

## Policy

### Students

#### Suspension and Expulsion/Due Process

It is the goal of the Bristol Board of Education to ensure the safety and welfare of all students in attendance, and to maintain an atmosphere conducive to learning. In keeping with this goal, students are expected to comply with school rules and regulations, as well as Board policies. Students may be disciplined for conduct on school grounds or at any school-sponsored activity that endangers persons or property, is seriously disruptive of the educational process, or that violates a publicized policy of the Board. Students may be disciplined for conduct off school grounds if such conduct is seriously disruptive of the educational process and violates a publicized policy of the Board.

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

#### 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 but not exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed. Such suspensions shall be served in any school building under the jurisdiction of the Board of Education.
4. **"Suspension"** 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. The effective date of in-school suspensions has been determined by the Connecticut General Statutes Section [10-233\(a\)](#) through [10-233\(f\)](#). Suspensions shall be in-school unless the administration determines that the student being suspended poses a danger to persons or property or such a disruption of the educational process that the student shall be excluded for the period of suspension.
5. **"Expulsion"** shall be defined as an exclusion 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, 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.

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. Firearm does not include any antique firearm. For purposes of this definition "destructive device" means any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than 4 ounces, missile having an explosive or incendiary charge of more than  $\frac{1}{4}$  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 §219-240.

## **B. Removal From Class**

1. All teachers are hereby authorized to remove a student from class when such student causes a serious disruption of the educational process within the classroom.
2. Such teacher shall send the student to a designated area and shall immediately inform the building Principal or his/her designee as to the name of the student and the reason for removal.
3. No student shall be removed from class more than six (6) times in any year nor more than twice in one week, unless such student is referred to the Building Principal or his/her designee

and granted an informal hearing in accordance with the provisions of this policy, as stated in G(3).

### **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 or expelled for conduct on school property or at a school-sponsored activity that endangers persons or 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. Persistent disobedience, that is behavior over a period of time which is repeatedly disruptive to the education process;
- b. Conduct causing danger to the physical well-being of himself/herself or other people that is not reasonably necessary for self-defense;
- c. Intentionally causing or attempting to cause physical injury to another person that is not reasonably necessary for self-defense;
- d. Intentionally causing or attempting to cause damage or school property or material belonging to staff (private property);
- e. Stealing or attempting to steal private or school property or taking or attempting to take personal property or money from any other person;
- f. The use, either spoken or written on clothing, of obscene or profane language or gestures on school property or at a school-sponsored activity;
- g. Deliberate refusal to obey the directions or orders of a member of the school staff;
- h. Harassment and/or hazing/bullying on the basis of that person's race, religion, ethnic background, gender or sexual orientation;
- i. Open defiance of the authority of any teacher or person having authority over the student, including verbal abuse;

- j. 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;
- k. Blackmailing a member of the school community, including any teacher, member of the school administration or any other employee or fellow student;
- l. 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.;
- m. Possession of any weapon or weapon facsimile, including but not limited to knife, pistol, pellet guns and/or air soft pistols.
- n. Possession, transmission, distribution, selling, use or consumption of alcoholic beverages, dangerous drugs or narcotics or intoxicant of any kind or any facsimile of a dangerous drug, narcotic or intoxicant of any kind;
- o. 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, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind;
- p. 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;
- q. 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;
- r. 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;
- s. Repeated unauthorized absence from or tardiness to school;
- t. Intentional and successful incitement of truancy by other students;
- u. The use or copying of the academic work of another and the presenting of it as one's own without proper attribution;
- v. 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;
- w. 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;

- x. Lying, misleading or being deceitful to a school employee or person having authority over the student;
- y. Unauthorized leaving of school or school-sponsored activities;
- z. Unauthorized smoking.

#### **E. Suspension for Conduct Off School Grounds**

1. Students are subject to suspension 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:

- 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 for one full calendar year if:

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

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 club, black jack, bludgeon or metal knuckles.

\*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, either in-school or out of school suspension for a period of up to 10 days of any student for one or more of the reasons stated in paragraph C, above, in accordance with the procedure outlined in this paragraph. The effective date of in-school suspensions has been determined by the Connecticut General Statutes Section [10-233\(a\)](#) through [10-233\(f\)](#). Suspensions shall be in-school suspensions unless the administration determines that the student being suspended poses such a danger to persons or property or such a disruption of the educational process that the student shall be excluded from school during the period of suspension.

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 C, above. The administration shall have the authority to immediately suspend from school any student when an emergency exists as that term is defined in paragraph A, above.

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

2. In the case of suspension, the administration shall notify the student's parents and the Superintendent of Schools not later than twenty-four (24) hours of the suspension as to the name of the student who has been suspended and the reason therefore. Any student who is suspended shall be given an opportunity to complete any class work including, but not limited to, examinations which such student missed during the period of his/her suspension.

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. 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.

5. 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.

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

#### **H. Expulsion Procedures**

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

2. Upon receipt of a recommendation for expulsion from the Superintendent of Schools the Board shall, after giving written notice 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 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.

3. Three members of the Board of Education shall constitute a quorum for an expulsion hearing. However, the Board may retain a Hearing Officer to act on its behalf. (In reference to Expulsion Hearings, the term "Hearing Officer" may be substituted for "Board of Education"). A student may be expelled if a majority of the Board members/or the Hearing Officer 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 which 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 the board is not required to offer an alternative educational opportunity to any student between 16 and 18 who was previously expelled or who is found to have engaged in conduct endangering persons which involved (1) possession of a firearm, deadly weapon, dangerous instrument or martial arts weapon on school property or school transportation or at a school sponsored activity or (2) offering for sale or distribution on school property or at a school sponsored activity a controlled substance, as defined in Section [21a-240\(a\)](#) of the Connecticut General Statutes.
- 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;

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

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

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

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

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

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

h. Decisions shall be in writing if adverse to the student and shall include findings of fact and conclusions necessary for the decision. Findings of fact made by the Board after an expulsion hearing shall be based exclusively upon the evidence adduced at the hearing.

8. For any student expelled for the first time and who has never been suspended, 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.

## **I. Notification**

1. All students and parents within the jurisdiction of the Board of Education shall be informed, annually, of Board Policy governing student conduct by the delivery to each said student of a written copy of said Board Policy

2. The parents or guardian of any minor student either expelled or suspended shall be given notice of such disciplinary action no later than 24 hours of the time of the institution of the period of expulsion or suspension

3. The notice of an expulsion hearing to the student and his/her parents or guardians, if said student is less than 18 years of age shall include information concerning legal services that are provided free of charge or at a reduced rate that are available and how to access such services.

## **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.

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 by the Board 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 a Planning and Placement Team (PPT) meeting on Section 504 Manifestation Determination 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 or 504 Plan. 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/504 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/504 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 be provided a free appropriate public education.

3. If the District, parent and relevant members of the IEP/504 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/504 Plan, the Superintendent shall not proceed with the recommendation for expulsion. The IEP team (PPT) shall consider the student's misconduct and revise the IEP/504 Plan 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.

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 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 alternate educational setting, if so placed by student 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 or sells or solicits the sale of a controlled substance while at school or a school function, or has inflicted serious bodily injury upon another person while at school, on school premises, or at 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. "Serious bodily injury" is defined as bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty. 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.

### **K. Alternative Educational Opportunity**

1. The Board of Education recognizes its obligation to offer any student under the age of sixteen (16) who is expelled an alternative educational opportunity which shall be equivalent to alternative education, as defined, by CGS [10-74j](#), with an individualized learning plan.
2. (a) if the Board provides such alternative education, or (b) in accordance with the standards adopted by the State Board of Education, which includes the kind of instruction to be provided and the number of hours to be provided, during the period of expulsion.
3. Any parent or guardian of such student, between the ages of 17 and 18, 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.
4. 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 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.
5. 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 persons, and involved the following, on school grounds or at a school-sponsored event:

1. Possession of a firearm, deadly weapon, dangerous instrument or martial arts weapon, or
2. Offering an illegal drug for sale or distribution.

### **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, except for the notice of an expulsion of a student in grades nine through twelve, inclusive, based on

possession of a firearm or deadly weapon, shall be expunged from the cumulative educational record by the Board if the Board determines that the student's conduct and behavior in the years following such expulsion warrants an expungement or if the student graduates from high school.

2. If a student's expulsion is shortened or the expulsion period waived based upon the fact that the student was expelled for the first time, had never been suspended, and successfully completed a Board specified program and/or met other conditions required by the Board, the notice of expulsion shall be expunged from the cumulative educational record if the student graduates from high school or, if the Board so chooses, at the time the student completes the Board specified program and meets any other conditions required by the Board.

3. If a student in grades kindergarten to eight, is expelled based on possession of a firearm or deadly weapon, the Board may expunge from the students' cumulative education record the notice of the expulsion and the conduct for which the student was expelled if the Board determines that the conduct and behavior of the student in the years following such expulsion warrants an expungement.

4. The Board may adopt the decision of a student expulsion hearing conducted by another school district provided such Board of Education held a hearing pursuant to C.G.S. [10-233d\(a\)](#). Adoption of such a decision shall be limited to a determination of whether the conduct which was the basis for the expulsion would also warrant expulsion under the policies of this Board. The student shall be excluded from school pending such hearing. The excluded student shall be offered an alternative education opportunity in accordance with item K above.

5. Whenever a student against whom an expulsion hearing is pending withdraws from school and after notification of such hearing but before the hearing is completed and a decision rendered, (1) notice of the pending expulsion hearing shall be included on the student's cumulative educational record and (2) the Board shall complete the expulsion hearing and render a decision.

6. A student expelled for possession of a firearm, deadly weapon, dangerous instrument or martial arts weapon shall have the violation reported to the local police department.

7. The period of expulsion shall not extend beyond a period of one calendar year. A period of exclusion may extend into the next school year.

8. An expelled student may apply for early readmission to school. Such readmission shall be at the discretion of the 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.

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).

Students and parents shall be notified of this policy annually in Student-Parent Handbooks

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

Students and parents shall be notified of this policy annually in Student-Parent Handbooks.

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 and PA 07-122

[53a-3](#) Definitions.

[53a-217b](#) Possession of Firearms and Deadly Weapons on School Grounds.

PA 94-221 An Act Concerning School Discipline and Safety.

GOALS 2000: Educate America Act, Pub. L. 103-227.

18 U.S.C. 921 Definitions.

Title III - Amendments to the Individuals with Disabilities Education Act.

Sec. 314 (Local Control Over Violence)

Elementary and Secondary Act of 1965 as amended by the Gun Free Schools Act of 1994.

P.L. 105-17 The Individuals with Disabilities Act, Amendment of 1997.

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

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

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

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

Policy Adopted: January 3, 2007

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Bristol Board of Education

Bristol, Connecticut

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Students

Suspension and Expulsion/Due Process

Suspension

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

1. The student shall be given a hearing before the Principal or designee, at which time the charges against the student will be stated and the student will be given an opportunity to respond to the charge. This hearing must be granted except when an emergency situation exists, in which case the hearing must be held as soon after the suspension as possible. Nothing in the informal hearing shall be taken to prevent a more formal hearing from being held if the circumstances warrant.
2. The Principal or designee may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, suspension or expulsion of the student.
3. The Principal or designee shall make every possible attempt to reach the parent or guardian of the student stating the charges against the student and the terms and conditions of the suspension.
4. Whether the telephone contact is made or not the Principal or designee shall forward a letter to the parent or guardian at the last known address according to school records (unless a newer

address is determined) not later than twenty four hours of the suspension, and offering the parent or guardian the opportunity for a conference to discuss the suspension.

5. Notice of the suspension shall be transmitted by the Principal to the Superintendent of Schools by the close of the school day following the commencement of the suspension, but no later than twenty four hours of the commencement of the suspension.

6. If a student is eighteen or older, any notice required by Board policy and this regulation shall be given to the student.

7. Textbooks and homework are to be provided each student for the duration of the suspension period and the student shall be allowed to complete any class work, including examinations, without penalty, which was missed during suspension.

8. The Superintendent shall report any unusually serious cases of student suspension to the Board of Education at the first meeting following such action.

9. Notice of a suspension for conduct endangering persons or property or seriously disruptive of the educational process and a description of the conduct leading to such suspension shall be included on the student's cumulative educational record. Such notice shall be expunged from the cumulative record by the Board if the student graduates from high school, except if such notice of expulsion is based on possession of a firearm or deadly weapon.

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

11. For any student who is suspended for the first time and who has never been expelled, the school administration may shorten the length of or waive the suspension period if the student successfully completes an administration-specified program and meets any other administration-required conditions. Such program shall be at no expense to the student or his/her parents/guardians

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

Expulsion



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

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

The procedures leading to expulsion are as follows:

1. Requests for expulsion are to be directed to the Board of Education through the Superintendent of Schools.
2. Upon receipt of an expulsion request the Superintendent will conduct an inquiry within two (2) school days.
3. If after the inquiry the Superintendent or designee determines that the student ought to be expelled, the Superintendent shall forward such request to the Board of Education within five days after receipt of the request to expel.
4. Except in an emergency situation requiring the student's immediate removal, the Board shall conduct a hearing to be governed by the following procedures:
  - A. The student and parent or legal guardian must be given notice at least five days prior to the date of the hearing.
  - B. The notice shall contain:
    1. The date, time and place of the scheduled hearing.
    2. The details of the grounds for the expulsion, including a narrative of the events leading to the expulsion, the names of any witnesses against the student, copies of any statements or affidavits of those witnesses, a detailed summary of any other information to be used in support of expulsion, including any record of past offenses or misbehavior, and whether any prior warnings or suspensions have been given, and the proposed penalty.
    3. A statement of the student's rights.

4. A statement that the Board is not required to offer an alternative educational opportunity to any student between 16 and 18 who was previously expelled or who has been expelled for conduct endangering persons which involved (1) carrying a dangerous instrument or weapon including a martial arts weapon on, or introducing a dangerous instrument or weapon on to school property or at a school-sponsored activity or (2) offering for sale or distribution on school property or at a school-sponsored activity a controlled substance, as defined in Section [21a-240\(9\)](#) of the Connecticut General Statutes.

C. At the hearing the student shall have the right to testify and produce witnesses and other evidence in his/her defense and shall have the right to demand that any witnesses against him/her appear in person to answer questions.

In exceptional circumstances the Board or the impartial hearing panel may refuse to allow a witness against the accused student to appear, when the Board or panel believes that fear on the part of the witness would prevent the giving of accurate testimony. In such cases a verbatim statement of the witness's testimony must be given to the student.

A witness's unsubstantiated desire to remain anonymous is not such an exceptional circumstance as to justify dispensing with confrontation and questioning by the student.

D. A student may be represented by any third party of his/her choice, including an attorney.

E. A student is entitled to the services of a translator, to be provided by the Board of Education, whenever the student or his/her parent or legal guardian do not speak the English language.

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

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

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

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

5. Whenever the Board of Education or impartial hearing panel expels a student it shall offer an alternative education program to students under the age of sixteen. The parent or guardian of such student has the legal right to reject such a program without being subject to the truancy law. The Board of Education shall make provisions for an alternative educational opportunity to expelled students between the ages of sixteen and eighteen, conditional upon the desire of the student to continue his/her education and compliance with conditions established by the Board. A student age 16 or older may be placed in an adult education program as an alternative

educational opportunity. However, the Board is not required to offer such alternative to any student between the ages of sixteen and eighteen who is expelled because of conduct which endangers persons, and it was determined at the expulsion hearing that the conduct for which the student was expelled involved carrying on or introducing on to school property, on school transportation, or at a school-sponsored activity, a dangerous instrument or weapon including a martial arts weapon or offering for sale or distribution on school property or at a school sponsored activity a controlled substance, as defined in Section [21a-240\(9\)](#) of the Connecticut General Statutes. Any special education student expelled for a misconduct not caused by the student's disability must be offered an alternative educational opportunity consistent with the student's needs during the period of expulsion.

6. If the Board expels a student for the sale or distribution of a controlled substance, the Board shall refer the student to an appropriate state or local agency for rehabilitation, intervention or job training, or any combination thereof, and shall inform the agency of its action.

7. Notice of the expulsion and the conduct for which the student was expelled shall be included on the student's cumulative educational record. Such notice shall be expunged from the cumulative educational record by the Board if the student graduates from high school, unless the expulsion notice is based on possession of a firearm or deadly weapon.

8. The Board may adopt the decision of a student expulsion hearing conducted by another school district provided such Board of Education held a hearing pursuant to C.G.S. [10-233d\(a\)](#). Adoption of such a decision shall be limited to a determination of whether the conduct which was the basis for the expulsion would also warrant expulsion under the policies of this Board. The student shall be excluded from school pending such hearing. The excluded student shall be offered an alternative education opportunity in accordance with the provisions of 5 and 6 above.

9. Whenever a student against whom an expulsion hearing is pending withdraws from school and after notification of such hearing but before the hearing is completed and a decision rendered, (1) notice of the pending expulsion hearing shall be included on the student's cumulative educational record and (2) the Board shall completed the expulsion hearing and render a decision.

10. The Superintendent shall recommend an expulsion hearing if there is reason to believe a student possessed a firearm or other dangerous instrument in or on real property, comprising any public school or at any school activity as defined in C.G.S. [10-233a](#) or in conduct displayed off school grounds.

11. If a student is found to have possessed a firearm, dangerous instrument, dangerous weapon or martial arts weapon in or on the real property or a school or at any school function as defined in Section [10-233a](#), or on or off school property offered for sale or distribution a dangerous drug, he or she must be expelled for one calendar year. The expulsion period may be modified on a case by case basis by the Board of Education or hearing board.

12. A student expelled for possession of a firearm or deadly weapon shall have the violation reported to the local police department or State Police if the student is enrolled in a regional vocational-technical school.

13. The Board will report annually to the Commission of Education, as prescribed, information pertaining to expulsions for weapons and/or dangerous instruments.

14. An expelled student may apply for early readmission to school. Such readmission shall be at the discretion of the Board of Education. Readmission decisions shall not be subject to appeal to Superior Court. The Board or Superintendent, as appropriate, may condition such readmission on specified criteria.

15. 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.

16. 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.

### **Prior Notice**

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

Legal Reference: Connecticut General Statutes

[4-176e](#) through [4-185](#) Uniform Administrative Procedure Act, as amended.

[10-233a](#) through [10-233f](#) Suspension and expulsion of students (as amended by PA 95-304, PA 96-244, PA 98-139, PA 07-66 and PA 07-122)

[53a-3](#) Firearm and deadly weapons

[53a](#) - 217b Possession of firearm and deadly weapons on school grounds.

PA 94-221 An Act Concerning School Discipline and Security.

Legal Reference: Connecticut General Statutes (continued)

GOALS 2000: Educate America Act Pub. L. 103-227.

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