

# Special Board of Education Meeting

Wednesday, May 20, 2026 6:30 PM

BOE Auditorium and via Zoom Meeting Platform, 129 Church Street, Bristol, CT 06010

## 1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

## 2. DISCUSSION AND POSSIBLE ACTION

2.1. 2026-2027 Budget Update

2.2. Bylaw 9132.8 - School Board Liaison to Local School

2.3. Bylaw - 9133- Special Committee

2.4. Bylaw 9321 - Time, Place, and Notice of Meeting

2.5. Revision of 2026 Regular Board of Education Meeting Date & Times

2.6. Policy 0521 - Equal Opportunity - Nondiscrimination

2.7. Policy 6159 - Individualized Education Program (IEP's)

2.8. Policy 6171- Special Education Program and Evaluation

2.9. Policy 5112-Ages of Attendance/Admissions/Placement

2.10. Policy 5111 - Admission

2.11. Policy 5113 Attendance/Excuses/Dismissal

2.12. Policy 5113.2 Truancy

2.13. Policy 5114 Suspension and Expulsion/Due Process

2.14. Policy 5141.4 - Child Abuse and Neglect

2.15. Policy 5131.81 - Use of Private Technology Devices by Students with Regulation

2.16. Policy 6141.328 - Instruction, Bring Your Own Device (BYOD) and Protocol for the Use of Personal Technology in the Schools

2.17. Policy 6141.3291 - One-to-One Device Program

## 3. Adjournment

## Bylaws of the Board

### School Board Liaison to Local School

#### I. Statement of Policy's Purpose

The Board of Education believes it can become better informed and capable of making sound educational decisions when establishing effective regular communication with its schools. This policy aims to strengthen this by assigning each Board member to liaise with a designated school. This liaison role aims to foster improved relationships among the Board, staff, students, and community, while supporting informed and responsible governance.

#### II. Policy Statement

The Chair of the Bristol Board of Education shall assign each member to serve as a liaison to one or more district schools. The school liaison role is intended to facilitate communication, promote Board visibility, and support the schools in a non-administrative, non-evaluative capacity.

#### III. Guidelines

##### 1. Assignment of Liaisons

- a. At the annual organizational meeting or as needed, the Board Chair assigns each member to one or more schools for the purpose of ensuring balanced representation across the district.
- b. Consideration shall be given to Board members' interests, geographic proximity, prior school relationships, ~~to avoid conflicts of interest.~~ and experience, to foster positive relationships and collaboration.

##### 2. Scope of Liaison Responsibilities

- a. Serve as a communication bridge between the school and the Board, providing updates and relaying major concerns and information.
- b. Attend school events, open houses, and special programs when feasible.
- c. Meet periodically with the school principal to discuss general school climate.
- d. Share relevant information from the school with the Board while respecting confidentiality and avoiding involvement in day-to-day operations.

##### 3. Limitations

- a. Liaisons shall not interfere with administrative decisions or personnel matters.
- b. Liaisons do not officially represent the Board unless authorized by the Board Chair.
- c. Liaisons are not evaluators or supervisors of school staff and shall avoid any action that may be perceived as such.

##### 4. Communication and Reporting

- a. Liaisons are encouraged to provide informal, periodic updates to the Board on school visits or notable events.

## **Bylaws of the Board**

### **School Board Liaison to Local School (continued)**

b. Any matters requiring Board action or administrative follow-up shall be directed to the Superintendent by the Board Chair

#### **5. Training and Orientation**

a. New Board members shall receive orientation on liaison responsibilities.

b. The Board may offer annual refreshers or share best practices among members.

The Board shall periodically review this policy and the effectiveness of the liaison program as part of its self-evaluation process or upon recommendation of the Board Chair or Superintendent.

Legal References:            Connecticut General Statutes  
   10-220 Duties of boards of education  
   Connecticut Freedom of Information Act (FOIA)

Bylaw adopted by the Board:

BRISTOL PUBLIC SCHOOLS  
Bristol, Connecticut

## **Bylaw of the Board**

### **Liaisons/Representatives**

The Chairperson of the Bristol Board of Education shall, from its members, appoint liaisons to each of the Bristol schools. School liaisons provide a personal link to the Board of Education for Bristol Board of Education employees and school families.

The Chairperson of the Bristol Board of Education shall, from its members, appoint representatives from the Board to liaison committees such as, but not limited to, the Capital Region Education Council [CREC] and the Connecticut Association of Boards of Education [CABE].

Liaisons and representatives may bring information to the full Board for consideration.

**Bylaw Adopted: July 7, 2004**

**Bylaw Revised: June 1, 2016**

## Bylaws of the Board

### Time, Place and Notification of Meetings

#### Regular Meetings

The Bristol Board of Education shall file with the City Clerk, not later than January 31st of each year, the schedule of the regular meetings of the Board of Education. and shall post the schedule on the District's Internet website. No meeting shall be held sooner than thirty days after such filing.

~~The business of the Bristol Board of Education shall be conducted at its regular monthly meeting, customarily held on the first Wednesday of each month beginning at 7:00 p.m. at a place designated by the Board.~~

#### Special Meetings

Notice of each special meeting of the Bristol Board of Education shall be filed not less than twenty-four hours in advance of the meeting with the City Clerk and be posted in the office of the clerk giving the time and place of the special meeting and the business to be transacted. The special meeting shall also be posted on the District's Internet Website. No other business shall be considered by the Board at that special meeting. Each member of the Board of Education shall be notified by the Superintendent or the clerk not less than 24 hours prior to the time of the special meeting and shall be advised of the time, place and business to be transacted, although any Board member may waive the 24 hour notification by a written waiver of notice or an e-mail to the purpose.

#### Notice of Meetings

Notice of meetings will be mailed to persons filing a written request renewable in January of each year. The Board of Education will charge a fee for these notices based upon cost of the service, as provided by law.

#### Electronic Participation

Recognizing the inherent responsibilities and statutory duties of Board of Education members, the Board of Education (Board) strongly encourages Board members to attend and participate in Board meetings. Though great importance is given to the physical presence of Board members at meetings, the attendance and participation of members by electronic equipment is authorized whenever physical presence is not practicable. All votes at a meeting in which members are attending by teleconference shall be taken by roll call.

Whenever possible, meeting agendas and supporting materials shall be available at all teleconference facilities used for the Board meeting.

The Board of Education recognizes that technological advances allow for broader participation in public meetings. In accordance with Connecticut General Statutes, the Board authorizes the use

of electronic equipment to allow Board members to participate in meetings and to provide public access to such meetings.

Any member of the Board shall be permitted to participate in a regular or special meeting of the Board by means of electronic equipment, such as telephone, video conferencing, or other technology.

Members who wish to participate in a meeting electronically shall notify the Board Chairperson and Superintendent as early as possible. The Superintendent will arrange for the meeting to take place at a location with the appropriate equipment so that Board members participating electronically may interact, and the public may observe or hear the comments

A member participating remotely shall be considered “present for the purposes of a quorum and shall have the same rights to discuss and vote on matters as those members physically present, provided that:

- The member is able to hear and be heard by all other members in attendance.
- The member is able to hear and be heard by any members of the public in attendance.

Any member participating by electronic equipment shall make a good faith effort to state their name and title at the outset of each occasion that such member participates in oral deliberations. The Board may, at its discretion, hold meetings in any of the following formats:

- **In-Person:** Conducted at a physical location with members physically present.
- **Fully Remote:** Conducted solely by means of electronic equipment.
- **Hybrid:** Conducted both in person at a physical location and via electronic equipment.

For any “regular” meeting held remotely or in a hybrid format, the Board shall provide the public with the ability to view or listen to the meeting in real-time, and the recording or transcript of such meeting shall be posted on the Board’s website within seven (7) days.

For any “regular” meeting held remotely or as hybrid, the Board shall provide at least forty-eight hours’ notice to each Board member and the public. The meeting agenda shall include clear instructions on how the public may access the meeting via electronic equipment. If the meeting is hybrid, the agenda shall state the physical location where the public may attend to observe the meeting or use equipment to participate.

In any meeting where at least one member participates by electronic means, all votes shall be taken by roll call, unless the vote is unanimous. The minutes shall reflect which members were physically present and which participated via electronic means.

If a member participating remotely is necessary to maintain a quorum and that member’s connection is lost, the Board shall:

- Suspend the meeting for a period of no less than thirty (30) minutes and no more than two (2) hours to allow the member to reconnect.
- If a quorum cannot be restored after this period, the meeting shall be adjourned or postponed.
- Any such interruption or adjournment shall be noted in the meeting minutes.

(cf. 9327 – Electronic Mail Communications)

Legal Reference: Connecticut General Statutes

[1-200 \(2\) Definitions. "Meeting"](#)

[1-206 Denial of access to public records or meetings.](#)

[1-225 Meetings of government agencies to be public, , as amended by June 11 Special Session, PA 08-3](#)

[1-225a Freedom of Information Act \(FOIA\)](#)

[1-227 Mailing of notice of meetings to persons filing written request.](#)

[1-228 Adjournment of meetings. Notice.](#)

[1-229 Continued hearings. Notice.](#)

[1-230 Regular meetings to be held pursuant to regulation, ordinance or resolution.](#)

~~[1-225 Denial of access of public records or meetings.](#)~~

[10-218 Officers. Meetings.](#)

**Bylaw Adopted: March 10, 199**

**Bylaw Revised: July 7, 2004**

*Suggested bylaw to consider.*

## **Bylaws of the Board**

### **Time, Place, and Notification of Meetings**

#### **Regular Meetings**

The Board of Education shall file with the Town Clerk, not later than January 31st of each year, the schedule of the regular meetings of the Board of Education and shall post the schedule on the District's Internet website. No meeting shall be held sooner than thirty days after such filing.

#### **Special Meetings**

Notice of each special meeting of the Board of Education shall be filed not less than twenty-four hours in advance of the meeting with the Town Clerk and be posted in the Office of the Clerk, giving the time and place of the special meeting and the business to be transacted. The special meeting shall also be posted on the District's Internet Website. No other business shall be considered by the Board at that special meeting. Each member of the Board of Education shall be notified by the Superintendent or the Clerk not less than 24 hours prior to the time of the special meeting and shall be advised of the time, place, and business to be transacted, although any Board member may waive the 24-hour notification by a written waiver of notice or a telegram to the purpose.

#### **Notice of Meetings**

Notice of meetings will be mailed to persons filing a written request, renewable in January of each year. The Board of Education will charge a fee for these notices based upon the cost of the service, as provided by law.

#### **Electronic Participation (*Optional*)**

Recognizing the inherent responsibilities and statutory duties of Board of Education members, the Board of Education (Board) strongly encourages Board members to attend and participate in Board meetings. Though great importance is given to the physical presence of Board members at meetings, the attendance and participation of members by electronic equipment is authorized whenever physical presence is not practicable. All votes at a meeting in which members are attending by teleconference shall be taken by roll call.

Whenever possible, meeting agendas and supporting materials shall be available at all teleconference facilities used for the Board meeting.

The Board of Education recognizes that technological advances allow for broader participation in public meetings. In accordance with Connecticut General Statutes, the Board authorizes the use of electronic equipment to allow Board members to participate in meetings and to provide public access to such meetings.

## Bylaws of the Board

### Time, Place, and Notification of Meetings

#### Electronic Participation (continued)

Any member of the Board shall be permitted to participate in a regular or special meeting of the Board by means of electronic equipment, such as telephone, video conferencing, or other technology.

Members who wish to participate in a meeting electronically shall notify the Board Chairperson and Superintendent as early as possible. The Superintendent will arrange for the meeting to take place at a location with the appropriate equipment so that Board members participating electronically may interact, and the public may observe or hear the comments. ~~(Each part of the telephone conference call meeting shall be audible to the public at the location specified in the notice for the meeting. The location designated in the notice as the location of the meeting shall provide two-way communication during the entire telephone conference call and the identification of each party to the telephone conference call shall be clearly stated prior to the meeting.)~~ The Superintendent will take measures to verify the identity of any remotely located participants.

A member participating remotely shall be considered “present for the purposes of a quorum and shall have the same rights to discuss and vote on matters as those members physically present, provided that:

- The member is able to hear and be heard by all other members in attendance.
- The member is able to hear and be heard by any members of the public in attendance.

Any member participating by electronic equipment shall make a good faith effort to state their name and title at the outset of each occasion that such member participates in oral deliberations.

The Board may, at its discretion, hold meetings in any of the following formats:

- **In-Person:** Conducted at a physical location with members physically present.
- **Fully Remote:** Conducted solely by means of electronic equipment.
- **Hybrid:** Conducted both in person at a physical location and via electronic equipment.

For any “regular” meeting held remotely or in a hybrid format, the Board shall provide the public with the ability to view or listen to the meeting in real-time, and the recording or transcript of such meeting shall be posted on the Board’s website within seven (7) days.

For any “regular” meeting held remotely or as hybrid, the Board shall provide at least forty-eight hours’ notice to each Board member and the public. The meeting agenda shall include clear instructions on how the public may access the meeting via electronic equipment. If the meeting is hybrid, the agenda shall state the physical location where the public may attend to observe the meeting or use equipment to participate.

## Bylaws of the Board

### Time, Place, and Notification of Meetings

#### Electronic Participation (continued)

In any meeting where at least one member participates by electronic means, all votes shall be taken by roll call, unless the vote is unanimous. The minutes shall reflect which members were physically present and which participated via electronic means.

If a member participating remotely is necessary to maintain a quorum and that member's connection is lost, the Board shall:

- Suspend the meeting for a period of no less than thirty (30) minutes and no more than two (2) hours to allow the member to reconnect.
- If a quorum cannot be restored after this period, the meeting shall be adjourned or postponed.
- Any such interruption or adjournment shall be noted in the meeting minutes.

~~The Board of Education allows electronic participation whenever there is communication by or to a quorum of the Board, whether the communication is in person or by means of electronic equipment. Meetings in which some Board members participate electronically are subject to the requirements of the Freedom of Information Act.~~

~~The Board may allow members to participate in meetings by telephone or other electronic means. Board members may not simply vote electronically, but must be connected with the meeting throughout the discussion of business. If a Board member electronically joins the meeting after an item of business has been opened, the remotely located member shall not participate until the next item of business is opened.~~

~~When a Board member participates electronically, the member will be considered present and will have his or her actual physical presence excused. The member shall be counted present for purposes of convening a quorum. The Board Secretary will document it in the Minutes when members participate in the meeting electronically.~~

~~Any Board member wishing to participate in a meeting electronically will notify the Board Chairperson and Superintendent as early as possible. The Superintendent will arrange for the meeting to take place in a location with the appropriate equipment so that Board members participating in the meeting electronically may interact and the public may observe or hear the comments made. (Each part of the telephone conference call meeting shall be audible to the public at the location specified in the notice for the meeting. The location designated in the notice as the location of the meeting shall provide two-way communication during the entire telephone conference call and the identification of each party to the telephone conference call shall be clearly stated prior to the meeting.) The Superintendent will take measures to verify the identity of any remotely located participants.~~

## Bylaws of the Board

### Time, Place, and Notification of Meetings

#### Electronic Participation (continued)

##### ~~Electronic Participation (Alternate Version #1)~~

~~Recognizing the inherent responsibility and statutory duties of Board of Education members, the Board of Education (Board) strongly encourages Board members to attend and participate at meetings of the Board. Though great importance is given to the physical presence of Board members at meetings, the attendance and participation of members by teleconference is authorized whenever physical presence is not practicable. All votes at a meeting in which members are attending by teleconference shall be taken by roll call.~~

~~Whenever possible, meeting agendas and supporting materials shall be available at all teleconference facilities used for the Board meeting.~~

##### ~~Electronic Participation (Alternate Version #2)~~

~~The Board of Education authorizes that the Board Chairperson or presiding officer may allow Board members to participate electronically in a Board meeting if there is good cause why the Board members cannot attend in person and the request is received sufficiently in advance to allow a good quality electronic connection to be set up. Members who participate in a Board meeting through electronic means may be counted in the quorum. The location of the meeting must be in the normal location at \_\_\_\_\_ to allow the public to adequately monitor the meeting. Due to security concerns, electronic participation in closed executive sessions will not be permitted.~~

(cf. 9327 – Electronic Mail Communications)

Legal Reference:        Connecticut General Statutes  
                                  1-200 (2) Definitions. “Meeting”  
                                  1-206 Denial of access to public records or meetings.  
                                  1-225 Meetings of government agencies to be public, as amended by June 11  
                                  Special Session, PA 08-3  
                                  **1-225a Freedom of Information Act (FOIA)**  
                                  1-227 Mailing of notice of meetings to persons filing written request.  
                                  1-228 Adjournment of meetings. Notice.  
                                  1-229 Continued hearings. Notice.  
                                  1-230 Regular meetings to be held pursuant to regulation, ordinance or  
                                  resolution.  
                                  10-218 Officers. Meetings

Bylaw adopted by the Board:

rev 3/26

## Mission - Goals - Objectives

### Equal Opportunity - Nondiscrimination

The President and the Congress of the United States and the State of Connecticut have enacted laws and issued directives affirming their intent to protect and grant equal opportunity, to all employees and students. Also the federal government and the state of Connecticut have enacted and enforced laws regarding the equality of employment and equality of opportunity in education.

The Bristol Board of Education reaffirms its policy of equal educational opportunity for all students and prohibits discrimination because of race, color, religious creed, age, marital status, national origin, [ancestry](#), [genetic information](#), sex, sexual orientation, gender identity or expression, [status as a victim of domestic violence](#), learning disability, [intellectual disability](#) mental disability or physical disability in district educational programs and activities, including, but not limited to course offerings, athletic programs, guidance and counseling, and tests and procedures. [The District provides equal access to the Boy Scouts and other designated youth groups.](#) To the maximum extent possible an intensive affirmative action program shall be an integral part of an educational policies and programs.

The Bristol Board of Education also reaffirms its policy of equal employment opportunity for all persons and to prohibit discrimination in employment because of race, color, religious creed, age, marital status, national origin, sex, sexual orientation, gender identity, ancestry, present or past history of mental disorder, mental retardation, pregnancy, or physical disability except in the case of a bonafide occupational qualification or need. Sexual harassment shall not influence employment decisions, nor shall decisions be influenced, affected or determined on the basis of membership in or holding of office in an employee association or union. This policy shall be relevant to every aspect of employment not limited to but including upgrading, demotion or transfer, recruitment and/or recruitment advertising, layoff or termination, rates of pay, other forms of compensation including fringe benefits, employment selection or selection for training and apprenticeships, promotion or tenure.

These statements shall be made available to all present and future employees and students.

~~(cf. 4112/4212 Nondiscrimination, 6214 Nondiscrimination in Instruction)~~

~~(cf. 4000.1— Title IX)~~

~~(cf. 4111— Recruitment and Selection)~~

~~(cf. 4111.1/4211.1— Affirmative Action)~~

~~(cf. 4118.11/4218.11— Nondiscrimination)~~

~~(cf. 4118.112/4218.112— Sex Discrimination and Sexual Harassment in the Workplace)~~

~~(cf. 4118.113/4218.113— Harassment)~~

~~(cf. 5145.4— Nondiscrimination)~~

~~(cf. 5145.5— Sexual Harassment)~~

(cf. 5145.51—Peer Sexual Harassment)  
(cf. 5145.52—Harassment)  
(cf. 5145.6—Student Grievance Procedure)  
(cf. 6121—Nondiscrimination)  
(cf. 6121.1—Equal Educational Opportunity)

Legal Reference: Connecticut General Statutes

~~10-15c Discrimination in public schools prohibited. School attendance by five-year-olds. (Amended by P.A. 97-247 to include "sexual orientation" and P.A. 11-55 to include "gender identity or expression")~~

~~10-153 Discrimination on account of marital status.~~

~~46a-60 Discriminatory employment practices prohibited.~~

~~Federal Law~~

~~Title VII of the Civil Rights Act 1964~~

~~Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b).~~

~~American Disability Act of 1989.~~

~~Chalk v. The United States District Court of Central California.~~

~~Title IX of the Education Amendments of 1972.~~

~~Civil Rights Act of 1987.~~

10-153 Discrimination on account of marital status. (as amended by PA 11-55 to include gender identity or expression)

46a-51 Definitions (as amended by PA 17-127, PA 21-2 and PA 22-82)

46a-58 Deprivation of rights. Desecration of property. Placing of burning cross or noose on property. Penalty. (as amended by PA 17-127 and PA 22-82)

46a-60 Discriminatory employment practices prohibited. (as amended by PA 17-127 and PA 21-69 and PA 22-82)

Federal Law

Title VII of the Civil Rights Act 1964

Boy Scouts of America Equal Access Act

Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b).

The Americans with Disabilities Act as amended by the ADA Amendments Act of 2008

Chalk v. The United States District Court of Central California.

The Vietnam Era Veterans' Readjustment Act of 1974, as amended,

38U.S.C. §4212  
Title II of the Genetic Information Nondiscrimination Act of 2008  
Title IX of the Education Amendments of 1972.  
Title IX Final Rule, May 6, 2020  
Civil Rights Act of 1987.  
Public Law 111-256  
Meacham v. Knolls Atomic Power Laboratory 128 S.Ct. 2395, 76  
U.S.L.W. 4488 (2008)  
Federal Express Corporation v. Holowecki 128 S.Ct. 1147, 76 U.S.L.W.  
4110 (2008)  
Kentucky Retirement Systems v. EEOC 128 S.Ct. 2361, 76 U.S.L.W. 4503  
(2008)  
Sprint/United Management Co. v. Mendelsohn 128 S.Ct. 1140, 76  
U.S.L.W. 4107 (2008)  
Bostock v. Clayton County, Georgia, 140 S.Ct. 1731, 2020 WL3146686  
(June 15, 2020)

**Policy Adopted: December 7, 2016**

BRISTOL PUBLIC SCHOOLS

Bristol, Connecticut

## **Instruction**

### **Individualized Education Program (IEP)**

Individualized Education Programs (IEPs) are essential foundations for providing effective, high-quality special education services. The Board requires that all procedures for implementing an individualized education program be designed to guard the privacy of the student and family.

A parent of a child, teacher or administrator in the district, the State Department of Education, or other state agencies available to the District may initiate a request for an initial evaluation to determine if the child is a child with a disability. Once the district receives a written referral for special education evaluation, it has 45 school days to complete an initial evaluation. The 45-school-day timeline encompasses the entire eligibility determination process, including reviewing the referral, obtaining written parental consent for evaluation, conducting a comprehensive evaluation, determining eligibility, obtaining written parental consent for the provision of special education services, and implementing an IEP if the student is found eligible. The district will conduct a full and individual evaluation that consists of procedures to determine if the child is a child with a disability under 34 C.F.R. §300.301. Further, the evaluation must be sufficiently comprehensive to identify all of the child's special education and related services needed, whether or not commonly linked to the disability category in which the child has been classified. Assessments for disabled children who are transfer students shall be coordinated expeditiously between the sending or receiving district.

The adult student or his/her parent/guardian will be asked by the District if the student wishes to receive the special education and related services outlined in their individualized education program (IEP) through the end of the school year during which they turn 22 years of age or they graduate with a regular high school diploma, whichever comes first.

In situations in which a student's IEP requires an out-of-district or private placement, the timeline for implementing an IEP must occur within 60 school days of the PPT referral (not including the time it takes to obtain written parental consent).

Any individualized education program (IEP) developed for a student with disabilities shall specify whether the student shall achieve the District's adopted content standards or whether the student shall achieve individualized standards that would indicate the student has met the requirements of his or her IEP. When a child is identified as requiring special education, the district will provide parents/guardians with information and resources from the State Department of Education relating to IEPs.

### **Information Provided to Parents Regarding Special Education**

At the first PPT, when a child receiving special education services reaches 14, the district shall provide information to the child and parent/guardian regarding the full range of decision-making supports, including alternatives to guardianship and conservatorship and the plain-language online resources developed by CSDE regarding decision-making options available when the student reaches 18.

## **Instruction**

### **Individualized Education Program (IEP) (continued)**

In addition, information that must be provided to parents/guardians at each PPT meeting shall include plain-language resources developed by CSDE regarding the hearing and appeals process, information regarding free and low-cost legal assistance, and The Parent's Guide to Special Education in Connecticut by CSDE. The district shall annually provide the Guide and rights and resources available to children receiving special education services at the beginning of the school year.

At the beginning of each school year, the district shall provide an informational handout developed by CSDE that explains what it means to have an IEP or Section 504 plan.

Upon request from a parent/guardian, or when there is an apparent need, the district shall provide interpreters and translated documents for students and parents, including translated copies of a child's IEP and any related documents.

The interpreter may be present in person, available by phone, or through an online platform, an Internet website, or other electronic application approved by the State Board of Education.

A parent/guardian of the Board may request mediation through the Mediation Services Coordinator at any time for any matter related to the provision of special education for a child, including, but not limited to, the identification, evaluation, educational placement, or implementation of an IEP. Upon receipt of a request for mediation, the Mediation Services Coordinator shall provide notification to the parties and invite them to participate in voluntary mediation.

### **Planning and Placement Team or Individualized Education Program Team**

The term "Planning and Placement Team" means a group of individuals composed of -

- (i) the parents of a child with a disability
- (ii) not less than one regular education teacher of such child (if the child is, or may be, participating in the regular education environment);
- (iii) not less than one special education teacher, or where appropriate, not less than one special education provider of such child;
- (iv) a representative of the local educational agency who -
  - (I) is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities;
  - (II) is knowledgeable about the general education curriculum; and
  - (III) is knowledgeable about the availability of resources of the local educational agency;
- (v) an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in clauses (ii) through (vi);

## **Instruction**

### **Individualized Education Program (IEP) (continued)**

- (vi) at the discretion of the parent of the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate;
- (vii) the school paraprofessional, if any, assigned to such child, and
- (viii) whenever appropriate, the child with a disability.

NOTE: A Planning and Placement Team (PPT) member is not required to attend all or part of an IEP meeting if the parents and District agree that the team member's participation is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting. If the meeting does involve a modification or discussion of the member's area of the curriculum or related services, parents and the District can agree to excuse the member from attending all or part of the meeting if the member submits written input to the parent and the Planning and Placement Team (PPT) prior to the meeting. Parental consent in writing is required in either case.

In addition to the above, the special education specialist, school psychologist, school nurse, school social worker, counselor, or other student service worker who has conducted an assessment of the student shall participate whenever the results or recommendations based on such assessment are significant to the development of the student's individualized education program and placement. Where the student is limited or non-English speaking, a district representative who is fluent in the student's primary language, knowledgeable about the process of second-language acquisition, and competent in the assessment of limited English and non-English speaking individuals should be included.

Any member of the PPT employed by the Board of Education who discusses or makes recommendations concerning the provisions of special education and related services during a PPT meeting shall not be disciplined, suspended, or otherwise punished for such recommendations.

No birth-to-three coordinator or qualified personnel, as defined by C.G.S. 17a-248, who discusses or makes recommendations concerning the provision of special education and/or related services during a PPT meeting or in a transition plan shall be subject to discipline, suspension, termination or other punishment based on such recommendations.

The parent/guardian or surrogate parent shall be given at least five (5) school days' prior notice of any PPT meeting and shall have the right to be present and participate in all portions of such meetings at which an educational program for their child is developed, reviewed, or revised. In addition, parents/guardians or surrogate parents have the right to be present at and participate in all portions of the PPT meeting at which an educational program for their child is developed, reviewed, or revised. In addition, the parent/guardian/surrogate shall have advisors and the child's assigned paraprofessional, if any, and such child's birth-to-three service coordinator, if any, be present at and participate in all portions of the PPT meeting in which the child's educational program is developed, reviewed or revised and have the right to have such recommendation made in such child's birth-to-three individualized transition plan, if any, addressed by the PPT at which an educational program for such child is developed.

## Instruction

### Individualized Education Program (IEP) (continued)

The District shall offer to meet with the student's parents/guardians, upon the request of the parents/guardians, after the student has been assessed for possible placement in special education and before the Planning and Placement Team (PPT) meets.

The sole purpose of such meeting is to discuss the PPT process and any concerns the parent/guardian has about the student. The meeting will involve a member of the PPT designated by the District before the referral PPT meeting at which the student's assessments and evaluations will be discussed for the first time. This applies to students under evaluation for possible placement in special education.

Upon request of a parent/guardian, the District will provide the results of the assessments and evaluations used in determining a student's eligibility for special education at least three (3) school days before the referral PPT meeting, at which such results will be discussed for the first time.

Parents/Guardians and the District may agree to conduct IEP meetings, and other meetings, through alternative means, such as including but not limited to, videoconferences or conference calls.

(a) **General.** The IEP for each child must include -

- (1) An accurate statement of the child's present levels of academic achievement and functional performance based upon parental provider information, current classroom-based, local, and state assessments and classroom-based observations, including -
  - (i) How the child's disability affects the child's involvement and progress in the general education curriculum; or
  - (ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;
- (2) A statement of measurable annual academic and functional goals that aim to improve educational results and functional performance for each child with a disability, related to -
  - (i) Meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general education curriculum;
  - (ii) Meeting each of the child's other educational needs that result from the child's disability; and
  - (iii) Providing a meaningful opportunity for the child to meet challenging objectives.

## Instruction

### Individualized Education Program (IEP) (continued)

#### *Alternate Assessments*

- (iv) A statement of “benchmarks or short-term objectives” is required only with respect to students with disabilities who take alternate assessments aligned with alternate achievement standards.

If a child will participate in alternate assessments based on either general or alternate achievement standards, the IEP must explain why the child cannot participate in the regular assessment and why the alternate assessment selected is appropriate for the child.

The Planning and Placement Team (PPT) may only recommend appropriate accommodation or use of alternate assessment but may not exempt students with disabilities from the state assessment.

- (3) A statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child -
- (i) To advance appropriately toward attaining the annual goals;
  - (ii) To be involved and progress in the general curriculum in accordance with paragraph (a)(1) of this section and to participate in extracurricular and other nonacademic activities; and
  - (iii) To be educated and participate with other children with disabilities and non-disabled children in the activities described in this paragraph.
- (4) A school must offer an IEP that is “reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.” The child’s educational program must be appropriately ambitious considering his/her circumstances, and every child should have the chance to meet challenging objectives. The Planning and Placement Team, in determining whether an IEP is reasonably calculated to enable a child to make progress, should consider the child’s:
- Previous rate or academic growth,
  - Progress towards achieving or exceeding grade-level proficiency,
  - Behaviors, if any, interfering with the child’s progress, and
  - Parent’s input and any additional information provided by such parents.

The U.S. Supreme Court, in the *Endrew F* decision stated, “Any review of an IEP must consider whether the IEP is reasonably calculated to ensure such progress, not whether it would be considered ideal. (137S.CT. at 99)

- (5) An explanation of the extent, if any, to which the child will not participate with non-disabled children in the regular class and in the activities described in paragraph (a) (3) of this section;

## Instruction

### Individualized Education Program (IEP) (continued)

#### *Alternate Assessments (continued)*

- (6) A statement of any individual modifications in the administration of State or district-wide assessments of student achievement that are needed for the child to participate in the assessment; and
- (7) The projected date for the beginning of the services and modifications described in paragraph (a)(3) of this section, and the anticipated frequency, location, and duration of those services and modifications; and
- (8) A statement of:
  - (i) How the child's progress toward the annual goals described in paragraph (a)(2) of this section will be measured; and
  - (ii) How the child's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their non-disabled children's progress, of
    - (A) Their child's progress toward the annual goals; and
    - (B) The extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year
- (9) Reevaluation of a student's progress may not occur more than once a year unless agreed to by the parents and the District. Reevaluation must occur at least once every three years unless the parent and District agree that it is unnecessary.

**Note:** To make FAPE available to each eligible child with a disability, the child's IEP must be designed to enable the child to be involved in, and make progress in, the general education curriculum (the same curriculum as for nondisabled children which is based on a State's academic content standards. This alignment must guide and not replace the individualized decision-making required in the IEP process."

(b) ***Transition services.***

The district shall designate a transition coordinator who is responsible for the following:

- Complete a prescribed training program within three years of when the training program commences or within one year of being appointed transition coordinator if appointed after the training program commences;
- Ensure parents receive information about transition resources, services, or public transition programs and know the eligibility requirements and application details; and
- The transition coordinator may be the director of student personnel or another school district employee.

## Instruction

### Individualized Education Program (IEP) (continued)

#### (b) *Transition services.* (continued)

- (1) Beginning in the 2024-25 School year, the Board of Education shall distribute a notice of a link to an online listing of transitional resources, transitional services, and public transition programs provided by the Statewide Transition Services Coordinator. This shall be distributed to parents/guardians of children receiving special education services in grades six through 12 at a PPT meeting.
- (2) At the first PPT meeting after the student turns 14, the Team will provide a listing to the parent/guardian of each public transition and adult education program for which the student may be eligible after graduation. Upon parent/guardian approval, an identified certified professional member of the PPT will notify the state agency that provides such a program about potential eligibility.
- (3) By the PPT meeting, which occurs approximately two years prior to the student's anticipated exit from the district, upon parent/guardian approval, a certified professional member of the PPT shall notify any state agency that provides an adult program for which the student may be eligible about the potential eligibility, invite an agency representative to attend the PPT, and permit and facilitate contract and coordination between the agency and parent. An identified certified professional member of the PPT will assist the parent/guardian in completing an application to any such program.
- (4) The IEP must include
  - (i) For each student beginning not later than the first IEP to be in effect when the child is fourteen, and younger if the PPT determines it appropriate, and updated annually, thereafter, appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and the transition services, including courses of study, needed to assist the student in reaching those goals.
  - (ii) For a student no longer eligible for services due to graduation from high school with a regular diploma or for a student who exceeds the age of eligibility under State law, a summary of the student's academic achievement and functional performance including recommendations on how to assist the student in meeting his/her postsecondary goals.
- (5) If the Planning and Placement Team determines that services are not needed in one or more of the areas specified in §300.27(c)(1) through (c)(4), the IEP must include a statement to that effect and the basis upon which the determination was made.

## Instruction

### Individualized Education Program-(IEP) (continued)

(b) **Transition services.** (continued)

- (c) **Transfer of rights.** Beginning not later than one year before a student reaches the age of majority under State law, the student's IEP must include a statement that the student has been informed of his or her rights under this title, if any, that will transfer to the student on reaching the age of majority, consistent with §615(m)
- (d) **Students with disabilities convicted as adults and incarcerated in adult prisons.** Special rules concerning the content of IEPs for students with disabilities convicted as adults and incarcerated in adult prisons are contained in §612(a)(5)A.
- (e) **Students with disabilities identified as deaf or hearing impaired.** For a child identified as deaf or hearing impaired, the PPT shall develop an IEP which includes a language and communication plan that shall address;
  - (i) the child's primary language or mode of communication;
  - (ii) opportunities for direct communication between the child and his/her peers and professional personnel in the primary child's language or mode of communication;
  - (iii) educational options available to the child;
  - (iv) the qualifications of teachers and other professional personnel administering the plan for the child, including their proficiency in the child's primary language or mode of communication;
  - (v) the accessibility of academic instruction, school services and extracurricular activities to the child;
  - (vi) Assistive devices and services for the child;
  - (vii) Communication and physical environment accommodations for the child; and
  - (viii) An emergency communications plan that includes procedures for alerting the child of an emergency situation and ensuring that the specific needs of the child are met during the emergency situation. Such plan is to be developed for a student identified as deaf, hard of hearing, or both blind or visually impaired and deaf.
- (f) **Students who are children of a member of the armed forces**  
 If, after the start of a school year, a child of a member of the armed forces:
  1. enrolls in a school under the jurisdiction of a local or regional Board of Education, as a result of such member having received military orders directing such member to the state or any other documents from the armed forces indicating the transfer of such member to the state, and

## Instruction

### Individualized Education Program-(IEP) (continued)

(b) *Transition services.* (continued)

2. such child enrolls with an individualized education program or plan pursuant to Section 504 of the Rehabilitation Act of 1973 from such child's prior school.

The Board shall take necessary steps, including, but not limited to, the transfer of any records and prior evaluations, the performance of any reevaluations and, not later than thirty school days after such child's enrollment, the holding of any planning and placement team meeting or meeting to establish a plan pursuant to Section 504 of the Rehabilitation Act of 1973 for such child, to ensure a minimally disruptive transition to the provision of comparable services.

### Transfers

When an individual has been on an IEP in another school district, the PPT shall make an evaluative study of the student and develop an IEP for the student as though the student were newly referred, but the PPT may use the previous IEP (if available) in developing the new one.

If the transfer involves districts within Connecticut, the District will provide services “comparable to those described in the previously held IEP,” until the District adopts the previously held IEP or develops, adopts, and implements a new IEP. If the student has transferred from another state, the District will provide services “comparable to those described in the previously held IEP,” until the District conducts an evaluation, if deemed necessary, and if appropriate, develops a new IEP. If a student who is on an IEP transfers from this district to another, or to a private school, the written IEP and any additional records relating to the student's program and achievement shall be forwarded to the receiving school on the request of the receiving school and the individual's parent or guardian.

Districts receiving out-of-district students requiring special education shall:

- a) hold the planning and placement team meeting for each out-of-district student who requires special education and related services and invite representatives from the sending district to participate in such meeting, and
- b) ensure that such students receive the services mandated by the student's individualized education program whether such services are provided by the sending district or the receiving district.

Furthermore, in the case of a student with a plan pursuant to Section 504 of the Rehabilitation Act of 1973, as amended from time to time, the receiving district shall:

- a) ensure that such student receives the services mandated by the student's plan, and
- b) pay for the costs of providing such services to such student.

## **Instruction**

### **Individualized Education Program (IEP) (continued)**

#### **Transfers (continued)**

If the Board of Education receives an out-of-district placement of a student who receives special education services, through an agreement or contract with a sending local or regional board of education pursuant to subsection (d) of section 10-76d of the general statutes or section 10-91j, as amended by PA 25-67, the Board shall not transfer such student to any other school or facility unless:

1. upon initiation of the sending local or regional Board of Education or upon the request of a parent or guardian of such student, or such student if such student is eighteen years of age or older or an emancipated minor, such sending local or regional Board of Education holds a planning and placement team meeting for the purpose of determining the appropriateness of such transfer, and
2. the planning and placement team determines that such transfer is more appropriate for the educational needs of such student than the current out-of-district placement.

A representative of the Board of Education shall be invited to attend and participate in such planning and placement team meeting but may not request that such planning and placement team meeting be held.

Prior to the enrollment of a District student in a technical education and career school, the District will convene a PPT in order to address such student's transition to the technical education and career school and ensure that such student's IEP reflects the current supports and services the student requires in order to access a Free and Appropriate Public Education (FAPE) in the least restrictive environment. A representative from the technical education and career school shall be invited to the PPT meeting.

#### **Independent Educational Assessment**

If an independent educational assessment is necessary, it shall be conducted by a Connecticut credentialed or licensed professional examiner who is not employed by and does not routinely provide assessment for the State Department of Education or this District.

Legal Reference: Connecticut General Statutes  
10-76a Definitions (as amended by PA 06-18)  
10-76b State supervision of special education programs and services. Regulations. (as amended by PA 12-173)  
10-76d Duties and powers of Boards of Education to provide special education programs and services. (as amended by June Special Session PA 15-5, Sec. 277 and PA 19-49 and PA 21-46 and PA 21-144 and PA 23-137)  
10-76ff Procedures for determining if a child requires special education (as amended by PA 06-18)

## Instruction

### Individualized Education Program-(IEP)

Legal Reference: Connecticut General Statutes (continued)  
10-76g State aid for special education.  
10-76h Special education hearing and review procedure.  
10-76jj Language and communication plan as part of individualized education program for child identified as deaf or hard of hearing (as amended by PA 19-184)  
10-76q Special education at technical education and career schools (as amended by PA 21-144)  
SDE Guidance Addressing Timeline for Initial Evaluations, Dec. 21, 2018  
State Board of Education Regulations  
34 C.F.R. 300 et seq. Assistance to States for Education of Handicapped Children.  
300.14 Special education definitions.  
300.340-349 Individualized education programs.  
300.503 Independent educational assessment.  
300.533 Placement procedures.  
300.550-556 Least restrictive environment.  
P.L. 108-446 The Individuals with Disabilities Education Improvement Act of 2004  
*Rowley v. Board of Education*, 485 U.S.-176 (1982)  
*Andrew F. v. Douglas County School District RE-1*, 15-827 U.S. (2017)  
*A.M. v. N.Y. City Department of Education*, 845F.3d 523, 541 (2d Cir.1997)  
*Mrs. B., v. Milford Board of Education* 103 F. 3d 1114, 1121 (2d Cir. 1997)  
*A.R. v. Connecticut State Board of Education*, 3:16-CV-01197 (CSH D. Conn. June 10, 2020)  
Public Act 23-137 An Act Concerning Resources and Support Services for Persons With an Intellectual or Developmental Disability Sections 26-27, 30-31, 32-37, 39, 45, 47, 51, 52  
P.A 25-67 An Act Concerning the Quality and Delivery of Special Education Services in Connecticut (Section 10)  
P.A 25-143 An Act Implementing the Recommendations of the Office of Early Childhood, Department of Education and the Technical Education and Career System and Concerning the Administration of Epinephrine and Glucagon. (Section 10)  
Public Act No. 25-15 An Act Concerning Various Measures Recognizing and Honoring the Military Service of Veterans and Members of the Armed Forces in Connecticut (Section 7)

Policy adopted:

## **Instruction**

### **Special Education**

The \_\_\_\_\_ Board of Education accepts its legal duties and responsibilities for providing special education for the students of the school district.

The district shall provide a free appropriate public education and necessary related services to all children requiring special education, as defined in PA 25-67 Section 1, residing within the district, required under the Individuals with Disabilities Education Act (“IDEA”), Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and Connecticut Statutes.

It is the intent of the District to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with appropriate educational services. Students may be disabled within the meaning of Section 504 of the Rehabilitation Act, even if they do not require services under the IDEA.

For students eligible for services under IDEA, the District shall follow procedures for identification, evaluation, placement, and delivery of services to children with disabilities, as provided in state and federal statutes governing special education. For those students who are not eligible for services under IDEA but, because of a disability as defined by Section 504 of the Rehabilitation Act of 1973, need or are believed to need special instruction or related services, the District shall establish and implement a system of procedural safeguards. The safeguards shall cover students’ identification, evaluation, and educational placement. This system shall include notice, an opportunity for the student’s parent(s)/guardian(s)/surrogate parent to examine relevant records, an impartial hearing with opportunity for participation by the student’s parent(s)/guardians(s), and representation by counsel, and a review procedure.

Effective July 1, 2023, all students remain eligible for special education services under the Individuals with Disabilities Education Act (IDEA) through the end of the school year during which the student turns age 22, or until the student graduates from high school with a standard high school diploma aligned with state standards, whichever occurs first. Pursuant to the Connecticut General Statutes §10-259, the school year is defined as July 1 through June 30. A free appropriate public education (FAPE) must be provided to any child requiring special education beginning on or after the child’s third birthday, whether or not that birthday occurs during the regular school year.

In making a determination of eligibility for special education and related services, through use of a variety of assessment tools and strategies designed to gather relevant functional, developmental, and academic information, a student shall not be determined to be a disabled student if the dominant factor for such a determination is a lack of appropriate instruction in reading, including in the essential components of reading instruction, as defined in the Every Student Succeeds Act, lack of instruction in math or limited English proficiency or evidence that a child’s behavior repeatedly violated disciplinary policy.

## **Instruction**

### **Special Education (continued)**

Further, the District is not required to consider whether a student has a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skills, reading comprehension, or mathematical calculation or reasoning. A child shall become eligible for special education services on his or her third birthday.

In determining whether a child has a specific learning disability, the District may use a process that determines if the student responds to scientific, research-based intervention as a part of the evaluation procedures to determine eligibility. The program to which each student with a disability is assigned shall be one that provides an appropriate education, seeks to assure success in learning, and offers the least restrictive environment, in accordance with federal and state regulations. No student with a disability shall be denied, because of disability, participation in activities, programs, or services offered or recognitions rendered to District students, unless participation is not possible because of the disability.

Each student requiring special education, as defined in PA 25-67 section 1, who is a resident of the district shall be provided with quality education programs and services that meet the student's needs for educational, instructional, transitional, and related services. The special education program shall be designed to comply with federal and state law; conform to district goals; and integrate special education programs with the regular instructional programs of the schools, consistent with the interests of the students requiring special education and other students. If necessary, students requiring special education may also be placed in private school education facilities. Students with disabilities are required by federal law to be included in State and District-wide assessments, with appropriate accommodations where necessary.

In accordance with the regulations of the State Board of Education, each local and regional Board of Education shall:

1. Provide special education for children requiring special education, as defined in PA 25-67 section 1.
2. The obligation of the school district under this subsection shall terminate when such child is graduated from high school or at the end of the school year during which such child reaches age twenty-two, whichever occurs first.
3. Report to the Department of Education each placement of a student receiving special education services for which the board is paying a portion of the cost:
  - a. Whether such placement is a result of a decision of a planning and placement team meeting, a settlement agreement, or a special education hearing pursuant to section 10-76h of the general statutes.

## **Instruction**

### **Special Education (continued)**

- b. Whether such placement is with an approved or nonapproved private provider of special education services, regional educational service center, operator of an interdistrict magnet school program, state charter school, a cooperative arrangement pursuant to section 10-158a of the general statutes, a local or regional board of education operating an outplacement program or as part of the statewide interdistrict public school attendance program pursuant to section 10-266aa of the general statutes.
- c. The amount being paid by the Board.
- d. The special education services being provided.
- e. The location of the facility at which such special education services are being provided.
- f. The total number of agreements such Board enters into with a student, parent, or guardian during the preceding school year that includes provisions for nondisclosure of special education services or a waiver of the rights to which such student, parent, or guardian is entitled pursuant to the Individuals with Disabilities Education Act, 20 USC 1400 et seq.
- g. Any other information requested by the Department.

The District shall also take steps to make the public aware that all children and youth from birth through the end of the school year during which the student turns 22 who are suspected of having a disability have a right to a formal determination of whether they have such a condition.

The Board shall determine the facilities, programs, services, and staff that will be provided by the District for the instruction of students requiring special education. In order to maintain an effective special education plan, the Board may participate in special education programs of other school districts or those offered by a RESC.

### **Evaluation of Special Education Program**

On or after June first, but prior to September thirtieth, annually, the superintendent shall provide, at a regularly scheduled meeting of the Board of Education, an annual report concerning the special education programs of the school district with the following information:

1. The number and names of all community-based organizations with whom the board of education has executed a formal memorandum of understanding, memorandum of agreement or contract to provide support services to students in the school district, disaggregated by school and type of support service provided.

## **Instruction**

### **Special Education**

#### **Evaluation of Special Education Program (continued)**

2. The workforce development programs offered by the board of education to students in which the board has partnered with an outside entity, including, but not limited to, cooperatives, internships, in-school job training programs provided by businesses, and in-school workforce board presentations.
3. Attrition data for certified and noncertified staff, disaggregated by school and subject, not including in-district transfers.

The report shall also include recommendations from the Superintendent and staff, as well as from any advisory groups, for improving the program.

In addition to the annual report, the Superintendent shall make interim reports whenever any phase of the program is significantly less satisfactory than was expected so that necessary adjustments may be made.

The Superintendent shall ensure that each student's individualized education plan is reviewed periodically, at least annually.

The Superintendent of Schools or his/her designee is directed to develop a comprehensive plan for compliance with all federal and state requirements for the education of students with disabilities residing in or attending school in the school district. The Board of Education requests that the plan consider the availability of special facilities and trained, certified personnel.

Legal Reference: Connecticut General Statutes  
10-76a Definitions. (as amended by PA 00-48 and PA 06-18)  
10-76b State supervision of special education programs and services. (as amended by PA 12-173)  
10-76c Receipt and use of money and personal property.  
10-76d Duties and powers of boards of education to provide special education programs and services. (as amended by PA 97-114, PA 00-48, PA 06-18 and June Special Session PA 15-5, Section 277)  
10-76e School construction grant for cooperative regional special education facilities.  
10-76f Definition of terms used in formula for state aid for special education.  
10-76ff Procedures for determining if a child requires special education (as amended by PA 06-18)  
10-76g State aid for special education.  
10-76h Special education hearing and review procedure. Mediation of disputes. (as amended by PA 00-48)

## Instruction

### Special Education

Legal Reference: Connecticut General Statutes (continued)

- 10-76i Advisory council for special education.
- 10-76j Five-year plan for special education.
- 10-76k Development of experimental educational programs.
- PA 06-18 An Act Concerning Special Education  
State Board of Education Regulations.
- 10-76m Auditing claims for special education assistance.
- 10-76a-1 et seq. Definitions. (as amended by PA 00-48)
- 10-76b-1 through 10-76b-4 Supervision and administration.
- 10-76d-1 through 10-76d-19 Conditions of instruction.
- 10-76h-1 through 10-76h-2 Due process.
- 10-76l-1 Program Evaluation.
- 10-145a-24 through 10-145a-31 Special Education (re teacher certification).
- 10-264l Grants for the operation of interdistrict magnet school programs.
- P.A. 12-173, An Act Concerning Individualized Education Programs and  
Other Issues Relating to Special Education
- 34 C.F.R. 3000 Assistance to States for Education for Handicapped Children.  
American with Disabilities Act, 42 U.S.C. §12101 et seq.
- Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq.
- Rehabilitation Act of 1973, Section 504, 29 U.S.C. § 794.
- P.L. 108-446 The 2004 Reauthorization of the Individuals with Disabilities  
Act
- Bd of Ed of the City School District of the City of New York v. Tom F.* 128S.Ct.  
1, 76 U.S.L.W. 3197 (2008)
- Rowley v. Board of Education*, 485 U.S.-176 (1982)
- Andrew F. v. Douglas County School District* RE-1, 15-827 U.S. (2017)
- A.M. v. N.Y. City Department of Education*, 845F.3d 523, 541 (2d Cir.1997)
- Mrs. B., v. Milford Board of Education* 103 F. 3d 1114, 1121 (2d Cir. 1997)
- Public Act 25-67 An Act Concerning the Quality and Delivery of Special  
Education Services in Connecticut (Sec 1 & 12)
- Public Act 25-93 An Act Increasing Resources for Students, Schools and  
Special Education (Section 32)

Policy adopted:

## Students

### Ages of Attendance/~~Admissions~~/Placement

In accordance with Connecticut General Statute 10-186, The Board of Education shall provide education for all persons, residing in the District, five years of age and older, having attained age five on or before the first day of ~~January~~ September of any school year, and under twenty-one years of age who is not a graduate of a high school or vocational school, except as provided in Connecticut General Statutes 10-233c and 10-233d.

Additionally, according to Connecticut General Statute 10-76d (b2), special education will be provided for children who have attained the age of three and who have been identified as being in need of special education, and whose educational potential will be irreparably diminished without special education. If a special education student is being considered for an exception, the Planning and Placement Team (PPT) will make a recommendation to the administrator in charge of special education.

In order to determine a child's eligibility for ELL programs, parents/guardians of all new students enrolling for the first time and all re-enrolling students who have not previously attended a Connecticut public school must complete a Home Language Survey (HLS) at the time of enrollment. A student may also take a screening exam. The student must be enrolled first before the administration of the assessment. Neither the survey nor the exam are conditions of enrollment.

**Note:** *When a student is enrolling in a new school district or new state charter school, written notification of such enrollment shall be provided to the previous school district or charter school not later than two business days after the student enrolls.*

Children who apply for initial admission to the District's schools by transfer from nonpublic schools or from schools outside the District will be placed at the grade they would have reached elsewhere pending observation and evaluation by classroom teachers, guidance personnel, and the school Principal. After such observations and evaluations have been completed, the Principal will determine the final grade placement of the children.

Parents and those who have the control of children five years of age and over and under eighteen years of age, are obligated by Connecticut law to require their children to attend public day school or its equivalent in the district in which such child resides, unless such child is a high school graduate or the parent or person having control of such child is able to show that the child is elsewhere receiving equivalent instruction in the studies taught in the public schools.

Students under age eighteen are subject to mandatory attendance laws unless they are at least seventeen and their parent/guardian, or other person having control of the child, consents to such child's removal from school. The parent or person shall exercise this option by personally appearing at the school district office to sign a withdrawal form.

Such withdrawal form shall include an attestation from a guidance counselor, school counselor or school administrator of the school that this District has provided the parent or person with information on the educational opportunities options available in the school system and in the community, and the parent or guardian that the child will be enrolled in an adult education program upon the child's withdrawal from school.

~~The parent or person having control of a child seventeen years of age must consent to such child's withdrawal from school. The parent or person shall exercise this option by personally appearing at the school district office to sign a withdrawal Form B attached to this policy. This district shall provide the parent or person with information on the educational opportunities available in the school system and in the community.~~

## **Enrollment**

The enrollment process shall be focused on obtaining only the information deemed necessary to establish residency and age. The District shall not request other information as a condition of enrollment or state in its policies or on its websites or otherwise, that other information is required to enroll children. The District shall immediately enroll a homeless child and allow such student to attend school even if the student is unable to produce records normally required for enrollment. Additional data collection may occur, but it must be completed in such a manner that does not interfere with the enrollment of a child in school.

Each child entering the District schools for the first time must present a birth certificate or offer legal evidence of birth data, as well as proof of a recent physical examination and required immunizations. Other documents that may be accepted as proof of a child's age include, but are not limited to, a photocopy of a birth certificate, earlier school records, state-issued identification document, driver's license or passport, parent's affidavit or unsworn statement as to a child's age, physician's certificate verifying a child's age, or immunization records.

If the parents or guardians of any children are unable to pay for such immunizations and/or physicals, the expense of such immunizations and/or physicals shall on the recommendation of the Board, be paid by the Town. Proof of domicile may also be requested by the Building Principal.

The parent or person having control of a child five years of age shall have the option of not sending the child to school until the child is six years of age by December 31<sup>st</sup> of any school year. The parent or person having control of a child six years of age shall have the option of not sending the child to school until the child is seven years of age by December 31<sup>st</sup> of any school year.

Any child entering or returning to the District from placement in a juvenile detention school, the Connecticut Juvenile Training School, or any other residential placement, shall have the educational records of such child provided to the Superintendent of Schools by the Department

of Children and Families (DCF) and the Judicial Department. Such information will be shared with the Principal of the school to which the student is assigned. The Principal can disclose them to the staff who teach or care for the child.

The District will immediately enroll any student who transfers from Unified District No. 1 or Unified District No 2. A student transferring from the Unified School Districts who had previously attended school in the local District shall be enrolled in the school such student previously attended, provided such school has the appropriate grade level for the student.

### **Residency**

The District, when determining residency, shall not request documentation of citizenship or immigration status of a child or the child's parents/guardians. The Board believes such documentation is not relevant to establishing residency.

In the establishment of residency, the Board will accept such documentation as, but not limited to, a lease agreement, mortgage document, property tax record, rent receipt, home owners insurance, current utility bill, current proof of government benefits, CT driver's license, automobile registration or insurance. An Affidavit of Residence, properly executed, shall also be acceptable.

For purposes of establishing the residency of a child of a member of the armed forces, as defined in C.G.S. 27-103, and who is seeking enrollment in a district school, in which such child is not yet a resident, the Board shall accept the military orders directing such member to Connecticut or any other documents from the armed forces indicating the transfer of such member to Connecticut as proof of residency in the District.

The above requirements are not to serve as barriers to immediate enrollment of students, designated as homeless or foster children as required by the Every Student Succeeds Act (ESSA) and the McKinney-Vento Act as amended by the ESSA. The District shall work with the local child welfare agency, the school last attended, or other relevant agencies to obtain necessary enrollment documentation. The District shall immediately enroll a homeless student and allow such student to attend school even if the student is unable to produce records normally required for enrollment.

The parent/guardian of any child who is denied admission to the District's schools, or an unaccompanied minor, a student eighteen years of age or older, a homeless child or youth or an unaccompanied youth who is denied schooling on the basis of residency, or an agent or officer charged with the enforcement of the laws concerning attendance at school may request, in writing, a hearing by the Board of Education.

The parent or person shall exercise such option by personally appearing at the school district office and signing an option form. The District shall provide the parent or person with information on the educational opportunities available in the school system.

A child who has attained the age of seventeen and who has voluntarily terminated enrollment with parental consent in the District's schools and subsequently seeks readmission may be denied readmission for up to ninety school days from the date of such termination unless such child seeks readmission to the District not later than ten (10) school days after such termination

in which case the Board shall provide school accommodations to such child not later than three school days after such child seeks readmission.

**In Summary:**

- ❖ A parent with a child 5 and **under 18** is obligated to have that child attend school.
  - Unless the child graduated High School
  - Unless the parent demonstrates the child is receiving equivalent instruction elsewhere.
- ❖ Students **under 18** are subject to mandatory attendance laws
  - Unless they are at least 17 and the parent consents to the child's removal from school having demonstrated the child is receiving equivalent instruction elsewhere.
- ❖ The parent must personally appear at the school district office, and sign a withdrawal form. **(18 year old)**
  - The form must include an attestation from a guidance counselor, school counselor, or school administrator
  - The attestation must indicate that the parent or student received information regarding educational programs or options available in the school or community.
- ❖ The parent must personally appear at the school district office, and sign a withdrawal form. **(17 year old)**
  - The form must include an attestation from a guidance counselor, school counselor, or school administrator
  - The attestation must indicate that the parent or student received information regarding educational programs or options available in the school or community.
  - The parent or guardian must attest that the 17 year old withdrawing student has enrolled in an adult education program
- ❖ The parent with a five year old has the option of not sending a child until 6.
- ❖ The parent with a six year old has the option of not sending a child until 7.

A child who has attained the age of nineteen or older may be placed in an alternative school program or other suitable educational program if he/she cannot acquire a sufficient number of credits for graduation by age twenty-one.

~~The parent or person having control of a child five years of age shall have the option of not sending the child to school until the child is six years of age. The parent or person having control of a child six years of age shall have the option of not sending the child to school until the child is seven years of age. The parent will complete Form A of this policy to withhold their child from school at age five and/or six.~~

~~The parent or person shall exercise such option by personally appearing at the school district office and signing an option form. The district shall provide the parent or person with information on the educational opportunities available in the school system.~~

~~A child who has attained the age of seventeen and who has terminated enrollment with parental consent in the district's schools and subsequently seeks readmission may be denied readmission for up to ninety school days from the date of such termination.~~

~~A child who has attained the age of nineteen or older may be placed in an alternative school program or other suitable educational program if he/she cannot acquire a sufficient number of credits for graduation by age twenty-one.~~

(cf. ~~5111~~ Admission/Placement)

(cf. ~~5112~~ Ages of Attendance)

(cf. 5118.1 - Homeless Students)

(cf. 5118.3 - Children in Foster Care)

(cf. 6146 - Graduation Requirements)

Legal Reference: Connecticut General Statutes

4-176e to 4-180a Agency hearings.

4-181a Contested cases. Reconsideration. Modifications.

10-15 Towns to maintain schools

10-15c Discrimination in public schools prohibited. School attendance by five-year-olds

10-76a - 10-76g re special education.

10-184 Duties of parents (re mandatory schooling for children ages five to, ~~seventeen~~ sixteen inclusive) as amended by PA-98-243, ~~and~~ PA 00-157, PA 09-6 (September Special Session) and PA 18-15

10-186 Duties of local and regional boards of education re school attendance. Hearings. (as amended by P.A. 19-179)

P.A. 19-179 An Act Concerning Homeless Students; Access to education ~~-(Amended by PA 96-26 An Act Concerning Graduation Requirements and Readmission and Placement of Older Students)~~

Appeals to State Board. Establishment of hearing board

10-233a - 10-233f Inclusive; re: suspend, expel, removal of pupils

10-233c Suspension of pupils.

10-233d Expulsion of pupils.

State Board of Education Regulations

10-76a-1 General definitions (c) (d) (q) (t)

P.A. 19-179 An Act Concerning Homeless Students' Access to Education. "Guidance for Connecticut School Districts: Enrollment Process and Practice," State Department of Education, December 2019.

P.A. 21-86 An Act Concerning the Enrollment of Children of Members of the Armed Forces in Public Schools and the Establishment of a Purple Star School Program.

P.A. 23-208 An Act Making Certain Revisions to the Education Statutes.

McKinney-Vento Homeless Assistance Act (PL 107-110 Sec. 1032) 42

U.S.C. §11431-11435, as amended by the ESSA, P.L. 114-95.

**Policy Adopted: March 1, 1995**

**Policy Revised: November 4, 1998**

**Policy Revised: April 5, 2006**

**Policy Revised: October 5, 2011**

DRAFT

## Students

### Admission/Age of Attendance/Placement

#### Admission

District schools shall be open to all children five years of age and over who reach age five on or before the first day of January of any school year. Each such child shall have, and shall be so advised by the appropriate school authorities, an equal opportunity to participate in the program and activities of the school system without discrimination on account of race, color, sex, religion, national origin or sexual orientation. Students who are classified as homeless under federal law and therefore do not have a fixed residence, will be admitted pursuant to federal law and policy 5118.1. Exceptions from routine admission may be made by the school Principal on the basis of supporting evidence from physical and psychological examinations.

The parent or person having control of a child five years of age shall have the option of not sending the child to school until the child is six years of age. The parent or person having control of a child six years of age shall have the option of not sending the child to school until the child is seven years of age.

The parent or person shall exercise such option by personally appearing at the school district office and signing an option form. The district shall provide the parent or person with information on the educational opportunities available in the school system.

According to Connecticut General Statute [10-76d\(b2\)](#), special education will be provided for children who have attained the age of three and who have been identified as being in need of special education, and whose educational potential will be irreparably diminished without special education. If a special education student is being considered for an exception, the Planning and Placement Team (PPT) will make a recommendation to the administrator in charge of special education.

Each child entering the district schools for the first time must present a birth certificate or offer legal evidence of birth data, as well as proof of a recent physical examination and required immunizations. If the parents or guardians of any children are unable to pay for such immunizations, the expense of such immunizations shall on the recommendation of the Board, be paid by the town. Proof of domicile may also be requested by the building Principal.

Any child entering or returning to the district from placement in a juvenile detention school, the Connecticut Juvenile Training School, or any other residential placement, shall have the educational records of such child provided to the Superintendent of Schools by the Department of Children and Families (DCF) and the Judicial Department. Such information will be shared

with the Principal, or designee, of the school to which the student is assigned. The Principal, or designee, can disclose them to the staff who teach or have school responsibilities for the child.

The parent or person having control of a child sixteen or seventeen years of age must consent to such child's withdrawal from school. The parent or person shall exercise this option by personally appearing at the school district office to sign a withdrawal form. The district shall provide the parent or person with information on the educational opportunities available in the school system and in the community.

Children who have attained the age of sixteen and who have terminated enrollment in the district's schools with parental permission as described previously and subsequently seeks readmission may be denied readmission for up to ninety school days from the date of such termination.

Children who apply for initial admission to the district's schools by transfer from nonpublic schools or from schools outside the district will be placed at the grade they would have reached elsewhere, in accordance with Policy 5123, pending observation and evaluation by classroom teachers, guidance personnel, and the school Principal. After such observations and evaluations have been completed, the Principal will determine the final grade placement of the children.

Children who have attained the age of nineteen or older may be placed in an alternative school program or other suitable educational program if they cannot acquire a sufficient number of credits for graduation by age twenty-one.

(cf. 0521 - Nondiscrimination)

(cf. 5112 - Ages of Attendance)

(cf. [5118.1](#) Homeless Students)

(cf. [5123](#) – Promotion & Retention)

(cf. 5141 - Student Health Services)

(cf. 6171 - Special Education)

(cf. [6146](#) - Graduation Requirements)

Legal Reference: Connecticut General Statutes

[10-15](#) Towns to maintain schools

[10-15c](#) Discrimination in public schools prohibited. School attendance by five-year olds, as amended by PA 97-247

[10-76a](#) - [10-76g](#) re special education

[10-184](#) Duties of parents (re mandatory schooling for children ages five to sixteen, inclusive)

[10-186](#) Duties of local and regional boards of education re school attendance. Hearings.

Appeals to state board. Establishment of hearing board

[10-233a](#) - [10-233f](#) Inclusive; re: suspend, expel, removal of pupils

[10-233c](#) Suspension of pupils

[10-233d](#) Expulsion of pupils

[10-233k](#) Notification of school officials of potentially dangerous students.

[10-261](#) Definitions

State Board of Education Regulations

[10-76a-1](#) General definitions (c) (d) (q) (t)

[10-76d-7](#) Admission of student requiring special education (referral)

[10-204a](#) Required immunizations

McKinney-Vento Homeless Assistance Act, 42 U.S.C. §11431 et seq.

**Policy Adopted: March 1, 1995**

**Policy Revised: January 3, 2007**

## **Regulation**

### **Students**

#### **Admission/Age of Attendance/Placement**

#### **Residency Requirements**

Education for students in pre-kindergarten through grade 12 is provided to all residents of Bristol. As part of the registration process, parents/guardians must provide the following information to enroll their child/children in school.

1. completed registration form;
2. dominant language form;
3. Media Contact form;
4. Release of Records form to transfer records;

5. Internet Policy form;
6. Emergency Information Card;
7. the most current IEP or other such documents for students receiving special services; and
8. Progress reports or other documents indicating the students grade level and course grades if appropriate.

Additionally, the following documentation is required\*:

1. Medical Assessment Form [State Blue Form]
2. Verification of Birth Date
3. Proof of Residency
  - a. Notarized lease from landlord or
  - b. Two bills sent to the address given under the parent/guardian name
    - i. Utilities, mortgage, car loan, etc ""
4. Special circumstance documentation
  - a. Homeless families in a shelter or other temporary housing

### **Residency Determination**

In cases where a student lives part of the week with one parent and another part of the week with the other parent, residency for the purposes of school enrollment is determined by where the child resides for the majority of the school week. That is, if the student resides in Bristol for 3 of the 5 school nights in a week, the child is considered a resident for education purposes. If the child resides in Bristol for two school nights each week, they are not considered a resident for education purposes.

### **Nonresident Attendance**

If after careful review of all available evidence, the principal believes a student is not entitled to attend the Bristol Schools, the parent/guardian, emancipated minor or pupil 18 years of age or older shall be informed in writing that, as of a particular date, the student may no longer attend local schools. Residency may be verified by the district attendance officer visiting the residence in question.

The parent/guardian, emancipated minor or student age 18 or above may request a residency hearing with the Board of Education or their designated hearing officer. Once the request is made, the student may remain in school pending the hearing outcome. Decisions by the local

Board of Education may be appealed to the State Board of Education. If that appeal is lost, a per diem tuition will be assessed for each day the student was ineligible to attend.

Policy Manual References:

(cf. 0521 - Nondiscrimination)

(cf. 5112 - Ages of Attendance)

(cf. [5118.1](#) Homeless Students)

(cf. [5123](#) – Promotion & Retention)

(cf. 5141 - Student Health Services)

(cf. 6171 - Special Education)

Legal Reference: Connecticut General Statutes

[10-15](#) Towns to maintain schools

[10-76a](#) - [10-76g](#) re special education

[10-184](#) Duties of parents (re mandatory schooling for children ages five to sixteen, inclusive)

[10-186](#) Duties of local and regional boards of education re school attendance. Hearings.

Appeals to state board. Establishment of hearing board

**Regulation Approved: September 15, 2010**

## Students

### Attendance/Excuses/Dismissal/~~Truancy~~

#### Attendance

~~Connecticut state law requires parents to cause their children, ages five through eighteen inclusive, to attend school regularly during the hours and terms the public school is in session. Parents or persons having control of a child five years of age have the option of not sending the child to school until ages six or seven. Mandatory attendance terminates upon graduation or withdrawal with written parent/guardian consent at age seventeen.~~

In accordance with Connecticut General Statute 10-186, the Board of Education shall provide education for all persons, residing in the District, five years of age and over, who reach age five on or before the first day of September of any school year, and under twenty-one (age twenty-two for special education students) who is not a graduate of a high school or vocational school, except as provided in Connecticut General Statutes 10-233c and 10-233d.

A student is considered to be "in attendance" if present at his/her assigned school, or an activity sponsored by the school (e.g., field trip), for at least half of the regular school day. A student who is serving an out-of-school suspension or expulsion should always be considered absent. A student not meeting the definition of "in attendance" shall be considered absent.

*Note: P.A. 15-225 requires the SBE to define "disciplinary absence" by January 1, 2016 to assist local boards of education calculate district and school chronic absenteeism rates.*

Classroom learning experiences are the basis for public school education. Time lost from class is lost instructional opportunity. The Board of Education requires that accurate records be kept of the attendance of each child, and students should not be absent from school without parental knowledge and consent.

#### Definitions (related to chronic absenteeism)

**Chronically absent child:** An enrolled student whose total number of absences at any time during a school year is equal to or greater than ten percent of the total number of days that such student has been enrolled at such school during such school year.

**Absence:** An excused absence, unexcused absence or disciplinary absence, as those terms are defined by the State Board of Education pursuant to C.G.S. 10-198b. ~~or an in-school suspension that is greater than or equal to one-half of a school day.~~

**District chronic absenteeism rate:** The total number of chronically absent children in the previous school year divided by the total number of children under the jurisdiction of the Board of Education for such school year.

**School chronic absenteeism rate:** The total number of chronically absent children for a school in the previous school year divided by the total number of children enrolled in such school for such school year.

*Note: The use of the state approved definitions of "excused" and "unexcused" absences are for state purposes for the reporting of truancy. Districts are not precluded from using separate definitions of such absences for their internal uses such as involving decisions on areas such as promotion and grading.*

A student's absence from school shall be considered "excused" if written documentation of the reason for such absence has been submitted within ten (10) school days of the student's return to school and meets the following criteria:

- A. For absences one through nine, a student's absences from school are considered "excused" when the student's parent/guardian approves such absence and submits appropriate documentation to school officials.
- B. A student's engagement in remote classes, remote meetings, activities on time-logged electronic systems, and completion and submission of assignments, if such engagement accounts for not less than one-half of the school day during remote learning is excluded from the definitions of "excused absence" and "unexcused absence."
- C. Absence resulting from a student enrolled in grades K-12, taking two mental health days during the school year. Such absence is to permit the student to attend to his/her emotional and psychological well-being in lieu of attending school.

The student shall not be required to present documentation or parental/guardian consent. For purposes of school year limitation, such absence shall be identified as a "mental health wellness day."

A student cannot take these mental health days during consecutive school days.

Such documentation includes a signed note from the student's parent/guardian, a signed note from a school official that spoke in person with the parent/guardian regarding the absence, or a note confirming the absence by the school nurse or by a licensed medical professional, as appropriate. Documentation should explain the nature of and the reason for the absence as well as the length of the absence. Separate documentation must be submitted for each incidence of absenteeism.

- D. For the tenth absence and all absences thereafter, a student's absences from school are considered excused for the following reasons:
  - 1. Student illness (must be verified by a licensed medical professional to be deemed excused, regardless of the length of the absence);
  - 2. Student's observance of a religious holiday;

3. Death in the student's family or other emergency beyond the control of the student's family;
  4. Mandated court appearances (documentation required);
  5. The lack of transportation that is normally provided by a district other than the one the student attends (no parental documentation required);
  6. Extraordinary educational opportunities pre-approved by District administration and to be in accordance with Connecticut State Department of Education guidance.
- E. A student's absence from school shall be considered unexcused unless:
1. The absence meets the definition of an excused absence and meets the documentation requirements; or
  2. The absence meets the definition of a disciplinary absence, which is the result of school or District disciplinary action and are excluded from these State Board of Education approved definitions.

When the school in which a child is enrolled receives no notification from a parent or other person having control of the child is aware of the child's absence, a reasonable effort shall be made by school personnel or volunteers under the direction of school personnel to notify by telephone and by mail such parent or other person having control of the child.

Responsibility for completion of missed classwork lies with the student, not the teacher. Unless a student has an extended illness, all make-up work will be complete within five days after the student returns to school.

### **Excused Absences for Children of Service Members**

An enrolled student, age five to eighteen, inclusive, whose parent or legal guardian is an active duty member of the armed forces, as defined in section [27-103](#), and has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat support posting, shall be granted ten days of excused absences in any school year and, at the discretion of the Board of Education, additional excused absences to visit such child's parent or legal guardian with respect to such leave or deployment of the parent or legal guardian. In the case of such excused absences such child and parent or legal guardian shall be responsible to obtaining assignments from the student's teacher prior to any period of excused absence, and for ensuring that such assignments are completed by such child prior to his or her return to school from such period of excused absence.

### **Chronic Absenteeism**

The Board of Education, in compliance with statute, requires the establishment of attendance review teams when chronic absenteeism rates in the District or at individual schools in the District meet the following circumstances:

1. A team for the District must be established when the District chronic absenteeism rate is 10 percent or higher.
2. A team for the school must be established when the school chronic absenteeism rate is 15 percent or higher.
3. A team for either the District or each school must be established when (a) more than one school in the District has a school chronic absenteeism rate of 15 percent or higher or (b) a District has a District chronic absenteeism rate of 10 percent or higher and one or more schools in the District have a school chronic absenteeism rate of 15 percent or higher.

~~4. The membership of attendance review teams may consist of school administrators, guidance counselors, school social workers, teachers, chronically absent children, parents or guardians of chronically absent children, and representatives from community-based programs who address issues related to student attendance by providing programs and services to truants.~~

Each attendance review team shall be responsible for reviewing the cases of truants and chronically absent children, discussing school interventions and community referrals for such truants and chronically absent children and making any additional recommendations for such truants and chronically absent children and their parents or guardians. Each established attendance review team shall meet at least monthly.

The District shall utilize the chronic absenteeism prevention and intervention plan developed by the State Department of Education ~~when it becomes available. (SDE to develop by 1/1/16.)~~

The District shall annually include in information for the strategic school profile report for each school and the District that is submitted to the Commissioner of Education, data pertaining to truancy and chronically absent children.

The Principal or his/her designee of any elementary or middle school located in a town/city designated as an alliance district may refer to the children's truancy clinic established by the Probate Court serving the town/city, a parent/guardian with a child defined as a truant or who is at risk of becoming a truant. (An attendance officer or a police officer shall deliver the citation and summons and a copy of the referral to the parent/guardian.)

## **Dismissal**

No school, grade, or class may be dismissed before the regularly scheduled dismissal time without the approval of the Superintendent or his/her designee.

No teacher may permit any individual student to leave school prior to the regular hour of dismissal without the permission of the Principal.

No student may be permitted to leave school at any time other than at regular dismissal without the approval of the student's parent/guardian. If a court official with legal permission to take

custody of a child, or if a police officer arrests a student, the parent/guardian should be notified of these situations by the administration.

## **Truancy**

~~"Truant" shall mean a student age five to eighteen, inclusive, who has four unexcused absences in any one month, or ten unexcused absences in one school year.~~

~~The District's policy on student truancy shall stress early prevention and inquiry leading to remediation of absences rather than imposition of punitive measures for students. Referral to legal authorities normally shall be made only when local resources are exhausted. For purposes of implementing this policy and for reporting purposes regarding truancy, the District will utilize the State Board of Education approved definitions of "excused," "unexcused," and "disciplinary" absences.~~

~~The Principal or his/her designee of any elementary or middle school located in a town/city designated as an alliance district may refer to the children's truancy clinic established by the Probate Court serving the town/city, a parent/guardian with a child defined as a truant or who is at risk of becoming a truant. (An attendance officer or a police officer shall deliver the citation and summons and a copy of the referral to the parent/guardian.)~~

*A condensed version of this policy shall be included in all Student-Parent Handbooks.*

(cf. 5142 - Student Safety)

(cf. 5113.2 - Truancy)

(cf. 6113 - Released Time)

Legal Reference: Connecticut General Statutes

[10-220\(c\) Duties of boards of education \(as amended by PA 15-225\)](#)

[10-184 Duties of parents \(as amended by PA 98-243 and PA 00-157 and PA 18-15\)](#)

[10-185 Penalty](#)

[10-198a Policies and procedures concerning truants \(as amended by PA11-136, An Act Concerning Minor Revisions to the Education Statutes and PA 14-198, An Act Concerning Excused Absences from School for Children of Service Members, and PA 16-147, An Act Concerning the Recommendations of the Juvenile Justice Policy and Oversight Committee\)](#)

[10-198b State Board of Education to define "excused absence," "unexcused absence," and "disciplinary absence" \(as amended by PA 21-46, Section 19\)](#)

[10-198c Attendance review teams.](#)

[10-198d Chronic absenteeism \(as amended by PA 17-14 and PA 18-182\)](#)

[45a-8c Truancy clinic. Administration. Policies and procedures. Report. \(as amended by PA 15-225\)](#)

~~[PA 15-225 An Act Concerning Chronic Absenteeism](#)~~

[10-199 through 10-202 Attendance, truancy - in general](#)

Action taken by State Board of Education on January 2, 2008, to define "attendance."

Action taken by State Board of Education on June 27, 2012, to define "excused" and "unexcused" absences.

[PA 17-14 An Act Implementing the Recommendations of the Department of Education](#)

[PA 21-46 An Act Concerning Social Equity and the Health, Safety and Education of Children](#)

Action taken by the State Board of Education on September 7, 2022 to amend the definition of "in attendance."

**Policy Adopted: March 1, 1995**

**Policy Revised: June 11, 2014**

**Policy Revised: March 1, 2017**

**Policy Revised: September 13, 2017**

Bristol Board of Education

Bristol, Connecticut

## Students

### Truancy

#### Introduction and Definitions

The District's policy on student truancy shall stress early prevention and inquiry leading to remediation of absences rather than imposition of punitive measures for students. Referral to legal authorities normally shall be made only when local resources are exhausted. For purposes of implementing this policy and for reporting purposes regarding truancy, the District will utilize the State Board of Education approved definitions of "excused," "unexcused" and "disciplinary" absences.

**"Truant"** shall mean a student age five to eighteen, inclusive, who has four unexcused absences in any one month, or ten unexcused absences in one school year.

**"In attendance"** shall mean a student if present at his/her assigned school, or an activity sponsored by the school (e.g., field trip), for at least half of the regular school day. [A student is also in attendance if the student is a participating in statutorily authorized remote learning as determined through a combination of: synchronous virtual classes, synchronous virtual meetings, activities on time-logged electronic systems, and/or the completion and submission of assignments, for at least half of the regular school day.](#) A student who is serving an out-of-school suspension or expulsion should always be considered absent.

**"Chronically absent child"** is an enrolled student whose total number of absences at any time during a school year is equal to or greater than ten percent of the total number of days that such student has been enrolled at such school during such school year.

**"Absence"** means an excused absence, unexcused absence or disciplinary absence, as those terms are defined by the State Board of Education [pursuant to C.G.S. 10-198b](#).

**"Mental health wellness day"** means a school day during which a student attends to his/her emotional and psychological well-being in lieu of attending school. Such days must be nonconsecutive.

**"District chronic absenteeism rate"** means the total number of chronically absent children in the previous school year divided by the total number of children under the jurisdiction of the Board of Education for such school year.

**"School chronic absenteeism rate"** means the total number of chronically absent children for a school in the previous school year divided by the total number of children enrolled in such school for such school year.

## **Remediation of Truancy**

School personnel shall seek cooperation from parents or other persons having control of such child and assist them in remedying and preventing truancy. The Superintendent of Schools shall develop regulations which will detail the following school district obligations under the district's truancy policy.

1. Notify parents annually of their obligations under the attendance policy.
2. Obtain telephone numbers for emergency record cards or other means of contacting parents or other persons having control of the child during the school day.
3. Establish a system to monitor student attendance.
4. Make a reasonable effort by telephone and by mail to notify parents or other persons having control of the child, enrolled in grades one through eight, inclusive, when a child does not arrive at school and there has been no previously approval or other indication which indicates parents are aware of the absence. (Note: Persons who in good faith give or fail to give notice pursuant to this section shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed and shall have immunity with respect to any judicial proceeding which results from such notice or failure to give notice.)
5. Identify a student as "truant" when the student accumulates four unexcused absences in any month or ten in a school year.
6. Identify a student as "chronically absent" when the student accumulates a total number of absences at any time during a school year that is equal to or greater than ten percent of the total number of days that such student has been enrolled at the school during the school year.
7. Appropriate school staff meet with parents of a child identified as truant or chronically absent to review and evaluate the situation, within ten days of such designation. Such meeting may involve the school or District Attendance Team.

Students so identified may be subject to:

- (a) retention in the same grade to acquire necessary skills for promotion or retention.
  - (b) a requirement to complete a summer school program successfully before being promoted to the next grade.
8. When a petition is filed, an educational evaluation of the truant student shall be done by appropriate school personnel if no such evaluation has been performed within the preceding year.
  9. Provide coordination of services and refer "truants" to community agencies which provide child and family services.

10. If in existence, refer the child to the children's probate court truancy clinic.

11. Provide notice to the parent(s)/guardian(s) the information concerning the 2-1-1 Infoline and other pediatric mental and behavioral health screening sources and tools provided by the State Department of Education.

The Board, ~~on or before 8/15/18,~~ shall implement a truancy intervention model identified by the Connecticut State Department of Education (SDE) for any school within the District that has a disproportionately high rate of truancy, as identified by the Commissioner of Education. [The intervention models must also address the needs of students with disabilities.](#) Parents or other persons having control of each child shall be notified of such truancy model. ~~(Note: The SDE is required to identify these effective truancy intervention models by 8/15/17.)~~

### **Chronic Absenteeism**

The Board of Education, in compliance with statute, requires the establishment of attendance review teams when chronic absenteeism rates in the District or at individual schools in the District meet the following circumstances:

1. A District team must be established when the District's chronic absenteeism rate is 10 percent or higher.
2. A school team must be established when the school chronic absenteeism rate is 15 percent or higher.
3. A team for either the District or each school must be established when (a) more than one school in the District has a school chronic absenteeism rate of 15 percent or higher or (b) a District has a District chronic absenteeism rate of 10 percent or higher and one or more schools in the District have a school chronic absenteeism rate of 15 percent or higher.

The membership of attendance review teams may consist of school administrators, guidance counselors, [school counselors](#), school social workers, teachers, chronically absent children, parents or guardians of chronically absent children, and representatives from community-based programs who address issues related to student attendance by providing programs and services to truants.

Each attendance review team shall be responsible for reviewing the cases of truants and chronically absent children, discussing school interventions and community referrals for such truants and chronically absent children and making any additional recommendations for such truants and chronically absent children and their parents or guardians. Each attendance review team shall meet at least monthly.

[In the calculation of the District's chronic absenteeism rate and the school chronic absenteeism rate, a student's engagement, in grades 9-12, in remote virtual learning shall be excluded if such engagement accounts for not less than one-half of the school day. In addition, the calculation of chronic absenteeism rates shall exclude absence resulting from a student taking a mental health day pursuant to P.A. 21-46.](#)

The District shall utilize the chronic absenteeism prevention and intervention plan developed by the State Department of Education when it becomes available. [Such plan must include the means for collecting and analyzing data relating to student attendance, truancy and chronic absenteeism. The data must be disaggregated by school district, school grades and subgroups such as race, ethnicity, gender, eligibility for free and reduced priced lunches, students whose primary language is no English, and student with disabilities.](#)

The District shall annually include in information for the strategic school profile report for each school and the District that submitted to the Commissioner of Education, data pertaining to truancy and chronically absent children.

The Principal or his/her designee of any elementary or middle school located in a town/city designated as an alliance district may refer to the children's truancy clinic established by the Probate Court serving the town/city, a parent/guardian with a child defined as a truant or who is at risk of becoming a truant. (An attendance officer or a police officer shall deliver the citation and summons and a copy of the referral to the parent/guardian.)

[\(cf. 5113 – Attendance\)](#)

Legal Reference: Connecticut General Statutes

[10-184 Duties of parents.](#) ~~(as amended by PA 98-243 and PA 00-157)~~

[10-198a Policies and procedures concerning truants](#) ~~(as amended by PA 00-157, PA 11-136 and PA 16-147)~~

[10-198b State Board of Education to define "excused absence", "unexcused absence", and "disciplinary absences"](#)

[10-198c Attendance review teams](#) ~~(as amended by PA 17-14)~~

[10-198d Chronic absenteeism](#)

[10-198e Identification of truancy identification models](#)

[10-199 through 10-202 Attendance, truancy in general.](#) ~~(Revised, 1995, PA 95-304)~~

[45a-8c Truancy clinic. Administration. Policies and procedures. Report.](#) ~~(as amended by PA 15-225)~~

[10-220\(c\) Duties of boards of education](#) ~~(as amended by PA 15-225)~~

[10-202e-f Policy on dropout prevention and grant program.](#)

[10-221\(b\) Board of education to prescribe rules.](#)

[PA 22-47 An Act Concerning Children's Mental Health](#)

Campbell v New Milford, 193 Conn 93 (1984).

Action taken by the State Board of Education on January 2, 2008, to define "attendance."

Action taken by the State Board of Education on June 27, 2012, to define "excused and "unexcused" absences.

[Action taken by the State Board of Education on September 7, 2022 to amend the definition of "in attendance."](#)

**Policy Adopted: September 13, 2017**

Bristol Board of Education

Bristol, Connecticut

**Students**

**~~Attendance/Excuses/Dismissals/Truancy~~**

**~~Definition of Excused Absence~~**

~~An excused absence is an absence from a regularly scheduled school day for:~~

- ~~1. Reasons of health, including illness, incapacity or doctor's visits. The district reserves the right to request appropriate certification of illness from the student's physician;~~
- ~~2. Religious observance;~~
- ~~3. Court appearance;~~
- ~~4. Funeral of an immediate family member;~~
- ~~5. Approved school field trips; and~~
- ~~6. Suspension or expulsion.~~
- ~~7. Other circumstances discussed with the principal or designee.~~

~~Unexcused absences are defined as absences from an entire school day not covered above and will be determined by the school principal or designee.~~

~~Questions regarding excused versus unexcused absences should be discussed with the school principal or designee.~~

**Student Responsibilities**

~~A.—Students are responsible for regular attendance in all classes to benefit from continuity of instruction, sequential presentation of material, class interaction, and the attendant self-discipline and responsibility.~~

~~B.—It is a student responsibility to have absences approved and notify his/her teachers by presenting approval verification at the next class meeting.~~

**Teacher Responsibilities**

~~A.—At the first confirmed unexcused absence from a class, as determined by the administration, the teacher will:~~

- ~~(1) Notify the office on the designated form of the unexcused absence as soon as confirmed. The teacher will in turn notify the parent of the absence and the consequences.~~

~~(2) All absences are to be recorded in the teacher's record book even though they may be school approved. Teachers will maintain class attendance records and submit them to the administration on the final day of school.~~

### ~~Administrative Responsibilities~~

~~Whenever a child enrolled in school, ages five (5) to eighteen (18) inclusive, fails to report to school on a regularly scheduled school day and no indication has been received by school personnel that the child's parent (or other person having control of the child) is aware of the pupil's absence, a reasonable effort to notify, by telephone, the parent or such other person shall be made by school personnel under the direction of the school Principal.~~

~~Assign an appropriate consequence using Policy 5114.~~

~~Legal Reference: Connecticut General Statutes~~

~~10-184 Duties of parents.~~

~~10-198a Policies and procedures concerning truants.~~

~~10-199 through 10-202 Attendance, truancy in general.~~

~~10-202e-f Policy on dropout prevention and grant program.~~

~~46b-149 Family with Service Needs.~~

~~*Campbell v New Milford*, 193 Conn 93 (1984)~~

**R5113.2(a)**

## Students

### Truancy

#### Unexcused Absences/Truancy

In accordance with Board policy regarding truancy (unexcused absences), the following regulations pertain:

**1. Twenty Absence Limit.** No student may receive course credit for a full-year course after having been absent from that course more than twenty (20) class periods during the school year. These absences will be pro-rated for other than full-year courses and for courses meeting other than five (5) periods per week. All absences in a class will be counted except those incurred while a student participates in school-sponsored activities and/or essential administrative business.

**2. Waiver of Policy.** A student who has accumulated more absences than allowed by the policy, but who feels that the situation warrants special consideration, may appeal to the administration for a waiver increasing the number of allowable absences for that particular student. At the discretion of the administration, the parent may be requested to appear at the hearing to verify the legitimacy of the appeal.

Waivers are to be applied in a systemic manner. The administrator will consider all approved absences and any extenuating circumstances and render an impartial judgment.

**3. Grade Reduction for Unapproved Absences.** Students will be warned by teachers upon the first unexcused absence from a class. For each subsequent unexcused absence from that class, the student's grade for the marking period will be reduced by five (5) points. However, in applying this policy, a student's grade may not be reduced more than 50 points in any marking period.

At the beginning of each marking period, automatic grade reductions will begin anew, although the accumulation toward the twenty maximum for the full-year course is cumulative for the year.

Upon recommendation of the teacher, the Principal may adjust a grade when a student's outstanding performance for the latter portion of a marking period may not otherwise be recognized appropriately because of policy grading restrictions.

**4. Student Responsibilities.** Students are responsible for regular attendance in all classes to benefit from continuity of instruction, sequential presentation of material, class interaction, and the attendant self-discipline and responsibility.

It is a student responsibility to have absences approved and notify his/her teachers by presenting approval verification at the next class meeting.

**5. Teacher Responsibilities:**

A. At the first confirmed unexcused absence from a class, as determined by the administration, the teacher will:

(1) Notify the student that for each unexcused absence after this warning the student's grade will be reduced by five (5) points.

(2) Notify the office on the designated form of the unexcused absence as soon as confirmed. The teacher or the office will in turn notify the parent of the absence and the consequences.

B. For every subsequent unapproved absence, the teacher will:

(1) Inform the student that his/her grade for the marking period will be reduced by five (5) points.

(2) Notify the administrator, guidance counselor and school counselor involved on the designated form of the action taken.

(3) When a student has accumulated either four unexcused absences in one month or ten unexcused absences in a school year, the teacher will send the designated form to the office notifying the administrator, guidance counselor, school counselor and parent of the student's attendance problem. Within ten (10) days of the last unexcused absence, the guidance counselor or school counselor will contact the parent and initiate arrangements for a conference between the parent and school personnel.

(4) When a student has accumulated half the maximum allowable number of excused and unexcused) in a course, the teacher will send the designated form to the office notifying the administrator, guidance counselor, school counselor and parent. The guidance counselor or school counselor will contact the parent and initiate arrangements for a conference between the parent and school personnel.

All absences are to be recorded in the teacher's record book even though they may be school approved. Teachers will maintain class attendance records and submit them to the administration on the final day of school.

C. Teachers should, when practical, obtain at least one grade or mark per week for each student. Marks or grades can come from a variety of sources, e.g., homework, class participation, projects, quizzes, etc., and the sources of grades and their weights are at the teacher's discretion.

**6. Counselor Responsibilities. The guidance counselor or school counselor will:**

- A. At the first unexcused absence, arrange a conference with the student to provide counseling and make any required program adjustments.
- B. When notified that the student's grade has been reduced for the second time because of unexcused absences, arrange a conference between the student and guidance counselor or school counselor.
- C. Arrange a meeting within ten (10) days of the fourth unexcused absence in a month or the tenth unexcused absence during the school year.

**7. Administrative Responsibilities.** Whenever a child enrolled in school, ages five (5) to eighteen (18) inclusive, unless such child has either graduated from high school or withdrawn with written parental/guardian permission at ages sixteen or seventeen fails to report to school on a regularly scheduled school day and no indication has been received by school personnel that the child's parent, (or other person having control of the child), is aware of the student's absence, a reasonable effort to notify,

by telephone, the parent or such other person shall be made by school personnel or volunteers under the direction of the school Principal.

The school administration will make early concentrated efforts to prevent and remedy truancy in its beginning stages. These efforts will include:

- A. For the student's first unexcused absence from a course which results in grade reduction, the administrator will:
  - (1) Confer with the student.
  - (2) Inform the parent by phone and by mail.
  - (3) Arrange for the student to meet with his/her guidance counselor or school counselor if the situation warrants.
  
- B. For the second and third unexcused absence and for the third unapproved absence thereafter, the administrator will:
  - (1) Notify the parent by phone and by mail.
  - (2) Confer with the student.
  - (3) Enforce disciplinary measures or arrange for referral services as appropriate. This may include referral to the student assistance team (SAT) or other student assistance programs.
  
- C. The school will have the appropriate staff member(s) arrange a meeting with the parent (or other person having control) of the child who is truant within ten (10) school days after the child's fourth unexcused absence in one month or tenth unexcused absence in one school year. At this meeting a designated staff shall coordinate services with and referrals of children to community agencies providing child and family services.
  
- D. When a student's outstanding performance for the latter portion of a marking period may not fully be acknowledged because of the grading restrictions of this policy and upon teacher recommendation, the Principal may review the circumstances and adjust the student's grade.
  
- E. At the beginning of each new school year, any student who has had ten or more unexcused absences will be identified as an "at risk student" and monitored by appropriate staff. A letter will be sent to parents, and the attendance officer and school social worker will meet with the student to discuss the importance of regular attendance.

**8. Method of Reporting. Four basic forms will be utilized to implement this policy:**

**A. Excused Absence Form** - for students to verify an excused absence upon confirmation.

**B. Unexcused Absence Notice** - for teachers to inform the office of each unexcused absence.

**C. Midpoint Warning Notice** - for teachers, this four-part form notifies the office when students reach half the maximum specified number of absences.

**D. Final Notice** - completed by teacher when student reaches 20 absences in a full-year course or 10 absences in a semester course.

## 9. Truancy Intervention Model

The District, on or before 8/15/18, will implement a truancy intervention model, identified by the State Department of Education (SDE) for any school within the District that has a disproportionately high rate of truancy, as determined by the Commissioner of Education. (Parents shall be notified of such intervention model.) Such models shall also address the needs of students with disabilities.

### Chronic Absenteeism

An attendance review team shall be established when chronic absenteeism rates in the District or at individual schools in the District meet the following circumstances:

1. A District team must be established when the district chronic absenteeism rate is 10 percent or higher.
2. A school team must be established when the school's chronic absenteeism rate is 15 percent or higher.
3. A team for either the district or each school must be established when (a) more than one District school has a school chronic absenteeism rate of 15 percent or higher or (b) the District's chronic absenteeism rate is 10 percent or higher and one or more District schools have a school chronic absenteeism rate of 15 percent or higher.

The membership of attendance review teams may consist of school administrators, guidance counselors, school counselors, school social workers, teachers, chronically absent children, parents or guardians of chronically absent children, and representatives from community-based programs who address issues related to student attendance by providing programs and services to truants.

Each attendance review team shall be responsible for reviewing the cases of truants and chronically absent children, discussing school interventions and community referrals for such truants and chronically absent children and making any additional recommendations for such truants and chronically absent children and their parents or guardians. Each attendance review team shall meet at least monthly.

**“Mental health wellness day”** means a school day during which a student attends to his/her emotional and psychological well-being in lieu of attending school. Such days must be nonconsecutive.

In the calculation of the District's chronic absenteeism rate and the school chronic absenteeism rate, a student's engagement, in grades 9-12, in remote virtual learning shall be

excluded if such engagement accounts for not less than one-half of the school day. In addition, the calculation of chronic absenteeism rates shall exclude absence resulting from a student taking a mental health day pursuant to P.A. 21-46.

The District shall utilize the chronic absenteeism prevention and intervention plan developed by the State Department of Education when it becomes available. Such plan must include the means for collecting and analyzing data relating to student attendance, truancy and chronic absenteeism. The data must be disaggregated by school district, school grades and subgroups such as race, ethnicity, gender, eligibility for free and reduced priced lunches, students whose primary language is not English, and students with disabilities.

The District will include in information for the strategic school profile report for each school and the District that is submitted to the Commissioner of Education, data pertaining to truancy and chronically absent children.

### **For Alliance Districts**

The Principal or his/her designee of any elementary or middle school district may refer to the children's truancy clinic established by the Probate Court serving the town/city, a parent/guardian with a child defined as a truant or who is at risk of becoming a truant. (An attendance officer or a police officer shall deliver the citation and summons and a copy of the referral to the parent/guardian.)

### **Tardiness to School or Class**

Continued tardiness by a student is a serious problem. Students are expected to be in their places, ready for work, at the bell.

Legal Reference: Connecticut General Statutes  
10-184 Duties of parents. (as amended by PA 98-243, PA 00-157 and PA 18-15)  
10-198a Policies and procedures concerning truants (as amended by PA 00-157, PA 11-136 and PA 16-147)  
10-198b State Board of Education to define "excused absence", "unexcused absence", and "disciplinary absences" (as amended by PA 21- 46)  
10-198c Attendance review teams (as amended by PA 17-14)  
10-198d Chronic absenteeism (as amended by PA 18-182)  
10-198e Identification of truancy identification models (as amended by PA 18-182)  
10-199 through 10-202 Attendance, truancy in general. (Revised, 1995, PA 95-304)  
45a-8c Truancy clinic. Administration. Policies and procedures. Report. (as amended by PA 15-225)  
10-220(c) Duties of boards of education (as amended by PA 15-225)  
10-202e-f Policy on dropout prevention and grant program.

10-221(b) Board of education to prescribe rules.  
*Campbell v New Milford*, 193 Conn 93 (1984).  
*Action taken by the State Board of Education on January 2, 2008, to  
define “attendance.”*  
*Action taken by the State Board of Education on June 27, 2012, to define  
“excused and “unexcused” absences.*

**Regulation Approved: March 1, 1995**

**Regulation Revised: January 3, 2007**

## Students

### Suspension and Expulsion/ Due Process

~~It is the goal of the Bristol Board of Education to ensure the safety and welfare of all students in attendance, and to maintain an atmosphere conducive to learning. In keeping with this goal,~~

The Bristol 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 regulations, as well as Board policies. Students may be disciplined for conduct on school grounds or at any school-sponsored activity that endangers persons or property, is seriously disruptive of the educational process, or that violates a publicized policy of the Board. Students may be disciplined for conduct off school grounds if such conduct is seriously disruptive of the educational process and violates a publicized policy of the Board.

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

The Bristol 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 Bristol 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** means any denial of public school privileges to a student for disciplinary purposes.
2. **Removal** is the exclusion of a student from a classroom for all or part of a 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 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 (1) school year, whichever results in fewer days of exclusion.~~ 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. **Forced Pick-Ups** means a practice requiring parents and guardians to pick up their students from school when behavioral issues occur. It is important to note that when a district asks a parent or guardian to pick up a student under such circumstances, it is considered an out-of-school suspension (OSS) and as such is subject to the provisions of Connecticut General Statutes (CGS) Section 10-233c. This classification means the student is not only being removed from the school environment for the day but may also need interventions or support to address the underlying behavioral issues. Schools are required to document these cases to comply with the statute, ensure proper communication and collaboration with families about the students' needs, and employ any resources that could help manage the behavior more effectively by the school.
5. **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.~~ 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. 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.

6. **Expulsion** means the exclusion of a student from school privileges for more than ten (10) consecutive school days and shall be deemed to include, but not be limited to, exclusion

from the school to which such pupil was assigned at the time such disciplinary action was taken. ~~The expulsion period may not extend beyond one (1) calendar year,~~ 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.

7. **Emergency** means a situation in which the continued presence of the student in school poses 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.
8. ~~School~~ **Days** shall mean days when school is in session for students.
9. **School-Sponsored Activity** means any activity sponsored, recognized or authorized by the Board and includes activities conducted on or off school property.
10. **Possess** means to have physical possession or otherwise to exercise dominion or control over tangible property.
11. **Deadly Weapon** means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy club, blackjack, bludgeons or metal knuckles. A weapon such as a pellet gun and/or air soft pistol may constitute a deadly weapon if such weapon is designed for violence and is capable of inflicting death or serious bodily harm. ~~In making such determination, the following factors should be considered: design of weapon; how weapon is typically used (e.g. hunting); type of projectile; force and velocity of discharge; method of discharge (i.e. spring v. CO2 cartridge) and potential for serious bodily harm or death.~~
12. **Firearm**, as defined in 18 U.S.C § 921, means (1) any weapon (including a starter gun) that will, is designed to, or may be readily converted to expel a projectile by the action

of an explosive, (2) the frame or receiver of any such weapon, (3) a firearm muffler or silencer, or (4) any destructive device. The term firearm does not include an antique firearm. ~~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 any other similar device; or any weapon (other than a shotgun or shotgun shell particularly suited for sporting purposes) that will, or may be readily converted to, expel a projectile by explosive or other propellant, and which has a barrel with a bore of more than ½" in diameter. The term "destructive device" also includes any combination of parts either designed or intended for use in converting any device into any destructive device or any device from which a destructive device may be readily assembled. 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.~~ 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.

13. **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.
14. **Martial Arts Weapon** means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or chinese star.
15. **"Dangerous Drugs and Narcotics"** is defined as any controlled drug in accordance with Connecticut General Statutes §219-240.
16. **"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 (180days/900 hours).
17. **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.

~~Electronic Defense Weapon means a weapon which by electronic impulse or current is capable of immobilizing a person temporarily, but is not capable of inflicting death or serious physical injury, including a stun gun or other conductive energy device.~~

18. Seriously Disruptive of the Educational Process, as applied to off-campus conduct, means any conduct that markedly interrupts or severely impedes the day-to-day operation of a school.

~~P. Notwithstanding the foregoing definitions, 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.~~

**B. Removal from Class Procedures ~~V. Governing Removal from Class~~**

A. 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.

B. A student may not be removed from class more than six (6) 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.

C. The parents or guardian of any minor student removed from class shall be given notice of such disciplinary action within twenty-four (24) hours of the time of the institution of such removal from class. 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..

D. **III. 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, ancestry, gender identity or expression or any other characteristic protected by law.
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.

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, or any item represented to be tobacco, drugs 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.

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, portable audio player, 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.~~ Possession and/or use of a personal electronic device—including but not limited to cellular phones, smartphones, smartwatches, tablets, headphones/earbuds, portable media players, wearable or concealed recording devices, or any similar communication or digital device—on school grounds or at school-sponsored activities
- ~~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.~~
28. Unauthorized use of or tampering with any school computer, computer system, computer software, Internet connection or similar school property or system, or the use of such property or system for inappropriate purposes.
29. 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.
30. Hazing.
31. 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.~~

is defined as unwanted and aggressive behavior among children in grades kindergarten to twelve, inclusive, that involves a real or perceived power imbalance.

- 32. 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.
- 33. 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.
- 34. 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.
- 35. 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.
- 36. 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.
- 37. 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.

~~39. Engaging in teen dating violence, defined as any act of physical, emotional or sexual abuse, including stalking, harassing and threatening, that occurs between two students who are currently in or who have recently been in a dating relationship.~~

~~40. Any action prohibited by any Federal or State law.~~

~~41. 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.~~

**E. ~~H.~~ 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:**

Students may be disciplined for conduct off school grounds if such conduct is seriously disruptive of the educational process and ~~violates~~ ~~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.
5. 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. ~~IV.~~ Discretionary and Mandatory Expulsions**

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:

~~A. A principal may consider recommendation of expulsion of a student in grades three to twelve, inclusive, in a case where he/she has reason to believe the student has engaged in conduct described at Sections II.A. or II.B., above.~~

~~B. A principal must recommend expulsion proceedings in all cases against any student in grades kindergarten to 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 U.S.C. § 921 as amended from time to time; or~~

~~2. off school grounds, possessed a firearm as defined in 18 U.S.C. § 921, in violation of Conn. Gen. Stat. § 29-35, or possessed and used a firearm as defined in 18 U.S.C. § 921, a deadly weapon, a dangerous instrument or a martial arts weapon in the commission of a crime under chapter 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 Conn. Gen. Stat. § 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 Conn. Gen. Stat. §§ 21a-277 and 21a-278.~~

~~4. The terms “dangerous instrument,” “deadly weapon,” “electronic defense weapon,” “firearm,” and “martial arts weapon,” are defined above in Section I.~~

~~C. In any preschool program provided by the Board of Education or provided by a regional educational service center or a state or local charter school pursuant to an agreement with the Board of Education, no student enrolled in such a preschool program shall be expelled from such preschool program, except an expulsion hearing shall be conducted by the Board of Education in accordance with Section VIII of this policy whenever the Administration has reason to believe that that a student enrolled in such preschool program was in possession of a firearm as defined in 18 U.S.C. § 921, as amended from time to time, on or off school grounds or at a preschool program-sponsored event. The term “firearm” is defined above in Section I.~~

~~D. 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 can consider and act upon this recommendation.~~

~~E. In keeping with Conn. Gen. Stat. § 10-233d and the Gun-Free Schools Act, it shall be the policy of the Board to expel a student in grades kindergarten to twelve, inclusive, for one (1) full calendar year for the conduct described in Section IV.B(1), (2) and (3) of this policy and to expel a student enrolled in a preschool program for one (1) calendar year for the conduct described in Section IV.C. For any mandatory expulsion offense, the Board may modify the term of expulsion on a case-by-case basis.~~

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.

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 ~~VI. Procedures Governing Suspension~~**

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

~~A. The principal of a school, or designee on the administrative staff of the school, shall have the right to suspend a student for breach of conduct as noted in Section II of this policy for not more than ten (10) consecutive school days. In cases where suspension is contemplated, the following procedures shall be followed.~~

Unless an emergency situation exists, as that term is defined in paragraph A, no student shall be suspended ~~prior to~~ without 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. without an informal hearing by the administration, at which

such student shall be informed of the reasons for the disciplinary action and given an opportunity to explain the situation, provided nothing herein shall be construed to prevent a more formal hearing from being held if the circumstances surrounding the incident so require. The administration shall then determine whether or not suspension or in-school suspension is warranted.

If an emergency situation exists, the hearing outlined above shall be held as soon as possible after the exclusion of the student.

Prior to conducting any hearing regarding the suspension of a student, an administrator, school counselor or school social worker at the school in which the student is enrolled, shall contact the local homeless education liaison designated by the local or regional board of education for the school district, pursuant to Subtitle B of Title VII of the McKinney- Vento Homeless Assistance Act, 42 USC 11431 et seq., as amended from time to time, to make a determination whether such student is a homeless child or youth, as defined in 42 USC 11343a, as amended from time to time. If it is determined that such student is a homeless child or youth, the administration shall consider the impact of homelessness on the behavior of the student during the hearing.

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.

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.

### **Out-of-School Suspensions**

**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**

~~2. If suspended, such suspension shall be an in-school suspension, except the principal or designee may impose an out-of-school suspension on any pupil:~~

1. Grades preschool to two, if during the informal hearing outlined above, the administration:

- a. 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;

- b. 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
  - c. 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.
2. 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 (as defined above in section E) 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. 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.
- ~~a. in grades three to twelve, inclusive, if, during the informal hearing, (i) the principal or designee determines that the student poses such a danger to persons or property or such a disruption of the educational process that he or she should be excluded from school during the period of suspension; or (ii) the principal or designee determines that an out-of-school suspension is appropriate based on evidence of (A) the student's previous disciplinary problems that have led to suspensions or expulsion of such student, and (B) previous efforts by the Administration to address the student's disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies, or~~
- ~~b. in grades preschool to two, inclusive, if the principal or designee determines that an out-of-school suspension is appropriate for such pupil based on evidence that such pupil's conduct on school grounds is of a violent or sexual nature that endangers persons.~~

#### Length of Suspension Period:

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.

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.

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.

General provisions:

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 such student is granted a formal hearing pursuant to sub sections 4-176e to 4-180a, inclusive, section 4-181a, and as outlined in in section I below is first granted.

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 such student is granted a formal hearing pursuant to sub sections 4-176e to 4-180a, inclusive, section 4-181a, and as outlined in in section I below is first granted.

~~3. Evidence of past disciplinary problems that 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 or designee, but only considered in the determination of the length of suspensions.~~

~~4. By telephone, the principal or designee shall make reasonable attempts to immediately notify the parent or guardian of a minor student following the suspension and to state the cause(s) leading to the suspension.~~

~~5. Whether or not telephone contact is made with the parent or guardian of such minor 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.~~

~~6. In all cases, the parent or guardian of any minor student who has been suspended shall be given notice of such suspension within twenty four (24) hours of the time of the institution of the suspension.~~

~~7. Not later than twenty-four (24) hours after the commencement of the suspension, the principal or designee shall also notify the Superintendent or his/her designee of the name of the student being suspended and the reason for the suspension.~~

~~8. The student shall be allowed to complete any classwork, including examinations, without penalty, which he or she missed while under suspension.~~

~~9. The school Administration may, in its discretion, shorten or waive the suspension period for a student who has not previously been suspended or expelled, if the student completes an Administration specified program and meets any other conditions required by the Administration. Such Administration specified program shall not require the student and/or the student's parents to pay for participation in the program.~~

~~10. Notice of the suspension shall be recorded in the student's cumulative educational record. Such notice shall be expunged from the cumulative educational record if the student graduates from high school. In cases where the student's period of suspension is shortened or waived in accordance with Section VI.A(9), above, the Administration may choose to expunge the suspension notice from the cumulative record at the time the student completes the Administration specified program and meets any other conditions required by the Administration.~~

~~11. If the student has not previously been suspended or expelled, and the Administration chooses to expunge the suspension notice from the student's cumulative record prior to graduation, the Administration may refer to the existence of the expunged disciplinary notice, notwithstanding the fact that such notice may have been expunged from the student's cumulative file, for the limited purpose of determining whether any subsequent suspensions or expulsions by the student would constitute the student's first such offense.~~

~~12. The decision of the principal or designee with regard to disciplinary actions up to and including suspensions shall be final.~~

~~13. During any period of suspension served out of school, the student shall not be permitted to be on school property and shall not be permitted to attend or participate in any school sponsored activities, unless the principal specifically authorizes the student to enter school property for a specified purpose or to participate in a particular school-sponsored activity.~~

~~B. In cases where a student's suspension will result in the student being suspended more than ten (10) times or for a total of fifty (50) days in a school year, whichever results in fewer days of~~

~~exclusion, the student shall, prior to the pending 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 Board hearing. If an emergency situation exists, such hearing shall be held as soon after the suspension as possible.~~

## **VII. 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.~~

~~B. In-school suspension may not be imposed on a student without an informal hearing by the building principal or designee.~~

~~C. In-school suspension may be served in the school that the student regularly attends or in any other school building within the jurisdiction of the Board.~~

~~D. No student shall be placed on in-school suspension more than fifteen (15) times or for a total of fifty (50) days in one school year, whichever results in fewer days of exclusion.~~

~~E. The parents or guardian of any minor student placed on in-school suspension shall be given notice of such suspension within twenty-four (24) hours of the time of the institution of the period of the in-school suspension.~~

#### **H. Expulsion Procedures ~~VIII. Procedures Governing Expulsion Hearing~~**

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, after holding a formal hearing, it is in the judgment of the Board of Education that such disciplinary action is in the best interest of the school system.

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.

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.

Prior to conducting formal hearing, as required by PA 25-93 Section 38 subsection 3, an administrator, school counselor or school social worker at the school in which the student is enrolled shall contact the local homeless education liaison designated by the local or regional board of education for the school district, pursuant to Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act, 42 USC 11431 et seq., as amended from time to time, to make a determination whether such student is a homeless child or youth, as defined in 42 USC 11343a, as amended from time to time.

If it is determined that such student is a homeless child or youth:

- i. The local or regional board of education, or the impartial hearing board established pursuant to subsection (b) of this section, shall consider the impact of homelessness on the behavior of the student during the hearing.
- ii. No such student may be expelled without a plan of interventions and supports to mitigate the impact of homelessness on the behavior of the student.
- iii. If such child or youth and has been expelled for a second time shall be provided a meeting with the local homeless education liaison by the local or regional board of education.

Upon receipt of a recommendation for expulsion from the Superintendent of Schools the Board shall, after giving written notice as detailed below in section K Notification, 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.

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.

Expulsion hearings (formal 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.

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.

## **I. Formal Hearings/Due Process**

1. 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.

2. Record keeping:

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.

3. Rules of evidence at hearings:

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.

**J. Expunging Records  
Suspension:**

Whenever a student is suspended pursuant to the provisions of this section, notice of the suspension and the conduct for which the student was suspended shall be included on the student's cumulative educational record.

Such notice shall be expunged from the cumulative educational record by the local or regional board of education if a student graduates from high school, or in the case of a suspension of a student for which the length of the suspension period is shortened or the suspension period is waived pursuant to subsection (e) of this section, such notice shall be expunged from the cumulative educational record by the local or regional board of education (1) if the student graduates from high school, or (2) if the administration so chooses, at the time the student completes the administration-specified program and meets any other conditions required by the administration pursuant to subsection (e) of Sec. 10-233d., whichever is earlier.

**Expulsion:**

Whenever a student is expelled, notice of the expulsion and the conduct for which the student was expelled shall be included on the student's cumulative educational record. Such notice, except for notice of an expulsion of a student in grades nine to twelve, inclusive, based on possession of a firearm or deadly weapon as described in Sec. 29-38 of the general statutes.

1. shall be expunged from the cumulative educational record by the board of education if a student graduates from high school, or
2. may be expunged from the cumulative educational record by the board of education before a student graduates from high school if:
  - a. in the case of a student for which the length of the expulsion period is shortened or the expulsion period is waived pursuant to subdivision (2) of subsection (c) Sec. 10-233d., such board determines that an expungement

is warranted at the time such student completes the board-specified program and meets any other conditions required by such board pursuant to subdivision (2) of subsection (c) of Sec. 10-233d. , or

b. such student has demonstrated to such board that the conduct and behavior of such student in the years following such expulsion warrants an expungement. The board of education, in determining whether to expunge such notice, may receive and consider evidence of any subsequent disciplinary problems that have led to removal from a classroom, suspension or expulsion of such student.

**~~A. Emergency Exception:~~**

~~Except in an emergency situation, the Board of Education shall, prior to expelling any student, conduct a hearing to be governed by the procedures outlined herein and consistent with the requirements of Conn. Gen. Stat. § 10-233d or Conn. Gen. Stat. § 10-233l, if applicable, as well as the applicable provisions of the Uniform Administrative Procedures Act, Conn. Gen. Stat. §§ 4-176e to 4-180a, and § 4-181a. Whenever an emergency exists, the hearing provided for herein shall be held as soon as possible after the expulsion.~~

**~~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 (3) affirmative votes to expel are cast.~~

~~2. Alternatively, the Board may appoint an impartial hearing board 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.~~

**K. Notification ~~C. Hearing Notice and Rights of the Student and Parent(s)/Guardian(s):~~**

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 (CT legal services as a source of such services) 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.

- ~~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) at least five (5) business days before such hearing.~~
- ~~2. A copy of this Board policy on student discipline shall also be given to the student, and if the student is a minor, to his/her parent(s) or guardian(s), at the time the notice is sent that an expulsion hearing will be convened.~~
- ~~3. The written notice of the expulsion hearing shall inform the student of the following:
  - ~~a. The date, time, place and nature of the hearing.~~
  - ~~b. The legal authority and jurisdiction under which the hearing is to be held, including a reference to the particular sections of the legal statutes involved.~~
  - ~~c. A short, plain description of the conduct alleged by the Administration.~~
  - ~~d. The student may present as evidence relevant testimony and documents concerning the conduct alleged and the appropriate length and conditions of expulsion; and that the expulsion hearing may be the student's sole opportunity to present such evidence.~~
  - ~~e. The student may cross-examine witnesses called by the Administration.~~
  - ~~f. The student may be represented by an attorney or other advocate of his/her choice at his/her expense or at the expense of his/her parent(s) or guardian(s).~~
  - ~~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) requires the services of an interpreter because he/she/they do(es) not speak the English language or is(are) disabled.~~
  - ~~h. The conditions under which the Board is not legally required to give the student an alternative educational opportunity (if applicable).~~
  - ~~i. Information concerning the parent's(s') or guardian's(s') and the student's legal rights and about free or reduced-rate legal services and how to access such services.~~~~

~~j. The parent(s) or guardian(s) 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.~~

~~**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. A record of the hearing will be maintained, including the verbatim record, all written notices and documents relating to the case and all evidence received or considered at hearing.~~
- ~~3. The Administration shall bear the burden of production to come forward with evidence to support its case and shall bear the burden of persuasion. The standard of proof shall be a preponderance of the evidence.~~
- ~~4. 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.~~
- ~~5. The hearing will be conducted in two (2) parts. In the first part of the hearing, the Board will receive and consider evidence regarding the conduct alleged by the Administration.~~
- ~~6. In the first part of the hearing, the charges will be introduced into the record by the Superintendent or his/her designee.~~
- ~~7. 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, by the Presiding Officer and by Board members.~~
- ~~8. The student shall not be compelled to testify at the hearing.~~
- ~~9. After the Administration has presented its case, the student will be asked if he/she has any witnesses or evidence to present concerning the charges. If so, the witnesses will be sworn, will testify, and will be subject to cross examination and to questioning by the Presiding Officer and/or 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 Presiding Officer and/or by the Board. Concluding statements will be made by the Administration and then by the student and/or his or her representative.~~

~~10. In cases where the student has denied the allegation, the Board must determine whether the student committed the offense(s) as charged by the Superintendent.~~

~~11. 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 relevant evidence regarding the length and conditions of expulsion.~~

~~12. When considering the length and conditions of expulsion, the Board may review the student's attendance, academic and past disciplinary records. The Board may not review notices of prior expulsions or suspensions which have been expunged from the student's cumulative record, except as so provided in Section VI.A (9), (10), (11), above, and Section X, below. The Board may ask the Superintendent for a recommendation as to the discipline to be imposed.~~

~~13. 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.~~

~~14. 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.~~

~~15. 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. While the hearing itself is conducted in executive session, the vote regarding expulsion must be made in open session and in a manner that preserves the confidentiality of the student's name and other personally identifiable information.~~

~~16. Except for a student who has been expelled based on possession of a firearm or deadly weapon as described in subsection IV.B(1) and (2) above, the Board may, in its discretion, shorten or waive the expulsion period for a student who has not previously been suspended or expelled, if the student completes a Board-specified program and meets any other conditions required by the Board. The Board-specified program shall not require the student and/or the student's parents to pay for participation in the program.~~

~~17. 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. The parents or guardian or any minor student who has been expelled shall be given notice of such disciplinary action within twenty-four (24) hours of the time of the institution of the period of the expulsion.~~

**~~E. Presence on School Grounds and Participation in School-Sponsored Activities During Expulsion:~~**

~~During the period of expulsion, the student shall not be permitted to be on school property and shall not be permitted to attend or participate in any school-sponsored activities, except for the student's participation in any alternative educational opportunity provided by the district in accordance with this policy, unless the Superintendent specifically authorizes the student to enter school property for a specified purpose or to participate in a particular school-sponsored activity.~~

**L. ~~F. Stipulated Agreements:~~**

In lieu of the procedures used in this Section, the Administration and the parent(s) or legal guardian(s) 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 parent(s) or legal guardian(s) 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.

**M. ~~E. Students identified as eligible for services under the Individuals with Disabilities Education Act ("IDEA"):~~**

~~Notwithstanding Subsections IX.A. through D. above,~~ 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, ~~and in accordance with the Standards for Educational Opportunities for Students Who Have Been Expelled, adopted by the State Board of Education.~~

**N. ~~XII. 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.

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.

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.

**O. ~~XIII.~~ 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.

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.

**P. 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.

**Q. 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.

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.
3. 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.
4. 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.

## **IX. Alternative Educational Opportunities for Expelled Students**

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

~~Whenever the Board of Education expels a student under sixteen (16) years of age, it shall offer any such student an alternative educational opportunity.~~

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

~~1. The Board of Education shall provide an alternative educational opportunity to a sixteen (16) to eighteen (18) 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. Such alternative educational opportunity may include, but shall not be limited to, the placement of a pupil who is at least seventeen years of age in an adult education program. Any pupil participating in an adult education program during a period of expulsion shall not be required to withdraw from school as a condition to his/her participation in the adult education program.~~

~~2. The Board of Education is not required to offer an alternative educational opportunity to any student between the ages of sixteen (16) and eighteen (18) who is expelled for a second, or subsequent, time.~~

~~3. The Board of Education shall count the expulsion of a pupil when he/she was under sixteen (16) years of age for purposes of determining whether an alternative educational opportunity is required for such pupil when he/she is between the ages of sixteen and eighteen.~~

### **C. Students eighteen (18) years of age or older:**

~~The Board of Education is not required to offer an alternative educational opportunity to expelled students eighteen (18) years of age or older.~~

### **D. Content of Alternative Educational Opportunity**

~~1. For the purposes of Section IX, and subject to Subsection IX.E, below, any alternative educational opportunity to which an expelled student is statutorily entitled shall be (1) alternative education, as defined by Conn. Gen. Stat. § 10-74j and in accordance with the *Standards for Educational Opportunities for Students Who Have Been Expelled*, adopted by the State Board of Education, with an individualized learning plan, if the Board provides such alternative education, or (2) in accordance with the *Standards for Educational Opportunities for Students Who Have Been Expelled*, adopted by the State Board of Education.~~

~~2. The Superintendent, or his/her designee, shall develop administrative regulations concerning alternative educational opportunities, which administrative regulations shall be in compliance with the standards adopted by the State Board of Education. Such administrative regulations shall include, but not limited to, provisions to address~~

~~student placement in alternative education; individualized learning plans; monitoring of students placements and performance; and a process for transition planning.~~

~~**F. Students for whom an alternative educational opportunity is not required:**~~

~~The Board of Education may offer an alternative educational opportunity to a pupil for whom such alternative educational opportunity is not required by law or as described in this policy. In such cases, the Board, or if delegated by the Board, the Administration, shall determine the components, including nature, frequency and duration of such services, of any such alternative educational opportunity.~~

**R. Other Considerations**

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

A functional behavior assessment and a behavioral intervention plan shall not be required if the time required to conduct such assessment or develop or update such plan would put the safety of such student, any other student or any staff at such student's school at risk.

Not later than two business days following the decision to not conduct such assessment or develop or update such plan for such student, the local or regional board of education shall file a notice with the Department of Education of the reasons that such assessment was not conducted or such plan was not developed or updated.

**S. Change of Residence During Expulsion Proceedings ~~XI. 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 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.

**T. Compliance with Documentation and Reporting Requirements XVII. ~~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, ~~as defined in Conn. Gen. Stat. § 21a-240(9), whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with the intent to sell or dispense, offering, or administration is the subject to criminal penalties under Conn. Gen. Stat. §§ 21a-277 and 21a-278, 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.~~ 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 firearm, as defined in 18 U.S.C. § 921, or deadly weapon, dangerous instrument or martial arts weapon, as defined in Conn. Gen. Stat. § 53a-3, the Board shall report the violation to the local police.

**Readmission of Student from a Residential Placement XIV. ~~Procedures Governing Expulsions for Students Placed in a Juvenile Detention Center~~**

~~A. Any student who commits an expellable offense and is subsequently placed in a juvenile detention center 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 placement in a juvenile detention center or 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 placed in a juvenile detention~~

~~center 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.~~

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.

#### **X. ~~Notice of Student Expulsion on Cumulative Record~~**

~~Notice of expulsion and the conduct for which the student was expelled shall be included on the student's cumulative educational record. Such notice, except for notice of an expulsion of a student in grades nine through twelve, inclusive, based upon possession of a firearm or deadly weapon, shall be expunged from the cumulative educational record by the Board if the student graduates from high school.~~

~~In cases where the student's period of expulsion is shortened or waived in accordance with Section VIII.D(14), above, the Board may choose to expunge the expulsion notice from the cumulative record at the time the student completes the Board-specified program and meets any other conditions required by the Board.~~

~~If a student's period of expulsion was not shortened or waived, the Board may choose to expunge the expulsion notice from the student's cumulative record prior to graduation if such student has demonstrated to the Board that the student's conduct and behavior in the years following such expulsion warrants an expungement. In deciding whether to expunge the expulsion notice, the Board may receive and consider evidence of any subsequent disciplinary problems that have led to removal from a classroom, suspension or expulsion of the student.~~

~~If the student has not previously been suspended or expelled, and the Administration chooses to expunge the expulsion notice from the student's cumulative record prior to graduation, the Administration may refer to the existence of the expunged notice, notwithstanding the fact that such notice may have been expunged from the student's cumulative file, for the limited purpose of determining whether any subsequent suspension or expulsion by the student would constitute the student's first such offense.~~

#### **XV. ~~Early Readmission to School~~**

~~An expelled student may apply for early readmission to school. The Board delegates the authority to make decisions on readmission requests 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.~~

#### **XVI. Dissemination of 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.~~

Legal References: Connecticut General Statutes:

~~Public Act 18-31, "An Act Concerning the Recommendations of the Juvenile Justice Policy and Oversight Committee and Concerning the Transfer of Juvenile Services from the Department of Children and Families to the Court Support Services Division of the Judicial Branch"~~

~~§§ 4-176e through 4-180a and § 4-181a Uniform Administrative Procedures Act~~

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 and expulsion of students.~~ Suspension, removal and expulsion of students, as amended by PA 95-304, PA 96-244, PA 98-139, PA 07-66, PA 07-122, PA 08-160, PA 09-82, PA 09-6 (September Special Session), PA 10-111, PA 11-126, PA 14-229, PA 15-96, PA 16-147, PA 17-220, PA 19-91 and PA 25-67 and PA 25-93.

§ 10-233i Expulsion and suspension of children in preschool programs

§ 19a-342a Use of electronic nicotine delivery system or vapor product prohibited

~~§§ 21a-408a through 408p Palliative Use of Marijuana~~

§ 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)

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 v. Board of Educ. of the Town of Thomaston*, 246 Conn. 89

(1998). 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  
Public Act 25-67 An Act Concerning the Quality and Delivery of Special Education Services in Connecticut (Section 13)  
Public Act 25-93 An Act Increasing Resources for Students, Schools and Special Education (Sections 38 & 39)  
~~State v. Hardy, 896 A.2d 755, 278 Conn. 113 (2006).~~  
~~State v. Guzman, 955 A.2d 72, 2008 Conn. App. LEXIS 445 (Sept. 16, 2008).~~  
~~Connecticut State Department of Education, Standards for Educational Opportunities for Students Who Have Been Expelled, adopted January 3, 2018.~~  
~~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).~~  
~~34 C.F.R. § 300.530 (defining “illegal drugs”)~~  
~~Gun-Free Schools Act, 20 U.S.C. § 7961~~  
~~Honig v. Doe, 484 U.S. 305 (1988)~~

**Policy Adopted: January 3, 2007**

**Policy Revised: July 8, 2009**

**Policy Revised: February 3, 2010**

**Policy Revised: March 4, 2015**

**Policy Revised: September 13, 2017**

**Policy Revised: June 5, 2019**

BRISTOL BOARD OF EDUCATION

Bristol, Connecticut

## 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:

- ~~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.~~ 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.
- 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.
- 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.
- 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.
- 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.
- 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.
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 class work, 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.

~~The effective date of in-school suspensions has been determined by the Connecticut General Statutes Section 10-233(a) through 10-233(f). Suspensions shall be in-school suspensions unless the administration determines that the student being suspended poses such a danger to persons or property or such a disruption of the educational process that the student shall be excluded from school during the period of suspension.~~

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.

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

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

## **Expulsion**

The Board of Education or an impartial hearing board, as defined in C.G.S. [10-233d](#), may expel any student [in grades three through twelve, inclusive](#), whose conduct on school grounds or at a school sponsored activity endangers persons or property or whose conduct is seriously disruptive of the educational process, or is violative of the publicized policies of the Board of Education. A student's conduct off school grounds may be considered for expulsion if such conduct is seriously disruptive of the educational process and violative of a publicized Board policy.

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

The procedures leading to expulsion are as follows:

1. Requests for expulsion are to be directed to the Board of Education through the Superintendent of Schools.
2. Upon receipt of an expulsion request the Superintendent will conduct an inquiry within two (2) school days.
3. If after the inquiry the Superintendent or designee determines that the student ought to be expelled, the Superintendent shall forward such request to the Board of Education within five days, [\(for pre-school – grade 2\)](#), 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 days prior to the date of the hearing.

B. The notice shall contain:

1. The date, time and place of the scheduled hearing.

2. 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.

3. A statement of the student's rights.

4. 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 or who has been expelled for conduct endangering persons which involved (1) carrying a dangerous instrument or weapon including a martial arts weapon on, or introducing a dangerous instrument or weapon on to school property or at a school-sponsored activity or (2) offering for sale or distribution on school property or at a school-sponsored activity a controlled substance, as defined in Section [21a-240\(9\)](#) of the Connecticut General Statutes.

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.

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.

F. The Board or impartial hearing panel shall keep verbatim record of the hearing and the student or his/her parent or legal guardian shall be entitled to a copy of that record at his/her own expense.

G. The Board or impartial hearing panel shall report its final decision in writing to the student, stating the reasons on which the decision is based, and the penalty to be imposed. Said decision shall be based on evidence produced and derived at the hearing.

H. Except under unusual circumstances the parent or a minor student shall be notified of the Board action within twenty-four hours.

I. Whenever an emergency exists, the hearing provided for the above procedure shall be held as soon as possible after the expulsion.

5. Whenever the Board of Education or impartial hearing panel expels a student it shall offer an alternative education program to students under the age of sixteen. 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 16 or older may be placed in an adult education program as an alternative educational opportunity. However, the Board is not required to offer such alternative to any student between the ages of sixteen and eighteen who is expelled because of conduct which endangers persons, and it was determined at the expulsion hearing that the conduct for which the student was expelled involved carrying on or introducing on to school property, on school transportation, or at a school-sponsored activity, a dangerous instrument or weapon including a martial arts weapon or offering for sale or distribution on school property or at a school sponsored activity a controlled substance, as defined in Section [21a-240\(9\)](#) of the Connecticut General Statutes. 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.
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 shall be expunged from the cumulative educational record by the Board if the student graduates from high school, unless the expulsion notice is based on possession of a firearm or deadly weapon.~~ 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 completed 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 of distribution a dangerous drug, he or she must be expelled for one calendar year. The expulsion period may be modified on a case by case basis by the Board of Education or hearing board.
13. A student expelled for possession of a firearm or deadly 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.
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~~ 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.

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 and expulsion of students (as amended by PA 95-304, PA 96-244, PA 98-139, PA 07-66 and 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)

~~Legal Reference: Connecticut General Statutes (continued)~~

~~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.~~

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

**Regulation Approved: January 7, 2007**

**Revised: December 5, 2007**

**Revised: February 3, 2010**

**Revised: March 4, 2015**

Bristol Board of Education

Bristol, Connecticut

### **Provision of an Alternative Educational Opportunity for Eligible Expelled Students**

The following procedures shall be followed, in concert with policy #5114 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)<sup>1</sup>  
(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).*

<sup>1</sup>  
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.)

**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)).

**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: \_\_\_\_\_

## Students

### Reporting of Child Abuse

~~The Board of Education recognizes that a student's mental and physical health will have an effect on the student's ability to obtain the most benefit from attending school. Connecticut General Statutes 17a-101, as amended, require all employees of the Board of Education, including teachers, administrators school Superintendent, school guidance counselors, school paraprofessionals, licensed nurses, psychologists, social workers, substitute teachers and coaches of intramural or interscholastic athletics, or any other person who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in District schools, who have reasonable cause to suspect or believe that a child has been abused, neglected, or placed in imminent risk of serious harm to report such abuse and/or neglect.~~

~~An oral report by telephone or in person shall be made as soon as possible but no later than 12 hours after the reporter has reasonable cause to suspect the child has been abused or neglected to the Commissioner of Children and Families or a law enforcement agency followed within 48 hours by a written report. The building Principal shall be notified immediately after the oral report has been made and the Principal in turn will notify the Superintendent of Schools and the child's parents. The written report prepared and submitted by the mandated reporter shall also be submitted to the Principal.~~

~~Any school personnel who has reasonable cause to suspect that a district employee is abusing a student shall orally report that suspicion as soon as possible but no later than twelve (12) hours by telephone or in person to the Commissioner of Children and Families followed no later than 48 hours of making the oral report with a written report to the Department of Children and Families. The Superintendent of Schools or supervising agent may be notified immediately after the oral report has been made. The Commissioner of Children and Families or his/her designee, is required to notify the head of a school, except when that person is the alleged perpetrator. The Superintendent or supervising agent must: 1) immediately notify parent(s) of the alleged abuse that a report has been made; and 2) immediately notify the Police Department of the alleged abuse.~~

~~In addition, the Superintendent or supervising agent, must submit a written report of suspected child abuse or neglect by a school employee who has been entrusted with the care of a child and who holds a certificate, permit or authorization issued by the State Board of Education, to the Commissioner of Education or his/her representative. The Commissioner of the Department of Children and Families has a similar obligation. The Superintendent shall suspend a certified staff employee when the investigation produces evidence that the employee abused a child. The Department of Children and Families is required to send to the State Department of Education a copy of the report. Within seventy two (72) hours after such suspension the Superintendent shall~~

~~notify the Board of Education and the Commissioner of Education or his/her representative of the reasons for and conditions of the suspension. If the contract of employment of a school employee who possesses a certificate, permit or authorization issued by the State Board of Education is terminated or if such certified school employee resigns his/her employment as a result of an investigation which reveals that child abuse has occurred, the Superintendent shall notify the Commissioner of Education within 72 hours of such termination.~~

The Board of Education (Board) recognizes its legal and ethical obligations in the reporting of suspected child abuse, neglect, and sexual assault. Any person applying for employment with the Board shall submit to a record check of the Department of Children and Families Child Abuse and Neglect Registry before the person may be hired. Mandated reporters include all school employees, specifically Superintendent, administrators, teachers, substitute teachers, guidance counselors, school counselors, paraprofessionals, coaches of intramural and interscholastic athletics, as well as licensed nurses, physicians, psychologists and social workers and licensed behavior analysts either employed by the Board or working in one of the District schools, or any other person who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in District schools. Such individual(s) who have reasonable cause to suspect or believe that a child has been abused, neglected, placed in imminent risk of serious harm, or sexually assaulted by a school employee are required to report such abuse, neglect, or risk and/or sexual assault.

The Board shall annually distribute the mandated reporter policy electronically to all school employees and contractors employed by the Board of Education in regular contact with children. The Board shall annually distribute electronically to all school employees and relevant contractors. Board members, parents, and guardians of enrolled students, (1) guidelines on identifying and reporting child sexual abuse, starting in the 2022-23 school year, and (2) information on DCF's sexual abuse and assault awareness and prevention program.

A mandated reporter's suspicions may be based on factors including, but not limited to, observations, allegations, facts by a child, victim, or third party. Suspicion or belief does not require certainty or probable cause.

Board of Education requires all personnel who have reasonable cause to suspect or believe that a child, under the age of eighteen (18), except in the case of sexual assault by a school employee, has been abused, neglected, has had non-accidental physical injury, or injury which is at variance with the history given of such injury, is placed in imminent danger of serious harm or has been sexually abused by a school employee to report such cases in accordance with the law, Board policy and administrative regulations. The mandatory reporting requirement regarding the sexual assault of a student by a school employee applies based on the person's status as a student, rather than his or her age.

A mandated reporter shall make an oral report, by telephone or in person, to the Commissioner of Children and Families or a law enforcement agency as soon as possible, but not later than twelve (12) hours after the mandated reporter has reasonable cause to suspect or believe that a child has been abused, neglected, or placed in imminent risk of serious harm.

In addition, the mandated reporter shall inform the building principal or his/her designee that he/she will be making such a report. Not later than forty-eight hours after making the oral report, the mandated reporter shall file a written or electronic report with the Commissioner of Children and Families or his/her designee. (The Department of Children and Families has established a 24-hour Child Abuse and Neglect Hotline, "Careline" at 1-800-842-2288 for the purpose of making such oral reports.)

A mandated reporter may make the required oral report electronically in the manner prescribed by the Commissioner of Children and Families. An employee making an electronic report shall respond to any further inquiries from the Commissioner of Children and Families or a designee within twenty-four hours. Such employee shall inform the Superintendent or his/her designee as soon as possible as to the nature of further communication with the Commissioner or designee.

Online reports may be made to the Careline by mandated reporters if the report is non-emergent. A non-emergent situation is one in which a report is mandated, but the child is not at immediate risk. *(Note: Mandated reporters reporting electronically when they reasonably suspect that a child has been abused, neglected, or placed at risk of imminent harm in a "non-emergent" situation can do so without risk that they will be subject to a failure to report finding and subsequent penalties.)*

The oral and written reports shall include, if known: (1) the names and addresses of the child and his/her parents/guardians or other persons responsible for his/her care; (2) the child's age; (3) the child's gender; (4) the nature and extent of the child's injury or injuries, maltreatment or neglect; (5) the approximate date and time the injury or injuries, maltreatment or neglect occurred; (6) information concerning any previous injury or injuries to, or maltreatment or neglect of, the child or his/her siblings; (7) the circumstances in which the injury or injuries, maltreatment or neglect came to be known to the reporter; (8) the name of the person(s) suspected to be responsible for causing such injury or injuries, maltreatment or neglect; (9) the reasons such person or persons are suspected of causing such injury or injuries, maltreatment or neglect; (10) any information concerning any prior cases in which such person or persons have been suspected of causing an injury, maltreatment or neglect of a child; and (11) whatever action, if any, was taken to treat, provide shelter or otherwise assist the child. (For purposes of this section pertaining to the required reporting, a child includes any victim under eighteen years of age educated in a technical high school or District school. Any person who intentionally and unreasonably interferes with or prevents the making of the required report or attempts to conspire to do so shall be guilty of a class D felony, unless such individual is under eighteen years of age or educated in the technical high school system or in a District school, other than part of an adult education program.)

If the report of abuse ~~or~~ neglect or sexual assault involves an employee of the District as the perpetrator, the District may conduct its own investigation into the allegation, provided that such investigation shall not interfere with or impede any investigation conducted by the Department of Children and Families or of law enforcement agencies.

~~The Superintendent shall maintain records of allegations, investigations and reports that a child has been abused or neglected by a school employee. Such records will be maintained in the~~

~~District's Central Office. The records shall include any reports made to the Department of Children and Families. Such Department is to have access to all such records.~~

The Board recognizes that the Department of Children and Families is required to disclose records to the Superintendent of Schools in response to a mandated reporter's written or oral report of abuse or neglect, or if the Commissioner of Children and Families has a reasonable belief that a school employee abused or neglected a student. Not later than five (5) working days after an investigation of child abuse or neglect by a school employee has been completed, DCF is required to notify the school employee, the Superintendent, and the Commissioner of Education of the investigation's results. If DCF has reasonable cause and recommends that the employee be placed on DCF's Child Abuse and Neglect Registry, the Superintendent shall suspend such employee.

The Board, recognizing its responsibilities to protect children and in compliance with its statutory obligations, shall provide to each employee in-service training regarding the requirements and obligations of mandated reporters. District employees shall also participate in training offered by the Department of Children and Families. Each school employee is required to complete a refresher training program not later than three (3) years after completing the initial training program and shall thereafter retake such refresher training course at least once every three years.

~~The Board, recognizing its responsibilities to protect children and in compliance with its statutory obligations shall provide to each employee in-service training regarding the requirements and obligations of mandated reporters. District employees shall also participate in training offered by the Department of Children and Families. In addition, all District employees shall complete a training program pertaining to the accurate and prompt reporting of abuse and neglect, made available by the Commissioner of Children and Families. Also, all employees must complete a refresher program at least once every three years. Employees hired before July 1, 2011 must complete the refresher training program by July 1, 2012 and must retake it once every three years thereafter.~~

The Principal of each school in the district shall annually certify to the Superintendent that each school employee working at such school has completed the required initial training and the refresher training.

State law prohibits retaliation against a mandated reporter for fulfilling his/her obligations to report suspected child abuse or neglect. The Board shall not retaliate against any mandated reporter for his/her compliance with the law and Board policy pertaining to the reporting of suspected child abuse and neglect.

In accordance with the mandates of the law and consistent with its philosophy, the Board, in establishing this policy, directs the Superintendent of Schools to develop and formalize the necessary rules and regulations to comply fully with the intent of the law.

This policy will be distributed annually to all employees. Documentation shall be maintained that all employees have, in fact, received the written policy and completed the required initial and refresher training related to mandated reporting of child abuse and neglect as required by law.

Additionally, the Board of Education will post the telephone number of the Department of Children and Families' child abuse hotline, Careline, and the Internet web address that provides information about the Careline in each District school in a conspicuous location frequented by students. Such posting shall be in various languages most appropriate for the students enrolled in the school.

### **Mandated Report Preliminary Inquiries**

- **Preliminary Inquiry (School Level):** The school administration shall conduct a Preliminary Inquiry immediately upon receipt of a report or suspicion of abuse or neglect. The sole purpose of this inquiry is to gather enough information to determine if there is “reasonable cause to suspect” that a child has been abused or neglected, thereby triggering the mandatory reporting obligation.
  - **Scope:** Limited to identifying the parties involved, confirming the timeline of the alleged incident, and ensuring the immediate safety of the student.
  - **Actions:** May include a brief conversation with the student or the reporting staff member.
  - **Limitation:** The Preliminary Inquiry shall not include a detailed forensic interview of the child, nor shall it be used to determine the ultimate truth of the allegations. Administrators must not “investigate” the incident in a way that could interfere with a future criminal or Department of Children and Families (DCF) investigation.

### **Formal Investigation**

- A Formal Investigation is the comprehensive process conducted by DCF and/or Law Enforcement once a report has been filed.
  - **Scope:** A systematic evaluation of the child’s safety, the family environment, and the validity of the allegations.
  - **Actions:** Forensic interviews, home visits, medical examinations, and the collection of physical evidence.
  - **School Role:** The Board of Education and its employees shall cooperate fully with the formal investigation but shall not conduct a parallel investigation unless specifically authorized by DCF or as part of a separate Title IX or personnel disciplinary process.

If the Preliminary Inquiry provides reasonable cause, the report must be made within 12 hours. The Preliminary Inquiry must never delay the report. If an administrator is unsure whether they have enough information, they are to make a report out of an abundance of caution.

### **Establishment of the Confidential Rapid Response Team**

The Board of Education shall establish a confidential rapid response team to coordinate with DCF to (1) ensure prompt reporting of suspected child abuse or neglect; or 1st, 2nd, 3rd, or 4th degree sexual assault; 1st degree aggravated sexual assault; or 3rd degree sexual assault with a firearm of a student not enrolled in adult education by a school employee and (2) provide immediate access to information and individuals relevant to DCF’s investigation of such cases.

The confidential rapid response team shall consist of (1) a local teacher and the Superintendent, (2) a local police officer, and (3) any other person the Board of Education deems appropriate.

DCF, along with a multidisciplinary team, is required to take immediate action to investigate and address each report of child abuse, neglect, or sexual abuse in any school.

### **Hiring Prohibitions**

The Board of Education will not employ anyone who was terminated or resigned after a suspension based on DCF's investigation, if he or she has been convicted of (1) child abuse or neglect or (2) 1st, 2nd, 3rd, or 4th degree sexual assault; 1st degree aggravated sexual assault; or 3rd degree sexual assault with a firearm of a student who is not enrolled in adult education.

The Board of Education will not employ an individual who was terminated or resigned, if he or she (1) failed to report the suspicion of such crimes when required to do so or (2) intentionally and unreasonably interfered with or prevented a mandated reporter from carrying out this obligation or conspired or attempted to do so. This applies regardless of whether an allegation of abuse, neglect, or sexual assault has been substantiated.

(cf. 4112.6/4212.6 – Personnel Records)

(cf. 5145.511 – Sexual Abuse Prevention and Education Program)

Legal Reference: Connecticut General Statutes

[10-220a](#) Inservice training. Professional development committees. Institutes for educators. Cooperating teacher program, regulations ~~(as amended by PA 11-93)~~

[10-221d](#) Criminal history records check of school personnel. Fingerprinting. Termination or dismissal ~~(as amended by PA 11-93)~~

[10-221s](#) Investigations of child abuse and neglect. Disciplinary action.

[17a-28](#) Definitions. Confidentiality of and access to records; exceptions. Procedure for aggrieved persons. Regulations ~~(as amended by PA 11-93)~~

[17a](#) 101 Protection of children from abuse. Mandated reporters. Educational and training program. Model mandated reporting policy. ~~Reports required of certain professional persons. When child may be removed from surroundings without~~

~~court order. (as amended by PA 96-246 and PA 00-220, PA 02-106, PA 03-168, PA 09-242 and PA 11-93)~~

17a-101a Report of abuse, neglect by or injury of child or imminent risk of serious harm to the child. Penalty for failure to report. Notification of Chief State's Attorney.

17a-101b Report by mandated reporters. Notification of law enforcement agency when allegation of sexual abuse or serious physical abuse. Notification of person in charge of institution, facility or school when a staff member suspected of abuse or neglect.

17a-101c Written or electronic report by mandated reporter.

17a-101d Contents of reports.

17a-101e Employer prohibited from discriminating or retaliating against employee who makes a good faith report or testifies re child abuse or neglect. Immunity from civil or criminal liability. False report of child abuse. Referral to Office of the Chief State's Attorney. Penalty.

17a-101g Classification and evaluation of reports. Determination of abuse or neglect of child. Investigation. Notice, entry of recommended finding. Referral to local law enforcement authority. Home visit. Removal of child in imminent risk of harm. Family assessment response program. Development of service plans and plans of care. Monitoring. Disclosure of information to community providers. Annual report.

17a-101i Abuse or neglect by school employees or staff member of public or private institution or facility providing care for children. Notice. Adoption of policy. Employee training program.

17a-101o School employee failure or delay in reporting child abuse or neglect. Policy re delayed report by mandated reporters.

~~17a-102 Report of danger of abuse.~~

17a-106 Cooperation in relation to prevention, identification and treatment of child abuse/neglect.

~~P.A. 96-246 An Act Concerning The Reporting, Investigation and Prosecution of Child Abuse and the Termination of Parental Rights~~

10 151 Teacher Tenure Act

DCF Policy 22-1-3 Mandated Reporter's Failure to Report.

PA 22-87 An Act Concerning the Identification and Prevention of a Response to Adult Sexual Misconduct Against Children

Public Act 23-160 An Act Concerning Education Mandate Relief and Other Technical and Assorted Revisions to the Education and Early Childhood Education Statutes

Public Act 24-41 An Act Concerning the Expansion of the State's Paid Family and Medical Leave Program

Public Act 24-118 An Act Concerning the Protection of Consumers from Unfair Trade Practices and Regulation of Certain Consumer Protections

~~P.A. 11-93 An Act Concerning the Response of School Districts and the Departments of Education and Children and Families to Reports of Child Abuse and Neglect and the Identification of Foster Children in a School District~~

~~P.A. 15-205 An Act Protecting School Children.~~

~~P.A. 16-188 An Act Concerning Educational Issues~~

**Policy Adopted: March 1, 1995**

**Policy Revised: February 5, 1997**

**Policy Revised: December 4, 2002**

**Policy Revised: December 7, 2016**

BRISTOL PUBLIC SCHOOLS

Bristol, Connecticut

**Students**

**Reporting of Suspected Child Abuse/Neglect**

1. The staff member (reporter) suspecting a child (including individuals with intellectual disability who are over eighteen years old) is abused/neglected must immediately report the suspicion to the Superintendent or building Principal or Principal's designee.
2. The staff member (reporter) shall also immediately make an oral report of suspected abuse to the regional office of DCF. The oral report should contain the following information, if known:
  - a) Names and addresses of the child and his/her parents or other person responsible for the child's care;
  - b) Age of the child;
  - c) Gender of the child;
  - d) Nature and extent of the child's injury or injuries, maltreatment or neglect;
  - e) Approximate date and time the injury or injuries, maltreatment or neglect occurred;
  - f) Information concerning any previous injuries to, maltreatment of or neglect to the child or his/her siblings;
  - g) Circumstances in which the injuries, maltreatment or neglect came to be known to the mandatory reporter;
  - h) Name of the person or persons suspected to be responsible for causing such injury or injuries, maltreatment or neglect; and
  - i) The reasons such person or persons are suspected of causing such injury or injuries;
  - j) Any information concerning any prior cases in which such person or persons have been suspected of causing an injury, maltreatment or neglect of a child; and
  - k) Whatever action, if any, was taken to treat, provide shelter or otherwise assist the child.
3. A building level support team comprised of the building Principal/designee and other appropriate school personnel will assist and support the staff member in making the oral report. The purpose will be to ensure support and advocacy for the child and the reporter

through the reporting process. The suspicion of the mandated reporter should not be questioned or challenged during this process.

*Note: The decision regarding parent or guardian contact should always be made after consultation with DCF in order to ensure the safety of the child.*

- a) The building level support team will confer to decide if it is reasonable to interview the student or assess the student's physical status.
  - b) The school nurse, psychologist, or other appropriate support personnel may interview the student and the school nurse may examine the child if the child is willing.
  - c) A conference may be held with the parent/guardian in the school or a telephone call may be made. If the team feels the safety of the student may be jeopardized and further abuse of the child will occur, the parent/guardian will not be notified. Any notification must be done after consultation with DCF.
4. The reporter shall also submit a written report containing all information to the Principal and the Superintendent of Schools.
  5. If the mandatory reporter did not earlier provide all of the above information to the DCF in his/her oral report, the reporter shall submit a written report to DCF containing such information within forty eight hours of making an oral report.
  6. The Principal or designee will keep a log of all events, i.e. date and time of initial referral, report to Principal, examination by the nurse, interviews, filing of the oral and written report. The log will be continued if DCF has access to the student in the school.

### **Cooperation of School District in DCF Investigations**

1. The DCF worker will notify the Principal or designee when access to any child at school is required and shall present official identification to the Principal or designee.
2. The Principal or designee will notify the Superintendent of Schools of a request by DCF for access to any child.
3. If deemed appropriate by DCF or the administration, the parent/guardian of the child will be notified prior to the interview taking place. If the administration or DCF feels the safety of the student may be jeopardized or further abuse to the child will occur, the parent/guardian will not be notified prior to the interview.
4. The Principal or designee will arrange for an appropriate setting for the DCF worker to interview the student and/or siblings.
5. During the interview of the student and/or siblings by the DCF worker a member of the school support team shall be present.

6. The investigation/interview will be conducted solely by the DCF social worker.
7. The removal of clothing as part of an investigation into an injury which may have been caused by child abuse shall be done only at the request of the school medical adviser or the school nurse.
8. If the DCF worker determines the need for further medical assessment in a health care facility, the DCF worker will notify the Principal and the parent/guardian and may sign the child out of school only with parental permission.

If the parent denies permission for the release of the child from school, the DCF worker will submit to the Principal either a court order or written authorization from DCF to invoke the 96 hour hold. A copy will be placed in the child's cumulative record.

If DCF does not have a court order or written authorization to invoke the 96 hour hold, the child will not be released to DCF by the school.

### **Procedure for Reporting Suspected Child Abuse of Students by a School Employee**

1. The staff member suspecting a child is abused/neglected by another employee of the school system, must immediately report the suspicion to the Superintendent of Schools or building Principal or Principal's designee. The staff member (reporter) shall also immediately make an oral report of suspected abuse to the regional office of DCF.
2. When an investigation by DCF produces evidence of child abuse by a certified school employee, the Superintendent may suspend the certified professional employee with pay and without termination of benefits if the Commissioner of Children and Families recommends such school employee be placed on the child abuse and neglect registry. The Superintendent shall notify the Board of Education and the Commissioner of Education of the reasons for and the conditions of the suspension within 72 hours.
3. If the employee suspected of child abuse/neglect is a non certified employee, that employee would be entitled to any due process rights and/or contractual right that may exist before he/she is suspended or discharged.

Legal Reference: Connecticut General Statutes

[10-220a](#) Inservice training. Professional development committees. Institutes for educators. Cooperating teacher program, regulations (as amended by PA 11-93)

[10-221d](#) Criminal history records check of school personnel. Fingerprinting. Termination or dismissal (as amended by PA 11-93)

[17a-28](#) Definitions. Confidentiality of and access to records; exceptions. Procedure for aggrieved persons. Regulations (as amended by PA 11-93)

[17a](#) 101 Protection of children from abuse. Reports required of certain professional persons. When child may be removed from surroundings without court order, as amended by PA 11-93.

[17a](#) 102 Report of danger of abuse.

[17a](#) 106 Cooperation in relation to prevention, identification and treatment of child abuse/neglect.

[10](#) 151 Teacher Tenure Act

P.A. 11-93 An Act Concerning the Response of School Districts and the Departments of Education and Children and Families to Reports of Child Abuse and Neglect and the Identification of Foster Children in a School District

**Regulation Approved: July 11, 1990**

**Regulation Revised: September 11, 1991**

**Regulation Revised: March 1, 1995**

**Regulation Revised: February 5, 1997**

**Regulation Revised: December 4, 2002**

**Regulation Revised: November 3, 2004**

**Regulation revised: December 7, 2016**

BRISTOL PUBLIC SCHOOLS

Bristol, Connecticut

**Handbook Inclusion**

**For Inclusion in Staff Handbooks**

**Indicators of Abuse/Neglect**

**Indicators of Physical Abuse**

**HISTORICAL**

- Delay in seeking appropriate care after injury
- No witnesses
- Inconsistent or changing descriptions of accident by child and/or parent

- Child's developmental level inconsistent with history
- History of prior "accidents" Absence of parental concern
- Child handicapped (physically, mentally, developmentally) or otherwise perceived as "different" by parent
- Unexplained school absenteeism
- History of precipitating crisis

## **PHYSICAL**

- Soft tissue injuries on face, lips, mouth, back, buttocks, thighs or large areas of the torso
- Clusters of skin lesions; regular patterns consistent with an implement
- Shape of lesions inconsistent with accidental bruise
- Bruises/welts in various stages of healing
- Burns; pattern consistent with an implement on soles, palms, back, buttocks and genitalia; symmetrical and/or sharply demarcated edges
- Fractures/dislocations inconsistent with history
- Laceration of mouth, lips, gums or eyes
- Bald patches on scalp
- Abdominal swelling or vomiting
- Adult-size human bite mark(s)
- Fading cutaneous lesions noted after weekends or absences
- Rope marks

## **BEHAVIORAL**

- Wary of physical contact with adults
- Affection inappropriate for age
- Extremes in behavior, aggressiveness/withdrawal
- Reports injury by parent

- Expresses fear of parents
- Reluctance to go home
- Feels responsible (punishment "deserved")
- Poor self-esteem
- Clothing covers arms and legs even in hot weather

## **Indicators of Sexual Abuse**

### **HISTORICAL**

- Vague somatic complaints
- Excessive school absence
- Inadequate supervision at home
- History of urinary tract infection or vaginitis
- Complaint of pain; genital, anal or lower back/abdominal
- Complain of genital itching
- Any disclosure of sexual activity, even if contradictory

### **PHYSICAL**

- Discomfort in walking, sitting
- Evidence of trauma or lesions in and around mouth
- Vaginal discharge/vaginitis
- Vaginal or rectal bleeding
- Bruises, swelling or lacerations around genitalia, inner thighs
- Dysuria
- Vulvitis
- Any other signs or symptoms of sexually transmitted disease
- Pregnancy

### **BEHAVIORAL**

- Low self-esteem
- Change in eating patterns
- Unusual new fears
- Regressive behaviors
- Personality changes (hostile/aggressive or extreme compliance) Depression
- Decline in school achievement
- Social withdrawal; poor peer relationships
- Indicates sophisticated or unusual sexual knowledge for age seductive behavior, promiscuity or prostitution
- Substance abuse
- Suicide ideation or attempt
- Runaway
- Inappropriate language or sexual touching at a young age

### **Indicators of Emotional Abuse**

#### **HISTORICAL**

- Parent ignores/isolates/belittles/rejects/scapegoats child
- Parent's expectations inappropriate to child's development
- Prior episode(s) of physical abuse
- Parent perceives child as "different"

#### **PHYSICAL**

- (Frequently none)
- Failure to thrive
- Speech disorder
- Lag in physical development
- Signs/symptoms of physical abuse

#### **BEHAVIORAL**

- Poor self-esteem
- Regressive behavior (sucking, rocking, enuresis)
- Sleep disorders
- Indicators of Emotional Abuse
- Adult behaviors (parenting siblings)
- Antisocial behaviors
- Emotional or cognitive developmental delay
- Extremes in behavior - overly aggressive/compliant
- Depression
- Suicide ideation/attempt

### **Indicators of Neglect**

#### **HISTORICAL**

- High rate of school absenteeism
- Frequent visits to school nurse with nonspecific complaints
- Inadequate supervision, especially for long periods and for dangerous activities
- Child frequently unattended; locked out of house
- Parental inattention to recommended medical care
- No food intake for 24 hours
- Home substandard (no windows, doors, heat); dirty, infested, obvious hazards
- Family member addicted to drugs/alcohol

#### **PHYSICAL**

- Hunger, dehydration
- Poor personal hygiene, unkempt, dirty
- Dental caries/poor oral hygiene
- Inappropriate clothing for weather/size of child, clothing dirty; wears same clothes day after day

- Constant fatigue or listlessness
- Unattended physical or health care needs
- Infestations
- Multiple skin lesions/sores from infection

## **BEHAVIORAL**

- Comes to school early, leaves late
- Frequent sleeping in class
- Begging for/stealing food
- Adult behavior/pseudomaturity (parenting siblings)
- Delinquent behaviors
- Drug/alcohol use/abuse

*A sample regulation to consider.*

## Students

### Reporting of Child Abuse/Neglect or Sexual Assault

#### a. What Must be Reported

A report must be made when any mandated reporter of the Board of Education, in his/her professional capacity, has reasonable cause to suspect or to believe that a child under the age of eighteen: *(Mandated reporters include all school employees and those contracted by board and have regular contact with children, the Superintendent, administrators, teachers, substitute teachers, guidance counselors, school counselors, licensed behavior analysts, school paraprofessionals, coaches of intramural and interscholastic athletics, as well as licensed nurses, physicians, psychologists and social workers either employed by the Board or working in one of the District schools, or any other person who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in District schools.)*

1. Is in danger of being or has been abused;
2. Has had non-accidental physical injuries or physical injuries which are at variance with the history given for them, inflicted by a person responsible for the child's health, welfare or care, or by a person given access to such child by a responsible person;
3. Has been neglected;
4. Has been sexually assaulted by a school employee; or
5. Has been placed in imminent risk of serious harm.

A mandated reporter's suspicions may be based on such factors, including but not limited to, as observations, allegations, and facts by a child, victim or third party. Suspicion or belief does not require certainty or probable cause.

#### Definitions

**"Abused"** means that a child (a) has had physical injury or injuries inflicted upon him or her other than by accidental means, or (b) has injuries which are at variance with the history given of them, or (c) is in a condition which is the result of maltreatment, such as, but not limited to, malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional maltreatment or cruel punishment.

**"Neglected"** means that a child (a) has been abandoned, or (b) is being denied proper care and attention, physically, educationally, emotionally or morally, or (c) is being permitted to live under conditions, circumstances or associations injurious to his well-being, or (d) has been abused.

**"School employee"** (a) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or who is working in an elementary, middle or high school; or (b) any other person who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in the \_\_\_\_\_ Public Schools, pursuant to a contract with the Board.



## Students

### Reporting of Child Abuse/Neglect or Sexual Assault

#### Definitions (continued)

“**Contractor**” includes anyone contracted by the board to perform a service who has regular contact with children.

“**Sexual assault**” means for the purposes of mandatory reporting laws and this policy; a violation of Sections 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a of the Connecticut General Statutes.

“**Statutory mandated reporter**” means an individual by CGS Sec. 17a-101 to report suspected abuse and/or neglect of children or sexual assault by a school employee. The term, “statutory mandated reporter” includes all school employees, as defined above.

“**Child Sexual Abuse Material**” replaces “Child Pornography” throughout the Connecticut Statutes (P.A. 24-118)

#### b. **Reporting Procedures for Statutory Mandated Reporters**

The following procedures apply only to statutory mandated reporters, as defined above.

1. When an employee of the Board of Education suspects or believes that a child has been abused, neglected, has been placed in imminent risk of serious harm, or sexually assaulted by a school employee, the following steps shall be taken:
  - (a) The employee shall immediately, upon having reasonable cause to suspect or believe that a child has been abused, neglected, or placed in imminent danger of serious harm, or has had non-accidental physical injury or injury which is at variance with the history or such injury, or sexually assaulted by a school employee and not later than twelve (12) hours after having such a suspicion or belief, make an oral report by telephone or in person to the Commissioner of Children and Families or his/her designee or the local law enforcement agency. The Department of Children and Families has established a 24-hour Child Abuse and Neglect Hotline (Careline) at 1-800-842-2288 to accept such oral reports.

Online reports may be made to the Careline by mandated reporters if the report is non-emergent. A non-emergent situation is one in which a report is mandated, but the child is not at immediate risk. *(Note: Mandated reporters reporting electronically when they reasonably suspect that a child has been abused, neglected, or placed at risk of imminent harm in a “non-emergent” situation can do so without risk that they will be subject to a failure to report finding and subsequent penalties.)*

## Students

### Reporting of Child Abuse/Neglect or Sexual Assault

#### b. Reporting Procedures for Statutory Mandated Reporters (continued)

- (b) The employee shall also immediately make an oral report to the Building Principal or his/her designee and/or the Superintendent or his/her designee. If the building principal is the alleged perpetrator of the abuse/neglect, then the employee shall notify the Superintendent or his/her designee directly.
- (c) If a report prepared in accordance with Section (a) above concerns suspected abuse, neglect, or sexual assault by a school employee, the Superintendent or his/her designee shall immediately notify the child's parent or guardian that such a report has been made.
- (d) Not later than 48 hours after making an oral report, the employee shall submit a written report to the Commissioner of Children and Families, or his/her representative, containing all the required information. The written reports should be submitted on the DCF-136 form or any other form designated for that purpose.
- (e) The employee shall immediately submit a copy of the written report to the Principal and/or Superintendent or the Superintendent's designee.
- (f) If a report prepared in accordance with Section (c) above concerns suspected abuse, neglect or sexual assault by a school employee who possesses a certificate, permit or authorization issued by the State Board of Education, the Superintendent shall submit a copy of the written report to the Commissioner of Education, or his/her representative.

#### c. Mandated Report Preliminary Inquiries

- **Preliminary Inquiry (School Level):** The school administration shall conduct a Preliminary Inquiry immediately upon receipt of a report or suspicion of abuse or neglect. The sole purpose of this inquiry is to gather enough information to determine if there is "reasonable cause to suspect" that a child has been abused or neglected, thereby triggering the mandatory reporting obligation.
  - **Scope:** Limited to identifying the parties involved, confirming the timeline of the alleged incident, and ensuring the immediate safety of the student.
  - **Actions:** May include a brief conversation with the student or the reporting staff member.
  - **Limitation:** The Preliminary Inquiry shall not include a detailed forensic interview of the child, nor shall it be used to determine the ultimate truth of the allegations. Administrators must not "investigate" the incident in a way that could interfere with a future criminal or Department of Children and Families (DCF) investigation.

## Students

### Reporting of Child Abuse/Neglect or Sexual Assault

#### c. Mandated Report Preliminary Inquiries (continued)

##### Formal Investigation

- A Formal Investigation is the comprehensive process conducted by DCF and/or Law Enforcement once a report has been filed.
  - **Scope:** A systematic evaluation of the child's safety, the family environment, and the validity of the allegations.
  - **Actions:** Forensic interviews, home visits, medical examinations, and the collection of physical evidence.
  - **School Role:** The Board of Education and its employees shall cooperate fully with the formal investigation but shall not conduct a parallel investigation unless specifically authorized by DCF or as part of a separate Title IX or personnel disciplinary process.

If the Preliminary Inquiry provides reasonable cause, the report must be made within 12 hours. The Preliminary Inquiry must never delay the report. If an administrator is unsure whether they have enough information, they are to make a report out of an abundance of caution.

#### d. Contents of Reports

Any report made pursuant to this policy shall contain the following information, if known:

1. The names and addresses of the child and his/her parents or other persons responsible for his/her care;
2. The age of the child;
3. The gender of the child;
4. The nature and the extent of the child's injury or injuries, maltreatment, or neglect;
5. The approximate date and time the injury or injuries, maltreatment, or neglect occurred;
6. Information concerning any previous injury or injuries to, or maltreatment or neglect of, the child or his/her siblings;
7. The circumstances in which the injury or injuries, maltreatment, or neglect came to be known to the reporter;
8. The name of the person or persons suspected to be responsible for causing such injury or injuries, maltreatment, or neglect;
9. The reasons such person or persons are suspected of causing such injury or injuries, maltreatment, or neglect;
10. Any information concerning any prior cases in which such person or persons have been suspected of causing an injury, maltreatment, or neglect of a child; and
11. Whatever action, if any, was taken to treat, provide shelter, or otherwise assist the child.

## Students

### Reporting of Child Abuse/Neglect or Sexual Assault

#### d. Contents of Reports (continued)

For purposes of this section pertaining to the required reporting, a child includes any victim under eighteen years of age educated in a technical high school or District school. Any person who intentionally and unreasonably interferes with or prevents the making of the required report or attempts to conspire to do so shall be guilty of a class D felony, unless such individual is under eighteen years of age or educated in the technical high school system or in a District school, other than part of an adult education program. The mandatory reporting requirement regarding the sexual assault of a student by a school employee applies based on the person's status as a student, rather than his or her age.

#### e. Investigation of the Report

If the suspected abuser is a school employee, the Superintendent or his/her designee shall thoroughly investigate the report, provided that such investigation does not interfere with or impede the investigation by the Department of Children and Families or by a law enforcement agency. In all other cases, DCF shall be responsible for conducting the investigation, with the Board's cooperation and collaboration, as appropriate. To the extent feasible, this investigation shall be coordinated with the Commissioner of Children and Families or the police to minimize the number of interviews of any child and to share information with other persons authorized to conduct investigations of child abuse and neglect. When investigating a report, the Superintendent or his/her designee shall endeavor to obtain, when possible, the consent of parents or guardians or other persons responsible for the care of the child, to interview the child, except in those cases in which there is reason to believe that the parents or guardians or other persons responsible for the care of such child are the perpetrators or the alleged abusers.

The investigation shall include an opportunity for the suspected abuser to be heard regarding the allegations contained in the report. During an investigation of suspected abuse by a school employee, the Superintendent may suspend the employee with pay or place the employee on administrative leave with pay pending the outcome of the investigation.

A person reporting child abuse, neglect, or sexual assault shall provide any person authorized to conduct an investigation into such claim with all information related to the investigation that is in the possession or control of the person reporting child abuse, neglect, or sexual assault, except as expressly prohibited by state or federal law.

## Students

### Reporting of Child Abuse/Neglect or Sexual Assault

#### e. Investigation of the Report (continued)

1. **Evidence of Abuse by Certain School Employees.** After an investigation has been completed, if the Commissioner of Children and Families, based upon the results of such investigation, has reasonable cause to believe that a child has been abused, neglected or sexually assaulted by an employee who has been entrusted with the care of a child or has recommended that such employee be placed on the Department of Children and Families abuse and neglect registry, the Commissioner shall notify within five (5) working days after the completion of the investigation into child abuse, neglect or sexual assault by a school employee, the Superintendent, the school employee, and the Commissioner of Education of such finding and shall provide records, whether or not created by the Department of Children and Families, concerning such investigation to the Superintendent and the Commissioner of Education. The Superintendent shall suspend the employee, if not previously suspended, with pay and without diminution or termination of benefits, if DCF has reasonable cause that the employee abused or neglected a child and recommends the employee be placed on the DCF child abuse and neglect registry. Not later than 72 hours after such suspension, the Superintendent shall notify the Board of Education and the Commissioner of Education, or his/her representative, of the reasons for the conditions of suspension. The Superintendent shall disclose records received from the Department of Children and Families to the Commissioner of Education and the Board of Education, or its attorney, for the purposes of review of employment status, certification, permit or authorization. Any decision of the Superintendent concerning such suspension shall remain in effect until the Board of Education Acts, pursuant to the provisions of Connecticut General Statutes. The Commissioner of Education shall also be notified if such certified person resigns from his/her employment in the District. Regardless of the outcome of any investigation by DCF and/or the police, the Superintendent and/or the Board, as appropriate, may take disciplinary action up to and including termination of employment in accordance with the provisions of any applicable statute, if the Superintendent's investigation produces evidence that a child has been abused by a certified, permit or authorized school staff member.

If the contract of employment of a certified school employee holding a certificate, permit, or authorization issued by the State Board of Education is terminated as a result of an investigation into reports of child abuse and neglect, the Superintendent shall notify the Commissioner of Education, or his/her representative, within 72 hours of such termination.

## Students

### Reporting of Child Abuse/Neglect or Sexual Assault

#### e. Investigation of the Report (continued)

2. **Evidence of Abuse by Other School Staff.** If the investigation by the Superintendent and/or Commissioner of Children and Families did produce evidence that a child has been abused by a non-certified school staff member the Superintendent and/or the Board, as appropriate, may take disciplinary action up to and including termination of employment.
3. The District shall maintain records of allegations, investigations and reports that a child has been abused or neglected by a school employee. Such records will be maintained in the District's Central Office. The records shall include any reports made to the Department of Children and Families. The State Department of Education is to have access to all such records.
4. The Board shall provide to the Commissioner of Children and Families, upon request for the purposes of an investigation by the Commissioner of Children and Families of suspected child abuse or neglect by a teacher employed by the Board, any records maintained or kept in District files. Such records shall include, but not be limited to, supervisory records, reports of competence, personal character and efficiency maintained in such teacher's personnel file with reference to evaluation of performance as a professional employee of such board of education, and records of the personal misconduct of such teacher. (*"Teacher" includes each certified professional employee below the rank of Superintendent employed by a Board of Education in a position requiring a certificate issued by the State Board of Education.*)
5. The Board of Education shall permit and give priority to any investigation conducted by the Commissioner of Children and Families or the appropriate local law enforcement agency, if a child has been abused or neglected. The Board shall conduct its own investigation and take any disciplinary action, in accordance with the provisions of section 17a-101i of the general statutes, as amended, upon notice from the Commissioner or the appropriate local law enforcement agency that the Board's investigation will not interfere with the investigation of the Commissioner or such local law enforcement agency.
6. The Department of Children and Families will review, at least annually, with the State Department of Education all records and information relating to reports and investigations that a child has been abused and neglected by a school employee, in the Department of Children and Families' possession, to ensure that records and information are being shared properly.

#### f. Delegation of Authority by Superintendent

The Superintendent may appoint a designee for the purposes of receiving and making reports, notifying and receiving notification, or investigating reports pursuant to this policy.

## Students

### Reporting of Child Abuse/Neglect or Sexual Assault (continued)

#### g. **Special Reporting Procedures Concerning Suspected Abuse or Neglect of Intellectually Disabled Persons**

In addition to the reporting procedures set forth above, Connecticut General Statutes require that certain school personnel, including teachers, licensed nurses, psychologists, and social workers, report any suspected abuse or neglect of intellectually disabled persons over the age of 18. It is the policy of the Board of Education to require ALL EMPLOYEES of the Board of Education to comply with the following procedures in connection with the suspected abuse or neglect, as defined below, of any intellectually disabled person over the age of 18.

1. **Definitions.** For the purposes of this policy:

“**Abuse**” means the willful infliction of physical pain or injury or willful deprivation by a caretaker of services which are necessary to the person’s health or safety.

“**Neglect**” means a situation where an intellectually disabled person either is living alone or is not able to provide for him/herself the services which are necessary to maintain his/her physical and mental health, or is not receiving such necessary services from the caretaker.

2. **Reporting Procedures.** If an “employee” has reasonable cause to suspect that an intellectually disabled person has been abused or neglected, he/she shall, within five calendar days, make an oral report to the Director of the Office of Protection and Advocacy for Persons with Disabilities, to be followed by a written report within five additional calendar days, or shall immediately notify the Superintendent in order for the Superintendent to make such oral and written reports to the Office of Protection and Advocacy. If an employee reports to the Office of Protection and Advocacy, the employee shall immediately notify the Superintendent.

3. **Contents of Report:** Any such report shall contain the following information:

- (a) The name and address of the allegedly abused or neglected person;
- (b) A statement from the reporter indicating a belief that the person is intellectually disabled, together with information indicating that the person is unable to protect himself or herself from abuse or neglect;
- (c) Information concerning the nature and extent of the abuse or neglect; and
- (d) Any additional information that the reporter believes would be helpful in investigating the report or in protecting the intellectually disabled person.

## Students

### Reporting of Child Abuse/Neglect or Sexual Assault

**g. Special Reporting Procedures Concerning Suspected Abuse or Neglect of Intellectually Disabled Persons (continued)**

4. **Investigation of Report.** If the suspected abuser is a school employee, the Superintendent shall thoroughly investigate the report following the procedures regarding the investigation of reports of child abuse set forth in paragraph e above. If the investigation by the Superintendent and/or the Office of Protection and Advocacy produces evidence that an intellectually disabled person has been abused by a school employee, the Superintendent and/or the Board, as appropriate, may take disciplinary Action, up to and including termination of employment.

**h. Disciplinary Action for Failure to Follow Policy**

Any employee who fails to comply with this policy's requirements shall be subject to discipline, up to and including termination of employment.

**i. Non-Discrimination Policy**

The Board of Education shall not discharge or in any manner discriminate or retaliate against any employee who, in good faith, makes a report pursuant to this policy or testifies or is about to testify in any proceeding involving abuse or neglect.

**j. Training**

All District employees are required to complete a training program pertaining to the accurate and prompt reporting of abuse and neglect, made available by the Commissioner of Children and Families. In addition, all employees must complete a refresher program at least once every three years. ~~Employees hired before July 1, 2011 must complete the refresher training program by July 1, 2012 and must retake it once every three years thereafter.~~

The School Principal shall annually certify to the Superintendent that each school employee working at his/her school has completed the required initial training and the refresher training.

**k. Foster Care**

Upon the Board of Education's request, the Department of Children and Families shall provide the name, date of birth, and school of origin for each child in its custody who has been placed in foster care and is attending a District school.

## **Students**

### **Reporting of Child Abuse/Neglect or Sexual Assault (continued)**

#### **Confidential Rapid Response Team**

The District will establish, a confidential rapid response team to coordinate with DCF to (1) ensure prompt reporting of suspected child abuse or neglect; or 1st, 2nd, 3rd, or 4th degree sexual assault; 1st degree aggravated sexual assault; or 3rd degree sexual assault with a firearm of a student not enrolled in adult education by a school employee; and (2) provide immediate access to information and individuals relevant to DCF's investigation of such cases.

The confidential rapid response team consists of a local teacher, the Superintendent, a local police officer, and any other person the Board of Education deems appropriate.

DCF, along with a multidisciplinary team, is required to take immediate action to investigate and address each report of child abuse, neglect, or sexual abuse in any school.

#### **Hiring Prohibitions**

The Board of Education will not employ anyone who was terminated or resigned after a suspension based on DCF's investigation, if he or she has been convicted of (1) child abuse or neglect; or (2) 1st, 2nd, 3rd, or 4th degree sexual assault; 1st degree aggravated sexual assault; or 3rd degree sexual assault with a firearm of a student who is not enrolled in adult education.

The Board of Education will not employ an individual who was terminated or resigned, if he or she (1) failed to report the suspicion of such crimes when required to do so; or (2) intentionally and unreasonably interfered with or prevented a mandated reporter from carrying out this obligation or conspired or attempted to do so. This applies regardless of whether an allegation of abuse, neglect, or sexual assault has been substantiated.

#### **Posting of DCF's "Careline"**

The Board of Education will post the telephone number of the Department of Children and Families' child abuse hotline, Careline, and the Internet web address that provides information about the Careline in each District school in a conspicuous location frequented by students. Such posting shall be in various languages, most appropriate for the students enrolled in the school.

(cf. 4112.5/4212.6 – Personnel Records)

(cf. 5145.511 – Sexual Abuse Prevention and Education Program)

## Students

### Reporting of Child Abuse/Neglect or Sexual Assault

- Legal Reference: Connecticut General Statutes
- 10-220a Inservice training. Professional development committees. Institutes for educators. Cooperating teacher program, regulations (as amended by PA 11-93)
  - 10-221d Criminal history records check of school personnel. Fingerprinting. Termination or dismissal (as amended by PA 11-93)
  - 10-221s Investigations of child abuse and neglect. Disciplinary action. (as amended by PA 16-188)
  - 17a-28 Definitions. Confidentiality of and access to records; exceptions. Procedure for aggrieved persons. Regulations (as amended by PA 11-93 and PA 14-186)
  - 17a-101 Protection of children from abuse. Mandated reporters. Educational and training program. Model mandated reporting policy. (as amended by PA 96-246, PA 00-220, PA 02-106, PA 03-168, PA 09-242, PA 11-93, PA 15-205, PA 18-15 and PA 18-17)
  - 17a-101a Report of abuse, neglect by or injury of child or imminent risk of serious harm to the child. Penalty for failure to report. Notification of Chief State's Attorney. (as amended by PA 02-106, PA 11-93, and PA 15-205, PA 18-15 and PA 18-17)
  - 17a-101b Report by mandated reporters. Notification of law enforcement agency when allegation of sexual abuse or serious physical abuse. Notification of person in charge of institution, facility or school when a staff member suspected of abuse or neglect.
  - 17a-101c Written or electronic report by mandated reporter.
  - 17a-101d Contents of reports
  - 17a-101e Employer prohibited from discriminating or retaliating against employee who makes a good faith report or testifies re child abuse or neglect. Immunity from civil or criminal liability. False report of child abuse. Referral to Office of the Chief State's Attorney. Penalty.
  - 17a-101g Classification and evaluation of reports. Determination of abuse or neglect of child. Investigation. Notice, entry of recommended finding. Referral to local law enforcement authority. Home visit. Removal of child in imminent risk of harm. Family assessment response program. Development of service plans and plans of care. Monitoring. Disclosure of information to community providers. Annual report.

## Students

### Reporting of Child Abuse/Neglect or Sexual Assault

Legal Reference: Connecticut General Statutes (continued)

17a-101i Abuse or neglect by school employees or staff member of public or private institution or facility providing care for children. Notice. Adoption of policy. Employee training program.

17a-101o School employee failure or delay in reporting child abuse or neglect. Policy re delayed report by mandated reporters.

17a-106 Cooperation in relation to prevention, identification and treatment of child abuse/neglect.

10-151 Teacher Tenure Act.

DCF Policy 22-1-3 Mandated Reporter's Failure to Report

[Public Act 23-160 An Act Concerning Education Mandate Relief and Other Technical and Assorted Revisions to the Education and Early Childhood Education Statutes](#)

[Public Act 24-41 An Act Concerning the Expansion of the State's Paid Family and Medical Leave Program](#)

[Public Act 24-118 An Act Concerning the Protection of Consumers from Unfair Trade Practices and Regulation of Certain Consumer Protections](#)

Regulation approved:

rev 4/20

rev 3/26



## Students

### Electronic Devices

#### Use of Private Technology Devices by Students

Students may possess privately owned technological devices on school property and/or during school sponsored activities, in accordance with the mandates of this policy and any applicable administrative regulations as may be developed by the Superintendent of Schools. ~~The Bristol Board of Education (“Board”) considers allowing students to bring to school such devices to be a privilege and not a right. The Board reserves the right to revoke this privilege if a student fails to adhere to the following guidelines and/or the Board’s acceptable use and student discipline policies.~~

#### Definitions

##### Board Technology Resources

For the purposes of this policy, “Board Technology Resources” refers to the Board’s computers and instructional technologies; communications and data management systems; informational technologies and the Internet; and any other technology resources used by the school district and accessible by students.

##### Privately Owned Technological Devices

For the purposes of this policy, “Privately Owned Technological Devices” 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, sound recording, information transmitting and/or receiving, storing, etc. These devices may include, but are not limited to, personal laptops, smart phones, Chromebooks, Kindles, Nooks, cellular telephones, radios, and walkie-talkies, personal data assistants, I-Phones and other electronic signaling devices.

##### Use of Privately Owned Technological Devices

Privately owned technological devices may not be used during instructional time, except as specifically permitted by ~~Policy # 6141.328 Bring Your Own Device and Protocol for the use of Personal Technology in the Schools. Cellular telephones may not be turned on during the school day. Use of the device shall be limited to the period before classes begin in the morning and after the student’s last class in the afternoon. Such devices shall not be used during instructional time or in the passing between classes unless there is a bona fide health or safety emergency.~~ except as specifically permitted by instructional staff or unless necessary for a student to access the district’s digital learning platform or otherwise engage in remote learning if remote learning has been authorized in accordance with applicable law.

## Students

### Electronic Devices

#### Use of Privately Owned Technological Devices (continued)

On school property, at a school-sponsored activity, while in use for a remote learning activity if remote learning has been authorized in accordance with applicable law, or while being used to access or utilize Board technology resources, the use of any such device for an improper purpose is prohibited. Improper purposes include, but are not limited to: use of any such device for an improper purpose is prohibited. Improper purposes include, but are not limited to:

- Sending any form of harassing, threatening, or intimidating message, at any time, to any person (such communications may also be a crime);
- Gaining or seeking to gain unauthorized access to Board technology resources;
- Damaging Board technology resources;
- Accessing or attempting to access any material that is obscene, **obscene as to minors**, or contains pornography;
- Cyberbullying;
- ~~Taking pictures without the specific permission of the subject of the picture;~~
- Using ~~a privately owned technological~~ such device to violate any school rules, including the unauthorized recording (photographic or audio) of another individual without the permission of the individual or a school staff member; or
- Taking any action prohibited by any Federal or State law.

#### Search of Privately Owned Technological Devices

~~A student's privately owned technological device may be searched if there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school. Any such search shall be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.~~

A student's privately-owned technological device may be searched if the device is on Board property or in a student's possession at a school-sponsored activity and if there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school. Any such search shall be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

#### Responsibility for Privately Owned Technological Devices

Students are responsible for the safety and use of their privately owned technological devices. If a privately owned technological device is stolen, lost, or damaged **while the device is on school property or during a school-sponsored activity**, a report should be made to the building principal, 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

## Students

### Electronic Devices

#### Use of Privately Owned Technological Devices (continued)

#### Responsibility for Privately Owned Technological Devices (continued)

privately owned technological device that is stolen, lost, or damaged while at school **or during a school-sponsored activity**. ~~Furthermore, the Board shall not be liable for any data plan charges or any other costs associated with the use of private technological devices.~~ For that reason, students are advised not to share or loan their privately owned technological devices with other students.

~~Students shall take full responsibility for their device and shall keep it safely stored when not in use. Classroom teachers will determine the best storage location for such devices. Students are required to take home their privately owned technological devices at the end of each school day.~~

#### Disciplinary Action

Misuse of the Board's technology resources and/or the use of privately owned technological devices to access or utilize the Board's technology resources in an inappropriate manner or the use of such devices in any manner inconsistent with this policy will not be tolerated and will result in disciplinary action. For students, a violation of this policy may result in loss of access privileges, a prohibition on the use and/or possession of privately owned technological devices on school property, **or at school-sponsored activities**, and/or suspension or expulsion in accordance with the Board's policies related to student discipline.

#### Access to Board Technology Resources

~~It is the policy of the Bristol Board of Education to~~ The Board may permit students, using their privately owned technology devices, to access the Board's computers and instructional technologies; communications and data management systems; informational technologies and the Internet; and any other technology resources used by the school district and accessible by students. **Students using privately-owned technological devices will agree to access the District's technology resources only through the designated Wi-Fi network.**

Additionally, it is the expectation of the Board of Education that students who access these resources while using privately owned technology devices will act at all times appropriately in ways which are fully in accord with applicable policies concerning technology use as well as all local, state, and federal laws.

Through the publication and dissemination of this policy statement and others related to use of the Board's computer systems, as well as other instructional means, the Board educates students about the Board's expectations for technology users.

The Board technology resources shall only be used to access educational information and to promote learning activities both at home and at school. ~~The Board considers access to its technology resources to be a privilege and not a right.~~ Students are expected to act at all times appropriately in ways which are fully in accord with applicable policies concerning technology use as well as all local, state, and federal laws when using the Board technology resources. Failure to do so will result in the consequences outlined herein and in other applicable policies (including, but not limited to, the Safe School Climate Plan, the Student Discipline Policy and the Use of Computers Policy).

## Students

### Electronic Devices

#### Use of Privately Owned Technological Devices (continued)

##### Access to Board Technology Resources (continued)

Students must abide by the procedures outlined in this policy and all policies and applicable regulations outlined in the Board's computer use and other applicable policies. Students will be given specific information for log-on and access procedures using school accounts. No user may deviate from these log-on/access procedures. Students are advised that the Board's network administrators have the capability to identify users and to monitor all privately owned technological devices while they are logged on to the network. Students must understand that the Board has reserved the right to conduct monitoring of Board technology resources and can do so *despite* the assignment to individual users of passwords for system security. Any password systems implemented by the Board are designed solely to provide system security from unauthorized users, not to provide privacy to the individual system user. The system's security aspects, message delete function and personal passwords can be bypassed for monitoring purposes. Therefore, students should be aware that they should not have any expectation of personal privacy in the use of privately owned technological devices to access Board technology resources. This provision applies to any and all uses of the Board's technology resources and that any privately owned technological devices access same.

##### Harm to Board Technology Resources

Any act by a student using a privately owned technological device that harms the Board's technology resources or otherwise interferes with or compromises the integrity of Board technology resources will be considered vandalism and will be subject to discipline and/or appropriate criminal or civil action.

##### Closed Forum

This policy shall not be construed to establish a public forum or a limited open forum.

~~(cf. 5114—Suspension and Expulsion/Due Process)~~

~~(cf. 5131—Conduct at School and Activities)~~

~~(cf. 5131.8—Out of School Misconduct)~~

~~(cf. 5131.911—Bullying)~~

~~(cf. 5131.913—Cyberbullying)~~

~~(cf. 5143.—Academic Integrity/Cheating)~~

~~(cf. 5145.5—Sexual Harassment)~~

Legal References:     Connecticut General Statutes  
                               10-233j Student possession and use of telecommunications devices  
                               31-48d Employees engaged in electronic monitoring required to give prior  
                               notice to employees.  
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                               53a-183 Harassment in the second degree: Class C misdemeanor.  
                               53a-250 Definitions.  
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*Eisner v. Stamford Board of Education*, 440 F. 2d 803 (2nd Cir 1971)  
*Trachtman v. Anker*, 563 F. 2d 512 (2nd Cir. 1977) cert. denied, 435 U.S.  
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*Hazelwood School District v. Ruhlmeir*, 484 U.S. 260, 108 S Ct 562  
(1988)  
*Bethel School District v. Fraser*, 478 US 675 (1986)  
*Tinker v. Des Moines Independent Community Dist.*, 393 US 503, (1969)

Policy Adopted: August 17, 2005  
Policy Revised: July 1, 2015

BRISTOL PUBLIC SCHOOLS  
Bristol, Connecticut

## Students

### Use of Private Technology Devices by Students

#### Cellular Phones

The use of privately-owned technological devices at school is considered a privilege, not a right. Therefore, students may possess cellular phones and other wireless communication devices on school property and school-sponsored transportation, providing students adhere to the restrictions contained within this regulation and specific school building restrictions outlined in the student handbook.

**High School:** Students are permitted to bring cellular phones and other wireless communication devices to school. Such devices should remain on silent throughout the school day. Device use, including earbuds, is not permitted, bell to bell, during class time. A teacher may allow use of such devices for course-specific educational purposes. Students may use cellular phones and other wireless communication devices during non-class times in areas designated by the school administration.

**Middle School:** Students are permitted to bring cellular phones and other wireless communication devices to school. Devices must be placed, on silent, in lockers prior to the start of the academic school day and can be collected at the end of the academic day. Students may use cellular phones and other wireless communication devices before and after the academic day in areas designated by the school administration.

**PreK-5:** Students are discouraged from bringing cellular phones and other wireless communication devices to school. If a parent/guardian sends their student to school with a device, the device must remain on silent for the entire day and remain out of sight and in a student's bag for the entirety of the school day and while on school-sponsored transportation.

#### Other Acceptable Uses

Cellular phones and other wireless communication devices are permissible in the following circumstances:

**a. IEP, 504, or Health Care/Medical Plan.**

Students may use cellular phones, wireless communication devices and other electronic devices during class time when authorized pursuant to an Individual Education Plan (IEP), a Section 504 Accommodation Plan, or a Health Care/Medical Plan with supportive documentation from the student's physician.

**b. Other Reasons.**

Other reasons determined appropriate by a school administrator or school administrator's designee.

Regulation approved:

BRISTOL PUBLIC SCHOOLS  
Bristol, Connecticut

## Students

### Electronic Devices

#### Use of Private Technology Devices by Students

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## Students

### Electronic Devices

#### Use of Privately Owned Technological Devices (continued)

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- Sending any form of harassing, threatening, or intimidating message, at any time, to any person (such communications may also be a crime);
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## Students

### Electronic Devices

#### Use of Privately Owned Technological Devices (continued)

#### Responsibility for Privately Owned Technological Devices (continued)

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## Students

### Electronic Devices

#### Use of Privately Owned Technological Devices (continued)

##### Access to Board Technology Resources (continued)

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~~(cf. 5114—Suspension and Expulsion/Due Process)~~

~~(cf. 5131—Conduct at School and Activities)~~

~~(cf. 5131.8—Out of School Misconduct)~~

~~(cf. 5131.911—Bullying)~~

~~(cf. 5131.913—Cyberbullying)~~

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~~(cf. 5145.5—Sexual Harassment)~~

Legal References:      Connecticut General Statutes  
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(1988)  
*Bethel School District v. Fraser*, 478 US 675 (1986)  
*Tinker v. Des Moines Independent Community Dist.*, 393 US 503, (1969)

Policy Adopted: August 17, 2005  
Policy Revised: July 1, 2015

BRISTOL PUBLIC SCHOOLS  
Bristol, Connecticut

## Students

### Use of Private Technology Devices by Students

#### Cellular Phones

The use of privately-owned technological devices at school is considered a privilege, not a right. Therefore, students may possess cellular phones and other wireless communication devices on school property and school-sponsored transportation, providing students adhere to the restrictions contained within this regulation and specific school building restrictions outlined in the student handbook.

**High School:** Students are permitted to bring cellular phones and other wireless communication devices to school. Such devices should remain on silent throughout the school day. Device use, including earbuds, is not permitted, bell to bell, during class time. A teacher may allow use of such devices for course-specific educational purposes. Students may use cellular phones and other wireless communication devices during non-class times in areas designated by the school administration.

**Middle School:** Students are permitted to bring cellular phones and other wireless communication devices to school. Devices must be placed, on silent, in lockers prior to the start of the academic school day and can be collected at the end of the academic day. Students may use cellular phones and other wireless communication devices before and after the academic day in areas designated by the school administration.

**PreK-5:** Students are discouraged from bringing cellular phones and other wireless communication devices to school. If a parent/guardian sends their student to school with a device, the device must remain on silent for the entire day and remain out of sight and in a student's bag for the entirety of the school day and while on school-sponsored transportation.

#### Other Acceptable Uses

Cellular phones and other wireless communication devices are permissible in the following circumstances:

**a. IEP, 504, or Health Care/Medical Plan.**

Students may use cellular phones, wireless communication devices and other electronic devices during class time when authorized pursuant to an Individual Education Plan (IEP), a Section 504 Accommodation Plan, or a Health Care/Medical Plan with supportive documentation from the student's physician.

**b. Other Reasons.**

Other reasons determined appropriate by a school administrator or school administrator's designee.

Regulation approved:

BRISTOL PUBLIC SCHOOLS  
Bristol, Connecticut

## Instruction

### Bring Your Own Device (BYOD) and Protocol for the Use of Personal Technology in the Schools

The Bristol Board of Education is committed to aiding students and staff in creating a modern and contemporary learning environment. Therefore students and staff will be permitted to access the District's wireless network with their personal devices during the school day. With teacher approval, students may use their own devices to access the Internet and collaborate with other students.

#### Definition of "Device"

~~For purposes of BYOD, a "device" means a privately owned wireless and/or portable electronic piece of equipment that includes laptops, netbooks, tablets/slates, iPod Touches, e-Readers, cell and smart phones.~~

A "device" as part of this protocol is a piece of privately owned and/or portable electronic handheld technology that includes, but is not limited to, emerging mobile communication systems and smart technologies, laptops and netbooks, and any technology that can be used for wireless internet access, word processing, image capture/recording, sound recording and information transmitting, receiving, and storing

#### Internet

The only internet gateway that may be accessed while in the Bristol Public Schools is the one provided by the District. Any device brought to the District will not be permitted to use outside internet sources.

Personal internet connective devices, such as but not limited to cell phones/cell network adapters, are not permitted to be used to access outside internet sources at any time.

#### Software

Many software packages are now available as web browser applications. This negates the need to have required programs loaded onto student computers. Students can access what they will need through any web browser. Therefore, there is no required software necessary to take part in the Bring Your Own Device program.

#### Security and Damages

Responsibility to keep the device secure rests with the individual owner. The Bristol Public School District is not liable for any device stolen or damaged on campus. If a device is stolen or

damaged, it will be handled through the administrative office as other personal items that are stolen or damaged. It is recommended that skins, decals, and other custom touches be used to identify physically a student's device from others. Additionally, protective cases for technology are encouraged.

The use of technology to provide educational material is not a necessity but a privilege. A student does not have the right to use his/her electronic device while at school. When abused, privileges will be taken away. When respected, they will benefit the learning environment as a whole.

### **Bring Your Own Device/Technology Student and Parent Agreement**

Students and parents/guardians participating in the Bring Your Own Device/Technology program must adhere to the Student Code of Conduct, as well as all applicable Board policies, particularly the Computer Acceptable Use policy. Access to personal devices is a privilege and not a right.

Based on the belief that power cords stretched out in classrooms become a safety issue both for the students and devices, charging the device in any classroom, hallway, or any other location that may be a safety concern will not be allowed.

The use of cameras in any type of electronic device is strictly prohibited in locker rooms, restrooms, and classrooms unless a certified District employee authorizes the student to do otherwise. Where students are allowed to use electronic devices, they are required to obtain permission before taking a photograph or video of any individual. Students must also obtain permission from any individual appearing in a photograph or video prior to posting on any social networking site or other internet site.

Students found to be using any electronic communications device to in any way send or receive personal messages, data, or information that would contribute to or constitute cheating on any student assessment, project, or assignment shall be subject to discipline and the device shall be confiscated and not returned until a parent conference has been held.

The use of these devices, as with any personally owned device, is strictly up to the teacher.

(cf. [5114](#) - Suspension/Expulsion)

(cf. [5131.81](#) - Electronic Devices)

(cf. [5131.911](#) - Bullying)

(cf. [5131.913](#) - Cyberbullying)

(cf. [5131](#) - Conduct)

(cf. [6141.321](#) - Acceptable Computer Use Policy)

Legal Reference: Connecticut General Statutes

[10-221](#) Boards of education to prescribe rules

**Policy Adopted: July 1, 2015**

BRISTOL PUBLIC SCHOOLS

Bristol, Connecticut

**6141.328**

**Regulation**

### **Instruction**

#### **Bring Your Own Device (BYOD) and Protocol for the Use of Personal Technology in the Schools**

The following guidelines shall govern the manner in which the Bring Your Own Device/Technology (BYOD/BYOT) policy and program are to operate within the District.

#### **Teachers' Role**

1. Teachers are facilitators of instruction in their classrooms. Therefore, they will not spend time on fixing technical difficulties with students' personal devices in the classrooms. They will educate and provide guidance on how to use a device and troubleshoot simple issues, but they will not provide technical support. This responsibility resides at home with parents/guardians.
2. Teachers may communicate information regarding educational applications and suggest appropriate tools that can be downloaded to personal devices at home. Parents will need to assist their younger children with downloads if they wish to follow teachers' suggestions. No applications are to be downloaded at school.
3. Teachers are to closely supervise students to ensure appropriate use of technology in the classrooms.
4. It is understood that not every student has his/her own electronic device. To ensure equal accessibility to technology resources, teachers will provide students with technology available within the school.
5. The use of these student personal devices, as with any personally owned device, is strictly up to the teacher.

#### **Security and Damages**

1. The District, or any of its schools, is not liable for any device that is stolen or damaged. Responsibility to keep the device secure rests with the individual owner. If a device is stolen or damaged, it will be handled through the administrative office as other personal items are stolen or damaged. It is recommended that skins, decals, and other custom touches be used to identify physically a student's device from others. Additionally, protective cases for technology are encouraged.
2. Personal devices cannot be left on campus before or after school hours.

### **Operating Principles for Use of Personal Devices on School Campus**

1. Devices cannot be used during assessments, unless otherwise directed by a teacher.
2. Students must immediately comply with teachers' requests to shut down devices or close the screen. Devices must be in silent mode and put away when asked by teachers.
3. Students are not permitted to transmit or post photographic images/videos of any person on campus on public and/or social networking sites.
4. Personal devices must be charged prior to bringing them to school and run off their own batteries while at school.
5. To ensure appropriate network filters, students will only use the District's wireless BYOD/BYOT connection in school and will not attempt to bypass the network restrictions by using 3G or 4G network.
6. Students must be instructed that bringing devices on campus or infecting the network with a virus, Trojan, or program designed to damage, alter, destroy, alter, or provide access to unauthorized data or information is in violation of the District's Acceptable Use Policy and will result in disciplinary actions.
7. The District has the right to collect and examine any device that is suspected of causing problems or is the source of an attack or virus infection.
8. Students must be instructed that possessing or accessing information on school property related to "hacking", altering, or bypassing network security policies is in violation of the Acceptable Use Policy and will result in disciplinary actions.
9. Students can only access files on the computer or Internet sites which are relevant to the classroom curriculum and suggested by a teacher.
10. Printing from personal devices is not permitted at school.
11. Students are not to physically share their personal devices with other students, unless approved in writing by their parent/guardian.
12. Personal devices may not be used to cheat on assignments, tests or for non-instructional purposes, such as making personal phone call and text/instant messaging.

13. Personal devices may not be used to send inappropriate e-messages during the school day.

### **Standards of Responsible Use**

All students in District schools must adhere to the following standards of responsible use:

- The District may review files and communications to maintain system integrity and insure that users are using the system responsibly. Users should not expect that files stored on district servers will always be private.
- Students are responsible at all times for their use of the District's electronic communication system and must assume personal responsibility to behave ethically and responsibly, even when technology provides them the freedom to do otherwise.
- Students must log in and use the District filtered wireless network during the school day on personal electronic devices.
- Students must not access, modify, download, or install computer programs, files, or information belonging to others.
- Students must not waste or abuse school resources through unauthorized system use (e.g. playing online games, downloading music, watching video broadcasts, participating in chat rooms, etc.).
- Students must not alter computers, networks, printers or other equipment except as directed by a staff member.
- Technology, including electronic communication, should be used for appropriate educational purposes only and should be consistent with the educational objectives of the District.
- Students must not release personal information on the Internet or electronic communications.
- If a student finds an inappropriate site or image, he or she must immediately minimize the program and contact the instructor.
- Students must not create/publish/submit or display any materials/media that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal and should report any instances encountered.
- Students shall adhere to all laws and statutes related to issues of copyright or plagiarism.
- Violation of any of these standards may result in suspension of computer use, Internet privileges and/or other disciplinary action.

**Regulation Adopted: July 1, 2015**

BRISTOL PUBLIC SCHOOLS

Bristol, Connecticut

DRAFT

## Instruction

### One-to-One Device Program

The focus of the 1:1 device program in the Bristol School District is to provide necessary tools and resources for a progressive learning environment characterized by flexibility, collaboration, personalization, creativity, and technology-rich learning. In District schools, technology will be integrated throughout the educational program in a seamless and timely fashion. The 1:1 device setting empowers students and teachers to use technology like adults do in the real world, accessing and using purposeful technology-based tools anytime a task calls for them.

### One-to-One Tablet Program

The Board of Education believes learning is a continuous dynamic interaction among students, educators, parents, and the extended community. Implementation of a 1:1 device initiative enables anywhere, anytime learning that is no longer limited by the four walls of a classroom or building. Purposeful technology integration liberates teachers from being deliverers of content and, instead, allows them to be facilitators of deep, individualized learning for all students.

The policy, procedures, and information within this document apply to all District-owned ~~device/~~Tablets devices or tablets used in District schools, including any other device considered by the administration to come under this policy. Individuals or teams of teachers may set additional requirements for use in their classroom.

(cf. [5131.81](#) – Use of Electronic Devices)

(cf. [5131.911](#) – Bullying)

(cf. [5131.913](#) – Cyberbullying)

(cf. [6141.321](#) – Acceptable Computer Use Policy)

(cf. 6141.323 – Filtering Access to Electronic Networks)

(cf. 6141.324 – Posting of Student work/Photographs)

(cf. 6141.325 – Blogging/Podcasting)

(cf. 6141.326 – Online Social Networking)

(cf. 6141.327 – Electronic Resources)

(cf. [6141.328](#) – Bring Your Own Device)

(cf. 6141.329 – Electronic Reading (e-reader) Devices)

Legal Reference: Connecticut General Statutes

[10-221](#) Boards of education to prescribe rules

18 U.S.C. §§2510-2522, Electronic Communication Privacy Act

P.L. No 110-385, Protecting Children in the 21st Century Act

**Policy adopted: October 7, 2020**

BRISTOL PUBLIC SCHOOLS

Bristol, Connecticut

**6141.3291**

## **Instruction**

### **One-to-One Device Program**

#### **Agreement for Use of Bristol Issued 1:1 Device (I-pad, Tablet, Laptop, Chromebook, etc.)**

- The device you will be issued is the property of Bristol Public Schools and is made available to you as a tool for learning.
- This Agreement sets out the standards for using the device.
- Like textbooks and other school property, the device is assigned to the student and **MUST** be returned to the District upon request, withdrawal, or transfer.
- The use of the device is a privilege that can be revoked. Inappropriate use or neglect of the device can result in limits to or loss of use of the device. Consequences for inappropriate use will vary according to infraction, but may include any or all of the following:
  - o School discipline code consequences for minor infractions
  - o Loss of privileges or increased daytime controls
  - o Loss of device for a designated period of time

Violations are subject to applicable district policies pertaining to discipline.

- All use standards for the school network under Policy and Procedures [#6141.321](#), "Computer Acceptable Use" applies to use of the ~~device/~~**Tablets** ~~devices~~ or **tablets**.
  - o Students will bring the device to school each day unless otherwise instructed with a full battery charge.
  - o Students are not permitted to sync the device with a personal computer or to change or otherwise "jailbreak" the device to alter the configuration or functionality that has been established by the District.

- o Students must not leave the device unattended at any time while at school. If a student needs to store their device during the school day, he/she must follow all school procedures for securing unattended devices when necessary (athletic events, etc.). The cost of a loss/theft of the device due to negligence of the student will be charged to the parent/student and recovered as authorized under Policy and Procedures 3520 (Student Fees, Fines, Charges).
- All the software that students will need for classes will be made available by the District. Students are not allowed to uninstall or modify any application or the operating system in any way. Installation of apps by students is permitted with the expectation that these devices are primarily for educational purposes rather than entertainment and/or amusement. The District reserves the right to remove or disable any student-installed apps which they determine to be inappropriate or that interfere with the learning process. All downloading of applications or other on-line costs incurred by the student for authorized or unauthorized personal use of the device is the sole responsibility of the parents/students.
- File-sharing, including downloading music or any other activity that violates copyright laws is not permitted. Any music or other commercial files installed on the device must be legally owned by the student user.

### ***General Handling and Required Care of the Device***

- Student and parent/guardian will be charged for any damage resulting from intentional abuse or mishandling, or non-accidental loss or damage due to negligence. A police report is required for any stolen device. The following are not considered to be accidental damage and repair costs will be assessed.
- Excessive scratches/wear to exterior caused by failure to regularly use a protective case.
- Intentional marking, defacing, and/or abusing the device for amusement, anger, frustration, etc.
- Damage caused by tampering with hardware components or operating systems (i.e. jailbreaking) to alter district configuration.
- Any loss or theft of the device must be reported to the technology support office immediately, so that recovery efforts can be initiated. Failure to immediately report a lost device can result in the student being assessed the full replacement cost.
- Do not mark the device in any way with markers, stickers, scratches, engraving, etc. Each device is labeled with a district identification barcode. Do not remove this sticker. Students may personalize the folio case for easier identification.
- When not in use, the device must remain in a case at all times. Any damage resulting from failure to use a case will result in fees being assessed for the full cost of repairs. If you wish to purchase your own case, the case must provide adequate protection for the edges, corners and surface of the device.

- Do not insert foreign objects (paperclips, pens, etc.) into the ports (openings) of the device.
- Do not eat or drink near the device. There should never be any food or drink around the device.
- Protect your device from other sources of moisture such as rain when outdoors and bathrooms or kitchens near toilets or sinks.
- Make sure hands are clean before using the device. Where applicable, the glass screen should be regularly wiped clean with a dry clean soft cloth - a microfiber cloth is recommended, but any soft cotton fabric will work. Do NOT use commercial liquid or spray cleaners on the screen. Do NOT use paper towels to clean the screen.
- When the charging cable needs to be connected, be sure to line it up correctly when inserting and removing. Students are responsible for damage to the charger port or connector pin resulting from mishandling. Use only the school-approved charger assigned with the device.
- If you have problems with your device, stop using it and ask your Tech Support Office for help.

### ***Internet Rules and Expectations***

- Bristol Public Schools Acceptable Use Agreement must be followed at all times.
- Any inappropriate web or email activity can result in loss of the device privilege. The use of unapproved proxy servers is strictly forbidden and is a violation of the District's network policy.
- If you unintentionally link to an inappropriate website, report it to your teacher immediately so District officials can remove access to the site.
- All activity conducted on the District/School Internet/Network is monitored and can be tracked/traced. All use of the Internet/Network should be to further the student's education and enrich the student's educational resources.

### ***Parent Information***

- The device is meant for student use only. It is not meant to be a family computer or to be used by siblings in any way.
- Parents are responsible for supervising student Internet use while at home; the filtering services we implement on the District network do not transfer to home use. More restrictive settings can be installed upon parent request to limit access to the Internet or other nonacademic uses of the device. The District will be providing specific information on how to request this service.

- Parents should monitor the use of the device at home to ensure that its primary function is academic and that students are completing assigned school work rather than excessive gaming, chatting, etc.
- All families will have the option to ~~participate~~ participate in a device self-insurance program to provide limited protection in the event of negligent loss or damage to the device. This is a District self-insured program managed by the District. Arrangements can be made through the building Administrators for families that require financial assistance if the parent/student desires the insurance.
- Parents/students have the option of participating in the District's self-insurance program, which provides limited protection in the event of negligent loss or damage to the device, OR denying the insurance and assuming full responsibility for damage, theft or loss.
- The optional insurance program details available by request or by visiting <https://www.bristol.k12.ct.us/>.

**Regulation approved: October 7, 2020**

BRISTOL PUBLIC SCHOOLS

Bristol, Connecticut

**Acceptable Use Agreement**

I have read the Bristol Public Schools Device Usage Standards, and Computer Acceptable Use Guidelines.

1. I have read and agree to comply with the Agreement for Use of Bristol issued 1:1 device.
2. I agree to comply with the Bristol Public Schools Acceptable Use Policy.
3. I understand that I may lose my device privileges as a result of my inappropriate behavior, and may be financially responsible for damage or loss of any Bristol issued 1:1 device.
4. I will return the device, power adapter and cable when requested at the end of the school year. I understand that I will be charged for any missing equipment or cables.

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**Student - Print your name here**

**Signature and date here**

I have read the Bristol Public Schools Device Usage Standards, and Computer Acceptable Use Guidelines.

1. I understand the procedures and requirements to which my student must comply, including the Acceptable Use Policy.
2. I accept responsibility for any damage or neglect that may result from my student while the device is in his/her possession or control, which may result in monetary charges.
3. I understand that my student may lose his/her device privileges and/or incur financial fees as a result of inappropriate behavior, damage, neglect, or loss to any District device.
4. I understand my student must return the device, power adapter and cable when requested to do so. I understand that I will be charged for any missing equipment or cables.

***Insurance Option Selection (check one):***

*Insert options here*

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**Parent/Guardian - Print your name here**

**Signature and date here**

Current Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

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