

## Students

### Suspension and Expulsion/Due Process

#### SECTION I DEFINITIONS

- A. **“Bullying”** is defined as (A) the repeated use by one or more students of a written, oral or electronic communication directed at or referring to another student in the school district; or (B) a physical act or gesture by one or more students repeatedly directed at another student in the school district that (1) causes physical or emotional harm to such student or damage to the student’s property; (2) places such student in reasonable fear of harm to himself/herself or of damage to his/her property; (3) creates a hostile environment at school for such student; (4) infringes on the rights of such student at school; or (5) substantially disrupts the educational process or the orderly operation of the school. Bullying shall include but 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, socio-economic 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.
- B. **“Cyberbullying”** is 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.
- C. **“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.
- D. **“Days”** is defined as days when school is in session.
- E. **“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.
- 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. **“Exclusion”** is defined as any denial of public school privileges to a student for disciplinary purposes.

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### Suspension and Expulsion/Due Process

#### SECTION I DEFINITIONS (continued)

- H. **“Expulsion”** is defined as an exclusion from school privileges for more than ten (10) consecutive school days and shall be deemed to include, but not be limited to, exclusion from the school to which such student was assigned at the time such disciplinary action was taken, provided 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.
- I. **“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 1/4 ounce, mine, or device similar to any of the weapons described herein.
- J. **“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.
- K. **“Martial arts weapon”** means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or chinese star.
- L. **“Possess”** means to have physical possession or otherwise to exercise dominion or control over tangible property.
- M. **“Removal”** is defined as an exclusion from a classroom for all or part of a single class period, provided such exclusion shall not extend beyond 90 minutes.
- N. **“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.

## Students

### Suspension and Expulsion/Due Process

#### SECTION I DEFINITIONS (continued)

- O. **“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. Suspensions shall be in-school suspensions except the board of education may authorize the administration of schools under its direction to impose an out-of-school suspension on any pupil in (1) grades three to twelve, inclusive, if, during the suspension hearing, (A) the administration determines that the pupil being suspended poses such a danger to persons or property or such a disruption of the educational process that the pupil shall be excluded from school during the period of suspension, or (B) the administration determines that an out-of-school suspension is appropriate for such pupil based on evidence of (i) previous disciplinary problems that have led to suspensions or expulsion of such pupil, and (ii) efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies. or (2) grades preschool to two, inclusive, if during the hearing, the administration 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.
- P. **“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.

#### 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 therefore.

## **Students**

### **Suspension and Expulsion/Due Process (continued)**

#### **SECTION III STANDARDS GOVERNING SUSPENSION AND EXPULSION**

- A. Conduct on school grounds or at a school sponsored activity as set forth in Section C below will be cause for suspension and/or expulsion when such conduct:
1. Violates a publicized policy or code of student conduct in effect in the schools; or
  2. Seriously disrupts the educational process; or
  3. Endangers persons or property
- B. Conduct off school grounds as described in paragraph C below will be cause for suspension and/or expulsion when such conduct:
1. Violates a publicized policy of the Board and
  2. Seriously disrupts the educational process
- C. The following conduct is prohibited and will be considered cause for suspension and/or expulsion:
1. Threatening or harassing 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;
  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. Unlawful possession, use, transmission or being under the influence of any narcotic drug, hallucinogenic drug, performance enhancing drug, amphetamine, barbiturate, marijuana, cocaine, alcoholic beverage, or intoxicant of any kind including prescription drugs for which the possessor, user or transmitter has no legal prescription, 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 unlawfully in possession of, using, transmitting, or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind;

## **Students**

### **Suspension and Expulsion/Due Process (continued)**

#### **SECTION III STANDARDS GOVERNING SUSPENSION AND EXPULSION (continued)**

8. Possession or transmission of any weapon, including, but not limited to, any firearm, deadly weapon, dangerous instrument, martial arts weapon, knife, box cutter, razor, blade, chemical sprays, electroshock weapons or facsimile of any weapon or instrument;
9. Any violation of the Board's policies prohibiting sexual, racial and other unlawful harassment including any act of harassment based on an individuals' race, color, national origin, sex, age, disability, sexual orientation, gender identity or expression or religion;
10. Using or copying the academic work of another and presenting it as his/her own without proper attribution;
11. Possessing or using tobacco products, electronic nicotine delivery systems or vapor products on school grounds or at a school sponsored activity;
12. Open defiance of the authority of any teacher or person having authority over the student, including verbal abuse;
13. Participation in an unauthorized occupancy of any part of any school or school premises or other building owned by any school district and failure to leave such school premises or other facility promptly after having been directed to do so by the principal or other person in charge of such building or facility;
14. Intentional incitement which results in an unauthorized occupation of any part of a school or other facility owned by any school district;
15. Intentional and successful incitement of truancy by other students;
16. Bullying or cyberbullying, including such conduct that may occur outside of the school setting if such bullying (1) creates a hostile environment at school for the victim; (2) infringes on the rights of the victim at school; or (3) substantially disrupts the education process or the orderly operation of a school.
17. Making false bomb threats or other threats to the safety of students, staff members and/or other persons;
18. Unauthorized use of any school computer, computer system, computer software, Internet connection or similar school property system or the use of such property or system for unauthorized or non-school related purposes;
19. 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
20. 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.

## Students

### Suspension and Expulsion/Due Process (continued)

#### SECTION III STANDARDS GOVERNING SUSPENSION AND EXPULSION (continued)

- D. Expulsion proceedings pursuant to section V, shall be required for any pupil in grades kindergarten to twelve, inclusive 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 §21a-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 §§21a-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) days, 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. 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 I, above. Suspensions shall be in-school suspensions, except the board of education may authorize the administration of schools under its direction to impose an out-of-school suspension on any pupil in (1) grades three to twelve, inclusive, if, during the suspension hearing, (A) the administration determines that the pupil being suspended poses such a danger to persons or property or such a disruption of the educational process that the pupil shall be excluded from school during the period of suspension, or (B) the administration determines that an out-of-school suspension is appropriate for such pupil based on evidence of (i) previous disciplinary problems that have led to suspensions or expulsion of such pupil, and (ii) efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies. or (2) grades preschool to two, inclusive, if during the hearing, the administration 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.

## **Students**

### **Suspension and Expulsion/Due Process (continued)**

#### **SECTION III STANDARDS GOVERNING SUSPENSION AND EXPULSION (continued)**

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 I, 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. 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.
- E. 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.
- F. 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.
- G. 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.

## **Students**

### **Suspension and Expulsion/Due Process (continued)**

#### **SECTION V EXPULSION PROCEDURES**

The board of education may expel any student in grades three to 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 in grades kindergarten to twelve, inclusive, 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 B of this section, and shall be given at least five (5) business days before the hearing. 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;
    - 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 has been expelled previously (See section VII on Alternative Educational Opportunity); and
    - f. a statement regarding i) the parent's or guardian's and the pupil's legal rights and ii) free or reduced rate legal services that are locally available and how a student or parent may access these services.



## **Students**

### **Suspension and Expulsion/Due Process (continued)**

#### **SECTION V EXPULSION PROCEDURES (continued)**

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 an attorney or other advocate; the parent or guardian of the pupil shall 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; 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.
- 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;

## Students

### Suspension and Expulsion/Due Process

#### SECTION V EXPULSION PROCEDURES (continued)

6. The board of education may take notice of judicially cognizable facts in addition to facts within the board's specialized knowledge provided, however, the parties shall be notified either before or during the hearing of 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 not be expunged at any time if the expulsion was based upon possession of a firearm or deadly weapon and the student was in grade nine through twelve. Such notice shall be expunged from the cumulative educational record if the student graduates from high school. The expulsion notice may be expunged from the student's record prior to graduation if the student has demonstrated to the Board that his/her conduct and behavior in the years following the expulsion warrants 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.

## **Students**

### **Suspension and Expulsion/Due Process**

#### **SECTION V EXPULSION PROCEDURES (continued)**

- J. Except in cases where an expulsion is based upon the possession of a firearm or deadly weapon, 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 pupil 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.
- 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.

## **Students**

### **Suspension and Expulsion/Due Process**

#### **SECTION V EXPULSION PROCEDURES (continued)**

- N. 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 using the procedures of this policy. The period of expulsion shall run concurrent with the period of commitment. If a student who committed an expellable offense seeks to return to the school district 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 and the student has not been expelled for such offense, the district shall allow such student to return and may not expel the student for additional time for such offense.
- O. A student who has been identified as eligible for school accommodations pursuant to Section 504 of the Rehabilitation Act, shall not be referred to an expulsion hearing until the student's Section 504 Team is convened to determine whether the misconduct was caused by the student's disability. If it is determined that the misconduct was caused by the child's disability, the child shall not be referred to an expulsion hearing and shall not be expelled. Where appropriate, the Section 504 Team shall modify and otherwise review the student's accommodations plan 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 student's disability, the student may be expelled in accordance with the provisions of this section applicable to non-disabled students.

#### **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, in accordance with the law and applicable State guidelines. 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 expelled for the first time and 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.

## **Students**

### **Suspension and Expulsion/Due Process**

#### **SECTION VII ALTERNATIVE EDUCATIONAL OPPORTUNITY (continued)**

Any student participating in an adult education program during a period of expulsion shall not be required to withdraw from school. 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.

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.

If the board expels a student for the sale or distribution of a controlled substance as defined in Connecticut General Statutes §21a-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 §§21a-277 and 21a-278, 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, 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. §7151, *et seq.*

#### **SECTION IX PRE-SCHOOL PROGRAMS**

- A. As used in this section, “preschool program provider” means a local or regional board of education, state or local charter school or interdistrict magnet school that offers a preschool program. No preschool program provider shall expel any child enrolled in such provider's preschool program, except an expulsion hearing shall be conducted, in accordance with the provisions of subsection B, below, whenever there is reason to believe that any child enrolled in such preschool program was in possession of a firearm, on or off school grounds or at a preschool program-sponsored event. Such child shall be expelled for one calendar year if, at the expulsion hearing it is determined, that the child did so possess such a firearm. A preschool program provider may modify the period of expulsion for a child on a case-by-case basis.

## Students

### Suspension and Expulsion/Due Process

#### SECTION IX PRE-SCHOOL PROGRAMS (continued)

- B. An expulsion hearing required under this subsection shall be conducted by (1) the program provider, as set forth above, (2) a local or regional board of education, in accordance with Section V above, and the law, if (a) the preschool program provider is a local or regional board of education, or (b) the preschool program provider is a regional educational service center or a state or local charter school pursuant to an agreement between such preschool program provider and the board of education, or (3) an impartial hearing board established by the preschool program provider, provided (a) no employee of such preschool program provider shall be a member of the impartial hearing board, and (b) the hearing board shall have the authority to conduct the expulsion hearing and render a final decision. Unless an emergency exists, as set forth in Section I, above, no child shall be expelled under this subsection without a formal hearing held pursuant to Section V. If an emergency exists, such hearing shall be held as soon after the expulsion as possible.
- C. No preschool program provider may authorize a suspension of a child enrolled in such provider's preschool program, unless the suspension is an in-school suspension.

Legal References: Connecticut General Statutes  
 4-176e through 4-180a, 4-181a Administrative Procedures Act  
 10-76a Definitions  
 10-76d Duties and powers of boards of education to provide special education programs and services  
 10-222d Safe school climate plans. Definitions. School climate assessments  
 10-233a Definitions  
 10-233b Removal of pupils from class  
 10-233c Suspension of pupils  
 10-233d Expulsion of pupils (as amended by Public Act 15-96 and Public Act 16-147)  
 10-233e Notice as to disciplinary policies and action  
 10-233f In-school suspension of pupils. Reassignment  
 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

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### **Suspension and Expulsion/Due Process**

Legal References: Connecticut General Statutes (continued)  
21a-278 Penalty for illegal manufacture, distribution, sale, prescription or administration by non-drug-dependent person  
53a-3 Definitions  
53-206 Carrying of dangerous weapons prohibited  
53a-217b Possession of a weapon on school grounds: Class D felony  
18 U.S.C. §921 Definitions  
20 U.S.C. §7151 et. seq., Gun Free Schools Act  
20 U.S.C. §1415 Individuals with Disabilities Education Act

Policy adopted: June 5, 2017

REGIONAL SCHOOL DISTRICT NO. 14  
Bethlehem and Woodbury, Connecticut