

Students

Suspension and Expulsion/Due Process

Section I - Definitions

- A. **“Exclusion”** is defined as any denial of public school privileges to a student for disciplinary purposes.
- B. **“Removal”** is defined as an exclusion from a classroom for all or a part of single class period, provided such exclusion shall not extend beyond 90 minutes.
- C. **“Suspension”** is defined as an exclusion from school privileges and/or from transportation services for not 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 during the suspension hearing, 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.

- D. **“In-school suspension”** is defined as an exclusion from regular classroom activity for not more than ten (10) consecutive school days, but not an exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed. An in-school suspension may be served in the school that the pupil attends, or in any school building under the jurisdiction of the board of education, as determined by such board. An in-school suspension may include reassignment to a regular classroom program in a different school in the school district; such reassignment shall not constitute a “suspension” or “expulsion” under this policy.

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Section I – Definitions (continued)

- E. **“Expulsion”** is defined as an exclusion from school privileges for any student in grades three through 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 such exclusion shall not extend beyond a period of one (1) calendar year. Such period of exclusion may extend to the school year following the school year in which such exclusion was imposed.
- F. **“Emergency”** is 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.
- G. **“Days”** is defined as days when school is in session.
- H. **“School sponsored activity”** is defined as any activity sponsored, recognized or authorized by the Board of Education and includes activities conducted on or off school property.
- I. **“Possess”** means to have physical possession or otherwise to exercise dominion or control over tangible property.
- J. **“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.
- K. **“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 motor vehicle and a dog that has been commanded to attack.
- L. **“Firearm”** means 1) any weapon (including a starter gun) which will or is designed to or may 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.
- M. **“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.

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Section II – Removal From Class (continued)

- N. **“Martial arts weapon”** means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or chinese star.

Section II - Removal From Class

- A. Each teacher shall have the authority to remove a student from class when such student deliberately causes a serious disruption of the educational process within the classroom, provided that no student shall be removed from class more than six 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 as set forth in section IV (C) of this policy.
- B. Whenever any teacher removes a student from the classroom, 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 against whom such disciplinary action was taken and the reason therefor.

Section III – Standards Governing Suspension and Expulsion

- A. **Conduct on school grounds at a school-sponsored activity as set forth in Section C, herein, that:**
1. Violates any other Board policy or that violates any code of student conduct in effect in the schools; or
 2. Seriously disrupts the educational process; or
 3. Endangers persons or property will be cause for suspension and/or expulsion.
- B. **Conduct off school grounds as described in paragraph C, herein, that:**
1. Violates Board policy; and
 2. Seriously disrupts the educational process will be cause for suspension and/or expulsion.
- C. **The following conduct is prohibited and will be considered cause for suspension and/or expulsion:**
1. Threatening in any manner, including orally, in writing, or via electronic communication, injury to a member of the school community, including any teacher, member of the school administration or any other employee, or a fellow student;

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Section III – Standards Governing Suspension and Expulsion

C. The following conduct is prohibited and will be considered cause for suspension and/or expulsion: (continued)

2. Use of physical force against another person which is not reasonably necessary for self-defense;
3. Theft of personal or school property, or taking or attempting to take personal property or money from another person, or from his/her presence, by means of force or fear;
4. Willfully causing, or attempting to cause, damage to school property;
5. Possession, use, transmission or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind, or drug paraphernalia;
6. Possession or transmission of a facsimile of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, or marijuana;
7. Knowingly being in the presence of those who are in possession or using, transmitting, or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind;
8. Possession or transmission of any firearm, deadly weapon, dangerous instrument, martial arts weapon, or knife, or facsimile of any weapon or instrument;
9. Using or copying the academic work of another and presenting it as his/her own without proper attribution;
10. Possessing or consuming tobacco products if other than a high school student, or consuming such products if a high school student;
11. Open defiance of the authority of any teacher or person having authority over the student, including verbal abuse;
12. Intentional and successful incitement of truancy by other students;
13. Bullying, which includes any overt acts by a student or a group of students directed against another student with the intent to ridicule, humiliate, harass or intimidate the other student while on school grounds or at a school-sponsored activity which acts are committed more than once against any student during the school year along with bullying outside of the school setting if it has a direct and negative impact on a student's academic performance or safety in school;
14. Violation of any other board policy, rule, agreement, or directive dealing with student conduct, including that dealing with conduct on school buses and the use of school district equipment; and/or
15. 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.

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Section III – Standards Governing Suspension and Expulsion (continued)

- D.** Expulsion proceedings pursuant to section V, shall be required whenever there is reason to believe that any student 1) was in possession of a firearm, deadly weapon, dangerous instrument or martial arts weapon, on school grounds or at a school-sponsored activity; 2) off school grounds, did possess a firearm or did possess and use such a firearm, dangerous instrument, deadly weapon or martial arts weapon in the commission of a crime; or 3) on or off school grounds, offered for sale or distribution a controlled substance as defined in Connecticut General Statutes §21 a-240(9), whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under Connecticut General Statutes §2 I a- 277 and 21a-278. A student shall be expelled for a period of one calendar year if the board of education finds that the student engaged in any of the conduct described herein, provided the period of expulsion may be modified on a case-by-case basis.

In the event it is determined by the Superintendent that a student issued a threat against a member of the school community as described in paragraph C (1), above, the matter shall be referred to law enforcement officials for possible criminal prosecution and the Superintendent shall take all available measures to ensure the safety of persons in the school community in the event of the student's return to school.

Section IV - Suspension Procedure

- A.** The administration of each school is authorized to invoke suspension for a period of up to ten (10) days, or to invoke in-school suspension for a period of up to ten (10), of any student for one or more of the reasons stated in section III, above, in accordance with the procedure outlined in Paragraph C of this section. All suspensions shall be in-school suspensions unless the administration determines that for students in grades three through twelve, inclusive, (1) 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 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. Moreover, the administration is authorized to suspend a student from transportation services whose conduct while receiving transportation violates the standards set forth in section III, above. The school administration is authorized to immediately suspend any student when there is an emergency as defined in section 1, above. Suspensions shall be in-school suspensions unless during the suspension hearing, the administration determines that the student facing suspension poses such a danger to persons or property or such a disruption of the educational process that the student must receive an out-of-school suspension.

If an emergency exists, the hearing outlined in Paragraph C of this section shall be held as soon as possible after the suspension.

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Section IV - Suspension Procedure (continued)

A student in grades PK through two, inclusive, may be given an out-of-school suspension if the administration determines that such suspension is appropriate based on a determination by the administration that the student's conduct on school grounds is of a violent or sexual nature that endangers persons.

If an emergency exists, the hearing outlined in Paragraph C of this section shall be held as soon as possible after the suspension.

- B.** In the case of suspension, the school administration shall notify the Superintendent of Schools not later than twenty-four (24) hours of the suspension as to the name of the student who has been suspended and the reason for suspension. Any student who is suspended shall be given an opportunity to complete any class work including but not limited to examinations missed during the period of his/her suspension.
- C.** Except in the case of an emergency as defined in section 1, above, a student shall be given an informal hearing where he/she is afforded the opportunity to meet with a member of the administration and to discuss 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 school administration shall then determine whether or not suspension or in-school suspension is warranted. In determining the length of a suspension period, the school administration may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, in-school suspension, suspension or expulsion.
- D.** 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.
- E.** 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 a hearing as provided in section V (B) of this policy is first granted.
- F.** No student shall be placed on in-school suspension more than fifteen (15) 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 section V (B) of this policy is first granted.
- G.** Whenever a student is suspended, notice of the suspension and the conduct for which the student was suspended shall be included on the student's cumulative educational record. Such notice shall be expunged from the cumulative educational record if the student graduates from high school.

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Suspension and Expulsion/Due Process (continued)

Section IV - Suspension Procedure (continued)

- H.** The administration may shorten or waive the suspension period of a student who is suspended for the first time and who has never been expelled if the student successfully completes a program and any other conditions specified by the administration. Any such program shall be at no expense to the student or his parents/guardians. For a student whose suspension period is shortened or waived, the notice of the disciplinary action must be expunged from the cumulative education record if the student graduates from high school or, if the administration chooses, at the time the student completes the specified program and any other conditions required by the administration, whichever is earlier.

Section V - Expulsion Procedure

The Board of Education may expel any student grades three through twelve inclusive, for one or more of the reasons stated in section III if, in the Superintendent's judgment, such disciplinary action is in the best interests of the school system. An expulsion hearing is required in any instance in which the Superintendent has reason to believe a student has engaged in the conduct described in section III (D). The procedures outlined in Paragraphs A and B, below, shall be followed prior to the effectuation of any expulsion unless an "emergency" as defined in section I, above, exists. If an emergency exists, such a hearing shall be held as soon after the expulsion as possible.

- A.** The Board of Education shall notify the student concerned and his/her parents, or the student if he/she has attained the age of eighteen (18), that expulsion is under consideration. Such notice shall contain the information required under Paragraph 13 of this section. Three members of the Board of Education shall constitute a quorum for an expulsion hearing. A student may be expelled if a majority of the Board members sitting in the expulsion hearing vote to expel provided that three affirmative votes shall be required for expulsion.
- B.** The procedure for any hearing conducted under this section shall be determined by the hearing officer or Board Chairperson, as appropriate, but shall include the right to:
- 1. Notice of the proposed hearing which shall include:**
 - a. a statement of the time, place, and nature of the hearing;
 - b. a statement of the legal authority and jurisdiction under which the hearing is to be held;
 - c. reference to the particular sections of the Connecticut General Statutes or school policies involved;

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Section V - Expulsion Procedure (continued)

- d. 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; the statement so provided may be limited to a statement of the issues involved if it is not possible to state the issues in detail at the time such notice is served. Upon request from the student concerned a more definite and detailed statement of the issues shall be furnished;
 - e. a statement, where appropriate, that the board is not required to offer an alternative educational opportunity to any student between the ages of sixteen and eighteen who (1) has been expelled previously or (2) is found to have engaged in conduct which endangered persons and involved (a) possession on school property or at a school-sponsored activity of a firearm, deadly weapon, dangerous instrument or martial arts weapon, or (b) offering for sale or distribution on school property or at a school sponsored activity a controlled substance as defined by law. (See section VII on Alternative Educational Opportunity); and
 - f. a statement regarding free or reduced rate legal services that are locally available and how a student or parent may access these services.
- 2. The opportunity to be heard;
 - 3. The opportunity to present witnesses and evidence;
 - 4. The opportunity to cross-examine adverse witnesses;
 - 5. The opportunity to be represented by counsel; and
 - 6. Prompt notification of the decision of the board of education which decision shall be in writing if adverse to the student concerned.
- C. The record of any hearing held in an expulsion case shall include the following:**
- 1. All evidence received or considered by the board of education, including a copy of the initial letter of notice of proposed expulsion, if any, and a copy of all notices of hearing;
 - 2. Questions and offers of proof, objections and rulings on such objections;
 - 3. The decision of the Board of Education rendered after such hearing; and
 - 4. The official transcript, if any, of proceedings relating to the case or, if these are not transcribed, any recording or stenographic record of the proceedings.

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Section V - Expulsion Procedure (continued)

D. Rules of evidence at expulsion hearings shall include the following:

1. Any oral or documentary evidence may be received by the Board of Education, but as a matter of policy irrelevant, immaterial or unduly repetitious evidence shall be excluded;
 2. The Board of Education shall give effect to the rules of privilege recognized by law;
 3. In order to expedite a hearing, evidence may be received in written form, provided the interest of any party is not substantially prejudiced thereby;
 4. Documentary evidence may be received in the form of copies or excerpts if the original is not readily available provided, however, that any party to a hearing shall be given an opportunity to compare the copy with the original;
 5. 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;
 6. The Board of Education may take notice judicially cognizable facts in addition to facts within the Board's specialized knowledge provided, however, the parties shall be notified either before or during the hearing of material noticed, including any staff memoranda or data, and an opportunity shall be afforded to any party to contest the material so noted;
 7. A record of any oral proceedings before the board of education at an expulsion hearing shall be made provided, however, that a transcript of such proceedings shall be furnished upon request of a party with the cost of such transcript to be paid by the requesting party.
- E.** In determining the length of an expulsion, the board of education may receive and consider evidence of past disciplinary problems, which have led to removal from a classroom, in-school suspension, suspension, or expulsion.
- F.** Decisions shall be in writing if adverse to the student and shall include findings of fact and conclusions necessary for the decision. Findings of fact made by the Board after an expulsion hearing shall be based exclusively upon the evidence adduced at the hearing.
- G.** Any student who is expelled shall be offered an alternative educational opportunity consistent with the requirements of state law as set forth in Section VII of this policy.
- H.** Whenever a student is expelled pursuant to the provisions of this policy, notice of the expulsion and the conduct for which the student was expelled shall be included on the student's cumulative educational record. Such notice shall be expunged from the cumulative educational record by the Board if the Board determines that the student's conduct or behavior in the years following such expulsion warrant an expungement or if the student graduates from high school.

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Section V - Expulsion Procedure (continued)

- H.** (continued) If a student in grades Kindergarten to eight is expelled based upon possession of a firearm or deadly weapon, the Board may expunge from the student cumulative education record the nature of the expulsion and the conduct for which the student was expelled if the Board determines that the conduct and behavior of the student in the years following such expungement warrants an expungement.
- I.** Whenever a student against whom an expulsion hearing is pending withdraws from school after notification of such hearing but before the hearing is completed and a decision rendered, notice of the pending expulsion hearing shall be included on the student's cumulative educational record and the board of education shall complete the expulsion hearing and render a decision.
- J.** The Board of Education may shorten the length of or waive the expulsion period of a student who is expelled for the first time and who has never been suspended if the student successfully completes a program and any other conditions specified by the board. Any such program shall be at no expense to the student or his parents/guardians. For a student whose expulsion period is shortened or waived, the notice of the disciplinary action must be expunged from the cumulative education record if the student graduates from high school or, if the board chooses, at the time the student completes the specified program and any other conditions required by the administration, whichever is earlier. Nothing herein shall be deemed to restrict the ability of the board to shorten or waive the expulsion period, based upon completion of any program or meeting of conditions, for students who have been previously suspended or expelled, as may be permitted by law and as provided in Subsection L, below.
- K.** The Board of Education may adopt the decision of a student expulsion hearing conducted by another school district, provided that the board shall hold a hearing pursuant to this policy which 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 the board of education. 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 and this policy.
- L.** In addition to such rights specified in Section J, above, an expelled student may apply for early readmission to school. Such readmission shall be at the discretion of the Board of Education; however, the Board may delegate authority for readmission decisions to the Superintendent. If the Board delegates such authority, readmission shall be at the discretion of the Superintendent. The Board or Superintendent, as appropriate, may condition such readmission on specified criteria.

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Section V - Expulsion Procedure (continued)

- M.** Prior to conducting an expulsion hearing for a child requiring special education and related services described in subparagraph (A) of subdivision (5) of section 10-76a of the Connecticut General Statutes, a planning and placement team shall convene to determine whether the misconduct was caused by the child's disability. If it is determined that the misconduct was caused by the child's disability, the child shall not be expelled. The planning and placement team shall reevaluate the child for the purpose of modifying the child's individualized education program to address the misconduct and to ensure the safety of other children and staff in the school. If it is determined that the misconduct was not caused by the child's disability, the child may be expelled in accordance with the provisions of this section applicable to children who do not require special education and related services. Notwithstanding the provisions of Section VII, below, whenever a child requiring such special education and related services is expelled, an alternative educational opportunity, consistent with such child's educational needs shall be provided during the period of expulsion.

Section VI - Notification To Parents or Guardian

The parents or guardian of any minor student against whom disciplinary action is taken under this policy shall be given notice of such disciplinary action no later than twenty-four (24) hours of the time the student was excluded.

Section VII - Alternative Educational Opportunity

The Board of Education recognizes its obligation to offer any student under the age of sixteen (16) who is expelled an alternative educational opportunity during the period of expulsion. Any parent or guardian of such a student who does not choose to have his or her child enrolled in an alternative program shall not be subject to the provisions of section 10-184 of the Connecticut General Statutes.

Any expelled student who is between the ages of sixteen (16) and eighteen (18) and who wishes to continue his or her education shall be offered an alternative educational opportunity if he or she complies with conditions established by the Board of Education. Such alternative may include, but shall not be limited to, the placement of such student in a regular classroom program of a school other than the one from which the student has been excluded and, for students at least sixteen (16) years of age, placement in an adult education program. In determining the nature of the alternative educational opportunity to be offered under this section the Board of Education may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, suspension, or expulsion.

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Section VII - Alternative Educational Opportunity (continued)

State statutes do not require the Board of Education to offer an alternative educational opportunity to a student between the ages of sixteen (16) and eighteen (18) who has been expelled previously or who is expelled because of conduct which endangers persons and it was determined at the expulsion hearing that the conduct for which the student was expelled involved (a) possession on school property or a school-sponsored activity of a firearm, deadly weapon, dangerous instrument, or martial arts weapon or (b) offering for sale or distribution on school property or at a school sponsored activity a controlled substance as defined in subdivision (9) of Connecticut General Statutes §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 Connecticut General Statutes §21a-277 and 21a-278. If the Board expels a student for the sale or distribution of such a controlled substance the Board shall refer the student to an appropriate state or local agency for rehabilitation, intervention or job training, or any combination thereof, and inform the agency of its action. If the Board expels a student for possession of a firearm or deadly weapon, the Board shall report the violation to the local police department. The Board shall give the name of the student and a summary of the Board's action in so referring the student, to the Commissioner of Education within thirty (30) days after the student is expelled.

The provisions of this section shall not apply to students requiring special education who are described in subparagraph (A) of subdivision (5) of Connecticut General Statutes §10-76a.

Section VIII Gun Free Schools Act

The Board of Education shall submit to the Commissioner of Education such information on expulsions for the possession of weapons as is required for purposes of the Gun Free Schools Act of 1994, 20 U.S.C. §8921, et seq.

Statutory references:

20 U.S.C. §8921 et seq., Gun Free Schools Act

Legal Reference: Connecticut General Statutes
 4-i 76e through 4-1 80a, 4-181a Administrative procedures act
 10-76d Duties and powers of boards of education to provide special education programs and services
 10-233a Definitions

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Legal Reference: Connecticut General Statutes (continued)

- 10-233b Removal of pupils from class
- 10-233c Suspension of pupils
- 10-233d Expulsion of pupils, as amended by PA 14-229
- 10-233e Notice as to disciplinary policies and action
- 10-233f In-school suspension of pupils. Reassignment, as amended by PA 15-96
- 10-233g Reports of principals to police authority concerning physical assaults upon school employees by students
- 10-233h Arrested students
- 21a-240 Definitions
- 21a-277 Penalty for illegal manufacture, distribution, sale, prescription, dispensing
- 21a-278 Penalty for illegal manufacture, distribution, sale, prescription or administration by non-drug-dependent person

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REGIONAL SCHOOL DISTRICT NO. 14
Bethlehem and Woodbury, Connecticut