

Alternative Educational Opportunities for Expelled Students**I. Applicability of these Administrative Regulations**

These administrative regulations shall apply in cases when, pursuant to state law, a student in the Bethany Public School District (District) is entitled to an alternative educational opportunity during a period of expulsion.

II. Responsible Personnel

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

III. Student Placement Procedures

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

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

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

IV. Individualized Learning Plan**A. Development of the Individualized Learning Plan**

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

- B. Contents of the Individualized Learning Plan
 - 1. The ILP will reference student records with information relevant to the provision of an alternative educational opportunity. These records may include:
 - a. Student success plan (for students who have a student success plan as mandated by state law, the student success plan may inform the ILP but does not replace the ILP);
 - b. Individualized education program (IEP);
 - c. Section 504 Plan;
 - d. Individualized health care plan or emergency care plan; and/or
 - e. Other relevant academic and behavioral data.
 - 2. The ILP will address the following:
 - a. The student's academic and behavioral needs and appropriate academic and behavioral goals and interventions, including the student's core classes at the time of expulsion and the student's current placement or progress in the curriculum for those classes so that the student has an opportunity to continue to progress in the Bethany Board of Education's (Board) academic program;
 - b. Benchmarks to measure progress towards the goals;
 - c. Provision for the timing and method for reviewing the student's progress in the alternative educational opportunity and for communicating that progress to the parent/guardian or student. For most students, monitoring and reviewing the student's progress will include monitoring the student's attendance, work completion, and progress toward meeting the relevant academic standards for particular coursework. The student's progress and grades will be communicated to the parent/guardian or student with the same frequency as similar progress for students in the regular school environment are reported and communicated to parents/guardians or students. The student's progress and grades will also be reported to the school from which the student was expelled;
 - d. Provision for the timely transfer of the student's records both from the student's school to the alternative educational opportunity provider and also from the alternative educational opportunity provider to the student's school; and
 - e. The possibility of early readmission to the school from which the student was expelled and the early readmission criteria, if any, established by the Board or Superintendent, as applicable.
- V. Review of Student's Placement in Alternative Educational Opportunity and Individualized Learning Plan
 - A. A review of the appropriateness of the placement must occur at least once per marking period.

STUDENTS

Regulation 5114.1(c)

- B. The placement review must include:
 - 1. Review of the ILP to 1) assess progress and make adjustments as necessary and 2) determine its alignment with the goals of the student's IEP, where applicable; and
 - 2. consideration of opportunities for early readmission as set forth in the ILP, as established by the Board or Superintendent, as applicable.

VI. Transition Plan for Readmission

- A. Before a student is readmitted to the school from which the student was expelled, relevant staff should provide an opportunity to meet with the parents/guardians and student to discuss the student's readmission. As part of the readmission process and the student's ILP, the principal, or his/her designee, should consider:
 - 1. The student's need for academic and other supports upon returning to his/her school; and
 - 2. efforts to connect the returning student with opportunities to participate in extracurricular activities.
- B. In the event, the principal or his/her designee determines that a student's alternative educational opportunity is no longer beneficial to the student, but it remains inappropriate to return the student to the school from which the student was expelled, a plan for a different alternative educational opportunity may be developed in accordance with the procedures outlined in these Administrative Regulations.

Legal References:

Connecticut General Statutes § 10-233d

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

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)

Regulation approved: December 12, 2018

Regulation revised: November 15, 2019

[BOE LETTERHEAD]
CERTIFIED MAIL - RETURN RECEIPT REQUESTED & U.S. MAIL

(Date)
(Parent/Guardian)
(Parent/Guardian Address)

(Non-custodial Parent, if applicable)
(Parent's Address)

Re: *Expulsion Hearing Concerning Student Name; d.o.b.*

Dear *(Parent/Guardian)*:

In accordance with the Bethany Board of Education Policy 5144 on Student Discipline, I am writing to advise you that the Bethany Board of Education (the "Board") will hold a formal hearing concerning your ***(son/daughter), (Name of Student)*** to consider the recommendation of ***(name of administrator)*** that ***(he/she)*** be expelled from school. ***[In cases where the district uses a hearing officer, add the following: Please be advised that the Board has appointed Attorney [Name], to serve as an impartial hearing officer in this matter.]*** This hearing is being held pursuant to Section 10-233d ***[In cases where a preschool student is recommended for expulsion, add the following: and Section 10-233I]*** and Sections 4-176e to 4-180a, inclusive, and Section 4-181a of the Connecticut General Statutes and the Bethany Board of Education Policy 5144 on Student Discipline, a copy of which is enclosed. The Board ***(OR the hearing officer)*** intends to conduct the hearing in executive session, due to the confidential nature of this hearing.

The hearing will address the allegations that your ***(son/daughter) (for on or off-campus conduct violated Board Policy cite Student Discipline Policy number and any other specific policy number on date and seriously disrupted the educational process) (and/or, for on-campus conduct: endangered persons or property)*** by engaging in the following conduct:

(The law governing these hearings requires a short, plain statement of the facts to be included within this notice letter, and should be inserted here.

Example: carrying a knife on the school bus on a specified date and brandishing it at other students on the bus).

(If the student has admitted to this conduct, note the admission here).

The hearing has been scheduled for ***(date, time, place) [note: unless an emergency exists, this notice must be given to the student/parent/guardian at least five (5) business days before the hearing].*** (If a manifestation determination must be held prior to the expulsion hearing, add the following language: Prior to the expulsion hearing, your (son's/daughter's) [planning and placement (PPT) team OR Section 504 team] will determine if your child's conduct constitutes a manifestation of (his/her) disability. The expulsion hearing will be canceled if the [PPT OR Section 504 team] determines that the conduct was a manifestation of your child's disability; otherwise, the hearing will proceed as scheduled. You and your (son/daughter) are asked to attend this hearing. Your ***(son/daughter)*** has the right to be represented by an attorney or other advocate at your expense, has the right to cross-examine administration witnesses, and may present relevant evidence, both documentary, and testimonial, concerning the allegations. The hearing will be the parties' sole opportunity to present such evidence. The Board ***(OR the hearing officer)*** may also question witnesses. An opportunity will also be given for the administration and your ***(son/daughter)*** or his/her representatives to present an argument concerning the evidence presented at the hearing. If you need the services of a translator or an interpreter for this hearing, please let me know as soon as possible.

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Unless the administration has determined that an emergency exists, you have the right to have the expulsion hearing postponed for up to one (1) week to allow time to obtain representation. If you would like to request a postponement, please let me know as soon as possible.

The administration may recommend expulsion from school for up to one (1) calendar year. The Board **(OR the hearing officer)** has the discretion to adopt any period of expulsion up to one (1) calendar year.

As mentioned above, your **(son/daughter)** has a right to be represented, at your own expense, by an attorney or other advocate at the expulsion hearing. Obtaining an attorney or other representative is the responsibility of the family. Very low-income families may be able to obtain free or reduced rate advice or legal representation through Statewide Legal Services, Inc. ("SLS"). To apply for such assistance, those families should contact SLS immediately at 1-800-453-3320.

In the event your **(son/daughter)** is expelled as a result of the scheduled hearing, the Board will offer your **(son/daughter)** an alternative educational opportunity, during any period of exclusion from school as determined by the Administration in accordance with applicable law and Board policy.

If you have any questions, please contact me at (203) 393-1170.

Sincerely,

(Name of Superintendent)
Bethany Public School District

cc: Bethany Board of Education Chair, **(Name of Chair)**
(Name of Special Education Director, where applicable)
(Name of Principal at school that student attends)
(Name of Board of Education Attorney, where applicable)
(Name of Administration's Attorney, where applicable)

AGREEMENT

NAME OF SUPERINTENDENT, Superintendent of Schools for Bethany Public School District, **NAME OF STUDENT** and **NAME(S) OF PARENT(S)/GUARDIAN(S)** (the parent(s)/guardian(s) of **NAME OF STUDENT**) agree as follows with respect to the Superintendent's request that **NAME OF STUDENT** be expelled from Bethany Community School:

1. **NAME OF STUDENT** (D.O.B. _____) is currently enrolled as a ____ grade student at Bethany Community School.
2. **NAME OF STUDENT** admits that he/she engaged in the following conduct (*insert a short, plain statement of the conduct*) on or about _____, 20__.
3. **NAME OF STUDENT**'s conduct, as described above, violates the Bethany Board of Education Policy 5114, Student Discipline (*Cite other policies here as appropriate.*), and is considered by District Administration to be seriously disruptive of the educational process. (*For conduct that occurs on school grounds or at a school-sponsored activity, you may alternatively or additionally state whether such conduct is considered to endanger persons or property.*) (*If the student has admitted to this conduct, not the admission here.*)
4. Students are notified of applicable Board policies regarding prohibited conduct by publication in the Parent-Student Handbook.
5. (*Optional section for students with disabilities:*) A manifestation determination was made on (*date*) concerning this conduct and it was determined that the conduct was not a manifestation of the student's disability.
6. Subject to the approval of the Bethany Board of Education (the "Board"), **NAME OF STUDENT** shall be expelled effective _____, 20__ and continuing through _____, 20__, under the following conditions:
 - a. During the period of expulsion, the Board will provide **NAME OF STUDENT** with an alternative education opportunity deemed appropriate by the Administration in accordance with applicable law and Board policy.

(Optional alternative language if the parties agree to an alternative educational opportunity other than that required by the state standards:

The **NAME OF PARENT(S)** and **NAME OF STUDENT** understand and acknowledge that pursuant to Section 10-233d of the Connecticut General Statutes, **NAME OF STUDENT** is entitled to an alternative educational opportunity during the Expulsion Period which shall be (1) alternative education, as defined by Section 10-74j of the Connecticut General Statutes, with an individualized learning plan, if the Board provides such alternative education, or (2) in accordance with the standards adopted by the State Board of Education, pursuant to section 3 of public act 17-220 (a "Statutory Alternative Educational Opportunity"). The **NAME OF PARENT(S)** and **NAME OF STUDENT** hereby waive **NAME OF STUDENT**'s right to a Statutory Alternative Educational Opportunity and accordingly waive the application of the Standards of Educational Opportunities for Students Who Have Been Expelled, adopted by the Connecticut State Board of Education, and the Board's Administrative Regulations concerning the implementation of said standards. In lieu of a Statutory Alternative Educational Opportunity, the **NAME OF PARENT(S)** and **NAME OF STUDENT** agree that during the Expulsion Period, the Board will provide **NAME OF STUDENT** with an alternative educational opportunity as follows:

[Describe alternative educational opportunity agreed to by parties.]

If NAME OF STUDENT becomes ineligible to attend the _____ Public Schools pursuant to Board Policy and/or if the Parents withdraw NAME OF STUDENT from his/her enrollment as a student at [name of school], the Board will have no obligation to provide NAME OF STUDENT with the alternative educational opportunity described herein.

- b. During the period of expulsion, NAME OF STUDENT will not be permitted to be on school grounds and will not be permitted to attend or participate in any school-sponsored activities except as authorized in writing in advance by the Superintendent of Schools.

(Optional Sections regarding early readmission:)

- c. Prior to _____, the Superintendent will review NAME OF STUDENT's conduct, as well as his/her attendance and effort level in the alternative educational opportunity [list other conditions as applicable], for the purpose of determining, in the Superintendent's sole discretion, whether NAME OF STUDENT should be readmitted to school on or about _____.
- d. If the Superintendent determines that NAME OF STUDENT should be readmitted to school early in accordance with the preceding section, and if NAME OF STUDENT subsequently commits an offense that would warrant suspension and/or expulsion under the policies of the Board, the Superintendent may reinstate NAME OF STUDENT's expulsion for the remainder of the expulsion period, through *(date)*, without the need for any further proceedings before the Board.

(Optional Section for expungement if the expulsion is the student's first expulsion:)

- e. Prior to *(date)*, the Superintendent will review NAME OF STUDENT's conduct, as well as his/her attendance and effort level since the expulsion, for the purpose of determining, in the Superintendent's sole discretion, whether the expulsion hearing record of NAME OF STUDENT should be expunged from his/her education record as of *(date)*.
7. All parties to this Agreement request that this Agreement be presented to the Board for the Board's consideration, in lieu of the submission of any other evidence by the Superintendent and/or NAME OF STUDENT or his/her parent/guardian, and they agree that this Agreement is sufficient for the Board to expel NAME OF STUDENT from school.
 8. NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) understand and acknowledge, that, pursuant to Connecticut General Statutes § 10-233d and Board Policy, NAME OF STUDENT is entitled to an expulsion hearing before the Bethany Board of Education to contest NAME OF STUDENT's proposed expulsion for the Bethany Public School District. NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) further understands and acknowledges that at such hearing NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) would have the right to call witnesses and to introduce documentary evidence, to cross-examine witnesses called by the Administration, and to be represented by an attorney or other advocate at their own expense. Accordingly, NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) waive NAME OF STUDENT's right to an expulsion hearing pursuant to Connecticut General Statutes § 10-233d.
 9. The Superintendent, NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) understand that this Agreement is subject to the approval of the Board. In the event that the

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Board does not approve this Agreement, the Superintendent, NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) agree that the expulsion hearing concerning NAME OF STUDENT shall be rescheduled to a mutually agreeable date for the purposes of conducting an evidentiary hearing before the Board concerning the Superintendent's expulsion request. NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) agree that NAME OF STUDENT will remain out of school until the evidentiary hearing has been completed. NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) also agree that the Board's consideration of this proposed Agreement will not disqualify any member of the Board from serving as a Board member in the evidentiary hearing, and they hereby waive any right to make such a claim in any proceeding in any forum.

10. NAME OF STUDENT and NAME PARENT(S)/GUARDIAN(S) enter into this Agreement voluntarily and with a full understanding of the provisions of this Agreement.

(Name of Superintendent)
Bethany Public School District
Superintendent of Schools

Date

(Name of Student)
Student

Date

(Name of Parent(s)/Guardian(s))
Parent/Guardian of (Name of Student)

Date

Regulation 5114 – Agreement Example – Revised November 15, 2019

Student's Classes Prior to Expulsion	
Core Class	Placement/Progress in Class at Time of Expulsion <i>(e.g. current grade, current unit, etc.)</i>

Note: If the student receives special education and related services, the alternative educational opportunity provider must also refer to the student's IEP.

NEEDS

Academic Needs
<input type="checkbox"/> See IEP <i>(if applicable)</i>
<input type="checkbox"/> Other:

Behavioral Needs

<input type="checkbox"/> See IEP <i>(if applicable)</i>
<input type="checkbox"/> Other:

GOALS

Academic Goals		
<input type="checkbox"/> See IEP <i>(if applicable)</i>	<input type="checkbox"/> Satisfactory work completion	<input type="checkbox"/> Satisfactory progress in coursework and toward meeting relevant academic standards
<input type="checkbox"/> Other:		

Benchmarks to Measure Progress Toward Academic Goals

<input type="checkbox"/> See IEP <i>(if applicable)</i>	<input type="checkbox"/> Passing grades on midterm progress reports	<input type="checkbox"/> Passing grades on report card
<input type="checkbox"/> Other:		
Progress monitoring <i>mm/dd/yy:</i>		

Behavioral Goals		
<input type="checkbox"/> See IEP <i>(if applicable)</i>	<input type="checkbox"/> Satisfactory attendance	<input type="checkbox"/> Satisfactory compliance with behavioral expectations and disciplinary policies
<input type="checkbox"/> Other:		

Benchmarks to Measure Progress toward Behavioral Goals		
<input type="checkbox"/> See IEP <i>(if applicable)</i>	<input type="checkbox"/> Fewer than ____ teacher referrals to administration for disciplinary matters	<input type="checkbox"/> Fewer than ____ contacts to parents/guardians for disciplinary matters
<input type="checkbox"/> Attends alternative program ____% or more of scheduled days/sessions.		<input type="checkbox"/> Other:
Progress monitoring <i>mm/dd/yy</i> :		

INTERVENTIONS	
Academic Interventions	
<input type="checkbox"/> See IEP <i>(if applicable)</i>	<input type="checkbox"/> See Section 504 Plan <i>(if applicable)</i>
<input type="checkbox"/> Tier 1 _____	<input type="checkbox"/> Tier 2 _____
<input type="checkbox"/> Tier 3 _____	
<input type="checkbox"/> Other:	

Behavioral Interventions	
<input type="checkbox"/> See IEP <i>(if applicable)</i>	<input type="checkbox"/> See Section 504 Plan <i>(if applicable)</i>
<input type="checkbox"/> Tier 1 _____	<input type="checkbox"/> Tier 2 _____
<input type="checkbox"/> Tier 3 _____	
<input type="checkbox"/> Other:	

Review and Communication of Progress to Parents/Guardians or Student

Method of monitoring and review: *(for most students, monitoring and reviewing progress will include monitoring the student's attendance, work completion, and progress toward meeting the relevant academic standards for particular coursework, and thus progressing toward graduation, if applicable)*

- Monitoring attendance
- Monitoring work completion
- Monitor progress toward meeting relevant academic standards
- Review and monitor progress in accordance with IEP and/or BIP (if applicable)
- Other: _____

Timing for communication of progress to parents/guardians or student: *(Progress must be communicated to the parent/guardian or student with the same frequency as similar progress for students in the regular school environment is reported and communicated to parents/guardians or students)*

- Each marking period
- Other: _____

Early Readmission

The expulsion decision contains the following early readmission criteria:

- The student may apply to the Board of Education for early readmission and such readmission shall be at the discretion of the Board of Education.
 - The student applied to the Board of Education for early readmission on _____ and the Board of Education granted the request and has conditioned such early readmission on the following criteria:
 - The student applied to the Board of Education for early readmission on _____ and early readmission was not granted.
- The student may apply to the Superintendent for early readmission and such readmission shall be at the discretion of the Superintendent.
 - The student applied to the Superintendent for early readmission on _____ and the Superintendent granted the request and has conditioned such early readmission on the following criteria:
 - The student applied to the Superintendent for early readmission on _____ and early readmission was not granted.

Review of Placement and ILP:

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

- Review of the ILP to 1) assess progress and make adjustments as necessary and 2) determine its alignment with the goals of the student's IEP, where applicable.
- Consideration of opportunities for early readmission as set forth in the ILP (see Early Readmission section).

Transition Plan for Readmission:

The following has been considered and, where appropriate, addressed:

- A plan to transfer the student's grades/credits and record back to the student's school.
- The student's need for academic and other supports upon returning to the school.
- Efforts to connect the student with opportunities to participate in extracurricular activities.

Regulation 5144.1 Form Approved December 12, 2018