

REGULATION

Students

Removal, Exclusion Suspension and Expulsion/Due Process - Regulations

A. Removal from Class

Each teacher shall have the authority to remove a pupil from class when such pupil deliberately causes a serious disruption of the educational process within the classroom. No pupil shall be removed from class more than six times in any schoolyear nor more than twice in one week unless such pupil is referred to the principal or his/her designee(s) and granted an informal hearing in accordance with the provisions of Section V of this policy,

Whenever a teacher removes a pupil from the classroom, the teacher shall send the pupil to a designated, supervised area and shall immediately inform the building principal or designee of the name of the pupil against whom the action was taken and the specific reason(s) for taking the action, The teacher shall inform the minor student's parent or guardian of each removal from class.

B. Exclusion

The administrative staff shall have the authority to exclude a student from school privileges, and/or school-sponsored activities when the presence of such student would cause a serious disruption of the educational process.

Whenever an administrator excludes a student from a privilege, and/or school-sponsored activity during the school day, the administrator shall direct the student to remain at a designated, supervised area until the privilege or activity is completed. If the privilege, or activity occurs after school hours, the student shall be instructed to remain off of school property, or away from the activity, until the privilege or activity is completed.

The administrator shall inform the minor student's parent or guardian of each exclusion,

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C. Suspension

When the building administrator 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 an informal hearing before the building administrator 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 charges. This informal hearing must be held prior to the student being suspended, unless an emergency exists, in which case the hearing shall be held as soon after the beginning of the suspension as possible. Nothing in the informal hearing shall prevent a more formal hearing from being held if the circumstances warrant in the sole discretion of the administration.
2. The building administrator 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. A special education student's disability shall be considered before making a decision to suspend.
3. The building administrator or designee shall make a reasonable 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 building administrator or designee shall forward a letter, within 24 hours of the suspension, to the parent or guardian at the last known address according to school records and offer the parent or guardian the opportunity for a conference to discuss the suspension.
5. Notice of the suspension shall be transmitted by the building administrator to the Superintendent of Schools by the close of the school day following the commencement of the suspension.
6. If a student is eighteen or older, any notice required by Board policy and by this regulation shall be given to the student.
7. Textbooks and homework are to be provided each student for the duration of the suspension period and the student shall be allowed to complete, without penalty, assignments, including examinations, which were missed during the suspension.

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Suspension (continued)

8. Notice of a suspension and a description of the conduct leading to such suspension shall be included in the student's cumulative educational record. Such notice shall be expunged from the cumulative record by the administration if the student graduates from high school.

9. When required by Board policy or when warranted in the judgment of the administration, the building administrator shall make a formal complaint to the police.

The foregoing procedure will be followed unless the student has had a total of 15 in-school suspensions or ten (10) out-of-school 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 after a hearing similar to that required for expulsion. If the building administrator has reason to believe that the student's conduct endangers persons or property, is seriously disruptive of the education process or is in violation of a Board policy, expulsion may be recommended.

D. Expulsion

The procedures leading to expulsion are as follows:

1. Requests for expulsion shall be made by a building administrator and shall be directed to the Superintendent of Schools.

2. When required by Board policy or when warranted in the judgment of the administration, the building administrator or superintendent shall make a formal complaint to the police.

3. Upon receipt of an expulsion request, the Superintendent shall review the request and determine whether to proceed with expulsion. If the situation presents an immediate threat to the student or to other students staff or the school itself, an emergency expulsion can be ordered by the Superintendent to take effect immediately.

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Expulsion (continued)

4. If after the inquiry the Superintendent or designee determines that the student ought to be expelled, the Superintendent shall arrange for a hearing before the Board or a duly appointed Hearing Officer.
5. Except in an emergency requiring the student's immediate removal, the Board shall conduct an expulsion hearing to be governed by the following procedures:
 - a. The Board of Education shall notify the student concerned and his/her parents, or the student if he/she is under the age of eighteen (18), 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 alternative 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:
 2. a statement of time, place, and nature of the hearing;
 3. a statement of the legal authority and jurisdiction under which the hearing is to be held:
 4. reference to the particular sections of the Connecticut General Statutes or school policies involved;

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Expulsion (continued)

5. a short statement delineating the reasons for the proposed expulsion. Upon request from the parent and/or student concerned, a more definitive and detailed statement of the issues shall be furnished.
6. 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;
 - (a) has been expelled previously or (b) is found to have engaged in conduct which endangered persons and involved
 - (i) possession on school property or at a school-sponsored activity a firearm, deadly weapon, dangerous instrument or martial arts weapon, or
 - (ii) offering for sale or distribution on school property or at a school-sponsored activity a controlled substance as defined by law. (See section VIII on Alternative Educational Opportunity);
7. the opportunity to be heard;
8. the opportunity to present witnesses and documentary evidence;
9. the opportunity to cross-examine adverse witnesses;
10. the opportunity to be represented by counsel; and
11. prompt written notification of the decision of the Board or Hearing Officer.

The record of any hearing held in an expulsion case shall include:

1. all evidence received or considered by the Board including a copy of the initial letter of notice of proposed expulsion, if any, and a copy of all notices of hearing;
 - a. questions and offers of proof, objections and ruling on such objections;

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Expulsion (continued)

- b. the decision of the Board or Hearing Officer rendered after such hearing; and
- c. the official transcript, if any, of proceedings relating to the case, or, if not transcribed, any recording or stenographic record of the proceeding.

Rules of evidence at expulsion hearings shall include:

1. Any oral or documentary evidence may be received by the Board or Hearing Officer but, as a matter of policy, irrelevant, immaterial or unduly repetitious evidence shall be excluded.
2. The Board shall comply with 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 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.

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Expulsion (continued)

6. The Board or Hearing Officer 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 or Hearing Officer at An expulsion hearing shall be made. 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.
8. In determining the length of an expulsion, the Board or Hearing Officer may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, in-school suspension, suspension or expulsion.
9. Decisions shall be in writing and shall include findings of fact and conclusion necessary for the decision. Findings of fact made by the Board or Hearing Officer after an expulsion hearing shall be based exclusively upon the evidence adduced at the hearing.
10. Any student who is expelled shall be offered, consistent with the requirements and restrictions of state law and Board policy, an alternative educational opportunity.

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Expulsion (Continued):

11. 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 notice of an expulsion based upon possession of a firearm, deadly weapon or dangerous instrument, shall be expunged from the cumulative educational record if the student graduates from high school.
12. 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 shall complete the expulsion hearing and render a decision.
13. The Board or a Hearing Officer 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. The student shall be excluded from school pending such hearing. The excluded student shall be offered, consistent with the requirements and restrictions of state law and Board policy, an alternative educational opportunity.

E. 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 in during the school year.

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Expulsion (Continued):

Students who are expelled and parents/guardians are to be provided with an accurate and comprehensive description of the alternative education delivered.

Determination of enrollment is made by the student support team involved in the placement, which includes, but is not limited to the following:

- Parent or family representative
- Student, if in secondary school
- Appropriate representative of the alternative environment
- Student's teachers
- School administrator (sending school)
- If the student has an identified disability, special education administrator or designee
- PPT/504 Team (if applicable)

If there is disagreement with the placement decision, the student (or parent/guardian) may appeal, in writing, to the Superintendent of Schools, or his/her designee. The Superintendent of Schools or designee shall consider such written appeal. The Superintendent may ask for additional information from the appealing party and/or from school administrators. The Superintendent or designee shall have the sole discretion to consider and rule on the appeal and such decision shall be final.

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Expulsion (Continued):

cf: 5113, Truancy
5144-5131,
Conduct/Discipline/Punishment 5131.1,
Bus Conduct
5131.21, Violent and Aggressive Behavior
5131.5, Vandalism
5131.6, Drugs, Alcohol, Tobacco
5137, Firearms, Weapons, and Dangerous
Instruments 5145.5, Sexual Harassment

Legal Reference: Connecticut General Statutes
4-176e through 4-181 a Contested Cases. Notice.
Record. 10-184 - Duties of Parents
10-233a through 10-233f Suspension, removal and expulsion
21a-242 - Controlled Substances
21a-277 -
Penalty 21a-
278 - Penalty
53a-3
Definitions.
PA 94-22! An Act Concerning School
Safety GOALS 2000: Educate America
Act
18 U.S.C. 921 Definitions.

Regulation
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BROOKFIELD PUBLIC SCHOOLS
Brookfield, Connecticut