Suspension and Expulsion/Due Process

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

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

A. Definitions

1. “Exclusion” shall be defined as any denial of public school privileges to a student for disciplinary purposes.

2. “Removal” shall be defined as an exclusion from a classroom for all or a part of single class period, provided such exclusion shall not extend beyond ninety (90) minutes.

3. “In-School Suspension” shall be defined as an exclusion from regular classroom activity for no more than ten consecutive school days, but not exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed. Such suspensions shall be served in the school attended by the student or may be served in any school building under the jurisdiction of the Board.

4. “Suspension” shall be defined as an exclusion from school privileges or from transportation services for no more than ten (10) consecutive school days, provided such exclusion shall not extend beyond the end of the school year in which such suspension was imposed. All suspensions shall be in-school suspensions unless the administration determines for any student in grades three through twelve, inclusive, that (1) the student being suspended poses such a danger to persons or property or such a disruption of the educational process that the student (grades three to twelve, inclusive) shall be excluded from school during the period of suspension, or (2) that an out-of-school suspension is appropriate based on evidence of previous disciplinary problems that have led to suspensions or expulsion of the student and
efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive support strategies.

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

5. “Expulsion” shall be defined as an exclusion from school privileges for any student in grades three to twelve, inclusive, for more than ten (10) consecutive school days and shall be deemed to include but not be limited to, exclusion from the school to which such student was assigned at the time such disciplinary action was taken, provided that assignment to a regular classroom program in a different school in the district shall not constitute a suspension or an expulsion. Such period of exclusion may extend to the school year following the school year in which the exclusion was imposed, up to one calendar year.

6. “Emergency” shall be defined as a situation under which the continued presence of the student in the school imposes such a danger to persons or property or such a disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of such student as possible.

7. “Days” is defined as days when school is in session.

8. “School-sponsored activity” is defined as any activity sponsored, recognized or authorized by the Board and includes activities conducted on or off school property.

9. “Possess” means to have physical possession or otherwise to exercise dominion or control over tangible property.

10. “Deadly weapon” means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy club, blackjack, bludgeon, or metal knuckles.

11. “Firearm” means 1) any weapon (including a starter gun) which will or is designed to or readily be converted to expel a projectile by the action of an explosive; 2) the frame or receiver of any such weapon; 3) any firearm muffler or firearm silencer; or 4) any destructive device. Firearm does not include any antique firearm. For purposes of this definition “destructive device” means any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than 4
ounces, missile having an explosive or incendiary charge of more than ¼ ounce, mine, or device similar to any of the weapons described herein.

12. “Vehicle” means a “motor vehicle” as defined in Section 14-1 of the Connecticut General Statutes, snow mobile, any aircraft, or any vessel equipped for propulsion by mechanical means or sail.

13. “Martial arts weapon” means a nunchakum kama, kasari-fundo, octagon sai, tonfa or Chinese star.

14. “Dangerous Drugs and Narcotics” is defined as any controlled drug in accordance with Connecticut General Statutes §219-240.

15. "Dangerous instrument" is any instrument, article, substance or device which is capable of causing death or serious physical injury, or which poses a serious threat to school personnel, students or property, including by way of example, but not limited to any knife with a metal blade or a razor, utility knife, box cutter, or 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 to persons or property.

16. “Alternate education” means a school or program maintained and operated by the Board that is offered to students in a nontraditional setting and addresses their social, emotional, behavioral and academic needs. Such program must conform to State Board of Education guidelines and with state law.

17. “Bullying” is defined as the repeated use by one or more students of a written, oral or electronic communication, such as cyberbullying, directed at or referring to another student attending school in the same school district, or a physical act or gesture by one or more students repeatedly directed at another student attending school in the same school district that:

   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 shall include, but is not be limited to, a written, oral or electronic communication or physical act or gesture based on any actual or perceived differentiating characteristic, 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;

Bullying may take many forms, such as but not limited to:

1. physical violence and attacks;
2. taunts, name-calling or discriminatory slurs, including but not limited to insulting, disparaging or derogatory comments regarding a person’s race, religion, sex, sexual orientation, gender identity or expression, religion, national or ethnic background, disability, physical appearance, socioeconomic status, or a student’s association with a person or group who has or is perceived to have one or more of such characteristics;
3. threats and intimidation;
4. extortion or stealing of money and possessions;
5. cyberbullying.

Cyberbullying means 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.

Bullying is prohibited on school grounds, at any school-sponsored or school-related activity, function or program, whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by a local or regional Board, or through the use of an electronic device or an electronic mobile device owned, leased or used by at the local or regional Board.

B. Removal from Class

1. All teachers are hereby authorized to remove a student from class when such student causes a serious disruption of the educational process within the classroom.

2. Such teacher shall send the student to a designated area and shall immediately inform the building Principal or his/her designee as to the name of the student and the reason for removal.

3. No student shall be removed from class more than six (6) times in any year nor more than twice in one week, unless such student is referred to the Building Principal or his/her designee and granted an informal hearing in accordance with
C. Exclusion from Co-Curricular and Extra-Curricular Activities

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

D. Suspension and Expulsion

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

   a. Conduct threatening or endangering the physical safety and/or well-being of the student, other students, and/or members of the school staff on or off school grounds including the making of a false report (such as a bomb threat);

   b. Physical assault or battery or attempted physical assault or battery of a student or member of the school staff;

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

   d. Stealing or attempting to steal private or school property or taking or attempting to take personal property or money from any other person or the willful receipt and/or possession of any such stolen property;

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

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

   g. Sexual harassment or any other kind of harassment including discriminatory harassment on the basis of that person’s race, religion, ethnic background, gender, gender identity or gender expression, sexual orientation or on the basis of the person’s membership in any other protected class;

   h. Open defiance of the authority of any teacher or person having authority over the student, including verbal abuse;
i. Threatening in any manner, including orally, in writing, or via electronic communication, a member of the school including any teacher, a member of the school administration or any other employee, or a fellow student;

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

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

l. Possession of any weapon or weapon facsimile, including but not limited to knife, pistol, pellet guns and/or air soft pistols;

m. Possession, transmission, distribution, selling, use or consumption of alcoholic beverages, dangerous drugs or narcotics or intoxicant of any kind or any facsimile of a dangerous drug, narcotic or intoxicant of any kind; or possession, or use of drug paraphernalia;

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

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

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

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

r. Repeated unauthorized absence from or tardiness to school;

s. Intentional and successful incitement of truancy by other students;

t. The use or copying of the academic work of another and the presenting of it as one’s own without proper attribution;

u. Violation of school rules and practices or Board policy, regulation or agreement, including that dealing with conduct on school buses and the use of school district equipment;
v. Violation of any federal or state law which would indicate that the violator presents a danger to any person in the school community or to school property;

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

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

y. Possession or use of smoking and/or chewing tobacco products or of an electronic nicotine delivery system or vapor product on school grounds or at a school-sponsored activity;

E. Suspension for Conduct Off School Grounds

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

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

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

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

F. Mandatory Expulsion

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

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

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

2. Such a student shall be expelled for one calendar year if the Board or impartial hearing officer finds that the student did so possess or so possess and use, as appropriate, such a weapon or firearm, instrument or weapon or did so offer for sale or distribution such a controlled substance.

3. The Superintendent may modify the period of a mandatory expulsion on a case-by-case basis.

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

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

G. Suspension Procedure

1. The administration of each school shall have the authority to invoke suspension for a period of up to ten days or to invoke in-school suspension for a period of up to ten school days of any student for one or more of the reasons stated in paragraph D, above, in accordance with the procedure outlined in this paragraph. Suspensions shall be in-school suspensions unless the administration determines that the student being suspended poses such a danger to persons or property or such a disruption of the educational process that the student shall be excluded from school during the period of suspension. The administration may also consider a student’s previous disciplinary problems when deciding whether an out-of-school suspension is warranted, as long as the school previously attempted to address the problems by
means other than an out-of-school suspension or an expulsion.

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

The administration shall also have the authority to suspend a student from transportation services whose conduct while awaiting or receiving transportation violates the standards set forth in paragraph D, above. The administration shall have the authority to immediately suspend from school any student when an emergency exists as that term is defined in paragraph A, above.

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

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

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

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

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

H. Expulsion Procedures

1. The Board, or a subcommittee of the Board, which shall consist of three or more Board members, or a hearing officer appointed to preside at expulsion hearings in lieu of the Board or a subcommittee of the Board (the Board), may, upon recommendation of the Superintendent of Schools, expel any student for one or more of the reasons stated in this policy if in the judgment of the Board or a hearing officer, such disciplinary action is in the best interest of the school system.

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

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

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

5. The procedure for any hearing conducted under this paragraph shall at least include the right to:
a. Notice prior to the date of the proposed hearing which shall include a statement of the time, place and nature of the hearing and a statement of the legal jurisdiction under which the hearing is to be held and a statement that the board is not required to offer an alternative educational opportunity to any student between 16 and 18 who was previously expelled, or who is found to have engaged in conduct endangering persons which involved (1) possession of a firearm, deadly weapon, dangerous instrument or martial arts weapon on school property or school transportation or at a school sponsored activity or (2) offering for sale or distribution on school property or at a school sponsored activity a controlled substance, as defined in Section 21a-240(a) of the Connecticut General Statutes.

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

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

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

e. The opportunity to cross-examine adverse witnesses;

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

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

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

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

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

a. All evidence received and considered by the Board or a hearing officer;

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

c. The decision of the Board or a hearing officer rendered after such hearing; and

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

7. Rules of evidence at expulsion hearings shall assure fairness, but shall not be controlled by the formal rules of evidence, and shall include the following:
a. Any oral or documentary evidence may be received by the Board or a hearing officer but, as a matter of policy, irrelevant, immaterial or unduly repetitious evidence may be excluded. In addition, other evidence of past disciplinary problems which have led to removal from a classroom, in-school suspension, suspension, or expulsion may be received for considering the length of an expulsion and the nature of the alternative educational opportunity, if any, to be offered;

b. The Board or a hearing officer shall give effect to the rules of privilege by law;

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

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

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

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

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

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

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

1. All students and parents within the jurisdiction of the Board shall be informed at the beginning of each school year and at any other appropriate times during the school year, of Board Policy governing student conduct by the delivery, which may include electronic delivery, to each said student of a written copy of said Board Policy.

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

3. The notice of an expulsion hearing shall be given at least five (5) business days before such hearing to the student and his/her parents or guardians, if said student is less than 18 years of age, and shall include information concerning the parent’s/guardian’s and the student’s legal rights and concerning legal services that are provided free of charge or at a reduced rate that are available and how to access such services.

J. Students with Disabilities

A special education student and/or 504 disability shall be considered before making a decision to suspend. A student with disabilities may be suspended for up to ten (10) school days in a school year without the need for the district to provide any educational services. A disabled student may be additionally removed (suspended) for up to ten (10) school days at a time for separate acts of misconduct as long as the removals do not constitute a pattern. During any subsequent suspension of ten (10) days or less of a student with disabilities, the district shall provide services to the disabled student to the extent determined necessary to enable the student to appropriately advance in the general education curriculum and toward achieving his/her IEP goals. In cases involving removals for ten (10) days or less, school personnel (school administration) in consultation with the child’s special education teacher, shall make the service determination.

1. School personnel may unilaterally order, without Board action, a change in the placement of a student requiring special education and related services to an appropriate interim alternative educational setting determined by the planning and placement team, for the same amount of time that a student without a disability would be subject to discipline but for not more than forty-five (45) days. Such order may only be made if the student (a) carried a weapon to school or to a school sponsored activity, or (b) knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance on school grounds or at a school sponsored activity. Such change in placement may be made regardless of the outcome of a manifestation determination review. For this purpose, a 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 such term does not include a pocket knife with a blade of less than 2½ inches in length.

2. Prior to conducting an expulsion hearing for a student requiring special education and related services, or a 504 student, a planning and placement team (P.P.T.) shall convene to review the relationship between the student's disability and the misconduct and to determine whether the misconduct was caused by the student's disability.

3. If it is determined that the misconduct was caused by the student's disability, the student shall not be expelled. The planning and placement team shall reevaluate the student for the purpose of modifying the student's individualized education program (I.E.P.) to address the misconduct and to ensure the safety of other students and staff in the school.

4. If it is determined that the misconduct was not caused by the student's disability, the student may be expelled. If a student requiring such special education and related services is expelled, an alternative educational opportunity consistent with such student's educational needs shall be provided during the period of expulsion.

K. Alternative Educational Opportunity

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

The Board is also required to offer such alternative educational opportunity, as defined, to any student between the ages of sixteen and eighteen who is expelled because of conduct
which endangers persons, and involved the following, on school grounds or at a school-sponsored event:

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

if it was determined at the expulsion hearing that the conduct for which the student was expelled involved (a) carrying on or introducing onto school property a firearm, deadly weapon or dangerous instrument as defined in C.G.S. 53a-3 or (b) offering for sale or distribution on school property or at a school sponsored activity a controlled substance, as defined in subdivision (8) of C.G.S. 21a-240, whose manufacture, distribution, sale, prescription, dispensing, transporting, or possessing with the intent to sell or dispense, offering, or administration is subject to criminal penalties under C.G.S. 21a-277 and 21a-278. If the Board or a hearing officer expels a student for the sale or distribution of such a controlled substance, the Board or a hearing officer shall refer the student to an appropriate state or local agency for rehabilitation, intervention or job training, or any combination thereof, and inform the agency of its action. If a student is expelled for possession of a firearm, or deadly weapon, dangerous instruments (those that can be used to cause death or serious injury) or martial arts weapons the Board shall report the violation to the local police department.

The Board is not obligated to provide such alternative educational opportunity to any student eighteen years of age or older. Any student who attains the age of eighteen years during any portion of his/her expulsion may be denied an alternative educational opportunity, regardless of the reason for the expulsion (subject to any applicable special education requirements).

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

Whenever the Board notifies a student between the ages of sixteen and eighteen or the parents/guardians of such student, that an expulsion hearing will be held, the notification shall include a statement that the Board is not required to offer an alternative educational opportunity to any student who is found to have engaged in conduct including possession of a martial arts weapon, firearms, deadly weapons or dangerous instruments on school property or at a school function.

L. Other Considerations

1. If a student is expelled, notice of the expulsion and the conduct for which the
student was expelled shall be included on the student’s cumulative educational record. Such notice, except for the notice of an expulsion of a student in grades nine through twelve, inclusive, based on possession of a firearm or deadly weapon, shall be expunged from the cumulative educational record by the Superintendent if the student graduates from high school. Any expungement of the expulsion record prior to the student’s graduation from high school shall occur in accordance with state law under the limited circumstances so provided for therein.

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

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

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

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

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

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

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

9. Any student who commits an expellable offense and is subsequently committed to a juvenile detention center, The Connecticut Juvenile Training School or any other residential placement for such offense may be expelled by the local Board or a hearing officer. 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.

M. Readmission of Student from a Residential Placement

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

N. Statutory Modification

Should any portion of this policy be rendered unlawful or should any additional substantive or procedural requirement be imposed by a change in State or Federal law following adoption of this policy, the Board is authorized to interpret this policy in such a way as to conform to any such change in State or Federal law.

Legal Reference: Connecticut General Statutes
4-176e through 4-180a. Contested Cases. Notice. Record, as amended
10-233a through 10-233f Suspension, removal and expulsion of students, as amended by PA 95-304, PA 96-244, PA 98-139, PA 07-66, PA 07-122, PA 08-160, PA 09-82, PA 09-6 (September Special Session), PA 10-111, PA 11-126, PA 14-229, PA 15-96 and PA 16-147.
53a-3 Definitions.
53a-217b Possession of Firearms and Deadly Weapons on School Grounds.
PA 94-221 An Act Concerning School Discipline and Safety.
PA 15-96 An Act Prohibiting Out-of-School Suspensions and Expulsions for Students in Preschool and Grades Kindergarten to Two.
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Title III - Amendments to the Individuals with Disabilities Education Act.  
Sec. 314 (Local Control Over Violence)  
Elementary and Secondary Act of 1965 as amended by the Gun Free  
Schools Act of 1994  
P.L. 105-17 The Individuals with Disabilities Act, Amendments of 1997.  
*Kyle P. Packer PPA Jane Packer v. Thomaston Board of Education.*  
20 U.S.C. Section 7114, No Child Left Behind Act  
P.L. 108-446 The Individuals with Disabilities Education Improvement Act  
of 2004

Board of Education Approved: April 20, 1993  
Policy Revision Approved: February 13, 2017