

Suspension and Expulsion

I. REMOVAL OF STUDENT FROM CLASS BY SCHOOL PERSONNEL

- A. Cause for Removal:** The Board of Education authorizes teachers to remove any student who deliberately causes a serious disruption of the educational process within the classroom.
- B. Duration of Removal:** Such removal may not exceed ninety minutes and the student so removed must be sent to a designated area. No student is to be removed from class more than twice in one week or six times in one year unless such student is referred to the building Principal or his/her designee for an informal hearing.
- C. Notification to Administrator:** Any teacher who removes a student from class is to immediately notify the administration of his/her action and the reasons therefore.
- D. Notification to Parents:** Parents of students who are removed from class will be notified by phone and letter.

II. SUSPENSION OF STUDENT

- A. Conduct Leading to Suspension:** An authorized member of the administrative staff may suspend from school privileges any student whose conduct on school grounds or at a school-sponsored activity:
 - 1. Endangers persons or property, or
 - 2. Is seriously disruptive of the educational process, or
 - 3. Violates a publicized policy of the Board of Education.

Further, an authorized member of the administrative staff may suspend from school privileges any student whose conduct off school grounds is violative of such policy and is so seriously disruptive of the educational process.

The suspension may be in the form of in-school suspension or out-of-school suspension. All suspensions pursuant to this policy shall be in-school suspensions, unless during the informal hearing 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, (grades three through twelve inclusive), shall be excluded from school during the period of suspension. An in-school suspension may be served in the school that the student attends, or in any school building under the jurisdiction of the Board of Education, as determined by the administration.

Students in pre-school through grade 2, inclusive, may only receive an in-school suspension unless, after an informal hearing, the administration determines that an out-of-school suspension is appropriate based on evidence that the student's conduct is of a violent or sexual nature that endangers persons.

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II. SUSPENSION OF STUDENT

B. Length of Suspension: An in-school suspension means an exclusion from regular classroom activity (but not exclusion from school) for no more than 10 consecutive school days provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed. No student shall be placed in 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. Such suspensions shall be served in the school attended by the student.

An out-of-school suspension means an exclusion from school privileges for no more than ten consecutive days for any one incident and such suspension which is not completed by the end of a school year may not be carried over into the next school year. No student shall be placed in out-of-school suspension 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.

C. Grounds for Suspension: If occurring on or off school property, on school transportation, or at any school-sponsored activity shall include, but not limited to one or more of the following types of conduct:

1. Intentionally causing or attempting to cause damage to school or private property.
2. Stealing or attempting to steal school or private property.
3. Intentionally causing or attempting to cause physical injury to another person except in self defense.
4. Unauthorized possession, distribution, sale, or consumption of any alcoholic beverages, drugs, drug paraphernalia, hallucinogens, stimulants, depressants, painkillers, or controlled substance of any kind, including but not limited to, marijuana, cocaine, all narcotic substances, or dangerous drugs, including controlled substances as defined in Connecticut General Statutes section 21a-240.
5. Violating the Board's use of tobacco policy.
6. Intentionally or repeatedly defying the valid authority of supervisors, teachers, or administrators.
7. Using obscene or profane language or gestures.
8. Participating in any unauthorized walk-out from or sit-in within a classroom or school building.
9. Blackmailing, harassing, striking, assaulting, bullying, threatening, or intimidating school staff or other students, or any other persons.

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C. Grounds for Suspension (continued)

10. Being absent from school and/or class when such absence is unauthorized.
11. Knowingly using or copying the academic work of another and presenting it as his/her own without proper attribution.
12. Falsification of school records.
13. Violating the acceptable uses of the Internet and the district's Intranet as delineated in the regulations for the Board policy on "Electronic Information Resources."
14. Exhibiting any conduct deemed detrimental to the health, safety, and welfare of the students and/or staff as determined by the Board of Education.
15. Actions which require the evacuation of the building, such as a false alarm or bomb threat.
16. Possession of any kind of weapon such as a pistol, knife, blackjack, etc., or weapon facsimile.
17. Making or using audio, video, digital or any other recordings of school activities to mock, harass, embarrass, defame or humiliate others. This prohibition includes but is not restricted to recording devices such as cameras, cell phones, audio and video equipment, electromagnetic, photo electronic, photo optical or other comparable systems.
18. Violation of any other Board policy or administrative rule or regulation dealing with student conduct, and violation of any federal or state law which would indicate that the violation presents a danger to any person in the school community or to school property.

D. Modification of Suspension: For any student who is suspended for the first time pursuant to this policy and who has never been expelled pursuant to Connecticut General Statutes Section 10-233d, the Board of Education may shorten the length of or waive the suspension period if the student successfully completes a Board specified program and meets any other conditions required by the Board.

E. Record of Suspension: 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 education record. Such notice shall be expunged from the record if the student graduates from high school or in the case of a suspension of a student for which the length of the suspension period is shortened or the suspension period is waived pursuant to subsection D above, such noticed shall be expunged from the cumulative educational record if the student graduates from high school, or if the administration chooses, at the time the

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II. SUSPENSION OF STUDENT

E. Record of Suspension (continued)

student completes the administration specified program and meets any other conditions required by the administration pursuant to said subsection D, whichever is earlier.

F. Referral to Planning and Placement Team: For children who experience multiple in-school or out-of-school suspensions, a referral will be made to the Planning and Placement Team (PPT) to consider whether evaluations should be conducted to determine the child's eligibility for special education.

III. EXPULSION OF STUDENT

A. Conduct Leading to Expulsion: The Board of Education may expel for up to one calendar year any student in grades 3 through 12, inclusive, whose conduct on school property, on school transportation vehicles, or at any school-sponsored activity:

1. Endangers persons or property, or
2. Is seriously disruptive of the educational process, or
3. Violates a publicized policy of the Board of Education.

The Board also may expel a student for up to one calendar year for conduct off school property if such conduct is seriously disruptive of the education process and is violative of a publicized Board policy.

B. Mandatory Expulsion:

1. Weapons On School Grounds: It shall be a policy of the Board of Education to expel for one calendar year any student kindergarten through grade 12, inclusive, found to be in possession of any of the following while on school property, on school transportation vehicles, or at any school-sponsored activity:

- a. A firearm means, (1) any weapon (including a starter gun) that will, is designed to, or may be readily converted to expel a projectile by the action of an explosive, (2) the frame or receiver of any such weapon, (3) a muffler or silencer, or (4) any destructive device which means any explosive, incendiary, poisonous gas, bomb, rocket, missile, mine, grenade, or similar device, or any weapon that will or may be converted to expel a projectile by explosive or other propellant having a barrel with a bore more than ½ inches in diameter. (See, 18 USC 921.)
- b. Martial arts weapons. (See Connecticut General Statutes §53a-3.)

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B. Mandatory Expulsion (continued)

- c. A deadly weapon which according to state statute 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. (See Connecticut General Statutes §53a-3.)
- d. A dangerous instrument, which according to state statute 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. (See Connecticut General Statutes §53a-3.)
- e. 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.

However, the Board of Education or the hearing board may modify the period of expulsion for a student on a case by case basis and as provided for in subsection H.

2. Weapons Off School Grounds: It shall be a policy of the Board of Education to expel for one calendar year a student, grades kindergarten through 12, inclusive, found to be in either of the following:

- a. In possession of a firearm off school grounds for which the student does not have a permit to carry said firearm. (Connecticut General Statutes §29-35)
- b. Off school grounds, having possessed and used a firearm, martial arts weapon, deadly weapon, or dangerous instrument in the commission of a crime. (Connecticut General Statutes §952)

However, the Board of Education may modify the period of expulsion for a student on a case by case basis and as provided for in subsection H. below of this section.

3. Selling or Distributing a Controlled Substance, On or Off School Grounds: It shall be a policy of the Board of Education to expel for one calendar year a student, kindergarten through 12, inclusive, who sells or distributes a controlled substance while on school grounds or off school grounds if the manufacture, distribution, sale, prescription, dispensing, transporting or possessing with intent to sell or dispense, offering, or administering of the controlled substance is subject to criminal penalties under section 21a-277 and 21a-278 of the Connecticut General Statutes. A controlled substance is defined in section 21a-240(a) of the Connecticut General Statutes and includes drugs, substances, or immediate precursors listed in schedules I to V, inclusive of the Connecticut controlled substance scheduling regulations. However, the Board of Education may modify the period of expulsion for a student on a case by case basis and as provided for in subsection H.

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C. Other Grounds for Expulsion: If occurring on or off school property, on school transportation vehicles, or at any school-sponsored activities, the Board may consider, but is not limited to, the following conduct as grounds for expulsion for students in grades three through twelve, inclusive:

1. Intentionally causing or attempting to cause damage to school or private property.
2. Stealing or attempting to steal school or private property.
3. Intentionally causing or attempting to cause physical injury to another person except in self-defense.
4. Unauthorized possession, distribution, sale, or consumption of any alcoholic beverages, drugs, drug paraphernalia, hallucinogens, stimulants, depressants, painkillers, or controlled substance of any kind, including but not limited to, marijuana, cocaine, all narcotic substances, or dangerous drugs, or a facsimile of any such drugs, including controlled substances as defined in Connecticut General Statutes section 21a-240.
5. Repeatedly or intentionally defying the valid authority of teachers, administrators, or other adult supervisors.
6. Using obscene or profane language or gestures.
7. Participating in any unauthorized walk-out from or a sit-in within a classroom or school building.
8. Blackmailing, harassing, striking, assaulting, bullying, threatening, or intimidating school staff or other students, or any other person.
9. Exhibiting any conduct deemed detrimental to the health, safety, and welfare of the students and/or staff as determined by the Board of Education.
10. Intentionally disrupting the district computer network or intentionally introducing viruses into a school computer and/or the network.
11. Knowingly using or copying the academic work of another and presenting it as his/her own without proper attribution.
12. Falsification of school records.
13. Violating the acceptable uses of the Internet and the district's Intranet as delineated in the regulations (IHAJA-R) for the Board policy on "Electronic Information Resources."
14. Actions which require the evacuation of the building, such as a fire alarm or a bomb threat.
15. Possession of any kind of weapon such as a pistol, knife, blackjack, etc. or weapon facsimile.

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C. Other Grounds for Expulsion (continued)

16. Making or using audio, video, digital or any other recordings of school activities to mock, harass, embarrass, defame or humiliate others. This prohibition includes but is not restricted to recording devices such as cameras, cell phones, audio and video equipment, electromagnetic, photo electronic, photo optical or other comparable systems.
17. Violation of any other Board policy or administrative rule or regulation dealing with student conduct, and violation of any federal or state law which would indicate that the violation presents a danger to any person in the school community or to school property.

D. Special Education Students: Any student who is identified as eligible for services under the IDEA or for accommodations under Section 504 of the Rehabilitation Act of 1973 who is found to have engaged in conduct that is grounds for expulsion must be referred to a planning and placement team to determine whether the disabling or handicapping condition was a cause of the conduct. If such is the case, the planning and placement team will modify the individualized education plan or the 504 plan of the student in order to prevent reoccurrence of such behavior and to ensure the safety of other children in the school. If such is not the case, the normal procedures governing expulsion shall apply. Any special education student or 504 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.

E. Alternative Educational Opportunity

1. **Students Under Age 16:** Any student under sixteen years of age who is expelled shall be offered an alternative educational opportunity during the period of expulsion according to the terms of the law. The parent(s) or guardian(s) of such student has the legal right to reject such a program without being subject to the state truancy law.
2. **Students Between the Ages of 16 and 18:** Any student between the ages of 16 and 18, not previously expelled, who wishes to continue his/her education shall be offered an alternative educational opportunity if he/she complies with conditions established by the Board. Students age 16 or older may be placed in an adult education program as an alternative educational opportunity. Notwithstanding, if a student has been expelled for conduct endangering persons which includes (a) carrying on or introducing on to school property, on school transportation, or at a school-sponsored activity a firearm, martial arts weapon, deadly weapon, or dangerous instrument, (b) offering for sale or distribution on school property, on school transportation or at a school-sponsored activity a controlled substance as defined in the Connecticut General Statutes Section 21a-240(9), the Board is not obligated to provide an alternative educational opportunity.

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E. Alternative Educational Opportunity (continued)

3. **Meeting to Consider Expulsion:** A student may be expelled after a hearing at which three or more members of the Board of Education 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.
4. **Expulsion in an Emergency Situation:** A student may be expelled by the superintendent before a formal hearing is conducted by the Board of Education provided that an emergency exists, but in this case the hearing shall be held as soon after the expulsion as possible.
5. **Modification of Expulsion:** For any student expelled for the first time pursuant to this policy and who has never been suspended pursuant to Connecticut General Statutes Section 10-233c, 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 of Education. Such Board specified program shall not require the student or the parent or guardian of the student to pay for participation in the program.

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.

5. **Record of Expulsion:** Whenever 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 education record. Such notice shall be expunged from the record if the student graduates from high school, except in the case of a student for which the length of the expulsion period is shortened or the expulsion period is waived pursuant to subsection H. above, in which case such notice shall be expunged from the cumulative educational record (A) if the student graduates from high school, or (B) if the Board of Education so chooses, at the time the student completes the Board specified program and meets any other conditions required by the Board of Education pursuant to subsection H., whichever is earlier. Notwithstanding, if a student is expelled for possession of a firearm or deadly weapon, the notice of expulsion will remain on the student's record permanently.

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E. Alternative Educational Opportunity (continued)

6. **Expulsion Decisions from Other Districts:** 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 the Wallingford 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 the provisions of this policy.
7. **Withdrawal from School:** 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, notice of the pending expulsion hearing shall be included on the student's cumulative educational record and the Board shall complete the expulsion hearing and render a decision.

A district student who has committed an expellable offense who seeks to return to a District school, after having been 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).

IV. SUSPENSION OR EXPULSION FOR OUT OF SCHOOL CONDUCT

Students may be suspended or expelled for conduct occurring off school property and/or during non-school time provided that the conduct is disruptive of the educational process and is a violation of a publicized policy. Further, the administration may suspend or recommend expulsion for a student if there is likelihood that after the occurrence of an out of school misconduct, the return to school of the student guilty of the misconduct would contribute to a disruptive effect on the educational process, interrupting or impeding the day-to-day operation of the school.

A. Conduct Disruptive of the Educational Process: Conduct may be considered disruptive of the educational process if it interrupts or severely impedes the day-to-day operations of a school by threatening:

1. The school's orderly operations.
2. The safety of the school property.
3. The welfare of the persons who work or study there.

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IV. SUSPENSION OR EXPULSION FOR OUT OF SCHOOL CONDUCT

B. Considerations for Determining Conduct Disruptive of the Educational Process: In making the determination that out of school conduct is disruptive of the educational process, the administration and Board of Education may consider, but such consideration is not limited to, the following:

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 of the Connecticut General Statutes), and whether any injuries occurred.
4. Whether the conduct involved the possession, use, sale or distribution of illegal drugs or alcohol.

V. APPLICATION FOR READMISSION

An expelled student may apply for early readmission to school. Such readmission shall be at the discretion of the Board of Education and the Board may condition such readmission on specified criteria. The Board, however, is not obligated to consider an application for readmission.

VI. ANNUAL NOTIFICATION

Students and parents/guardians shall be informed of this policy annually.

VII. IMPARTIAL HEARING BOARD

The Board may delegate its responsibilities under this policy and the relevant state statutes to an impartial hearing Board, in accordance with C.G.S-233d(b).

Legal References: Connecticut General Statutes
4-176e through 4-180. Contested cases. Notice. Record, as amended.
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 and PA 15-96.
53a-3 Definitions.

Legal References:

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

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