



BLOOMFIELD BOARD OF EDUCATION - BOARD OF EDUCATION POLICY COMMITTEE

Board of Education Policy Committee AT Tuesday, January 28, 2025

Bloomfield Board of Education 1133 Blue Hills Avenue Board Room, 1133 Blue Hills Avenue ,
Bloomfield, CT 06002

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F. Bogle-Assegai
2. Consent Agenda
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F. Bogle-Assegai



Board of Education – Special Curriculum Committee Meeting
Thursday, November 21, 2024 at 6:30 P.M.
Bloomfield Board of Education, Board Room
1133 Blue Hills Avenue
Bloomfield, CT 06002

ATTENDANCE: H. Frydman, Chair Absent
T. Mack-Mohammed Present
F. Bogle-Assegai Present
L. Easmon *ex-officio* Present

ALSO PRESENT: K. Dunbar T. Moore B. Silver
L. Lamenzo D. Greco E. Pierce

1. Establishment of a Quorum and Call to Order

L. Easmon called the meeting to order at 7:08 p.m. The roll was called and a quorum was present.

2. Consent Agenda

A. Approval of Minutes – Curriculum Committee Meeting – October 22, 2024

A motion was made by T. Bogle-Assegai and seconded by T. Mack-Mohammed for the Curriculum Committee approve the meeting minutes from the October 22, 2024 meeting, as presented.

T. Mack-Mohammed Aye
F. Bogle-Assegai Aye
L. Easmon *ex-officio* Aye

The motion was passed unanimously 3-0-0.

3. New Business

A. Bloomfield Public Schools 2023-24 Next Generation

Lisa Lamenzo, Director of School Improvement provided an update on Bloomfield’s 2023-24 Next Generation Accountability Index. Ms. Lamenzo noted this accountability system is a broad set of 12 indicators providing a holistic multifactor perspective of school and district performance. A brief description of each indicator was shared.

Ms. Lamenzo shared the accountability index by each school with comparisons between 2022-2023 and 2023-2024. In addition, the overall district and state data was provided, as well as a comparison to CREC schools.

The committee suggested sharing the narratives of positive data such as the comparison to the CREC data.



B. District Climate Survey Update

Dr. Bethany Silver, Interim Superintendent provided an overview of the District Climate Survey. It was noted that Bloomfield Public Schools conducts an annual climate survey to students in grades 5-12, staff and families. The data is reviewed with regards to most and least favorable responses and informs work at the school and district level.

Data from the 2023-2024 survey was shared with the committee members. Dr. Silver noted a draft of the 2024-2025 survey has been created and the committee would like to send out the survey from December 2 through December 20, 2024.

4. Adjournment

At 7:41 p.m., a motion was made by T. Mack-Mohammed and seconded by T. Bogle-Assegai to adjourn.

The motion passed unanimously 2-0-0.

H. Frydman, Chair

BLOOMFIELD PUBLIC SCHOOLS
Bloomfield, Connecticut

BOARD POLICY

No. 5132(a)

**RE: Student Dress
Students**

Adopted: 3/23/2010

Approved: 10/6/2015

The Bloomfield Board of Education believes that reasonable regulation of student attire in the schools furthers important educational interests. -It is in the spirit of proper communication that students wear clothing that communicates the high expectations that we have for all Bloomfield Public Schools students. Accordingly, the Board has established a dress code for all students enrolled in the Bloomfield Public Schools.

Acceptable Dress for Students includes ~~clean~~ neat and properly fitted:

- a. Bottoms, including pants, skirts, shorts, and skorts
- b. Tops with fabric in the front, back, and on the sides under the arms
- c. Shoes, boots, sneakers, sandals, etc.

The following attire is prohibited:

- a. Bare feet
- b. Slippers or open toed shoes
- c. Clothing with images or language depicting drugs or alcohol (or any illegal item or activity)
- d. Clothing that reveals undergarments (including midriffs)
- e. Clothing with hate speech, violence, profanity, ~~or~~ weapons or pornography
- f. Clothing with images or language that creates a hostile or intimidating environment based on any protected class.
- g. Accessories that could be considered dangerous or could be used as a weapon.
- h. Sunglasses inside the school building (except for medical reasons).
- i. Headphones/earbuds during class time (unless indicated in student plan as allowed)
- j. Pajamas
- k. Any hat, scarf or head covering, including those that obscure the face (except as a religious observance or for medical reasons, such as a medical face mask).
- l. Pants hanging below the waistline, exposing buttocks/underwear or shorts worn under pants "No sagging"
- m. Skirts one-inch above the knee

During the school day outerwear, such as coats, scarves, hats and winter jackets, must be placed in a locker.

GRADES K-8

Uniforms are mandatory for all students enrolled in the Bloomfield Public Schools in kindergarten up to and including grade 8. The designated uniform shall be as follows:

- a. —Tops: Short or long-sleeved collared (polo) shirts in either white or the designated color for the individual school the student attends. Shirts must be tucked into skirts or pants.

~~Shirts with each school's logo may be purchased through the school, but shall not be required.~~

~~b. — Bottoms:~~

~~i) — For boys and girls: casual or dress pants sized to fit the student, of twill or corduroy, in solid khaki, navy or black only. All other types of pants, including but not limited to jeans, overalls, sweatpants, velour or other athletic pants, and tight fitting or sagging pants, are not permitted. From May through the end of October, students may wear shorts sized to fit the student, of twill or corduroy, in solid khaki, navy or black only.~~

~~ii) — For girls: skirts or jumpers that are not more than 3" above the middle of the knee (front and back), sized to fit the student, of twill or corduroy, in solid khaki, navy or black only, may be worn. Tight fitting skirts and/or jumpers are not permitted.~~

~~c. — Footwear: Dress shoes, sneakers or low cut boots only. Open toed shoes are not permitted.~~

~~d. — Sweaters: Khaki, navy, black or school colors. No sweatshirts.~~

~~e. — Exceptions for Physical Education classes and recess will be addressed in the student handbook by each school.~~

BLOOMFIELD PUBLIC SCHOOLS
Bloomfield, Connecticut

BOARD POLICY

No. 5132(b)

Bloomfield High School

- ~~Pants—Pants must be appropriately fitted at the waist and belted. Tan, navy blue or black pants are acceptable. Absolutely NO baggies, cargo pants, jeans or sweat-suit pants, pajamas, logos, insignias, pictures or messages will be allowed on pants or shorts.~~
- ~~Shorts—Shorts must be appropriately fitted at the waist and belted. Tan, navy blue or black shorts are acceptable. Shorts can be no more than 3 inches above the middle of the knee (front and back).~~
- ~~Shirt—Shirts may be button-down Oxford-style shirt or Polo shirt. Shirts can be short or long sleeve. White or light blue are acceptable colors. Shirts must be tucked into the pants. Shirts with the Bloomfield High School logo may be purchased through the school store but shall not be required.~~
- ~~Skorts—For girls: Only skorts purchased through designated uniform company will be accepted. Acceptable colors are tan, navy blue and black. Skorts can be no more than 3 inches above the middle of the knee (front and back).~~

Optional Accessories:

- ~~Sweaters/Vests—Acceptable solid colors (no overt design or artwork) are black, navy blue, light blue, white, grey or tan. No patterns including argyles. Sweaters/vests can include cardigans, v-neck sweaters, pullovers or zippered varieties. No fleece garments or sweatshirts allowed.~~
- ~~Undershirts—Considered garments worn under the uniform shirts. These can be long or short sleeved. These shirts can be crewneck, v-necked, collared or turtleneck. Acceptable solid colors (no overt design or artwork) are black, navy blue, light blue, white, grey or tan.~~
- ~~No sweatshirts or hoodies will be permissible.~~

GRADES K-12

In order to maintain an environment conducive to the educational process, the Board of Education prohibits the following from wear during the academic school day at all schools:

- a. ~~Coats, jackets or other attire normally worn as outerwear. Outerwear includes: coats, jackets, windbreakers, nylon pullovers, down vests, and other clothing the administration deems inappropriate. Clothing or outer wear shall not be worn, carried or kept in the classroom during regular school hours.~~

BLOOMFIELD PUBLIC SCHOOLS
Bloomfield, Connecticut

BOARD POLICY

No. 5132(e)

- ~~b. Head coverings of any kind, including but not limited to scarves, bandanas, masks, headbands, visors, kerchiefs, athletic sweatbands, hats, caps or hoods. Approved coverings worn as part of a student's religious practice or belief shall not be prohibited under this policy. Head coverings shall not be worn, carried, hung on belts or around the neck or kept in the classroom during regular school hours.~~
- ~~c. Items a. and b. above, must be secured in the student's locker before school starts. Items not stored will be confiscated by Principal.~~
- ~~d. Footwear which mars floors or is a safety hazard.~~
- ~~e. Sunglasses, whether worn or carried.~~
- ~~f. "Name" or other oversized metal belt buckles and all metal belts or combination of metal and leather belts.~~
- ~~g. Spiked or studded bracelets, chains, chain wallets, oversized or multi-finger rings, belts or any other article of attire with spikes or studs attached, or any other clothing item that may present a safety hazard to the student, other students or staff.~~
- ~~h. Attire or accessories which contain overly offensive or disruptive writing or pictures likely to unduly disrupt the educational environment, or which constitute "fighting words."~~
- ~~i. Attire or accessories which depict logo or emblems that encourage the use of drugs, tobacco products, or alcoholic beverages.~~
- ~~j. Shirts and/or blouses which reveal the abdomen, chest, or undergarments.~~
- ~~k. See-through clothing, tank tops or sleeveless shirts.~~
- ~~l. Shorts, miniskirts, or pants which reveal the upper thigh or undergarments. Spandex garments are allowed only if they are covered by shorts or skirts.~~
- ~~m. Pants that do not remain at the hips or above at all times.~~
- ~~n. Pants and shirts that are not properly sized.~~
- ~~o. Backpacks and/or book bags are permitted to be carried between classes, but shall not obstruct safe passage in the classroom or in the corridors.~~
- ~~p. Pajama pants/nightwear.~~

BLOOMFIELD PUBLIC SCHOOLS
Bloomfield, Connecticut

BOARD POLICY

No. 5132(d)

Compliance

Students who fail to comply with Board policy and regulations concerning student dress will be subject to school discipline to include parental notification ~~up to and including expulsion in accordance with the Board's policy on student discipline.~~

BLOOMFIELD PUBLIC SCHOOLS
Bloomfield, Connecticut

BOARD POLICY

5131.81 (a)

Students

Electronic Devices

The Bloomfield Board of Education is committed to maintaining a safe and productive learning environment that provides each student with an atmosphere free of disruptions.

Students may possess personal technological devices on school property and/or during school sponsored activities per the mandates of this policy and any applicable administrative regulations as may be developed by the Superintendent of Schools.

Definitions

For the purposes of this policy, "District-Issued Technology" refers to computers and instructional technologies; communications and data management systems; informational technologies and the Internet; and any other technology resources owned and/or used by the school district and accessible by students including "Personal Technology" pouches.

For the purposes of this policy, "Personal Technology" refers to privately owned wireless and/or portable electronic hand-held equipment that can be used for word processing, wireless Internet access, image capture and recording, gaming, sound recording, information transmitting and/or receiving or storing information or data, etc. In addition, "Personal Technology" refers to Bluetooth devices and wearable technology, such as, but not limited to, iPads, tablets, smartwatches, gaming devices, and AirPods.

Responsibility for "Personal Technology" Devices

Students are responsible for the safety and use of their "Personal Technology." If "Personal Technology" is stolen, lost, or damaged, a report should be made to the building principal or designee, who will investigate the loss in a manner consistent with procedures for stolen or damaged personal property. Students and parents should be aware that the Board is not liable for any "Personal Technology" stolen, lost, or damaged while at school or during a school sponsored activity. Therefore, students are advised not to share or loan their "Personal Technology" with other students.

Use of "Personal Technology" Devices

Except to the extent required by a student's Individualized Educational Plan or 504 plan and/or for other reasons approved by the building principal, all students are prohibited from using "Personal Technology" during the school day and are subject to disciplinary action outlined in section "D" of this policy.

In addition, the following rules apply specifically to student use of cell phones during the school day:

1. Students in grades 5-12 may bring "Personal Technology" to school but must ensure that it is turned off, in Airplane mode, or silenced. When entering the school, "Personal Technology" must be locked in a district-issued "Personal Technology" pouch and kept there the entire school day. Students will unlock their district-issued pouch at dismissal.

BLOOMFIELD PUBLIC SCHOOLS
Bloomfield, Connecticut

BOARD POLICY

5131.81 (b)

Students

Electronic Devices

2. Students in grades PK-4 may bring “Personal Technology” to school but must ensure that it is turned off, in Airplane mode, or silenced. “Personal Technology” must remain completely out of view for the entire school day and cannot be used at any time.

Disciplinary Action*

Misuse of “Personal Technology” in an inappropriate or prohibited manner and/or using such devices in any manner inconsistent with this policy will result in disciplinary action as outlined in the most current student handbook under the section entitled “Personal Technology.” Disciplinary action will follow a tiered approach.

At each tier, the administrator or designee will review the policy with the student, inform parents/guardians, and document the offense.

If a student loses or damages the district-issued “Personal Technology” pouch, the student must acquire a new one from the school.

*Administrators have flexibility with consequences for students who fall under DCF Care, McKinney-Vento, and similar circumstances.

Legal Reference:

Connecticut General Statutes (P.A. 95-304, S.8, 9; P.A. 96-108, S. 1, 3)

Conn. Gen. Stat. § 10-233j

Conn. Gen. Stat. § 31-48d

Conn. Gen. Stat. §§ 53a-182; 53a-183; 53a250, et seq.

History: P.A. 95-304 effective July 1, 1995; P.A. 96-108 designated the existing Sec.

Subsec (a) and added Subsec (b) re cellular mobile telephones, effective July 1, 1996

Electronic Communication Privacy Act of 1986, Public Law 99-508, codified at

28 U.S.C. §§ 2510 through 2520

BLOOMFIELD PUBLIC SCHOOLS
Bloomfield, Connecticut

Administrative Regulations

R5131.81(a)

Students

Electronic Devices

Purpose

The purpose of these administrative regulations is to provide guidelines and procedures for the use of personal technology devices, including cell phones, by students during the school day and at school-sponsored activities.

Definitions

"District-Issued Technology" refers to computers, instructional technologies, communications and data management systems, informational technologies, the internet, and any other technology resources owned and/or used by the school district and accessible by students, including "Personal Technology" pouches.

"Personal Technology" refers to privately owned wireless and/or portable electronic handheld equipment that can be used for word processing, wireless internet access, image capture and recording, gaming, sound recording, information transmitting and/or receiving or storing information or data. This includes, but is not limited to, devices such as iPads, tablets, smartwatches, gaming devices, and wireless earbuds/headphones.

Student Responsibilities

Students are responsible for the safe use and security of their personal technology devices. The school district is not liable for any personal technology that is stolen, lost, or damaged while on school property or at school-sponsored events.

Students shall not share or loan their personal technology devices with other students.

Students must ensure their personal technology devices are turned off, silenced, or in airplane mode during the school day, except as permitted under this policy.

Permitted Use of Personal Technology

Students in grades 5-12 may bring personal technology devices to school but must ensure the devices are turned off, silenced, or in airplane mode. The devices must be stored in the district-issued personal technology pouches throughout the school day.

Students in grades PK-4 may bring personal technology devices to school but the devices must remain completely out of view and cannot be used at any time during the school day.

Personal technology devices may be used by students if required by their Individualized Education Plan (IEP) or 504 plan, or if otherwise approved by the building principal.

BLOOMFIELD PUBLIC SCHOOLS
Bloomfield, Connecticut

Administrative Regulations

R5131.81(b)

Students

Electronic Devices

Personal technology devices may be used by students during school-sponsored activities, such as field trips, with the approval of the supervising staff member.

Prohibited Use of Personal Technology

Except as permitted above, students are prohibited from using personal technology devices during the school day.

Students shall not use personal technology devices in a manner that disrupts the educational environment or violates school rules.

Students shall not use personal technology devices to photograph, record, or video other students or staff without their knowledge and consent.

Disciplinary Action

Misuse of personal technology devices in an inappropriate or prohibited manner will result in disciplinary action as outlined in the student handbook.

Disciplinary action will follow a tiered approach, with increasing consequences for repeated offenses.

If a student loses or damages the district-issued personal technology pouch, the student must acquire a new one from the school at their own expense.

Exceptions

Administrators have flexibility to adjust consequences for students who fall under DCF care, McKinney-Vento, or similar circumstances.

BLOOMFIELD PUBLIC SCHOOLS
Bloomfield, Connecticut

BOARD POLICY

No. 9120

RE: Officers
Bylaws

Adopted: 8/13/2002

Approved: 10/6/2015

1. The Board shall, not later than one month after the date on which newly elected members take office, elect from its own members a Chairperson, Secretary and a Vice Chairperson.
2. Officers shall hold their respective offices for two years, and until their successors are duly elected.
3. Should a vacancy arise in an office of the Board, the ~~members of the Board (including, if applicable, the member vacating a Board office)~~ Bloomfield Town Council shall elect a successor to fill the office until the next regular election for Board officers.

Legal Reference:

Connecticut General Statutes

10-218 Officers. Meetings.

BLOOMFIELD PUBLIC SCHOOLS
Bloomfield, Connecticut

BOARD POLICY

No. 9221

**RE: Filling Vacancies on the Board
Bylaws**

Adopted: 1/21/2003

Approved: 10/6/2015

1. If a vacancy occurs on the Board of Education, the ~~remaining members of the Board~~ Bloomfield Town Council shall fill such vacancy at a regular meeting.
2. A member resigning from the Board of Education should present or have presented, a letter of resignation to the Board of Education at a regular meeting.
- ~~3. Having accepted a letter of resignation, the Board of Education will schedule the election of a replacement at the next regular Board meeting or at a special meeting convened for such purpose.~~
- ~~4. Said election, made by the majority of the Board, shall be in effect until the next regular Town election, at which a successor shall be elected for the unexpired portion of the term. The official ballot shall specify the vacancy to be filled.~~

Legal Reference: Connecticut General Statutes
9-187a Date term to begin.
9-203 Number and term of members of boards of education.
9-204 Minority representation on board of education.
10-219 Procedure for filling vacancy on local board of education.
1-24 Who may administer oaths.
1-25 Forms of oaths.
10-218a Oath of office.

BLOOMFIELD PUBLIC SCHOOLS
Bloomfield, Connecticut

BOARD POLICY

No. 9321(a)

**RE: Time, Place and Notice of Meetings
Bylaws**

Adopted: 1/21/2003

Approved: 10/6/2015

1. Regular Meetings

- A. The Board of Education shall set a calendar of regular meetings for the ensuing year at the first regular meeting in November.
- B. In compliance with the General Statutes of the State of Connecticut, the Chairperson shall file this calendar with the Town Clerk by November 30.
- C. Normally the Board shall schedule regular meetings on the ~~first~~ second Tuesday of each month of the year except July and August, when the Board shall schedule no regular meetings.
- ~~D.~~ If at any point in the meeting the Board of Education should not maintain a quorum, then the Chairperson of the Board will adjourn the meeting and declare the time and place of the resumption of the meeting, which shall E.D. be reflected in a written order of adjournment. A copy of the written order of adjournment will be posted on or near the door of the place where the meeting was held within twenty-four hours after the time of adjournment.

2. Special Meetings

- A. Special meetings may be held when determined by the Board, when so called by the Chairperson, or upon written request of three members of the Board.
- B. No special meeting shall be held unless a notice stating the time, place and purpose of the meeting has been given to each member and to the Town Clerk, twenty-four (24) hours before the time stated for the meeting to convene. Hybrid and online meetings require 48 hour notice.

BLOOMFIELD PUBLIC SCHOOLS
Bloomfield, Connecticut

BOARD POLICY

No. 9321(b)

RE: Time, Place and Notice of Meetings
Bylaws

Adopted: 1/21/2003

Approved: 10/6/2015

- C. When a majority of the members agree that an emergency exists which has made a regular notice impossible, such a meeting may be called at a time or place which may be most convenient. In case of such emergency meeting, a copy of the minutes setting forth the nature of the emergency and the proceedings occurring at such meeting shall be filed with the Town Clerk no later than seventy-two (72) hours following the holding of such a meeting.

- 3. Meeting Time and Place
 - A. All regular meetings of the Board shall begin at 7:00 p.m. or as soon thereafter as a quorum is present and shall adjourn no later than 9:00 p.m. unless extended to a time certain by a two-thirds vote of the Board members present. All regular meetings of the Board shall be held in the Board Room, unless otherwise ordered by the Board.

 - B. Special Meetings (non-emergency) - time and place to be determined and announced in advance of meeting.

Legal References:

Connecticut General Statutes

- 1-225 Meetings of government agencies to be public. Recording of votes. Schedule of agenda of meetings to be filed. Notice of special meetings Executive session.
- 1-228 Adjournment of meetings. Notice.
- 1-229 Continued hearings. Notice.
- 1-230 Regular meetings to be held pursuant to regulation, ordinance or resolution.
- 7-3 Warning of Town and other meetings.
- 7-4 Record of warning.
- 10-218 Officers. Meetings.

BLOOMFIELD PUBLIC SCHOOLS
Bloomfield, Connecticut

BOARD POLICY

No. 9323

**RE: Construction and Posting of Agenda
Bylaws**

Adopted: 8/13/2002

Approved: 10/6/2015

1. Construction of Agenda
 - A. The Superintendent in cooperation with the Chairperson of the Board of Education shall prepare an agenda for each meeting.
 - B. In addition to those items listed by the Chairperson of the Board, any member of the Board may contact the Chairperson or the Superintendent and request that an item be placed on the agenda.
2. Posting of Agenda
 - A. At least twenty-four (24) hours prior to the time of a regular or special meeting, an agenda will be constructed and posted by the Superintendent of Schools for the Board of Education. If the meeting is hybrid, meaning both online and in-person, the agenda will be posted forty-eight (48) hours prior to the time of the meeting.
 - B. An agenda will be posted at Town Hall and the Administrative Offices of the Board of Education.
 - C. The Board may add items to the agenda of any regular meeting by a two-thirds vote of those Board Members present and voting.

Legal Reference:

Connecticut General Statutes

- 1-225 Meetings of government agencies to be public.
Recording of votes. Schedule and agenda of meetings to be filed. Notice of special meetings.
Executive sessions.

BLOOMFIELD PUBLIC SCHOOLS
Bloomfield, Connecticut

BOARD POLICY

No. 3542.41(a)

RE: Professional Standards for Food Service Personnel

Approved: DATE, 2025

The Board of Education (Board) recognizes that students require adequate, nourishing food and beverages in order to grow, learn and maintain good health. It is the intent of the Board that District schools take a proactive effort to encourage students to make nutritious food choices. The Board directs that students shall be provided with adequate space and time to eat meals during the school day.

The District shall offer meals to all students without regard to race, color, age, creed, religion, gender, sexual orientation, gender identity or expression ancestry, national origin, marital status, pregnancy or disability.

The Board shall provide food service for school breakfasts; for school lunches that meets the nutritional standards required by state and federal school breakfast and lunch programs. The District shall participate in the School Breakfast Program (SBP), National School Lunch Program (NSLP), and Afterschool Snack Program (ASP). The District's NSLP, SBP and ASP will operate to meet dietary specifications in accordance with the Healthy Hunger-Free Kids Act of 2010 and applicable state laws and regulations.

This service shall be under the supervision of the Food Service Director who shall be responsible to the Director of Finance.

The Board shall comply with the minimum professional standards for school nutrition personnel who manage and operate the National School Lunch and School Breakfast Programs which are contained in the regulations to the Healthy, Hunger-Free Kids Act of 2010 (HHFKA), Public Law 111-296. These regulations, effective July 1, 2015, as amended, effective April 30, 2019, establish hiring standards for the selection of State and local school nutrition program directors, and requires all personnel in the school nutrition programs to complete annual continuing education/training.

The Board believes that the fulfillment of these professional standards for food service personnel will result in consistent, national professional standards that strengthen the ability of school nutrition professionals and staff to perform their duties effectively and efficiently. Requiring proper qualifications to serve in the District's Child Nutrition Programs is expected to improve the quality of school meals, reduce errors, and enhance Program integrity.

Flexibility for districts with 2,499 students or less, subject to the prior approval of the Connecticut State Department of Education (CSDE), allows such districts to accept food service experience as a substitute for school nutrition experience when hiring new school nutrition program directors. This shall include volunteer or unpaid work as relevant food service experience.

BLOOMFIELD PUBLIC SCHOOLS
Bloomfield, Connecticut

BOARD POLICY

No. 3542.41(b)

RE: Professional Standards for Food Service Personnel

Approved: DATE, 2025

The Superintendent is directed to develop administrative regulations which detail the required hiring standards and continuing education training for all District food service personnel.

(cf. 3542.31 – Participation in the Nutritional School Lunch Program)

(cf. 3542.33 – Food Sales Other Than National School Lunch Program)

(cf. 3542.34 – Nutrition Program)

(cf. 3542.43 – Charging Policy)

(cf. 6142.101 – Student Nutrition and Physical Wellness, School Wellness)

Legal Reference: Connecticut General Statutes

[10-215](#) Lunches, breakfasts and other feeding programs for public school children and employees.

[10-215a](#) Nonpublic school and nonprofit agency participation in feeding programs.

[10-215b](#) Duties of State Board of Education re feeding programs.

[10-216](#) Payment of expenses.

[10-217](#) State Board of Education Regulations.

[10-215b-1](#) School lunch and nutrition programs.

[10-215b-11](#) Requirement for meals.

[10-215b-12](#) Reimbursement payments. (including free and reduced price meals)

Child Nutrition and WIC Reauthorization Act of 2004, 42 U.S.C. Section 1751.

School Lunch and Breakfast Programs 42 U.S.C. Section 1751 et seq.

National Food Service Programs, Title 7 Code of Federal Regulations, 7 CFR Part 210, Part 220, Part 215, Part 245.

42 U.S.C. Sec. 1758(h)/7 CFR Sect 210.13, 220.7 (School Food Safety Inspections).

Federal Register (74 Fed. Reg. 66213) amending federal regulations (7CFR Part 210 and 220).

Federal Register (80 Fed No 40) Professional Standards for State and Local Nutrition Programs Personnel as Required by the Healthy, Hunger-Free Kids Act of 2010, as amended effective 4/30/19.

BLOOMFIELD PUBLIC SCHOOLS
Bloomfield, Connecticut

BOARD POLICY

No. 3542.41(c)

RE: Professional Standards for Food Service Personnel

Approved: DATE, 2025

Legal Reference: continued

P.L. 111-296 Healthy, Hunger-Free Kids Act of 2010 (HHFKA), 42 U.S.C. 1751.

7 CFR Parts 210 & 220 - Nutrition Standards in the National School Lunch & School Breakfast Programs.

Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Assistance, 7 C.F.R. Part 15b (2001).

U.S. Department of Agriculture (USDA) Final Rule 84 FR6953

BLOOMFIELD PUBLIC SCHOOLS
Bloomfield, Connecticut

BOARD POLICY

No. 6141.323(a)

RE: Internet Safety/Filtering – Children’s Internet Protection Act

Approved: DATE, 2025

The Bloomfield Public Schools is fortunate to have access to the Internet at all schools. This access provides increased opportunities for students and staff to conduct research and to communicate locally, nationally, and internationally.

This wonderful resource also provides access to material unsuitable for students and which has no educational value. It is the responsibility of all District staff to ensure that the Internet, as used in District Schools, is appropriately guided and monitored. Moreover, staff also has the responsibility to conduct themselves in an appropriate private manner when using the Internet.

The Board of Education provides computers, computer systems, software, electronic access privileges, and networks for students and staff to carry out the mission of the Board in an environment which ensures access to up-to-date information, management, and communication services. Responsible use of these systems and networks is expected of all students and staff.

The computers, computer systems, software, electronic access privileges, and networks are the property of the Board of Education and are to be used only for those activities directly related to teaching, learning, and/or management by students and staff. The equipment, infrastructure, and software are not to be used for personal gain by any student or staff member.

In order to ensure that the District’s Internet connection is used in the appropriate manner and that all users are protected from any inappropriate information published on the Internet, the District has and is continuing to implement the following:

1. Professional development opportunities to help teachers integrate the use of the Internet into classroom teaching.
2. Use of the computers, computer systems, software electronic access privileges and networks shall be restricted to those users who have signed the District’s “Acceptable use Policy.” In the case of minors, the “Acceptable use Policy” must also be signed by the student’s parent or guardian.
3. Implementation of a system developed to filter out Internet sites with content/material considered inappropriate or harmful and unacceptable for student viewing. Such content includes that which is considered obscene, child pornography or harmful to minors. A committee of teachers, parents, and administrators shall be used to receive appeals from users who indicate that they have a specific need for using a filtered site.
4. All Internet access must be filtered, whether minors (under 18) or adults are using the computer system and regardless of the number of computers with Internet access provided by the school.

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No. 6141.323(b)

RE: Internet Safety/Filtering – Children’s Internet Protection Act

Approved: DATE, 2025

The Internet changes rapidly making it impossible to filter all objectionable sites. Therefore, the staff role in supervising and monitoring student access to the Internet is critical. In addition, each individual has the responsibility to monitor their own navigation on the Internet to avoid undesirable sites.

Filtering should only be viewed as one of a number of techniques used to manage student’s access to the Internet and encourage Responsible usage. It should not be viewed as a foolproof approach to preventing access to material considered inappropriate or harmful to minors. Filtering should be used in conjunction with:

- Educating students to be “Net-smart;”
- Using recognized Internet gateways as a searching tool and/or homepage for students, in order to facilitate access to appropriate material;
- Using “Acceptable use Agreements;”
- Using behavior management practices for which Internet access privileges can be earned or lost; and
- Appropriate supervision, either in person and/or electronically.

The placement of filters on District computers/computer systems is viewed as an exercise of the Board’s ability to determine educational suitability of all material used in the schools.

Filters will be utilized with District schools to (1) block pre-selected sites, (2) block by word, (3) block entire categories like chat and newsgroups, and (4) through a pre-selected list of approved sites.

The Superintendent of Schools is directed to establish guidelines and procedures for responsible use of computers, computer systems, software, electronic access privileges, and networks provided by the Board of Education.

For Districts participating in the federal E-Rate program:

The District recognizes its responsibility to educate students regarding appropriate behavior on social networking and chat room sites about cyberbullying. Therefore, students shall be provided instruction about appropriate online behavior, including interacting with other individuals on social networking sites and in chat rooms and cyberbullying awareness and response.

(cf. [6141.321](#) - Acceptable Use of the Internet)

(cf. [6141.322](#) - Web Sites/Pages)

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No. 6141.323(c)

RE: Internet Safety/Filtering – Children’s Internet Protection Act

Approved: DATE, 2025

Legal Reference: Connecticut General Statutes

[1-213](#) Access to public records. Exempt records.

[10-15b](#) Access of parent or guardians to student's records.

[10-209](#) Records not to be public.

[11-8a](#) Retention, destruction and transfer of documents

[11-8b](#) Transfer or disposal of public records. State Library Board to adopt regulations.

[46b-56](#) (e) Access to Records of Minors.

Connecticut Public Records Administration Schedule V - Disposition of Education Records (Revised 1983).

Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Provisions Act, as amended, added by section 513 of PL 93-568, codified at 20 U.S.C. 1232g.).

Dept. of Education. 34 CFR. Part 99 (May 9, 1980 45 FR 30802) regs. implementing FERPA enacted as part of 438 of General Education Provisions Act (20 U.S.C. 1232g)-parent and student privacy and other rights with respect to educational records, as amended 11/21/96.

HR 4577, Fiscal 2001 Appropriations Law (contains Children’s Internet Protection Act)

Public Law 94-553, The Copyright Act of 1976, 17 U.S.C. 101 et. seq.

Public Law 110-385 Broadband Data Improvement Act/Protecting Children in the 21st Century Act

Reno v. ACLU, 521 U.S. 844 (1997)

Ginsberg v. New York, 390 U.S. 629, at 642, n.10 (1968)

Board of Education v. Pico, 457 U.S. 868 (1988)

Hazelwood School District v. Kuhlmeier, 484 U.S. 620, 267 (1988)

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BOARD POLICY

No. 5131(a)

RE: Conduct and Discipline
Students

Adopted: 11/13/2007

Revised: 5/10/2016

Each student shall learn to respect the rights of others as individuals and as groups. The student shall learn the rules that govern appropriate behavior in his/her school and obey the rules established by the Board for all students in all public schools of the town.

Areas of Responsibility

Board of Education - The Board of Education holds the certified personnel responsible for the proper conduct and control of students while legally under the supervision and jurisdiction of the school.

Principal - The Principal may implement necessary procedures and rules and regulations to render effective the policies of the Board of Education relating to standards of student behavior. The Principal may involve representatives of all areas of school personnel, students, parents and citizens of the community.

Teachers - Teachers shall be responsible for the instruction of students in rules and regulations of proper conduct, as well as be responsible for proper and adequate control of students. The responsibility and authority of any teacher extends to all students of the school district under the assigned supervision of the teacher and to other students so situated with respect to the teacher as to be subject to the teacher's control.

Parents - Parents shall be expected to cooperate with school authorities regarding the behavior of their children. Parents shall be held responsible for the willful misbehavior of their children.

I. Definitions

- A. Exclusion means any denial of public school privileges to a student for disciplinary purposes.

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- B. Emergency means a situation in which the continued presence of the student in school poses such a danger to persons or property or 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.
- C. School-Sponsored Activity means any activity sponsored, recognized or authorized by the Board and includes activities conducted on or off school property.
- D. Removal is the exclusion of a student for a class period of ninety minutes or less.
- E. In-School Suspension means an exclusion from regular classroom activity for no more than ten (10) 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. 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.
- F. Suspension means the exclusion of a student from school and/or transportation services for not more than ten (10) consecutive school days, provided such suspension shall not extend beyond the end of the school year in which such suspension is imposed; and further provided 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 such student is granted a formal hearing as provided below. ALL Suspensions shall be in-school suspensions unless the administration determines FOR ANY STUDENT ENROLLED 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.

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A STUDENT ENROLLED IN GRADES PRESCHOOL TO TWO, INCLUSIVE, MAY BE GIVEN AN OUT-OF-SCHOOL SUSPENSION IF IT IS DETERMINED BY THE ADMINISTRATION THAT SUCH A 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 SECTION.

- G. Expulsion means the exclusion of a student, GRADES THREE TO TWELVE, INCLUSIVE, from school privileges for more than ten (10) consecutive school days. The expulsion period may not extend beyond one calendar year.
- H. School Days shall mean days when school is in session for students.
- I. Seriously Disruptive of the Educational Process means any conduct that markedly interrupts or severely impedes the day-to-day operation of a school.

Notwithstanding the foregoing, the reassignment of a student from one regular education classroom program in the district to another regular education classroom program in the district shall not constitute a suspension or expulsion.

II. Scope of the Student Discipline Policy

A. Conduct on School Grounds or at a School-Sponsored Activity:

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.

B. Conduct off School Grounds:

- 1. Students may be disciplined for conduct off school grounds if such conduct is seriously disruptive of the educational process and violative of a publicized policy of the Board. In making a determination as to whether such conduct is seriously disruptive of the educational process, the Administration and the Board of Education may consider, but such consideration shall not be limited to the following factors: (1) whether the incident occurred within close proximity of a school; (2) whether

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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 C.G.S. § 29-38, and whether any injuries occurred; and (4) whether the conduct involved the use of alcohol. In making a determination as to whether such conduct is seriously disruptive of the educational process, the Administration and/or the Board of Education may also consider whether such off-campus conduct involved the use of drugs.

2. When considering whether conduct off school grounds is seriously disruptive of the educational process, the term “weapon” means any pistol or revolver, any dirk knife or switch knife having an automatic spring release devise by which a blade is released from the handle, having a blade of over one and one-half inches in length, and any other dangerous or deadly weapon or instrument, including any sling shot, blackjack, sand bag, metal or brass knuckles, stiletto, knife, the edged portion of the blade of which is four inches and over in length or martial arts weapon as defined below at section VI.B.

III. Actions Leading to Disciplinary Action, including Suspension and/or Expulsion

Conduct which may lead to disciplinary action (including but not limited to suspension and/or expulsion) includes conduct on school grounds or at a school-sponsored activity, and conduct off school grounds, as set forth above. Such conduct includes, but is not limited to, the following:

1. Striking or assaulting a student, members of the school staff or other persons.
2. Theft.
3. The use of obscene or profane language or gestures.
4. Violation of smoking; dress; transportation regulations, or other regulations and/or policies governing student conduct.

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5. Refusal to obey a member of the school staff, or law enforcement authorities, or disruptive classroom behavior.
- III. Actions Leading to Disciplinary Action, including Suspension and/or Expulsion (continued)
6. Any act of harassment based on an individual's sex, sexual orientation, race, color, religion, disability, national origin or ancestry.
 7. Refusal by a student to identify himself/herself to a staff member when asked.
 8. A walk-out from or sit-in within a classroom or school building or school grounds.
 9. Blackmailing, threatening or intimidating school staff or students.
 10. Possession of any weapon, weapon facsimile, deadly weapon, pistol, knife, blackjack, bludgeon, box cutter, metal knuckles, pellet gun, explosive device, firearm, whether loaded or unloaded, whether functional or not, or any other dangerous object. This also includes pellet guns and/or air soft pistols.
 11. Unauthorized entrance into any school facility or portion of a school facility or aiding or abetting an unauthorized entrance.
 12. Possession or ignition of any fireworks or other explosive materials, or ignition of any material causing a fire.
 13. Unauthorized possession, sale, distribution, use or consumption of tobacco, drugs, narcotics or alcoholic beverages. For the purposes of this Paragraph 13, the term "drugs" shall include, but shall not be limited to, any medicinal preparation (prescription and non-prescription) and any controlled substance whose possession, sale, distribution, use or consumption is illegal under state and/or federal law.
 14. Possession of paraphernalia used or designed to be used in the consumption, sale or distribution of drugs, alcohol or tobacco, as described in subparagraph (13) above.
 15. The destruction of real, personal or school property such as, cutting, defacing or otherwise damaging property in any way.

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16. Accumulation of offenses such as school and class tardiness, class or study hall cutting, or failure to attend detention.
17. Trespassing on school grounds while on out-of-school suspension or expulsion.
18. Making bomb threats or other threats to the safety of students, staff members, and/or other persons.
19. Defiance of school rules and the valid authority of teachers, supervisors, administrators, other staff members and/or law enforcement authorities.
20. Throwing snowballs, rocks, sticks and/or similar objects.
21. Unauthorized and/or reckless and/or improper operation of a motor vehicle on school grounds or at any school-sponsored activity.
22. Leaving school grounds, school transportation vehicle or a school-sponsored activity without authorization.
23. Use of or copying of the academic work of another individual and presenting it as the student's own work, without proper attribution.
24. Possession and/or use of a radio, walkman, beeper, paging device, cellular telephone, walkie talkie or similar electronic device on school grounds or at a school-sponsored activity without the written permission of the Principal or his/her designee.
25. Unauthorized use of any school computer, computer system, computer software, Internet connection or similar school property or system, or the use of such property or system for unauthorized or non-school related purposes.
26. Possession and/or use of a laser pointer.
27. Hazing.
28. Any other violation of school rules or regulations or a series of violations which makes the presence of the student in school seriously disruptive of the educational process and/or a danger to persons or property.
29. Any action prohibited by any Federal or State law which would indicate that the student presents a danger to any person in the school community or school property.

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IV. Procedures Governing Removal

A student may be removed from class by a teacher or administrator if he/she deliberately causes a serious disruption of the educational process. When a student is removed, the teacher must send him/her to a designated area and notify the Principal or his/her designee at once. A student may not be removed from class more than six times in one school year nor more than twice in one week unless the student is referred to the building Principal or designee and granted an informal hearing at which the student should be informed of the reasons for the disciplinary action and given an opportunity to explain the situation.

V. Procedures Governing Suspension

A. The Principal of a school, or designee on the administrative staff of the school, shall have the right to suspend any student for breach of conduct as noted in Section II of this policy for not more than ten (10) consecutive school days. ALL Suspensions shall be in-school suspensions unless the administration determines that FOR A STUDENT ENROLLED IN GRADES THREE THROUGH TWLEVE, 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.

AN OUT-OF-SCHOOL SUSPENSION MAY BE GIVEN TO A STUDENT ENROLLED IN GRADES PRESCHOOL THROUGH GRADE TWO, INCLUSIVE, IF IT IS DETERMINED BY THE ADMINISTRATION THAT AN OUT-OF-SCHOOL SUSPENSION IS APPROPRIATE DUE TO EVIDENCE THAT THE STUDENT'S CONDUCT ON SCHOOL GROUNDS IS OF A VIOLENT NATURE OR SEXUAL NATURE THAT ENDANGERS PERSONS.

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In such cases, the following procedures shall be followed:

1. Unless an emergency situation exists, no student shall be suspended prior to having an informal hearing before the Principal or designee at which the student is informed of the charges and given an opportunity to respond. In the event of an emergency, the informal hearing shall be held as soon after the suspension as possible
2. Evidence of past disciplinary problems which have led to removal from a classroom, suspension, or expulsion of a student who is the subject of an informal hearing may be received by the Principal, but only considered in the determination of the length of suspensions.
3. By telephone, the Principal or designee shall notify the parent or guardian of a student and the Superintendent of Schools not later than 24 hours of the suspension following the suspension and state the cause(s) leading to the suspension.
4. Whether or not home contact is made with the parent or guardian of such student, the Principal or designee shall forward a letter promptly to such parent or guardian to the last address reported on school records (or to a newer address if known by the Principal or designee), offering the parent or guardian an opportunity for a conference to discuss same.
5. Notice of the original suspension shall be transmitted by the Principal or designee to the Superintendent of Schools or designee by the close of the school day following the commencement of the suspension.
6. The student shall be allowed to complete any classwork, including examinations, without penalty, which he or she missed while under suspension.
7. Notice of the suspension shall be recorded in the student's cumulative educational record. Such notice shall be expunged from the cumulative educational record by the Board if the student graduates from high school.

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8. The decision of the Principal or designee with regard to disciplinary actions up to and including suspensions shall be final.
 9. 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.
- B. In cases where the student has already been suspended, or such suspension will result in the student's being suspended, more than ten (10) times or fifty (50) days in a school year, whichever results in fewer days of exclusion, the student shall, prior to suspension, be granted a formal hearing before the Board of Education. The Principal or designee shall report the student to the Superintendent or designee and request a formal hearing.
- VI. Procedures Governing In-School Suspension
- A. The Principal or designee may impose in-school suspension in cases where a student's conduct endangers persons or property, violates school policy, seriously disrupts the educational process or in other appropriate circumstances as determined by the Principal or designee. Guidelines developed and promulgated by the Commissioner of Education will be utilized by the administration to help determine whether a student should receive an in-school or out-of-school suspension.
 - B. In-school suspension may not be imposed on a student without an informal hearing by the building Principal or designee.
 - C. In-school suspensions shall be served in the school attended by the student.
 - D. 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.

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VII. Expulsion Recommendation Procedure

- A. A Principal may consider recommendation or expulsion of a student ENROLLED IN GRADES THREE THROUGH TWELVE, INCLUSIVE, in a case where he/she has reason to believe the student has engaged in conduct described at sections IIA. And IIB., above.
- B. A Principal must recommend expulsion proceedings in all cases against any student IN GRADES PRESCHOOL THROUGH GRADE TWELVE, INCLUSIVE, whom the administration has reason to believe:
 - 1. was in possession on school grounds or at a school-sponsored activity of a deadly weapon, dangerous instrument, martial arts weapon, or firearm as defined in 18 USC 921 as amended from time to time; or
 - 2. off school grounds, possessed a firearm as defined in 18 USC 921, in violation of C.G.S. 29-35, or possessed and used a firearm as defined in 18 USC 921, a deadly weapon, a dangerous instrument or a martial arts weapon in the commission of a crime under section 952 of the Connecticut General Statutes; or
 - 3. was engaged on or off school grounds in offering for sale or distribution a controlled substance (as defined in C.G.S. §21a-240(9)), whose manufacturing, 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. §§21a-277 and 21a-278.

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4. The following definitions shall be used in this section:
- a. A “firearm” as defined in 18 USC 921 means (a) any weapon that will, is designed to, or may be readily converted to expel a projectile by the action of an explosive, (b) the frame or receiver of any such weapon, (c) a muffler or silencer, or (d) any destructive device. As used in this definition, a “destructive device” includes any explosive, incendiary, or poisonous gas device, including a bomb, a grenade, a rocket having a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, or a similar device; or any weapon (other than a shotgun or shotgun shell particularly suited for sporting purposes) that will or may be converted to expel a projectile by explosive or other propellant having a barrel with a bore of more than ½” in diameter. The term “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.
 - b. “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.
 - c. “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”.
 - d. “Martial arts weapon” means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or chinese star.

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VII. Expulsion Recommendation Procedure (continued)

- e. When considering whether conduct off school grounds is seriously disruptive of the educational process, the term “weapon” means any pistol or revolver, any dirk knife or switch knife or any knife having an automatic spring release device by which a blade is released from the handle, having a blade of over one and one-half inches in length, and any other dangerous or deadly weapon or instrument, including any sling shot, blackjack, sand bag, metal or brass knuckles, stiletto, knife, the edged portion of the blade of which is four inches and over in length or martial arts weapon as defined above.

- C. Upon receipt of an expulsion recommendation, the Superintendent may conduct an inquiry concerning the expulsion recommendation.

If the Superintendent or his/her designee determines that a student should or must be expelled, he or she shall forward his/her recommendation to the Board of Education so that the Board of Education can consider and act upon this recommendation.

VIII. Expulsion Hearing Procedure

- A. Emergency Exception

Except in an emergency situation, the Board of Education shall, prior to expelling the student, conduct a hearing to be governed by the procedures outlined herein. Whenever an emergency exists, the hearing provided for above shall be held as soon as possible after the expulsion.

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B. Hearing Panel

1. Expulsion hearings conducted by the Board will be heard by any three or more Board members. A decision to expel a student must be supported by a majority of the Board members present, provided that no less than three affirmative votes to expel are cast.
2. Alternatively, the Board may appoint an impartial hearing board composed of one or more persons to hear and decide the expulsion matter, provided that no member of the Board may serve on such panel.

C. Notice

1. Written notice of the expulsion hearing must be given to the student, and, if the student is a minor to his/her parent(s) or guardian(s) a reasonable time prior the time of the hearing.
2. The written notice of the expulsion hearing shall inform the student of the following:
 - a. The date, time, and location of the hearing.
 - b. A short, plain description of the conduct alleged by the administration.
 - c. The student may present as evidence, testimony and documents concerning the conduct alleged and the appropriate length and conditions of expulsion, as well as notice that the expulsion hearing will be the student's sole opportunity to present such evidence.
 - d. The student may cross-examine witnesses called by the administration.
 - e. The student may be represented by any third party of his/her choice, including an attorney, at his/her expense or at the expense of his/her parents.
 - f. The notice shall include information concerning legal services that are provided free of charge or at a reduced rate that are available locally (CT Legal Service or source of such services) and how to access such services.

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- g. A student is entitled to the services of a translator or interpreter, to be provided by the Board of Education, whenever the student or his/her parent(s) or guardian(s) do(es) not speak the English language or is disabled.
- h. The conditions under which the Board is not legally required to give the student an alternative educational opportunity (if applicable).

D. Hearing Procedures

1. The hearing will be conducted by the Presiding Officer, who will call the meeting to order, introduce the parties, Board members and counsel, briefly explain the hearing procedures, and swear in any witnesses called by the administration or the student.
2. The hearing will be conducted in executive session. A verbatim record of the hearing will be made, either by tape recording or by a stenographer.
3. Formal rules of evidence will not be followed. The Board has the right to accept hearsay and other evidence if it deems that evidence relevant or material to its determination. The presiding officer will rule on testimony or evidence as to it being immaterial or irrelevant.
4. The hearing will be conducted in two parts. In the first part of the hearing, the Board will receive and consider evidence regarding the conduct alleged by the administration.
5. In the first part of the hearing, the charges will be introduced into the record by the Superintendent or his/her designee.
6. Each witness for the administration will be called and sworn. After a witness has finished testifying, he/she will be subject to cross-examination by the opposite party or his/her legal counsel and by Board members.

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7. After the Administration has presented its case, the student will be asked if he/she has any witnesses or evidence to present. If so, the witnesses will be sworn, will testify, and will be subject to cross examination and to questioning by the Board. The student may also choose to make a statement at this time. If the student chooses to make a statement, he or she will be sworn and subject to cross examination and questioning by the Board. Concluding statements will be made by the administration and then by the student and/or his or her representative.
8. In cases where the respondent has denied the allegation, the Board must determine whether the respondent committed the offense(s) as charged by the Superintendent.
9. If the Board determines that the student has committed the conduct as alleged, then the Board shall proceed with the second portion of the hearing, during which the Board will receive and consider evidence regarding the length and conditions of expulsion.
10. When considering the length and conditions of expulsion, the Board may review the student's attendance, academic and past disciplinary records. The Superintendent will make a recommendation as to the discipline to be imposed.
11. Evidence of past disciplinary problems which have led to removal from a classroom, suspension or expulsion of a student being considered for expulsion may be considered only during the second portion of the hearing, during which the Board is considering length of expulsion and nature of alternative educational opportunity to be offered.
12. Where administrators presented the case in support of the charges against the student, such administrative staff shall not be present during the deliberations of the Board either on questions of evidence or on the final discipline to be imposed. The Superintendent may, after reviewing the incident with administrators, and reviewing the student's records, make a recommendation to the Board as to the appropriate discipline to be applied.

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13. The Board shall make findings as to the truth of the charges, if the student has denied them, and, in all cases, the disciplinary action, if any, to be imposed. The Board shall report its final decision in writing to the student, or if such student is a minor, also to the parent(s) or guardian(s), stating the reasons on which the decision is based, and the disciplinary action to be imposed. Said decision shall be based solely on evidence presented at the hearing.
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

IX. Board Policy Regarding Mandatory Expulsions

- A. In keeping with C.G.S. §10-233d and the Gun Free Schools Act, it shall be the policy of the Board to expel a student IN GRADES PRESCHOOL THROUGH GRADE TWELVE, INCLUSIVE, for one full calendar year for: the conduct described in Section VII(B)(1), (2) and (3) of this policy. The Board may modify the term of expulsion on a case-by-case basis.

X. Alternative Educational Programs for Expelled Students

- A. Students under sixteen (16) years of age:

Whenever the Board of Education expels a student under sixteen years of age, it shall offer any such student an alternative educational program.

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- B. Students sixteen (16) to eighteen (18) years of age:

The Board of Education will provide an alternative education to a sixteen to eighteen year old student expelled for the first time if he/she requests it and if he/she agrees to the conditions set by the Board of Education, except as follows. The Board of Education is not required to offer an alternative program to any student between the ages of sixteen and eighteen who is expelled for the second time, or if it is determined at the hearing that (1) the student possessed a dangerous instrument, deadly weapon, firearm or martial arts weapon on school property or at a school-sponsored activity, or (2) the student offered a controlled substance for sale or distribution on school property or at a school-sponsored activity.

- C. Students eighteen (18) years of age or older

The Board of Education is not required to offer an alternative educational program to expelled students eighteen years of age or older.

- D. Students identified as eligible for services under the Individuals with Disabilities Education Act ("IDEA")

If the Board of Education expels a student who has been identified as eligible for services under the Individuals with Disabilities Education Act ("IDEA"), it shall offer an alternative educational program to such student in accordance with the requirements of IDEA, as it may be amended from time to time.

XI. Notice of Student Expulsion on Cumulative Record

- A. Notice of expulsion and the conduct for which the student was expelled shall be included on the students' 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, may be expunged from the cumulative educational record by the Board if the Board determines that the conduct and behavior of the student in the years following the expulsion warrants an expungment. Such notice shall be expunged from the cumulative educational record by the Board of the student graduates from high school.

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- B. 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.

 - C. In the 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 education 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.
- XII. Change of Residence During Expulsion Proceedings
- A. Student moving into the school district:
 - 1. If a student enrolls in the district while an expulsion hearing is pending in another district, such student shall not be excluded from school pending completion of the expulsion hearing unless an emergency exists, as defined above. The Board shall retain the authority to suspend the student or to conduct its own expulsion hearing.
 - 2. Where a student enrolls in the district during the period of expulsion from another school district, the Board may adopt the decision of the student expulsion hearing conducted by such other school district. The Board shall make its determination based upon a hearing held by the Board which shall be limited to a determination of whether the conduct which was the basis of the expulsion would also warrant expulsion by the Board.

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B. Student moving out of the school district:

Where a student withdraws from school after having been notified that an expulsion hearing is pending, but before a decision has been rendered by the Board, the notice of the pending expulsion hearing shall be included on the student's cumulative record and the Board shall complete the expulsion hearing and render a decision. If the Board subsequently renders a decision to expel the student, a notice of the expulsion shall be included on the student's cumulative-record.

XIII. Procedures Governing Suspension and Expulsion of Students Identified as Eligible for Services under the Individuals with Disabilities Education Act ("IDEA")

A. Suspension of IDEA students:

Notwithstanding the foregoing, if the administration suspends a student identified as eligible for services under the IDEA, as reauthorized in 2004, (an "IDEA student") who has engaged in conduct that violated any rule or code of conduct of the school district that applies to all students, the following procedures shall apply:

1. The administration shall not later than the date on which the decision to take disciplinary action is made, notify the parents of the student of the decision to suspend and a copy of the special education procedural safeguards must either be hand delivered or sent by mail to the parents on the date that the decision to suspend was made.
2. During the period of suspension, the school district is not required to provide any educational services to the IDEA student beyond that which is provided to all students suspended by the school district.

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B. Expulsion and Suspensions that Constitute Changes in Placement for IDEA students:

Notwithstanding any provision to the contrary, if the administration recommends for expulsion an IDEA student who has engaged in conduct that violated any rule or code of conduct of the school district that applies to all students, the procedures described in this section shall apply. The procedures described in this section shall also apply for students whom the administration has suspended in a manner that is considered under the IDEA, as it may be amended from time to time, to be a change in placement:

1. The parents of the student must be notified of the decision to suspend on the date on which the decision to suspend was made, and a copy of the special education procedural safeguards must either be hand-delivered or sent by mail to the parents on the date that the decision to suspend was made.
2. The school district shall immediately convene the IEP team, but in no case later than ten (10) school days after the recommendation for expulsion or the suspension which constitutes a change in placement was made. The relevant members of the student's IEP team shall consider the relationship between the student's disability and the behavior that led to the recommendation for expulsion or the suspension which constitutes a change in placement, in order to determine whether the student's behavior was a direct manifestation of his/her disability.
3. If the IEP team finds that the behavior was a direct manifestation of the student's disability, the administration shall not proceed with the recommendation for expulsion. The IEP team shall consider the student's misconduct and revise the IEP to prevent a recurrence of the misconduct and to provide for the safety of other students and staff.
4. If the IEP team finds that the behavior was not a manifestation of the student's disability, the administration may proceed with the recommended expulsion or suspension that constitutes a change in placement.

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5. During any period of expulsion, or suspension of greater than ten (10) days per school year, the administration shall provide the student with an alternative education program in accordance with the provisions of the IDEA.
6. The special education records and disciplinary records of the student must be transmitted to the individual(s) who will make the final determination regarding a recommendation for expulsion or a suspension that results in a change in placement.
7. The District has the authority, on a case-by-case basis, to determine whether the student should be removed from the classroom and placed in an alternative setting, pending a manifestation determination.
8. School personnel may remove a disabled student who has violated the conduct code from his/her current placement for up to 10 school days without a hearing.

C. Transfer of IDEA students for Certain Offenses:

School personnel may transfer an IDEA student to an appropriate interim alternative educational setting for not more than forty-five (45) school days if the student:

1. was in possession of a dangerous weapon, as defined in 18 U.S.C. 930(g)(2), as amended from time to time, on school grounds or at a school-sponsored activity, or
2. Knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance while at school or at a school-sponsored activity; or
3. Inflicted serious bodily injury to another person at school, on school premises or at a school function.

As used in this subsection XIIC., the term “dangerous weapon” means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2.5 inches in length.

The term “serious bodily injury” means a substantiated risk of death, extreme physical pain, protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

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XIV. Procedures Governing Suspension and Expulsion of Students Identified as Eligible for Educational Accommodations under Section 504 of the Rehabilitation Act of 1973

A. Expulsion of students identified as eligible for educational accommodations under Section 504 of the Rehabilitation Act of 1973:

Notwithstanding any provision to the contrary, if the administration recommends for expulsion a student identified as eligible for educational accommodations under Section 504 of the Rehabilitation Act of 1973 (a “Section 504 Student”) who has engaged in conduct that violated any rule or code of conduct of the school district that applies to all students, the following procedures shall apply:

1. The parents of the student must be notified of the decision to recommend the student for expulsion.
2. The district shall immediately convene the student’s Section 504 team (504 team), for the purpose of reviewing the relationship between the student’s disability and the behavior that led to the recommendation for expulsion, in order to determine whether the student’s behavior was a manifestation of his/her disability.
3. If the 504 team finds that the behavior was a manifestation of the student’s disability, the administration shall not proceed with the recommendation for expulsion. The 504 team shall consider the student’s misconduct and revise the 504 plan to prevent a recurrence of the misconduct and to provide for the safety of other students and staff.
4. If the 504 team finds that the behavior was not a manifestation of the student’s disability, the administration may proceed with the recommendation for expulsion.

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XV. Notification to Parents or Guardian

- A. The parents or guardian of any minor student either expelled or suspended or removed from class shall be given notice of such disciplinary action within twenty-four (24) hours of the time of the institution of the period of expulsion, suspension or removal from class.
- B. The Superintendent of Schools shall forward to the student concerned and his/her parents, or the student if he/she has attained the age of 18, a copy of this Board policy on student discipline at the time the Superintendent sends out the notice that an expulsion hearing will be convened.

XVI. An expelled student may apply for early readmission to school. The Board delegates the authority to make decisions on readmissions to the Superintendent. Students desiring readmission to school shall direct such readmission requests to the Superintendent. The Superintendent has the discretion to approve or deny such readmission requests, and may condition readmission on specified criteria.

XVII. Dissemination of Student Conduct and Discipline Policy

The Board of Education shall, at the beginning of each school year and at such other times as it may deem appropriate, provide for an effective means of informing all students, parent(s) and/or guardian(s) of this policy.

XVIII. Compliance with Reporting Requirements

- 1. The Board of Education shall report all suspensions and expulsions to the State Department of Education.
- 2. If the Board of Education expels a student for sale or distribution of a controlled substance, the Board shall refer such student to an appropriate state or local agency for rehabilitation, intervention or job training and inform the agency of its action.
- 3. If the Board of Education expels a student for possession of a deadly weapon or firearm, as defined in C.G.S. §53a-3, the violation shall be reported to the local police.

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Legal References: Connecticut General Statutes

4-177 – 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 and PA 14-229 AND PA 15-96.

10-233f In-school suspension of students.

Packer v. Board of Educ. of the Town of Thomaston, 246 Conn.89 (1998). Public Act 98-139

Honig v. Doe, (United States Supreme Court 1988)

Individuals with Disabilities Act, 20 U.S.C. 1400 et seq. as amended by the Individuals with Disabilities Education Act Amendments of 1997 (P.L. 105-17). Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794(a).

20 U.S.C. Section 7114 No Child Left Behind Act

P.L. 108-446 Individuals with Disabilities Education Improvement Act of 2004

State v. Hardy, 896 A.2d 755, 278 Conn. 113 (2006)

P.A. 24-45 An Act Concerning Education Mandate Relief, School Discipline and Disconnected Youth

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(Background Information for Policy Review Committee)

In summary, Public Act 24-45, Sections 13 and 14 reduces the maximum number of consecutive days for in-school suspensions from ten (10) to five (5). In addition, it changes the standard for out-of-school suspensions in preschool – 2nd grade and shortens the maximum out-of-school suspension for these grades from ten (10) to five (5) days.

Specifically, in Section 13, Subsections (c) and (d) of section 10-233a of the general statutes are repealed and replaced by the following language:

“In-Schools Suspension” means an exclusion from regular classroom activity for no more than five 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.

“Suspension” means an exclusion from school privileges or from transportation services only, provided such exclusion shall not extend beyond the end of the school year in which such suspension was imposed.

Section 14, subsection (g) of section 10-233c substitutes the following key points related to in-school and out of school suspensions:

- All suspensions shall be In-school suspensions, except the board may authorize the administration to impose an out-of-school suspension. When making such a determination, the administration must consider the following:
 - The student poses a danger to persons or property or such a disruption of the educational process that the student needs to be excluded from school during the period of suspension, or
 - The administration determines that an out-school-suspension is appropriate based on evidence of previous disciplinary issues that have led to suspensions or expulsion of the student.
 - Efforts by the administration to address the concerning disciplinary issues through means other than out-of-school suspension or expulsion, including positive behavioral support strategies have been attempted.
 - For a student in preschool to second grade (preschool-grade 2), if as a result of a hearing the administration determines that an out-of-school suspension is appropriate for the student on evidence that the conduct on school grounds is behavior that causes physical harm.
- Such students are required to receive services that are trauma-informed and developmentally appropriate and align with any behavioral intervention plan, individualized education program or plan pursuant to Section 504 of the Rehabilitation Act of 1973, as amended, for such student’s return to school immediately following the out-of-school suspension.
- The administration must consider whether to convene a planning and placement team meeting for the purposes of conducting an evaluation to determine whether such student may require special education or related services.

P.A. 24-45 An Act Concerning Education Mandate Relief, School Discipline and Disconnected Youth

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(Background Information for Policy Review Committee)

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- An out-of-school suspension for students in grades 3-12 shall not exceed ten days.
 - An out-school suspension imposed for children in Preschool to second grade shall not exceed five days.
 - An in-school suspension may be served in the school that the pupil attends or any school building under the board's jurisdiction.
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The following narrative related to 2015's Public Act 15-96 remains in place:

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

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

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.

P.A. 15-96 An Act Concerning 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)

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 officer 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.

The Act prohibits preschool program provider employees from serving as members of impartial expulsion hearing officers 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 officer.

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.

P.A. 15-96 An Act Concerning 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)

Policy Implications

Public Act 24-45 specifically reduces the maximum number of consecutive days for in-school and out-of-school suspension from ten (10) to five (5). Out-of-school suspensions must not exceed five consecutive school days for pre-school to second grade to ten for grades 3-12.

This legislation impacts Policy #5114 – Suspension and Expulsion/Due Process

State statute requires that boards of education adopt a policy pertaining to discipline.

**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 student 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 student 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 student 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 student who is at least seventeen years of age in an adult education program pursuant to section 10-69. Any student 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 student when he was under sixteen years of age for purposes of determining whether an alternative educational opportunity is required for such student 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 student 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.

REVISED SDE STANDARDS FOR ALTERNATIVE EDUCATIONAL OPPORTUNITIES FOR EXPELLED STUDENTS

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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.

REVISED SDE STANDARDS FOR ALTERNATIVE EDUCATIONAL OPPORTUNITIES FOR EXPELLED STUDENTS

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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.

REVISED SDE STANDARDS FOR ALTERNATIVE EDUCATIONAL OPPORTUNITIES FOR EXPELLED STUDENTS

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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;

REVISED SDE STANDARDS FOR ALTERNATIVE EDUCATIONAL OPPORTUNITIES FOR EXPELLED 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).

REVISED SDE STANDARDS FOR ALTERNATIVE EDUCATIONAL OPPORTUNITIES FOR EXPELLED STUDENTS

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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.~~

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.~~ 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.

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.”

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

April 2018
Revised July 2024

P.A. 16-147: An Act Concerning the Recommendations of the Juvenile Justice Policy and Oversight Committee

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(Background Information for Policy Sub-Committee)

This Act made 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.

The Act made 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 was August 15, 2017.

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Effective Truancy Intervention Models

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

Existing law requires school boards to adopt and implement policies and procedures on truancy. The Act required 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 made 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.

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).

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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 expanded 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:

Therefore, students between the ages of 16-18 who are expelled for (1) possession of a firearm, deadly weapon, dangerous instrument, or martial arts weapon; or (2) offering an illegal drug for sale or distribution. must be offered an alternative educational opportunity if it is the students first expulsion.

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 was August 15, 2017.

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**

*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.

Revised November 2016

Revised July 2024

CABE's newest version of this policy.

Students

Suspension and Expulsion/Due Process

The _____ Board of Education is committed to creating a safe, orderly, and supportive learning environment for all students, staff, and visitors. This policy aims to balance the necessity of maintaining safety and order within our schools while adhering to progressive discipline and restorative practices, which seeks to address and correct inappropriate behavior while promoting accountability, personal growth, and the repair of harm.

Students are expected to comply with school rules and Board policies and 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 to the educational process and violates Board policy.

Policy Objectives

1. **Ensure Safety and Order:** Maintain a secure and disciplined school environment conducive to learning and free from violence, threats, and disruptive behaviors.
2. **Promote Equity and Fairness:** Apply disciplinary measures in an equitable, consistent, and unbiased manner, ensuring that all students are treated with dignity and respect.
3. **Support Progressive Discipline:** Implement a progressive discipline model that focuses on intervention and prevention strategies to address and correct student behavior before it escalates.
4. **Implement Restorative Practices:** Incorporate restorative practices that emphasize accountability, reparation of harm, and the restoration of relationships within the school community.
5. **Encourage Personal Responsibility:** Foster a sense of personal responsibility and self-discipline in students, helping them to understand the consequences of their actions and to make better choices in the future.
6. **Engage Families and Communities:** Involve parents, guardians, and community members in the disciplinary process to support students in their behavioral and academic growth.

Policy Guidelines

1. **Clear Expectations and Communication:**
 - Establish and communicate clear behavioral expectations and the consequences of violating them.
 - Ensure that all students, staff, and parents/guardians are aware of the discipline policy and procedures.

Students

Suspension and Expulsion/Due Process

Policy Guidelines (continued)

2. Progressive Discipline Framework:

- Utilize a tiered approach to discipline that escalates in response to the severity and frequency of the behavior.
- Implement early intervention strategies such as counseling, mentoring, and behavior modification plans to address minor infractions.

3. Restorative Practices:

- Employ restorative practices such as mediation, peer counseling, and restorative circles to address conflicts and repair harm.
- Encourage students to take responsibility for their actions and to actively participate in the resolution process.

4. Consistent and Fair Application:

- Ensure that disciplinary measures are applied consistently and fairly across all student populations.
- Monitor and address any disparities in the application of disciplinary actions to prevent discrimination or bias.

5. Supportive Interventions:

- Provide support services such as counseling, social work, and mental health resources to help students address underlying issues contributing to behavioral problems.
- Develop individualized behavior plans for students with recurring or severe behavioral issues.

6. Engagement and Collaboration:

- Engage families in the disciplinary process through regular communication and involvement in restorative practices.
- Collaborate with community organizations and resources to support students and families in addressing behavioral and social-emotional needs.

7. Training and Professional Development:

- Provide ongoing training for staff on progressive discipline, restorative practices, and culturally responsive approaches to student behavior.
- Encourage staff to develop skills in conflict resolution, de-escalation techniques, and positive behavior support.

Students

Suspension and Expulsion/Due Process

Policy Guidelines (continued)

Review and Accountability

The _____ Board of Education will regularly review the effectiveness of its discipline policy, incorporating feedback from students, staff, parents, and the community. Data on disciplinary actions and their outcomes will be collected and analyzed to ensure continuous improvement and the achievement of policy objectives.

By adopting this balanced approach to discipline, the _____ Public School District aims to create a school environment where all students can learn, grow, and succeed while feeling safe and supported.

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”** means an exclusion from regular classroom activity for no more than five consecutive 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 any school building under the jurisdiction of the Board of Education.
4. **“Suspension”** means an exclusion from school privileges or from transportation services, provided such exclusion shall not extend beyond the end of the school year in which suspension was imposed. An out-of-school suspension for students in grades 3-12 shall not exceed ten days. An out-of-school suspension imposed for children in preschool to second grade shall not exceed five days.

All suspensions shall be in-school unless the administration determines for any student in grades three through twelve 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) shall be excluded from school during the period of the suspension, or (2) that an out-of-school suspension is appropriate based on evidence of previous disciplinary issues that have led to suspensions or expulsion of the student and efforts by the administration to address such disciplinary issues through means other than out-of-school suspension or expulsion, including positive support strategies.

Students

Suspension and Expulsion/Due Process

A. Definitions (continued)

4. Suspension (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.

Unless an emergency exists, no student shall be expelled without a formal hearing provided whenever such student is a minor, the notice shall also be given to the parents or guardians of the student at least five business days before such hearing, not including the day of such hearing. If an emergency exists, such hearing shall be held as soon after the expulsion as possible. The notice shall include information concerning the parent's or guardian's and the student's legal rights and concerning legal services 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 parent or 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.

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.

Students

Suspension and Expulsion/Due Process

A. Definitions (continued)

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.
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 nunchaku kama, Kesari-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).
4. A school principal or other school administrator shall notify a parent or guardian of a student whose behavior has caused a serious disruption to the instruction of other students, caused self-harm or caused physical harm to a teacher, another student or other school employee not later than twenty-four hours after such behavior occurs. Such notice shall include, but not be limited to, informing such parent or guardian that the teacher of record in the classroom in which such behavior occurred may request a behavior intervention meeting.

Any teacher of record in a classroom may request a behavior intervention meeting with the crisis intervention team for the school, for any student whose behavior has caused a serious disruption to the instruction of other students, or caused self-harm or physical harm to such teacher or another student or staff member in such teacher's classroom. The crisis intervention team shall, upon the request of such teacher and notifying such student's parent or guardian, convene a behavior intervention meeting regarding such student. The participants of such behavior intervention meeting shall identify resources and support to address such student's social, emotional and instructional needs. Not later than seven days after the behavior intervention meeting, the crisis intervention team shall submit to the parent or guardian of such student, in the dominant language of such parent or guardian, a written summary of such meeting, including, but not limited to, the resources and supports identified.

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.

Students

Suspension and Expulsion/Due Process

D. Actions Leading to Disciplinary Action, including Removal from Class, Suspension and/or Expulsion

Conduct which may lead to disciplinary action (including, but not limited to, removal from class, suspension and/or expulsion in accordance with this policy) includes conduct on school grounds or at a school-sponsored activity (including on a school bus), and conduct off school grounds, as set forth above. Such conduct includes, but is not limited to, the following:

1. Striking or assaulting a student, members of the school staff or other persons.
2. Theft.
3. 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.
4. Violation of smoking, dress, transportation regulations, or other regulations and/or policies governing student conduct.
5. Refusal to obey a member of the school staff, law enforcement authorities, or school volunteers, or disruptive classroom behavior.
6. Any act of harassment based on an individual's sex, sexual orientation, race, color, religion, disability, national origin or ancestry.
7. Refusal by a student to identify himself/herself to a staff member when asked, misidentification of oneself to such person(s), lying to school officials or otherwise engaging in dishonest behavior.
8. Inappropriate displays of public affection of a sexual nature and/or sexual activity on school grounds or at a school-sponsored activity.
9. A walk-out from or sit-in within a classroom or school building or school grounds.
10. Blackmailing, threatening or intimidating school staff or students (or acting in a manner that could be construed to constitute blackmail, a threat, or intimidation, regardless of whether intended as a joke).
11. Possession of any weapon, weapon facsimile, deadly weapon, martial arts weapon, electronic defense weapon, pistol, knife, blackjack, bludgeon, box cutter, metal knuckles, pellet gun, air pistol, explosive device, firearm, whether loaded or unloaded, whether functional or not, or any other dangerous object or instrument. The possession and/or use of any object or device that has been converted or modified for use as a weapon.
12. Possession of any ammunition for any weapon described above in paragraph 11.
13. Unauthorized entrance into any school facility or portion of a school facility or aiding or abetting an unauthorized entrance.
14. Possession or ignition of any fireworks, combustible or other explosive materials, or ignition of any material causing a fire. Possession of any materials designed to be used in the ignition of combustible materials, including matches and lighters.

Students

Suspension and Expulsion/Due Process

D. Actions Leading to Disciplinary Action, including Removal from Class, Suspension and/or Expulsion (continued)

15. Unlawful possession, sale, distribution, use, or consumption of tobacco, electronic nicotine delivery systems (e.g. e-cigarettes), vapor products, drugs, narcotics or alcoholic beverages (or any facsimile of tobacco, drugs, narcotics or alcoholic beverages), including being under the influence of any such substances or aiding in the procurement of any such substances. For the purposes of this Paragraph 15, the term “electronic nicotine delivery system” shall mean an electronic device that may be used to simulate smoking in the delivery of nicotine or other substance to a person inhaling from the device and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device. For the purposes of Paragraph 15, the term “vapor product” shall mean any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may or may not include nicotine that is inhaled by the user of such product. For the purposes of this Paragraph 15, the term “drugs” shall include, but shall not be limited to, any medicinal preparation (prescription and non-prescription) and any controlled substance whose possession, sale, distribution, use or consumption is illegal under state and/or federal law.
16. Sale, distribution, or consumption of substances contained in household items; including, but not limited to glue, paint, accelerants/propellants for aerosol canisters, and/or items such as the aerators for whipped cream; if sold, distributed or consumed for the purpose of inducing a stimulant, depressant, hallucinogenic or mind-altering effect.
17. Unlawful possession of paraphernalia used or designed to be used in the consumption, sale or distribution of drugs, alcohol or tobacco, as described in subparagraph (15) above. For purposes of this policy, drug paraphernalia includes any equipment, products and materials of any kind which are used, intended for use or designed for use in growing, harvesting, manufacturing, producing, preparing, packaging, storing, containing or concealing, or injecting, ingesting, inhaling or otherwise introducing controlled drugs or controlled substances into the human body, including but not limited to items such as “bongs,” pipes, “roach clips,” vials, tobacco rolling papers, and any object or container used, intended or designed for use in storing, concealing, possessing, distributing or selling controlled drugs or controlled substances.
18. The destruction of real, personal or school property, such as, cutting, defacing or otherwise damaging property in any way.
19. Accumulation of offenses such as school and class tardiness, class or study hall cutting, or failure to attend detention.

Students

Suspension and Expulsion/Due Process

D. Actions Leading to Disciplinary Action, including Removal from Class, Suspension and/or Expulsion (continued)

20. Trespassing on school grounds while on out-of-school suspension or expulsion.
21. Making false bomb threats or other threats to the safety of students, staff members, and/or other persons.
22. Defiance of school rules and the valid authority of teachers, supervisors, administrators, other staff members and/or law enforcement authorities.
23. Throwing snowballs, rocks, sticks and/or similar objects, except as specifically authorized by school staff.
24. Unauthorized and/or reckless and/or improper operation of a motor vehicle on school grounds or at any school-sponsored activity.
25. Leaving school grounds, school transportation or a school-sponsored activity without authorization.
26. Use of or copying of the academic work of another individual and presenting it as the student's own work, without proper attribution; or any other form of academic dishonesty, cheating or plagiarism.
27. Possession and/or use of a cellular telephone, radio, walkman, CD player, blackberry, personal data assistant, walkie talkie, Smartphone, mobile or handheld device, or similar electronic device, on school grounds or at a school-sponsored activity in violation of Board policy and/or administrative regulations regulating the use of such devices.
28. Possession and/or use of a beeper or paging device on school grounds or at a school-sponsored activity without the written permission of the principal or his/her designee.
29. Unauthorized use of 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.
30. Possession and/or use of a laser pointer, unless the student possesses the laser pointer temporarily for an educational purpose while under the direct supervision of a responsible adult.
31. Hazing.

Students

Suspension and Expulsion/Due Process

D. Actions Leading to Disciplinary Action, including Removal from Class, Suspension and/or Expulsion (continued)

32. Bullying, defined as the repeated use by one or more students of a written, oral or electronic communication, such as cyberbullying directed at another student attending school in the same district, or a physical act or gesture by one or more students repeatedly directed at another student attending school in the same school district, which:
- a) causes physical or emotional harm to such student or damage to such student's property;
 - b) places such student in reasonable fear of harm to himself or herself, or of damage to his or her property;
 - c) creates a hostile environment at school for such student;
 - d) infringes on the rights of such student at school; or
 - e) substantially disrupts the education process or the orderly operation of a school.

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

33. Cyberbullying, 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.
34. Acting in any manner that creates a health and/or safety hazard for staff members, students, or the public, regardless of whether the conduct is intended as a joke.
35. Engaging in a plan to stage or create a violent situation for the purposes of recording it by electronic means; or recording by electronic means acts of violence for purposes of later publication.
36. Engaging in a plan to stage sexual activity for the purposes of recording it by electronic means; or recording by electronic means sexual acts for purposes of later publication.
37. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.
38. Use of a privately owned electronic or technological device in violation of school rules, including the unauthorized recording (photographic or audio) of another individual without permission of the individual or a school staff member.

Students

Suspension and Expulsion/Due Process (continued)

E. Scope of the Student Discipline Policy

a. Conduct on School Grounds or at a School-Sponsored Activity

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.

b. Conduct off School Grounds

1. Students may be disciplined for conduct off school grounds if such conduct is seriously disruptive of the educational process and violative of a publicized policy of the Board. In making a determination as to whether such conduct is seriously disruptive of the educational process, the Administration and the Board of Education may consider, but such consideration shall not be limited to, the following factors: (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 Conn. Gen. Stat. § 29-38, and whether any injuries occurred; and (4) whether the conduct involved the use of alcohol.

In making a determination as to whether such conduct is seriously disruptive of the educational process, the Administration and/or the Board of Education may also consider whether such off-campus conduct involved the illegal use of drugs.

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 officer 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.

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 (as modified in Public Act 24-45, Sections 13 and 14)

All suspensions shall be in-school suspensions, except the Board of Education may authorize the administration of schools under its direction to impose an out-of-school suspension on any student in:

1. Grades three to twelve, inclusive, if, resulting from a due process hearing:
 - a. 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;
 - b. The administration determines that an out-of-school suspension is appropriate for such student based on evidence of:
 - i. Previous disciplinary problems that have led to suspensions or expulsion of such student, 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 for grades preschool to two if during the due process hearing:**
2. The administration determines that an out-of-school suspension is appropriate for such student based on evidence that such student's conduct on school grounds is behavior that causes physical harm;
3. Requires that such student receives services that are trauma-informed and developmentally appropriate and align with any behavioral intervention plan, individualized education program, or plan pursuant to Section 504 of the Rehabilitation Act of 1973, as amended from time to time, for such student upon such student's return to school immediately following the out-of-school suspension; and

**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

G. Suspension Procedure (as modified in Public Act 24-45, Sections 13 and 14 (continued))

4. Considers whether to convene a planning and placement team meeting for the purposes of conducting an evaluation to determine whether such student may require special education or related services.

An out-of-school suspension shall not exceed ten school days for students in grades 3-12.

An out-of-school suspension shall not exceed five school days for children in preschool through 2 grade.

An in-school suspension may be served in the student's school or any school building under the jurisdiction of the local or regional board of education, as determined by such board.

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.

5. 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.
6. 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.
7. 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)

G. Suspension Procedure (as modified in Public Act 24-45, Sections 13 and 14 (continued))

8. 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.
9. 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.
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. Expulsion hearings conducted by the Board will be heard by any three or more Board members. A decision to expel a student must be supported by a majority of the Board members present, provided that no less than three (3) affirmative votes to expel are cast.

Alternatively, the Board may appoint an impartial hearing officer composed of one (1) or more persons to hear and decide the expulsion matter, provided that no member of the Board may serve on such panel.
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.

Students

Suspension and Expulsion/Due Process

H. Expulsion Procedures (continued)

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;
 - 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.

Students

Suspension and Expulsion/Due Process

H. Expulsion Procedures (continued)

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;
 - 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.

Students

Suspension and Expulsion/Due Process (continued)

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.
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 reference the maximum number of suspension days before the expulsion days proceed. 5 consecutive days for students in pre-school to second grade, 10 consecutive days for students in grades 3-12, 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. Stipulated Agreements

In lieu of the procedures used in this section, the Administration and the parents (or legal guardians) of a student facing expulsion may choose to enter into a Joint Stipulation of the Facts and a Joint Recommendation to the Board concerning the length and conditions of expulsion. Such Joint Stipulation and Recommendation shall include language indicating that the parents (or legal guardians) understand their right to have an expulsion hearing held pursuant to these procedures, and language indicating that the Board, in its discretion, has the right to accept or reject the Joint Stipulation of Facts and Recommendation.

If the Board rejects either the Joint Stipulation of Facts or the Recommendation, an expulsion hearing shall be held pursuant to the procedures outlined herein. If the Student is eighteen years of age or older, the student shall have the authority to enter into a Joint Stipulation and Recommendation on his or her own behalf.

If the parties agree on the facts, but not on the disciplinary recommendation, the Administration and the parents (or legal guardians) of a student facing expulsion may also choose to enter into a Joint Stipulation of the Facts and submit only the Stipulation of the Facts to the Board in lieu of holding the first part of the hearing, as described above. Such Joint Stipulation shall include language indicating that the parents understand their right to have a hearing to determine whether the student engaged in the alleged misconduct and that the Board, in its discretion, has the right to accept or reject the Joint Stipulation of Facts. If the Board rejects the Joint Stipulation of Facts, a full expulsion hearing shall be held pursuant to the procedures outlined herein.

Students

Suspension and Expulsion/Due Process (continued)

K. Students identified as eligible for services under the Individuals with Disabilities Education Act (“IDEA”)

If the Board of Education expels a student who has been identified as eligible for services under the Individuals with Disabilities Education Act (“IDEA”), it shall offer an alternative educational opportunity to such student in accordance with the requirements of IDEA, as it may be amended from time to time.

L. Procedures Governing Suspension and Expulsion of Students Identified as Eligible for Services under the Individuals with Disabilities Education Act (“IDEA”)

A. Suspension of IDEA students

Notwithstanding the foregoing, if the Administration suspends a student identified as eligible for services under the IDEA (an “IDEA student”) who has violated any rule or code of conduct of the school district that applies to all students, the following procedures shall apply:

1. The administration shall make reasonable attempts to immediately notify the parents of the student of the decision to suspend on the date on which the decision to suspend was made, and a copy of the special education procedural safeguards must either be hand-delivered or sent by mail to the parents on the date that the decision to suspend was made.
2. During the period of suspension, the school district is not required to provide any educational services to the IDEA student beyond that which is provided to all students suspended by the school district.

B. Expulsion and Suspensions that Constitute Changes in Placement for IDEA Students

Notwithstanding any provision to the contrary, if the administration recommends for expulsion an IDEA student who has violated any rule or code of conduct of the school district that applies to all students, the procedures described in this section shall apply. The procedures described in this section shall also apply for students whom the administration has suspended in a manner that is considered under the IDEA, as it may be amended from time to time, to be a change in placement:

1. The parents of the student must be notified of the decision to recommend for expulsion (or to suspend if a change in placement) on the date on which the decision to suspend was made, and a copy of the special education procedural safeguards must either be hand-delivered or sent by mail to the parents on the date that the decision to recommend for expulsion (or to suspend if a change in placement) was made.
2. The school district shall immediately convene the student’s planning and placement team (“PPT”), but in no case later than ten (10) school days after the recommendation for expulsion or the suspension that constitutes a change in placement was made.

Students

Suspension and Expulsion/Due Process

L. **Procedures Governing Suspension and Expulsion of Students Identified as Eligible for Services under the Individuals with Disabilities Education Act (“IDEA”)** (continued)

B. **Expulsion and Suspensions that Constitute Changes in Placement for IDEA Students** (continued)

The student’s PPT shall consider the relationship between the student’s disability and the behavior that led to the recommendation for expulsion or the suspension which constitutes a change in placement, in order to determine whether the student’s behavior was a manifestation of his/her disability.

3. If the student’s PPT finds that the behavior was a manifestation of the student’s disability, the Administration shall not proceed with the recommendation for expulsion or the suspension that constitutes a change in placement.
4. If the student’s PPT finds that the behavior was not a manifestation of the student’s disability, the Administration may proceed with the recommended expulsion or suspension that constitutes a change in placement.
5. During any period of expulsion, or suspension of greater than ten (10) days per school year, the Administration shall provide the student with an alternative education program in accordance with the provisions of the IDEA.
6. When determining whether to recommend an expulsion or a suspension that constitutes a change in placement, the building administrator (or his or her designee) should consider the nature of the misconduct and any relevant educational records of the student.

C. **Transfer of IDEA Students for Certain Offenses:**

School personnel may transfer an IDEA student to an appropriate interim alternative educational setting for not more than forty-five (45) school days if the student:

1. Was in possession of a dangerous weapon, as defined in 18 U.S.C. 930(g)(2), as amended from time to time, on school grounds or at a school-sponsored activity, or
2. Knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance while at school or at a school-sponsored activity; or
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

Students

Suspension and Expulsion/Due Process

L. **Procedures Governing Suspension and Expulsion of Students Identified as Eligible for Services under the Individuals with Disabilities Education Act (“IDEA”)** (continued)

The following definitions shall be used for this subsection XII. C.

1. **Dangerous weapon** means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2.5 inches in length.
2. **Controlled substance** means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act, 21 U.S.C. 812(c).
3. **Illegal drug** means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.
4. **Serious bodily injury** means a bodily injury which involves: (A) a substantial risk of death; (B) extreme physical pain; (C) protracted and obvious disfigurement; or (D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

M. **Procedures Governing Expulsions for Students Identified as Eligible under Section 504 of the Rehabilitation Act of 1973 (“Section 504”)**

- A. Except as provided in subsection B below, notwithstanding any provision to the contrary, if the Administration recommends for expulsion a student identified as eligible for educational accommodations under Section 504 who has violated any rule or code of conduct of the school district that applies to all students, the following procedures shall apply:
 1. The parents of the student must be notified of the decision to recommend the student for expulsion.
 2. The district shall immediately convene the student’s Section 504 team (“504 team”) for the purpose of reviewing the relationship between the student’s disability and the behavior that led to the recommendation for expulsion. The 504 team will determine whether the student’s behavior was a manifestation of his/her disability.
 3. If the 504 team finds that the behavior was a manifestation of the student’s disability, the Administration shall not proceed with the recommended expulsion.
 4. If the 504 team finds that the behavior was not a manifestation of the student’s disability, the Administration may proceed with the recommended expulsion.

Students

Suspension and Expulsion/Due Process

M. Procedures Governing Expulsions for Students Identified as Eligible under Section 504 of the Rehabilitation Act of 1973 (“Section 504”) (continued)

- B. The Board may take disciplinary action for violations pertaining to the use or possession of illegal drugs or alcohol against any student with a disability who currently is engaging in the illegal use of drugs or alcohol to the same extent that such disciplinary action is taken against nondisabled students. Thus, when a student with a disability is recommended for expulsion based solely on the illegal use or possession of drugs or alcohol, the 504 team shall not be required to meet to review the relationship between the student’s disability and the behavior that led to the recommendation for expulsion.

N. Procedures Governing Expulsions for Students Committed to a Juvenile Detention Center

- A. 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 Board in accordance with the provisions of this section. 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.
- B. If a student who committed an expellable offense seeks to return to a 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 such student has not been expelled by the board of education for such offense under subdivision (A) of this subsection, the Board shall allow such student to return and may not expel the student for additional time for such offense.

O. 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. other than the one from which the student has been excluded.

Students

Suspension and Expulsion/Due Process

O. Alternative Educational Opportunity (continued)

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

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 issues 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.

P. 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.

Students

Suspension and Expulsion/Due Process

P. Other Considerations (continued)

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.
3. If a student in grades preschool 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)

Q. Change of Residence During Expulsion Proceedings (continued)

A. Student moving into the school district

1. If a student enrolls in the district while an expulsion hearing is pending in another district, such student shall not be excluded from school pending completion of the expulsion hearing unless an emergency exists, as defined above. The Board shall retain the authority to suspend the student or to conduct its own expulsion hearing.
2. Where a student enrolls in the district during the period of expulsion from another public school district, the Board may adopt the decision of the student expulsion hearing conducted by such other school district. 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. The Board shall make its determination based upon a hearing held by the Board, which hearing shall be limited to a determination of whether the conduct which was the basis of the previous public school district's expulsion would also warrant expulsion by the Board.

B. Student moving out of the school district:

Where a student withdraws from school after having been notified that an expulsion hearing is pending, but before a decision has been rendered by the Board, the notice of the pending expulsion hearing shall be included on the student's cumulative record and the Board shall complete the expulsion hearing and render a decision. If the Board subsequently renders a decision to expel the student, a notice of the expulsion shall be included on the student's cumulative record.

R. Compliance with Documentation and Reporting Requirements

- A. The Board of Education shall include on all disciplinary reports the individual student's state-assigned student identifier (SASID).
- B. The Board of Education shall report all suspensions and expulsions to the State Department of Education.
- C. If the Board of Education expels a student for sale or distribution of a controlled substance, the Board shall refer such student to an appropriate state or local agency for rehabilitation, intervention or job training and inform the agency of its action.
- D. If the Board of Education expels a student for possession of a deadly weapon or firearm, as defined in Conn. Gen. Stat. §53a-3, the violation shall be reported to the local police.

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.
10-233i 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.
Title III - Amendments to the Individuals with Disabilities Education Act. Sec. 314 (Local Control Over Violence)

Students

Suspension and Expulsion/Due Process (continued)

Legal Reference: (continued)

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”

Public Act 24-45 An Act Concerning Education Mandate Relief, School Discipline and Disconnected Youth, Sections 13-14

Public Act 24-93 An Act Concerning Various and Assorted Revisions to the Education Statutes, Section 11 and Section 12

Policy adopted:

rev 7/19

rev 7/24

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.

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.
 - 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 students

 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 (*child*), (*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 (*child*) 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).

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APPENDIX A
LETTER
(continued)

(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 *(child)* 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 *(child)* 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 *(child)* 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 *(child)* is expelled as a result of the scheduled hearing, and your *(child)* is between the ages of sixteen (16) and eighteen (18) and has not been expelled before, the Board shall offer to your *(child)* 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.)

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Appendix B
AGREEMENT
(continued)

- 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/her 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)).

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Appendix B
AGREEMENT
(continued)

- 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. An out-of-school suspension shall not exceed ten days for students in grades 3-12 and not exceed five days for children in pre-school to 2nd grade.
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 officer, 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 officer 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 the student should be expelled, the Superintendent shall forward such request to the Board of Education within five days, (for pre-school – grade 2), 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 officer 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 officer 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 officer 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 officer.
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.
Public Act 24-45 An Act Concerning Education Mandate Relief, School Discipline and Disconnected Youth, (Sections 13-14)

Regulation approved:

rev 7/19

rev 7/24

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)