

## Students

### Suspension and Expulsion/Due Process

It is the goal of the Board of Education ("**Board**") 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 regulation, as well as Board policies. Students may be disciplined for conduct on school ground or at any school-sponsored activity that endangers persons or property, is seriously disruptive of the education 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, impacts the school adversely, 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.

### SECTION 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. Suspensions shall be in-school suspensions unless the administration determines ~~(1) that the student facing suspension 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~~ that a pupil in (1) grades three to twelve, inclusive, if, during the suspension hearing, (A) the administration determines that the pupil being suspended poses such a danger to persons or property or such a disruption of the educational process that the pupil shall be excluded from school during the period of suspension, or (B) the administration determines that an out-of-school suspension is appropriate for such pupil based on evidence of (i) previous disciplinary problems that have led to suspensions or expulsion of such pupil, and (ii) efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies; or (2) grades preschool to two, inclusive, if during the hearing, the administration determines that an out-of-school suspension is appropriate for such pupil based on evidence that such pupil's conduct on school grounds is of a violent or sexual nature that endangers persons.
- 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. ~~In school suspensions may be served in the school the students attends or any other school building under the jurisdiction of the Board of Education. 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~~

- E. **"Expulsion"** is defined as an exclusion from school privileges 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.

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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"** 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.
- 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 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.

N. **"Martial arts weapon"** means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or chinese star.

O. **"Dangerous Drugs and Narcotics"** is defined as any controlled drug in accordance with Connecticut General Statutes §219-240.

P. "Bullying" is defined an act that is direct or indirect and severe, persistent or pervasive, which (A) causes physical or emotional harm to an individual, (B) places an individual in reasonable fear of physical or emotional harm, or (C) infringes on the rights or opportunities of an individual at school. Bullying shall include but not be limited to a written, oral or electronic communication or physical act or gesture based on any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socio-economic status, academic status, physical appearance, or mental, physical developmental or sensory disability or by association with an individual or group who has or is perceived to have one or more of such characteristics.

Q. "Cyberbullying" is defined as any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices or any electronic communications.

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## **SECTION 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 therefore.

## **SECTION III 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.

## **SECTION IV STANDARDS GOVERNING SUSPENSION AND EXPULSION**

- A. Conduct on school grounds or at a school sponsored activity as set forth in Section C, herein, that:
1. Violates any other Board policy or that violates any code of student conduct in effect in the schools;



2. Seriously disrupts the educational process; or
  3. Endangers persons or property will be cause for suspension and/or expulsion.
- B. Conduct off school grounds as described in paragraph C, above, that:
1. Violates Board policy, and
  2. Seriously disrupts the educational process will be cause for suspension and/or expulsion.
- C. The following conduct is prohibited and will be considered cause for suspension and/or expulsion:

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1. ~~Threatening in any manner, including orally, in writing, or via electronic communication, injury to a member of the school community, including any teacher, member of the school administration or any other employee, or a fellow student; Threatening, harassing or intimidating another member of the school community in any manner, including orally, in writing, via electronic communication, or by gestures or other physical behavior such as stalking. Members of the school community include any school employee, fellow student, consultant, volunteer, or visitor to a school;~~
2. Causing danger to ~~the one's~~ personal physical well-being ~~of himself/herself or the well-being~~ other people that is not reasonably necessary for self-defense.
3. Use of physical force against another person which is not reasonably necessary for self-defense;
4. Theft of personal or school property, or taking or attempting to take personal property or money from another person, or from ~~his/her one's~~ presence, by means of force or fear;
5. ~~Willfully~~ Causing, or attempting to cause, damage to school property; or material belongings of staff (private property) ~~or third parties;~~
6. The use, either spoken or written, of obscene or profane language or gestures on school property or at a school-sponsored activity;
7. ~~Deliberate refusal~~ Failure to obey the directions or orders of a member of the school staff;
8. Possession, use, transmission or being under the influence of any narcotic drug, hallucinogenic drug, performance enhancing drug, amphetamine, barbiturate, marijuana, cocaine, alcoholic beverage, or intoxicant of any kind or facsimile thereof including inhalants, prescription drugs for which the possessor, user or transmitter has no legal prescription, or drug paraphernalia; ~~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;~~

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 weapon, including but not limited to any firearm, deadly weapon, dangerous instrument, martial arts weapon, knife, box cutter, razor, blade, chemical sprays, electroshock weapons or facsimile of any weapon or instrument;~~Possession or transmission of any firearm, deadly weapon, dangerous instrument, martial arts weapon, as defined in Section 53a-3, such as a pistol, knife, blackjack, etc. or facsimile of any weapon or instrument;~~
11. Using or copying the academic work of another and presenting it as his/her one's own without proper attribution;
12. Possessing, smoking or consuming tobacco products or facsimiles thereof or using vapor products and electronic devices that simulate smoking by delivering nicotine or other substances by the inhalation of a vapor on school grounds;~~Unauthorized smoking;~~
13. Open defiance of the authority of any teacher or person having authority over the student, including but not limited to verbal abuse;
- 14.. Intentional and successful incitement of truancy by other students;

15. Bullying or cyberbullying, including such conduct that may occur outside of the school setting if such bullying (1) creates a hostile environment at school for the victim; (2) infringes on the rights of the victim at school; or (3) substantially disrupts the education process or the orderly operation of a school. 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. Harassment and/or hazing/bullying on the basis of one's race, religion, ethnic background, gender or sexual orientation. Any violation of the Board's policies prohibiting sexual, racial and other unlawful harassment including any act of harassment based on an individual's race, color, national origin, sex, age, disability, sexual orientation, gender identity or expression or religion;
  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; and/or
  18. Violation of any federal, ~~or~~ state or local law which would indicate that the violator presents a danger to any person in the school community or to school property.
- 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 in violation of Connecticut General Statutes §29-35, 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 Connecticut General Statutes §§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.

#### **SECTION V. 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 school 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. 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. Suspensions shall be in-school suspensions ~~unless during the suspension hearing, the administration determines that the student facing suspension poses such a danger to persons or property or such a disruption of the educational process that the student must receive an out-of-school suspension. The administration may also consider a student's previous disciplinary problem when deciding whether an out-of-school suspension is warranted as long as the school previously attempted to address problems by means other than an out-of-school suspension or expulsion.~~ , except an out-of-school suspension may be imposed if (A):

GRADES K to 2: the administration determines that an out-of-school suspension is appropriate for such pupil based on evidence that such pupil's conduct on school grounds is of a violent or sexual nature that endangers persons.

GRADES 3-12: the administration determines that the pupil being suspended poses such a danger to persons or property or such a disruption of the educational process that the pupil shall be excluded from school during the period of suspension, or (B) the administration determines that an out-of-school suspension is appropriate for such pupil based on evidence of (i) previous disciplinary problems that have led to suspensions or expulsion of such pupil, and (ii) efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies.

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 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 missed 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 a 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~~the student may at that time present ~~his/her~~the student's 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. 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.
- D. 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.
- E. 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.

- F. 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.
- G. The administration may shorten or waive the suspension period of a student who is suspended for the first time and who has never been expelled if the student successfully completes a program and any other conditions specified by the administration. Any such program shall be at no expense to the student or his parents/guardians. For a student whose suspension period is shortened or waived, the notice of the disciplinary action must be expunged from the cumulative education record if the student graduates from high school or, if the administration chooses, at the time the student completes the specified program and any other conditions required by the administration, whichever is earlier.

## **SECTION VI. EXPULSION PROCEDURES**

The Board of Education may expel any student in grades three to 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), that expulsion is under consideration. Such notice shall contain the information required under Paragraph B of this section. An independent Hearing Officer shall hear the case or three members of the Board of Education shall constitute a quorum for an expulsion hearing. If the Board of Education hears the case, 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.
- 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;

- d. a statement, where appropriate, that the Board is not required to offer an alternative educational opportunity to any student between the ages of sixteen and eighteen who (1) has been expelled previously or (2) is found to have engaged in conduct which endangered persons and involved (a) possession on school property or at a school-sponsored activity of a firearm, deadly weapon, dangerous instrument or martial arts weapon, or (b) offering for sale or distribution on school property or at a school sponsored activity a controlled substance as defined by law. ~~(See section VII on Alternative Educational Opportunity);~~ and

- f. information concerning the parent's or guardian's and the student's legal rights and legal services provided free of charge or at a reduced rate that are available locally and how to access such services~~a statement regarding free or reduced rate legal services that are locally available and how a student or parent may access these services.~~

- 2. The opportunity to be heard;
- 3. The opportunity to present witnesses and documentary evidence;
- 4. The opportunity to cross-examine adverse witnesses and challenge the introduction of documentary evidence;
- 5. The opportunity to be represented by counsel at the parents'/student's own expense, and the parent or guardian of the pupil 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; and;
- 6. 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; and
- 7. Prompt notification of the decision of the Hearing Officer or 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 Hearing Officer or 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 Hearing Officer or the Board ~~of Education~~ rendered after such hearing; and
  4. The official transcript, if any, of proceedings relating to the case or, if these are not transcribed, any recording or stenographic record of the proceedings.
- D. Rules of evidence at expulsion hearings shall include the following:
1. Any oral or documentary evidence may be received by the Hearing Officer or the Board ~~of Education~~, but as a matter of policy irrelevant, immaterial or unduly repetitious evidence shall be excluded;
  2. The Hearing Officer or 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 Hearing Officer or the Board ~~of Education~~ may take notice of judicially cognizable facts in addition to facts within the Hearing Officer or 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 Hearing Officer ~~or~~ 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 Hearing Officer or 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.
- 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 Hearing Officer or the Board after an expulsion hearing shall be based exclusively upon the evidence adduced at the hearing.
- G. Any student who is expelled shall be offered an alternative educational opportunity consistent with the requirements of state law as set forth in Section IX of this policy.
- H. 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 shall not be expunged at any time if the expulsion was based upon possession of a firearm or deadly weapon and the student was in grade nine through twelve. Such notice shall be expunged from the cumulative educational record if the student graduates from high school. The expulsion notice may be expunged from the student's record prior to graduation if the student has demonstrated to the Board that his/her conduct and behavior in the years following the expulsion warrants expungement.

- H. 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, notice of the pending expulsion hearing shall be included on the student's cumulative educational record and the Hearing Officer or the Board ~~of Education~~ shall complete the expulsion hearing and render a decision.
- J. The Hearing Officer or the Board ~~of Education~~ may shorten the length of or waive the expulsion period of a student who is expelled for the first time and who has never been suspended if the student successfully completes a program and any other conditions specified by the Hearing Officer or the Board. Any such program shall be at no expense to the student or his parents/guardians. For a student whose expulsion period is shortened or waived, the notice of the disciplinary action must be expunged from the cumulative education record if the student graduates from high school or, if the Board chooses, at the time the student completes the specified program and any other conditions required by the administration, whichever is earlier. Nothing herein shall be deemed to restrict the ability of the Hearing Officer or the Board to shorten or waive the expulsion period, based upon completion of any program or meeting of conditions, for students who have been previously suspended or expelled, as may be permitted by law and as provided in Subsection L, below.
- K. 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.
- L. An expelled pupil may apply for early readmission to school. Such readmission shall be at the discretion of the Board ~~of Education~~; however, the Board may delegate authority for readmission decisions to the Superintendent. If the Board delegates such authority, readmission shall be at the discretion of the Superintendent. The Board or Superintendent, as appropriate, may condition such readmission on specified criteria.
- M. Prior to conducting an expulsion hearing for a child requiring special education and related services described in subparagraph (A) of subdivision (5) of section 10-76a of the Connecticut General Statutes, a planning and placement team shall convene to determine whether the misconduct was caused by a manifestation of the child's disability. If it is determined that the misconduct was caused by a manifestation of the child's disability, the child shall not be expelled. The planning and placement team shall reevaluate the child for the purpose of modifying the child's individualized education program to address the misconduct and to ensure the safety of other children and staff in the school. If it is



determined that the misconduct was not ~~caused by a manifestation of~~ the child's disability, the child may be expelled in accordance with the provisions of this section applicable to children who do not require special education and related services. Notwithstanding the provisions of Section IX, below, whenever a child requiring such special education and related services is expelled, an alternative educational opportunity, consistent with such child's educational needs shall be provided during the period of expulsion.

- N. 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 using the procedures of this policy. The period of expulsion shall run concurrent with the period of commitment. If a student who committed an expellable offense seeks to return to the school district 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 and the student has not been expelled for such offense, the district shall allow such student to return and may not expel the student for additional time for such offense.
- O. A student who has been identified as eligible for school accommodations pursuant to Section 504 of the Rehabilitation Act, shall not be referred to an expulsion hearing until the student's Section 504 Team is convened to determine whether the misconduct was a manifestation of the student's disability. If it is determined that the misconduct was not a manifestation of the child's disability, the child shall not be referred to an expulsion hearing and shall not be expelled. Where appropriate, the Section 504 Team shall modify and otherwise review the student's accommodations plan to address the misconduct and to ensure the safety of other children and staff in the school. If it is determined that the misconduct was not a manifestation of the student's disability, the student may be expelled in accordance with the provisions of this section applicable to non-disabled students.

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## **SECTION VII RE-ADMISSION OF STUDENTS FROM RESIDENTIAL PLACEMENT**

~~A student under the age of eighteen (18), who has committed an expellable offense, who seeks admittance/re-admittance 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 admitted/re-admitted to the appropriate school setting within the District. The District is not required to admit/re-admit students eighteen (18) years of age or older, or students with an IEP (Individual Education Plan) twenty-one (21) years of age or older, but may do so at the discretion of the Superintendent or his/her designee. Further, the District shall not expel the student for any additional time for the offense(s).~~

## **SECTION VIII NOTIFICATION TO PARENT(S) OR GUARDIAN(S)**

The parent(s) or legal guardian(s) of any minor student involved in a disciplinary action as described in this policy shall be given notice of such disciplinary action no later than twenty-four (24) hours after the time such action took place.

## **SECTION IX-VIII 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 during the period of expulsion, in

accordance with the law and applicable State guidelines. Any parent or guardian of such a student who does not choose to have his or her child enrolled in an alternative program shall not be subject to the provisions of Connecticut General Statutes section Section 10-184 of the Connecticut 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 an alternative educational opportunity if he or she the student 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 an adult education program. Any student participating in an adult education program during a period of expulsion shall not be required to withdraw from school. 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.

State statutes do not require the Board to offer an alternative educational opportunity to a student between the ages of sixteen (16) and eighteen (18) who has been expelled previously or who is expelled because of conduct which endangers persons and it was determined at the expulsion hearing that the conduct for which the student was expelled involved (a) possession on school property or a school-sponsored activity of a firearm, deadly weapon, dangerous instrument, or martial arts weapon or (b) offering for sale or distribution on school property or at a school sponsored activity a controlled substance as defined in subdivision (9) of Connecticut General Statutes §21a-240, whose manufacture, distribution, sale, prescription, dispensing, transporting, or possessing with the intent to sell or dispense, offering, or administration is subject to criminal penalties under Connecticut General Statutes §§21a-277 and 21a-278. 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 or deadly 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.

The provisions of this section shall not apply to students requiring special education who are described in subparagraph (A) of subdivision (5) of Connecticut General Statutes §10-76a.

#### **SECTION X. 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 education record. Such notice shall be expunged from the cumulative educational record by the Board 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 the 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 completed the Board specified program and meets any other conditions required by the Board.
3. In case of a student in grades kindergarten to grade eight inclusive expelled for the possession of

a firearm or deadly weapon, the Board may expunge from the student's cumulative educational record the notice of the conduct for which the student was expelled if the Board determines that the conduct and behavior of the student in the years following the expulsion warrants an expungement.

4. A student expelled for possession of a firearm or deadly weapon shall have the violation reported to the local police department.
5. 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.
6. An expelled student may apply for early readmission to school. Such readmission shall be at the discretion of the Superintendent. The Superintendent, as appropriate, may condition such readmission on specified criteria.



**SECTION XI. 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.

**Statutory references:**

Legal Reference: Connecticut General Statutes

4-176e through 4-180a. 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 and PA 14-229.

53a-3 Definitions.

53a-217b Possession of Firearms and Deadly Weapons on School Grounds.

PA 94-221 An Act Concerning School Discipline and Safety.

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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Brookfield Public Schools  
Brookfield, Connecticut