Students

Suspension and Expulsion/Due Process/Referral to the Police

It is the goal of the 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, 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. Law enforcement authorities must be notified when it is alleged that local State or Federal laws have been violated.

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

A. Definitions

1. **"Exclusion"** shall be defined as any denial of public school privileges to a student for disciplinary purposes.
2. **"Removal"** shall be defined as an exclusion from a classroom for all or a part of single class period, provided such exclusion shall not extend beyond ninety (90) minutes.
3. **"In-School Suspension"** shall be defined as an exclusion from regular classroom activity for no more than ten 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. Such suspensions may be served in any school building under the jurisdiction of the Board of Education.
4. **"Suspension"** shall be defined as an exclusion from school privileges or from transportation services for no 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 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, inclusive) shall be excluded from school during the period of suspension.

   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. A person's duty as a mandated reporter to report suspected child abuse or neglect is not limited by this provision.

Students

Suspension and Expulsion/Due Process/Referral to the Police

Definitions (continued)

5. **"Expulsion"** shall be defined as an exclusion from school privileges for any student in grades three to twelve, inclusive, for more than ten (10) consecutive school days and shall be deemed to include but not be limited to, exclusion from the school to which such student was assigned at the time such disciplinary action was taken, provided that assignment to a regular classroom program in a different school in the district shall not constitute a suspension or an expulsion. Such period of exclusion may extend to the school year following the school year in which the exclusion was imposed, up to one calendar year. To be expelled, the student's conduct must be found to be both violative of a Board policy and either seriously disruptive of the educational process or endangering persons or property.
6. **"Emergency"** shall be defined as a situation under which the continued presence of the student in the school imposes such a danger to persons or property or such a disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of such student as possible.
7. **"Days"** is defined as days when school is in session.
8. **"School-sponsored activity"** is defined as any activity sponsored, recognized or authorized by the Board of Education and includes activities conducted on or off school property.
9. **"Possess"** means to have physical possession or otherwise to exercise dominion or control over tangible property.
10. **"Deadly weapon"** means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles.
11. **"Firearm"** means 1) any weapon (including a starter gun) which will or is designed to or readily be converted to expel a projectile by the action of an explosive; 2) the frame or receiver of any such weapon; 3) any firearm muffler or firearm silencer; or 4) any destructive device. 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.
12. **"Vehicle"** means a "motor vehicle" as defined in Section 14-1 of the Connecticut General Statutes, snow mobile, any aircraft, or any vessel equipped for propulsion by mechanical means or sail.
13. **"Martial arts weapon"** means a nunchakum kama, kasari-fundo, octagon sai, tonfa or chinese star.
14. **"Dangerous Drugs and Narcotics"** is defined as any controlled drug in accordance with Connecticut General Statutes §21a-240, including marijuana or any other cannabis type substance as well as designer drugs, look-a-like drugs, or household chemicals that are used in a mood altering manner.

Students

Suspension and Expulsion/Due Process/Referral to the Police

Definitions (continued)

15. **"Alternate education"** means a school or program maintained and operated by the Board of Education that is offered to students in a nontraditional setting and addresses their social, emotional, behavioral and academic needs. Such program must conform to SBE guidelines and conform to C.G.S 10-15 & 16 (180 days/900 hours)

B. Removal From Class

1. All certified school staff are hereby authorized to remove a student from class when such student causes a serious disruption of the educational process within the classroom.
2. Such teacher shall send the student to a designated area and shall immediately inform the building Principal or his/her designee as to the name of the student and the reason for removal.
3. No student shall be removed from class more than six (6) times in any school year, nor more than twice in one week, unless such student is referred to the Building Principal or his/her designee and granted an informal hearing in accordance with the provisions of this policy, as stated in G(3). Removals shall not extend beyond ninety (90) minutes.

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. Suspension and Expulsion

1. A student may be suspended (in-school) or suspended (out-of-school) or expelled (grade three to twelve, inclusive) for conduct on school property or at a school-sponsored activity that ~~endangers persons~~ causes serious physical harm or endangers property, is violative of a publicized policy of the Board, or is seriously disruptive of the educational process, including but not limited to one or more of the following reasons:

    a. Conduct causing danger to the physical well-being of himself/herself or other people that is not reasonably necessary for self-defense, including but not limited to inappropriate contact;

Students

Suspension and Expulsion/Due Process/Referral to the Police

D. Suspension and Expulsion (continued)

b. Intentionally causing or attempting to cause serious physical injury to another person that is not reasonably necessary for self-defense;

c. Intentionally causing or attempting to cause damage to school property or material belonging to staff or other students (private property);

d. Stealing or attempting to steal private or school property or taking or attempting to take personal property or money from any other person;

e. The use, either spoken or written, of obscene or profane language or gestures on school property or at a school-sponsored activity;

f. Refusal to obey the directions or orders of a member of the school staff;

g. Open defiance of the authority of any teacher or person having authority over the student, including verbal abuse;

h. Harassment, hazing/bullying or threatening in any manner, including orally, in writing, or via electronic communication, a member of the school including any teacher, a member of the school administration or any other employee, or a fellow student;

i. Blackmailing a member of the school community, including any teacher, member of the school administration or any other employee or fellow student;

j. Possession of a firearm, deadly weapon, dangerous instrument, or martial arts weapon, as defined in Section 53a-3, such as a pistol, knife, blackjack, etc.;

k. Possession of any weapon or weapon facsimile, including but not limited to a knife or pistol.

l. Knowingly being in the presence of those who are in possession of, using, transmitting, or being under the influence of any dangerous drug, narcotic, hallucinogenic drug, drug paraphernalia, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind;

m. Possession, transmission, distribution, selling, use or consumption of any dangerous drug, drug paraphernalia, narcotic, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind;

n. Participation in any unauthorized occupancy by any group of students or others of any part of any school, school premises or other building owned by any school district after having been ordered to leave said school premises or other facility by the Principal or other person then in charge of said school building or facility;

Students

Suspension and Expulsion/Due Process/Referral to the Police

D. Suspension and Expulsion (continued)

o. Participation in any walkout from a classroom or school building by any group of students and refusing to immediately return to said classroom or school building after having been directed to do so by the Principal or other person then in charge of said classroom or school building;

p. Intentional incitement which results in an unauthorized occupation of, or walkout from, any school building, school premises, facility or classroom by any group of students or other persons;

q. Repeated unauthorized absence from or tardiness to school;

r. Incitement of truancy by other students;

s. The use or copying of the academic work of another and the presenting of it as one's own without proper attribution;

t. Violation of school rules and practices or Board policy, regulation or agreement, including that dealing with conduct on school buses and the use of school district equipment;

u. 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;

v. Lying, misleading or being deceitful to a school employee or person having authority over the student;

w. Unauthorized leaving of school or school-sponsored activities;

x. Smoking in the building. For students 16 years or older, violation of this part of the policy will result in a referral to the police. All students will be disciplined according to the conduct code.

y. All students smoking on school grounds will be subject to the conduct code.

z. Use of tobacco products on school grounds.

*Note: At the administrators' discretion the police may be contacted for any of the reasons listed above.

E. Suspension/Expulsion for Conduct Off School Grounds

1. Students are subject to suspension and/or expulsion for conduct off school property and outside of school-sponsored activities in accordance with law, for conduct that violates a publicized policy of the Board and is seriously disruptive of the educational process, including but not limited to the following:

Students

Suspension and Expulsion/Due Process/Referral to the Police

E. Suspension for Conduct Off School Grounds (continued)

a. Conduct leading to a violation of any federal or state law if that conduct is determined to pose a danger to the student himself/herself, other students, school employees or school property.

b. Adjudication as a delinquent or a youthful offender as the result of a felony if the conduct leading to the adjudication is determined to pose a danger to the student himself/herself, other students, school employees or school property.

2. 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, narcotic drug, hallucinogenic drug, amphetamine, barbiturate or marijuana.

F. Mandatory Expulsion

It shall be the policy of the Board to expel a student, grades preschool, and kindergarten to twelve, inclusive, for one full calendar year if:

1. The student, on grounds or at a school-sponsored activity, was in possession of a firearm, as defined in 18 U.S.C. 921*, as amended from time to time, or deadly weapon, dangerous instrument or martial arts weapon, as defined in C.G.S. 53a-3; or the student, off school grounds, did possess such firearm in violation of C.G.S. 29-35 or did possess and use such a firearm, instrument or weapon in the commission of a crime; or the student, on or off school grounds offered for sale or distribution a controlled substance, as defined in subdivision (9) of C.G.S. 21a-240, whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under C.G.S. 21a-277 and 21a-278.
2. Such a student shall be expelled for one calendar year if the Board of Education or impartial hearing board finds that the student did so possess or so possess and use, as appropriate, such a weapon or firearm, instrument or weapon or did so offer for sale or distribution such a controlled substance.
3. The Board may modify the period of a mandatory expulsion on a case-by-case basis.

Students

Suspension and Expulsion/Due Process/Referral to the Police

F. Mandatory Expulsion (continued)

4. A firearm, as defined by C.G.S. 53a-3 includes any sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver, or other weapon, whether loaded or unloaded from which a shot may be discharged, or a switchblade knife, a gravity knife, billy, black jack, bludgeon or metal knuckles.

5. A student enrolled in a preschool program provided by the Board of Education, state or local charter school or interdistrict magnet school shall not be expelled from such school except that a student shall be expelled for one calendar year from such preschool program pursuant to the mandatory expulsion requirement in compliance with the Gun-Free School Act, as described in this section.

*A firearm; currently defined by 18 U.S.C. 921, is any weapon that can expel a projectile by an explosive action and includes explosive devices, incendiaries, poison gases, and firearm frames, receivers, mufflers or silencers.

G. Suspension Procedure

1. The administration of each school shall have the authority to invoke suspension for a period of up to ten days or to invoke in-school suspension for a period of up to ten school days of any student for violations of school policies including, but not limited to, paragraph D, above, in accordance with the procedure outlined in this paragraph. 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.

   The administration is expected to consider 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.

   If an emergency situation exists, the hearing outlined in paragraph G(3) shall be held as soon as possible after the exclusion of the student.

2. In the case of suspension, the administration shall notify the student's parents and the Superintendent of Schools within 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.

Students

Suspension and Expulsion/Due Process/Referral to the Police

G. Suspension Procedure (continued)

3. Except in the case of an emergency, as defined in paragraph A, above, a student shall be afforded the opportunity to meet with the administration and to respond to the stated charges prior to the effectuation of any period of suspension or in-school suspension. If, at such a meeting the student denies the stated charges, he/she may at that time present his/her version of the incident(s) upon which the proposed suspension is based. The administration shall then determine whether or not suspension or in-school suspension is warranted. In determining the length of a suspension period, the administration may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, in-school suspension, or expulsion.

4. No student shall be suspended more than ten times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion, unless a hearing as provided in paragraph H(5) is first granted.

5. No student shall be placed on in-school suspension more than fifteen times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion, unless a hearing as provided in paragraph H(5) is first granted.

6. 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.

H. Expulsion Procedures

1. The Board of Education may, upon recommendation of the Superintendent of Schools, expel any student for one or more of the reasons stated in this policy if in the judgment of the Board of Education, such disciplinary action is in the best interest of the school system.

Students

Suspension and Expulsion/Due Process/Referral to the Police

H. Expulsion Procedures (continued)

2. Upon receipt of a recommendation for expulsion from the Superintendent of Schools the Board shall, after giving written notice, at least five (5) business days before such hearing, to the student and his parents or guardian, if said student is less than 18 years of age, conduct a hearing prior to taking any action on the expulsion of said student, provided however, that in the event of an emergency as defined in this policy, the student may be expelled prior to the hearing but in such case even a hearing shall be held as soon after the expulsion as possible. The notice shall include information concerning the student's and his/her parent's/guardian's legal rights and concerning legal services that are provided free of charge or at a reduced rate that are available locally (CT Legal Service a source of such services) and how to access such services. An attorney or other advocate may represent any student subject to expulsion proceedings. The parent/guardian of the student has the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation, except that if an emergency exists, such hearing shall be held as soon after the expulsion as possible.

3. 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 and provided at least three affirmative votes for expulsion are cast.

4. A special education student's handicapping conditions shall be considered before making a decision to expel. A Planning and Placement Team (PPT) meeting must be held to determine whether the behavior or student actions violative of Board of Education standards set forth in policy governing suspension and expulsion are the result of the student's handicapping condition.

5. The procedure for any hearing conducted under this paragraph shall at least include the right to:

   a. Notice prior to the date of the proposed hearing shall include a statement of the time, place and nature of the hearing; 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 or second time and who comply with conditions set by the Board of Education, must be offered an alternative educational opportunity;

Students

Suspension and Expulsion/Due Process/Referral to the Police

H. Expulsion Procedures (continued)

b. A short and plain statement of the matters asserted, if such matters have not already been provided in a statement of reasons requested by the student;

c. The opportunity to be heard in the student's own defense;

d. The opportunity to present witnesses and evidence in the student's defense;

e. The opportunity to cross-examine adverse witnesses;

f. The opportunity to be represented by counsel at the parents'/student's own expense; and

g. Information concerning legal services provided free of charge or at a reduced rate that are available locally and how to access such services.

h. The opportunity to have the services of a translator, to be provided by the Board of Education whenever the student or his/her parent or legal guardian do not speak the English language.

i. The prompt notification of the decision of the Board of Education, which decision shall be in writing if adverse to the student concerned.

6. The record of the hearing held in any expulsion case shall include the following:

a. All evidence received and considered by the Board of Education;

b. Questions and offers of proof, objections and ruling on such objections;

c. The decision of the Board of Education rendered after such hearing; and

d. A copy of the initial letter of notice of proposed expulsion, a copy of any statement of reasons provided upon request, a statement of the notice of hearing and the official transcript, if any or if not transcribed, any recording or stenographic record of the hearing.

7. Rules of evidence at expulsion hearings shall assure fairness, but shall not be controlled by the formal rules of evidence, and shall include the following:

a. Any oral or documentary evidence may be received by the Board of Education but, as a matter of policy, irrelevant, immaterial or unduly repetitious evidence may be excluded. In addition, other evidence of past disciplinary problems which have led to removal from a classroom, in-school suspension, suspension, or expulsion may be received for considering the length of an expulsion and the nature of the alternative educational opportunity, if any, to be offered;

Students

Suspension and Expulsion/Due Process/Referral to the Police

H. Expulsion Procedures (continued)

b. The Board of Education shall give effect to the rules of privilege by law;

c. In order to expedite a hearing, evidence may be received in written form, provided the interest of any party is not substantially prejudiced thereby;

d. Documentary evidence may be received in the form of copies or excerpts;

e. A party to an expulsion hearing may conduct cross-examination of witnesses where examination is required for a full and accurate disclosure of the facts;

f. The Board of Education may take notice of judicially cognizable facts in addition to facts within the Board's specialized knowledge provided, however, the parties shall be notified either before or during the hearing of the material noticed, including any staff memoranda or data, and an opportunity shall be afforded to any party to contest the material so noticed;

g. A stenographic record or tape-recording of any oral proceedings before the Board of Education at an expulsion hearing shall be made provided, however, that a transcript of such proceedings shall be furnished upon request of a party with the cost of such transcript to be paid by the requesting party. Findings of fact made by the Board after an expulsion hearing shall be based exclusively upon the evidence adduced at the hearing.

h. Decisions shall be in writing if adverse to the student and shall include findings of fact and conclusions necessary for the decision. Findings of fact made by the Board after an expulsion hearing shall be based exclusively upon the evidence adduced at the hearing, including any judicially cognizable facts and the Boards specialized knowledge as provided in paragraph "f" above.

8. 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.

Students

Suspension and Expulsion/Due Process/Referral to the Police (continued)

I. Notification

1. All students and parents within the jurisdiction of the New Fairfield 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 within a reasonable time of the institution of the period of expulsion or suspension.
3. The notice of an expulsion hearing shall be given at least five (5) business days before such hearing to the student and his/her parents or guardians, if said student is less than 18 years of age shall include information concerning the parent's/guardian's and the student's legal rights and concerning legal services that are provided free of charge or at a reduced rate that are available and how to access such services. The notification shall include a statement that an attorney or other advocate may represent any student subject to expulsion proceedings. The parent/guardian of the student shall be notified of the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation, except that if an emergency exists, such hearing shall be held as soon after the expulsion as possible.

J. Students with Disabilities

A special education student's and/or 504 disability shall be considered before making a decision to suspend. A student with disabilities may be suspended for up to ten school days in a school year without the need for the district to provide any educational services. A disabled student may be additionally removed (suspended) for up to ten school days at a time for separate acts of misconduct as long as the removals do not constitute a pattern. During any subsequent suspension of ten days or less of a student with disabilities, the district shall provide services to the disabled student to the extent determined necessary to enable the student to appropriately advance in the general education curriculum and toward achieving his/her IEP goals. In cases involving removals for ten days or less, school personnel (school administration) in consultation with the child's special education teacher, shall make the service determination.

If the disabled student's suspensions beyond ten school days in a school year constitute a pattern because of factors such as the length of each removal, the total amount of time the child is removed and the proximity of the removals to one another, the IEP team (PPT) shall conduct a manifestation determination. Meetings of a student's IEP team (PPT) are required to develop a behavioral assessment plan or to review and modify as necessary one previously developed when the disabled student has been removed (suspended) from his/her current placement for more than ten school days in a school year and when commencing a removal (suspension) that constitutes a change in placement.

Students

Suspension and Expulsion/Due Process/Referral to the Police

J. Students with Disabilities (continued)

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 record if the student graduates from high school.

Notwithstanding the foregoing, the following procedures shall apply to students who have been identified as having one or more disabilities under the IDEA and/or Section 504 of the Rehabilitation Act (a "student with disabilities"):

1. If a student with disabilities engages in conduct that would lead to a recommendation for expulsion, the district shall promptly convene an IEP team (PPT) meeting to determine whether the misconduct was caused by or had a direct and substantial relationship to the student's disability or if the conduct in question was the direct result of the District's failure to implement the IEP. A student may be suspended for up to ten days pending the IEP team (PPT) determination.

2. If the District, parent and relevant members of the IEP team (PPT) determine that the misconduct was not caused by the disability, the Superintendent may proceed with a recommendation for expulsion. During any period of expulsion, a student with disabilities under the IDEA shall receive an alternative educational plan consistent with the student's educational needs as determined by the IEP team (PPT) in light of such expulsion and the student's IEP. The services must continue to the extent determined necessary to enable the disabled student to appropriately advance in the general education curriculum and to advance toward achieving the goals of his/her IEP and to be provided a free appropriate public education.

3. If the District, parent and relevant members of the IEP team (PPT) determine that the misconduct was caused by or had a direct and substantial relationship to the disability, or the conduct in question was the direct result of the District's failure to implement the student's IEP, the Superintendent shall not proceed with the recommendation for expulsion. The IEP team (PPT) shall consider the student's misconduct and revise the IEP to prevent a recurrence of such misconduct and to provide for the safety of the other students and staff. A functional behavioral assessment shall be conducted, if not previously done, and a behavioral intervention plan implemented or revised, if in existence. The student shall be returned to the placement from which he/she was removed unless agreed otherwise by the District and parent.

Students

Suspension and Expulsion/Due Process/Referral to the Police

J. Students with Disabilities (continued)

4. Should a parent of a student with disabilities who is eligible for services under the IDEA (or the student himself/herself if eighteen years of age or older) file a request for a due process hearing under C.G.S. 10-76h to contest an expulsion under subparagraph (2) above or a proposed change in placement under subparagraph (3), unless the parents (or student if eighteen years of age or older) and the Board otherwise agree, the child shall stay in the interim educational setting if so placed by school authorities pending decision in said due process hearing and any subsequent judicial review proceedings.

5. Notwithstanding the provisions of the preceding subparagraph (4), a student with disabilities may be assigned to an interim alternative educational setting for not more than forty-five (45) school days if the student brings a weapon to school or to a school function or knowingly possesses or uses illegal drugs, drug paraphernalia or sells or solicits the sale of a controlled substance while at school or a school function. For purposes of this paragraph, "weapon" means a device instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, but excludes a pocket knife with a blade of less than 2 ½ inches in length. The interim alternative placement shall be determined by the IEP team (PPT). If a due process hearing is requested, the student shall remain in said interim alternative placement pending a decision in the due process hearing, unless the Board and the parents otherwise agree, or the Board obtains a court order.

6. In order for the district to unilaterally obtain a 45-day change in placement from a federal judge of Connecticut hearing officer, it must prove by substantial evidence, that maintaining the current placement of the student is substantially likely to result in injury to the child or others. The school must also prove that it has made reasonable efforts to minimize the risk of harm the student presents in the current placement.

Students

Suspension and Expulsion/Due Process/Referral to the Police (continued)

K. 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, with an individualized learning plan, 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 program 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. 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 an adult education program or placement of such student in a regular classroom program of a school other than the one from which the student has been excluded. 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 problems 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 person, 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. 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 a student is expelled for possession of a firearm, deadly weapon, dangerous instruments (those that can be used to cause death or serious injury) or martial arts weapons the Board shall report the violation to the local police department.

This provision shall not apply to students requiring special education who are described in subdivision (1) of sub-section (e) of C.G.S. 10-76a. The alternative educational opportunity for any such student shall be established by the IEP team (PPT) in accordance with the procedures described above.

Students

Suspension and Expulsion/Due Process/Referral to the Police (continued)

L. 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 shall be expunged from the cumulative educational record by the Board if the student graduates from high school.

2. If a student's expulsion is shortened or the expulsion period waived based upon the fact that the student was expelled for the first time, had never been suspended, and successfully completed a Board specified program and/or met 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. 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 expulsion 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 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.

Students

Suspension and Expulsion/Due Process/Referral to the Police

L. Other Considerations (continued)

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.

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).

Legal Reference: Connecticut General Statutes

4-176e through 4-180a. Contested Cases. Notice. Record. (as amended)

10-233a through 10-233f. Suspension, removal and expulsion of students, as amended by PA 95-304, PA 96-244, PA 98-139, PA 07-66, PA 07-122, PA 08-160, PA 09-82, PA 11-126 PA 11-115, PA 14-229, PA 15-96, PA 16-147 and PA 19-91.

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.

Students

Suspension and Expulsion/Due Process/Referral to the Police

Legal Reference: Connecticut General Statutes (continued)

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, Amendment of 1997.

Kyle P. Packer PPA Jane Packer v. Thomaston Board of Education.

19a-342 Smoking prohibited in certain places.

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

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

Policy adopted: May 2, 2002
Policy amended: September 19, 2002
Policy amended: October 6, 2005
Policy amended: December 20, 2007
Policy amended: September 18, 2008
Policy amended: December 17, 2009
Policy amended: August 19, 2010
Policy amended: November 17, 2011
Policy amended: October 30, 2014
Policy amended: November 19, 2015
Policy amended: March 2, 2017
Policy amended: December 5, 2019

NEW FAIRFIELD PUBLIC SCHOOLS
New Fairfield, 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:

1. Providing 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.

State Department of Education (SDE) Positions to Consider

1. In order to properly implement the provision of an alternative educational opportunity to expelled students, 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.
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)).
3. Meet with parents/guardians prior to placement to provide information about potential alternative educational opportunities and a placement meeting to finalize such placement.
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.
    - Reviewing the student's progress and communicating that progress to parent/guardian or student.
    - 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.
8. Adopt procedures to address a student's transition from an alternate educational opportunity to the student's regular school.

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 more than once and wishes to continue his or her education shall be offered such an alternative educational opportunity.

    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 of the appropriate alternative placements 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.

      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.

   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;

- 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.

The revisions reflect the expanded requirement for school boards to provide an alternative education opportunity for students aged 16 to 18. P.A. 26-1, section 41 now requires boards to provide alternative educational opportunities to students 16-18 who are expelled for the first or second time. All references to "physical harm", should be updated to "serious physical harm."