

#5110.4  
**Student Discipline**  
**(formerly Suspension/Expulsion/Exclusion**  
**From School/School Activities)**

It is the policy of the Madison Board of Education (the “Board”) to create a school environment that promotes respect of self, others, and property within the Madison Public Schools (the “District”). Compliance with this policy will enhance the Board and the District’s ability to maintain discipline and reduce interference with the educational process that can result from student misconduct. Pursuant to this policy, the District shall promote the utilization of consistent discipline practices, both within and across schools in the District, while also promoting the consideration of individual circumstances arising in each student disciplinary matter. Where appropriate, the District implements strategies that teach, encourage and reinforce positive student behavior that do not require engagement with the discipline system.

**I. Definitions**

- A. **Cannabis** means marijuana, as defined by Conn. Gen. Stat. § 21a-240.
- B. **Dangerous Instrument** means any instrument, article or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury, and includes a "vehicle" or a dog that has been commanded to attack.
- C. **Deadly Weapon** means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon or metal knuckles. A weapon such as a pellet gun and/or air soft pistol may constitute a deadly weapon if such weapon is designed for violence and is capable of inflicting death or serious bodily harm. In making such determination, the following factors should be considered: design of weapon; how weapon is typically used (e.g. hunting); type of projectile; force and velocity of discharge; method of discharge (i.e. spring v. CO2 cartridge) and potential for serious bodily harm or death.
- D. **Electronic Defense Weapon** means a weapon which by electronic impulse or current is capable of immobilizing a person temporarily, but is not capable of inflicting death or serious physical injury, including a stun gun or other conductive energy device.
- E. **Emergency** means a situation in which the continued presence of the student in school poses such a danger to persons or property or such a disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of such student as possible.
- F. **Exclusion** means any denial of public school privileges to a student for disciplinary purposes.
- G. **Expulsion** means the exclusion of a student from school privileges for more than ten (10) consecutive school days and shall be deemed to include, but not be limited to, exclusion from the school to which such student was assigned at the time such disciplinary action was taken. The expulsion period may not extend beyond one (1) calendar year.

41 **H. Firearm**, as defined in 18 U.S.C § 921, means (a) any weapon (including a starter gun) that  
42 will, is designed to, or may be readily converted to expel a projectile by the action of an  
43 explosive, (b) the frame or receiver of any such weapon, (c) a firearm muffler or silencer, or  
44 (d) any destructive device. The term firearm does not include an antique firearm. As used in  
45 this definition, a "**destructive device**" includes any explosive, incendiary, or poisonous gas  
46 device, including a bomb, a grenade, a rocket having a propellant charge of more than four  
47 ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a  
48 mine, or any other similar device; or any weapon (other than a shotgun or shotgun shell which  
49 the Attorney General finds is generally recognized as particularly suited for sporting purposes)  
50 that will, or may be readily converted to, expel a projectile by explosive or other propellant,  
51 and which has a barrel with a bore of more than ½" in diameter. The term "destructive device"  
52 also includes any combination of parts either designed or intended for use in converting any  
53 device into any destructive device and from which a destructive device may be readily  
54 assembled. A "destructive device" does not include: an antique firearm; a rifle intended to be  
55 used by the owner solely for sporting, recreational, or cultural purposes; or any device which  
56 is neither designed nor redesigned for use as a weapon.

57 **H.I. Generative Artificial Intelligence ("AI")** refers to a technology system, including but  
58 not limited to ChatGPT, capable of learning patterns and relationships from data,  
59 enabling it to create content, including but not limited to text, images, audio, or video,  
60 when prompted by a user.

61 **H.J. Protected Class Harassment** is a form of discrimination on the basis of any protected  
62 characteristic (or protected class) including race, color, religion, age, sex, sexual orientation,  
63 marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or  
64 expression, veteran status, status as a victim of domestic violence, or any other basis prohibited  
65 by state or federal law ("Protected Class"). Harassment constitutes unlawful discrimination  
66 when it creates a hostile environment, which occurs when the harassment is sufficiently severe,  
67 pervasive, or persistent so as to interfere with or limit a student's ability to participate in or  
68 benefit from the services, activities, or opportunities offered by a school. Harassment does not  
69 have to include intent to harm, be directed at a specific target, or involve repeated incidents.  
70 Harassment against any individual on the basis of that individual's association with someone  
71 in a Protected Class may be a form of Protected Class harassment.

72 **H.K. In-School Suspension** means an exclusion from regular classroom activity for no more  
73 than ten (10) consecutive school days, but not exclusion from school, provided such exclusion  
74 shall not extend beyond the end of the school year in which such in-school suspension was  
75 imposed. No student shall be placed on in-school suspension more than fifteen (15) times or  
76 a total of fifty (50) days in one (1) school year, whichever results in fewer days of exclusion.

77 **H.L. Martial Arts Weapon** means a nunchaku, kama, kasari fundo, octagon sai, tonfa or  
78 Chinese star.

79 **H.M. Removal** is the exclusion of a student from a classroom for all or part of a single class  
80 period, provided such exclusion shall not extend beyond ninety (90) minutes.

81 **H.N. School Days** shall mean days when school is in session for students.

82 **N.O. School-Sponsored Activity** means any activity sponsored, recognized or authorized by the  
83 Board and includes activities conducted on or off school property.

84 **O.P. Seriously Disruptive of the Educational Process**, as applied to off-campus conduct,  
85 means any conduct that markedly interrupts or severely impedes the day-to-day operation of a  
86 school.

87 **P.Q. Suspension** means the exclusion of a student from school and/or transportation services  
88 for not more than ten (10) consecutive school days, provided such suspension shall not extend  
89 beyond the end of the school year in which such suspension is imposed; and further provided  
90 no student shall be suspended more than ten (10) times or a total of fifty (50) days in one school  
91 year, whichever results in fewer days of exclusion, unless such student is granted a formal  
92 hearing as provided below.

93 **Q.R. Weapon** means any BB gun, any blackjack, any metal or brass knuckles, any police baton  
94 or nightstick, any dirk knife or switch knife, any knife having an automatic spring release  
95 device by which a blade is released from the handle, having a blade of over one and one-half  
96 inches in length, any stiletto, any knife the edged portion of the blade of which is four inches  
97 and over in length, any martial arts weapon or electronic defense weapon, or any other  
98 dangerous or deadly weapon or instrument, unless permitted by law under Section 29-38 of  
99 the Connecticut General Statutes.

100 **R.S.** Notwithstanding the foregoing definitions, the reassignment of a student from one regular  
101 education classroom program in the District to another regular education classroom program  
102 in the District shall not constitute a suspension or expulsion.

103 **S.T.** For purposes of this policy, references to “school”, “school grounds”, and “classroom”  
104 shall include physical educational environments, including on school transportation, as well as  
105 in which students are engaged in remote learning, which means instruction by means of one or  
106 more Internet-based software platforms as part of a remote learning.

107 **II. Scope of the Student Discipline Policy**

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

109 1. Suspension. Students may be suspended for conduct on school grounds, on school  
110 transportation, or at any school-sponsored activity that violates a publicized policy of the  
111 Board or is seriously disruptive of the educational process or endangers persons or  
112 property.

113 2. Expulsion. Students may be expelled for conduct on school grounds, on school  
114 transportation or at any school-sponsored activity that either (1) violates a publicized policy  
115 of the Board and is seriously disruptive of the educational process, or (2) endangers persons  
116 or property.

117 B. Conduct off School Grounds:

118 Discipline. Students may be disciplined, including suspension and/or expulsion, for  
119 conduct off school grounds if such conduct *violates a* publicized policy of the Board and  
120 is seriously disruptive of the educational process.

121 C. Seriously Disruptive of the Educational Process

122 In making a determination as to whether such conduct is seriously disruptive of the  
123 educational process, the Administration and the Board ~~of Education~~ may consider, but such  
124 consideration shall not be limited to, the following factors: (1) whether the incident  
125 occurred within close proximity of a school; (2) whether other students from the school  
126 were involved or whether there was any gang involvement; (3) whether the conduct  
127 involved violence, threats of violence, or the unlawful use of a weapon, as defined in  
128 Section Conn. Gen. Stat. § 29-38, and whether any injuries occurred; and (4) whether the  
129 conduct involved the use of alcohol. The Administration and/or the Board ~~of Education~~  
130 may also consider (5) whether the off-campus conduct involved the illegal use of drugs.

131 D. A student shall not have greater discipline, punishment, or sanction for the use, sale, or  
132 possession of cannabis on school property than a student would face for the use, sale, or  
133 possession of alcohol on school property, except as otherwise required by applicable law.

134 III. **Actions Leading to Disciplinary Action, including Removal from Class, Suspension and/or**  
135 **Expulsion**

136 Conduct that is considered to violate a publicized policy of the Board of Education includes the  
137 offenses described below. Any such conduct may lead to disciplinary action (including, but not  
138 limited to, removal from class, suspension and/or expulsion in accordance with this policy):

- 139 1. Striking or assaulting a student, members of the school staff or other persons.
- 140 2. Theft.
- 141 3. The use of obscene or profane language or gestures, the possession and/or display of obscenity  
142 or pornographic images or the unauthorized or inappropriate possession and/or display of  
143 images, pictures or photographs depicting nudity.
- 144 4. Violation of smoking, dress, transportation regulations, or other regulations and/or policies  
145 governing student conduct.
- 146 5. Refusal to obey a member of the school staff, law enforcement authorities, or school  
147 volunteers, or disruptive classroom behavior.
- 148 6. Any act of Protected Class Harassment or reprisal or retaliation against any individual for  
149 reporting in good faith incidents of Protected Class Harassment, or who participate in the  
150 investigation of such reports.
- 151 7. Refusal by a student to respond to a staff member's request for the student to provide the  
152 student's name to a staff member when asked, misidentification of oneself to such person(s),  
153 lying to school ~~officials~~ staff members or otherwise engaging in dishonest behavior.

- 154 8. Inappropriate displays of public affection of a sexual nature and/or sexual activity on school  
155 grounds, on school transportation, or at a school-sponsored activity.
- 156 9. A walk-out from or sit-in within a classroom or school building or school grounds.
- 157 10. Blackmailing, threatening or intimidating school staff or students (or acting in a manner that  
158 could be construed to constitute blackmail, a threat, or intimidation, regardless of whether  
159 intended as a joke), including the use of AI to engage in such conduct.
- 160 11. Possession of any weapon, weapon facsimile, deadly weapon, martial arts weapon, electronic  
161 defense weapon, pistol, knife, blackjack, bludgeon, box cutter, metal knuckles, pellet gun,  
162 air pistol, explosive device, firearm, whether loaded or unloaded, whether functional or not,  
163 or any other dangerous object or instrument. The possession and/or use of any object or  
164 device that has been converted or modified for use as a weapon.
- 165 12. Possession of any ammunition for any weapon described above in paragraph 11.
- 166 13. Unauthorized entrance into any school facility or portion of a school facility or aiding or  
167 abetting an unauthorized entrance.
- 168 14. Possession or ignition of any fireworks, combustible or other explosive materials, or ignition  
169 of any material causing a fire. Possession of any materials designed to be used in the ignition  
170 of combustible materials, including matches and lighters.
- 171 15. Possession, sale, distribution, use, or consumption of tobacco, electronic nicotine delivery  
172 systems (e.g. e-cigarettes), electronic cannabis delivery system, or vapor products, or the  
173 unlawful possession, sale, distribution, use or consumption of drugs, narcotics or alcoholic  
174 beverages (or any facsimile of tobacco, drugs, narcotics or alcoholic beverages, or any item  
175 represented to be tobacco, drugs or alcoholic beverages), including being under the influence  
176 of any such substances or aiding in the procurement of any such substances. For the purposes  
177 of this Paragraph 15, the term “electronic nicotine delivery system” shall mean an electronic  
178 device used in the delivery of nicotine or other substances to a person inhaling from the  
179 device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic  
180 cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or  
181 other component of such device, including, but not limited to, electronic cigarette liquid. For  
182 purposes of Paragraph 15, the term “electronic cannabis delivery system” shall mean an  
183 electronic device that may be used to simulate smoking in the delivery of cannabis to a person  
184 inhaling the device and includes, but is not limited to, a vaporizer, electronic pipe, electronic  
185 hookah and any related device and any cartridge or other component of such device. For the  
186 purposes of Paragraph 15, the term “vapor product” shall mean any product that employs a  
187 heating element, power source, electronic circuit or other electronic, chemical or mechanical  
188 means, regardless of shape or size, to produce a vapor that may or may not include nicotine  
189 and is inhaled by the user of such product. For the purposes of this Paragraph 15, the term  
190 "drugs" shall include, but shall not be limited to, any medicinal preparation (prescription and  
191 non-prescription) and any controlled substance whose possession, sale, distribution, use or  
192 consumption is illegal under state and/or federal law, including cannabis.
- 193 16. Sale, distribution, or consumption of substances contained in household items; including, but  
194 not limited to glue, paint, accelerants/propellants for aerosol canisters, and/or items such as

- 195 the aerators for whipped cream; if sold, distributed or consumed for the purpose of inducing  
196 a stimulant, depressant, hallucinogenic or mind-altering effect.
- 197 17. Possession of paraphernalia used or designed to be used in the consumption, sale or  
198 distribution of drugs, alcohol or tobacco, as described in subparagraph (15) above. For  
199 purposes of this policy, drug paraphernalia includes any equipment, products and materials  
200 of any kind which are used, intended for use or designed for use in planting, propagating,  
201 cultivating, growing, harvesting, manufacturing, compounding, converting, producing,  
202 processing, preparing, testing, analyzing, packaging, repackaging, storing, containing or  
203 concealing, or injecting, ingesting, inhaling or otherwise introducing controlled drugs or  
204 controlled substances into the human body, including but not limited to items such as  
205 "bongs," pipes, "roach clips," vials, tobacco rolling papers, and any object or container used,  
206 intended or designed for use in storing, concealing, possessing, distributing or selling  
207 controlled drugs or controlled substances, including cannabis.
- 208 18. The destruction of real, personal or school property, such as, cutting, defacing or otherwise  
209 damaging property in any way.
- 210 19. Accumulation of offenses such as school and class tardiness, class or study hall cutting, or  
211 failure to attend detention.
- 212 20. Trespassing on school grounds while on out-of-school suspension or expulsion.
- 213 21. Making false bomb threats or other threats to the safety of students, employees, and/or other  
214 persons.
- 215 22. Defiance of school rules and the valid authority of teachers, supervisors, administrators, other  
216 employees and/or law enforcement authorities.
- 217 23. Throwing snowballs, rocks, sticks and/or similar objects, except as specifically authorized  
218 by school employees responsible for student supervision.
- 219 24. Unauthorized and/or reckless and/or improper operation of a motor vehicle on school  
220 grounds or at any school-sponsored activity.
- 221 25. Leaving school grounds, school transportation or a school-sponsored activity without  
222 authorization.
- 223 26. Use of or copying of the academic work of another individual and presenting it as the  
224 student's own work, without proper attribution; the unauthorized use of AI for the completion  
225 of class assignments; or any other form of academic dishonesty, cheating or plagiarism.
- 226 27. Possession and/or use of a cellular telephone, radio, portable audio player, CD player,  
227 blackberry, personal data assistant, walkie talkie, Smartphone, mobile or handheld device,  
228 or similar electronic device, on school grounds, on school transportation, or at a school-  
229 sponsored activity in violation of Board policy and/or administrative regulations regulating  
230 the use of such devices.

- 231 28. Possession and/or use of a beeper or paging device on school grounds, on school  
232 transportation, or at a school-sponsored activity without the written permission of the  
233 principal or designee.
- 234 29. Unauthorized use of or tampering with any school computer, computer system, computer  
235 software, Internet connection or similar school property or system, or the use of such property  
236 or system for inappropriate purposes, including using AI in a manner that disrupts or  
237 undermines the effective operation of the school district or is otherwise seriously disruptive  
238 to the educational process.
- 239 30. Possession and/or use of a laser pointer, unless the student possesses the laser pointer  
240 temporarily for an educational purpose while under the direct supervision of a responsible  
241 adult.
- 242 31. Hazing.
- 243 32. Bullying, defined as an act that is direct or indirect and severe, persistent or pervasive, which:  
244 a. causes physical or emotional harm to an individual;  
245 b. places an individual in reasonable fear of physical or emotional harm; or  
246 d. infringes on the rights or opportunities of an individual at school.
- 247 Bullying shall include, but need not limited be to, a written, oral or electronic communication  
248 or physical act or gesture based on any actual or perceived differentiating characteristics,  
249 such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender  
250 identity or expression, socioeconomic status, academic status, physical appearance, or  
251 mental, physical, developmental or sensory disability, or by association with an individual  
252 or group who has or is perceived to have one or more of such characteristics.
- 253 33. Cyberbullying, defined as any act of bullying through the use of the Internet, interactive and  
254 digital technologies, cellular mobile telephone or other mobile electronic devices or any  
255 electronic communications.
- 256 34. Acting in any manner that creates a health and/or safety hazard for employees, students, third  
257 parties on school property or the public, regardless of whether the conduct is intended as a  
258 joke, including but not limited to violating school or district health and safety protocols  
259 developed in connection with the COVID-19 pandemic, such as, but not limited to, physical  
260 distancing and mask-wearing requirements.
- 261 35. Engaging in a plan to stage or create a violent situation for the purposes of recording it by  
262 electronic means; or recording by electronic means acts of violence for purposes of later  
263 publication (other than to school officials).
- 264 36. Engaging in a plan to stage sexual activity for the purposes of recording it by electronic  
265 means; or recording by electronic means sexual acts for purposes of later publication.

- 266 37. Using computer systems, including email, remote learning platforms, instant messaging, text  
267 messaging, blogging, or the use of social networking websites, AI, or other forms of  
268 electronic communications, to engage in any conduct prohibited by this policy.
- 269 38. Use of a privately owned electronic or technological device in violation of school rules,  
270 including the unauthorized recording (photographic or audio) of another individual without  
271 permission of the individual or a school employee.
- 272 39. Engaging in teen dating violence, defined as any act of physical, emotional or sexual abuse,  
273 including stalking, harassing and threatening, which occurs between two students who are  
274 currently in or who have recently been in a dating relationship.
- 275 40. Any action prohibited by any Federal or State law.
- 276 41. Any other violation of school rules or regulations or a series of violations which makes the  
277 presence of the student in school seriously disruptive of the educational process and/or a  
278 danger to persons or property.

279 **IV. Discretionary and Mandatory Expulsions**

- 280 A. An administrator responsible for a school program (“responsible administrator”) may consider  
281 recommendation of expulsion of a student in grades three to twelve, inclusive, in a case where  
282 the responsible administrator has reason to believe the student has engaged in conduct  
283 described at Sections II.A. or II.B., above.
- 284 B. A responsible administrator must recommend expulsion proceedings in all cases against any  
285 student in grades kindergarten to twelve, inclusive, whom the District Administration has  
286 reason to believe:
- 287 1. was in possession on school grounds, on school transportation, or at a school-sponsored  
288 activity of a deadly weapon, dangerous instrument, martial arts weapon, or firearm as  
289 defined in 18 U.S.C. § 921 as amended from time to time; or
- 290 2. off school grounds, possessed a firearm as defined in 18 U.S.C. § 921, in violation of Conn.  
291 Gen. Stat. § 29-35, or possessed and used a firearm as defined in 18 U.S.C. § 921, a deadly  
292 weapon, a dangerous instrument or a martial arts weapon in the commission of a crime  
293 under chapter 952 of the Connecticut General Statutes; or
- 294 3. was engaged on or off school grounds or school transportation in offering for sale or  
295 distribution a controlled substance (as defined in Conn. Gen. Stat. § 21a-240(9)), whose  
296 manufacturing, distribution, sale, prescription, dispensing, transporting, or possessing with  
297 intent to sell or dispense, offering or administering is subject to criminal penalties under  
298 Conn. Gen. Stat. §§21a-277 and 21a-278. Sale or Distribution of less than one (1) kilogram  
299 of cannabis is not subject to mandatory expulsion.

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

- 302 C. In any preschool program provided by the Board of Education or provided by a regional  
303 educational service center or a state or local charter school pursuant to an agreement with the



304 Board of Education, no student enrolled in such a preschool program shall be expelled from  
305 such preschool program, except an expulsion hearing shall be conducted by the Board of  
306 Education in accordance with Section VIII of this policy whenever the Administration has  
307 reason to believe that a student enrolled in such preschool program was in possession of a  
308 firearm as defined in 18 U.S.C. § 921, as amended from time to time, on or off school grounds,  
309 on school transportation, or at a preschool program-sponsored event. The term “firearm” is  
310 defined above in Section I.

311 D. Upon receipt of an expulsion recommendation, the Superintendent may conduct an inquiry  
312 concerning the expulsion recommendation. If the Superintendent or designee determines that  
313 a student should or must be expelled, student shall forward such recommendation to the Board  
314 of Education so that the Board can consider and act upon this recommendation.

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

321 **V. Procedures Governing Removal from Class**

322 ~~A.~~—A student may be removed from class by a teacher or administrator if the student  
323 deliberately causes a serious disruption of the educational process. When a student is  
324 removed by a teacher, the teacher must send the student to a designated area and notify the  
325 responsible administrator or administrator’s designee at once.

326 ~~B.A.~~ A student may not be removed from class more than six (6) times in one school year nor  
327 more than twice in one week unless the student is referred to the responsible administrator or  
328 administrator’s designee and granted an informal hearing at which the student should be  
329 informed of the reasons for the disciplinary action and given an opportunity to explain the  
330 situation.

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

334 **VI. Procedures Governing Suspension**

335 A. The responsible administrator or administrator’s designee, shall have the right to suspend a  
336 student for breach of conduct as noted in Section II of this policy for not more than ~~ten (10)~~  
337 ~~five~~ (5) consecutive in-school days. In cases where suspension is contemplated, the following  
338 procedures shall be followed.

339 1. Unless an emergency situation exists, no student shall be suspended prior to having an  
340 informal hearing before the responsible administrator or administrator’s designee at which  
341 the student is informed of the charges and given an opportunity to respond. In the event of  
342 an emergency, the informal hearing shall be held as soon after the suspension as possible.

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2. If suspended, such suspension shall be an in-school suspension, except the responsible administrator or administrator’s designee may impose an out-of-school suspension on any pupil:
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- a. in grades three to twelve, inclusive, if, during the informal hearing, (i) the responsible administrator or administrator’s designee determines that the student poses such a danger to persons or property or such a disruption of the educational process that student should be excluded from school during the period of suspension; or (ii) the responsible administrator or administrator’s designee determines that an out-of-school suspension is appropriate based on evidence of (A) the student’s previous disciplinary problems that have led to suspensions or expulsion of such student, and (B) previous efforts by the Administration to address the student’s disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies, or
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- b. in grades preschool to two, inclusive, if the responsible administrator or administrator’s designee (A) determines that an out-of-school suspension is appropriate for such student based on evidence that such student’s conduct on school grounds is behavior that causes physical harm, (B) requires that such pupil receives services that are trauma-informed and developmentally appropriate and align with any behavioral intervention plan, individualized education program or plan pursuant to Section 504 of the Rehabilitation Act of 1973, as amended from time to time, for such pupil upon such pupil’s return to school immediately following the out-of-school suspension, and (C) considers whether to convene a planning and placement team meeting for the purposes of conducting and evaluation of the student. ~~or on school transportation is of a violent or sexual nature that endangers persons.~~
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3. An out-of-school suspension imposed in accordance with (2.A) of this subsection shall not exceed ten(10) school days, and an out-of-school suspension imposed in accordance with (2.B.) of this subsection shall not exceed five (5) school days.
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4. Evidence of past disciplinary problems that have led to removal from a classroom, suspension, or expulsion of a student who is the subject of an informal hearing may be received by the responsible administrator or the administrator’s designee, but only considered in the determination of the length of suspensions.
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54. By telephone, the responsible administrator or the administrator’s designee shall make reasonable attempts to immediately notify the parent or guardian of a minor student following the suspension and to state the cause(s) leading to the suspension.
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65. Whether or not telephone contact is made with the parent or guardian of such minor student, the responsible administrator or administrator’s designee shall forward a letter promptly to such parent or guardian to the last address reported on school records (or to a newer address if known by the responsible administrator or administrator’s designee), offering the parent or guardian an opportunity for a conference to discuss same.

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

385 87. Not later than twenty-four (24) hours after the commencement of the suspension, the  
386 responsible administrator or administrator's designee shall also notify the Superintendent  
387 or designee of the name of the student being suspended and the reason for the suspension.

388 98. The student shall be allowed to complete any classwork, including examinations, without  
389 penalty, which the student missed while under suspension.

390 109. The school Administration may, in its discretion, shorten or waive the suspension period  
391 for a student who has not previously been suspended or expelled, if the student completes  
392 an Administration-specified program and meets any other conditions required by the  
393 Administration. Such Administration-specified program shall not require the student  
394 and/or the student's parents to pay for participation in the program. The Superintendent  
395 may delegate this authority to building or program level administrators.

396 110. Notice of the suspension shall be recorded in the student's cumulative educational record.  
397 Such notice shall be expunged from the cumulative educational record if the student  
398 graduates from high school. In cases where the student's period of suspension is shortened  
399 or waived in accordance with Section VI.A(9), above, the Administration may choose to  
400 expunge the suspension notice from the cumulative record at the time the student completes  
401 the Administration-specified program and meets any other conditions required by the  
402 Administration. The Superintendent may delegate this authority to building or program  
403 level administrators.

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

410 132. The decision of the responsible administrator or administrator's designee with regard to  
411 disciplinary actions up to and including suspensions shall be final.

412 143. During any period of suspension served out of school, the student shall not be permitted  
413 to be on school property and shall not be permitted to attend or participate in any school-  
414 sponsored activities, unless the responsible administrator or the administrator's designee  
415 specifically authorizes the student to enter school property for a specified purpose or to  
416 participate in a particular school-sponsored activity.

417 B. In cases where a student's suspension will result in the student being suspended more than ten  
418 (10) times or for a total of fifty (50) days in a school year, whichever results in fewer days of  
419 exclusion, the student shall, prior to the pending suspension, be granted a formal hearing before  
420 the Board of Education. The responsible administrator or administrator's designee shall report  
421 the student to the Superintendent or designee and request a formal Board hearing. If an  
422 emergency situation exists, such hearing shall be held as soon after the suspension as possible.

423 **VII. Procedures Governing In-School Suspension**

- 424 A. The responsible administrator or administrator’s designee may impose in-school suspension in  
425 cases where a student's conduct endangers persons or property, violates school policy or  
426 seriously disrupts the educational process as determined by the responsible administrator or  
427 administrator’s designee.
- 428 B. In-school suspension may not be imposed on a student without an informal hearing by the  
429 responsible administrator or administrator’s designee.
- 430 C. In-school suspension may be served in the school or program that the student regularly attends  
431 or in any other school building within the jurisdiction of the Board.
- 432 D. No student shall be placed on in-school suspension more than fifteen (15) times or for a total  
433 of fifty (50) days in one school year, whichever results in fewer days of exclusion.
- 434 E. The parents or guardian of any minor student placed on in-school suspension shall be given  
435 notice of such suspension within twenty-four (24) hours of the time of the institution of the  
436 period of the in-school suspension.

437 **VIII. Procedures Governing Expulsion Hearing**

- 438 A. Emergency Exception
- 439 Except in an emergency situation, the Board of Education shall, prior to expelling any student,  
440 conduct a hearing to be governed by the procedures outlined herein and consistent with the  
441 requirements of Conn. Gen. Stat. § 10-233d or Conn. Gen. Stat. § 10-233l, if applicable, as  
442 well as the applicable provisions of the Uniform Administrative Procedures Act, Conn. Gen.  
443 Stat. §§ 4-176e to 4-180a, and § 4-
- 444 181a. Whenever an emergency exists, the hearing provided for herein shall be held as soon as  
445 possible after the expulsion.
- 446 B. Hearing Panel:
- 447 Expulsion hearings conducted by the Board will be heard by any three or more Board members.  
448 A decision to expel a student must be supported by a majority of the Board members present,  
449 provided that no less than three (3) affirmative votes to expel are cast.
- 450 1. Alternatively, the Board may appoint an impartial hearing board composed of one (1) or  
451 more persons to hear and decide the expulsion matter, provided that no member of the  
452 Board may serve on such panel.
- 453 C. Hearing Notice and Rights of the Student and Parent(s)/Guardian(s):
- 454 1. Written notice of the expulsion hearing must be given to the student, and, if the student is  
455 a minor, to student’s parent(s) or guardian(s) at least five (5) business days before such  
456 hearing.

- 457 2. A copy of this Board policy on student discipline shall also be given to the student, and if  
458 the student is a minor, to student's parent(s) or guardian(s), at the time the notice is sent  
459 that an expulsion hearing will be convened.
- 460 3. The written notice of the expulsion hearing shall inform the student of the following:
- 461 a. The date, time, place and nature of the hearing, including if the hearing will be held  
462 virtually, via video conference.
- 463 b. The legal authority and jurisdiction under which the hearing is to be held, including a  
464 reference to the particular sections of the legal statutes involved.
- 465 c. A short, plain description of the conduct alleged by the ~~Administration~~Superintendent  
466 or Superintendent's designee.
- 467 d. The student may present as evidence relevant testimony and documents concerning the  
468 conduct alleged and the appropriate length and conditions of expulsion; and that the  
469 expulsion hearing may be the student's sole opportunity to present such evidence.
- 470 e. The student may cross-examine witnesses called by the ~~Administration~~Superintendent  
471 of Superintendent's Designee.
- 472 f. The student may be represented by an attorney or other advocate of student's choice at  
473 the student's expense or at the expense of student's parent(s) or guardian(s).
- 474 g. A student is entitled to the services of a translator or interpreter, to be provided by the  
475 Board of Education, whenever the student or student's parent(s) or guardian(s) requires  
476 the services of an interpreter because student(s) do(es) not speak the English language  
477 or is(are) disabled.
- 478 h. The conditions under which the Board is not legally required to give the student an  
479 alternative educational opportunity (if applicable).
- 480 i. Information concerning the parent's(s') or guardian's(s') and the student's legal rights  
481 and about free or reduced-rate legal services and how to access such services.
- 482 j. The parent(s) or guardian(s) of the student have the right to have the expulsion hearing  
483 postponed for up to one week to allow time to obtain representation, except that if an  
484 emergency exists, such hearing shall be held as soon after the expulsion as possible.

485 D. Hearing Procedures:

- 486 1. The hearing will be conducted by the Presiding Officer, who will call the meeting to order,  
487 introduce the parties, Board members and others participating in the hearing (if applicable),  
488 briefly explain the hearing procedures, and swear in any witnesses called by the  
489 ~~Administration~~Superintendent or Superintendent's designee or the student. If an impartial  
490 board or more than one person has been appointed, the impartial board shall appoint a  
491 Presiding Officer.
- 492 2. The hearing will be conducted in executive session. A verbatim record of the hearing will  
493 be made, either by tape or digital recording or by a stenographer. A record of the hearing

494 will be maintained, including the verbatim record, all written notices and documents  
495 relating to the case and all evidence received or considered at hearing.

- 496 3. The ~~Administration~~ Superintendent or Superintendent's designee shall bear the burden of  
497 production to come forward with evidence to support its case and shall bear the burden of  
498 persuasion. The standard of proof shall be a preponderance of the evidence.
- 499 4. Formal rules of evidence will not be followed. The Board (or the impartial board) has the  
500 right to accept hearsay and other evidence if it deems that evidence relevant or material to  
501 its determination. The Presiding Officer will rule on testimony or evidence as to it being  
502 immaterial, irrelevant, and/or any other objections to its submission.
- 503 5. The hearing will be conducted in two (2) parts. In the first part of the hearing, the Board  
504 (or the impartial board) will receive and consider evidence regarding the conduct alleged  
505 by the Administration.
- 506 6. In the first part of the hearing, the charges will be introduced into the record by the  
507 Superintendent or designee.
- 508 7. Each witness for the Superintendent or Superintendent's designee ~~Administration~~ will be  
509 called and sworn. After a witness has finished testifying, he/she will be subject to cross-  
510 examination by the opposite party or his/her legal counsel, by the Presiding Officer and by  
511 Board members (or the impartial board).
- 512 8. The student shall not be compelled to testify at the hearing.
- 513 9. After the Superintendent or Superintendent's designee ~~Administration~~ has presented its  
514 case, the student will be asked if they have any witnesses or evidence to present concerning  
515 the charges. If so, the witnesses will be sworn, will testify, and will be subject to cross  
516 examination and to questioning by the Superintendent or Superintendent's designee, the  
517 Presiding Officer and/or by the Board (or the impartial board). The student may also  
518 choose to make a statement at this time. If the student chooses to make a statement, they  
519 will be sworn and subject to cross examination and questioning by the Superintendent or  
520 Superintendent's designee, the Presiding Officer and/or by the Board (or the impartial  
521 board). Concluding statements will be made by the Superintendent or Superintendent's  
522 designee ~~Administration~~ and then by the student and/or the student's representative.
- 523 10. In cases where the student has denied the allegation, the Board (or the impartial board)  
524 must determine whether the student committed the offense(s) as charged by the  
525 Superintendent or Superintendent's designee.
- 526 11. If the Board (or the impartial board) determines that the student has committed the conduct  
527 as alleged, then the Board (or the impartial board) shall proceed with the second portion of  
528 the hearing, during which the Board (or the impartial board) will receive and consider  
529 relevant evidence regarding the length and conditions of expulsion.
- 530 12. When considering the length and conditions of expulsion, the Board (or the impartial  
531 board) may review the student's attendance, academic and past disciplinary records. The  
532 Board (or the impartial board) may not review notices of prior expulsions or suspensions  
533 which have been expunged from the student's cumulative record, except as provided in

534 Section VI.A (9), (10), (11), above, and Section X, below. The Board (or the impartial  
535 board) may ask the Superintendent or Superintendent’s designee for a recommendation as  
536 to the discipline to be imposed.

537 13. Evidence of past disciplinary problems that have led to removal from a classroom,  
538 suspension or expulsion of a student being considered for expulsion may be considered  
539 only during the second portion of the hearing, during which the Board (or the impartial  
540 board) is considering length of expulsion and nature of alternative educational opportunity  
541 to be offered.

542 14. Where administrators presented the case in support of the charges against the student,  
543 neither such administrative staff nor the Superintendent or Superintendent’s designee shall  
544 ~~not~~ be present during the deliberations of the Board (or the impartial board) either on  
545 questions of evidence or on the final discipline to be imposed. The Superintendent or  
546 Superintendent’s designee may, after reviewing the incident with administrators, and  
547 reviewing the student’s records, make a recommendation to the Board (or the impartial  
548 board) as to the appropriate discipline to be applied.

549 15. The Board (or the impartial board) shall make findings as to the truth of the charges, if the  
550 student has denied them; and, in all cases, the disciplinary action, if any, to be imposed.  
551 While the hearing itself is conducted in executive session, the vote regarding expulsion  
552 must be made in open session and in a manner that preserves the confidentiality of the  
553 student’s name and other personally identifiable information.

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

561 17. The Board (or the impartial board) shall report its final decision in writing to the student,  
562 or if such student is a minor, also to the parent(s) or guardian(s), stating the reasons on  
563 which the decision is based, and the disciplinary action to be imposed. Said decision shall  
564 be based solely on evidence presented at the hearing. The parents or guardian or any minor  
565 student who has been expelled shall be given notice of such disciplinary action within  
566 twenty-four (24) hours of the time of the institution of the period of the expulsion.

567 18. The hearing may be conducted virtually, via video conference, at the direction of the Board  
568 (or the impartial board), in the event school buildings are closed to students or individuals  
569 are provided limited access to school buildings due to a serious health or other emergency.  
570 Any virtual hearing must provide the student the due process rights identified in this  
571 Subsection D.

572 E. Presence on School Grounds, on School Transportation, and Participation in School-  
573 Sponsored Activities During Expulsion:

574 During the period of expulsion, the student shall not be permitted to be on school property or  
575 on school transportation and shall not be permitted to attend or participate in any school-  
576 sponsored activities, except for the student’s participation in any alternative educational  
577 opportunity provided by the district in accordance with this policy, unless the Superintendent  
578 or Superintendent’s specifically provides written permission for the student to enter school  
579 property or school transportation for a specified purpose or to participate in a particular school-  
580 sponsored activity.

581 F. Stipulated Agreements:

582 In lieu of the procedures used in this Section, the Superintendent or Superintendent’s  
583 designeeAdministration and the parent(s) or legal guardian(s) of a student facing expulsion  
584 may choose to enter into a Joint Stipulation of the Facts and a Joint Recommendation to the  
585 Board concerning the length and conditions of expulsion. Such Joint Stipulation and  
586 Recommendation shall include language indicating that the parent(s) or legal guardian(s)  
587 understand their right to have an expulsion hearing held pursuant to these procedures, and  
588 language indicating that the Board, in its discretion, has the right to accept or reject the Joint  
589 Stipulation of Facts and Recommendation. If the Board (or the impartial board) rejects either  
590 the Joint Stipulation of Facts or the Recommendation, an expulsion hearing shall be held  
591 pursuant to the procedures outlined herein. If the Student is eighteen years of age or older, the  
592 student shall have the authority to enter into a Joint Stipulation on the student’s own behalf.

593 If the parties agree on the facts, but not on the disciplinary recommendation, the Superintendent  
594 or Superintendent’s designeeAdministration and the parents (or legal guardians) of a student  
595 facing expulsion may also choose to enter into a Joint Stipulation of the Facts and submit only  
596 the Stipulation of the Facts to the Board (or the impartial board) in lieu of holding the first part  
597 of the hearing, as described above. Such Joint Stipulation shall include language indicating  
598 that the parents and/or student over the age of 18 understand their right to have a hearing to  
599 determine whether the student engaged in the alleged misconduct and that the Board, in its  
600 discretion, has the right to accept or reject the Joint Stipulation of Facts. If the Board (or the  
601 impartial board) rejects the Joint Stipulation of Facts, a full expulsion hearing shall be held  
602 pursuant to the procedures outlined herein.

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

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

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

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

608 1. The Board of Education shall provide an alternative educational opportunity to a sixteen  
609 (16) to eighteen (18) year-old student expelled for the first time if the student requests it  
610 and if the student agrees to the conditions set by the Board (or the impartial board). Such  
611 alternative educational opportunity may include, but shall not be limited to, the placement  
612 of a student who is at least seventeen years of age in an adult education program. Any  
613 student participating in an adult education program during a period of expulsion shall not



614 be required to withdraw from school as a condition to participation in the adult education  
615 program.

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

619 3. The Board of Education shall count the expulsion of a student when the student was under  
620 sixteen (16) years of age for purposes of determining whether an alternative educational  
621 opportunity is required for such student when the student is between the ages of sixteen  
622 and eighteen.

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

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

626 D. Content of Alternative Educational Opportunity

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

635 . The Superintendent, or designee, shall develop administrative regulations concerning  
636 alternative educational opportunities, which administrative regulations shall be in  
637 ~~compliance with~~ compliance with the standards adopted by the State Board of Education.  
638 Such administrative regulations shall include, but not limited to, provisions to address  
639 student placement in alternative education; individualized learning plans; monitoring of  
640 student(s) placements and performance; and a process for transition planning.

641 E. Students identified as eligible for services under the Individuals with Disabilities Education  
642 Act (“IDEA”):

643 Notwithstanding Subsections IX.A. through D. above, if the Board of Education expels a  
644 student who has been identified as eligible for services under the Individuals with Disabilities  
645 Education Act (“IDEA”), it shall offer an alternative educational opportunity to such student  
646 in accordance with the requirements of IDEA, as it may be amended from time to time, and in  
647 accordance with the *Standards for Educational Opportunities for Students Who Have Been*  
648 *Expelled*, adopted by the State Board of Education.

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

650 The Board of Education may offer an alternative educational opportunity to a student for whom  
651 such alternative educational opportunity is not required by law or as described in this policy.

652 In such cases, the Board, or if delegated by the Board, the Administration, shall determine the  
 653 components, including nature, frequency and duration of such services, of any such alternative  
 654 educational opportunity.

655 **X. Notice of Student Expulsion on Cumulative Record**

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

661 In cases where the student’s period of expulsion is shortened or waived in accordance with  
 662 Section VIII.D(14), above, the Board may choose to expunge the expulsion notice from the  
 663 cumulative record at the time the student completes the Board-specified program and meets any  
 664 other conditions required by the Board. Except as may be specified by the Board in an expulsion  
 665 hearing decision, the Board delegates the authority to make decisions pertaining to expungement  
 666 to the Superintendent.

667 If a student’s period of expulsion was not shortened or waived, the Board may choose to  
 668 expunge the expulsion notice from the student’s cumulative record prior to graduation if such  
 669 student has demonstrated to the Board that the student’s conduct and behavior in the years  
 670 following such expulsion warrants an expungement. In deciding whether to expunge the  
 671 expulsion notice, the Board may receive and consider evidence of any subsequent disciplinary  
 672 problems that have led to removal from a classroom, suspension or expulsion of the student.  
 673 Except as may be specified by the Board in an expulsion hearing decision, the Board delegates  
 674 the authority to make decisions pertaining to expungement to the Superintendent.

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

682 **XI. Change of Residence During Expulsion Proceedings**

683 A. Student moving into the District:

- 684 1. If a student enrolls in the District while an expulsion hearing is pending in another  
 685 public school district, such student shall not be excluded from school pending  
 686 completion of the expulsion hearing unless an emergency exists, as defined  
 687 above. The Board shall retain the authority to suspend the student or to conduct  
 688 its own expulsion hearing. The procedures outlined above in Section VIII and  
 689 consistent with the requirements of Conn. Gen. Stat. § 10-233d or Conn. Gen.  
 690 Stat. § 10-233l, if applicable, as well as the applicable provisions of the Uniform  
 691 Administrative Procedures Act, Conn. Gen. Stat. §§ 4-176e to 4-180a, and § 4-  
 692 181a shall be utilized for any hearing conducted under this section.

- 693
- 694 2. Where a student enrolls in the district during the period of expulsion from another
- 695 public school district, the Board may adopt the decision of the student expulsion
- 696 hearing conducted by such other school district. The student shall be excluded
- 697 from school pending such hearing. The excluded student shall be offered an
- 698 alternative educational opportunity in accordance with statutory requirements.
- 699 The Board (or the impartial board) shall make its determination pertaining to
- 700 expulsion based upon a hearing held by the Board (or the impartial board), which
- 701 hearing shall be limited to a determination of whether the conduct which was the
- 702 basis of the previous public school district’s expulsion would also warrant
- 703 expulsion by the Board. The procedures outlined above in Section VIII and
- 704 consistent with the requirements of Conn. Gen. Stat. § 10-233d or Conn. Gen.
- 705 Stat. § 10-233l, if applicable, as well as the applicable provisions of the Uniform
- 706 Administrative Procedures Act, Conn. Gen. Stat. §§ 4-176e to 4-180a, and § 4-
- 707 181a shall be utilized for any hearing conducted under this section.

708

709 B. Student moving out of the District:

710 Where a student withdraws from school after having been notified that an expulsion hearing is

711 pending, but before a decision has been rendered by the Board, the notice of the pending

712 expulsion hearing shall be included on the student’s cumulative record and the Board shall

713 complete the expulsion hearing and render a decision. If the Board subsequently renders a

714 decision to expel the student, a notice of the expulsion shall be included on the student’s

715 cumulative record.

716 **XII. Procedures Governing Suspension and Expulsion of Students Identified as Eligible for**

717 **Services under the Individuals with Disabilities Education Act (“IDEA”)**

718 A. Suspension of IDEA students:

719 Notwithstanding the foregoing, if ~~the Administration~~ a responsible administrator suspends a

720 student identified as eligible for services under the IDEA (an “IDEA student”) who has

721 violated any rule or code of conduct of the District that applies to all students, the following

722 procedures shall apply:

- 723 1. The ~~Administration~~ responsible administrator shall make reasonable attempts to
- 724 immediately notify the parents of the student of the decision to suspend on the date on
- 725 which the decision to suspend was made, and a copy of the special education procedural
- 726 safeguards must either be hand-delivered or sent by mail to the parents on the date that the
- 727 decision to suspend was made.
- 728 2. During the period of suspension, the District is not required to provide any educational
- 729 services to the IDEA student beyond that which is provided to all students suspended by
- 730 the District.

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

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

- 738 1. Upon the decision by the Administration to recommend expulsion or impose a suspension  
739 that would constitute a change in educational placement, the Administration shall promptly  
740 notify the parent(s)/guardian(s) of the student of the recommendation of expulsion or the  
741 suspension that would constitute a change in educational placement, and provide the  
742 parents(s)/guardian(s) a copy of the special education procedural safeguards either by  
743 hand-delivery or by mail (unless other means of transmission have been arranged).
- 744 2. The District shall immediately convene the student’s planning and placement team  
745 (“PPT”), but in no case later than ten (10) school days after the recommendation for  
746 expulsion or the suspension that constitutes a change in placement was made. The  
747 student’s PPT shall consider the relationship between  
748 the student’s disability and the behavior that led to the recommendation for expulsion or  
749 the suspension which constitutes a change in placement, in order to determine whether the  
750 student’s behavior was a manifestation of the student’s disability.
- 751 3. If the student’s PPT finds that the behavior was a manifestation of the student’s disability,  
752 the Administration shall not proceed with the recommendation for expulsion or the  
753 suspension that constitutes a change in placement.
- 754 4. If the student’s PPT finds that the behavior was not a manifestation of the student’s  
755 disability, the Administration may proceed with the recommended expulsion or suspension  
756 that constitutes a change in placement.
- 757 5. During any period of expulsion, or suspension of greater than ten (10) days per school year,  
758 the Administration shall provide the student with an alternative education program in  
759 accordance with the provisions of the IDEA.
- 760 6. When determining whether to recommend an expulsion or a suspension that constitutes a  
761 change in placement, the responsible administrator (or designee) should consider the nature  
762 of the misconduct and any relevant educational records of the student.

763 C. Removal of Special Education Students for Certain Offenses:

- 764 1. A responsible administrator may remove a student eligible for special education under the  
765 IDEA to an appropriate interim alternative educational setting for not more than forty-five  
766 (45) school days if the student:

- 767 a. Was in possession of a dangerous weapon, as defined in 18 U.S.C. 930(g)(2), as  
768 amended from time to time, on school grounds, on school transportation or at a school-  
769 sponsored activity, or
- 770 b. Knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled  
771 substance while at school, on school transportation or at a school-sponsored activity;  
772 or
- 773 c. Has inflicted serious bodily injury upon another person while at school, on school  
774 premises, on school transportation or at a school function.
- 775 2. The following definitions shall be used for this subsection XII.C.:
- 776 a. **Dangerous weapon** means a weapon, device, instrument, material, or substance,  
777 animate or inanimate, that is used for, or is readily capable of, causing death or serious  
778 bodily injury, except that such term does not include a pocket knife with a blade of less  
779 than 2.5 inches in length.
- 780 b. **Controlled substance** means a drug or other substance identified under schedules I, II,  
781 III, IV, or V in section 202(c) of the Controlled Substances Act, 21 U.S.C. 812(c).
- 782 c. **Illegal drug** means a controlled substance but does not include a substance that is  
783 legally possessed or used under the supervision of a licensed health-care professional  
784 or that is legally possessed or used under any other authority under the Controlled  
785 Substances Act or under any other provision of federal law.
- 786 d. **Serious bodily injury** means a bodily injury which involves: (A) a substantial risk of  
787 death; (B) extreme physical pain; (C) protracted and obvious disfigurement; or (D)  
788 protracted loss or impairment of the function of a bodily member, organ, or mental  
789 faculty.

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

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

- 804 4. If the 504 team finds that the behavior was not a manifestation of the student's disability,  
805 the Administration may proceed with the recommended expulsion.
- 806 B. The Board may take disciplinary action for violations pertaining to the use or possession of  
807 illegal drugs or alcohol against any student with a disability who currently is engaging in the  
808 illegal use of drugs or alcohol to the same extent that such disciplinary action is taken against  
809 nondisabled students. Thus, when a student with a disability is recommended for expulsion  
810 based solely on the illegal use or possession of drugs or alcohol, the 504 team *shall not be*  
811 *required to meet* to review the relationship between the student's disability and the behavior  
812 that led to the recommendation for expulsion.

813 **XIV. Procedures Governing Expulsions for Students Placed in a Juvenile Detention Center**

- 814 A. Any student who commits an expellable offense and is subsequently placed in a juvenile  
815 detention center or any other residential placement for such offense may be expelled by the  
816 Board in accordance with the provisions of this section. The period of expulsion shall run  
817 concurrently with the period of placement in a juvenile detention center or other residential  
818 placement.
- 819 B. If a student who committed an expellable offense seeks to return to the District after  
820 participating in a diversionary program or having been placed in a juvenile  
821 detention center or any other residential placement and such student has not been expelled by the  
822 board of education for such offense under subdivision (A) of this subsection, the Board shall  
823 allow such student to return and may not expel the student for additional time for such offense.

824 **XV. Early Readmission to School**

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

830 **XVI. Dissemination of Policy**

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

834 **XVII. Compliance with Documentation and Reporting Requirements**

- 835 A. The District shall include on all disciplinary reports the individual student's state-assigned  
836 student identifier (SASID).
- 837 B. The District shall report all suspensions and expulsions to the State Department of Education.
- 838 C. If the Board of Education expels a student for sale or distribution of a controlled substance, as  
839 defined in Conn. Gen. Stat. § 21a-240(9), whose manufacture, distribution, sale, prescription,  
840 dispensing, transporting or possessing with the intent to sell or dispense, offering, or

841 administration is the subject to criminal penalties under Conn. Gen. Stat. §§ 21a-277 and 21a-  
842 278, the District shall refer such student to an appropriate state or local agency for  
843 rehabilitation, intervention or job training and inform the agency of its action.

844 D. If the Board of Education expels a student for possession of a firearm, as defined in 18 U.S.C.  
845 § 921, or deadly weapon, dangerous instrument or martial arts weapon, as defined in Conn.  
846 Gen. Stat. § 53a-3, the District shall report the violation to the local police.

847 **Legal References:**

848 Connecticut General Statutes:

- 849
- 850 § 10-16 Length of school year
- 851
- 852 § 10-74j Alternative education
- 853
- 854 §§ 4-176e through 4-180a and § 4-181a Uniform Administrative Procedures Act
- 855
- 856 § 10-222d Safe school climate plans. Definitions. Safe school climate assessments
- 857
- 858 §§ 10-233a through 10-233f Suspension and expulsion of students
- 859
- 860 § 10-233l Expulsion and suspension of children in preschool programs
- 861
- 862 § 10-253 School privileges for children in certain placements, nonresident children,  
863 children in temporary shelters, homeless children and children in juvenile  
864 detention facilities. Liaison to facilitate transitions between school districts  
865 and juvenile and criminal justice systems.
- 866
- 867 § 19a-342a Use of electronic nicotine delivery system or vapor product prohibited.  
868 Exceptions. Signage required. Penalties
- 869
- 870 § 21a-240 Definitions
- 871
- 872 § 21a-277 Penalty for illegal manufacture, distribution, sale, prescription, dispensing
- 873
- 874 § 21a-278 Penalty for illegal manufacture, distribution, sale, prescription, or  
875 administration by non-drug-dependent person
- 876
- 877 §§ 21a-408a through 408p Palliative Use of Marijuana
- 878
- 879 § 29-35 Carrying of pistol or revolver without permit prohibited. Exceptions
- 880
- 881 § 29-38 Weapons in vehicles
- 882
- 883 § 53a-3 Definitions
- 884
- 885 § 53-206 Carrying of dangerous weapons prohibited

886  
887 § 53-344 Sale or delivery of cigarettes or tobacco products to persons under twenty-  
888 one.

889  
890 § 53-344b Sale and delivery of electronic nicotine delivery system or vapor products  
891 to persons under twenty-one years or age

892  
893 Public Act No. 21-46, “An Act Concerning Social Equity and the Health, Safety and  
894 Education of Children.”

895  
896 *Packer v. Board of Educ. of the Town of Thomaston*, 717 A.2d 117 (Conn. 1998).

897 *State v. Hardy*, 896 A.2d 755 (Conn. 2006).

898 *State v. Guzman*, 955 A.2d 72 (Conn. App. Ct. 2008).

899  
900 Connecticut State Department of Education, *Standards for Educational Opportunities for*  
901 *Students Who Have Been Expelled*, adopted January 3, 2018.

902  
903 Federal law:

904  
905 Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, as amended by the  
906 Individuals with Disabilities Education Improvement Act of 2004, Pub. L. 108-446.

907  
908 Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794(a).

909 18 U.S.C. § 921 (definition of “firearm”)

910 18 U.S.C. § 930(g)(2) (definition of “dangerous weapon”)

911 18 U.S.C. § 1365(h)(3) (identifying “serious bodily injury”)

912 21 U.S.C. § 812(c) (identifying “controlled substances”)

913 34 C.F.R. § 300.530 (defining “illegal drugs”)

914 Gun-Free Schools Act, 20 U.S.C. § 7961

915 *Honig v. Doe*, 484 U.S. 305 (1988)

916 [U.S. Department of Education Office for Civil Rights, U.S. Department of Justice Civil](#)  
917 [Rights Division, Resource on Confronting Racial Discrimination in Student Discipline](#)  
918 [\(May 2023\)](#)

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