# Policy Subcommittee Meeting

Wednesday, October 28, 2026 7:00 PM
Meeting Access: Policy Subcommittee (10/28/26 at 7 p.m.) Web: https://zoom.us/j/91632246584 Dial In: (929) 205-6099 Meeting ID: 916 3224 6584, 3 Brush Hill Road, New Fairfield, CT 06812

I. **CALL TO ORDER**

II. **APPROVAL OF MINUTES**

II.A. September 23, 2026- Regular

III. **INFORMATION / ACTION ITEMS**

III.A. New Business

III.A.1. Policy Review 5000 Series

III.A.2. Policy 5000 - Student Personnel

III.A.3. Policy 5111.1 - Foreign Exchange Students

III.A.4. Policy 5121 - Examination / Grading / Rating

III.A.5. Policy 5131.11 - Video Cameras on School Buses

III.A.6. Policy 5131.61 - Co-Curricular Policy Concerning Drugs & Alcohol Use by Students

III.A.7. Policy 5131.62 - Alcohol, Drugs, Tobacco and Steroid use

III.B. Old Business

III.B.1. Policy 5114 - Suspension and Expulsion - CABE Custom Update Recommendations

IV. **OTHER**

V. **ADJOURNMENT**

**Policy Subcommittee Meeting Minutes**

**Call to Order** The meeting of the Policy Subcommittee was called to order by Chair Samantha Mannion on Wednesday, September 23, 2026, at 7:00 p.m.

**Attendance**

- **Subcommittee Members Present:** Samantha Mannion (Chair), Kimberly LaTourette, Amy Johnson, Kathy's Personal.
- **Others Present:** Dr. Kenneth Craw (Superintendent), Dominic Cipollone, Millie Kellogg.

**Approval of Minutes**

- **Motion:** Made by Kimberly LaTourette and seconded by Amy Johnson to approve the Policy Subcommittee minutes from the meeting on May 27, 2026.
- **Action:** Motion carried unanimously (4–0).

**Information / Action Items**

**1. Policy 5142 – School Safety, Preparation, Response, and After Action**

- **Discussion:** Superintendent Dr. Kenneth Craw presented this proposed new policy, which incorporates recent statutory changes. The policy affirms that non-confidential portions of the district's All-Hazards Plan may be disclosed upon request, establishes timelines for communicating crisis response drills to families, and includes protocols for handling immigration inquiries through the Superintendent's office.
- **Action:** Moved to the full Board of Education for consideration.

**2. Policy 3231A – Medical Reimbursement for Special Education Students**

- **Discussion:** Dr. Craw explained that the proposed revision aligns with statutory changes allowing parents to provide electronic signatures for medical service reimbursements (e.g., nursing, speech, OT/PT). This change aims to streamline obtaining parental consent without impacting families.
- **Action:** Moved to the full Board of Education for consideration.

**3. Policy 5114A – Suspension and Expulsion / Due Process / Referral to the Police**

- **Discussion:** Dr. Craw highlighted statutory revisions that updated the standard for out-of-school suspension from causing "physical harm" to "serious physical harm". The subcommittee discussed concerns regarding the lack of a clear definition for "serious physical harm" and potential administrative challenges. Dr. Craw agreed to seek clarification from CABE prior to full board review.
- **Action:** Moved to the full Board of Education for consideration, pending administrative clarification.

**4. By-law 9030 – Commitment to Democratic Principles Governing Board / Staff Communications and Interactions**

- **Discussion:** Chair Samantha Mannion introduced proposed language (Section 4) establishing an expectation that Board of Education members attend high school commencement absent extraordinary circumstances. Members debated whether mandatory or highly encouraged language should be codified in policy or handled informally through board coordination.
- **Action:** No motion was made; the proposed revision died in committee.

**Discussion Items**

**Parameters and Criteria for Systemic Review of Existing Policies**

- **Discussion:** Dr. Craw proposed implementing a systematic review cycle for existing district policies, starting with the 5000 (Student) series. The subcommittee agreed on the value of establishing an ongoing policy review schedule.

**Adjournment**

- **Motion:** Made by Samantha Mannion and seconded by Amy Johnson to adjourn the meeting.
- **Action:** Motion carried unanimously. The meeting was adjourned at 7:47 p.m.

| POLICY # | DESCRIPTION | LAST UPDATED |
|---|---|---|
| 5000 | STUDENT PERSONNEL | 2005 |
| 5111.1 | FOREIGN EXCHANGE STUDENTS | 2005 |
| 5121 | EXAMINATION/GRADING/RATING | 2015 |
| 5123 | PROMOTION/ACCELERATION/RETENTION | 2008 |
| 5131.11 | VIDEO CAMERAS ON SCHOOL BUSES | 2008 |
| 5131.601 | MEDICAL (PALLIATIVE) USE OF MARIJUANA | 2016 |
| 5131.61 | CO-CURRICULAR POLICY CONCERNING DRUGS & ALCOHOL USE BY STUDENTS | 2011 |
| 5131.62 | ALCOHOL, DRUGS, TOBACCO, STEROID USE | 2008 |
| 5131.7 | WEAPONS & DANGEROUS INSTRUMENTS | 2013 |
| 5131.8 | MISCONDUCT OFF SCHOOL GROUNDS | 2008 |
| 5131.91 | HAZING | 2006 |
| 5131.913 | CYBERBULLYING | 2011 |
| 5135 | PARTICIPATION IN ATHLETICS | 2001 |
| 5138 | INTERSCHOLASTIC SPORTS VS. CLUB DETERMINATION | 2001 |
| 5141.22 | COMMUNICABLE/INFECTIOUS/ACUTE INFECTIOUS DISEASES | 2005 |
| 5141.222 | STUDENTS WITH CHRONIC/ACUTE INFECTIOUS DISEASES | 2005 |
| 5141.231 | PSYCHOTROPIC DRUG USE | 2005 |

| POLICY # | DESCRIPTION | LAST UPDATED |
|---|---|---|
| 5141.27 | FIRST AID - EMERGENCY MEDICAL CARE | 2005 |
| 5141.31 | HEALTH EXAMINATIONS FOR ATHLETIC PARTICIPATION | 2005 |
| 5141.7 | STUDENT SPORTS CONCUSSIONS | 2015 |
| 5143 | ACADEMIC HONESTY | 2005 |
| 5145 | CIVIL AND LEGAL RIGHTS AND RESPONSIBILITIES | 2014 |
| 5145.11 | POLICE IN SCHOOLS | 2005 |
| 5145.12 | SEARCH AND SEIZURE/DESKS AND LOCKERS | 2005 |
| 5145.121 | SEARCH AND SEIZURE/VEHICLE SEARCH ON SCHOOL GROUNDS | 2005 |
| 5145.122 | SEARCH AND SEIZURE /USE OF DOGS TO SEARCH SCHOOL GROUNDS | 2005 |
| 5145.124 | SEARCH AND SEIZURE / BREATHALYZER TESTING | 2005 |
| 5145.125 | SEARCH AND SEIZURE/USE OF LOCKERS | 2005 |
| 5145.53 | GENDER IDENTITY & EXPRESSION (TRANSGENDER & GENDER -NON-CONFORMING YOUTH | 2016 |
| 5156 | STUDENTS RESEARCH INVOLVING STUDENTS | 2005 |

| Series 5000 (Students) Crosswalk of New Fairfield/Shipman Policies | | |
|---|---|---|
| **New Fairfield Policy #** | **New Fairfield Policy Name** | **Shipman Policy Name** |
| 5000 | Concept and Roles in Student Policies | N/A |
| 5111.1 | Foreign Exchange Students | N/A |
| 5112 | Ages of Attendance/Admissions/Placement | Admission to the Public Schools at or Before Age Five |
| 5113 | Attendance/Excuses/Dismissal | Attendance, Truancy and Chronic Absenteeism |
| 5113.2 | Truancy | Attendance, Truancy and Chronic Absenteeism |
| 5114 | Suspension and Expulsion/Due Process | Student Discipline |
| 5118 | Nonresident Students | N/A |
| 5118.1 | Homeless Students | Homeless Children and Youth |
| 5118.111 | Tuition for Students of Staff Members and School Resource Officers (SROs) Assigned to the School District | N/A |
| 5118.2 | Educational Opportunities for Military Children | N/A |
| 5118.3 | Children in Foster Care | Educational Stability Procedures for Transportation Coordination with the Department of Children and Families; Attendance, Truancy and Chronic Absenteeism |
| 5121 | Examination/Grading/Rating | N/A |
| 5123 | Promotion/Acceleration/Retention | Promotion and Retention |
| 5125 | Student Records; Confidentiality | Student Records (FERPA) |
| 5131 | Conduct Codes | N/A |
| 5131.1 | Bus Conduct | Student Discipline |
| 5131.11 | Video Cameras on School Buses | N/A |
| 5131.6 | Alcohol, Drugs and Tobacco | Drug and Alcohol Use by Students |
| 5131.601 | Medical (Palliative) Use of Marijuana | N/A |
| 5131.61 | Co-curricular Policy Concerning Drug and Alcohol Use | Chemical Health for Student Athletes |
| 5131.62 | Steroid Use | Chemical Health for Student Athletes |
| 5131.7 | Weapons and Dangerous Instruments | Student Discipline; Deadly Weapons or Firearms (Series 1000) |
| 5131.8 | Misconduct off School Grounds | Student Discipline |
| 5131.81 | Electronic Devices | Student Use of District's Computer Systems; Use of Private Technology Devices by Students |
| 5131.91 | Hazing | Student Discipline |
| 5131.911 | Connecticut School Climate Policy | Administrative Regulations Regarding Connecticut School Climate Policy |
| 5131.913 | Cyberbullying | Student Discipline |
| 5132 | Dress and Grooming | Student Dress |
| 5135 | Participation in Athletics | N/A |
| 5138 | Formation and Approval of Sports Clubs | N/A |
| 5141 | Student Health Services | Administrative Regulations Concerning Health Assessments/Screenings/Oral Health Assessments |
| 5141.21 | Administering Medication | Administration of Medications |
| 5141.214 | Student Sunscreen Use | Sunscreen Application in School |

| | | |
|---|---|---|
| 5141.22 | Communicable/Infectious Diseases | Administrative Regulations Regarding Occupational Safety and Health (Bloodborne Pathogens) - requires districts to develop their own Exposure Control Plan for Bloodborne Pathogens - Series 4000 Model Policy |
| P5141.221 | Pediculosis (Head Lice) | N/A |
| 5141.222 | Students with Chronic/Acute Infectious Diseases | N/A |
| 5141.231 | Psychotropic Drug Use | Prohibition on Recommendations for Psychotropic Drugs - Series 4000 Model Policy |
| 5141.25 | Accommodating Students with Special Health Care and Dietary Needs | Management Plan and Guidelines for Students with Food Allergies, Glycogen Storage Disease and/or Diabetes |
| 5141.251 | Accommodating Disabled Students with Special Dietary Needs (Modified Meals for Disabled Students) | N/A |
| 5141.27 | First Aid/Emergency Medical Care/Automatic External Defibrillator | Policy Regarding Automatic External Defibrillator - Series 1000 |
| 5141.3 | Health Assessments and Immunizations | Administrative Regulations Concerning Health Assessments/Screenings/Oral Health Assessments |
| 5141.31 | Health Examinations for Athletic Participation | Administrative Regulations Concerning Health Assessments/Screenings/Oral Health Assessments |
| 5141.4 | Reporting Child Abuse/Neglect or Sexual Assault | Reports of Suspected Abuse or Neglect of Children or Reports of Sexual Assault of Students by School Employees - Series 4000 Model Policy |
| 5141.5 | Suicide Prevention/Intervention | Suicide Prevention and Intervention |
| 5141.7 | Student Sports - Concussions | Administrative Regulations Regarding Concussion Management and Training for Athletic Coaches - Series 4000 Model Policy |
| 5142.2 | Safety - Student Dismissal Precautions | N/A |
| 5143 | Academic Honesty | N/A |
| 5144.1 | Use of Physical Force - Physical Restraint/Seclusion/Exclusionary Time-out | Physical Restraint and Seclusion of Students and Use of Exclusionary Time-Out |
| 5144.12 | Challenging Behavior Response Policy | Restorative Practices |
| 5144.4 | Physical Exercise and Discipline of Students | Recess and Play-Based Learning |
| 5145 | Section 504: Civil and Legal Rights and Responsibilities | Policy Regarding Students and Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act of 1990 |
| 5145.11 | Police in Schools | N/A |
| 5145.12 | Search and Seizure - Desks and Lockers | Search and Seizure |
| 5145.121 | Search and Seizure - Vehicle Searches on School Property | Search and Seizure - Administrative Regulations |
| 5145.122 | Search and Seizure - Use of Dogs to Search School Property | Search and Seizure - Administrative Regulations |
| 5145.124 | Search and Seizure - Breathalyzer Testing | Search and Seizure - Administrative Regulations |
| 5145.125 | Search and Seizure - Use of Lockers | N/A |
| 5145.14 | On-Campus Recruitment | Student Records (FERPA) |
| 5145.15 | Directory Information | Student Records (FERPA) |
| 5145.4 | Nondiscrimination | Policy Regarding Students and Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act of 1990 |
| 5145.41 | Nondiscrimination | Non-discrimination |
| 5145.5 | Title IX of the Education Amendments of 1972 | Policy Regarding Prohibition of Sex Discrimination and Sexual Harassment |

| | | |
|---|---|---|
| 5145.511 | Exploitation; Sexual Harassment - Sexual Abuse Prevention and Education Program | Child Sexual Abuse and Assault Response Policy and Reporting Procedure |
| 5145.53 | Gender Identity and Expression (Transgender and Gender Non-Conforming Youth) | N/A |
| 5156 | Research Involving Students | N/A |
| Series 5000 | N/A | Field Trips |
| Series 5000 | N/A | Fundraising Activities |
| Series 5000 | N/A | Graduation Requirements |
| Series 5000 | N/A | Improving the Completion Rates of FAFSA |
| Series 5000 | N/A | Meal Charging |
| Series 5000 | N/A | Mental Health Plan for Student Athletes - CIAC/CSDE Plan |
| Series 5000 | N/A | Pledge of Allegiance |
| Series 5000 | N/A | Student Privacy (PPRA) |
| Series 5000 | N/A | Student Work Release - Policy Developed by Chief Workforce Officer and CSDE |
| Series 5000 | N/A | Transportation |
| Series 5000 | N/A | Wellness |

| COLOR KEY | |
|---|---|
| | **Board policies that have a corresponding related S&G policy.** |
| | **Board policies that do not appear to have a corresponding related S&G policy.** |
| | **S&G policies that do not appear to have a corresponding related Board policy.** |
| | **S&G Series 5000 policies that appear in a different Board series** |

**Students**

**Student Personnel**

The public schools are focused on each student's educational development. The school district goals and objectives for student learning are central concerns of the Board of Education's policies and the Superintendent's administrative regulations.

Each child shall be given equal opportunity, as nearly equal to those of each other child as possible. Since children vary widely in capacities, interests, social and economic background, no two can be treated exactly alike if the fullest development of each is to be achieved.

The Board of Education will attempt to erase any limitations of facilities and means that stand in the way of the school's availability to those enrolled in its educational program.

Discrimination among students applying for admission to or attending our schools with respect to race, color, religious creed, age, marital status, national origin, sex, sexual orientation or disabilities is prohibited.

Legal Reference: Connecticut General Statutes

10-15 Towns to maintain schools

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

10-184 Duties of parents (re mandatory schooling of children seven years of age and over and under sixteen.

10-186 Duties of local and regional boards of education re school attendance. Hearings. Appeals to state board. Establishment of hearing board.

10-226a Pupils of racial minorities

Title IX of the Education Amendments of 1972

Section 504, U.S. Rehabilitation Act 1973

**Policy adopted: June 16, 2005**

**Students**

**Foreign Exchange Students**

The Board encourages international studies. To that end, it allows foreign exchange students on one year J-I visas, who are residing with families in New Fairfield to enroll on a non-tuition basis in the local schools. Students who apply must not have the equivalent of a high school diploma from a foreign school system. Students who are accepted and placed in grade 12 will only receive a Certificate of Attendance. Further, they must meet those criteria established by the administration in the areas of language competency, residency, and deportment. Only foreign exchange students sponsored by organizations screened by the administration will be accepted. The Principal will have ultimate discretion regarding the admission of foreign exchange students.

Students entering the United States on F-I visas, may enter the local school system, only upon payment of the full, unsubsidized public education costs before entering the United States. Further, students on F-I visas may remain in the United States for no more than twelve (12) months. The local district is prohibited by law, from waiving the tuition fee of students on F-I visas.

The Board of Education has ultimate authority over students with F-1 visas.

Exchange students must comply with immunization requirements set forth in state law. Once admitted, exchange students become subject to all District policies and regulations governing students.

Exchange students will be encouraged to participate in all student activities and will be eligible to participate in interscholastic athletics, provided academic requirements and Connecticut Interscholastic Athletic Conference (CIAC) criteria are met.

Legal Reference: Illegal Immigration Reform and Immigration Responsibility Act of 1996

Connecticut General Statutes

10-27 International studies, exchange programs. Advisory committee. (amended by PA 04-153, An Act Encouraging International Students Programs)

**Policy adopted: February 7, 2002**

**Policy revised: June 16, 2005**

**Students**

**Foreign Exchange Students**

In order for a foreign exchange student to be eligible for enrollment in the New Fairfield Public Schools, the following criteria must be met:

A. The student may not be a graduate of the school system in the country in which he/she is a native.

B. The student must be sufficiently fluent in English so that he/she would not require any special services such as ESL.

C. The application for admission must be reviewed by the appropriate school administrator before July 1 of the school year for which the student wishes to enroll.

D. The school must have room for the student and be able to accommodate him/her without incurring additional costs or burden.

E. The student may not be enrolled more than one year.

F. The student is not eligible to receive a diploma but can receive a Certificate of Attendance.

G. The student may be eligible to play sports if he/she meets the CIAC criteria.

H. If the student is not participating in and attending the school program or is disruptive to the smooth and efficient operation of the school, the student may be disenrolled.

I. This program is designed for foreign students who enter the country on one-year J-I visas through established exchange programs such as Youth for Understanding, American Field Service and Rotary.

Note: Students entering the United States on F-I visas may attend schools in the district only upon full payment of tuition before entering the United States. This tuition fee may not be waived due to federal legislation.

**Regulation approved: February 7, 2002**

**Regulation reapproved: June 16, 2005**

**Students**

**Examination/Grading/Rating**

The Board of Education seeks, through performance objectives in its instructional program, to make achievement both recognizable and possible for students.

The issuance of grades on a regular basis serves to promote a process of continuous evaluation of student performance, to inform the student, the student's parents and counselor of his/her progress, and to provide a basis for bringing about change in student performance, if such change seems necessary.

Students enrolled in grades 3 through 8 inclusive and grade ~~10 or~~ 11 shall annually, take a mastery examination in reading, language arts and mathematics, during any month of the school year. Each student enrolled in grade 5, 8, ~~10~~ or 11 shall annually, in March or April, take a state-wide mastery examination in science. ~~Achievement of a satisfactory score on the mastery test shall not be required as the sole criterion for promotion or graduation~~. The State Board of Education shall approve the provision and administration of all mastery examinations.

Students with significant cognitive disabilities in grades 3 through 8 and 11 shall be assessed with the Connecticut Alternate Assessment.

(cf. 6146 - Graduation Requirements)

(cf. 6146.2 - Statewide Proficiency/Mastery Examinations)

(cf. 6180 - Evaluation of the Instructional Program)

Legal Reference: Connecticut General Statutes

10-14n State-wide mastery examination (as amended by PA 13-207 and Section 115 of PA 14-217)

10-14q Exceptions. (Students to whom provisions do not apply.)

10-221a High school graduation requirements.

**Policy adopted: April 21, 2015**

NEW FAIRFIELD PUBLIC SCHOOLS

New Fairfield, Connecticut

**Students**

**Conduct**

**Video Cameras on School Buses**

The Board of Education recognizes the need to maintain appropriate conduct on school buses. Accordingly, the Board of Education authorizes the installation of video cameras on school buses as an aid in monitoring student behavior. These cameras produce both video and audio coverage that will be used to assist school administrators in deciding upon appropriate disciplinary action.

Legal Reference: Connecticut General Statutes

10-221 Boards of Education to prescribe rules

Title I - Amendments to the Individuals with Disabilities Act. (PL 105-17)
Family Education Rights and Privacy Act.

**Policy adopted: December 4, 2008**

**Students**

**Co-curricular Policy Concerning Drug & Alcohol Use by Students**

**Purpose**

This policy is established for the purpose of setting forth the Board of Education's support of State and Federal law and regulation governing the possession and use of illicit drugs and alcohol by students. Further, to set forth the Board of Education's expectations in the event such use or possession occurs on and off school property, at a school-sponsored activity or event, or in any way related to the conduct of program and activities of the students involved in co-curricular activities. Co-curricular activities means activities sponsored by local or regional Boards of Education that occur outside of the school day, are not part of the educational program, and do not meet the definition of before- and after-school programs and school readiness programs (including athletics).

**Philosophy**

Recognizing the potential of each student and that drug or alcohol abuse and dependency can seriously impair a student's ability to learn, it is the policy of the schools to take positive actions to prevent drug and alcohol abuse.

The Board of Education believes that involvement in co-curricular activities, including athletics, is essential to the development of well-rounded students. However, participation in co-curricular activities and athletics is a privilege and not a right. The purpose of this policy is to ensure that any student who represents the district demonstrates the characteristics of a good citizen of both the school and the community. Students participating in co-curricular activities and athletics are expected to demonstrate responsible behavior and high ethical standards at all times. Negative or inappropriate behavior by participants during the school year, during out of school periods and during non-school hours can affect the community's and other students' perception of the integrity of an athletic or co-curricular program, and of the standards established by the Board for all students. Consequently, participants in co-curricular activities shall be subject to ~~PROGRESSIVE~~ progressive sanctions, up to and including dismissal from participation in co-curricular activities for negative or inappropriate behavior, at any time during the school year.

**CIAC and Co-curricular Activities**

The policy and/or regulations apply to all CIAC activities sponsored by New Fairfield Public Schools and participation in them is a privilege and not a right. The policy and/or regulations address alcohol, stimulants, street drugs (including but not limited to marijuana, heroin, and cocaine), tobacco products, inhalants and inappropriate use of prescription medications. The policy addresses anabolic steroids, hormones and analogues, diuretics, and other performance enhancing substances. This policy includes, but is not limited to substances defined by the penal

code of the State of Connecticut. The CIAC may impose sanctions beyond those applied by New Fairfield Public Schools for use of these substances by athletes.

**Policy Expectations for Co-curricular Participants Off School Property**

Medical research substantiates that the use of alcohol and mood modifying substances produces harmful effects on the human body and will affect physical and mental performance. Students must not compromise their participation in co-curricular activities with substance abuse. Students who experiment with such substances jeopardize program morale, reputation and success, and they do physical harm to themselves and risk personal injury and harm to others during any activities. Students must make the commitment to refrain from the use of alcohol, drugs, and steroids as mandated by State law. Students are considered in violation of this policy if they use, possess, consume (including being under the influence of) and/or distribute, other than as prescribed by a physician for personal use, any controlled drug and/or intoxicant or steroid, whether during school, at any school activity, on school property, or at locations off school property.

**A. Chemical Usage by Students**

1. For a first offense, a student will be:

Subject to sanctions as decided by an appropriate 3-person panel that would include a school administrator, coach and athletic director, and/or club advisor as appropriate. The maximum sanction will be suspension for 20% of the activity/events/games in the season. A student given sanctions will be required to give up their leadership position or captaincy for that season.

2. For a second offense, in the same year or subsequent year(s), a student will be suspended from all sanctioned events and co-curricular activities for 90 calendar days (excluding summer vacation). After ten (10) days, the student may return to the activity or team for meetings or practices only. Referral to an outside agency for counseling may be made upon the discretion of school administration and mental health personnel. If the student volunteers to become part of an approved chemical dependency or treatment program (at no cost to the School District), the student may return to participation after a minimum of 45 days. This treatment must be certified in writing to the school administration by a doctor or counselor.

3. For any additional violation in the same year or subsequent year(s), a student will be suspended from all sanctioned events and co-curricular activities for 365 calendar days.

**B. Cigarette, Cigar and Smokeless Tobacco**

Students who use tobacco products, including but not limited to, cigarettes, cigars or smokeless tobacco, nicotine delivering devices, chemicals, or devices that produce the same flavor or physical effect of nicotine substances; will be in violation of school policy. This violation will be enforced whether during the school day, at a school activity, on school property.

1. For a first offense, a student will be:

Suspended from all sanctioned events and co-curricular activities for one (1) scheduled event of the season or 10% of the activity/events/games in the season, whichever is lesser. Every effort will be made to treat all co-curricular activities equitably. The suspended student may return to the team or activity for practices or meetings only. The student will be reinstated for competition/activity after the one (1) event or 10% of the activity/event/game was missed, once all the requirements have been met. This suspension will be completed during an activities' season. If there is not sufficient time remaining in that season to complete the suspension, it will be carried over to the next co-curricular activity or interscholastic sport season in which that student participates.

The student must meet with the assistant principal and with the Athletic Director/Student Activities Director, coach or activity advisor, after which, the student will be reinstated to the co-curricular activity or team.

2. For each additional offense, in the same year or subsequent year(s), a student will be suspended from all sanctioned events and co-curricular activities for 30 calendar days (excluding summer vacation).

**C. Self-Referral**

If the student were to self-refer to ~~the Student Assistance Counselor~~ their school counselor or to a staff member prior to being involved in an incident, there would be no sanction imposed on the student at that time. Continued participation in co-curricular activities or athletics would be based on an evaluation/recommendation submitted to the advisor/head coach and building administration. The School District is committed to doing all it can to assist students who have self-referred. Self-referral is defined as a student approaching a counselor or staff member independently without provocation and confiding in them the substances with which they are having a problem.

**D. School Year Expectations**

This substance use policy is in effect on and off the field, in and out of uniform, for all students involved in co-curricular activities. The reason: We care about the welfare of our students. We also expect a commitment from students if they want to be involved in afterschool activities.

**E. Images**

An identifiable image, photo, or video which implicates a student to have been in possession or in the presence of alcohol and/or drugs, or portrays actual use, or crime, may be considered as one piece of evidence to confirm a violation of policy 5131.6 and policy 5131.61. The Board recognizes that images can be altered, not accurately portray a complete picture of the events, and further, that establishing a timeframe of when the image originated can be difficult to determine. Because of this, caution and discretion must be used when images are considered evidence. However, students must also

understand how images can be used to implicate them in breaking the code of conduct and take every precaution not to place themselves in such an environment.

**F. Education and Enforcement**

New Fairfield Public Schools shall provide substance abuse prevention and intervention educational programs for its student athletes and co-curricular activity participants. The Athletic Director & Assistant Principal shall require all student athletes and co-curricular participants to attend a session that outlines substance abuse preventions and details intervention programs available to district youth, such programs to occur prior to the beginning of each sport season/activity. The school principal, working in conjunction with the Athletic Director, will be responsible for the administration, enforcement, and monitoring of this policy and regulations.

**G. Annual Contract**

All students in grades ~~6~~ 9 through 12 and their parent(s)/guardian(s) will, at the start of each school year or upon registering as a new student, review and sign a contract pledging to avoid the use of any controlled substances, illegal drugs, alcohol, or tobacco. No student will be allowed to participate in co-curricular activities including athletics, and other after-school activities, unless such a signed contract is on file with the school for the current year.

To ensure that all co-curricular participants and their parents are fully apprised of this policy and regulations, they will be given a copy of the policy and regulations and be required to sign that they will abide by the contents. The policy and regulations will also be published as part of the District Athletic Handbook and posted on the district website.

Legal Reference: Connecticut General Statutes

1-21b Smoking prohibited in certain places

10-220b Policy statement on drugs

21a-240 Definition of Dependency Producing Drugs

21a-240 sub 8 Definition of controlled drugs and dependency producing Drugs

21a-240 sub 9 Definition of controlled substances

10-221d Board of Education to prescribe rules, policies and procedures involving sale or possession of alcohol and controlled substances

10-19 Teaching about alcohol, nicotine or tobacco, drugs and AIDS.

Training of Personnel

10-154a Professional communications between teacher or nurse and student. Surrender of physical evidence obtained from students.

53-198 Smoking in motor buses, railroad cars and school buses

Federal Regulations:

34 CFR Part 85 Drug Free Schools Act

20 U.S. C Sect 7181 et.seq. NCLB Act

Supreme Court Rulings:

NJ v. TLO 469 U.S. 325 (1985)

Veronia S.D. 47J v. Acton, 515 U.S. 646 (1995)

Board of Education of Independent S.D. #92 of Pottawatomie v. Earls 01- 332 U.S. (2002)

**Policy adopted: November 17, 2011**

**Policy revised: March 6, 2014**

NEW FAIRFIELD PUBLIC SCHOOLS

New Fairfield, Connecticut

**5131.61 Form**

## Contract for Participants in Co-curricular Activities

***Acknowledgement of Policy 5131.61***

**Co-curricular Policy Concerning Drug & Alcohol Use by Students**

I/We acknowledge that participation in any interscholastic athletic team, co-curricular club or activity is a privilege and not a right.

I/We have read policy 5131.61 and understand the possible consequences that may result from infraction of these rules.

Student's Name _____

*(Please print)*

Student's Signature _____ Date _____

Parent's/Guardian's Name _____

*(Please print)*

Parent's/Guardian's Signature _____ Date _____

**Students**

**Alcohol, Drugs and Tobacco**

**Steroid Use**

The Board of Education prohibits the use of anabolic steroids and Human Growth Hormone (HGH) by students involved in school-related athletics, except for a valid medical purpose. Body building and muscle enhancement of athletic ability are not considered as valid medical purposes.

Students shall be made aware of the dangers of steroid use and that their use, unauthorized possession, purchase, or sale could subject them to disciplinary action.

The following minimum penalties are prescribed for any student athlete found in violation of the prohibited use of anabolic steroids:

1. **First Violation:** Suspension from school athletics for the remainder of the season.

2. **Second Violation:** Suspension from school athletics for the remainder of the season and for the following season.

3. **Third Violation**: Permanent suspension from school athletics.

No student shall be eligible to resume participation in school athletics unless a medical determination has been submitted, verifying that no residual evidence of steroids exists.

(cf. 5131.6 - Alcohol, Drugs and Tobacco)

(cf. 6164.11 - Drugs, Tobacco, Alcohol-Instruction)

Legal Reference: Connecticut General Statutes

10-16b Prescribed courses of study.

10-221(d) Boards of education to prescribe rules.

21 U.S.C. 812 Controlled Substance Act

**Policy adopted: March 6, 2008**

# Students

## Suspension and Expulsion/Due Process/Referral to the Police

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

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

### A. Definitions

1. **"Exclusion"** shall be defined as any denial of public school privileges to a student for disciplinary purposes.
2. **"Removal"** shall be defined as an exclusion from a classroom for all or a part of single class period, provided such exclusion shall not extend beyond ninety (90) minutes.
3. **"In-School Suspension"** shall be defined as an exclusion from regular classroom activity for no more than ten consecutive school days, but not exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed. Such suspensions may be served in any school building under the jurisdiction of the Board of Education.
4. **"Suspension"** shall be defined as an exclusion from school privileges or from transportation services for no more than ten (10) consecutive school days, provided such exclusion shall not extend beyond the end of the school year in which such suspension was imposed. All suspensions shall be in-school suspensions unless the administration determines for any student in grades three through twelve, inclusive, that the student being suspended poses such a danger to persons or property or such a disruption of the educational process that the student (grades three to twelve, inclusive) shall be excluded from school during the period of suspension.

   A student in grades preschool to two, inclusive, may be given an out-of-school suspension if it is determined by the administration that such suspension is appropriate based on evidence that the student's conduct on school grounds is of a violent or sexual nature that endangers persons. A person's duty as a mandated reporter to report suspected child abuse or neglect is not limited by this provision.

# Students

## Suspension and Expulsion/Due Process/Referral to the Police

**Definitions** (continued)

5. **"Expulsion"** shall be defined as an exclusion from school privileges for any student in grades three to twelve, inclusive, for more than ten (10) consecutive school days and shall be deemed to include but not be limited to, exclusion from the school to which such student was assigned at the time such disciplinary action was taken, provided that assignment to a regular classroom program in a different school in the district shall not constitute a suspension or an expulsion. Such period of exclusion may extend to the school year following the school year in which the exclusion was imposed, up to one calendar year. To be expelled, the student's conduct must be found to be both violative of a Board policy and either seriously disruptive of the educational process or endangering persons or property.
6. **"Emergency"** shall be defined as a situation under which the continued presence of the student in the school imposes such a danger to persons or property or such a disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of such student as possible.
7. **"Days"** is defined as days when school is in session.
8. **"School-sponsored activity"** is defined as any activity sponsored, recognized or authorized by the Board of Education and includes activities conducted on or off school property.
9. **"Possess"** means to have physical possession or otherwise to exercise dominion or control over tangible property.
10. **"Deadly weapon"** means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles.
11. **"Firearm"** means 1) any weapon (including a starter gun) which will or is designed to or readily be converted to expel a projectile by the action of an explosive; 2) the frame or receiver of any such weapon; 3) any firearm muffler or firearm silencer; or 4) any destructive device. For purposes of this definition "destructive device" means any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than 4 ounces, missile having an explosive or incendiary charge of more than ¼ ounce, mine, or device similar to any of the weapons described herein.
12. **"Vehicle"** means a "motor vehicle" as defined in Section 14-1 of the Connecticut General Statutes, snow mobile, any aircraft, or any vessel equipped for propulsion by mechanical means or sail.
13. **"Martial arts weapon"** means a nunchakum kama, kasari-fundo, octagon sai, tonfa or chinese star.
14. **"Dangerous Drugs and Narcotics"** is defined as any controlled drug in accordance with Connecticut General Statutes §21a-240, including marijuana or any other cannabis type substance as well as designer drugs, look-a-like drugs, or household chemicals that are used in a mood altering manner.

# Students

## Suspension and Expulsion/Due Process/Referral to the Police

**Definitions** (continued)

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

### B. Removal From Class

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

### C. Exclusion from Co-Curricular and Extra-Curricular Activities

Participation in co-curricular and extra-curricular activities is a privilege and not an entitlement. Students involved in such programs are expected to follow all school rules and demonstrate good citizenship. Failure to do so may result in partial or complete exclusion from said activities and programs. Activities include, but are not limited to, athletic programs, musical or drama productions, clubs, field trips, and school trips out-of-state and abroad.

### D. Suspension and Expulsion

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

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

# Students

## Suspension and Expulsion/Due Process/Referral to the Police

**D. Suspension and Expulsion** (continued)

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

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

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

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

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

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

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

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

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

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

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

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

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

# Students

## Suspension and Expulsion/Due Process/Referral to the Police

**D. Suspension and Expulsion** (continued)

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

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

q. Repeated unauthorized absence from or tardiness to school;

r. Incitement of truancy by other students;

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

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

u. Violation of any federal or state law which would indicate that the violator presents a danger to any person in the school community or to school property;

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

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

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

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

z. Use of tobacco products on school grounds.

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

**E. Suspension/Expulsion for Conduct Off School Grounds**

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

# Students

## Suspension and Expulsion/Due Process/Referral to the Police

**E. Suspension for Conduct Off School Grounds** (continued)

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

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

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

**F. Mandatory Expulsion**

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

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

# Students

## Suspension and Expulsion/Due Process/Referral to the Police

**F. Mandatory Expulsion** (continued)

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

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

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

**G. Suspension Procedure**

1. The administration of each school shall have the authority to invoke suspension for a period of up to ten days or to invoke in-school suspension for a period of up to ten school days of any student for violations of school policies including, but not limited to, paragraph D, above, in accordance with the procedure outlined in this paragraph. The administration shall also have the authority to suspend a student from transportation services whose conduct while awaiting or receiving transportation violates the standards set forth in paragraph D, above. The administration shall have the authority to immediately suspend from school any student when an emergency exists as that term is defined in paragraph A, above.

   The administration is expected to consider the guidelines developed and promulgated by the Commissioner of Education to help determine whether a student should receive an in-school or out-of-school suspension.

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

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

# Students

## Suspension and Expulsion/Due Process/Referral to the Police

**G. Suspension Procedure** (continued)

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

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

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

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

**H. Expulsion Procedures**

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

# Students

## Suspension and Expulsion/Due Process/Referral to the Police

**H. Expulsion Procedures** (continued)

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

3. Three members of the Board of Education shall constitute a quorum for an expulsion hearing. A student may be expelled if a majority of the Board members sitting in the expulsion hearing vote to expel and provided at least three affirmative votes for expulsion are cast.

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

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

   a. Notice prior to the date of the proposed hearing shall include a statement of the time, place and nature of the hearing; a statement of the legal jurisdiction under which the hearing is to be held, and a statement that students under sixteen years old who are expelled and students between sixteen and eighteen who have been expelled for the first or second time and who comply with conditions set by the Board of Education, must be offered an alternative educational opportunity;

# Students

**Suspension and Expulsion/Due Process/Referral to the Police**

**H. Expulsion Procedures** (continued)

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

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

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

e. The opportunity to cross-examine adverse witnesses;

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

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

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

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

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

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

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

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

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

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

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

# Students

**Suspension and Expulsion/Due Process/Referral to the Police**

**H. Expulsion Procedures** (continued)

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

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

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

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

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

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

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

8. For any student expelled for the first time and who has never been suspended, the Board of Education may shorten the length of or waive the expulsion period if the student successfully completes a Board specified program and meets any other conditions required by the Board. Such a Board specified program shall not require the student or the parent/guardian of such student to pay for participation in the program.

# Students

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

## I. Notification

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

## J. Students with Disabilities

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

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

# Students

## Suspension and Expulsion/Due Process/Referral to the Police

**J. Students with Disabilities** (continued)

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

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

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

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

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

# Students

## Suspension and Expulsion/Due Process/Referral to the Police

**J. Students with Disabilities** (continued)

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

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

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

# Students

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

## K. Alternative Educational Opportunity

The Board of Education recognizes its obligation to offer any student under the age of sixteen (16) who is expelled an alternative educational opportunity which shall be equivalent to alternative education, as defined, with an individualized learning plan, during the period of expulsion. Any parent or guardian of such student who does not choose to have his or her child enrolled in an alternative educational program shall not be subject to the provision of Section 10-184 of the Connecticut General Statutes. Any expelled student who is between the ages of sixteen (16) and eighteen (18) not previously expelled and who wishes to continue his or her education shall be offered such an alternative educational opportunity if he or she complies with conditions established by the Board of Education. Such alternative educational opportunity may include, but shall not be limited to, the assignment of a student (who is seventeen (17) years of age or older) to an adult education program or placement of such student in a regular classroom program of a school other than the one from which the student has been excluded. Any student participating in an adult education program during a period of expulsion shall not be required to withdraw from school under C.G.S. 10-184. In determining the nature of the alternative education opportunity to be offered under this Section, the Board of Education may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, suspension, or expulsion.

The Board of Education is not obligated to provide such alternative educational opportunity to any student eighteen years of age or older. The Board of Education is also required to offer such alternative educational opportunity as defined to any student between the ages of sixteen and eighteen who is expelled because of conduct which endangers person, and involved the following, on school grounds or at a school-sponsored event: 1) Possession of a firearm, deadly weapon, dangerous instrument or martial arts weapon. If the Board expels a student for the sale or distribution of such a controlled substance, the Board shall refer the student to an appropriate state or local agency for rehabilitation, intervention or job training, or any combination thereof, and inform the agency of its action. If a student is expelled for possession of a firearm, deadly weapon, dangerous instruments (those that can be used to cause death or serious injury) or martial arts weapons the Board shall report the violation to the local police department.

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

# Students

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

## L. Other Considerations

1. If a student is expelled, notice of the expulsion and the conduct for which the student was expelled shall be included on the student's cumulative educational record. Such notice shall be expunged from the cumulative educational record by the Board if the student graduates from high school.

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

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

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

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

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

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

# Students

## Suspension and Expulsion/Due Process/Referral to the Police

**L. Other Considerations** (continued)

9. Any student who commits an expellable offense and is subsequently committed to a juvenile detention center, The Connecticut Juvenile Training School or any other residential placement for such offense may be expelled by the local board of education. The period of expulsion shall run concurrently with the period of commitment to a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement.

## Readmission of Student from a Residential Placement

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

Legal Reference: Connecticut General Statutes

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

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

53a-3 Definitions.

53a-217b Possession of Firearms and Deadly Weapons on School Grounds.

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

PA 15-96 An Act Prohibiting Out-of-School Suspensions and Expulsions for Students in Preschool and Grades Kindergarten to Two.

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

18 U.S.C. 921 Definitions.

# Students

## Suspension and Expulsion/Due Process/Referral to the Police

Legal Reference: Connecticut General Statutes (continued)

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

Sec. 314 (Local Control Over Violence)

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

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

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

19a-342 Smoking prohibited in certain places.

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

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

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

NEW FAIRFIELD PUBLIC SCHOOLS
New Fairfield, Connecticut

# Provision of an Alternative Educational Opportunity for Eligible Expelled Students

The following procedures shall be followed, in concert with policy #5114 by District personnel pertaining to the required provision of an alternative educational opportunity for expelled students eligible for such program.

## Options for Alternative Educational Opportunity

The District shall provide an alternative educational opportunity for eligible expelled students by:

1. Providing the student with an alternative educational opportunity in accordance with the State Board of Education (SBOE) adopted standards, including through an alternative education program offered by another school district or operator.

## State Department of Education (SDE) Positions to Consider

1. In order to properly implement the provision of an alternative educational opportunity to expelled students, the District must comply with the SBOE adopted (1/3/18) Standards.
2. SDE "expects that, in most cases, school districts will determine that enrollment in an alternative education program…is the appropriate alternative educational opportunity" for an expelled student. Such an alternative education program could be operated by the local district or another provider.
3. There may be "unusual cases" where placement in an alternative education program may not be appropriate or available.
4. The alternative educational opportunity must be "full-time" and "comprehensive," and such opportunity for learning is comparable to a regular school setting.
5. Assignment to homebound instruction will not satisfy the "Guiding Principles" of the Standards.

## Requirements of Standards for Alternative Educational Opportunities for Students Who Have Been Expelled

### Guiding Principles

Consistent with the *Guidelines for Alternative Education Settings*, these standards are grounded in the conviction that alternative educational opportunities for students who have been expelled should exhibit the following characteristics:

- whole student approach that addresses the personal, social, emotional, intellectual, work skills, safety, and security needs of all students in addition to academic content (including the Connecticut Core Standards);
- full time, comprehensive experience, where the learning is comparable to what the student would experience in a regular school environment;

- instruction that is based on a curriculum aligned to the Connecticut Core Standards unless modified as indicated by goals and objectives of an Individualized Education Program (IEP);
- high expectations that are consistent with LEA goals and Connecticut state standards including the belief that all students are capable and can be successful regardless of their discipline history; and
- research/evidence-based practices with student success in mind including the engagement of parents/guardians and families as well as community partners, as appropriate.

These principles are unlikely to be satisfied by assignment to homebound instruction.

**Requirements of Standards for Alternative Educational Opportunities for Students Who Have Been Expelled**

The SBOE adopted Standards for Alternative Educational Opportunities require the District to:

1. Provide a full time, comprehensive alternative educational opportunity, with a focus on an opportunity for learning that is comparable to those in a regular school setting.
2. Notify parents/students at the time of expulsion of the right to apply for early readmission, which can be granted at the discretion of the Board of Education or the Superintendent, if the Board delegates this authority to the Superintendent (C.G.S. 10-233(j)).
3. Meet with parents/guardians prior to placement to provide information about potential alternative educational opportunities and a placement meeting to finalize such placement.
4. Consult with relevant school personnel knowledgeable about the student's academic, social and behavioral history to help in the determination of an appropriate alternative educational opportunity.
5. Involve the PPT for expelled special education students who are determined to have educational programming and placement during the period of expulsion in accordance with the Individuals with Disabilities Act (IDEA).
6. Develop an Individualized Learning Plan (ILP) to address:
    - Information pertaining to the student's academic and behavioral needs and appropriate academic and behavioral goals and interventions including the core classes and current placement or progress in the curriculum of those classes at the time of expulsion.
    - Benchmarks to measure progress towards the goals and progress towards graduation.
    - Reviewing the student's progress and communicating that progress to parent/guardian or student.
    - Transfer of records to/from the alternative educational provider and the school from which the student was expelled.
    - Language pertaining to the possibility of early readmission to the school from which the student was expelled.

7. Monitor progress of student performance and placement.
8. Adopt procedures to address a student's transition from an alternate educational opportunity to the student's regular school.

**Procedural Steps to be taken by District following the Expulsion of a Student to Provide the Required Alternative Educational Opportunity**

The Superintendent or his/her designee is responsible for the fulfillment of the following:

1. Determine the eligibility of the expelled student for an alternative education opportunity.

    a. The student is under the age of sixteen (16) and must be offered an alternative educational opportunity.

    b. The student is between the ages of sixteen (16) and eighteen (18) and has not been previously expelled more than once and wishes to continue his or her education shall be offered such an alternative educational opportunity.

    c. The student is eighteen years of age or older and the Board of Education is not obligated to provide an alternative educational opportunity.

    d. Other considerations:

        i. Any parent/guardian of an expelled student who does not choose to have his or her child enrolled in an alternative educational opportunity shall not be subject to the provision of Section 10-184 of the Connecticut General Statutes regarding school attendance.

        ii. A student seventeen (17) years of age or older may be assigned to an adult education program and not be required to withdraw from school per C.G.S. 10-184.

        iii. The student may be placed in a regular classroom program of a school other than the one from which the student has been excluded.

        iv. A student expelled for the sale or distribution of a controlled substance, shall be referred to an appropriate state or local agency for rehabilitation, intervention or job training, or any combination thereof.

        v. A student expelled for possession of a firearm, deadly weapon, dangerous instruments (those that can be used to cause death or serious injury) or martial arts weapons shall be reported to the local police department.

        vi. An expelled special education student's alternative educational opportunity shall be established by the IEP team (PPT).

2. Determine the appropriate option for the alternative educational opportunity option to be offered to the expelled student.

    a. Enroll the student in an alternative education program operated by the District which is compliant with requirements for such programs, (hours, length of school year and number of hours) with an individualized learning plan IF the district provides such alternative education.

b. Provide the student with an alternative educational opportunity in accordance with the SBOE adopted standards, including through an alternative education program offered by another school district or operator. (A standard program for its alternative educational opportunity providing such program meets the other requirements of the Standards, including the individualized learning plan.)

3. Consult with relevant school personnel knowledgeable about the student to obtain information regarding the student's academic, social and behavioral history that will help inform the decision concerning an appropriate alternative educational opportunity. The input shared by school personnel may be gathered via written reports.

4. Meet with the student's parent(s)/guardian(s) prior to placement to provide information concerning the potentially appropriate alternative educational opportunities for the student.

5. Hold a placement meeting after parents/guardians have been informed of the appropriate alternative placements and the appropriate school personnel have shared information regarding the student.

   a. Explore all alternative educational opportunities at this meeting.

   b. The placement decision should be made at this meeting.

   c. Other considerations:

      i. Parents/students, at the time of expulsion, should be informed of the right to apply for early readmission, which can be granted at the discretion of the Board of Education or Superintendent.

      ii. Any criteria for early readmission to the school from which the student has been expelled should be recorded in the Individualized Learning Plan (ILP).

6. Development of an Individualized Learning Plan (ILP) to inform and direct the student's learning goals and activities for the duration of the expulsion.

   a. After placement in the alternative education opportunity, an ILP must be developed to govern the student's programming during period of the expulsion.

   b. Develop the ILP through collaboration among school personnel, the student and the parent/guardian.

   c. Reference student records with information relevant to the alternative educational opportunity.

   d. The student's ILP is to contain:

      i. The student's academic and behavioral needs and appropriate academic and behavioral goals and interventions;

      ii. The student's core classes at the time of expulsion;

      iii. The student's current placement or progress in the curriculum of those classes so that the student has an opportunity to continue to progress in the LEA's academic program and earn graduation credits, if applicable;

iv. Benchmarks to measure progress towards the goals and ultimately, progress towards graduation;

v. Timing and method for reviewing the student's progress and for communicating that progress to the parent/guardian or student;

- The progress monitoring of student performance and placement must be done and documented at least once per marking period, including a review of the ILP and the making of any necessary adjustments.

vi. Such progress to be communicated to the parent/guardian and/or student with the same frequency as similar progress for students in the regular school environment is reported and communicated to parents/guardians or students;

vii. Provision for the timely transfer of the student's records both from the student's school to the alternative educational opportunity provider, and also from the alternative educational opportunity provider to the student's school; and

viii. The possibility of early readmission to the school from which the student was expelled and the early readmission criteria.

ix. A process for transition planning based upon the following considerations:

- Efforts to readmit students at semester start points at the high school level to facilitate re-entry;
- A plan to transfer the student's credits and record back to the school from which the student was expelled;
- The student's needs for academic and other supports upon return to the home school environment; and
- Efforts to connect returning students with opportunities to participate in extracurricular activities to support student engagement and general health and development.

7. If a determination is made that placement in the current alternative educational opportunity is no longer beneficial to an expelled student but it is also inappropriate to have the student return to the school from which the student was expelled, a plan for different alternative educational opportunities should be developed, following the procedure outlined above.

8. Students who have a student success plan as mandated by state law, such plan may inform the ILP but does not replace the ILP.

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