

## **Policy Committee**

Tuesday, August 28, 2018 5:00 PM

L.P. Wilson Community Center, Room 17, 601 Matianuck Avenue, Windsor, CT  
06095

1. **Call to Order, Pledge to the Flag and Moment of Silence**
2. **Audience to Visitors**
3. **Continue discussion on revised P/AR 3541 Transportation**
4. **Review revised P 5114 Student Discipline**
5. **Discussion on concussion management**
6. **Adjournment**

## **Rational for Revised Policy and Administrative Regulation**

### **P/AR 3541 Transportation**

Policy and administrative regulation 3541 Transportation has been revised to align with current operational practices in providing transportation services for Windsor Public Schools' students.

**Section: Business/Non-Instructional Operations**

**Subject: TRANSPORTATION**

**P-3541**

**BOARD OF EDUCATION POLICY  
WINDSOR PUBLIC SCHOOLS  
WINDSOR, CT**

~~The Windsor Board of Education will provide a safe, adequate, efficient and economical transportation service for all students of the Windsor Public Schools, consistent with applicable federal and state statutes. (Including Federal No Child Left Behind Act)~~

The Windsor Board of Education will provide transportation for students under provisions of state law and regulations. In determining the provision of transportation, the superintendent of schools shall consider the guidelines contained in this policy and shall administer the operation so as to:

1. provide for the safety of students, including consideration of hazardous conditions whether or not described in this policy;
2. provide for appropriate supervision for students while on school transportation, consistent with the Board's student discipline policy; and
3. assist disabled students by providing appropriate specialized transportation when required by law.

~~Transportation is safe when:~~

- ~~• the bus company provides properly maintained and inspected buses,~~
- ~~• the bus company carefully selects and adequately trains bus drivers,~~
- ~~• the schools and bus drivers carefully regulate and supervise student conduct,~~
- ~~• the number of passengers conforms to the manufacturer's maximum seating capacity for a school bus, and~~
- ~~• every passenger is able to sit within the confines of a bus seat.~~

~~Transportation is adequate when:~~

- ~~• students do not have to spend an excessive amount of time on a bus traveling to or from school. Climatic, traffic or other conditions may affect the actual time a student spends on a bus.~~

~~Transportation is efficient when:~~

- ~~• bus schedules are precise and regular.~~

~~Transportation is economical when:~~

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~~• the Board of Education keeps operating expenses at the minimum necessary to provide a safe, adequate and efficient transportation service.~~

**Goal**

~~The Windsor Board of Education seeks to achieve a reasonable travel time on a bus, to or from school, for all students.~~

**Definitions of terms used in this policy:**

- A. "School transportation" means the procedure, program, or plan by which students are transported to and from school from their residence or bus stop at public expense, whether by use of publicly owned equipment or by contract. Such transportation shall be over public roads approved by the Town. Transportation may be provided over private roads in accordance with Section 10-220c, of the Connecticut General Statutes.
- B. "Walking distance" means the linear measure of a prescribed or authorized pedestrian route between the student's residence and school from:
1. a point at the curb or edge of a public or private road nearest the student's residence to a point at the entrance of the school, or a
  2. a safe entrance to the school grounds located within 100 feet of the school building entrance or the bus pick-up area, or
  3. the route from the point on the public thoroughfare nearest the residence to the school bus stop or vehicle embarkation point established by the Board of Education or school administration.
- C. For cul-de-sacs the walking distance shall be defined as the most direct route from the entrance to the school as defined above to the intersection of the cul-de-sac and the crossing thoroughfare most proximate to the school.

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- D. "One mile walking distance" means a reasonable measurement of a route to be traversed extending from the point of measurement at least 5,280 feet, but not more than 5,380 feet.
- E. "Grade K" means kindergarten, or a school program appropriate to a beginning student.
- F. "Hazard" means a possible source of peril, danger, duress, or difficulty affecting the safety
- G. "Sidewalk" means a portion of the landscaped right of way, usually parallel to the traffic lanes which may be paved or unpaved, distinguished by some elevation above the street pavement level, marked by curbing, drainage ditch, grass area, fencing or any white line safety markings along the street pavement that cross entrances to business establishments.
- H. "Raised walk area" means a portion of the landscape right of way approximately three feet wide, usually parallel to the traffic lanes which may be paved or unpaved, distinguished by some elevation above the street pavement level and marked by curbing, drainage ditch, grass area or fencing; apart from and independent of any painted safety markings along the street pavement. "Student" means any individual of school age residing in Windsor enrolled in a public school or enrolled in a vocational technical, agricultural, or special education program.

~~H.I.~~ "Student" means any individual of school age residing in Windsor enrolled in a public school or enrolled in a vocational technical, agricultural, or special education program.

**General Responsibility**

It is the responsibility of the Windsor Board of Education to provide each child in grades kindergarten through twelve and up to age 21 as required through Planning and Placement Team (PPT) ~~over five (5) and under twenty one (21) years of age~~ who resides in Windsor and is not a graduate of high school or vocational school with safe transportation to and from school from their designated pick-up points and their schools. This responsibility is shared with parents and other agencies. Transportation will be provided from the bus stop nearest the child's legal residence only; transportation to or from an alternate location shall require the approval of the Superintendent of Schools.

The Motor Vehicle Department establishes rules and regulations on equipment and operation of

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buses and makes annual inspections.

The Director of Business Services or his/her designee shall establish bus routes and designated bus stops. Careful consideration will be had around town boundaries, routes, schedules, number of students at each stop, distances students are required to walk, the number of stops on the route, the total travel time for the route, and safety hazards as described in this policy.

Town government is responsible for town roads and local police are responsible for physical security and enforcement of traffic regulations.

Access to Bus Stops/Transportation

Parents and/or guardians are responsible for ensuring the safety of their children up until the point when students board the school bus or other school provided transportation, and after students get off the bus after school. This responsibility includes the selection of walking routes to/from any bus stop and/or the school building and the provision of supervision that is appropriate to the student's age, maturity and conditions along the walking route and/or at the bus stop at all times.

Given that bus pick up times may vary, the Board expects that parents and/or guardians will ensure that their children arrive at the bus stop in advance of any scheduled pick up time.

Kindergarten students will only be released from a bus if there is adult supervision or parent designee present. If adult supervision is not present, the student will be returned to the school.

**~~Busing~~, Walking Requirements and Hazardous Conditions**

- A. The maximum walking distances from home to school or to a designated bus stop are the following:
1. Students enrolled in grades ~~1~~ **K** through 5, one mile.
  2. Students enrolled in grades 6 through 12, one and one-half miles.

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~~3. Buses will be provided at mid-day for kindergarten students only from school to their home area (end of a.m. session) and from home area to school (beginning of p.m. session) along main residential streets. Provision for this service will not be construed to be door-to-door transportation.~~

Any walking route to either the bus stop or the school in excess of the above distances will be considered hazardous.

**Hazardous Conditions**

**The administration shall consider the following guidelines for hazardous conditions when making decisions regarding the transportation of children:**

- 1. A street or road having an adjacent or parallel sidewalk or raised walk area shall be deemed hazardous when any one of the following conditions exist:**
  - a) For pupils under age ten, or enrolled in grades K through 3:**
    - (i) the absence of a pedestrian crossing light or crossing guard where three or more streets intersect, and a pupil is expected to cross the street; OR**
    - (ii) street crossings where there are no stop signs or crossing guards and the traffic count during the time that pupils are walking to or from school exceeds sixty vehicles per hour at the intersection, and a pupil is expected to cross the street.**
  - b) For pupils over age ten, or enrolled in grades 4 through 12, the absence of a traffic light or stop signs or crossing guard at an intersection where three or more streets intersect which has a traffic count which exceeds ninety vehicles per hour during the time that pupils are walking to or from school, and such pupils are expected to cross the street;**
  - c) For all pupils:**
    - (i) any street, road, or highway with speed limits in excess of forty miles per hour which does not have pedestrian crossing lights or crossing**

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guards or other safety provisions at points where pupils must cross when going to or from school or the bus stop; OR

- (ii) the usual or frequent presence of any nuisance such as open man-holes, construction, snow plowed or piled on the walk area making walkways unusable, loading zones where delivery trucks are permitted to park on walkways, commercial entrances and exits where cars are crossing walking areas at speeds in excess of five miles per hour, and the like, including such nuisances which are hazardous or attractive to children.

2. Any street, road, or highway that has no sidewalks or raised walk areas shall be deemed hazardous if any one of the following conditions exist:

- a) For pupils under age ten, or enrolled in grade K through 3:
  - (i) any street, road, or highway possessing a traffic count of sixty or more vehicles per hour at the time that pupils are walking to or from school; OR
  - (ii) any street, road, or highway possessing a speed limit in excess of thirty miles per hour.
- b) For all pupils:
  - (i) the presence of man-made hazards including attractive nuisances, as stated in 1(c)(ii) above; OR
  - (ii) any roadway available to vehicles that does not have a minimum width of approximately twenty-two feet; OR
  - (iii) any roadway available to vehicles that, when plowed free of snow accumulations, does not have a minimum width of approximately twenty feet; OR
  - (iv) any street, road, or highway where the line-of-sight visibility together with posted speed limits do not permit vehicular braking/stopping in accordance with the Connecticut Drivers Manual or Department of Transportation, Division of Design Standard, or other reasonable standard.



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~~B. A street or road having an adjacent or parallel sidewalk shall be deemed hazardous when any one of the following conditions exists:~~

- ~~1. For students enrolled in Grades K through 3: the absence of a pedestrian crossing light or crossing guard at an intersection where students must cross a street that has a traffic count in excess of 60 vehicles per hour during the time that students are walking to or from school or a bus stop.~~
- ~~2. For students enrolled in grades 4 through 12: the absence of a traffic light, stop sign or crossing guard at an intersection that has a traffic count exceeding 90 vehicles per hour during the time when students are walking to or from school or a bus stop.~~
- ~~3. For all students: any street, road or highway with posted speed limits in excess of 40 miles per hour that does not have pedestrian crossing lights, crossing guards or other safety provisions at points where students must cross when going to or from school or a bus stop.~~
- ~~4. For all students: the usual or frequent presence of any nuisance such as open manholes, construction, snow plowed or piled on walkways, loading zones where delivery trucks which are permitted to park on walkways, commercial entrances and exits where cars are crossing walking areas at speeds in excess of five miles per hour, and any other nuisance that is hazardous or attractive to children.~~

~~C. Any walkway, path, or bridge in an area adjacent or parallel to railroad tracks shall be considered hazardous unless a suitable physical barrier along the entire pedestrian route is present and fixed between students and the track; and any crossing of railroad tracks that carry moving trains during hours that students are to or from school shall be deemed hazardous unless,~~

- ~~1. a crossing guard is present; or~~
- ~~2. an automatic control bar is present at crossings used by students under age ten, or, a bar or red flashing signal light is operational when the crossing is used by students over ten years of age.~~

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~~Any street, road or highway without sidewalks shall be deemed hazardous if any one of the following conditions exists:~~

- ~~1. For students enrolled in grades K through 3: any street, road or highway with a traffic count of 60 or more vehicles per hour at the time when students are walking to or from school or a bus stop.~~
- ~~2. For students enrolled in grades 4 through 8: any street, road or highway with a traffic count of 90 or more vehicles per hour at the time when students are walking to or from school or a bus stop.~~
- ~~3. For all students: any roadway available to vehicles that does not have a minimum width of 22 feet.~~
- ~~4. For students enrolled in grades K through 3: any street, road, or highway with a speed limit in excess of 30 miles per hour.~~

~~D. Any street, road or highway that has no sidewalks shall be deemed hazardous when the line-of-sight visibility and posted speed limits do not permit vehicular braking/stopping in accordance with the Connecticut Driver's Manual or Department of Transportation, Division of Design, or as determined by the Windsor Police Department or Town of Windsor's Legal Traffic Authority~~

~~E3.~~ Any walkway, path, or bridge in an area adjacent or parallel to railroad tracks shall be considered hazardous unless a suitable physical barrier along the entire pedestrian route is present and fixed between students and the track; and any crossing of railroad tracks that carry moving trains during hours that students are to or from school shall be deemed hazardous unless,

- (i). a crossing guard is present; or
- (ii) an automatic control bar is present at crossings used by students under age ten, or, a bar or red flashing signal light is operational when the crossing is used by students over ten years of age.

4. For pupils in grades K through 4, the following conditions shall be deemed hazardous:

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- a) a lake, pond, stream, culvert, water-way, or bridge shall be deemed a hazard in the absence of a fence or other suitable barrier fixed between the pupil and the water; OR
- b) any area adjacent to a roadway, sidewalk, or bridge having a drop of three or more feet per four feet of travel length on either side of the established lanes, in the absence of a fence or other suitable barrier.

~~A lake, pond, stream, waterway or bridge that does not have a fence or other suitable barrier within 15 feet of the sidewalk shall be deemed a hazard for students in grades K-4.~~

~~G. Any area adjacent to a road, sidewalk or bridge having a drop of three or more feet per four feet of travel length on either side of the established lanes and that does not have a fence or other suitable barrier shall be deemed hazardous for students in Grades K-4.~~

~~H. Any street, road, walkway, sidewalk or path designated as a walking route that passes through an area with a history of aggressive acts of molestation to students resulting in actual or threatened physical harm or moral degradation shall be deemed hazardous as determined by the Board of Education with advice from the Windsor Police Department.~~

~~I. Walking to or from school or the bus stop at any time prior to one-half hour before sunrise or anytime one-half hour after sunset shall be deemed hazardous for students in grades K-8.~~

5. For pupils in grades K through 8, walking to or from school or the bus stop at any time prior to one-half hour before sunrise or any time one-half hour after sunset shall be deemed hazardous.

6. For all students, walking along any street, road, walkway, sidewalk, or path designated as a walking route which passes through an area which has a history of aggressive acts of molestation resulting in actual or threatened physical harm or moral degradation during the hours when pupils ordinarily walk to or from school shall be deemed hazardous.

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**Exceptions**

~~The Board of Education may grant an exception to any provision of this policy based upon the reasonable judgment of the Superintendent of Schools that a peculiar condition or combination of conditions is hazardous.~~

~~The Board is aware that the health and physical powers of the student, the terrain to be traversed, physical security and environmental hazards, the opening and closing school hours and the statutes pertaining to children eligible for special education services will at times necessitate exceptions to the regulations on walking distances.~~

~~In determining the exceptions that are necessary, the Board will consult pertinent agencies (i.e., police, fire, and public works departments) in an attempt to make a reasonable judgment.~~

**Handicapped and Special Education Students**

~~A. Students possessing physical handicaps and/or health conditions rendering them unable to walk to either a bus stop or school, as determined by their physician or the school medical advisor, shall receive appropriate transportation.~~

~~B. Transportation for special education students shall be determined on an individual basis based upon the recommendation of a Planning and Placement Team.~~

**Babysitting Alternate Care Requests**

A. Requests to have a student picked up and/or dropped off at a home childcare babysitter's home must be made in writing to the Director of Business Services. These requests will be honored provided there is an existing bus route assigned to that location in the district and there is seating space available on the bus. Seating priority will be given to students whose residences are located on an existing bus route. ~~Parents should minimize the number of babysitters used and the number of changes in babysitters during the school year.~~

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~~Boundaries, Routes and Scheduling~~

~~The Transportation Specialist is responsible for planning efficient boundaries, routes, schedules, and bus stops. In planning bus stops, the Transportation Specialist will take into consideration the number of students at each stop, distances students are required to walk, the number of stops on the route, the total travel time for the route, any safety hazards as described in this policy, and the physical terrain at the bus stop.~~

~~A. The principals and Director of Finance will approve all educational and extra-curricular trips. The general policy of the Board is to use a commercial carrier with full public liability and property damage insurance.~~

Other Transportation

- ~~B.~~ A. Windsor residents with children attending private nonpublic schools in Windsor will be provided with transportation in accordance with Section 10-281 of the Connecticut General Statutes. All aspects of this policy referring to public school students also pertain to private school students.
- ~~C.~~ B. Windsor Public Schools will not provide transportation to out-of-town schools except as required by State Statutes.
- ~~D.~~ C. Transportation to and from work sites under the cooperative work experience program is the responsibility of the student and his or her family, and the Board of Education is not responsible for such transportation. Where there is an existing bus route to a job site in Windsor, the student may apply to the high school administration for permission to ride the bus to that job site. If there is space on that bus, the high school administration may permit the student to ride the bus, with the understanding that such transportation is provided as an accommodation to the student.

**Increased Ridership Program**

- A. This program is available to students presently not eligible for home to school transportation.

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If permits a normally non-eligible student to ride the bus, if approved, starting October 1<sup>st</sup> of each school year.

1. Priority is given to younger students.
  2. The design of the bus routes each year will determine available seats on each route.
  3. The program is only applied to existing bus routes and bus stops. No additional bus stops will be made to accommodate additional students.
- C. An application must be made in writing by the parent/guardian of the student requesting this service and sent to the Transportation Specialist of the Windsor Public Schools. Application to participate in the program must be done on a yearly basis.
- D. The Transportation Specialist will review each request based on the following considerations: (1) available seats, (2) bus routes, (3) timing, (4) grade level, (5) age of student, (6) walking distance.
1. For those requests which can be accommodated, the Transportation Specialist will contact the parent/guardian in writing.
    - a. This approval will be valid for one year until or unless there are no longer seats available. In situations where seats are no longer available, every effort will be made to give advance notice of cancellation of this privilege.

**Applicability and Exceptions**

1. **This policy is applicable to private roads approved for passage of school transportation vehicles in accordance with C.G.S. Section 10-220c.**
2. **Special Education pupils and pupils eligible for accommodations under Section 504 of the Rehabilitation Act shall be judged on an individual basis, and appropriate transportation provided.**
3. **The Superintendent of Schools may grant an exception to any guideline set forth in this policy where a peculiar condition or combination of conditions renders such**

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**condition(s) a hazard based upon reasonable judgment; or where under the circumstances, other conditions exist under which the safety of students necessitates a variance with the guidelines within this policy.**

**Appeal**

Should a transportation request to the Board of Education require an appeal procedure, the Board of Education shall conduct a hearing in accordance with Connecticut General Statutes, Section 10-186.

**Student Transportation Safety Complaints**

All complaints regarding student transportation safety shall be made to the Director of Business Services. The Director of Business Services shall maintain a written record of all such complaints, and shall conduct appropriate investigations of the allegations. The Director of Business shall provide the Commissioner of Motor Vehicles with a copy of the written record of complaints within thirty days of the end of each school year.

**Transportation Hearing Procedure**

Transportation hearings will be conducted in accordance with Connecticut General Statutes, Section 10-186, and with Connecticut General Statutes, Sections 4-177 to 4-180, inclusive upon written request.

**Public Safety Guidelines**

The following factors are generally to be used when the Town's Legal Traffic Authority and/or the Police Department review requests for safety evaluations by the School District or parents. The requests generally involve issues of whether children should be bused, where bus stops should be placed and the relative safety of walking routes.

Town staff will evaluate each request in terms of the applicability of relevant provisions of

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Board of Education Policy 3541 – Transportation of Students. Staff will also evaluate the following factors as they may apply to situations which are outside the policy:

- Roadway conditions
- Sidewalk conditions
- Intersection nature & intersection control
- Crossing location & crossing control
- Traffic volume
- Speed of vehicles
- Accident history
- Line of site
- Nuisances & hazards
- Light conditions
- Age of children
- Other relevant factors as deemed appropriate

Town staff will review all the data available and will speak with all concerned parties. A finding will be forwarded to the Superintendent along with recommendation, if appropriate. It is understood that the final decision on these issues is the responsibility of the Superintendent of Schools.

**Legal Reference: Connecticut General Statutes**

**10-186 Duties of local and regional boards of education.**

**10-220 Duties of boards of education.**

**10-221c Development of policy for reporting complaints regarding school transportation safety**

**14-275b Transportation of mobility impaired students.**

**14-275c Regulations re: school buses and motor vehicles used to transport special education students.**



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**Legal Reference:**

- ~~Connecticut General Statutes~~
- ~~4-176a to 180a inclusive, 4-181a~~
- ~~10-186 Duties of local and regional boards of education~~
- ~~10-220 Duties of boards of education~~
- ~~10-281 Transportation for pupils in nonprofit private schools within school district~~
- ~~14-275 Equipment and color of school buses~~
- ~~14-275a Use of standard school bus required~~
- ~~14-275b Transportation of mobility impaired students~~
- ~~14-275c Regulations re school buses and motor vehicles used to transport special education students~~

14-276a (c)Town./school district may require its school bus operators to have completed a safety training course

14-280 Letters and signals to be concealed when not used in transporting children. Signs on other vehicles.

20 U.S.C. NCLB Act of 2001, P.L. 107-110, Title I, Section 1116

McKinney-Vento Homeless Education Assistance Act of 2001, P.L., 107-110, 42 U.S.C., Sections 11431-11435

Policy Adopted: October 17, 2006

**Section: Business**

**Subject: BOARD OF EDUCATION RESPONSIBILITY AR-3541  
(TRANSPORTATION)**

**ADMINISTRATIVE REGULATION  
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**Windsor Board of Education Responsibility**

- A. In order to implement and administer the Board's policy on school transportation, Policy 3541, it shall be the responsibility of the Superintendent of Schools or his/her designee to manage and supervise the school transportation service. This includes:
1. Determination of eligibility for school transportation in accordance with Board of Education Policy 3541 and Section 10-186 of the Connecticut General Statutes.
  2. Establishment of school transportation routes and designation of locations of and schedules for bus stops.
  3. Development and enforcement of "Bus Behavior and Safety Procedures" for those children who are transported to and from school via the school transportation service. These procedures shall include the requirement that any bus driver witnessing or learning of conduct that has taken place at a bus stop or on the school bus that may be of a criminal nature shall contact the bus company dispatcher or the local police as soon as is safely practicable.
  4. Development of procedures for responding to requests pertaining to matters of school transportation.
  5. Performance of all other duties and responsibilities related to the furnishing of school accommodations by school transportation or otherwise consistent with Section 10-186 of the Connecticut General Statutes and in accordance with these guidelines.
  6. Provision of an appeals procedure for matters relating to the furnishing of school accommodations by school transportation as follows:
    - a. Any parent, guardian or student at majority who believes that their pupil transportation needs are not being properly met should review this matter with the Transportation Specialist.
    - b. If no resolution is reached under (a) above, the matter should be referred in writing to the Director of Business Services who shall review the matter and

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issue a decision in writing within ten (10) working days after receipt of this request.

- c. If no resolution is reached under (b) above, the matter should be referred in writing to the Superintendent of Schools who shall review the matter, meet, if requested, with all parties and issue a decision in writing ten (10) working days after receipt of this request.
- d. If no resolution is reached under (c) above, the parent or guardian shall be advised of their right to request a hearing by the Board of Education concerning their request for transportation services.
  - 1. The Board of Education shall give such parent or guardian (etc.) notice of the right to request a hearing concerning the denial of school accommodations;
  - 2. The Board of Education shall hold a hearing within ten (10) days of receipt of a written request by the parent or guardian;
  - 3. The Board of Education shall make a stenographic record or tape recording of such hearing;
  - 4. The Board of Education shall render a written finding within ten (10) days after such hearing;
  - 5. Such hearing shall be held in accordance with the provisions of Sections 4-176e to 180a, inclusive, and 4-181a;
  - 6. The Board of Education shall, upon request, provide the parent or guardian with a transcript of the hearing within thirty (30) days of such request and may make an appeal there from to the State Board of Education; and
  - 7. The findings of the Board of Education shall be upheld by the State Board of Education unless it is determined that such finding was illegal, arbitrary, capricious or unreasonable.

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**ADMINISTRATIVE REGULATION  
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**Evaluation of Student Transportation Safety Issues**

Questions of safety relating to school bus transportation routes and stops are referred to the ~~Town~~ Director of Business Services ~~Public Safety~~.

Regulation Approved: October 17, 2006

Elizabeth E. Feser, Ed.D.  
Superintendent of Schools

**Legal Reference:**

CT General Statutes

4-176a – 180a inclusive, 4-181a

10-186 – Duties of local and regional boards of education



## **Rational for Revised Policy**

### **P 5114 Student Discipline**

This policy has been revised based on Public Act 16-147 and Public Act 17-220, which revised the expulsion statute and added new requirements relating to expulsion notices and procedures and the alternative educational opportunity for expelled students. Public Act 17-220 also requires the State Board of Education to adopt standards for the provision of an adequate alternative educational opportunity for expelled students by August 15, 2017, which will include the kind of instruction and number of hours to be provided to such students. Other revisions to this policy include clarification of due process procedures for expulsion hearings.

**STUDENT DISCIPLINE****I. Definitions**

- A. **Dangerous Instrument** means any instrument, article or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury, and includes a "vehicle" or a dog that has been commanded to attack.
- B. **Deadly Weapon** means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon or metal knuckles. A weapon such as a pellet gun and/or air soft pistol may constitute a deadly weapon if such weapon is designed for violence and is capable of inflicting death or serious bodily harm. In making such determination, the following factors should be considered: design of weapon; how weapon is typically used (e.g. hunting); type of projectile; force and velocity of discharge; method of discharge (i.e. spring v. CO2 cartridge) and potential for serious bodily harm or death.
- C. **Electronic Defense Weapon** means a weapon which by electronic impulse or current is capable of immobilizing a person temporarily, but is not capable of inflicting death or serious physical injury, including a stun gun or other conductive energy device.
- D. **Emergency** means a situation in which the continued presence of the student in school poses such a danger to persons or property or such a disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of such student as possible.
- E. **Exclusion** means any denial of public school privileges to a student for disciplinary purposes.
- F. **Expulsion** means the exclusion of a student from school privileges for more than ten (10) consecutive school days and shall be deemed to include, but not be limited to, exclusion from the school to which such pupil was assigned at the time such disciplinary action was taken. The expulsion period may not extend beyond one (1) calendar year.
- G. **Firearm**, as defined in 18 U.S.C § 921, means (a) any weapon (including a starter gun) that will, is designed to, or may be readily converted to expel a projectile by the action of an explosive, (b) the frame or receiver of any such weapon, (c) a firearm muffler or silencer, or (d) any destructive device. The term firearm does not include an antique firearm. As used in this definition, a "**destructive device**" includes any explosive, incendiary,

or poisonous gas device, including a bomb, a grenade, a rocket having a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, or any other similar device; or any weapon (other than a shotgun or shotgun shell particularly suited for sporting purposes) that will, or may be readily converted to, expel a projectile by explosive or other propellant, and which has a barrel with a bore of more than ½" in diameter. The term "destructive device" also includes any combination of parts either designed or intended for use in converting any device into any destructive device or any device from which a destructive device may be readily assembled. A "destructive device" does not include: an antique firearm; a rifle intended to be used by the owner solely for sporting, recreational, or cultural purposes; or any device which is neither designed nor redesigned for use as a weapon.

- H. **In-School Suspension** means an exclusion from regular classroom activity for no more than ten (10) 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. No student shall be placed on in-school suspension more than fifteen (15) times or a total of fifty (50) days in one (1) school year, whichever results in fewer days of exclusion.
- I. **Martial Arts Weapon** means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or chinese star.
- J. **Removal** is the exclusion of a student from a classroom for all or part of a single class period, provided such exclusion shall not extend beyond ninety (90) minutes.
- K. **School Days** shall mean days when school is in session for students.
- L. **School-Sponsored Activity** means any activity sponsored, recognized or authorized by the Board and includes activities conducted on or off school property.
- M. **Seriously Disruptive of the Educational Process**, as applied to off-campus conduct, means any conduct that markedly interrupts or severely impedes the day-to-day operation of a school.
- N. **Suspension** means the exclusion of a student from school and/or transportation services for not more than ten (10) consecutive school days, provided such suspension shall not extend beyond the end of the school year in which such suspension is imposed; and further provided no student shall be suspended more than ten (10) times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion, unless such student is granted a formal hearing as provided below.

- O. **Weapon** means any BB gun, any blackjack, any metal or brass knuckles, any police baton or nightstick, any dirk knife or switch knife, any knife having an automatic spring release device by which a blade is released from the handle, having a blade of over one and one-half inches in length, any stiletto, any knife the edged portion of the blade of which is four inches and over in length, any martial arts weapon or electronic defense weapon, or any other dangerous or deadly weapon or instrument, unless permitted by law under Section 29-38 of the Connecticut General Statutes.
- P. Notwithstanding the foregoing definitions, the reassignment of a student from one regular education classroom program in the district to another regular education classroom program in the district shall not constitute a suspension or expulsion.

## II. Scope of the Student Discipline Policy

### A. *Conduct on School Grounds or at a School-Sponsored Activity:*

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.**

### B. *Conduct off School Grounds:*

1. Students may be disciplined for conduct off school grounds if such conduct **is seriously disruptive of the educational process and violative of a publicized policy of the Board.** In making a determination as to whether such conduct is seriously disruptive of the educational process, the Administration and the Board of Education may consider, but such consideration shall not be limited to, the following factors: (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 Conn. Gen. Stat. § 29-38, and whether any injuries occurred;** and (4) **whether the conduct involved the use of alcohol.**

In making a determination as to whether such conduct is seriously disruptive of the educational process, the Administration and/or the Board of Education may also consider **whether such off-campus conduct involved the illegal use of drugs.**

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



Conduct which may lead to disciplinary action (including, but not limited to, removal from class, suspension and/or expulsion in accordance with this policy) includes conduct on school grounds or at a school-sponsored activity (including on a school bus), and conduct off school grounds, as set forth above. Such conduct includes, but is not limited to, the following:

1. Striking or assaulting a student, members of the school staff or other persons.
2. Theft.
3. The use of obscene or profane language or gestures, the possession and/or display of obscenity or pornographic images or the unauthorized or inappropriate possession and/or display of images, pictures or photographs depicting nudity.
4. Violation of smoking, dress, transportation regulations, or other regulations and/or policies governing student conduct.
5. Refusal to obey a member of the school staff, law enforcement authorities, or school volunteers, or disruptive classroom behavior.
6. Any act of harassment based on an individual's sex, sexual orientation, race, color, religion, disability, national origin, ancestry, gender identity or expression or any other characteristic protected by law.
7. Refusal by a student to identify himself/herself to a staff member when asked, misidentification of oneself to such person(s), lying to school officials or otherwise engaging in dishonest behavior.
8. Inappropriate displays of public affection of a sexual nature and/or sexual activity on school grounds or at a school-sponsored activity.
9. A walk-out from or sit-in within a classroom or school building or school grounds.
10. Blackmailing, threatening or intimidating school staff or students (or acting in a manner that could be construed to constitute blackmail, a threat, or intimidation, regardless of whether intended as a joke).
11. Possession of any weapon, weapon facsimile, deadly weapon, martial arts weapon, electronic defense weapon, pistol, knife, blackjack, bludgeon, box cutter, metal knuckles, pellet gun, air pistol, explosive device, firearm, whether loaded or unloaded, whether functional or not, or any other dangerous object or

instrument. The possession and/or use of any object or device that has been converted or modified for use as a weapon.

12. Possession of any ammunition for any weapon described above in paragraph 11.
13. Unauthorized entrance into any school facility or portion of a school facility or aiding or abetting an unauthorized entrance.
14. Possession or ignition of any fireworks, combustible or other explosive materials, or ignition of any material causing a fire. Possession of any materials designed to be used in the ignition of combustible materials, including matches and lighters.
15. Unlawful possession, sale, distribution, use, or consumption of tobacco, electronic nicotine delivery systems (e.g. e-cigarettes), vapor products, drugs, narcotics or alcoholic beverages (or any facsimile of tobacco, drugs, narcotics or alcoholic beverages, or any item represented to be tobacco, drugs or alcoholic beverages), including being under the influence of any such substances or aiding in the procurement of any such substances. For the purposes of this Paragraph 15, the term "electronic nicotine delivery system" shall mean an electronic device that may be used to simulate smoking in the delivery of nicotine or other substance to a person inhaling from the device and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device. For the purposes of Paragraph 15, the term "vapor product" shall mean any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may or may not include nicotine, that is inhaled by the user of such product. For the purposes of this Paragraph 15, the term "drugs" shall include, but shall not be limited to, any medicinal preparation (prescription and non-prescription) and any controlled substance whose possession, sale, distribution, use or consumption is illegal under state and/or federal law.
16. Sale, distribution, or consumption of substances contained in household items; including, but not limited to glue, paint, accelerants/propellants for aerosol canisters, and/or items such as the aerators for whipped cream; if sold, distributed or consumed for the purpose of inducing a stimulant, depressant, hallucinogenic or mind-altering effect.
17. Unlawful possession of paraphernalia used or designed to be used in the consumption, sale or distribution of drugs, alcohol or

tobacco, as described in subparagraph (15) above. For purposes of this policy, drug paraphernalia includes any equipment, products and materials of any kind which are used, intended for use or designed for use in growing, harvesting, manufacturing, producing, preparing, packaging, storing, containing or concealing, or injecting, ingesting, inhaling or otherwise introducing controlled drugs or controlled substances into the human body, including but not limited to items such as "bongs," pipes, "roach clips," vials, tobacco rolling papers, and any object or container used, intended or designed for use in storing, concealing, possessing, distributing or selling controlled drugs or controlled substances.

18. The destruction of real, personal or school property, such as, cutting, defacing or otherwise damaging property in any way.
19. Accumulation of offenses such as school and class tardiness, class or study hall cutting, or failure to attend detention.
20. Trespassing on school grounds while on out-of-school suspension or expulsion.
21. Making false bomb threats or other threats to the safety of students, staff members, and/or other persons.
22. Defiance of school rules and the valid authority of teachers, supervisors, administrators, other staff members and/or law enforcement authorities.
23. Throwing snowballs, rocks, sticks and/or similar objects, except as specifically authorized by school staff.
24. Unauthorized and/or reckless and/or improper operation of a motor vehicle on school grounds or at any school-sponsored activity.
25. Leaving school grounds, school transportation or a school-sponsored activity without authorization.
26. Use of or copying of the academic work of another individual and presenting it as the student's own work, without proper attribution; or any other form of academic dishonesty, cheating or plagiarism.
27. Possession and/or use of a cellular telephone, radio, portable audio player, CD player, blackberry, personal data assistant, walkie talkie, Smartphone, mobile or handheld device, or similar electronic device, on school grounds or at a school-sponsored activity in violation of Board policy and/or administrative regulations regulating the use of such devices.

28. Possession and/or use of a beeper or paging device on school grounds or at a school-sponsored activity without the written permission of the principal or his/her designee.
29. Unauthorized use of or tampering with any school computer, computer system, computer software, Internet connection or similar school property or system, or the use of such property or system for inappropriate purposes.
30. Possession and/or use of a laser pointer, unless the student possesses the laser pointer temporarily for an educational purpose while under the direct supervision of a responsible adult.
31. Hazing.
32. Bullying, defined as the repeated use by one or more students of a written, oral or electronic communication, such as cyberbullying, directed at another student attending school in the same district, or a physical act or gesture by one or more students repeatedly directed at another student attending school in the same school district, which:
  - a. causes physical or emotional harm to such student or damage to such student's property;
  - b. places such student in reasonable fear of harm to himself or herself, or of damage to his or her property;
  - c. creates a hostile environment at school for such student;
  - d. infringes on the rights of such student at school; or
  - e. substantially disrupts the education process or the orderly operation of a school.

Bullying includes, but is not limited to, repeated written, oral or electronic communications or physical acts or gestures based on any actual or perceived differentiating characteristics, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socioeconomic status, academic status, physical appearance, or mental, physical, developmental or sensory disability, or by association with an individual or group who has or is perceived to have one or more of such characteristics.

33. Cyberbullying, defined as any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile

telephone or other mobile electronic devices or any electronic communications.

34. Acting in any manner that creates a health and/or safety hazard for staff members, students, or the public, regardless of whether the conduct is intended as a joke.
35. Engaging in a plan to stage or create a violent situation for the purposes of recording it by electronic means; or recording by electronic means acts of violence for purposes of later publication.
36. Engaging in a plan to stage sexual activity for the purposes of recording it by electronic means; or recording by electronic means sexual acts for purposes of later publication.
37. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.
38. Use of a privately owned electronic or technological device in violation of school rules, including the unauthorized recording (photographic or audio) of another individual without permission of the individual or a school staff member.
39. Engaging in teen dating violence, defined as any act of physical, emotional or sexual abuse, including stalking, harassing and threatening, that occurs between two students who are currently in or who have recently been in a dating relationship.
40. Any action prohibited by any Federal or State law.
41. Any other violation of school rules or regulations or a series of violations which makes the presence of the student in school seriously disruptive of the educational process and/or a danger to persons or property.

#### IV. Discretionary and Mandatory Expulsions

- A. A principal may consider recommendation of expulsion of a student in **grades three to twelve, inclusive**, in a case where he/she has reason to believe the student has engaged in conduct described at Sections II.A. or II.B., above.
- B. A principal must recommend expulsion proceedings in all cases against any student in **grades kindergarten to twelve, inclusive**, whom the Administration has reason to believe:

1. was in **possession on school grounds** or at a **school-sponsored activity of a deadly weapon, dangerous instrument, martial arts weapon, or firearm** as defined in 18 U.S.C. § 921 as amended from time to time; or
2. **off school grounds, possessed a firearm** as defined in 18 U.S.C. § 921, in violation of Conn. Gen. Stat. § 29-35, or **possessed and used a firearm** as defined in 18 U.S.C. § 921, a **deadly weapon, a dangerous instrument** or a **martial arts weapon** in the **commission of a crime** under chapter 952 of the Connecticut General Statutes; or
3. was engaged on or off school grounds in **offering for sale or distribution a controlled substance** (as defined in Conn. Gen. Stat. § 21a-240(9)), whose manufacturing, distribution, sale, prescription, dispensing, transporting, or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under Conn. Gen. Stat. §§21a-277 and 21a-278.

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

- C. In any preschool program provided by the Board of Education or provided by a regional educational service center or a state or local charter school pursuant to an agreement with the Board of Education, no **student enrolled in such a preschool program** shall be expelled from such preschool program, except an expulsion hearing shall be conducted by the Board of Education in accordance with Section VIII of this policy whenever the Administration has reason to believe that that a student enrolled in such preschool program was in **possession of a firearm** as defined in 18 U.S.C. § 921, as amended from time to time, on or off school grounds or at a preschool program-sponsored event. The term “**firearm**” is defined above in Section I.
- D. Upon receipt of an expulsion recommendation, the Superintendent may conduct an inquiry concerning the expulsion recommendation.

If the Superintendent or his/her designee determines that a student should or must be expelled, he or she shall forward his/her recommendation to the Board of Education so that the Board can consider and act upon this recommendation.

- E. In keeping with Conn. Gen. Stat. § 10-233d and the Gun-Free Schools Act, it shall be the policy of the Board to expel a student in grades kindergarten to twelve, inclusive, for one (1) full calendar year for the conduct described in Section IV.B(1), (2) and (3) of this policy and to expel a student enrolled in a preschool program for one (1) calendar year

for the conduct described in Section IV.C. For any mandatory expulsion offense, the Board may modify the term of expulsion on a case-by-case basis.

V. Procedures Governing Removal from Class

- A. A student may be removed from class by a teacher or administrator if he/she deliberately causes a serious disruption of the educational process. When a student is removed, the teacher must send him/her to a designated area and notify the principal or his/her designee at once.
- B. A student may not be removed from class more than six (6) times in one school year nor more than twice in one week unless the student is referred to the building principal or designee and granted an informal hearing at which the student should be informed of the reasons for the disciplinary action and given an opportunity to explain the situation.
- C. The parents or guardian of any minor student removed from class shall be given notice of such disciplinary action within twenty-four (24) hours of the time of the institution of such removal from class.

VI. Procedures Governing Suspension

- A. The principal of a school, or designee on the administrative staff of the school, shall have the right to suspend a student for breach of conduct as noted in Section II of this policy for not more than ten (10) consecutive school days. In cases where suspension is contemplated, the following procedures shall be followed.
  - 1. Unless an emergency situation exists, no student shall be suspended prior to having an informal hearing before the principal or designee at which the student is informed of the charges and given an opportunity to respond. In the event of an emergency, the informal hearing shall be held as soon after the suspension as possible.
  - 2. If suspended, such suspension shall be an in-school suspension, except the principal or designee may impose an out-of-school suspension on any pupil:
    - a. in grades three to twelve, inclusive, if, during the informal hearing, (i) the principal or designee determines that the student poses such a danger to persons or property or such a disruption of the educational process that he or she should be excluded from school during the period of suspension; or (ii) the principal or designee determines that an out-of-school suspension is appropriate based on evidence of (A) the student's previous disciplinary problems that have led

to suspensions or expulsion of such student, and (B) previous efforts by the Administration to address the student's disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies, or

- b. in grades preschool to two, inclusive, if the principal or designee determines that an out-of-school suspension is appropriate for such pupil based on evidence that such pupil's conduct on school grounds is of a violent or sexual nature that endangers persons.
3. Evidence of past disciplinary problems that have led to removal from a classroom, suspension, or expulsion of a student who is the subject of an informal hearing may be received by the principal or designee, but only considered in the determination of the length of suspensions.
4. By telephone, the principal or designee shall make reasonable attempts to immediately notify the parent or guardian of a minor student following the suspension and to state the cause(s) leading to the suspension.
5. Whether or not telephone contact is made with the parent or guardian of such minor student, the principal or designee shall forward a letter promptly to such parent or guardian to the last address reported on school records (or to a newer address if known by the principal or designee), offering the parent or guardian an opportunity for a conference to discuss same.
6. In all cases, the parent or guardian of any minor student who has been suspended shall be given notice of such suspension within twenty-four (24) hours of the time of the institution of the suspension.
7. Not later than twenty-four (24) hours after the commencement of the suspension, the principal or designee shall also notify the Superintendent or his/her designee of the name of the student being suspended and the reason for the suspension.
8. The student shall be allowed to complete any classwork, including examinations, without penalty, which he or she missed while under suspension.
9. The school Administration may, in its discretion, shorten or waive the suspension period for a student who has not previously been suspended or expelled, if the student completes an Administration-specified program and meets any other conditions required by the



Administration. Such Administration-specified program shall not require the student and/or the student's parents to pay for participation in the program.

10. Notice of the suspension shall be recorded in the student's cumulative educational record. Such notice shall be expunged from the cumulative educational record if the student graduates from high school. In cases where the student's period of suspension is shortened or waived in accordance with Section VI.A(9), above, the Administration may choose to expunge the suspension notice from the cumulative record at the time the student completes the Administration-specified program and meets any other conditions required by the Administration.
  11. If the student has not previously been suspended or expelled, and the Administration chooses to expunge the suspension notice from the student's cumulative record prior to graduation, the Administration may refer to the existence of the expunged disciplinary notice, notwithstanding the fact that such notice may have been expunged from the student's cumulative file, for the limited purpose of determining whether any subsequent suspensions or expulsions by the student would constitute the student's first such offense.
  12. The decision of the principal or designee with regard to disciplinary actions up to and including suspensions shall be final.
  13. During any period of suspension served out of school, the student shall not be permitted to be on school property and shall not be permitted to attend or participate in any school-sponsored activities, unless the principal specifically authorizes the student to enter school property for a specified purpose or to participate in a particular school-sponsored activity.
- B. In cases where a student's suspension will result in the student being suspended more than ten (10) times or for a total of fifty (50) days in a school year, whichever results in fewer days of exclusion, the student shall, prior to the pending suspension, be granted a formal hearing before the Board of Education. The principal or designee shall report the student to the Superintendent or designee and request a formal Board hearing. If an emergency situation exists, such hearing shall be held as soon after the suspension as possible.

## VII. Procedures Governing In-School Suspension

- A. The principal or designee may impose in-school suspension in cases where a student's conduct endangers persons or property, violates school policy,

seriously disrupts the educational process or in other appropriate circumstances as determined by the principal or designee.

- B. In-school suspension may not be imposed on a student without an informal hearing by the building principal or designee.
- C. In-school suspension may be served in the school that the student regularly attends or in any other school building within the jurisdiction of the Board.
- D. No student shall be placed on in-school suspension more than fifteen (15) times or for a total of fifty (50) days in one school year, whichever results in fewer days of exclusion.
- E. The parents or guardian of any minor student placed on in-school suspension shall be given notice of such suspension within twenty-four (24) hours of the time of the institution of the period of the in-school suspension.

#### VIII. Procedures Governing Expulsion Hearing

##### A. ***Emergency Exception:***

Except in an emergency situation, the Board of Education shall, prior to expelling any student, conduct a hearing to be governed by the procedures outlined herein and consistent with the requirements of Conn. Gen. Stat. § 10-233d or Conn. Gen. Stat. § 10-233l, if applicable, as well as the applicable provisions of the Uniform Administrative Procedures Act, Conn. Gen. Stat. §§ 4-176e to 4-180a, and § 4-181a. Whenever an emergency exists, the hearing provided for herein shall be held as soon as possible after the expulsion.

##### B. ***Hearing Panel:***

1. Expulsion hearings conducted by the Board will be heard by any three or more Board members. A decision to expel a student must be supported by a majority of the Board members present, provided that no less than three (3) affirmative votes to expel are cast.
2. Alternatively, the Board may appoint an impartial hearing board composed of one (1) or more persons to hear and decide the expulsion matter, provided that no member of the Board may serve on such panel.

##### C. ***Hearing Notice and Rights of the Student and Parent(s)/Guardian(s):***

1. Written notice of the expulsion hearing must be given to the student, and, if the student is a minor, to his/her parent(s) or guardian(s) at least five (5) business days before such hearing.
2. A copy of this Board policy on student discipline shall also be given to the student, and if the student is a minor, to his/her parent(s) or guardian(s), at the time the notice is sent that an expulsion hearing will be convened.
3. The written notice of the expulsion hearing shall inform the student of the following:
  - a. The date, time, place and nature of the hearing.
  - b. The legal authority and jurisdiction under which the hearing is to be held, including a reference to the particular sections of the legal statutes involved.
  - c. A short, plain description of the conduct alleged by the Administration.
  - d. The student may present as evidence relevant testimony and documents concerning the conduct alleged and the appropriate length and conditions of expulsion; and that the expulsion hearing may be the student's sole opportunity to present such evidence.
  - e. The student may cross-examine witnesses called by the Administration.
  - f. The student may be represented by an attorney or other advocate of his/her choice at his/her expense or at the expense of his/her parent(s) or guardian(s).
  - g. A student is entitled to the services of a translator or interpreter, to be provided by the Board of Education, whenever the student or his/her parent(s) or guardian(s) requires the services of an interpreter because he/she/they do(es) not speak the English language or is(are) disabled.
  - h. The conditions under which the Board is not legally required to give the student an alternative educational opportunity (if applicable).
  - i. Information concerning the parent's(s') or guardian's(s') and the student's legal rights and ~~concerning~~ about free or reduced-rate legal services and how to access such services.

- j. The parent(s) or guardian(s) of the student have the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation, except that if an emergency exists, such hearing shall be held as soon after the expulsion as possible.

D. ***Hearing Procedures:***

1. The hearing will be conducted by the Presiding Officer, who will call the meeting to order, introduce the parties, Board members and counsel, briefly explain the hearing procedures, and swear in any witnesses called by the Administration or the student.
2. The hearing will be conducted in executive session. A verbatim record of the hearing will be made, either by tape recording or by a stenographer. A record of the hearing will be maintained, including the verbatim record, all written notices and documents relating to the case and all evidence received or considered at hearing.
3. The Administration shall bear the burden of production to come forward with evidence to support its case and shall bear the burden of persuasion. The standard of proof shall be a preponderance of the evidence.
4. Formal rules of evidence will not be followed. The Board has the right to accept hearsay and other evidence if it deems that evidence relevant or material to its determination. The Presiding Officer will rule on testimony or evidence as to it being immaterial or irrelevant.
5. The hearing will be conducted in two (2) parts. In the first part of the hearing, the Board will receive and consider evidence regarding the conduct alleged by the Administration.
6. In the first part of the hearing, the charges will be introduced into the record by the Superintendent or his/her designee.
7. Each witness for the Administration will be called and sworn. After a witness has finished testifying, he/she will be subject to cross-examination by the opposite party or his/her legal counsel, by the Presiding Officer and by Board members.
8. The student shall not be compelled to testify at the hearing.
9. After the Administration has presented its case, the student will be asked if he/she has any witnesses or evidence to present

concerning the charges. If so, the witnesses will be sworn, will testify, and will be subject to cross examination and to questioning by the Presiding Officer and/or by the Board. The student may also choose to make a statement at this time. If the student chooses to make a statement, he or she will be sworn and subject to cross examination and questioning by the Presiding Officer and/or by the Board. Concluding statements will be made by the Administration and then by the student and/or his or her representative.

10. In cases where the student has denied the allegation, the Board must determine whether the student committed the offense(s) as charged by the Superintendent.
11. If the Board determines that the student has committed the conduct as alleged, then the Board shall proceed with the second portion of the hearing, during which the Board will receive and consider relevant evidence regarding the length and conditions of expulsion.
12. When considering the length and conditions of expulsion, the Board may review the student's attendance, academic and past disciplinary records. The Board may not review notices of prior expulsions or suspensions which have been expunged from the student's cumulative record, except as so provided in Section VI.A (9), (10), (11), above, and Section X, below. The Board may ask the Superintendent for a recommendation as to the discipline to be imposed.
13. Evidence of past disciplinary problems which have led to removal from a classroom, suspension or expulsion of a student being considered for expulsion may be considered only during the second portion of the hearing, during which the Board is considering length of expulsion and nature of alternative educational opportunity to be offered.
14. Where administrators presented the case in support of the charges against the student, such administrative staff shall not be present during the deliberations of the Board either on questions of evidence or on the final discipline to be imposed. The Superintendent may, after reviewing the incident with administrators, and reviewing the student's records, make a recommendation to the Board as to the appropriate discipline to be applied.
15. The Board shall make findings as to the truth of the charges, if the student has denied them; and, in all cases, the disciplinary action, if any, to be imposed. While the hearing itself is conducted in executive session, the vote regarding expulsion must be made in

open session and in a manner that preserves the confidentiality of the student's name and other personally identifiable information.

16. Except for a student who has been expelled based on possession of a firearm or deadly weapon as described in subsection IV.B(1) and (2) above, the Board may, in its discretion, shorten or waive the expulsion period for a student who has not previously been suspended or expelled, if the student completes a Board-specified program and meets any other conditions required by the Board. The Board-specified program shall not require the student and/or the student's parents to pay for participation in the program.
17. The Board shall report its final decision in writing to the student, or if such student is a minor, also to the parent(s) or guardian(s), stating the reasons on which the decision is based, and the disciplinary action to be imposed. Said decision shall be based solely on evidence presented at the hearing. The parents or guardian or any minor student who has been expelled shall be given notice of such disciplinary action within twenty-four (24) hours of the time of the institution of the period of the expulsion.

E. ***Presence on School Grounds and Participation in School-Sponsored Activities During Expulsion:***

During the period of expulsion, the student shall not be permitted to be on school property and shall not be permitted to attend or participate in any school-sponsored activities, except for the student's participation in any alternative educational opportunity provided by the district in accordance with this policy, unless the Superintendent specifically authorizes the student to enter school property for a specified purpose or to participate in a particular school-sponsored activity.

F. ***Stipulated Agreements:***

In lieu of the procedures used in this Section, the Administration and the parent(s) or legal guardian(s) of a student facing expulsion may choose to enter into a Joint Stipulation of the Facts and a Joint Recommendation to the Board concerning the length and conditions of expulsion. Such Joint Stipulation and Recommendation shall include language indicating that the parent(s) or legal guardian(s) understand their right to have an expulsion hearing held pursuant to these procedures, and language indicating that the Board, in its discretion, has the right to accept or reject the Joint Stipulation of Facts and Recommendation. If the Board rejects either the Joint Stipulation of Facts or the Recommendation, an expulsion hearing shall be held pursuant to the procedures outlined herein. If the Student is eighteen years of age or older, the student shall have the authority to enter into a Joint Stipulation and Recommendation on his or her own behalf.

If the parties agree on the facts, but not on the disciplinary recommendation, the Administration and the parents (or legal guardians) of a student facing expulsion may also choose to enter into a Joint Stipulation of the Facts and submit only the Stipulation of the Facts to the Board in lieu of holding the first part of the hearing, as described above. Such Joint Stipulation shall include language indicating that the parents understand their right to have a hearing to determine whether the student engaged in the alleged misconduct and that the Board, in its discretion, has the right to accept or reject the Joint Stipulation of Facts. If the Board rejects the Joint Stipulation of Facts, a full expulsion hearing shall be held pursuant to the procedures outlined herein.

IX. Alternative Educational Opportunities for Expelled Students

~~A. — For the purposes of this Section, and subject to Subsection IX.E, below, any alternative educational opportunity to which an expelled student is statutorily entitled shall be (1) alternative education, as defined by Conn. Gen. Stat. § 10-74j, with an individualized learning plan, if the Board provides such alternative education, or (2) in accordance with the standards adopted by the State Board of Education.~~

~~B~~A. *Students under sixteen (16) years of age:*

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

~~C~~B. *Students sixteen (16) to eighteen (18) years of age:*

1. The Board of Education shall provide an alternative educational opportunity to a sixteen (16) to eighteen (18) year-old student expelled for the first time if he/she requests it and if he/she agrees to the conditions set by the Board of Education. Such alternative educational opportunity may include, but shall not be limited to, the placement of a pupil who is at least ~~sixteen~~seventeen years of age in an adult education program. Any pupil participating in an adult education program during a period of expulsion shall not be required to withdraw from school as a condition to his/her participation in the adult education program.
2. The Board of Education is not required to offer an alternative educational opportunity to any student between the ages of sixteen (16) and eighteen (18) who is expelled for a second, or subsequent, time.

3. The Board of Education shall count the expulsion of a pupil when he/she was under sixteen (16) years of age for purposes of determining whether an alternative educational opportunity is required for such pupil when he/she is between the ages of sixteen and eighteen.

**~~D.C.~~ *Students eighteen (18) years of age or older:***

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

**D. Content of Alternative Educational Opportunity**

1. For the purposes of Section IX, and subject to Subsection IX.E, below, any alternative educational opportunity to which an expelled student is statutorily entitled shall be (1) alternative education, as defined by Conn. Gen. Stat. § 10-74j and in accordance with the *Standards for Educational Opportunities for Students Who Have Been Expelled*, adopted by the State Board of Education, with an individualized learning plan, if the Board provides such alternative education, or (2) in accordance with the *Standards for Educational Opportunities for Students Who Have Been Expelled*, adopted by the State Board of Education.
2. The Superintendent, or his/her designee, shall develop administrative regulations concerning alternative educational opportunities, which administrative regulations shall be in compliance with the standards adopted by the State Board of Education. Such administrative regulations shall include, but not limited to, provisions to address student placement in alternative education; individualized learning plans; monitoring of students placements and performance; and a process for transition planning.

**E. *Students identified as eligible for services under the Individuals with Disabilities Education Act ("IDEA"):***

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

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



The Board of Education may offer an alternative educational opportunity to a pupil for whom such alternative educational opportunity is not required by law or as described in this policy. In such cases, the Board, or if delegated by the Board, the Administration, shall determine the components, including nature, frequency and duration of such services, of any such alternative educational opportunity.

X. Notice of Student Expulsion on Cumulative Record

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

In cases where the student's period of expulsion is shortened or waived in accordance with Section VIII.D(14), above, the Board may choose to expunge the expulsion notice from the cumulative record at the time the student completes the Board-specified program and meets any other conditions required by the Board.

If a student's period of expulsion was not shortened or waived, the Board may choose to expunge the expulsion notice from the student's cumulative record prior to graduation if such student has demonstrated to the Board that the student's conduct and behavior in the years following such expulsion warrants an expungement. In deciding whether to expunge the expulsion notice, the Board may receive and consider evidence of any subsequent disciplinary problems that have led to removal from a classroom, suspension or expulsion of the student.

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

XI. Change of Residence During Expulsion Proceedings

A. *Student moving into the school district:*

1. If a student enrolls in the district while an expulsion hearing is pending in another district, such student shall not be excluded from school pending completion of the expulsion hearing unless an emergency exists, as defined above. The Board shall retain the authority to suspend the student or to conduct its own expulsion hearing.

2. Where a student enrolls in the district during the period of expulsion from another public school district, the Board may adopt the decision of the student expulsion hearing conducted by such other school district. The student shall be excluded from school pending such hearing. The excluded student shall be offered an alternative educational opportunity in accordance with statutory requirements. The Board shall make its determination based upon a hearing held by the Board, which hearing shall be limited to a determination of whether the conduct which was the basis of the previous public school district's expulsion would also warrant expulsion by the Board.

**B. *Student moving out of the school district:***

Where a student withdraws from school after having been notified that an expulsion hearing is pending, but before a decision has been rendered by the Board, the notice of the pending expulsion hearing shall be included on the student's cumulative record and the Board shall complete the expulsion hearing and render a decision. If the Board subsequently renders a decision to expel the student, a notice of the expulsion shall be included on the student's cumulative record.

**XII. Procedures Governing Suspension and Expulsion of Students Identified as Eligible for Services under the Individuals with Disabilities Education Act ("IDEA")**

**A. *Suspension of IDEA students:***

Notwithstanding the foregoing, if the Administration suspends a student identified as eligible for services under the IDEA (an "IDEA student") who has violated any rule or code of conduct of the school district that applies to all students, the following procedures shall apply:

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

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

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

1. Upon the decision by the Administration to recommend expulsion or impose a suspension that would constitute a change in educational placement, the Administration shall promptly notify the parent(s)/guardian(s) of the student of the recommendation of expulsion or the suspension that would constitute a change in educational placement, and provide the parents(s)/guardian(s) a copy of the special education procedural safeguards either by hand-delivery or by mail (unless other means of transmission have been arranged).
2. The school district shall immediately convene the student's planning and placement team ("PPT"), but in no case later than ten (10) school days after the recommendation for expulsion or the suspension that constitutes a change in placement was made. The student's PPT shall consider the relationship between the student's disability and the behavior that led to the recommendation for expulsion or the suspension which constitutes a change in placement, in order to determine whether the student's behavior was a manifestation of his/her disability.
3. If the student's PPT finds that the behavior was a manifestation of the student's disability, the Administration shall not proceed with the recommendation for expulsion or the suspension that constitutes a change in placement.
4. If the student's PPT finds that the behavior was not a manifestation of the student's disability, the Administration may proceed with the recommended expulsion or suspension that constitutes a change in placement.
5. During any period of expulsion, or suspension of greater than ten (10) days per school year, the Administration shall provide the student with an alternative education program in accordance with the provisions of the IDEA.
6. When determining whether to recommend an expulsion or a suspension that constitutes a change in placement, the building

administrator (or his or her designee) should consider the nature of the misconduct and any relevant educational records of the student.

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

1. School personnel may remove a student eligible for special education under the IDEA to an appropriate interim alternative educational setting for not more than forty-five (45) school days if the student:
  - a. Was in possession of a dangerous weapon, as defined in 18 U.S.C. 930(g)(2), as amended from time to time, on school grounds or at a school-sponsored activity, or
  - b. Knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance while at school or at a school-sponsored activity; or
  - c. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.
2. The following definitions shall be used for this subsection XII.C.:
  - a. **Dangerous weapon** means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2.5 inches in length.
  - b. **Controlled substance** means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act, 21 U.S.C. 812(c).
  - c. **Illegal drug** means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.
  - d. **Serious bodily injury** means a bodily injury which involves: (A) a substantial risk of death; (B) extreme physical pain; (C) protracted and obvious disfigurement; or (D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

XIII. Procedures Governing Expulsions for Students Identified as Eligible under Section 504 of the Rehabilitation Act of 1973 ("Section 504")

- A. Except as provided in subsection B below, notwithstanding any provision to the contrary, if the Administration recommends for expulsion a student identified as eligible for educational accommodations under Section 504 who has violated any rule or code of conduct of the school district that applies to all students, the following procedures shall apply:
1. The parents of the student must be notified of the decision to recommend the student for expulsion.
  2. The district shall immediately convene the student's Section 504 team ("504 team") for the purpose of reviewing the relationship between the student's disability and the behavior that led to the recommendation for expulsion. The 504 team will determine whether the student's behavior was a manifestation of his/her disability.
  3. If the 504 team finds that the behavior was a manifestation of the student's disability, the Administration shall not proceed with the recommended expulsion.
  4. If the 504 team finds that the behavior was not a manifestation of the student's disability, the Administration may proceed with the recommended expulsion.
- B. The Board may take disciplinary action for violations pertaining to the use or possession of illegal drugs or alcohol against any student with a disability who currently is engaging in the illegal use of drugs or alcohol to the same extent that such disciplinary action is taken against nondisabled students. Thus, when a student with a disability is recommended for expulsion based solely on the illegal use or possession of drugs or alcohol, the 504 team *shall not be required to meet* to review the relationship between the student's disability and the behavior that led to the recommendation for expulsion.

XIV. Procedures Governing Expulsions for Students Committed to a Juvenile Detention Center

- A. 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 Board in accordance with the provisions of this section. 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.

- B. If a student who committed an expellable offense seeks to return to a school district after having been in a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement and such student has not been expelled by the board of education for such offense under subdivision (A) of this subsection, the Board shall allow such student to return and may not expel the student for additional time for such offense.

XV. Early Readmission to School

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

XVI. Dissemination of Policy

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

XVII. Compliance with Documentation and Reporting Requirements

- A. The Board of Education shall include on all disciplinary reports the individual student's state-assigned student identifier (SASID).
- B. The Board of Education shall report all suspensions and expulsions to the State Department of Education.
- C. If the Board of Education expels a student for sale or distribution of a controlled substance, as defined in Conn. Gen. Stat. § 21a-240(9), whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with the intent to sell or dispense, offering, or administration is the subject to criminal penalties under Conn. Gen. Stat. §§ 21a-277 and 21a-278, the Board shall refer such student to an appropriate state or local agency for rehabilitation, intervention or job training and inform the agency of its action.
- D. If the Board of Education expels a student for possession of a firearm, as defined in 18 U.S.C. § 921, or deadly weapon, dangerous instrument or martial arts weapon, as defined in Conn. Gen. Stat. § 53a-3, the Board shall report the violation to the local police.

Legal References:

Connecticut General Statutes:

Public Act 17-237, An Act Concerning Education Mandate Relief

Public Act 16-147, An Act Concerning the Recommendations of the  
Juvenile Justice Policy and Oversight Committee

§§ 4-176e through 4-180a and § 4-181a Uniform Administrative  
Procedures Act

§ 10-222d Safe school climate plans. Definitions. Safe school climate  
assessments

§§ 10-233a through 10-233f Suspension and expulsion of students.

§ 10-233l Expulsion and suspension of children in preschool  
programs

§ 19a-342a Use of electronic nicotine delivery system or vapor  
product prohibited

§§ 21a-408a through 408p Palliative Use of Marijuana

§ 29-38 Weapons in vehicles

§ 53a-3 Definitions

§ 53-344b Sale and delivery of electronic nicotine delivery system or  
vapor products to minors

§ 53-206 Carrying of dangerous weapons prohibited.

*Packer v. Board of Educ. of the Town of Thomaston*, 246 Conn. 89 (1998).

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

*State v. Guzman*, 955 A.2d 72, 2008 Conn. App. LEXIS 445 (Sept. 16,  
2008).

[Connecticut State Department of Education, \*Standards for Educational Opportunities for Students Who Have Been Expelled\*, adopted January 3, 2018.](#)

Federal law:

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

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

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

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

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

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

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

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

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

Adopted policy: 9/18/07  
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Windsor Public Schools  
Windsor, CT



**ADMINISTRATIVE REGULATIONS REGARDING ALTERNATIVE  
EDUCATIONAL OPPORTUNITIES FOR EXPELLED STUDENTS**

I.    Applicability of these Administrative Regulations

These administrative regulations shall apply in cases when, pursuant to state law, a student in the \_\_\_\_\_ Public Schools is entitled to an alternative educational opportunity during a period of expulsion.

II.   Responsible Personnel

The building principal of the school from which the student has been expelled, or his/her designee(s), shall maintain responsibility for compliance with these administrative regulations relative to the individual student who is being provided with the alternative educational opportunity.

III.   Student Placement Procedures

A.   After a student has been expelled, and unless extraordinary circumstances exist, the building principal, or his/her designee(s), will take the following steps:

1.   Meet with the expelled student's parent(s)/guardian(s) prior to the student's placement in an alternative educational setting to provide information concerning the potentially appropriate alternative educational opportunities for the student and to inform the parent(s)/guardian(s) and student of the right to apply for early readmission to school in accordance with Conn. Gen. Stat. Section 10-233d(j).
2.   Consult with relevant school personnel from the school from which the student was expelled, who are 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. Such information may be gathered by written reports.
3.   After placement options have been shared with the parent(s)/guardian(s), convene a placement meeting at which all alternative educational opportunities are explored and a placement decision is made.

B.   The educational programming and placement for expelled students who are eligible to receive special education and related services under the Individuals with Disabilities Education Act ("IDEA") shall be determined by the student's Planning and Placement Team ("PPT"). In such case, Subsection A above shall not apply.

IV.   Individualized Learning Plan

A. Development of the Individualized Learning Plan

After the student has been accepted into an alternative educational placement, the principal, or his/her designee, will develop an Individualized Learning Plan (“ILP”) that will govern the programming for the student for the period of expulsion. To develop the ILP, the principal, or his/her designee, will collaborate with school personnel from the school from which the student was expelled, the student and the parent/guardian, and will review all relevant student records.

B. Contents of the Individualized Learning Plan

1. The ILP will reference student records with information relevant to the provision of an alternative educational opportunity. These records may include:

- a. Student success plan (for students who have a student success plan as mandated by state law, the student success plan may inform the ILP but does not replace the ILP);
- b. Individualized education program (“IEP”);
- c. Section 504 Plan;
- d. Individualized health care plan or emergency care plan; and/or
- e. Other relevant academic and behavioral data.

2. The ILP will address the following:

- a. The student’s academic and behavioral needs and appropriate academic and behavioral goals and interventions, including the student’s core classes at the time of expulsion and the student’s current placement or progress in the curriculum for those classes so that the student has an opportunity to continue to progress in the Board’s academic program and earn graduation credits, if applicable;
- b. Benchmarks to measure progress towards the goals and ultimately, progress towards graduation;
- c. Provision for the timing and method for reviewing the student’s progress in the alternative educational opportunity and for communicating that progress to the parent/guardian or student. For most students, monitoring and reviewing the student’s progress will include monitoring the student’s attendance, work completion and progress toward meeting the relevant academic standards for particular coursework, and thus progressing toward graduation, if applicable. The student’s progress and grades will be communicated to the

parents/guardians 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. The student's progress and grades will also be reported to the school from which the student was expelled;

- d. 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
- e. The possibility of early readmission to the school from which the student was expelled and the early readmission criteria, if any, established by the Board of Education or Superintendent, as applicable.

#### V. Review of Student's Placement in Alternative Educational Opportunity and Individualized Learning Plan

A. A review of the appropriateness of the placement must occur at least once per marking period.

B. The placement review must include:

- 1. Review of the ILP to (1) assess progress and make adjustments as necessary and (2) determine its alignment with the goals of the student's IEP, where applicable; and
- 2. Consideration of opportunities for early readmission as set forth in the ILP, as established by the Board of Education or Superintendent, as applicable.

#### VI. Transition Plan for Readmission

A. Before a student is readmitted to the school from which the student was expelled, relevant staff should provide an opportunity to meet with the parents/guardians and student to discuss the student's readmission. As part of the readmission process and the student's ILP, the principal, or his/her designee, should consider:

- 1. Efforts to readmit the student at a semester starting point (at the high school level);
- 2. A plan to transfer the student's credits and records back to the school from which the student was expelled;

a. The \_\_\_\_\_ Public Schools will award an expelled high school student appropriate high school credit for work

satisfactorily completed during the period the student participates in the alternative educational opportunity and will transfer relevant records back to the school from which the student was expelled;

b. The \_\_\_\_\_ Public Schools will provide an expelled student transferring to a new school district a progress summary of all work completed during the course of the student's expulsion, and will indicate the course credit earned by the student for that work.

3. The student's need for academic and other supports upon returning to his/her school; and

4. Efforts to connect the returning student with opportunities to participate in extracurricular activities.

B. In the event the principal, or his/her designee, determines that a student's alternative educational opportunity is no longer beneficial to the student, but it remains inappropriate to return the student to the school from which the student was expelled, a plan for a different alternative educational opportunity may be developed in accordance with the procedures outlines in these Administrative Regulations.

Legal References:

Connecticut General Statutes:

Conn. Gen. Stat. § 10-233d

Federal law:

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

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

Connecticut State Department of Education, *Standards for Educational Opportunities for Students Who Have Been Expelled* (January 3, 2018).

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Statistics:	
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Moved to	1
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**Personnel - Certified/Non-Certified****CONCUSSION MANAGEMENT AND TRAINING FOR ATHLETIC COACHES**

For purposes of these administrative regulations concerning training regarding concussions and head injuries, the term "coach" means any person who holds or is issued a coaching permit by the Connecticut State Department of Education and who is hired by the Windsor Board of Education to coach intramural or interscholastic athletics.

**Mandatory Training Concerning Concussions**

1. Any coach of intramural or interscholastic athletics, who holds or is issued a coaching permit, must, before commencing his/her coaching assignment for the season, complete an initial training course concerning concussions, which are a type of brain injury. This training course must be approved by the State Department of Education.
2. Coaches must provide proof of initial course completion to the Athletic Director or his/her designee prior to commencing their coaching assignments for the season in which they coach.
3. One year after receiving an initial training, and every year thereafter, coaches must review current and relevant information regarding concussions prior to commencing their coaching assignments for the season. This current and relevant information shall be that approved by the State Department of Education. Coaches need not review this information in the year they are required to take a refresher course, as discussed below.
4. Coaches must complete a refresher course concerning concussions and head injuries not later than five (5) years after receiving their initial training course, and once every five (5) years thereafter. Coaches must provide proof of refresher course completion to the Athletic Director or his/her designee prior to commencing their coaching assignments for the season in which they coach.
5. The Board shall consider a coach as having successfully completed the initial training course regarding concussions and head injuries if such coach completes a course that is offered by the governing authority for intramural and interscholastic athletics and is substantially similar, as determined by the Department of Education, to the training course required by subsection 1 of these administrative regulations, provided such substantially similar course is completed on or after January 1, 2010, but prior to the date the State Board of Education approves the training course discussed in subsection 1 of these administrative regulations.

**Concussion Management**

1. Any coach of any intramural or interscholastic athletics shall immediately remove a student athlete from participating in any intramural or interscholastic athletic activity who:
  - a. is observed to exhibit signs, symptoms or behaviors consistent with a concussion following an observed or suspected blow to the head or body; or
  - b. is diagnosed with a concussion, regardless of when such concussion may have occurred.
2. Upon removal from participation, a school principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by a school district, or coach shall notify the student athlete's parent or legal guardian that the student athlete has exhibited such, signs, symptoms or behaviors consistent with a concussion or has been diagnosed with a concussion. Such principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by a school district, or coach shall provide such notification not later than twenty-four (24) hours after such removal and shall make a reasonable effort to provide such notification immediately after such removal.
3. The coach shall not permit such student athlete to participate in any supervised team activities involving physical exertion, including, but not limited to, practices, games or competitions, until such student athlete receives written clearance to participate in such supervised team activities involving physical exertion from a licensed health care professional trained in the evaluation and management of concussions.
4. Following receipt of clearance, the coach shall not permit such student athlete to participate in any full, unrestricted supervised team activities without limitations on contact or physical exertion, including, but not limited to, practices,

games or competitions, until such student athlete:

- a. no longer exhibits signs, symptoms or behaviors consistent with a concussion at rest or with exertion; and
- b. receives written clearance to participate in such full, unrestricted supervised team activities from a licensed health care professional trained in the evaluation and management of concussions.

5. The Board shall prohibit a student athlete from participating in any intramural or interscholastic athletic activity unless the student athlete, and a parent or guardian of such athlete receives training regarding the concussion education plan developed or approved by the State Board of Education by:

- a. reading written materials;
- b. viewing online training videos; or
- c. attending in-person training regarding the concussion education plan developed or approved by the State Board of Education.

6. The Board shall annually provide each participating student athlete's parent or legal guardian with a copy of an informed consent form approved by the State Board of Education and obtain the parent or guardian's signature, attesting to the fact that such parent or guardian has received a copy of such form and authorizes the student athlete to participate in the athletic activity.

### **Reporting Requirements**

1. The school principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by a school district, or coach who informs a student athlete's parent or guardian of the possible occurrence of a concussion shall also report such incident to the nurse supervisor, or designee.
2. The nurse supervisor, or designee, shall follow-up on the incident with the student and/or the student's parent or guardian and maintain a record of all incidents of diagnosed concussions. Such record shall include, if know:
  - a. The nature and extent of the concussion; and
  - b. The circumstances in which the student sustained the concussion.
3. The nurse supervisor, or designee, shall annually provide such record to the State Board of Education.

### **Miscellaneous**

1. For purposes of these administrative regulations, "licensed health care professional" means a physician licensed pursuant to Chapter 370 of the Connecticut General Statutes, a physician assistant licensed pursuant to Chapter 370 of the Connecticut General Statutes, an advanced practice registered nurse licensed pursuant to Chapter 378 of the Connecticut General Statutes, or an athletic trainer licensed pursuant to Chapter 375a of the Connecticut General Statutes.
2. Should a coach fail to adhere to the requirements of these administrative regulations, the coach may be subject to discipline up to and including termination, as well as permit revocation by the State Board of Education.

### **Legal References**

Conn. Gen. Stat. § 10-149b. Training courses for coaches re concussions and head injuries.

Conn. Gen. Stat. § 10-149c. Student athletes and concussions. Removal from athletic activities.

Public Act 14-66, "An Act Concerning Youth Athletics And Concussions"

**Administrative Regulation approved: November 30, 2015**

Craig A. Cooke, Ph.D.

Superintendent of Schools



# WINDSOR HIGH SCHOOL

## DEPARTMENT OF ATHLETICS

### Concussion Education and Consent Form

Name: \_\_\_\_\_

A concussion is a brain injury, and all brain injuries are serious. They may be caused by a bump, blow, or jolt to the head or by a blow to another part of the body with the force being transmitted to the head. Even a “ding,” “getting your bell rung,” or what seems to be a mild bump or blow can be serious. Concussions can range from mild to severe, and they change the way your brain normally works. **All concussions are potentially serious and may result in complications including prolonged brain damage and death if not recognized and managed properly.** They can occur during practices, games, or any recreational activity and can happen even if there is no loss of consciousness. You can’t see a concussion, but you may notice one or more signs or symptoms. They may show up right after the injury or can take hours to days to fully appear. If your student-athlete reports any symptoms or concussion, or if you notice the signs or symptoms of concussion yourself, seek medical attention right away.

#### **Symptoms reported by athlete may include one or more of the following:**

- Headache or “pressure” in head
- Neck pain
- Nausea or vomiting
- Balance problems or dizziness
- Sensitivity to light and noise
- Double or blurry vision
- Feeling slowed down, foggy, or hazy
- Feeling irritable, anxious, nervous, sad, more emotional than usual
- “Don’t feel right, feel off, feel down”
- Repeating the same comment/question
- Feeling fatigued or run down
- Concentration or memory problems
- Confusion

#### **Signs observed by parents, coaches, and/or teammates may include:**

- Appears dazed, stunned or disoriented
- Blank stare or vacant look
- Is confused about assignment, position or plays
- Unsure of game, score, opponent, location
- Stumbles or appears uncoordinated
- Responds to questions slowly or incorrectly
- Slurred speech
- Displays mood, behavior, or personality changes
- Can’t recall events prior to hit or fall
- Can’t recall events after hit or fall
- Loss of consciousness

#### **What to do if you or your student-athlete suspect a concussion:**

- Do not hide it
- Remove from play
- Notify coaches, athletic trainers, nurses and necessary school staff
- Seek medical attention from a healthcare professional
- Make sure to report any concussions that occur past and present
- Give yourself time to rest and allow your brain to heal
- No athlete may return to activity until obtaining medical clearance from their doctor
- After receiving clearance from your doctor, perform a Return to Play protocol under the supervision of a healthcare professional



**Windsor High School  
Concussion Education and Consent Form**

**Dangers of playing with a possible head injury/concussion or returning too soon from a concussion:**

Continuing to participate in athletics or returning to athletics while signs and symptoms are still present leaves the student-athlete vulnerable to greater injury. Not only can returning too soon or not reporting a concussion prolong recovery, but it allows the possibility of sustaining another impact. Sustaining another impact during the time period after a first concussion is known as Second Impact Syndrome. Second Impact Syndrome can lead to severe impairment, and in extreme cases may even be fatal. It is important that student-athletes understand the importance of accurately reporting their signs and symptoms.

**Student-athletes who have sustained a concussion must complete a graduated Return to Play with a healthcare professional when cleared to resume activities:**

- Step 1: Complete Physical and Cognitive Rest. Athlete will not do any activity and will avoid anything that would cause a recurrence of signs or symptoms.
- Step 2: Light Cardio Activity. Athlete will jog or bike for 10 minutes. If no signs or symptoms occur during those 10 minutes, they will be allowed to continue for another 10 minutes, unless signs or symptoms occur then as well.
- Step 3: Increased Cardio Activity. Athlete will perform sprints, change of direction activity, long distance running, and/or weightlifting.
- Step 4: Non-Contact Drills. Athlete will perform sport specific non-contact drills based on their sport and position. In this step they are allowed to run at normal activity level, weight lift, and work into the non-contact drills performed that day during practice.
- Step 5: Full Contact Practice. Athlete will perform a full contact practice. Athlete will perform all parts of a running practice, with no restrictions.
- Step 6: Return to Game. Athlete will return to competition.

\*If at any point during this Return to Play protocol the athlete experiences a recurrence of signs or symptoms, the process will stop and parents will be notified of the next step.

**Please note that students who have suffered a concussion will not be permitted to be on the sideline of a practice or a game or travel with the team until the Return to Play protocol has been initiated, students are attending a full day of school and there are no further academic accommodations.**

**Parents and students are required to watch the Connecticut Concussion Task Force Video located at:**

- <http://www.connecticutconcussiontaskforce.org/CCTFtake%20two.mp4>

**Parents and students are required to review the Procedures for Concussion Management located at:**

- [http://www.westport.k12.ct.us/media/health/concussion\\_management\\_procedures\\_6-14\\_edited.doc](http://www.westport.k12.ct.us/media/health/concussion_management_procedures_6-14_edited.doc)

For further information regarding concussions please feel free to view the following information:

- <http://www.cdc.gov/concussion/>
- [Staples High School Athletic Handbook](#)

**This form must be completed annually**

**ACKNOWLEDGEMENT OF CONCUSSION EDUCATION FOR PARENTS AND STUDENTS**

- ☐ **I have read and understand the Concussion Education and Consent form and the Procedures for Concussion Management and have watched the Connecticut Concussion Task Force Video located at <http://www.connecticutconcussiontaskforce.org/CCTFtake%20two.mp4>**

**I authorize my student-athlete to participate in athletic activities**

\_\_\_\_\_  
Signature of Parent/Legal Guardian

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Student Athlete

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sport

## Concussion Information Sheet for Students and Parents

The following recommendations are standard for all students who suffer from a head injury and are designed to help speed your recovery. Your careful attention to them can also prevent prolonged recovery and further injury. The typical recovery period for a concussion is 7 to 10 days.

- Avoid physical activity – you should not participate in physical education or sports participation until you are headache free for one week. This includes weight training, running, exercising and heavy lifting.
- Get lots of rest. Be sure to get enough sleep at night – no late nights. Keep the same bedtime on the weekdays and weekends.
- Drink lots of fluids and eat carbohydrates or protein to maintain appropriate blood sugar levels
- Take daytime naps or rest breaks if you feel fatigued or the onset of a headache
- Limit activities that require a lot of thinking or concentration. These activities can make your symptoms worse. This may include limiting class work, homework and job related activity.
- Avoid prolonged computer use, video gaming, television watching, text messaging, telephone use.
- During recovery, it is normal to feel frustrated and sad when you do not feel right and you cannot be as active as usual.
- Seek re-evaluation as your symptoms will help guide recovery.

### Academic Participation

Because recovering from a concussion can be a gradual process and school work continues while recovery is taking place, it is necessary for students, parents and school personnel to be aware of and consider the following symptoms that a student may demonstrate during recovery:

- Increased difficulty paying attention or concentrating
- Increased problems remembering or learning new information
- Longer time needed to complete tasks or assignments
- Greater irritability, less able to cope with stress
- Headaches and fatigue that worsens when doing school work

These symptoms are normal, to be expected, and temporary.

### Physical Activity and Sport Participation

It is important to avoid all physical activity, in school and out of school, in particular any physical activity that carries a risk of head injury. The likelihood of sustaining a second head injury is greater during the recovery phase of a concussion. Rapid or early return to sports and play puts you at risk for Second Impact Syndrome which can lead to severe and possibly lethal outcomes. Therefore, it is necessary to follow these recommendations for returning to sports/play:

- You should NEVER return to play if you have any concussion symptoms (see above). This includes symptoms at rest and while doing any physical or mental activity. Be sure the PE teacher, coach and athletic trainer are aware of your injury and ongoing symptoms.
- It is normal to feel frustrated, sad and even angry because you cannot return to sports right away. As with any injury, a full recovery will reduce the chances of getting hurt again. It is better to miss one or two games than the whole season.

### Requirements for Academic Accommodations during Recovery

1. Medical evaluation and side two of this form is completed by student's physician
2. Parental authorization for school nurse and medical advisor to exchange information with student's physician.
3. Student has not been cleared to resume game play (athletics) or other contact/strenuous physical activity.
4. Beyond three weeks, an assessment and recommendation(s) by a neurologist or concussion specialist may be recommended.

## Acute Concussion Care Plan – Must be completed by student's physician

Student Name \_\_\_\_\_ Birth Date \_\_\_\_\_ Today's Date \_\_\_\_\_

Date of Injury \_\_\_\_\_ Expected Date of Return to School \_\_\_\_\_

### Current Symptoms:

- |  |   |
|--|---|
| <input type="checkbox"/> Headache                    | <input type="checkbox"/> Feeling mentally foggy   |
| <input type="checkbox"/> "Pressure in head"          | <input type="checkbox"/> Sleeping more less       |
| <input type="checkbox"/> Neck Pain                   | <input type="checkbox"/> Difficulty concentrating |
| <input type="checkbox"/> Nausea or vomiting          | <input type="checkbox"/> Difficulty remembering   |
| <input type="checkbox"/> Dizziness /Balance problems | <input type="checkbox"/> Fatigue or low energy    |
| <input type="checkbox"/> Blurred vision              | <input type="checkbox"/> Irritability             |
| <input type="checkbox"/> Noise sensitivity           | <input type="checkbox"/> Sadness/emotionality     |
| <input type="checkbox"/> Light sensitivity           | <input type="checkbox"/> Confusion                |

### Suggested Academic Adjustments:

The above student will benefit from the following short term academic supports for proper concussion management in school (checked items apply):

- ☐ No school for \_\_\_\_\_ days
- ☐ No school until re-evaluated on \_\_\_\_\_
- ☐ No recess
- ☐ No Music/Band class
- ☐ No Computer
- ☐ Shortened day or modified schedule, as indicated
- ☐ Homebound tutoring as tolerated
- ☐ Extra time to complete coursework, assignments, tests, No more than one test \_\_\_\_\_ per day \_\_\_\_\_ every other day
- ☐ No significant classroom testing or standardized testing
- ☐ Pre-printed material/notes, if available
- ☐ Schedule periodic rest breaks as needed in health office during day
- ☐ Allow student to go to health office if symptoms worsen during the day
- ☐ Allow school concussion team to gradually modify accommodations if student remains symptom free
- ☐ Other recommendations: \_\_\_\_\_

### Physical Exertion Accommodations

The above student should adhere to the following recommendations regarding physical education (PE) and athletic participation (checked items apply):

- ☐ **May not return** to PE or sports/athletics until further notice
- ☐ **Aerobic, non-contact PE** as tolerated (walk, run, jog)
- ☐ **Is medically cleared** to participate in full PE
- ☐ **May gradually return to school sports/athletics (for student athletes)** under the supervision of an appropriate person (e.g. athletic trainer, coach). Return to play as per return-to-play guidelines

These recommendations will be reviewed and updated on \_\_\_\_\_. *(Academic accommodations beyond three weeks may require assessment by a neurologist or concussion specialist).*

Care Plan completed by \_\_\_\_\_ MD APRN PA

Signature

Printed Name \_\_\_\_\_ Telephone \_\_\_\_\_