

## Students

### Removal/Suspension/Expulsion

#### I. Definitions

- A. **“Exclusion”** is defined as any denial of public school privileges to a student for disciplinary purposes.
- B. **“Removal”** is defined as an exclusion from a classroom for all or part of a single class period, provided such exclusion shall not extend beyond 90 minutes.
- C. **“Suspension”** is defined as an exclusion from school privileges and/or from transportation services for not more than ten (10) consecutive school days, provided such exclusion shall not extend beyond the end of the school year in which such suspension was imposed. All suspensions shall be in-school suspensions unless the administration determines for any student in grades three through twelve, inclusive, that (1) the student being suspended poses such a danger to persons or property or such a disruption of the educational process that the student shall be excluded from school during the period of suspension, or (2) that an out-of-school suspension is appropriate based on evidence of previous disciplinary problems that have led to suspensions or expulsion of the student and efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive support strategies.

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.

- D. **“In-school suspension”** is defined as an exclusion from regular classroom activity for not more than ten consecutive school days, but not an exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed. An in-school suspension may include reassignment to a regular classroom program in a different school in the school district. Such reassignment shall not constitute a “suspension” or “expulsion” under this policy.

In-school suspensions shall be served in the school attended by the student.

- E. **“Expulsion”** is defined as an exclusion from school privileges for any student in grades three through twelve, inclusive for more than ten (10) consecutive school days and shall be deemed to include, but not be limited to, exclusion from the school to which such student was assigned at the time such disciplinary action was taken, provided such exclusion shall not extend beyond a period of one (1) calendar year. Such period of exclusion may extend to the school year following the school year in which such exclusion was imposed.

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#### I. Definitions (continued)

- F. **“Emergency”** is defined as a situation under which the continued presence of the student in the school imposes such a danger to persons or property or such a disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of such student as possible.
- G. **“Days”** is defined as days when school is in session.
- H. **“School sponsored activity”** including school sponsored transportation is defined as any activity sponsored, recognized or authorized by the Board of Education and includes activities conducted on or off school property.
- I. **“Possess”** means to have physical possession or otherwise to exercise dominion or control over tangible property.
- J. **“Deadly weapon”** means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles. It may also include pellet guns and/or air soft pistols.
- K. **“Dangerous instrument”** means any instrument, article or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury, and includes a motor vehicle and a dog that has been commanded to attack.
- L. **“Firearm”** means 1) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; 2) the frame or receiver of any such weapon; 3) any firearm muffler or firearm silencer; or 4) any destructive device. Firearm does not include any antique firearm. For purposes of this definition “destructive device” means any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than 4 ounces, missile having an explosive or incendiary charge of more than 1/4 ounce, mine, or device similar to any of the weapons described herein.
- M. **“Vehicle”** means any aircraft, or any vessel equipped for propulsion by mechanical means or sail.
- N. **“Martial arts weapon”** means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or Chinese star.

#### II. Removal From Class

- A. Each teacher shall have the authority to remove a student from class when such student deliberately causes a serious disruption of the educational process within the classroom, provided that no student shall be removed from class more than six times in any year, nor more than twice in one week unless such student is referred to the building principal, or his/her designee, and granted an informal hearing as set forth in section IV C of this policy.

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#### **II. Removal From Class (continued)**

- B. Whenever any teacher removes a student from the classroom, such teacher shall send the student to a designated area and shall immediately inform the building principal or his/her designee as to the name of the student against whom such disciplinary action was taken and the reason there for.

#### **III. Standards Governing Suspension and Expulsion**

- A. Conduct on school grounds or at a school sponsored activity as set forth in Section C, herein, or that is otherwise prohibited by Board policy or by any code of student conduct in effect in the schools that is:
  - 1. Violative of a publicized policy of the Board, or
  - 2. Is seriously disruptive of the educational process, or
  - 3. Endangers persons or property will be cause for suspension and/or expulsion.
- B. Conduct off school grounds as described in paragraph A, above, that is:
  - 1. Violative of a publicized policy of the Board, and
  - 2. Seriously disruptive of the educational process will be cause for suspension and/or expulsion.
- C. The following exemplifies student conduct that is prohibited and that will be considered cause for suspension and/or expulsion:
  - 1. Threatening in any manner, including orally, in writing, or via electronic communication, a member of the school community, including any teacher, member of the school administration or any other employee, or a fellow student;
  - 2. Use of physical force, against another person which is not reasonably necessary for self-defense;
  - 3. Theft of personal or school property, or taking or attempting to take personal property or money from another person, or from his/her presence, by means of force or fear;
  - 4. Willfully causing, or attempting to cause, damage to school property;
  - 5. Participation in an unauthorized occupancy of any part of any school or school premises or other building owned by any school district, and failure to leave such school premises or other facility promptly after having been directed to do so by the School Principal or other person then in charge of such building or facility;

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#### **III. Standards Governing Suspension and Expulsion (continued)**

6. Intentional incitement which results in an unauthorized occupation of any part of a school or other facility owned by any school district;
7. Possession, use, transmission or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana/medical marijuana, alcoholic beverage, or intoxicant of any kind;
8. Possession or transmission of a facsimile of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, or marijuana/medical marijuana;
9. Knowingly being in the presence of those who are in possession of, using, transmitting, or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana/medical marijuana, alcoholic beverage, or intoxicant of any kind;
10. Possession or transmission of any firearm, deadly weapon, dangerous instrument, martial arts weapon, or knife, or facsimile of any weapon or instrument;
11. Using or copying the academic work of another and presenting it as his/her own without proper attribution;
12. Possessing or consuming tobacco products or vape/e-cigarette products;
13. Open defiance of the authority of any teacher or person having authority over the student, including verbal abuse;
14. Intentional and successful incitement of truancy by other students;
15. Bullying, which includes any overt acts by a student or a group of students directed against another student with the intent to ridicule, humiliate or intimidate the other student while on school grounds or at a school-sponsored activity which acts are repeated against the same student over time;
16. Violation of any federal or state law which would indicate that the violator presents a danger to any person in the school community or to school property, and;
17. Violation of any other Board policy, rule, agreement, or directive dealing with student conduct, including that dealing with conduct on school buses and the use of school district equipment.

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#### **III. Standards Governing Suspension and Expulsion (continued)**

- D. Expulsion proceedings pursuant to section V, shall be, required whenever there is reason to believe that any student 1) was in possession of a firearm, deadly weapon, dangerous instrument or martial arts weapon, on school grounds or at a school-sponsored activity; 2) off school grounds, did possess a firearm or did possess and use such a firearm, dangerous instrument, deadly weapon or martial arts weapon in the commission of a crime; or 3) on or off school grounds, offered for sale or distribution a controlled substance as defined in Connecticut General Statutes, §21a-240(9), whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under §§21a-277 and 21a-278. A student shall be expelled for a period of one calendar year if the Board of Education finds that the student engaged in any of the conduct described herein, provided the period of expulsion may be modified on a case-by-case basis.

In the event it is determined by the Superintendent that a student issued a threat against a member of the school community as described in paragraph C. 1, above, the matter shall be referred to law enforcement officials for possible criminal prosecution and the Superintendent shall take all available measures to ensure the safety of persons in the school community in the event of the student's return to school.

#### **IV. Suspension Procedure**

- A. The administration of each school is authorized to invoke suspension for a period of up to ten (10) days, or to invoke in-school suspension for a period of up to ten days of any student for one or more of the reasons stated in section III, above, in accordance with the procedure outlined in Paragraph C of this section. All suspensions shall be in-school suspensions unless the administration determines that for students in grades three through twelve, inclusive, (1) the student being suspended poses such a danger to persons or property or such a disruption of the educational process that the student shall be excluded from school during the period of suspension or (2) that an out-of-school suspension is appropriate based on evidence of previous disciplinary problems that have led to suspensions or expulsion of the student and efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive support strategies.

Moreover, the administration is authorized to suspend a student from transportation services whose conduct while receiving transportation violates the standards set forth in section III, above. The school administration is authorized to immediately suspend any student when there is an emergency as defined in section I, above.

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### Removal/Suspension/Expulsion

#### IV. Suspension Procedure (continued)

A student in Preschool through grade two, inclusive, may be given an out-of-school suspension if the administration determines that such suspension is appropriate based on a determination by the administration that the student's conduct on school grounds is of a violent or sexual nature that endangers persons.

If an emergency exists, the hearing outlined in Paragraph C of this section shall be held as soon as possible after the suspension.

- B. In the case of suspension, the school administration shall notify the student's parents/guardian and the Superintendent of Schools of the suspension no later than twenty-four (24) hours. This notice shall include the name of the student who has been suspended and the reason for suspension. Any student who is suspended shall be given an opportunity to complete any class work, including, but not limited to examinations scheduled during the period of his/her suspension.
- C. Except in the case of an emergency as defined in section I, above, a student shall be afforded the opportunity to meet with the member of the school administration and to discuss the stated charges prior to the effectuation of any period of suspension or in-school suspension. If at such a meeting the student denies the stated charges he/she may at that time present his/her version of the incident(s) upon which the proposed suspension is based. The school administration shall then determine whether or not suspension or in-school suspension is warranted. The guidelines developed and promulgated by the Commissioner of Education will be utilized by members of the administration in the determination of whether a student should receive an in-school or out-of-school suspension. In determining the length of a suspension period, the school administration may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, in-school suspension, suspension or expulsion.
- D. 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.
- E. No student shall be suspended more than ten (10) times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion, unless a hearing as provided in section V. B. of this policy is first granted.
- F. No student shall be placed on in-school suspension more than fifteen (15) times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion, unless a hearing as provided in section V. B. of this policy is first granted.

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### Removal/Suspension/Expulsion

#### IV. Suspension Procedure (continued)

- G. Whenever a student is suspended, notice of the suspension and the conduct for which the student was suspended shall be included on the student's cumulative educational record. Such notice shall be expunged from the cumulative educational record if the student graduates from high school.

#### V. Expulsion Procedure

The Board of Education may expel any student, grades three through twelve, inclusive, for one or more of the reasons stated in section III if, in the Superintendent's judgment, such disciplinary action is in the best interests of the school system. An expulsion hearing is required in any instance in which the Superintendent has reason to believe a student has engaged in the conduct described in section III D. The procedures outlined in Paragraphs A and B, below, shall be followed prior to the effectuation of any expulsion unless an "emergency" as defined in section I, above, exists. If an emergency exists, such a hearing shall be held as soon after the expulsion as possible.

- A. The Board of Education shall notify the student concerned and his/her parents/guardian, or the student if he/she has attained the age of eighteen (18) at least five (5) business days before such hearing that expulsion is under consideration. Such notice shall contain the information required under Paragraph B of this section. Three members of the Board of Education shall constitute a quorum for an expulsion hearing. A student may be expelled if a majority of the Board members sitting in the expulsion hearing vote to expel provided that three affirmative votes shall be required for expulsion.
- B. The procedure for any hearing conducted under this section shall be determined by the hearing officer or Board Chairperson, as appropriate, but shall include the right to:
  - 1. Notice of the proposed hearing which shall include:
    - a. a statement of the time, place, and nature of the hearing;
    - b. a statement of the legal authority and jurisdiction under which the hearing is to be held;
    - c. reference to the particular sections of the Connecticut General Statutes or school policies involved;
    - d. a short and plain statement of the matters asserted, if such matters have not already been provided in a statement of reasons requested by the student; the statement so provided may be limited to a statement of the issues involved if it is not possible to state the issues in detail at the time such notice is served. Upon request from the student concerned a more definite and detailed statement of the issues shall be furnished; and

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#### **V. Expulsion Procedure (continued)**

- e. a statement that students under sixteen years of age 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;
  2. The opportunity to be heard;
  3. The opportunity to present witnesses and evidence;
  4. The opportunity to cross-examine adverse witnesses;
  5. The opportunity to be represented by counsel; and
  6. Information concerning legal services provided free of charge to 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/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. Prompt notification of the decision of the Board of Education which decision shall be in writing if adverse to the student concerned.
- C. The record of any hearing held in an expulsion case shall include the following:
1. All evidence received or considered by the Board of Education, including a copy of the initial letter of notice of proposed expulsion, if any, and a copy of all notices of hearing;
  2. Questions and offers of proof, objections and rulings on such objections;
  3. The decision of the Board of Education rendered after such hearing; and
  4. The official transcript, if any, of proceedings relating to the case, or, if not transcribed, any recording or stenographic record of the proceeding.
- D. Rules of evidence at expulsion hearings shall include the following:
1. 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 shall be excluded;
  2. The Board of Education shall give effect to the rules of privilege recognized by law;
  3. In order to expedite a hearing, evidence may be received in written form, provided the interest of any party is not substantially prejudiced thereby;



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#### **V. Expulsion Procedure (continued)**

4. Documentary evidence may be received in the form of copies or excerpts if the original is not readily available provided, however, that any party to a hearing shall be given an opportunity to compare the copy with the original;
  5. A party to an expulsion hearing may conduct cross-examination of witnesses where examination is required for a full and accurate disclosure of the facts;
  6. The 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 material noticed, including any staff memoranda or data, and an opportunity shall be afforded to any party to contest the material so noted;
  7. A record of any oral proceedings before the Board of Education at an expulsion hearing shall be made provided, however, that a transcript of such proceedings shall be furnished upon request of a party with the cost of such transcript to be paid by the requesting party.
- E. In determining the length of an expulsion, the Board of Education may receive and consider evidence of past disciplinary problems, which have led to removal from a classroom, in-school suspension, suspension, or expulsion.
  - F. Decisions shall be in writing if adverse to the student and shall include findings of fact and conclusions necessary for the decision. Findings of fact made by the Board after an expulsion hearing shall be based exclusively upon the evidence adduced at the hearing.
  - G. For any student expelled for the first time and who has never been suspended, the Board of Education may shorten the length or waive the expulsion period if the student successfully completes a Board specified program or 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.
  - H. Any student who is expelled shall be offered an alternative educational opportunity consistent with the requirements of state law as set forth in Section VII of this policy.
  - I. Whenever a student is expelled pursuant to the provisions of this policy, notice of the expulsion and the conduct for which the student was expelled shall be included on the student's cumulative educational record. Such notice, except for the notice of an expulsion of a student in grades 9 through 12, inclusive, based on possession of a firearm or deadly weapon, shall be expunged from the cumulative educational record 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.

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### Removal/Suspension/Expulsion

#### V. Expulsion Procedure (continued)

- J. If a student in Preschool to grade 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.
- K. Whenever a student against whom an expulsion hearing is pending withdraws from school after notification of such hearing but before the hearing is completed and a decision rendered, (1) notice of the pending expulsion hearing shall be included on the student's cumulative educational record and (2) the Board of Education shall complete the expulsion hearing and render a decision.
- L. The Board of Education may adopt the decision of a student expulsion hearing conducted by another school district, provided that the Board shall hold a hearing pursuant to this policy which shall be limited to a determination of whether the conduct which was the basis for the expulsion would also warrant expulsion under the policies of the Board of Education. The student shall be excluded from school pending such hearing. The excluded student shall be offered an alternative educational opportunity in accordance with statutory requirements and this policy.
- M. Students requiring special education and related services shall be subject to discipline consistent with state and federal law. Whenever a student requiring special education services is found to have: (1) been in possession of a firearm, deadly weapon, dangerous instrument or martial arts weapon, on school grounds or at school sponsored activity; (2) off school grounds, possessed a firearm or possessed and used such a firearm, dangerous instrument, deadly weapon or martial arts weapon in the commission of a crime; or (3) or off school grounds offered for sale or distribution a controlled substance as defined in Connecticut General Statutes §21a-240(9), whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under Sections 21a-277 and 21a-278, (4) or inflicted serious bodily injury upon another person while at school, on school premises, or at a school function; or (5) knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function, said student shall be referred to a Planning and Placement Team (PPT) for a determination of whether the above behavior is a manifestation of the student's disability. If it is determined that the behavior is a manifestation of the student's disability the PPT shall modify the student's individualized educational plan in order to prevent the reoccurrence of such behavior and to ensure the safety of other children in the school. Prior to the manifestation determination, school personnel in these circumstances may remove a student to an interim alternative educational setting for up to 45 school days.

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### **Removal/Suspension/Expulsion**

#### **V. Expulsion Procedure (continued)**

- N. 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.
- O. If a student, Preschool through grade 12, inclusive, is found to have possessed a firearm, dangerous instrument, deadly weapon or martial arts weapon on school property or at any school-sponsored activity or to have possessed off school property a firearm as defined in 18 U.S.C. 921 or used off school property, a deadly weapon, dangerous instrument or martial arts weapon in the commission of a crime, or on or off school property offered for sale or distribution a dangerous drug, he/she must be expelled for one calendar year. The Board may modify the expulsion period on a case-by-case basis.

#### **VI. Notification to Parents or Guardian**

The parents or guardian of any minor student against whom disciplinary action is taken under this policy shall be given notice of such disciplinary action within no later than (24) hours of the time the student was excluded.

#### **VII. 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 include 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 a student who does not choose to have his or her child enrolled in an alternative opportunity shall not be subject to the provisions of section 10-184 of the General Statutes. Any expelled student who is between the ages of sixteen (16) and eighteen (18) and who wishes to continue his or her education shall be offered such an alternative educational opportunity if he or she complies with conditions established by the Board of Education. Such alternative may include, but shall not be limited to, the placement of such student in a regular classroom program of a school other than the one from which the student has been excluded and, for students at least sixteen (16) years of age, placement in any such adult education program. 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 educational opportunity to be offered under this section the Board of Education may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, suspension, or expulsion.

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### Removal/Suspension/Expulsion

#### VII. Alternative Educational Opportunity (continued)

A student between the ages of sixteen (16) and eighteen (18) expelled for the first time and who complies with conditions set by the Board of Education shall be offered an alternative educational opportunity that is equivalent to “alternative education” as defined by C.G.S. 10-74, with an individualized learning plan.

If the Board expels a student for the sale or distribution of ~~such~~ a controlled substance the Board shall refer the student to an appropriate state or local agency for rehabilitation, intervention or job training, or any combination thereof, and inform the agency of its action. If the Board expels a student for possession of a firearm, deadly weapon, dangerous instrument or martial arts weapon, the Board shall report the violation to the local police department. The Board shall give the name of the student and a summary of the Board’s action in so referring the student, to the Commissioner of Education within thirty (30) days after the student is expelled.

The provisions of this section shall not apply to students requiring special education who are described in subdivision (1) of subsection (e) of Connecticut General Statutes §10-76a.

#### VIII. Readmission of Student from a Residential Placement

A District student who has committed an expellable offense who seeks to return to a District school, after participating in a diversionary program or having been detained in a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement, for one year or more, in lieu of expulsion from the District, shall be permitted to return to the appropriate school setting within the District. Further, the District shall not expel the student for any additional time for the offense(s).

#### IX. Gun Free Schools Act

The Board of Education shall submit to the Commissioner of Education such information on expulsions for the possession of weapons as is required for purposes of the Gun Free Schools Act of 1994, 20 U.S.C. §8921., et seq.

Students and parents shall be notified of this policy annually.

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### **Suspension and Expulsion/Due Process**

#### **Expulsion**

Legal Reference: Connecticut General Statutes  
4-176e through 4-180a. Contested Cases. Notice. Record, as amended  
10-74j Alternative education (PA 15-133)  
10-233a through 10-233f Suspension, removal and expulsion of students,  
as amended by PA 95-304, PA 96-244, PA 98-139, PA 07-66, PA 07-122,  
PA 08-160, PA 09-82, PA 09-6 (September Special Session), PA 10-111,  
PA 11-126, PA 14-229, PA 15-96, PA 16-147 and PA 17-220  
53a-3 Definitions.  
53a-217b Possession of Firearms and Deadly Weapons on School  
Grounds.  
PA 94-221 An Act Concerning School Discipline and Safety.  
PA 15-96 An Act Prohibiting Out-of-School Suspensions and Expulsions  
for Students in Preschool and Grades Kindergarten to Two.  
GOALS 2000: Educate America Act, Pub. L. 103-227.  
18 U.S.C. 921 Definitions.  
Title III - Amendments to the Individuals with Disabilities Education Act.  
Sec. 314 (Local Control Over Violence)  
Elementary and Secondary Act of 1965 as amended by the Gun Free  
Schools Act of 1994  
P.L. 105-17 The Individuals with Disabilities Act, Amendments of 1997.  
*Kyle P. Packer PPA Jane Packer v. Thomaston Board of Education.*  
P.L. 108-446 The Individuals with Disabilities Education Improvement  
Act of 2004

Policy adopted: February 12, 2018

THOMASTON PUBLIC SCHOOL  
Thomaston, Connecticut

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### **Suspension and Expulsion/Due Process**

#### **Suspension**

When the School Principal or designee has determined that there is cause for suspension of a student, the following procedures shall be observed:

1. The student shall be given an informal hearing before the School Principal or designee, at which time the reasons for the disciplinary action will be stated and the student will be given an opportunity to explain the situation. 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.
2. The School Principal or designee may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, suspension or expulsion of the student.
3. The School Principal or designee shall make every possible attempt to reach the parent or guardian of the student stating the reasons for the significant action and the terms and conditions of the suspension.
4. Whether the telephone contact is made or not the School Principal or designee shall forward a letter to the parent or guardian at the last known address according to school records (unless a newer address is determined) not later than twenty-four hours of the suspension, and offering the parent or guardian the opportunity for a conference to discuss the suspension.
5. Notice of the suspension shall be transmitted by the School Principal to the Superintendent of Schools by the close of the school day following the commencement of the suspension, but no later than twenty-four hours of the commencement of the suspension.
6. Following a conference with the School Principal or designee the parent or guardian may request the Superintendent to review the School 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 School Principal's decision to suspend, the Superintendent shall obtain oral or written statements from the School Principal or designee, the student, and the person(s) who witnessed and reported the incident(s) which resulted in the suspension. The Superintendent may call all concerned parties together for a conference, and take whatever other action is needed to determine the true facts of the matter.
7. If a student is eighteen or older, any notice required by Board policy and this regulation shall be given to the student.

**Students****Suspension and Expulsion/Due Process** (continued)**Suspension** (continued)

8. Textbooks and homework are to be provided each student for the duration of the suspension period and the student shall be allowed to complete any classwork, including examinations, without penalty, which was missed during suspension.
9. The Superintendent shall report any unusually serious cases of student suspension to the Board of Education at the first meeting following such action.
10. Whenever a student is suspended 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 Preschool through grade two, inclusive, may be given an out-of-school suspension if it is determined by the administration that such suspension is appropriate based on evidence that the student's conduct on school grounds is of a violent or sexual nature that endangers persons.

12. The administration will use the guidelines developed and promulgated by the Commissioner of Education to help determine whether a student should receive an in-school or out-of-school suspension.
13. In-school suspension will be served in the school attended by the student.
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 parent(s)/guardian(s).

## **Students**

### **Suspension and Expulsion/Due Process** (continued)

#### **Suspension** (continued)

The foregoing procedure will be followed unless the student has been suspended more than a total of ten (10) times or a total of fifty (50) days in one (1) school year whichever results in fewer days of expulsion. 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.

#### **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 is seriously disruptive of the educational process, or is violative of a publicized policy of the Board of Education. A student's conduct or whose conduct off school grounds is seriously disruptive of the educational process and violative of a publicized policy of the Board.

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. Recommendations for expulsion are to be directed to the Board of Education through the Superintendent of Schools.
2. Upon receipt of an expulsion recommendation, 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 recommendation to the Board of Education within five (5) days 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(s) or legal guardian(s) must be given notice at least five (5) business days prior to the date of the hearing.



## **Students**

### **Suspension and Expulsion/Due Process (continued)**

#### **Expulsion (continued)**

- B. The notice shall contain:
- The date, time and place of the scheduled hearing.
  - A statement of the student's and parent's or guardian's legal rights.
- C. A copy of the notice described in section 4B shall be provided to the Board of Education or an impartial hearing board at the start of the hearing. 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 board may refuse to require a witness against the accused student to appear, when the Board or impartial hearing board 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 advocate 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 board 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 board shall report its final decision in writing to the student, stating the finding of facts and conclusions of law including the discipline 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 which necessitates expulsion prior to holding a hearing, the hearing provided for above shall be held as soon as possible after the expulsion.

**Students****Suspension and Expulsion/Due Process (continued)****Expulsion (continued)**

5. Whenever the Board of Education or impartial hearing board expels a student under sixteen (16) years of age, it shall offer an alternative education opportunity to the student. The parent or guardian of such student has the legal right to reject such a program without being subject to the provisions of C.G.S. 10-184. A student age 17 or older may be placed in an adult education program as an alternative educational opportunity. Any student participating in an adult education program during a period of expulsion shall not be required to withdraw from school under C.G.S. 10-184. However, the Board is not required to offer an alternative educational opportunity to any student between the ages of sixteen and eighteen who is expelled because of conduct which endangers persons if it is determined at the expulsion hearing that the conduct for which the student was expelled involved possessing on school property, on school transportation, or at a school-sponsored activity, of a firearm, a dangerous instrument, dangerous/deadly weapon, 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 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 whose manufacture, distribution, sale, prescribing, dispensing of, or possessing with the intent to sell or dispense, offering or administration is subject to criminal penalties under C.G.S. 21a-277 and 21a-278, 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, except for 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 student graduates from high school.
8. If a student in grades Preschool through 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.

## **Students**

### **Suspension and Expulsion/Due Process (continued)**

#### **Expulsion (continued)**

9. The Board may adopt the decision of a student expulsion hearing conducted by another school district provided the Board holds a hearing pursuant to C.G.S. 10-233d(a). The hearing 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 subsection 5 above.
10. Whenever a student against whom an expulsion hearing is pending withdraws from school after notification of such hearing but before the hearing is completed and a decision rendered, (1) notice of the pending expulsion hearing shall be included on the student's cumulative educational record and (2) the Board shall complete the expulsion hearing and render a decision.
11. Expulsion hearing shall be required if there is reason to believe; that any pupil (A) on school grounds or at a school-sponsored activity, was in possession of a firearm, as defined in 18 USC 921, as amended from time to time, or deadly weapon, dangerous instrument or martial arts weapon, as defined in section 53a-3, (B) off school grounds, did possess such a firearm in violation of section 29-35 or did possess and use such a firearm, instrument or weapon in the commission of a crime under chapter 952, or (C) on or off school grounds, offered for sale or distribution a controlled substance, as defined in subdivision (9) of section 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 sections 21a-277 and 21a-278. Such a pupil shall be expelled for one calendar year if the local or regional board of education or impartial hearing board finds that the pupil did so possess or so possess and use, as appropriate, such a firearm, instrument or weapon or did so offer for sale or distribution such a controlled substance, provided the board of education or the hearing board may modify the period of expulsion for a pupil on a case by case basis, and as provided for in subdivision (2) of subsection (c) of this section.
12. If a student enrolled in grades preschool through grade twelve, inclusive, is found to have possessed a firearm, dangerous instrument, dangerous weapon or martial arts weapon in or on the real property or a school or at any school function as defined in Section 10-233a, or on or off school property offered for sale or distribution a dangerous drug, he or she must be expelled for one calendar year. The expulsion period may be modified on a case by case basis by the Board of Education or hearing board.

**Students****Suspension and Expulsion/Due Process** (continued)**Expulsion** (continued)

13. If a student is expelled for possession of a firearm or deadly weapon, dangerous instrument or martial arts weapon the violation shall be reported to the local police department or State Police if the student is enrolled in a technical high 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 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, except for a student 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.
17. If a student's expulsion is shortened or the expulsion period waived based upon the fact that the student was expelled for the first time, had never been suspended, and successfully completed a Board specified program and/or met other conditions required by the Board, the notice of expulsion shall be expunged from the cumulative educational record if the student graduates from high school or, if the Board so chooses, at the time the student completes the Board specified program and meets any other conditions required by the Board.
18. The record of a student, grades 9 to 12 inclusive, expelled for possession of a firearm or deadly weapon, shall not be expunged.
19. The Board may expunge an expulsion in the years following the expulsion if the student has demonstrated conduct warranting an expungement.
20. A student in grades K-8 inclusive, shall have any expulsion, including for possession of a firearm or deadly weapon expunged from the record upon graduation.

**Prior Notice**

The Superintendent shall provide for an effective means of informing all students and their parents or guardians of the Board's policy and this regulation at the beginning of each school year, or when the student enrolls or transfers during the school year.

## **Students**

### **Suspension and Expulsion/Due Process**

Legal Reference: Connecticut General Statutes  
4-176e through 4-180a. Contested Cases. Notice. Record, as amended  
10-74j Alternative education (PA 15-133)  
10-233a through 10-233f Suspension, removal and expulsion of students,  
as amended by PA 95-304, PA 96-244, PA 98-139, PA 07-66, PA 07-122,  
PA 08-160, PA 09-82, PA 09-6 (September Special Session), PA 10-111,  
PA 11-126, PA 14-229, PA 15-96, PA 16-147 and PA 17-220  
53a-3 Definitions.  
53a-217b Possession of Firearms and Deadly Weapons on School  
Grounds.  
PA 94-221 An Act Concerning School Discipline and Safety.  
PA 15-96 An Act Prohibiting Out-of-School Suspensions and Expulsions  
for Students in Preschool and Grades Kindergarten to Two.  
GOALS 2000: Educate America Act, Pub. L. 103-227.  
18 U.S.C. 921 Definitions.  
Title III - Amendments to the Individuals with Disabilities Education Act.  
Sec. 314 (Local Control Over Violence)  
Elementary and Secondary Act of 1965 as amended by the Gun Free  
Schools Act of 1994  
P.L. 105-17 The Individuals with Disabilities Act, Amendments of 1997.  
*Kyle P. Packer PPA Jane Packer v. Thomaston Board of Education.*  
P.L. 108-446 The Individuals with Disabilities Education Improvement  
Act of 2004