or if the student graduates from high school.
2. If a student's expulsion is shortened or the expulsion period waived based upon the fact that the student was expelled for the first time, had never been suspended, and successfully completed a Board specified program and/or met other conditions required by the Board, the notice of expulsion shall be expunged from the cumulative educational record if the student graduates from high school or, if the Board so chooses, at the time the student completes the Board specified program and meets any other conditions required by the Board.

Students

Suspension and Expulsion/Due Process

L. Other Considerations (continued)

3. If a student in grades kindergarten to eight, is expelled based on possession of a firearm or deadly weapon, the Board may expunge from the students' cumulative education record the notice of the expulsion and the conduct for which the student was expelled if the Board determines that the conduct and behavior of the student in the years following such expulsion warrants an expungement.
4. The Board may adopt the decision of a student expulsion hearing conducted by another school district provided such Board of Education held a hearing pursuant to C.G.S.10-233d(a). Adoption of such a decision shall be limited to a determination of whether the conduct which was the basis for the expulsion would also warrant expulsion under the policies of this Board. The student shall be excluded from school pending such hearing. The excluded student shall be offered an alternative education opportunity in accordance with item K above.
5. Whenever a student against whom an expulsion hearing is pending withdraws from school and after notification of such hearing but before the hearing is completed and a decision rendered, (1) notice of the pending expulsion hearing shall be included on the student's cumulative educational record and (2) the Board shall complete the expulsion hearing and render a decision.
6. A student expelled for possession of a firearm, deadly weapon, dangerous instrument or martial arts weapon shall have the violation reported to the local police department.
7. The period of expulsion shall not extend beyond a period of one calendar year. A period of exclusion may extend into the next school year.
8. An expelled student may apply for early readmission to school. Such readmission shall be at the discretion of the Board of Education/Superintendent of Schools (choose which). Readmission decisions shall not be subject to appeal to Superior Court. The Board or Superintendent, as appropriate, may condition such readmission on specified criteria.
9. Any student who commits an expellable offense and is subsequently committed to a juvenile detention center, The Connecticut Juvenile Training School or any other residential placement for such offense may be expelled by the local Board of Education. The period of expulsion shall run concurrently with the period of commitment to a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement.

Students

Suspension and Expulsion/Due Process (continued)

Readmission of Student from a Residential Placement

A District student who has committed an expellable offense who seeks to return to a District school, after participating in a diversionary program or having been detained in a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement, for one year or more, in lieu of expulsion from the District, shall be permitted to return to the appropriate school setting within the District. Further, the District shall not expel the student for any additional time for the offense(s).

Students and parents shall be notified of this policy annually.

Legal Reference: Connecticut General Statutes

- 4-176e through 4-180a. Contested Cases. Notice. Record, as amended
- 10-74j Alternative education (PA 15-133)
- 10-222d Safe school climate plans. Definitions. Safe school climate assessments.
- 10-233a through 10-233f Suspension, removal and expulsion of students, as amended by PA 95-304, PA 96-244, PA 98-139, PA 07-66, PA 07-122, PA 08-160, PA 09-82, PA 09-6 (September Special Session), PA 10-111, PA 11-126, PA 14-229, PA 15-96, PA 16-147 and PA 17-220, and PA 19-91.
- 10-233l Expulsion and suspension of children in preschool programs
- 19a-342a Use of electronic nicotine delivery system or vapor product prohibited.
- 29-38 Weapons in vehicles
- 53a-3 Definitions.
- 53a-217b Possession of Firearms and Deadly Weapons on School Grounds.
- 53-344b Sale and delivery of electronic nicotine delivery system or vapor products to minors.
- 53-206 Carrying of dangerous weapons prohibited.
- PA 15-96 An Act Prohibiting Out-of-School Suspensions and Expulsions for Students in Preschool and Grades Kindergarten to Two.
- GOALS 2000: Educate America Act, Pub. L. 103-227.

Students

Suspension and Expulsion/Due Process

Legal References: (continued)

Title III - Amendments to the Individuals with Disabilities Education Act.
Sec. 314 (Local Control Over Violence)

Elementary and Secondary Act of 1965 as amended by the Gun Free
Schools Act of 1994

P.L. 105-17 The Individuals with Disabilities Act, Amendments of 1997.

Kyle P. Packer PPA Jane Packer v. Thomaston Board of Education.

P.L. 108-446 The Individuals with Disabilities Education Improvement
Act of 2004, 20 U.S.C. 1400 et seq.

18 U.S.C. §921 – Definitions of “firearms”

18 U.S.C. §930(g)(2) – Definition of “dangerous weapon”

18 U.S.C. §1365(h)(3) – Identifying “serious bodily injury”

21 U.S.C. §812(c) – Identifying “controlled substances”

Policy adopted:

rev 6/14
rev 7/15
rev 11/16
rev 6/17
rev 1/19
rev 7/19

Provision of an Alternative Educational Opportunity for Eligible Expelled Students

The following procedures shall be followed, in concert with policy #5114/5131/5144 (*choose which*) by District personnel pertaining to the required provision of an alternative educational opportunity for expelled students eligible for such program.

Options for Alternative Educational Opportunity

The District shall provide an alternative educational opportunity for eligible expelled students by exercising one of the following two permissible options.

1. Enroll the student in an alternative education program which is compliant with requirements for such programs, including the length of school year and number of hours, with an individualized learning plan IF the district provides such alternative education, (*use of this option requires the alternative education program to comply with C.G.S. 10-74j which requires adherence to C.G.S. 10-15 and 10-6 requiring a minimum of 180 days and 900 hours of actual school work per year*) and the program is appropriate for the student. **OR**
2. Provide the student with an alternative educational opportunity in accordance with the State Board of Education (SBOE) adopted standards, including through an alternative education program offered by another school district or operator. (*A standard program for its alternative educational opportunity providing such program meets the other requirements of the Standards, including the individualized learning plan.*)

State Department of Education (SDE) Positions to Consider

1. In order to properly implement the provision of an alternative educational opportunity to expelled students, whether the District implements option #1 or #2 above, the District must comply with the SBOE adopted (1/3/18) Standards.
2. SDE “expects that, in most cases, school districts will determine that enrollment in an alternative education program...is the appropriate alternative educational opportunity” for an expelled student. Such an alternative education program could be operated by the local district or another provider.
3. There may be “unusual cases” where placement in an alternative education program may not be appropriate or available.
4. The alternative educational opportunity must be “full-time” and “comprehensive,” and such opportunity for learning is comparable to a regular school setting. (*This provides the district that does not provide placement for the expelled student in alternative educational program some flexibility in developing an alternative educational opportunity that provides comparable learning opportunities for the expelled student without dictating a certain number of minimum instructional hours, but, per the Standards, must be “full-time” and “comprehensive.”*)
5. Assignment to homebound instruction will not satisfy the “Guiding Principles” of the Standards.

Requirements of Standards for Alternative Educational Opportunities for Students Who Have Been Expelled

Guiding Principles

Consistent with the *Guidelines for Alternative Education Settings*, these standards are grounded in the conviction that alternative educational opportunities for students who have been expelled should exhibit the following characteristics:

- whole student approach that addresses the personal, social, emotional, intellectual, work skills, safety, and security needs of all students in addition to academic content (including the Connecticut Core Standards);
- full time, comprehensive experience, where the learning is comparable to what the student would experience in a regular school environment;
- instruction that is based on a curriculum aligned to the Connecticut Core Standards unless modified as indicated by goals and objectives of an Individualized Education Program (IEP);
- high expectations that are consistent with LEA goals and Connecticut state standards including the belief that all students are capable and can be successful regardless of their discipline history; and
- research/evidence-based practices with student success in mind including the engagement of parents/guardians and families as well as community partners, as appropriate.

These principles are unlikely to be satisfied by assignment to homebound instruction.

Requirements of Standards for Alternative Educational Opportunities for Students Who Have Been Expelled

The SBOE adopted Standards for Alternative Educational Opportunities require the District to:

1. Provide a full time, comprehensive alternative educational opportunity, with a focus on an opportunity for learning that is comparable to those in a regular school setting.
2. Notify parents/students at the time of expulsion of the right to apply for early readmission, which can be granted at the discretion of the Board of Education or the Superintendent, if the Board delegates this authority to the Superintendent (C.G.S. 10-233(j)). (*The criteria for early readmission should be recorded in the individualized learning plan (ILP)*).
3. Meet with parents/guardians prior to placement to provide information about potential alternative educational opportunities and a placement meeting to finalize such placement. (*Such meeting can take place directly after the expulsion hearing.*)
4. Consult with relevant school personnel knowledgeable about the student's academic, social and behavioral history to help in the determination of an appropriate alternative educational opportunity.

5. Involve the PPT for expelled special education students who are determined to have educational programming and placement during the period of expulsion in accordance with the Individuals with Disabilities Act (IDEA).
6. Develop an Individualized Learning Plan (ILP) to address:
 - Information pertaining to the student’s academic and behavioral needs and appropriate academic and behavioral goals and interventions including the core classes and current placement or progress in the curriculum of those classes at the time of expulsion.
 - Benchmarks to measure progress towards the goals and progress towards graduation. *(This will include monitoring attendance, work completion, and progress toward meeting the coursework’s academic standards.)*
 - Reviewing the student’s progress and communicating that progress to parent/guardian or student. *(What would be done for students generally.)*
 - Transfer of records to/from the alternative educational provider and the school from which the student was expelled.
 - Language pertaining to the possibility of early readmission to the school from which the student was expelled.
7. Monitor progress of student performance and placement. *(This must be done and documented at least once per marking period, review of the student’s ILP and make any needed adjustments.)*
8. Adopt procedures to address a student’s transition from an alternate educational opportunity to the student’s regular school. *(The criterion for readmission is the completion of the expulsion period.)*

Procedural Steps to be taken by District following the Expulsion of a Student to Provide the Required Alternative Educational Opportunity

The Superintendent or his/her designee is responsible for the fulfillment of the following:

1. Determine the eligibility of the expelled student for an alternative education opportunity.
 - a. The student is under the age of sixteen (16) and must be offered an alternative educational opportunity.
 - b. The student is between the ages of sixteen (16) and eighteen (18) and has not been previously expelled and wishes to continue his or her education shall be offered such an alternative educational opportunity. *(The District is not obligated to provide an alternative educational opportunity to students in this age bracket who have been previously expelled, even if the prior expulsion occurred before the student was sixteen years of age.)*
 - c. The student is eighteen years of age or older and the Board of Education is not obligated to provide an alternative educational opportunity.

- d. Other considerations:
 - i. Any parent/guardian of an expelled student who does not choose to have his or her child enrolled in an alternative educational opportunity shall not be subject to the provision of Section 10-184 of the Connecticut General Statutes regarding school attendance.
 - ii. A student seventeen (17) years of age or older may be assigned to an adult education program and not be required to withdraw from school per C.G.S. 10-184.
 - iii. The student may be placed in a regular classroom program of a school other than the one from which the student has been excluded.
 - iv. A student expelled for the sale or distribution of a controlled substance, shall be referred to an appropriate state or local agency for rehabilitation, intervention or job training, or any combination thereof.
 - v. A student expelled for possession of a firearm, deadly weapon, dangerous instruments (those that can be used to cause death or serious injury) or martial arts weapons shall be reported to the local police department.
 - vi. An expelled special education student's alternative educational opportunity shall be established by the IEP team (PPT).
2. Determine the appropriate option for the alternative educational opportunity option to be offered to the expelled student.
 - a. Enroll the student in an alternative education program operated by the District which is compliant with requirements for such programs, (hours, length of school year and number of hours) with an individualized learning plan IF the district provides such alternative education.
 - b. Provide the student with an alternative educational opportunity in accordance with the SBOE adopted standards, including through an alternative education program offered by another school district or operator. (A standard program for its alternative educational opportunity providing such program meets the other requirements of the Standards, including the individualized learning plan.)
3. Consult with relevant school personnel knowledgeable about the student to obtain information regarding the student's academic, social and behavioral history that will help inform the decision concerning an appropriate alternative educational opportunity. The input shared by school personnel may be gathered via written reports.
4. Meet with the student's parent(s)/guardian(s) prior to placement to provide information concerning the potentially appropriate alternative educational opportunities for the student.

5. Hold a placement meeting after parents/guardians have been informed and the appropriate school personnel have shared information regarding the student.
 - a. Explore all alternative educational opportunities at this meeting.
 - b. The placement decision should be made at this meeting.
 - c. Other considerations:
 - i. Parents/students, at the time of expulsion, should be informed of the right to apply for early readmission, which can be granted at the discretion of the Board of Education or Superintendent (*if the BOE delegates this authority to the Superintendent under C.G.S. Section 10-233d(j)*).
 - ii. Any criteria for early readmission to the school from which the student has been expelled should be recorded in the Individualized Learning Plan (ILP).
6. Development of an Individualized Learning Plan (ILP) to inform and direct the student's learning goals and activities for the duration of the expulsion.
 - a. After placement in the alternative education opportunity, an ILP must be developed to govern the student's programming during period of the expulsion.
 - b. Develop the ILP through collaboration among school personnel, the student and the parent/guardian.
 - c. Reference student records with information relevant to the alternative educational opportunity. (*student success plan, Individualized Education Program (IEP) under special education, Section 504 Plan, Individualized Health Plan, and/or other academic and behavioral data.*)
 - d. The student's ILP is to contain:
 - i. The student's academic and behavioral needs and appropriate academic and behavioral goals and interventions;
 - ii. The student's core classes at the time of expulsion;
 - iii. The student's current placement or progress in the curriculum of those classes so that the student has an opportunity to continue to progress in the LEA's academic program and earn graduation credits, if applicable;
 - iv. Benchmarks to measure progress towards the goals and ultimately, progress towards graduation;
 - v. Timing and method for reviewing the student's progress and for communicating that progress to the parent/guardian or student; (*For most students, monitoring and reviewing the student's progress will include monitoring the student's attendance, work completion and progress toward meeting the relevant academic standards for particular coursework, and thus progressing toward graduation, if applicable.*)
 - The progress monitoring of student performance and placement must be done and documented at least once per marking period, including a review of the ILP and the making of any necessary adjustments.

- vi. Such progress to be communicated to the parent/guardian and/or student with the same frequency as similar progress for students in the regular school environment is reported and communicated to parents/guardians or students;
 - vii. Provision for the timely transfer of the student's records both from the student's school to the alternative educational opportunity provider, and also from the alternative educational opportunity provider to the student's school; and
 - viii. The possibility of early readmission to the school from which the student was expelled and the early readmission criteria.
 - ix. A process for transition planning based upon the following considerations:
 - Efforts to readmit students at semester start points at the high school level to facilitate re-entry;
 - A plan to transfer the student's credits and record back to the school from which the student was expelled;
 - The student's needs for academic and other supports upon return to the home school environment; and
 - Efforts to connect returning students with opportunities to participate in extracurricular activities to support student engagement and general health and development.
7. If a determination is made that placement in the current alternative educational opportunity is no longer beneficial to an expelled student but it is also inappropriate to have the student return to the school from which the student was expelled, a plan for different alternative educational opportunities should be developed, following the procedure outlined above.
 8. Students who have a student success plan as mandated by state law, such plan may inform the ILP but does not replace the ILP.

Another version of this policy to consider.

Students

Suspension and Expulsion/Due Process

Suspension

An authorized member of the administrative staff may suspend a student from school privileges or from transportation services when the student's conduct on school grounds or at a school sponsored activity endangers persons or property or is seriously disruptive of the educational process, or whose conduct violates a publicized policy of the Board of Education. A student may also be suspended from school privileges when the student's conduct off school grounds is violative of Board policy and is seriously disruptive of the educational process.

In making a determination as to whether conduct is "seriously disruptive of the educational process," the administration, Board of Education or impartial hearing board may consider, but such consideration shall not be limited to; (1) whether the incident occurred within close proximity of a school; (2) whether other students from the school were involved or whether there was any gang involvement; (3) whether the conduct involved violence, threats of violence or the unlawful use of a weapon as defined in Section 29-38 and whether any injuries occurred, and (4) whether the conduct involved the use of alcohol.

For any one incident a student shall not be suspended for more than ten (10) consecutive school days. No student shall be suspended more than ten (10) times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion, unless the student is granted a formal hearing as specified in C.G.S. 4-176e -- 4-180a. All suspensions shall be in-school suspensions unless the administration determines for students in grades three to twelve, inclusive, that (1) the student being suspended poses such a danger to persons or property or such a disruption of the educational process that the student shall be excluded from school during the period of suspension, or (2) that an out-of-school suspension is appropriate based on evidence of previous disciplinary problems that have led to suspensions or expulsion of the student and efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive support strategies. A student in grades preschool to two, inclusive, may receive an out-of-school suspension if it is determined by the administration that such out-of-school suspension is appropriate based on evidence that the student's conduct on school grounds is of a violent nature or sexual nature that endangers persons.

In-school suspensions shall be served in the school attended by the student. (or: Such suspensions may be served in any school building under the jurisdiction of the Board of Education. The Board has determined that in-school suspensions shall be served in the following District schools: _____.)

Students may not be suspended without an informal hearing before the Building Principal or the Principal's designee unless the Principal determines that an emergency situation exists.

A suspended student must be given an opportunity to complete any classwork, including examinations, which were missed during the suspension.

Students

Suspension and Expulsion/Due Process (continued)

For any student who is suspended for the first time and who has never been expelled, the school administration may shorten the length of or waive the suspension period if the student successfully completes an administration-specified program and meets any other administration-required conditions. Such program shall be at no expense to the student or his/her parents/guardians.

At the discretion of the Principal, in-school suspensions not to exceed ten consecutive days may be given when deemed appropriate no more than fifteen (15) times or a total of fifty days in one school year, whichever results in fewer days of exclusion.

If it is necessary to suspend a student before an informal hearing is held, such hearing shall be held as soon after the suspension as possible.

A suspension shall not extend past the end of the school year.

A suspension shall be included in the student's record.

Expulsion

The Board of Education may expel any student, in grades three to twelve, inclusive, whose conduct on school grounds or at a school-sponsored activity endangers persons or property or is seriously disruptive of the educational process, and violates a published policy of the Board, provided that a formal hearing is held under C.G.S. 4-176e -- 4-180a. The Board shall expel any student found to be in possession of a dangerous weapon in school, on school transportation, on school grounds, or at a school-sponsored activity. Consideration may also be given to expelling a student whose conduct off school grounds is seriously disruptive of the educational process and is violative of a publicized policy of the Board.

1. Grounds for expulsion if occurring on school property, school transportation vehicles, or at any school-sponsored activity shall include, but not be limited to:
 - A. Willfully striking or assaulting a student or any member of the school staff.
 - B. Theft.
 - C. The use of obscene or profane language or gestures to a member of the school staff.
 - D. Deliberate refusal to obey a member of the school staff.
 - E. A walkout from or a sit-in within a classroom or school building or class.
 - F. Blackmailing, harassing, threatening or intimidating school staff or another student.
 - G. Personal possession of a firearm, as defined in 18 U.S.C. 921, deadly weapon, dangerous instrument, or martial arts weapon, as defined in Section 53a-3, such as a pistol, knife, blackjack, etc.

Students

Suspension and Expulsion/Due Process

Expulsion (continued)

- H. Unauthorized possession, distribution, selling or consumption of dangerous drugs, narcotics or alcoholic beverages (Dangerous drugs or narcotics shall mean any controlled drug as defined in C.G.S. 21a-240).
 - I. Willful destruction of school property or property of staff members or other students.
 - J. Creating a disturbance in the classroom.
 - K. Any violation of school policies or rules.
2. Grounds for expulsion if occurring off of school property or outside of school activities:
- A. Conduct leading to a Class A misdemeanor or felony arrest if that conduct is determined to pose a danger to the student himself/herself, other students, school employees or school property.
 - B. Adjudication as a delinquent or a youthful offender as the result of a felony if the conduct leading to the adjudication is determined to pose a danger to the student himself/herself, other students, school employees or school property.
 - C. Knowingly possessing a firearm or deadly weapon. A firearm as defined by C.G.S. 53a-3 includes any sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver, or other weapon whether loaded or unloaded from which a shot may be discharged, or a switchblade knife, a gravity knife, billy, blackjack, bludgeon or metal knuckles.
 - D. Knowingly possessing, or using a dangerous instrument, or martial arts weapon, article or substance, which, under the circumstances in which it is used or attempted or threatened to be used is capable of causing death or serious physical injury and includes a vehicle as defined in C.G.S. 53a-3.
 - E. Offering for sale or distribution a controlled substance as defined in Section 21a-240(a) of the Connecticut General Statutes.
3. A special education student's disability shall be considered before making a decision to expel. An IEP team (PPT) meeting must be held for any suspension beyond 10 cumulative days in a school year which constitute a pattern or change of placement. The meeting shall determine whether the student's behavior or actions are violative of Board of Education standards set forth in policy which govern suspension and expulsion and are the result of the student's disability.
4. If a student, PK through 12, inclusive, is found to have possessed a firearm, dangerous instrument, deadly weapon or martial arts weapon on school property or at any school-sponsored activity or to have possessed off school property a firearm as defined in 18 U.S.C. 921 or used off school property, a deadly weapon, dangerous instrument or martial arts weapon in the commission of a crime, or on or off school property offered for sale or distribution a dangerous drug, he/she must be expelled for one calendar year. The Board may modify the expulsion period on a case-by-case basis.

Students

Suspension and Expulsion/Due Process

Expulsion (continued)

5. Any student under sixteen who is expelled shall be offered an alternative educational opportunity which shall be equivalent to alternate education as defined by C.G.S. 10-74j, with an individualized learning plan (1) if the Board provides such alternative education, or (2) in accordance with the standards adopted by the State Board of Education (by 8/15/17) which includes the kind of instruction to be provided and the number of hours to be provided, during the period of expulsion according to the terms of the law. Any student between the ages of sixteen and eighteen, not previously expelled and who wishes to continue his/her education shall be offered an alternative educational opportunity if he/she complies with conditions established by the Board. Any student participating in an adult education program during a period of expulsion shall not be required to withdraw from school under C.G.S. 10-184.
6. With regard to special education students, any special education student found to be in possession of a weapon on school property or at a school function or knowingly possessing, using of illegal drugs or selling or soliciting the sale of controlled substances at school or at a school function or has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function will be referred to the IEP team (PPT) for modification of the individualized education plan in order to prevent reoccurrence of such behavior and to ensure the safety of other children in the school. School personnel may remove a student to an interim alternate educational setting for up to 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability in the aforementioned circumstances. If the IEP team (PPT) determines that the special education student's inappropriate behavior or actions are deemed not to be the result of the student's disability, suspension or expulsion procedures shall be conducted in accordance with provisions of this policy for non-special education students. If the special education student is expelled, he/she must be offered an alternative educational opportunity consistent with his/her needs during the period of expulsion and with the student's IEP. The interim alternative placement shall be determined by the IEP team (PPT). In case of a due process hearing, the student shall remain in the interim placement until the Board and parents otherwise agree or the Board obtains a court order.
7. A period of exclusion may extend into the next school year.
8. A student may be expelled before the formal hearing provided that an emergency exists, but in this case the hearing shall be held as soon after the expulsion as possible.

Students

Suspension and Expulsion/Due Process

Expulsion (continued)

9. The notice of formal hearing required by C.G.S. 4-177 shall be given to the parents or guardians of the student as to the student if the student is a minor at least five business days before such hearing. The notice shall include information concerning legal services that are provided free of charge or at a reduced rate that are available locally and how to access such services. An attorney or other advocate may represent any student subject to expulsion proceedings. The student's parent/guardian shall have the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation, except that if an emergency exists, such hearing shall be held as soon as after the expulsion as possible.
10. An expelled student may apply for early readmission to school. Such readmission shall be at the discretion of the Board of Education (*alternative language - "at the discretion of the Superintendent of Schools"*) Readmission decisions shall not be subject to appeal to Superior Court. The Board or Superintendent, as appropriate, may condition such readmission on specified criteria.
11. For any student expelled for the first time and who has never been suspended, except for a student who has been expelled based on possession of a firearm or deadly weapon, the Board of Education may shorten the length of or waive the expulsion period if the student successfully completes a Board specified program and meets any other conditions required by the Board. Such a Board specified program shall not require the student or the parent/guardian of such student to pay for participation in the program.
12. If a student's expulsion is shortened or the expulsion period waived based upon the fact that the student was expelled for the first time, had never been suspended, and successfully completed a Board specified program and/or met other conditions required by the Board, the notice of expulsion shall be expunged, except for the notice of an expulsion of a student in grades 9 through 12, inclusive, based on possession of a firearm or deadly weapon, from the cumulative educational record if the student graduates from high school or, if the Board so chooses, at the time the student completes the Board specified program and meets any other conditions required by the Board.
13. If a student in grades kindergarten to eight, is expelled based on possession of a firearm or deadly weapon, the Board may expunge from the students' cumulative education record the notice of the expulsion and the conduct for which the student was expelled if the Board determines that the conduct and behavior of the student in the years following such expulsion warrants an expungement.

Under provisions of C.G.S. 10-233d, a student may be expelled at a meeting at which three or more members of the Board are present provided that at least a majority of those present at the expulsion hearing vote for expulsion, and provided that at least three affirmative votes for expulsion are cast.

Students

Suspension and Expulsion/Due Process (continued)

Readmission of Student from a Residential Placement

A District student who has committed an expellable offense who seeks to return to a District school, after participating in a diversionary program or having been detained in a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement, for one year or more, in lieu of expulsion from the District, shall be permitted to return to the appropriate school setting within the District. Further, the District shall not expel the student for any additional time for the offense(s).

Students and parents shall be notified of this policy annually.

Legal Reference: Connecticut General Statutes
4-176e through 4-180a. Contested Cases. Notice. Record, as amended
10-74j Alternative education (PA 15-133)
10-233a through 10-233f Suspension, removal and expulsion of students,
as amended by PA 95-304, PA 96-244, PA 98-139, PA 07-66, PA 07-122,
PA 08-160, PA 09-82, PA 09-6 (September Special Session), PA 10-111,
PA 11-126, PA 14-229, PA 15- 96, PA 16-147, PA 17-220 and PA 19-91.
53a-3 Definitions.
53a-217b Possession of Firearms and Deadly Weapons on School Grounds.
PA 94-221 An Act Concerning School Discipline and Safety.
PA 15- 96 An Act Prohibiting Out-of-School Suspensions and Expulsions
for Students in Preschool and Grades Kindergarten to Two.
GOALS 2000: Educate America Act, Pub. L. 103-227.
18 U.S.C. 921 Definitions.
Title III - Amendments to the Individuals with Disabilities Education Act.
Sec. 314 (Local Control Over Violence)
Elementary and Secondary Act of 1965 as amended by the Gun Free
Schools Act of 1994
P.L. 105-17 The Individuals with Disabilities Act, Amendments of 1997.
Kyle P. Packer PPA Jane Packer v. Thomaston Board of Education.
20 U.S.C. Section 7114, No Child Left Behind Act
P.L. 108-446 The Individuals with Disabilities Education Improvement Act
of 2004

Policy adopted:

rev 7/15
rev 11/16
rev 6/17
rev 7/19

Another version of this policy.

Students

Removal/Suspension/Expulsion

I. Definitions

- A. **“Exclusion”** is defined as any denial of public school privileges to a student for disciplinary purposes.
- B. **“Removal”** is defined as an exclusion from a classroom for all or part of a single class period, provided such exclusion shall not extend beyond 90 minutes.
- C. **“Suspension”** is defined as an exclusion from school privileges and/or from transportation services for not more than ten (10) consecutive school days, provided such exclusion shall not extend beyond the end of the school year in which such suspension was imposed. All suspensions shall be in-school suspensions unless the administration determines for any student in grades three through twelve, inclusive, that (1) the student being suspended poses such a danger to persons or property or such a disruption of the educational process that the student shall be excluded from school during the period of suspension, or (2) that an out-of-school suspension is appropriate based on evidence of previous disciplinary problems that have led to suspensions or expulsion of the student and efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive support strategies.

A student in grades preschool to two, inclusive, may be given an out-of-school suspension if it is determined by the administration that such suspension is appropriate based on evidence that the student’s conduct on school grounds is of a violent or sexual nature that endangers persons. In addition, a person’s duty as a mandated reporter to report suspected child abuse or neglect is not limited by this provision.

- D. **“In-school suspension”** is defined as an exclusion from regular classroom activity for not more than ten consecutive school days, but not an exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed. An in-school suspension may include reassignment to a regular classroom. Program in a different school in the school district; such reassignment shall not constitute a “suspension” or “expulsion” under this policy.

In-school suspensions shall be served in the school attended by the student. (or: In-school suspensions may be served in any school building under the jurisdiction of the Board. The Board has determined that in-school suspensions shall be served in the following District Schools: _____.)

Students

Removal/Suspension/Expulsion

I. Definitions (continued)

- E.** “**Expulsion**” is defined as an exclusion from school privileges for any student in grades three through twelve, inclusive for more than ten (10) consecutive school days and shall be deemed to include, but not be limited to, exclusion from the school to which such student was assigned at the time such disciplinary action was taken, provided such exclusion shall not extend beyond a period of one (1) calendar year. Such period of exclusion may extend to the school year following the school year in which such exclusion was imposed.
- F.** “**Emergency**” is defined as a situation under which the continued presence of the student in the school imposes such a danger to persons or property or such a disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of such student as possible.
- G.** “**Days**” is defined as days when school is in session.
- H.** “**School sponsored activity**” including school sponsored transportation is defined as any activity sponsored, recognized or authorized by the Board of Education and includes activities conducted on or off school property.
- I.** “**Possess**” means to have physical possession or otherwise to exercise dominion or control over tangible property.
- J.** “**Deadly weapon**” means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles. It may also include pellet guns and/or air soft pistols.
- K.** “**Dangerous instrument**” means any instrument, article or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury, and includes a motor vehicle and a dog that has been commanded to attack.
- L.** “**Firearm**” means 1) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; 2) the frame or receiver of any such weapon; 3) any firearm muffler or firearm silencer; or 4) any destructive device. Firearm does not include any antique firearm. For purposes of this definition “destructive device” means any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than 4 ounces, missile having an explosive or incendiary charge of more than 1/4 ounce, mine, or device similar to any of the weapons described herein.
- M.** “**Vehicle**” means any aircraft, or any vessel equipped for propulsion by mechanical means or sail.
- N.** “**Martial arts weapon**” means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or chinese star.

Students

Removal/Suspension/Expulsion

I. Definitions (continued)

- O. **“Alternative education”** means a school or program maintained and operated by a school board that is offered to students in a non-traditional setting and addresses their social, emotional, behavioral, and academic needs. Such program must conform to SBE guidelines and to C.G.S. 10-15 and 16 (180 days/900 hours).

II. Removal From Class

- A. Each teacher shall have the authority to remove a student from class when such student deliberately causes a serious disruption of the educational process within the classroom, provided that no student shall be removed from class more than six times in any year, nor more than twice in one week unless such student is referred to the building principal, or his/her designee, and granted an informal hearing as set forth in section IV C of this policy.
- B. Whenever any teacher removes a student from the classroom, such teacher shall send the student to a designated area and shall immediately inform the building principal or his/her designee as to the name of the student against whom such disciplinary action was taken and the reason therefor.

III. Standards Governing Suspension and Expulsion

- A. Conduct on school grounds or at a school sponsored activity as set forth in Section C, herein, or that is otherwise prohibited by Board policy or by any code of student conduct in effect in the schools that is:
 - 1. Violative of a publicized policy of the Board, or
 - 2. Is seriously disruptive of the educational process, or
 - 3. Endangers persons or property will be cause for suspension and/or expulsion.

(**Note:** In order for a student to be expelled, the student’s conduct must be found to be both (1) violative of a Board policy and (2) either seriously disruptive of the educational process or endangering persons or property.)
- B. Conduct off school grounds as described in paragraph A, above, that is:
 - 1. Violative of a publicized policy of the Board, and
 - 2. Seriously disruptive of the educational process will be cause for suspension and/or expulsion.
- C. The following exemplifies student conduct that is prohibited and that will be considered cause for suspension and/or expulsion:
 - 1. Threatening in any manner, including orally, in writing, or via electronic communication, a member of the school community, including any teacher, member of the school administration or any other employee, or a fellow student;

Students

Removal/Suspension/Expulsion

III. Standards Governing Suspension and Expulsion (continued)

2. Use of physical force, against another person which is not reasonably necessary for self-defense;
3. Theft of personal or school property, or taking or attempting to take personal property or money from another person, or from his/her presence, by means of force or fear;
4. Willfully causing, or attempting to cause, damage to school property;
5. Participation in an unauthorized occupancy of any part of any school or school premises or other building owned by any school district, and failure to leave such school premises or other facility promptly after having been directed to do so by the principal or other person then in charge of such building or facility;
6. Intentional incitement which results in an unauthorized occupation of any part of a school or other facility owned by any school district;
7. Possession, use, transmission or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind;
8. Possession or transmission of a facsimile of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, or marijuana;
9. Knowingly being in the presence of those who are in possession of, using, transmitting, or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind;
10. Possession or transmission of any firearm, deadly weapon, dangerous instrument, martial arts weapon, or knife, or facsimile of any weapon or instrument;
11. Using or copying the academic work of another and presenting it as his/her own without proper attribution;
12. Possessing or consuming tobacco products;
13. Open defiance of the authority of any teacher or person having authority over the student, including verbal abuse;
14. Intentional and successful incitement of truancy by other students;

Students

Removal/Suspension/Expulsion

III. Standards Governing Suspension and Expulsion (continued)

15. Bullying, which includes any overt acts by a student or a group of students directed against another student with the intent to ridicule, humiliate or intimidate the other student while on school grounds or at a school-sponsored activity which acts are repeated against the same student over time;
 16. Violation of any federal or state law which would indicate that the violator presents a danger to any person in the school community or to school property, and;
 17. Violation of any other Board policy, rule, agreement, or directive dealing with student conduct, including that dealing with conduct on school buses and the use of school district equipment.
- D. Expulsion proceedings pursuant to section V, shall be, required whenever there is reason to believe that any student 1) was in possession of a firearm, deadly weapon, dangerous instrument or martial arts weapon, on school grounds or at a school-sponsored activity; 2) off school grounds, did possess a firearm or did possess and use such a firearm, dangerous instrument, deadly weapon or martial arts weapon in the commission of a crime; or 3) on or off school grounds, offered for sale or distribution a controlled substance as defined in Connecticut General Statutes, §21a-240(9), whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under §§21a-277 and 21a-278. A student shall be expelled for a period of one calendar year if the Board of Education finds that the student engaged in any of the conduct described herein, provided the period of expulsion may be modified on a case-by-case basis.

In the event it is determined by the Superintendent that a student issued a threat against a member of the school community as described in paragraph C. 1, above, the matter shall be referred to law enforcement officials for possible criminal prosecution and the Superintendent shall take all available measures to ensure the safety of persons in the school community in the event of the student's return to school.

IV. Suspension Procedure

- A. The administration of each school is authorized to invoke suspension for a period of up to ten (10) days, or to invoke in-school suspension for a period of up to ten days of any student for one or more of the reasons stated in section III, above, in accordance with the procedure outlined in Paragraph C of this section.

Students

Removal/Suspension/Expulsion

IV. Suspension Procedure (continued)

All suspensions shall be in-school suspensions unless the administration determines that for students in grades three through twelve, inclusive, (1) the student being suspended poses such a danger to persons or property or such a disruption of the educational process that the student shall be excluded from school during the period of suspension or (2) that an out-of-school suspension is appropriate based on evidence of previous disciplinary problems that have led to suspensions or expulsion of the student and efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive support strategies. Moreover, the administration is authorized to suspend a student from transportation services whose conduct while receiving transportation violates the standards set forth in section III, above. The school administration is authorized to immediately suspend any student when there is an emergency as defined in section I, above.

A student in grades PK through two, inclusive, may be given an out-of-school suspension if the administration determines that such suspension is appropriate based on a determination by the administration that the student's conduct on school grounds is of a violent or sexual nature that endangers persons.

If an emergency exists, the hearing outlined in Paragraph C of this section shall be held as soon as possible after the suspension.

- B. In the case of suspension, the school administration shall notify the student's parents and the Superintendent of Schools not later than twenty-four (24) hours of the suspension as to the name of the student who has been suspended and the reason for suspension. Any student who is suspended shall be given an opportunity to complete any class work, including, but not limited to examinations passed during the period of his/her suspension.
- C. Except in the case of an emergency as defined in section I, above, a student shall be afforded the opportunity to meet with the member of the administration and to discuss the stated charges prior to the effectuation of any period of suspension or in-school suspension. If at such a meeting the student denies the stated charges he/she may at that time, present his/her version of the incident(s) upon which the proposed suspension is based. The school administration shall then determine whether or not suspension or in-school suspension is warranted. The guidelines developed and promulgated by the Commissioner of Education will be utilized by members of the administration in the determination of whether a student should receive an in-school or out-of-school suspension. In determining the length of a suspension period, the school administration may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, in-school suspension, suspension or expulsion.

Students

Removal/Suspension/Expulsion

IV. Suspension Procedure (continued)

- D. For any student who is suspended for the first time and who has never been expelled, the school administration may shorten the length of or waive the suspension period if the student successfully completes an administration-specified program and meets any other administration-required conditions. Such program shall be at no expense to the student or his/her parents/guardians.
- E. No student shall be suspended more than ten (10) times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion, unless a hearing as provided in section V. B. of this policy is first granted.
- F. No student shall be placed on in-school suspension more than fifteen (15) times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion, unless a hearing as provided in section V. B. of this policy is first granted.
- G. Whenever a student is suspended, notice of the suspension and the conduct for which the student was suspended shall be included on the student's cumulative educational record. Such notice shall be expunged from the cumulative educational record if the student graduates from high school.

V. Expulsion Procedure

The Board of Education may expel any student, grades three through twelve, inclusive, for one or more of the reasons stated in section III if, in the Superintendent's judgment, such disciplinary action is in the best interests of the school system. An expulsion hearing is required in any instance in which the Superintendent has reason to believe a student has engaged in the conduct described in section III D. The procedures outlined in Paragraphs A and B, below, shall be followed prior to the effectuation of any expulsion unless an "emergency" as defined in section I, above, exists. If an emergency exists, such a hearing shall be held as soon after the expulsion as possible.

- A. The Board of Education shall notify the student concerned and his/her parents, or the student if he/she has attained the age of eighteen (18) at least five business days before such hearing, that expulsion is under consideration. Such notice shall contain the information required under Paragraph B of this section. Three members of the Board of Education shall constitute a quorum for an expulsion hearing. A student may be expelled if a majority of the Board members sitting in the expulsion hearing vote to expel provided that three affirmative votes shall be required for expulsion.

Students

Removal/Suspension/Expulsion

V. Expulsion Procedure (continued)

- B. The procedure for any hearing conducted under this section shall be determined by the hearing officer or Board Chairperson, as appropriate, but shall include the right to:
1. Notice of the proposed hearing which shall include:
 - a. a statement of the time, place, and nature of the hearing;
 - b. a statement of the legal authority and jurisdiction under which the hearing is to be held;
 - c. reference to the particular sections of the Connecticut General Statutes or school policies involved;
 - d. a short and plain statement of the matters asserted, if such matters have not already been provided in a statement of reasons requested by the student; the statement so provided may be limited to a statement of the issues involved if it is not possible to state the issues in detail at the time such notice is served. Upon request from the student concerned a more definite and detailed statement of the issues shall be furnished; and
 - e. a statement that students under sixteen years of age who are expelled and students between sixteen and eighteen who have been expelled for the first time and who comply with conditions set by the Board of Education, must be offered an alternative educational opportunity.
 2. The opportunity to be heard;
 3. The opportunity to present witnesses and evidence;
 4. The opportunity to cross-examine adverse witnesses;
 5. The opportunity to be represented by counsel; and
 6. Information concerning legal services provided free of charge to at a reduced rate that are available locally and how to access such services. An attorney or other advocate may represent any student subject to expulsion proceedings. The parent/guardian of the student shall have the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation, except that if an emergency exists, such hearing shall be held as soon after the expulsion as possible.

Students

Removal/Suspension/Expulsion

V. Expulsion Procedure (continued)

7. Prompt notification of the decision of the Board of Education which decision shall be in writing if adverse to the student concerned.
- C. The record of any hearing held in an expulsion case shall include the following:
1. All evidence received or considered by the Board of Education, including a copy of the initial letter of notice of proposed expulsion, if any, and a copy of all notices of hearing;
 2. Questions and offers of proof, objections and rulings on such objections;
 3. The decision of the Board of Education rendered after such hearing; and
 4. The official transcript, if any, of proceedings relating to the case, or, if not transcribed, any recording or stenographic record of the proceeding.
- D. Rules of evidence at expulsion hearings shall include the following:
1. Any oral or documentary evidence may be received by the Board of Education but as a matter of policy irrelevant, immaterial or unduly repetitious evidence shall be excluded;
 2. The Board of Education shall give effect to the rules of privilege recognized by law;
 3. In order to expedite a hearing, evidence may be received in written form, provided the interest of any party is not substantially prejudiced thereby;
 4. Documentary evidence may be received in the form of copies or excerpts if the original is not readily available provided, however, that any party to a hearing shall be given an opportunity to compare the copy with the original;
 5. A party to an expulsion hearing may conduct cross-examination of witnesses where examination is required for a full and accurate disclosure of the facts;
 6. The Board of Education may take notice of judicially cognizable facts in addition to facts within the Board's specialized knowledge provided, however, the parties shall be notified either before or during the hearing of material noticed, including any staff memoranda or data, and an opportunity shall be afforded to any party to contest the material so noted;
 7. A record of any oral proceedings before the Board of Education at an expulsion hearing shall be made provided, however, that a transcript of such proceedings shall be furnished upon request of a party with the cost of such transcript to be paid by the requesting party.
- E. In determining the length of an expulsion, the Board of Education may receive and consider evidence of past disciplinary problems, which have led to removal from a classroom, in-school suspension, suspension, or expulsion.

Students

Removal/Suspension/Expulsion

V. Expulsion Procedure (continued)

- F. Decisions shall be in writing, if adverse to the student, and shall include findings of fact and conclusions necessary for the decision. Findings of fact made by the Board after an expulsion hearing shall be based exclusively upon the evidence adduced at the hearing.
- G. For any student expelled for the first time and who has never been suspended, the Board of Education may shorten the length or waive the expulsion period if the student successfully completes a Board specified program or meets any other conditions required by the Board. Such a Board specified program shall not require the student or the parent/guardian of such student to pay for participation in the program.
- H. Any student who is expelled shall be offered an alternative educational opportunity consistent with the requirements of state law as set forth in Section VII of this policy.
- I. Whenever a student is expelled pursuant to the provisions of this policy, notice of the expulsion and the conduct for which the student was expelled shall be included on the student's cumulative educational record. Such notice, except for the notice of an expulsion of a student in grades 9 through 12, inclusive, based on possession of a firearm or deadly weapon, shall be expunged from the cumulative educational record if the Board determines that the student's conduct and behavior in the years following such expulsion warrants an expungement or if the student graduates from high school.
- J. If a student in grades kindergarten to eight, is expelled based on possession of a firearm or deadly weapon, the Board may expunge from the students' cumulative education record the notice of the expulsion and the conduct for which the student was expelled if the Board determines that the conduct and behavior of the student in the years following such expulsion warrants an expungement.
- K. Whenever a student against whom an expulsion hearing is pending withdraws from school after notification of such hearing but before the hearing is completed and a decision rendered, (1) notice of the pending expulsion hearing shall be included on the student's cumulative educational record and (2) the Board of Education shall complete the expulsion hearing and render a decision.
- L. The Board of Education may adopt the decision of a student expulsion hearing conducted by another school district, provided that the Board shall hold a hearing pursuant to this policy which shall be limited to a determination of whether the conduct which was the basis for the expulsion would also warrant expulsion under the policies of the Board of Education. The student shall be excluded from school pending such hearing. The excluded student shall be offered an alternative educational opportunity in accordance with statutory requirements and this policy.

Students

Removal/Suspension/Expulsion

V. Expulsion Procedure (continued)

- M. Students requiring special education and related services shall be subject to discipline consistent with state and federal law. Whenever a student requiring special education services is found to have: (1) been in possession of a firearm, deadly weapon, dangerous instrument or martial arts weapon, on school grounds or at school sponsored activity; (2) off school grounds, possessed a firearm or possessed and used such a firearm, dangerous instrument, deadly weapon or martial arts weapon in the commission of a crime; or (3) on off school grounds offered for sale or distribution a controlled substance as defined in Connecticut General Statutes §21a-240(9), whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under Sections 21a-277 and 21a-278, (4) or inflicted serious bodily injury upon another person while at school, on school premises, or at a school function; or (5) knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function, said student shall be referred to a Planning and Placement Team (PPT) for a determination of whether the above behavior is a manifestation of the student's disability. If it is determined that the behavior is a manifestation of the student's disability the PPT shall modify the student's individualized educational plan in order to prevent the reoccurrence of such behavior and to ensure the safety of other children in the school. Prior to the manifestation determination, school personnel in these circumstances may remove a student to an interim alternative educational setting for up to 45 school days.
- N. If a student's expulsion is shortened or the expulsion period waived based upon the fact that the student was expelled for the first time, had never been suspended, and successfully completed a Board specified program and/or met other conditions required by the Board, the notice of expulsion shall be expunged from the cumulative educational record if the student graduates from high school or, if the Board so chooses, at the time the student completes the Board specified program and meets any other conditions required by the Board.
- O. If a student, PK through 12, inclusive, is found to have possessed a firearm, dangerous instrument, deadly weapon or martial arts weapon on school property or at any school-sponsored activity or to have possessed off school property a firearm as defined in 18 U.S.C. 921 or used off school property, a deadly weapon, dangerous instrument or martial arts weapon in the commission of a crime, or on or off school property offered for sale or distribution a dangerous drug, he/she must be expelled for one calendar year. The Board may modify the expulsion period on a case-by-case basis.

Students

Removal/Suspension/Expulsion

VI. Notification to Parents or Guardian

The parents or guardian of any minor student against whom disciplinary action is taken under this policy shall be given notice of such disciplinary action within no later than (24) hours of the time the student was excluded.

VII. Alternative Educational Opportunity

The Board of Education recognizes its obligation to offer any student under the age of sixteen (16) who is expelled an alternative educational opportunity which shall be equivalent to alternative education as defined by C.G.S. 10-74j, with an individualized learning plan (1) if the Board provides such alternative education or (2) in accordance with the standards adopted by the State Board of Education (by 8/15/17) which include the kind of instruction to be provided and the number of hours to be provided during the period of expulsion. Any parent or guardian of such a student who does not choose to have his or her child enrolled in an alternative opportunity shall not be subject to the provisions of section 10-184 of the General Statutes. Any expelled student who is between the ages of sixteen (16) and eighteen (18) and who wishes to continue his or her education shall be offered such an alternative educational opportunity if he or she complies with conditions established by the Board of Education. Such alternative may include, but shall not be limited to, the placement of such student in a regular classroom program of a school other than the one from which the student has been excluded and, for students at least sixteen (16) years of age, placement in any such adult education program. Any student participating in an adult education program during a period of expulsion shall not be required to withdraw from school under C.G.S. 10-184. In determining the nature of the alternative educational opportunity to be offered under this section the Board of Education may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, suspension, or expulsion.

A student between the ages of sixteen (16) and eighteen (18) expelled for the first time and who complies with conditions set by the Board of Education shall be offered an alternative educational opportunity that is equivalent to “alternative education” as defined by C.G.S. 10-74, with an individualized learning plan.

If the Board expels a student for the sale or distribution of ~~such~~ a controlled substance the Board shall refer the student to an appropriate state or local agency for rehabilitation, intervention or job training, or any combination thereof, and inform the agency of its action. If the Board expels a student for possession of a firearm, deadly weapon, dangerous instrument or martial arts weapon, the Board shall report the violation to the local police department. The Board shall give the name of the student and a summary of the Board’s action in so referring the student, to the Commissioner of Education within thirty (30) days after the student is expelled.

Students

Suspension and Expulsion/Due Process

VII. Alternative Educational Opportunity (continued)

The provisions of this section shall not apply to students requiring special education who are described in subdivision (1) of subsection (e) of Connecticut General Statutes §10-76a.

VIII. Readmission of Student from a Residential Placement

A District student who has committed an expellable offense who seeks to return to a District school, after participating in a diversionary program or having been detained in a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement, for one year or more, in lieu of expulsion from the District, shall be permitted to return to the appropriate school setting within the District. Further, the District shall not expel the student for any additional time for the offense(s).

IX. Gun Free Schools Act

The Board of Education shall submit to the Commissioner of Education such information on expulsions for the possession of weapons as is required for purposes of the Gun Free Schools Act of 1994, 20 U.S.C. §8921., et seq.

Students and parents shall be notified of this policy annually.

Legal Reference: Connecticut General Statutes
4-176e through 4-180a. Contested Cases. Notice. Record, as amended
10-74j Alternative education (PA 15-133)
10-233a through 10-233f Suspension, removal and expulsion of students, as amended by PA 95-304, PA 96-244, PA 98-139, PA 07-66, PA 07-122, PA 08-160, PA 09-82, PA 09-6 (September Special Session), PA 10-111, PA 11-126, PA 14-229, PA 15-96, PA 16-147, PA 17-220, and PA 19-91.
53a-3 Definitions.
53a-217b Possession of Firearms and Deadly Weapons on School Grounds.
PA 94-221 An Act Concerning School Discipline and Safety.
PA 15-96 An Act Concerning Out-of-School Suspensions and Expulsions for Students in Preschool and Grades Kindergarten to Two
GOALS 2000: Educate America Act, Pub. L. 103-227.

Students

Suspension and Expulsion/Due Process

Legal Reference: Connecticut General Statutes (continued)
18 U.S.C. 921 Definitions.
Title III - Amendments to the Individuals with Disabilities Education Act.
Sec. 314 (Local Control Over Violence)
Elementary and Secondary Act of 1965 as amended by the Gun Free Schools Act of 1994
P.L. 105-17 The Individuals with Disabilities Act, Amendments of 1997.
Kyle P. Packer PPA Jane Packer v. Thomaston Board of Education.
20 U.S.C. Section 7114, No Child Left Behind Act
P.L. 108-446 The Individuals with Disabilities Education Improvement Act of 2004

Policy adopted:

rev 7/11
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rev 11/16
rev 6/17
rev 7/19

Procedures for Alternative Educational Opportunities for Expelled Students

Applicability of these Administrative Regulations

These procedures apply in cases when, pursuant to state law, a District student school is entitled to an alternative educational opportunity during an expulsion.

Responsible Personnel

The building principal or his/her designee of the school from which the student has been expelled, is responsible for compliance with these procedures relative to the student who is being provided with the alternative educational opportunity.

Student Placement Procedures

- A. After a student has been expelled, and unless extraordinary circumstances exist, the building principal, or his/her designee(s), will take the following steps:
 - a. Meet with the expelled student's parent(s)/guardian(s) prior to the student's placement in an alternative educational setting to provide information concerning the potentially appropriate alternative educational opportunities for the student and to inform the parent(s)/guardian(s) and student of the right to apply for early readmission to school in accordance with Conn. Gen. Stat. Section 10-233d(j).
 - b. Consult with relevant school personnel from the school from which the student was expelled, who are knowledgeable about the student, to obtain information regarding the student's academic, social, and behavioral history that will help inform the decision concerning an appropriate alternative educational opportunity. Such information may be gathered by written reports.
 - c. After placement options have been shared with the parent(s)/guardian(s), a placement meeting is to be convened to explore all alternative educational opportunities and a placement decision is made.
- B. The educational programming and placement for expelled students who are eligible to receive special education and related services under the Individuals with Disabilities Education Act ("IDEA") shall be determined by the student's Planning and Placement Team ("PPT"). In such case, the above procedural steps (Section "A" shall not apply.)

Individualized Learning Plan**A. Development of the Individualized Learning Plan**

After student placement into an alternative educational placement, the principal, or his/her designee, will develop an Individualized Learning Plan (“ILP”) that will govern the programming for the student for the period of expulsion. To develop the ILP, the principal, or his/her designee, will collaborate with school personnel from the student’s school, the student and the parent/guardian, and all relevant student records will be reviewed.

B. Contents of the Individualized Learning Plan

- a. The ILP will reference student records with information relevant to the provision of an alternative educational opportunity. These records may include:
 - i. Student success plan (for students who have a student success plan as mandated by state law, the student success plan may inform the ILP but does not replace the ILP);
 - ii. Individualized education program (“IEP”);
 - iii. Section 504 Plan;
 - iv. Individualized health care plan or emergency care plan; and/or
 - v. Other relevant academic and behavioral data.
- b. The ILP will address the following:
 - i. The student’s academic and behavioral needs and appropriate academic and behavioral goals and interventions, including the student’s core classes at the time of expulsion and the student’s current placement or progress in the curriculum for those classes so that the student has an opportunity to continue to progress in the Board’s academic program and earn graduation credits, if applicable;
 - ii. Benchmarks to measure progress towards the goals and ultimately, progress towards graduation;
 - iii. Provision for the timing and method for reviewing the student’s progress in the alternative educational opportunity and for communicating that progress to the parent/guardian or student. For most students, monitoring and reviewing the student’s progress will include monitoring the student’s attendance, work completion and progress toward meeting the relevant academic standards for particular coursework, and thus progressing toward graduation, if applicable. The student’s progress and grades will be communicated to the parents/guardians or student with the same frequency as similar progress for students in the regular school environment is reported and communicated to parents/guardians or students. The student’s progress and grades will also be reported to the school from which the student was expelled;

- iv. Provision for the timely transfer of the student's records both from the student's school to the alternative educational opportunity provider, and also from the alternative educational opportunity provider to the student's school; and
- v. The possibility of early readmission to the school from which the student was expelled and the early readmission criteria, if any, established by the Board of Education or Superintendent, as applicable.

Review of Student's Placement in Alternative Educational Opportunity and Individualized Learning Plan

- A. A review of the appropriateness of the placement must occur at least once per marking period.
- B. The placement review must include:
 - a. Review of the ILP to (1) assess progress and make adjustments as necessary and (2) determine its alignment with the goals of the student's IEP, where applicable; and
 - b. Consideration of opportunities for early readmission as set forth in the ILP, as established by the Board of Education or Superintendent, as applicable.

Transition Plan for Readmission

- A. Before a student is readmitted to the school from which the student was expelled, relevant staff should provide an opportunity to meet with the parents/guardians and student to discuss the student's readmission. As part of the readmission process and the student's ILP, the principal, or his/her designee, should consider:
 - a. Efforts to readmit the student at a semester starting point (at the high school level);
 - b. A plan to transfer the student's credits and records back to the school from which the student was expelled:
 - i. The District will award an expelled high school student appropriate high school credit for work satisfactorily completed during the period the student participates in the alternative educational opportunity and will transfer relevant records back to the school from which the student was expelled;
 - ii. The District will provide an expelled student transferring to a new school district a progress summary of all work completed during the course of the student's expulsion, and will indicate the course credit earned by the student for that work.

Appendix

(continued)

- c. The student's need for academic and other supports upon returning to his/her school; and
 - d. Efforts to connect the returning student with opportunities to participate in extracurricular activities.
- B. In the event the principal, or his/her designee, determines that a student's alternative educational opportunity is no longer beneficial to the student, but it remains inappropriate to return the student to the school from which the student was expelled, a plan for a different alternative educational opportunity may be developed in accordance with these procedures.

Legal References: Connecticut General Statutes:
10-233d Expulsion of pupils

Federal law:

Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, as amended by the Individuals with Disabilities Education Improvement Act of 2004, Pub. L. 108-446.

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794(a).

Connecticut State Department of Education, *Standards for Educational Opportunities for Students Who Have Been Expelled* (January 3, 2018).

[BOE LETTERHEAD]

(Date)

CERTIFIED MAIL - RETURN RECEIPT REQUESTED & U.S. MAIL

(Parent)¹
(Parent's Address)

(Non-custodial Parent, if applicable)
(Parent's Address)

Re: Expulsion Hearing Concerning Student Name; d.o.b.

Dear (Parent/Guardian):

In accordance with the (*name of district*) Board of Education Policy (*policy # & title*), I am writing to advise you that the (*name of district*) Board of Education (the "Board") will hold a formal hearing concerning your (*son/daughter*), (*Name of Student*) to consider the recommendation of (*name of administrator*) that (*he/she*) be expelled from school. [*In cases where the district uses a hearing officer, add the following: Please be advised that the Board has appointed Attorney [Name], Shipman & Goodwin LLP, to serve as an impartial hearing officer in this matter.*] This hearing is being held pursuant to Section 10-233d and Sections 4-176e to 4-180a, inclusive, and Section 4-181a of the Connecticut General Statutes and the (*name of district*) Board of Education Policy (*policy # & title*), a copy of which is enclosed. The Board (*OR the hearing officer*) intends to conduct the hearing in executive session, due to the confidential nature of this hearing.

The hearing will address the allegations that your (*son/daughter*) violated Board Policy (*cite Student Discipline Policy number and any other specific policy number on date*), by engaging in the following conduct:

(The law governing these hearings requires a short, plain statement of the facts to be included within this notice letter, and should be inserted here.

Example: carrying a knife on the school bus on a specified date and brandishing it at other students on the bus).

(State whether you considered such conduct to endanger persons or to be seriously disruptive of the educational process).

¹ If the Student is aged 18 or older, this notice should be sent directly to the student, with copies to the parent(s).

(If the student has admitted to this conduct, note the admission here).

The hearing has been scheduled for (*date, time, place*). (this notice must be given to the students/parents/guardian at least five (5) business days before the hearing.) You and your (*son/daughter*) are asked to attend this hearing. Your (*son/daughter*) has the right to be represented by an attorney or other advocate at your expense, has the right to cross-examine administration witnesses, and may present relevant evidence, both documentary and testimonial, concerning the allegations. The hearing will be the parties' sole opportunity to present such evidence. The Board (*OR the hearing officer*) may also question witnesses. An opportunity will also be given for the administration and your (*son/daughter*) or his/her representatives to present argument concerning the evidence presented at the hearing. If you need the services of a translator or an interpreter for this hearing, please let me know as soon as possible.

(If a manifest determination must be held prior to the expulsion hearing, add the following language: "Prior to the expulsion hearing, your son's/daughter's PPT team or Section 504 Team will determine if your child's conduct constitutes a manifestation of his/her disability." The expulsion hearing will be cancelled if the PPT or Section 504 Team determines that the conduct was a manifestation of your child's disability, otherwise, the hearings will proceed as scheduled.

You have the right to have the hearing postponed for up to one week to allow time to obtain representation except that if an emergency exists, such hearing shall be held as soon after the expulsion as possible.

The administration may recommend expulsion from school for up to one calendar year. The Board (*OR the hearing officer*) has discretion to adopt any period of expulsion up to one calendar year.

As mentioned above, your (*son/daughter*) has a right to be represented, at your own expense, by legal counsel or other advocate at the expulsion hearing, has the right to cross-examine administration witnesses and may present relevant evidence, both documentary and testimonial, concerning the allegations. Obtaining an attorney or other representative is the responsibility of the family. Very low income families may be able to obtain free advice or legal representation through Statewide Legal Services, Inc. ("SLS"). To apply for such assistance, those families should contact SLS immediately at 1-800-453-3320.

In the event your (*son/daughter*) is expelled as a result of the scheduled hearing, and your (*son/daughter*) is between the ages of sixteen (16) and eighteen (18) and has not been expelled before, the Board shall offer to your (*son/daughter*) an alternative educational opportunity if she/he wishes to continue her/his education. Please be aware that the Board is not required to offer an alternate educational opportunity to any student between sixteen (16) and eighteen (18) years of age who have been previously expelled or to students eighteen (18) years of age or older.

If you have any questions, please call my office at (*number*).

Sincerely,

(Name of Superintendent)
(Name of District) Public Schools

Cc: *(Name of District)*, Chairman, *(Name of District)* Board of Education
(Name of Special Education director)
(Name of Principal at school that student attends)
(Name of Board of Education Attorney, where applicable)
(Name of Administration's Attorney, where applicable)

AGREEMENT

NAME OF SUPERINTENDENT, (Superintendent of Schools for NAME OF DISTRICT), NAME OF STUDENT and NAME(S) OF PARENTS (the parents of NAME OF STUDENT) agree as follows with respect to the Superintendent's request that NAME OF STUDENT be expelled from _____ School:

1. NAME OF STUDENT (D.O.B. _____) is currently enrolled as a _____ grade student at _____ School.
2. NAME OF STUDENT admits that he/she engaged in the following conduct on or about _____, 20__:
3. NAME OF STUDENT's conduct, as described above, violates _____ Board of Education Policy _____ (Student Discipline). (Cite other policies as appropriate. State whether such conduct is considered to endanger persons or be seriously disruptive of the educational process.) (If the student has admitted to this conduct, note the admissions here.)
4. Students are notified of applicable Board policies regarding prohibited conduct by publication in the student handbook.
5. A manifestation determination was made on _____ (date) concerning this conduct and it was determined that the conduct was not a manifestation of the student's disability. (optional for student with disabilities)
6. Subject to the approval of the _____ Board of Education (the "Board"), NAME OF STUDENT shall be expelled from school, effective _____, 20__ and continuing through _____, 20__, under the following conditions:
 - a. During the period of expulsion, the Board will provide NAME OF STUDENT with an alternative education program deemed appropriate by the Administration, in accordance with the standards adopted by the State Board of Education. The student and his/her parent(s)/guardian(s) acknowledge that C.G.S. 10-233d provides that the District will provide, during the expulsion period, an alternative education, defined in C.G.S. 10-74j, with an individualized learning plan, if the District provides such alternative education,

OR

In lieu of a statutory alternative educational opportunity, the student and his/her parent(s)/guardian(s) agree that the District will provide said student with an alternative educational opportunity as follows. (Describe the alternative educational opportunity agreed to by the parties.)

- b. During the period of expulsion, NAME OF STUDENT will not be permitted to be on school grounds and will not be permitted to attend or participate in any school-sponsored activities, with the sole exception of his participation in the alternative education program.
- c. Prior to _____, the Superintendent will review NAME OF STUDENT's conduct, as well as his attendance and effort level in the alternative educational program, for the purpose of determining, in the Superintendent's sole discretion, whether NAME OF STUDENT should be readmitted to school on or about _____.
- d. If the Superintendent determines that NAME OF STUDENT should be readmitted to school early in accordance with the preceding section, and if NAME OF STUDENT subsequently commits any offense that would warrant suspension and/or expulsion under the policies of the Board, the Superintendent may reinstate NAME OF STUDENT's expulsion for the remainder of the expulsion period, through _____, without the need for any further proceedings before the Board.
- (optional section for expungement if this is the student's first expulsion):*
- e. Prior to, _____, the Superintendent will review NAME OF STUDENT's conduct, attendance, and effort level since the expulsion, in order to determine, in the Superintendent's sole discretion, whether the record of the expulsion hearing should be expunged from the student's educational record as of _____.
7. All parties to this Agreement request that this Agreement be presented to the Board for the Board's consideration, in lieu of the submission of any other evidence by the Superintendent and/or NAME OF STUDENT or his/her parents, and they agree that this Agreement is sufficient for the Board to expel NAME OF STUDENT from school.
8. NAME OF STUDENT and HOME OF PARENT(S)/GUARDIAN(S) understand and acknowledge that, pursuant to C.G.S. 10-233d and Board policy, NAME OF STUDENT, is entitled to an expulsion hearing before the _____ Board of Education to contest said student's proposed expulsion. The student and his/her parent(s)/guardian(s) understands and acknowledge that at such hearing the student and his/her parent(s)/guardian(s) would have the right to call witnesses, to introduce documentary evidence, to cross examine Administration witnesses and to be represented by an attorney or other advocate at their own expense. Accordingly, NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) waive said student's right to an expulsion hearing pursuant to (C.G.S. 10-233(d)).

9. The Superintendent, NAME OF STUDENT and NAME OF PARENT understand that this Agreement is subject to the approval of the Board. In the event that the Board does not approve this Agreement, the Superintendent, NAME OF STUDENT and NAME OF PARENT agree that the expulsion hearing concerning NAME OF STUDENT shall be rescheduled to a mutually agreeable date for the purposes of conducting an evidentiary hearing before the Board concerning the Superintendent's expulsion request. NAME OF STUDENT and NAME OF PARENT agree that NAME OF STUDENT will remain out of school until the evidentiary hearing has been completed. NAME OF STUDENT and NAME OF PARENT also agree that the Board's consideration of this proposed Agreement will not disqualify any member of the Board from serving as a Board member in the evidentiary hearing, and they hereby waive any right to make such a claim in any proceeding in any forum.
10. NAME OF STUDENT and NAME OF PARENT enter into this Agreement voluntarily and with a full understanding of the provisions of this Agreement.

NAME OF SUPERINTENDENT
Superintendent of Schools

Date: _____

NAME OF STUDENT
Student

Date: _____

NAME OF MOTHER and/or
NAME OF FATHER
Parents of NAME OF STUDENT

Date: _____

Suggested sample regulation.

Students

Suspension and Expulsion/Due Process

Suspension

When the Principal or designee has determined that there is cause for suspension of a student, the following procedures shall be observed:

1. The student shall be given a hearing before the Principal or designee, at which time the charges against the student will be stated and the student will be given an opportunity to respond to the charge. This hearing must be granted except when an emergency situation exists, in which case the hearing must be held as soon after the suspension as possible. Nothing in the informal hearing shall be taken to prevent a more formal hearing from being held if the circumstances warrant.
2. The Principal or designee may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, suspension or expulsion of the student.
3. The Principal or designee shall make every possible attempt to reach the parent or guardian of the student stating the charges against the student and the terms and conditions of the suspension.
4. Whether the telephone contact is made or not the Principal or designee shall forward a letter to the parent or guardian at the last known address according to school records (unless a newer address is determined) not later than twenty-four hours of the suspension, and offering the parent or guardian the opportunity for a conference to discuss the suspension.
5. Notice of the suspension shall be transmitted by the Principal to the Superintendent of Schools by the close of the school day following the commencement of the suspension, but no later than twenty-four hours of the commencement of the suspension.
6. Following a conference with the Principal or designee the parent or guardian may request the Superintendent to review the Principal's decision. Such review shall be completed and a written report issued to the student and parent or guardian, and to the Board of Education, within three (3) days of the receipt of such request. In examining the Principal's decision to suspend, the Superintendent shall obtain oral or written statements from the Principal or designee, the student, and the person(s) who witnessed and reported the incident(s) which resulted in the suspension. The Superintendent may call all concerned parties together for a conference, and take whatever other action is needed to determine the true facts of the matter.
7. If a student is eighteen or older, any notice required by Board policy and this regulation shall be given to the student.

Students

Suspension and Expulsion/Due Process (continued)

Suspension (continued)

8. Textbooks and homework are to be provided each student for the duration of the suspension period and the student shall be allowed to complete any classwork, including examinations, without penalty, which was missed during suspension.
9. The Superintendent shall report any unusually serious cases of student suspension to the Board of Education at the first meeting following such action.
10. Notice of a suspension for conduct endangering persons or property or seriously disruptive of the educational process and a description of the conduct leading to such suspension shall be included on the student's cumulative educational record. Such notice shall be expunged from the cumulative record by the Board if the student graduates from high school, except if such notice of expulsion is based on possession of a firearm or deadly weapon.
11. All suspensions shall be in-school suspensions unless the administration (1) determines that the student, in grades three through twelve, inclusive, being suspended poses such a danger to persons or property or such a disruption of the educational process that the student shall be excluded from school during the period of suspension or (2) that an out-of-school suspension is appropriate based on evidence of previous disciplinary problems that have led to suspensions or expulsion of the student and efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive support strategies.

A student in grades preschool through grade two, inclusive, may be given an out-of-school suspension if it is determined by the administration that such suspension is appropriate based on evidence that the student's conduct on school grounds is of a violent or sexual nature that endangers persons.

12. The administration will use the guidelines developed and promulgated by the Commissioner of Education to help determine whether a student should receive an in-school or out-of-school suspension.
13. In-school suspension will be served in the school attended by the student. (or: In-school suspensions will be served by assigning the suspended student to one of the following schools: _____.)
14. For any student who is suspended for the first time and who has never been expelled, the school administration may shorten the length of or waive the suspension period if the student successfully completes an administration-specified program and meets any other administration-required conditions. Such program shall be at no expense to the student or his/her parents/guardians.

Students

Suspension and Expulsion/Due Process (continued)

Suspension (continued)

The foregoing procedure will be followed unless the student has had a total of ten (10) suspensions during the current school year, or has been suspended for a total of fifty (50) days during the current school year. If the student's proposed suspension would exceed either figure the suspension shall not take effect until so ordered by the Board of Education after a formal hearing such as that required for expulsion. If the Principal has reason to believe that the student's conduct endangers persons or property, is seriously disruptive of the educational process or is in violation of a Board policy, expulsion may be recommended.

Expulsion

The Board of Education or an impartial hearing board, as defined in C.G.S. 10-233d, may expel any student in grades three through twelve, inclusive, whose conduct on school grounds or at a school sponsored activity has been found to be both violative of a Board policy and either seriously disruptive of the educational process or endangers persons or property.

In making a determination as to whether conduct is “seriously disruptive of the educational process,” the administration, Board of Education or impartial hearing board may consider, but such consideration shall not be limited to; (1) whether the incident occurred within close proximity of a school; (2) whether other students from the school were involved or whether there was any gang involvement; (3) whether the conduct involved violence, threats of violence or the unlawful use of a weapon as defined in Section 29-38 and whether any injuries occurred, and (4) whether the conduct involved the use of alcohol.

The procedures leading to expulsion are as follows:

1. Requests for expulsion are to be directed to the Board of Education through the Superintendent of Schools.
2. Upon receipt of an expulsion request the Superintendent will conduct an inquiry within two (2) school days.
3. If after the inquiry the Superintendent or designee determines that the student ought to be expelled, the Superintendent shall forward such request to the Board of Education within five days after receipt of the request to expel.
4. Except in an emergency situation requiring the student's immediate removal, the Board shall conduct a hearing to be governed by the following procedures:
 - A. The student and parent or legal guardian must be given notice at least five business days prior to the date of the hearing.

Students

Suspension and Expulsion/Due Process (continued)

Expulsion (continued)

- B. The notice shall contain:

The date, time and place of the scheduled hearing.

The details of the grounds for the expulsion, including a narrative of the events leading to the expulsion, the names of any witnesses against the student, copies of any statements or affidavits of those witnesses, a detailed summary of any other information to be used in support of expulsion, including any record of past offenses or misbehavior, and whether any prior warnings or suspensions have been given, and the proposed penalty.

A statement of the student's, parent's/guardian's rights.

A statement that the Board is not required to offer an alternative educational opportunity to any student between 16 and 18 who was previously expelled. A student between the ages of 16 and 18 who is expelled for the first time and who complies with conditions set by the Board will be offered an alternative educational opportunity that is equivalent to "Alternative Education" as defined in Section 10-74, with an individualized learning plan.

- C. At the hearing the student shall have the right to testify and produce witnesses and other evidence in his/her defense and shall have the right to demand that any witnesses against him/her appear in person to answer questions.

In exceptional circumstances the Board or the impartial hearing panel may refuse to allow a witness against the accused student to appear, when the Board or panel believes that fear on the part of the witness would prevent the giving of accurate testimony. In such cases a verbatim statement of the witness's testimony must be given to the student.

A witness's unsubstantiated desire to remain anonymous is not such an exceptional circumstance as to justify dispensing with confrontation and questioning by the student.

- D. A student may be represented by any third party of his/her choice, including an attorney. The parent/guardian of the student have the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation, except that if an emergency exists, such hearing shall be held as soon after the expulsion as possible.
- E. A student is entitled to the services of a translator, to be provided by the Board of Education, whenever the student or his/her parent or legal guardian do not speak the English language.

Students

Suspension and Expulsion/Due Process (continued)

Expulsion (continued)

- F. The Board or impartial hearing panel shall keep verbatim record of the hearing and the student or his/her parent or legal guardian shall be entitled to a copy of that record at his/her own expense.
 - G. The Board or impartial hearing panel shall report its final decision in writing to the student, stating the reasons on which the decision is based, and the penalty to be imposed. Said decision shall be based on evidence produced and derived at the hearing.
 - H. Except under unusual circumstances the parent or a minor student shall be notified of the Board action within twenty-four hours.
 - I. Whenever an emergency exists, the hearing provided for the above procedure shall be held as soon as possible after the expulsion.
5. Whenever the Board of Education or impartial hearing panel expels a student it shall offer an alternative education opportunity to students under the age of sixteen which shall be (1) alternative education* as defined by C.G.S. 10-74j with an individualized learning plan if the Board provides such alternative education or in accordance with State Board of Education standards indicating the kind of instruction and number of hours to be provided by a student enrolled in an alternative educational opportunity. The parent or guardian of such student has the legal right to reject such a program without being subject to the truancy law. The Board of Education shall make provisions for an alternative educational opportunity to expelled students between the ages of sixteen and eighteen, conditional upon the desire of the student to continue his/her education and compliance with conditions established by the Board. A student age 17 or older may be placed in an adult education program as an alternative educational opportunity. Any student participating in an adult education program during a period of expulsion shall not be required to withdraw from school under C.G.S. 10-184. Any special education student expelled for a misconduct not caused by the student's disability must be offered an alternative educational opportunity consistent with the student's needs during the period of expulsion.
6. If the Board expels a student for the sale or distribution of a controlled substance, the Board shall refer the student to an appropriate state or local agency for rehabilitation, intervention or job training, or any combination thereof, and shall inform the agency of its action.

**Alternative education is a school or program maintained and operated by a school board that is offered to students in a non-traditional setting and addresses their social, emotional, and behavioral and academic needs. (C.G.S. 10-74j)*

Students**Suspension and Expulsion/Due Process** (continued)**Expulsion** (continued)

7. Notice of the expulsion and the conduct for which the student was expelled shall be included on the student's cumulative educational record. Such notice, except for the notices of an expulsion of a student in grades nine through 12, inclusive, based on possession of a firearm or deadly weapon, shall be expunged from the cumulative educational record by the Board if the Board determines that the student's conduct or behavior in the years following such expulsion warrant an expungement or if the student graduates from high school.
8. If a student in grades kindergarten to eight, is expelled based on possession of a firearm or deadly weapon, the Board may expunge from the students' cumulative education record the notice of the expulsion and the conduct for which the student was expelled if the Board determines that the conduct and behavior of the student in the years following such expulsion warrants an expungement.
9. The Board may adopt the decision of a student expulsion hearing conducted by another school district provided such Board of Education held a hearing pursuant to C.G.S. 10-233d(a). Adoption of such a decision shall be limited to a determination of whether the conduct which was the basis for the expulsion would also warrant expulsion under the policies of this Board. The student shall be excluded from school pending such hearing. The excluded student shall be offered an alternative education opportunity in accordance with the provisions of 5 and 6 above.
10. Whenever a student against whom an expulsion hearing is pending withdraws from school and after notification of such hearing but before the hearing is completed and a decision rendered, (1) notice of the pending expulsion hearing shall be included on the student's cumulative educational record and (2) the Board shall complete the expulsion hearing and render a decision.
11. The Superintendent shall recommend an expulsion hearing if there is reason to believe a student possessed a firearm or other dangerous instrument in or on real property, comprising any public school or at any school activity as defined in C.G.S. 10-233a or in conduct displayed off school grounds.
12. If a student enrolled in grades preschool through grade twelve, inclusive, is found to have possessed a firearm, dangerous instrument, dangerous weapon or martial arts weapon in or on the real property or a school or at any school function as defined in Section 10-233a, or on or off school property offered for sale or distribution a dangerous drug, he or she must be expelled for one calendar year. The expulsion period may be modified on a case by case basis by the Board of Education or hearing board.
13. A student expelled for possession of a firearm, deadly weapon, dangerous instrument or martial arts weapon shall have the violation reported to the local police department or State Police if the student is enrolled in a regional vocational-technical school.

Students

Suspension and Expulsion/Due Process (continued)

Expulsion (continued)

14. The Board will report annually to the Commission of Education, as prescribed, information pertaining to expulsions for weapons and/or dangerous instruments.
15. An expelled student may apply for early readmission to school. Such readmission shall be at the discretion of the Board of Education (*alternative language - "at the discretion of the Superintendent of Schools"*) Readmission decisions shall not be subject to appeal to Superior Court. The Board or Superintendent, as appropriate, may condition such readmission on specified criteria.
16. For any student expelled for the first time and who has never been suspended, the Board of Education may shorten the length of or waive the expulsion period if the student successfully completes a Board specified program and meets any other conditions required by the Board. Such a Board specified program shall not require the student or the parent/guardian of such student to pay for participation in the program.
17. If a student's expulsion is shortened or the expulsion period waived based upon the fact that the student was expelled for the first time, had never been suspended, and successfully completed a Board specified program and/or met other conditions required by the Board, the notice of expulsion shall be expunged from the cumulative educational record if the student graduates from high school or, if the Board so chooses, at the time the student completes the Board specified program and meets any other conditions required by the Board.
18. The record of a student, grades 9 to 12 inclusive, expelled for possession of a firearm or deadly weapon, shall not be expunged.
19. The Board may expunge an expulsion in the years following the expulsion if the student has demonstrated conduct warranting an expungement.
20. A student in grades K-8 inclusive, shall have any expulsion, including for possession of a firearm or deadly weapon expunged from the record upon graduation.

Prior Notice

The Superintendent shall provide for an effective means of informing all students and their parents or guardians of the Board's policy and this regulation at the beginning of each school year, or when the student enrolls or transfers during the school year.

Students

Suspension and Expulsion/Due Process

Legal Reference: Connecticut General Statutes
4-176e through 4-185 Uniform Administrative Procedure Act, as amended.
10-74j Alternative education (PA 15-133)
10-233a through 10-233f Suspension, removal and expulsion of students, as amended by PA 95-304, PA 96-244, PA 98-139, PA 07-66, PA 07-122, PA 08-160, PA 09-82, PA 09-6 (September Special Session), PA 10-111, PA 11-126, PA 14-229, PA 15-96n, PA 16-147, PA 17-220 and PA 19-91.
53a-3 Firearm and deadly weapons
53a - 217b Possession of firearm and deadly weapons on school grounds.
PA 94-221 An Act Concerning School Discipline and Security.
PA 15-96 An Act Concerning Out-of-School Suspensions and Expulsions for Students in Preschool and Grades Kindergarten to Two
GOALS 2000: Educate America Act Pub. L. 103-227.
18 U.S.C. 921 Definitions.
Title III - Amendments to the Individuals with Disabilities Education Act Sec. 314 (Local Control Over Violence)
Elementary and Secondary, Education Act of 1965 as amended by the Gun Free Schools Act of 1994.
Kyle P. Packer PPA Jane Packer v. Thomaston Board of Education.

Regulation approved:

rev 7/15
rev 11/16
rev 6/17
rev 7/19

EXPULSION HEARING CHECK LIST

Student Name _____ Parent/Guardian Name _____ Home Phone _____
 School _____ Id # _____ Grade _____ Parent Work Phone _____

- _____ 1) Obtain Student Discipline Incident Report and other relevant documentation
- _____ 2) Is the student a Special Education student? Was he/she ever in Special Education?
- _____ 3) Set up the file
- _____ 4) Call Hearing Officer or BOE Members to set a hearing date _____
- _____ 5) Get an attorney to represent the BOE (if BOE members conducting hearing) _____
- _____ 6) Get 4 Board members to participate in hearing (if not Hearing Officer) _____
- _____ 7) Get an attorney to represent Central Office Administration _____
- _____ 8) Notify the Town Clerk in writing and then e-mail notice to all Board of Education members, Superintendent, and two Assistant Superintendents
- _____ 9) Line up witnesses (i.e. principal/assistant principal, security officer, police officer).
- _____ 10) Hand deliver & send via regular mail initial letter to parent/guardian at least five business days before the scheduled expulsion proceedings, (& copy to student) which includes copies of Board of Education Suspension/Expulsion Policy & Regulations and the student's disciplinary record. Deliver or mail copies of letter and all documentation to both attorneys.
- _____ 11) Prepare Proof of hand-delivery & mailing of documents to parent/guardian and have courier sign.
- _____ 12) Prepare Superintendent's recommendation
- _____ 13) Prepare sets of copies (five (5) if hearing officer / nine (9) if BOE members)

a) BOE Policy & Regulations	g) Student academic record
b) Student Handbook	h) Student attendance record
c) Letter/attachments to parent/guardian	i) Posted Meeting Notice
d) Proof of Delivery receipt	j) Arrest report if applicable
e) Incident Report	Other: _____
f) Student disciplinary record	

- _____ 14) Arrange for any evidence (weapon, etc.) to be brought to hearing and/or make copies of photo(s).
- _____ 15) Manifestation Letter (PPT) (if applicable)
- _____ 16) Prepare DRAFT of Minutes for hearing officer or Board Secretary
- _____ 17) Set up room (tape recorder, pads/pencils, coffee, etc.)
- _____ 18) Keep small conference room free for breakout meetings

AFTER HEARING:

- _____ 19) Obtain hearing minutes from Hearing Officer OR finalize Board Secretary's minutes
- _____ 20) Prepare outcome letter from Superintendent to parent/guardian outlining disposition
- _____ 21) If Board presided, prepare outcome letter from Board Chair to parent/guardian. If Hearing Officer presided, obtain copy of Hearing Officer's outcome letter to parent/guardian for file.
- _____ 22) If tutoring and/or counseling to be provided, prepare memo to Asst. Superintendent for Curriculum/Instruction requesting services to be arranged for student.

Expulsion Hearings - Order of Copies

If presided over by Hearing Officer make five (5) sets

If presided over by Board Members nine (9) sets

PHASE I

Initial letter to Parent(s), Proof of delivery of initial letter to Parent(s), and Posted Meeting Notice (stapled together in this order)

Policy and Regulations (Policy/Regs #5114)

Student Handbook (one original and 5 or 9 copies depending on who is presiding)

Incident Report (redacted)

Statements (redacted)

Photo of weapon/instrument (and actual weapon/instrument) (if applicable)

PHASE II

Discipline Records (current year first followed by previous years)

Attendance Records (current year first followed by previous years)

Transcript (Report Card) (current year first followed by previous years)