

Student Discipline

I. Definitions

- A. **Cannabis** means marijuana, as defined by Connecticut General Statutes Section 21a-240.
- B. **Dangerous Instrument** means any instrument, article, or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury, and includes a "vehicle" or a dog that has been commanded to attack.
- C. **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. A weapon such as a pellet gun and/or airsoft pistol may constitute a deadly weapon if such weapon is designed for violence and is capable of inflicting death or serious bodily harm. In making such determination, the following factors should be considered: design of weapon; how the weapon is typically used (e.g., hunting); type of projectile; force and velocity of discharge; method of discharge (i.e., spring v. CO2 cartridge) and potential for serious bodily harm or death.
- D. **Electronic Defense Weapon** means a weapon which by electronic impulse or current is capable of immobilizing a person temporarily, but is not capable of inflicting death or serious physical injury, including a stun gun or other conductive energy device.
- E. **Emergency** means a situation in which the continued presence of the student in school poses such a danger to persons or property or such a disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of such student as possible.
- F. **Exclusion** means any denial of public school privileges to a student for disciplinary purposes.
- G. **Expulsion** means the exclusion of a student from school privileges for more than ten (10) consecutive school days and shall be deemed to include, but not be limited to, exclusion from the school to which such pupil was assigned at the time such disciplinary action was taken. The expulsion period may not extend beyond one (1) calendar year.
- H. **Firearm**, as defined in 18 U.S.C. §921, means a) any weapon (including a starter gun) that will, is designed to, or may be readily converted to expel a projectile by the action of an explosive, b) the frame or receiver of any such weapon, c) a firearm muffler or silencer, or d) any destructive device. The term firearm does not include an antique firearm. As used in this definition, a "**destructive device**" includes any explosive, incendiary, or poisonous gas device, including a bomb, a grenade, a rocket having a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, or any other similar device; or any weapon (other than a shotgun or shotgun shell which the Attorney General finds is generally recognized as particularly suited for sporting purposes) that will, or may be readily converted to, expel a projectile by explosive or other propellant, and which has a barrel with a bore of more than ½" in diameter. The term "destructive device" also includes any combination of parts either designed or intended for use in converting any device into any destructive device and from which a destructive device may be readily assembled. A "destructive device" does not include an antique firearm; a rifle intended to be used by the owner solely for sporting, recreational, or cultural purposes; or any device which is neither designed nor redesigned for use as a weapon.

STUDENTS

Regulation 5114(b)

- I. **In-School Suspension** means an exclusion from regular classroom activity for no more than ten (10) consecutive school days, but not exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed. No student shall be placed on in-school suspension more than fifteen (15) times or a total of fifty (50) days in one (1) school year, whichever results in fewer days of exclusion.
- J. **Martial Arts Weapon** means a nunchaku, kama, kasari-fundo, octagon sai, tonfa, or Chinese star.
- K. **Removal** is the exclusion of a student from a classroom for all or part of a single class period, provided such exclusion shall not extend beyond ninety (90) minutes.
- L. **School Days** shall mean days when school is in session for students.
- M. **School-Sponsored Activity** means any activity sponsored, recognized, or authorized by the Bethany Board of Education (Board) and includes activities conducted on or off school property.
- N. **Seriously Disruptive of the Educational Process**, as applied to off-campus conduct, means any conduct that markedly interrupts or severely impedes the day-to-day operation of the school.
- O. **Suspension** means the exclusion of a student from school and/or transportation services for not more than ten (10) consecutive school days, provided such suspension shall not extend beyond the end of the school year in which such suspension is imposed; and further provided no student shall be suspended more than ten (10) times or a total of fifty (50) days in one (1) school year, whichever results in fewer days of exclusion unless such student is granted a formal hearing as provided below.
- P. **Weapon** means any BB gun, any blackjack, any metal or brass knuckles, any police baton or nightstick, any dirk knife or switch knife, any knife having an automatic spring release device by which a blade is released from the handle, having a blade of over one and one-half inches (1½") in length, any stiletto, any knife the edged portion of the blade of which is four (4) inches and over in length, any martial arts weapon or electronic defense weapon, or any other dangerous or deadly weapon or instrument, unless permitted by law under Connecticut General Statute § 29-38.
- Q. Notwithstanding the foregoing definitions, the reassignment of a student from one regular education classroom program in the Bethany Public School District (District) to another regular education classroom program in the District shall not constitute a suspension or expulsion.
- R. For purposes of this policy, references to "school," "school grounds," and "classroom" shall include physical educational environments, as well as environments, in which students are engaged in remote learning, which means instruction by means of one or more Internet-based software platforms as part of a remote learning model.

II. Scope of the Student Discipline Policy**A. Conduct on School Grounds, on School Transportation, or at a School-Sponsored Activity:**

1. Suspension: Students may be **suspended** for conduct on school grounds, on school transportation, or at any school-sponsored activity that **violates a publicized policy of the Board or is seriously disruptive of the educational process, or endangers persons or property.**
2. Expulsion: Students may be **expelled** for conduct on school grounds, on school transportation, or at any school-sponsored activity that either **a) violates a publicized policy of the Board and is seriously disruptive of the education process or b) endangers persons or property.**

B. Conduct off School Grounds:

1. Discipline: Students may be disciplined, including suspension and/or expulsion, for conduct off school grounds if such **conduct violates a publicized policy of the Board and is seriously disruptive of the educational process.**

C. Seriously Disruptive of the Educational Process:

In making a determination as to whether such conduct is seriously disruptive of the educational process, the Administration and the Board may consider but shall not be limited to the following factors:

3. whether the incident occurred within close proximity of the school;
4. whether other students from school were involved or whether there was any gang involvement;
5. whether the conduct involved violence, threats of violence, or the unlawful use of a weapon, as defined by state law, and whether any injuries occurred;
6. whether the conduct involved the use of alcohol; and
7. whether such off-campus conduct involved the illegal use of drugs.

D. A student shall not have greater discipline, punishment, or sanction for use, sale, or possession of cannabis on school property than a student would face for the use, sale, or possession of alcohol on school property, except as otherwise required by applicable law.**III. Actions Leading to Disciplinary Action, including Removal from Class, Suspension, and/or Expulsion**

Conduct that is considered to violate a publicized policy of the Board includes the offenses described below. Any such conduct may lead to disciplinary action (including, but not limited to, removal from class, suspension, and/or expulsion in accordance with this policy):

- A. Striking or assaulting a student, members of the school staff, or other persons.
- B. Theft.
- C. The use of obscene or profane language or gestures, the possession and/or display of obscenity or pornographic images, or the unauthorized or inappropriate possession and/or display of images, pictures, or photographs depicting nudity.
- D. Violation of smoking, dress, transportation regulations, or other regulations and/or policies governing student conduct.

STUDENTS

Regulation 5114(d)

- E. Refusal to obey a member of the school staff, law enforcement authorities, school volunteers, or disruptive classroom behavior.
- F. Any act of harassment based on an individual's sex, sexual orientation, race, color, religion, disability, national origin, ancestry, gender identity or expression, or any other characteristic protected by law.
- G. Refusal by a student to respond to a staff member's request for the student to provide the student's name to a staff member when asked, misidentification of oneself to such person(s), lying to school officials, or otherwise engaging in dishonest behavior.
- H. Inappropriate displays of public affection of a sexual nature and/or sexual activity on school grounds, on school transportation, or at a school-sponsored activity.
- I. A walk-out from or sit-in within a classroom, school building, or on school grounds.
- J. Blackmailing, threatening, or intimidating school staff or students (or acting in a manner that could be construed to constitute blackmail, a threat, or intimidation, regardless of whether intended as a joke).
- K. Possession of any weapon, weapon facsimile, deadly weapon, martial arts weapon, electronic defense weapon, pistol, knife, blackjack, bludgeon, box cutter, metal knuckles, pellet gun, air pistol, explosive device, firearm, whether loaded or unloaded, whether functional or not or any other dangerous object or instrument. The possession and/or use of any object or device that has been converted or modified for use as a weapon.
- L. Possession of any ammunition for any weapon described above in paragraph K.
- M. Unauthorized entrance into any school facility or a portion of a school facility or aiding or abetting an unauthorized entrance.
- N. Possession or ignition of any fireworks, combustible or other explosive materials, or ignition of any material causing a fire. Possession of any materials designed to be used in the ignition of combustible materials, including matches and lighters.
- O. Possession, sale, distribution, use, or consumption of tobacco, electronic nicotine delivery systems (e.g., e-cigarettes), electronic cannabis delivery system, or vapor products, or the unlawful possession, sale, distribution, use, or consumption of drugs, narcotics, or alcoholic beverages (or any facsimile of tobacco, drugs, narcotics or alcoholic beverages or any item represented to be tobacco, drugs or alcoholic beverages), including being under the influence of any such substances or aiding in the procurement of any such substances. For the purposes of this paragraph O, the term "electronic nicotine delivery system" shall mean an electronic device used in the delivery of nicotine or other substances to a person inhaling from the device and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device including but not limited to electronic cigarette liquid. For the purposes of Paragraph O, the term "electronic cannabis delivery system" shall mean an electronic device that may be used to simulate smoking in the delivery of cannabis to a person inhaling the device and includes, but is not limited to, a vaporizer, electronic pipe, electronic hookah, and any related device, and any cartridge or other component of such device. For the purposes of Paragraph O, the term "vapor product" shall mean any product that employs a heating element, power source, electronic circuit, or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may or may not include nicotine and is inhaled by the user of such product. For the purposes of this paragraph O, the term "drugs" shall include, but shall not be limited to, any medicinal preparation (prescription and non-prescription) and any

controlled substance whose possession, sale, distribution, use, or consumption is illegal under state and/or federal law, including cannabis.

- P. Sale, distribution, or consumption of substances contained in household items including, but not limited to glue, paint, accelerants/propellants for aerosol canisters, and/or items such as the aerators for whipped cream, if sold, distributed, or consumed for the purpose of inducing a stimulant, depressant, hallucinogenic or mind-altering effect.
- Q. Possession of paraphernalia used or designed to be used in the consumption, sale, or distribution of drugs, alcohol, or tobacco, as described in paragraph O above. For purposes of this policy, drug paraphernalia includes any equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing or concealing, or injecting, ingesting, inhaling or otherwise introducing controlled drugs or controlled substances into the human body, including but not limited to items such as bongs, pipes, roach clips, vials, tobacco rolling papers, and any object or container used, intended or designed for use in storing, concealing, possessing, distributing or selling controlled drugs or controlled substances, including cannabis.
- R. The destruction of real, personal, or school property, such as cutting, defacing, or otherwise damaging property in any way.
- S. Accumulation of offenses such as school and class tardiness, class cutting, or failure to attend detention.
- T. Trespassing on school grounds while on out-of-school suspension or expulsion.
- U. Making false bomb threats or other threats to the safety of students, staff members, and/or other persons.
- V. Defiance of school rules and the valid authority of teachers, supervisors, administrators, other staff members, and/or law enforcement authorities.
- W. Throwing snowballs, rocks, sticks, and/or similar objects, except as specifically authorized by school staff.
- X. Unauthorized and/or reckless and/or improper operation of a motorized vehicle on school grounds or at any school-sponsored activity.
- Y. Leaving school grounds, school transportation, or a school-sponsored activity without authorization.
- Z. Use of or copying of the academic work of another individual and presenting it as the student's own work, without proper attribution or any other form of academic dishonesty, cheating, or plagiarism.
- AA. Possession and/or use of a cellular telephone, radio, walkman, portable audio player, Blackberry, personal data assistant, walkie-talkie, smartphone, mobile or handheld device, or similar electronic device, on school grounds, on school transportation, or at a school-sponsored activity in violation of Board policy and/or administrative regulations regulating the use of such devices.
- BB. Possession and/or use of a beeper or paging device on school grounds, on school transportation, or at a school-sponsored activity without the written permission of the school principal or designee.

STUDENTS

Regulation 5114(f)

- CC. Unauthorized use of or tampering with any school computer, computer system, computer software, Internet connection, or similar school property or system, or the use of such property or system for inappropriate purposes.
- DD. Possession and/or use of a laser pointer, unless the student possesses the laser pointer temporarily for an educational purpose while under the direct supervision of a responsible adult.
- EE. Hazing.
- FF. Bullying, defined as an act this is direct or indirect and severe, persistent, or pervasive, which:
 - 1. causes physical or emotional harm to an individual;
 - 2. places an individual in reasonable fear of physical or emotional harm; or
 - 3. infringes on the rights or opportunities of an individual at school.Bullying shall include, but need not be limited to, a written, oral, or electronic communication, or physical act, or gesture based on any actual or perceived differentiating characteristics, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socioeconomic status, academic status, physical appearance, or mental, physical, developmental or sensory disability, or by association with an individual or group who has or is perceived to have one or more of such characteristics.
- GG. Cyberbullying, defined as any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile telephone, or other mobile electronic devices or any electronic communications.
- HH. Acting in any manner that creates a health and/or safety hazard for staff members, students, or the public, regardless of whether the conduct is intended as a joke including but not limited to violating school or District health and safety protocols developed in connection with a pandemic/epidemic, such as, but not limited to, physical distancing and mask-wearing requirements.
- II. Engaging in a plan to stage or create a violent situation for the purposes of recording it by electronic means, or recording by electronic means acts of violence for purposes of later publication.
- JJ. Engaging in a plan to stage sexual activity for the purposes of recording it by electronic means, or recording by electronic means sexual acts for purposes of later publication.
- KK. Using computer systems, including email, remote learning platforms, instant messaging, text messaging, blogging, or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.
- LL. Use of a privately owned electronic or technological device in violation of school rules, including the unauthorized recording (photographic or audio) of another individual without permission of the individual or a school staff member.
- MM. Engaging in teen dating violence, defined as any act of physical, emotional, or sexual abuse, including stalking, harassing, and threatening, which occurs between two students who are currently in or who have recently been in a dating relationship.
- NN. Any action prohibited by any Federal or State law.

STUDENTS

Regulation 5114(g)

- 00. Any other violation of school rules or regulations or a series of violations which makes the presence of the student in school seriously disruptive of the educational process and/or a danger to persons or property.

IV. Discretionary and Mandatory Expulsions

- A. A school principal may consider recommendation of the expulsion of a student in grades three (3) to six (6), inclusive, in a case where the principal has reason to believe the student has engaged in conduct described at Sections II.A. and II.B., above.
- B. A school principal must recommend expulsion proceedings in all cases against any student in grades kindergarten to six (6), inclusive, whom the Administration has reason to believe:
 - 1. was in **possession on school grounds, or on school transportation, or at a school-sponsored activity of a deadly weapon, dangerous instrument, martial arts weapon, or firearm** as defined in 18 U.S.C. § 921 as amended from time to time; or
 - 2. **off school grounds, possessed a firearm** as defined in 18 U.S.C. § 921, in violation of Connecticut General Statute § 29-35, or **possessed and used a firearm** as defined in 18 U.S.C. § 921, a **deadly weapon**, a **dangerous instrument**, or a **martial arts weapon** in the **commission of a crime** under Chapter 952 of the Connecticut General Statutes; or
 - 3. was engaged **on or off school grounds or school transportation in offering for sale or distribution a controlled substance** (as defined in Connecticut General Statute § 21a-240(9)), whose manufacturing, distribution, sale, prescription, dispensing, transporting, or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under Connecticut General Statutes §§ 21a-277 and 21a-278.
 - 4. The terms **“dangerous instrument,” “deadly weapon,” “electronic defense weapon,” “firearm,”** and **“martial arts weapon,”** are defined above in Section I.
- C. In any preschool program provided by the Board, no student enrolled in such a preschool program shall be expelled from such preschool program, except an expulsion hearing shall be conducted by the Board in accordance with Section VIII of this policy whenever the Administration has reason to believe that a student enrolled in such preschool program was in possession of a firearm as defined in 18 U.S.C. § 921, as amended from time to time, on or off school grounds, on school transportation, or at a preschool program-sponsored event. The term “firearm” is defined above in Section I.
- D. Upon receipt of an expulsion recommendation, the Superintendent may conduct an inquiry concerning the expulsion recommendation.

If the Superintendent or designee determines that a student should or must be expelled, the Superintendent or designee shall forward such recommendation to the Board so that the Board can consider and act upon this recommendation.
- E. In keeping with Connecticut General Statute § 10-233d and the Gun-Free Schools Act, it shall be the policy of the Board to expel a student in grades kindergarten to six (6), inclusive, for one (1) full calendar year for the conduct described in Section IV(B)(1), (2) and (3) of this policy and to expel a student enrolled in a preschool program for one (1) calendar year for the conduct described in Section IV(C). For any mandatory expulsion offense, the Board may modify the term of expulsion on a case-by-case basis.

STUDENTS

Regulation 5114(h)

V. Procedures Governing Removal from Class

- A. A student may be removed from class by a teacher or administrator if the student deliberately causes a serious disruption of the educational process. When a student is removed, the teacher must send the student to a designated area and notify the principal or designee at once.
- B. A student may not be removed from class more than six (6) times in one school year nor more than twice in one (1) week unless the student is referred to the school principal or designee and granted an informal hearing at which the student should be informed of the reasons for the disciplinary action and given an opportunity to explain the situation.
- C. The parent/guardian of any minor student removed from class shall be given notice of such disciplinary action within twenty-four (24) hours of the time of the institution of such removal from class.

VI. Procedures Governing Suspension

- A. The school principal or administrative designee shall have the right to suspend a student for breach of conduct as noted in Section II of this policy for not more than ten (10) consecutive school days. In cases where suspension is contemplated, the following procedures shall be followed.
 - 1. Unless an emergency situation exists, no student shall be suspended prior to having an informal hearing before the school principal or designee at which the student is informed of the charges and given an opportunity to respond. In the event of an emergency, the informal hearing shall be held as soon after the suspension as possible.
 - 2. If suspended, such suspension shall be an in-school suspension, except the school principal or designee may impose an out-of-school suspension on any pupil:
 - a. in grades three (3) to six (6), inclusive, if, during the informal hearing, a) the school principal or designee determines that the student poses such a danger to persons or property or such a disruption of the educational process that the student should be excluded from school during the period of suspension; or b) the principal or designee determines that an out-of-school suspension is appropriate based on evidence of i) the student's previous disciplinary problems that have led to suspensions or expulsion of such student, and ii) previous efforts by the Administration to address the student's disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies, or
 - b. in grades preschool to two (2), inclusive, if the principal or designee determines that an out-of-school suspension is appropriate for such pupil based on evidence that such pupil's conduct on school grounds or school transportation is of a violent or sexual nature that endangers persons.
 - 3. Evidence of past disciplinary problems that have led to removal from a classroom, suspension, or expulsion of a student who is the subject of an informal hearing may be received by the principal or designee, but only considered in the determination of the length of suspensions.
 - 4. By telephone, the school principal or designee shall make reasonable attempts to immediately notify the parent/guardian of a minor student following the suspension and to state the cause(s) leading to the suspension.

STUDENTS

Regulation 5114(i)

5. Whether or not telephone contact is made with the parent/guardian of such minor student, the school principal or designee shall forward a letter promptly to such parent/guardian to the last address reported on school records (or to a newer address if known by the school principal or designee), offering the parent/guardian an opportunity for a conference to discuss same.
6. In all cases, the parent/guardian of any minor student who has been suspended shall be given notice of such suspension within twenty-four (24) hours of the time of the institution of the suspension.
7. Not later than twenty-four (24) hours after the commencement of the suspension, the school principal or designee shall also notify the Superintendent or designee of the name of the student being suspended and the reason for the suspension.
8. The student shall be allowed to complete any classwork, including examinations, without penalty, which the student missed while under suspension.
9. The school Administration may, in its discretion, shorten or waive the suspension period for a student who has not previously been suspended or expelled, if the student completes an Administration specified program and meets any other conditions required by the Administration. Such Administration specified program shall not require the student and/or the student's parent/guardian to pay for participation in the program.
10. Notice of the suspension shall be recorded in the student's cumulative educational record. Such notice shall be expunged from the cumulative educational record if the student graduates from high school. In cases where the student's period of suspension is shortened or waived in accordance with Section VI.A.(9), above, the Administration may choose to expunge the suspension notice from the cumulative record at the time the student completes the Administration specified program and meets any other conditions required by the Administration.
11. If the student has not previously been suspended or expelled, and the Administration chooses to expunge the suspension notice from the student's cumulative record prior to graduation, the Administration may refer to the existence of the expunged disciplinary notice, notwithstanding the fact that such notice may have been expunged from the student's cumulative file, for the limited purpose of determining whether any subsequent suspensions or expulsions by the student would constitute the student's first such offense.
12. The decision of the school principal or designee with regard to disciplinary actions up to and including suspensions shall be final.
13. During any period of suspension served out of school, the student shall not be permitted to be on school property and shall not be permitted to attend or participate in any school-sponsored activities, unless the school principal or designee specifically authorizes the student to enter school property for a specified purpose or to participate in a particular school-sponsored activity.

STUDENTS

Regulation 5114(j)

- B. In cases where a student's suspension will result in the student being suspended more than ten (10) times or for a total of fifty (50) days in a school year, whichever results in fewer days of exclusion, the student shall, prior to the pending suspension, be granted a formal hearing before the Board. The school principal or designee shall report the student to the Superintendent or designee and request a formal Board hearing. If an emergency situation exists, such hearing shall be held as soon after the suspension as possible.

VII. Procedures Governing In-School Suspension

- A. The school principal or designee may impose an in-school suspension in cases where a student's conduct endangers persons or property, violates school policy, or seriously disrupts the educational process as determined by the principal or designee.
- B. In-school suspension may not be imposed on a student without an informal hearing by the school principal or designee.
- C. In-school suspension may be served in the school that the student regularly attends within the jurisdiction of the Board.
- D. No student shall be placed on in-school suspension more than fifteen (15) times or for a total of fifty (50) days in one school year, whichever results in fewer days of exclusion.
- E. The parent/guardian of any minor student placed on in-school suspension shall be given notice of such suspension within twenty-four (24) hours of the time of the institution of the period of the in-school suspension.

VIII. Procedures Governing Expulsion Hearing

A. Emergency Exception:

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

B. Hearing Panel:

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

STUDENTS

Regulation 5114(k)

- C. Hearing Notice and Rights of the Student and Parent(s)/Guardian(s):
1. Written notice of the expulsion hearing must be given to the student, and, if the student is a minor, to the student's parent/guardian at least five (5) business days before such hearing.
 2. A copy of the Board policy and administrative regulations on student discipline shall also be given to the student, and if the student is a minor, to parent/guardian, at the time the notice is sent that an expulsion hearing will be convened.
 3. The written notice of the expulsion hearing shall inform the student of the following:
 - a. The date, time, place, and nature of the hearing, including if the hearing will be held virtually via video conference.
 - b. The legal authority and jurisdiction under which the hearing is to be held, including a reference to the particular sections of the legal statutes involved.
 - c. A short, plain description of the conduct alleged by the Administration.
 - d. The student may present as evidence relevant testimony and documents concerning the conduct alleged and the appropriate length and conditions of expulsion and that the expulsion hearing may be the student's sole opportunity to present such evidence.
 - e. The student may cross-examine witnesses called by the Administration.
 - f. The student may be represented by an attorney or other advocate of the student's choice at the student's expense or at the expense of the student's parent/guardian.
 - g. A student is entitled to the services of a translator or interpreter, to be provided by the Board, whenever the student or the student's parent/guardian requires the services of an interpreter because they do not speak the English language or are disabled.
 - h. The conditions under which the Board is not legally required to give the student an alternative educational opportunity, if applicable.
 - i. Information concerning the parent/guardian and the student's legal rights and concerning free or reduced-rate legal services and how to access such services.
 - j. The parent/guardian of the student has the right to have the expulsion hearing postponed for up to one (1) week to allow time to obtain representation, except that if an emergency exists, such hearing shall be held as soon after the expulsion as possible.
- D. Hearing Procedures:
1. The hearing will be conducted by the Presiding Officer, who will call the meeting to order, introduce the parties, Board members, and counsel, briefly explain the hearing procedures, and swear in any witnesses called by the Administration or the student.
 2. The hearing will be conducted in Executive Session. A verbatim record of the hearing will be made, either by tape recording or by a stenographer. A record of the hearing will be maintained, including the verbatim record, all written notices and documents relating to the case and all evidence received or considered at the hearing.

STUDENTS

Regulation 5114(I)

3. The Administration shall bear the burden of production to come forward with evidence to support its case and shall bear the burden of persuasion. The standard of proof shall be a preponderance of the evidence.
4. Formal rules of evidence will not be followed. The Board has the right to accept hearsay and other evidence if it deems that evidence relevant or material to its determination. The Presiding Officer will rule on testimony or evidence as to it being immaterial or irrelevant.
5. The hearing will be conducted in two (2) parts. In the first part of the hearing, the Board will receive and consider evidence regarding the conduct alleged by the Administration.
6. In the first part of the hearing, the charges will be introduced into the record by the Superintendent or designee.
7. Each witness for the Administration will be called and sworn. After a witness has finished testifying, the witness will be subject to cross-examination by the opposite party or the witness' legal counsel, by the Presiding Officer, and by Board members.
8. The student shall not be compelled to testify at the hearing.
9. After the Administration has presented its case, the student will be asked if the student has any witnesses or evidence to present concerning the charges. If so, the witnesses will be sworn, will testify, and will be subject to cross-examination and to questioning by the Presiding Officer and/or by the Board. The student may also choose to make a statement at this time. If the student chooses to make a statement, the student will be sworn and subject to cross-examination and questioning by the Presiding Officer and/or by the Board. Concluding statements will be made by the Administration and then by the student and/or the student's representative.
10. In cases where the student has denied the allegation, the Board must determine whether the student committed the offense(s) as charged by the Superintendent.
11. If the Board determines that the student has committed the conduct as alleged, then the Board shall proceed with the second portion of the hearing, during which the Board will receive and consider relevant evidence regarding the length and conditions of expulsion.
12. When considering the length and conditions of expulsion, the Board may review the student's attendance, academic, and past disciplinary records. The Board may not review notices of prior expulsions or suspensions which have been expunged from the student's cumulative record, except as so provided in Section VI.A. (9), (10), (11), above, and Section X, below. The Board may ask the Superintendent for a recommendation as to the discipline to be imposed.
13. Evidence of past disciplinary problems that have led to removal from a classroom, suspension, or expulsion of a student being considered for expulsion may be considered only during the second portion of the hearing, during which the Board is considering the length of expulsion and nature of alternative educational opportunity to be offered.

STUDENTS

Regulation 5114(m)

14. Where administrators presented the case in support of the charges against the student, such administrative staff shall not be present during the deliberations of the Board either on questions of evidence or on the final discipline to be imposed. The Superintendent may, after reviewing the incident with administrators, and reviewing the student's records, make a recommendation to the Board as to the appropriate discipline to be applied.
 15. The Board shall make findings as to the truth of the charges, if the student has denied them; and, in all cases, the disciplinary action, if any, to be imposed. While the hearing itself is conducted in Executive Session, the vote regarding expulsion must be made in open session and in a manner that preserves the confidentiality of the student's name and other personally identifiable information.
 16. Except for a student who has been expelled based on possession of a firearm or deadly weapon as described in subsection IV.B.(1) and (2) above, the Board may, in its discretion, shorten or waive the expulsion period for a student who has not previously been suspended or expelled, if the student completes a Board-specified program and meets any other conditions required by the Board. The Board-specified program shall not require the student and/or the student's parent/guardian to pay for participation in the program.
 17. The Board shall report its final decision in writing to the student, or if such student is a minor, also to the parent/guardian, stating the reasons on which the decision is based, and the disciplinary action to be imposed. Said decision shall be based solely on the evidence presented at the hearing. The parent/guardian or any minor student who has been expelled shall be given notice of such disciplinary action within twenty-four (24) hours of the time of the institution of the period of the expulsion.
 18. The hearing may be conducted virtually via video conference, at the direction of the Board, in the event the school building is closed to students or individuals are provided limited access to the school building as a result of a pandemic/epidemic. Any virtual hearing must provide the student the due process rights identified in this Subsection D.
- E. Presence on School Grounds, on School Transportation, and Participation in School-Sponsored Activities During Expulsion:
- During the period of expulsion, the student shall not be permitted to be on school property or on school transportation, and shall not be permitted to attend or participate in any school-sponsored activities, except for the student's participation in an alternative educational opportunity provided by the District in accordance with this policy, unless the Superintendent specifically authorizes the student to enter school property or school transportation for a specified purpose or to participate in a particular school-sponsored activity.

F. Stipulated Agreements:

In lieu of the procedures used in this Section, the Administration and the parent/guardian of a student facing expulsion may choose to enter into a Joint Stipulation of the Facts and a Joint Recommendation to the Board concerning the length and conditions of expulsion. Such Joint Stipulation and Recommendation shall include language indicating that the parent/guardian understands their right to have an expulsion hearing held pursuant to these procedures, and language indicating that the Board, in its discretion, has the right to accept or reject the Joint Stipulation of Facts and Recommendation. If the Board rejects either the Joint Stipulation of Facts or the Recommendation, an expulsion hearing shall be held pursuant to the procedures outlined herein.

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

IX. Alternative Educational Opportunities for Expelled Students

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

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

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

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

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

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

X. Notice of Student Expulsion on Cumulative Record

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

STUDENTS

Regulation 5114(o)

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

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

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

XI. Change of Residence During Expulsion Proceedings

A. Student moving into the School District:

1. If a student enrolls in the District while an expulsion hearing is pending in another District, such student shall not be excluded from school pending completion of the expulsion hearing unless an emergency exists, as defined above. The Board shall retain the authority to suspend the student or to conduct its own expulsion hearing.
2. Where a student enrolls in the District during the period of expulsion from another public school district, the Board may adopt the decision of the student expulsion hearing conducted by such other school districts. The student shall be excluded from school pending such hearing. The excluded student shall be offered an alternative educational opportunity in accordance with statutory requirements. The Board shall make its determination based upon a hearing held by the Board, which hearing shall be limited to a determination of whether the conduct which was the basis of the previous public school district's expulsion would also warrant expulsion by the Board.

B. Student moving out of the School District:

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

STUDENTS

Regulation 5114(p)

XII. Procedures Governing Suspension and Expulsion of Students Identified as Eligible for Services under the IDEA

A. Suspension of IDEA students:

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

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

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

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

1. Upon the decision by the Administration to recommend expulsion or impose a suspension that would constitute a change in educational placement, the Administration shall promptly notify the parent/guardian of the student of the recommendation of expulsion or the suspension that would constitute a change in educational placement, and provide the parent/guardian a copy of the special education procedural safeguards either by hand delivery or by mail (unless other means of transmission have been arranged).
2. The District shall immediately convene the student's Planning and Placement Team (PPT), but in no case later than ten (10) school days after the recommendation for expulsion or the suspension that constitutes a change in placement was made. The student's PPT shall consider the relationship between the student's disability and the behavior that led to the recommendation for expulsion or the suspension which constitutes a change in placement, in order to determine whether the student's behavior was a manifestation of the student's disability.
3. If the student's PPT finds that the behavior was a manifestation of the student's disability, the Administration shall not proceed with the recommendation for expulsion or the suspension that constitutes a change in placement.
4. If the student's PPT finds that the behavior was not a manifestation of the student's disability, the Administration may proceed with the recommended expulsion or suspension that constitutes a change in placement.

STUDENTS

Regulation 5114(q)

5. During any period of expulsion, or suspension of greater than ten (10) days per school year, the Administration shall provide the student with an alternative education program in accordance with the provisions of the IDEA.
6. When determining whether to recommend an expulsion or a suspension that constitutes a change in placement, the principal or designee should consider the nature of the misconduct and any relevant educational records of the student.

C. Removal of Special Education Students for Certain Offenses:

School personnel may remove a student eligible for special education under the IDEA of an appropriate interim alternative educational setting for not more than forty-five (45) school days if the student:

1. was in possession of a dangerous weapon, as defined in 18 U.S.C. 930(g)(2), as amended from time to time, on school grounds, on school transportation, or at a school-sponsored activity, or
2. knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance while at school, on school transportation, or at a school-sponsored activity, or
3. has inflicted serious bodily injury upon another person while at school, on school premises, on school transportation, or at a school function.

The following definitions shall be used for this subsection XII.C.:

1. **Dangerous weapon** means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than two and one-half inches (2½") in length.
2. **Controlled substance** means a drug or other substance identified under schedules I, II, III, IV, or V in § 202(c) of the Controlled Substances Act, 21 U.S.C. 812(c).
3. **Illegal drug** means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed healthcare professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.
4. **Serious bodily injury** means a bodily injury which involves A) a substantial risk of death; B) extreme physical pain; C) protracted and obvious disfigurement; or D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

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

- A. Except as provided in subsection B below, notwithstanding any provision to the contrary, if the Administration recommends for expulsion a student identified as eligible for educational accommodations under Section 504 who has violated any rule or code of conduct of the District that applies to all students, the following procedures shall apply:
 1. The parent/guardian of the student must be notified of the decision to recommend the student for expulsion.

STUDENTS

Regulation 5114(r)

2. The District shall immediately convene the student's Section 504 Team (504 Team) for the purpose of reviewing the relationship between the student's disability and the behavior that led to the recommendation for expulsion. The 504 Team will determine whether the student's behavior was a manifestation of the student's disability.
 3. If the 504 Team finds that the behavior was a manifestation of the student's disability, the Administration shall not proceed with the recommended expulsion.
 4. If the 504 Team finds that the behavior was not a manifestation of the student's disability, the Administration may proceed with the recommended expulsion.
- B. The Board may take disciplinary action for violations pertaining to the use or possession of illegal drugs or alcohol against any student with a disability who currently is engaging in the illegal use of drugs or alcohol to the same extent that such disciplinary action is taken against non-disabled students. Thus, when a student with a disability is recommended for expulsion based solely on the illegal use or possession of drugs or alcohol, the 504 Team shall not be required to meet to review the relationship between the student's disability and the behavior that led to the recommendation for expulsion.

XIV. Procedures Governing Expulsions for Students Placed in a Juvenile Detention Center

- A. Any student who commits an expellable offense and is subsequently placed in a juvenile detention center or other residential placement for such offense may be expelled by the Board in accordance with the provisions of this Section. The period of expulsion shall run concurrently with the period of placement in a juvenile detention center or other residential placement.
- B. If a student who committed an expellable offense seeks to return to the District after participating in a diversionary program or having been placed in a juvenile detention center or other residential placement and such student has not been expelled by the Board for such offense under subdivision (A) of this subsection, the Board shall allow such student to return and may not expel the student for additional time for such offense.

XV. Early Readmission to School

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

XVI. Dissemination of Policy

The Board shall, at the beginning of each school year and at such other times as it may deem appropriate, provide for an effective means of informing all students and parents/guardians of this policy.

XVII. Compliance with Documentation and Reporting Requirements

- A. The Board shall include on all disciplinary reports the individual student's state-assigned student identifier (SASID).
- B. The Board shall report all suspensions and expulsions to the State Department of Education.

STUDENTS

Regulation 5114(s)

- C. If the Board expels a student for sale or distribution of a controlled substance, as defined in Connecticut General Statute § 21a-240(9), 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 Statute §§ 21a-277 and 21a-278, the Board shall refer such student to an appropriate state or local agency for rehabilitation, intervention or job training and inform the agency of its action.
- D. If the Board expels a student for possession of a firearm, as defined in 18 U.S.C. § 921, or deadly weapon, dangerous instrument, or martial arts weapon, as defined in Connecticut General Statutes § 53a-3, the Board shall report the violation to the local police.

Legal References:

Connecticut General Statutes § 10-16
Connecticut General Statutes § 10-74j
Connecticut General Statutes §§ 4-176e through 4-180a and § 4-181a
Connecticut General Statutes § 10-222d
Connecticut General Statutes §§ 10-233a through 10-233f
Connecticut General Statutes § 10-233l
Connecticut General Statutes § 10-253
Connecticut General Statutes § 19a-342a
Connecticut General Statutes § 21a-240
Connecticut General Statutes § 21a-277
Connecticut General Statutes § 21a-278
Connecticut General Statutes §§ 21a-408a through 21a-408p
Connecticut General Statutes § 29-35
Connecticut General Statutes § 29-38
Connecticut General Statutes § 53a-3
Connecticut General Statutes § 53-206
Connecticut General Statutes § 53-344
Connecticut General Statutes § 53-344b
Public Act 21-46
Packer v. Board of Education of the Town of Thomaston, 717 A.2d 117 (Conn. 1998)
State v. Hardy, 896 A.2d 755 (Conn. 2006)
State v. Guzman, 955 A.2d 72 (Conn. App. Ct. 2008)
Connecticut State Department of Education, *Standards for Educational Opportunities for Students Who Have Been Expelled*, adopted January 3, 2018.

STUDENTS

Regulation 5114(t)

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

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

18 U.S.C. § 921

18 U.S.C. § 930(g)(2)

18 U.S.C. § 1365(h)(3)

21 U.S.C. § 812(c)

34 C.F.R. § 300.530

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

Honig v. Doe, 484 U.S. 305 (1998)

Regulation approved: December 12, 2018

Regulation revised: November 15, 2019

Regulation revised: February 3, 2020

Regulation revised: August 12, 2020

Regulation revised: May 11, 2022

Source: Shipman