

**WESTPORT BOARD OF EDUCATION
POLICY COMMITTEE**

NOTICE OF SPECIAL MEETING

AGENDA

(Agenda Subject to Modification in Accordance with Law)

PUBLIC SESSION:

6:00 p.m. Staples High School Room 1025c

DISCUSSION/ACTION:

1. Review and approval of minutes: December 6, 2017, *pages 1-2*
2. First reading and discussion of the following policies:
 - Policy 4118.112 and 4218.112, Personnel: Sexual Harassment, *pages 3-6*
 - Policy 5145.5, Students: Sexual Harassment, *pages 7-10*

DISCUSSION

1. Discussion of Board of Education bylaws, *pages 11-47*
2. Discussion of the following policies:
 - Policy 5111, Eligibility of Students to Attend the Westport Schools, *pages 48-53*
 - Policy 5144, Students: Discipline, *pages 55-57*
 - Policy 5114, Students: Suspension and Expulsion/Due Process, *pages 59-60*
 - Policy 5144.3, Students; Discipline of Students with Disabilities, *pages 61-68*
 - Policy 4112, Personnel – Certified: Appointment and Conditions of Employment, *pages 103-120*
3. Other policy business

ADJOURNMENT

WESTPORT BOARD OF EDUCATION POLICY COMMITTEE MINUTES

Board Members Present:

Karen Kleine Chair
Candice Savin (departed 9:53 a.m.)

Administrators Present:

Colleen Palmer Superintendent of Schools
Michael Rizzo Director of Pupil Services

Absent:

Mark Mathias

PUBLIC CALL TO ORDER: 8:04 a.m. Westport Town Hall, Room 307

DISCUSSION/ACTION:

1. Review and approval of minutes: November 16, 2017

Karen Kleine moved to approve the minutes of November 16, 2017; seconded by Candice Savin and passed unanimously.

2. First reading and discussion of the following policies:

- Policy 0521, Nondiscrimination
- Policy 1511, Community relations – Nondiscrimination
- Policies 4111.1 and 4211.1, Personnel – Certified/Noncertified, Equal Employment Opportunity
- Policies 4111.4 and 4211.4, Personnel – Policy Regarding Employees and Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act
- Policy 5145.41, Students – Nondiscrimination
- Policy 5145.42, Students – Policy Regarding Students and Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act

Moved that the Policy Committee:

- Recommend to the full BOE the elimination of Policy 0521;
- Recommend for approval to the full BOE Policy 1511 subject to: 1) replacing "gender/sex" with "disability" pertaining to the Director of Pupil Services and 2) future policy committee recommendation of approval to the full BOE for policies 4118.112/4218.112 and 5145.5 from Shipman & Goodman;
- Recommend for approval to the full BOE Policy 4111.1/4211.1 subject to replacing "gender/sex" with "disability" pertaining to the Director of Pupil Services;
- Recommend for approval to the full BOE Policy 4111.4/4211.4;
- Recommend for approval to the full BOE Policy 5145.41 subject to replacing "gender/sex" with "disability" pertaining to the Director of Pupil Services; and
- Recommend for approval to the full BOE Policy 5145.42.

MOTION: Karen Kleine

SECOND: Candice Savin

RESULT: Passed Unanimously

VOTE: 2-0

DISCUSSION:

1. Other policy business:

- The Committee discussed policies to review at the January meeting: policies 4118.112/4218.112 and 5145.5.
- It was determined that policies discussed at today's meeting and the policies discussed at the January meeting would be brought to the full Board for a first reading on January 16.
- The Committee discussed timelines and procedures for reviewing Board of Education bylaws.

ADJOURNMENT: Karen Kleine moved to adjourn at 10:09 a.m.

Respectfully submitted,

Jennifer Caputo, Administrative Assistant to the Superintendent

Personnel -- Certified/Non-Certified

Sex Discrimination and Sexual Harassment in the Workplace

~~Sexual harassment violates federal and state laws and is insulting and demeaning to the victim. It is the policy of the Westport Board of Education to condemn and prohibit all forms of sexual harassment directed at male or female students or employees by other male or female students or employees, or by those doing business with the Board of Education, or by volunteers under the control of the Board of Education. Supervisory personnel are responsible for assuring that all students and employees enjoy the right to work and learn in an environment free of all forms of sexual harassment.~~

~~**Definition:** Sexual harassment is generally defined under state and federal law as unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature where:~~

- ~~1. Submission to such conduct is made either explicitly or implicitly a term or condition of any individual's employment or academic award;~~
- ~~2. Submission to or rejection of such conduct by any individual is used as the basis for employment decisions affecting such individual; or~~
- ~~3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or ability to learn or creating an intimidating, hostile or offensive environment.~~

~~Sexual harassment can include conduct that is verbal, (including sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions or threats, sexual insults and put-downs); non-verbal (including use or display of sexually suggestive objects or pictures, suggestive or insulting sounds or whistles, leers, obscene gestures, etc.); or physical (including unwanted physical contact such as touching, pinching, kissing, brushing the body, fondling, assault or coerced sexual intercourse).~~

~~**Communication:** A copy of this policy will be distributed to all current employees and to all new employees at the time of hire. It will also be distributed annually to all employees and students. Moreover, a copy of this policy will remain posted at all times in each Board of Education facility.~~

~~The Board encourages victims of sexual harassment to report such claims and no reprisals or retaliation will result from good faith reporting.~~

Personnel --- Certified/Non-Certified

Sexual Harassment (continued)

~~**Complaints:** All complaints of sexual harassment will be investigated promptly and discreetly. If investigation reveals the complaint to be valid, promptly action will be taken to stop the harassment and prevent its recurrence.~~

~~**Violations:** Violation of this policy may result in disciplinary action up to and including suspension (students) and discharge (employees).~~

It is the policy of the board of education to maintain a working environment free from harassment, insults or intimidation on the basis of an employee's sex and free from discrimination based on sex. Verbal or physical conduct by a supervisor or co-worker relating to an employee's sex which has the effect of creating an intimidating, hostile or offensive work environment, unreasonably interfering with the employee's work performance, or adversely affecting the employee's employment opportunities is prohibited.

Discrimination

Sex discrimination is defined as when an employer refuses to hire, disciplines or discharges any individual, or otherwise discriminates against an individual with respect to his or her compensation, terms, conditions, or privileges of employment on the basis of the individual's sex. Sex discrimination is also defined as when a person, because of his or her sex, is denied participation in, or the benefits of, a program that receives federal financial assistance.

Harassment

Sexual harassment is a form of sex discrimination. While it is difficult to define sexual harassment precisely, it does include any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Although not an exhaustive list, the following are examples of the type of conduct prohibited by the policy against sexual harassment:

1. Unwelcome sexual advances from a co-worker or supervisor, such as unwanted hugs, touches, or kisses;
2. Unwelcome attention of a sexual nature, such as degrading, suggestive or lewd remarks or noises;
3. Dirty jokes, derogatory or pornographic posters, cartoons or drawings;
4. The threat or suggestion that continued employment advancement, assignment or earnings depend on whether or not the employee will submit to or tolerate harassment;
5. Circulating, showing, or exchanging emails, text messages, digital images or websites of a sexual nature;
6. Using computer systems, including email, 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.

Any infraction of this policy by supervisors or co-workers should be reported immediately to the Title IX Coordinator, the Superintendent, or his/her designee in accordance with the district's sex discrimination and sexual harassment grievance procedure. Retaliation against any employee for complaining about sex discrimination or sexual harassment is prohibited under this policy and illegal under state and federal law. Violations of this policy will not be permitted and may result in discipline up to and including discharge from employment. Individuals who engage in acts of sex discrimination or sexual harassment may also be subject to civil and criminal penalties.

Legal References: ~~Civil Rights Act of 1964, Title VII, 42 U.S. §2000-e2(a)~~
~~Equal Employment Opportunity Commission Policy Guidance (N-915.035)~~
~~on Current Issues of Sexual Harassment, Effective 10/15/88~~
~~Meritor Savings Bank, FSB v. Vinson 477 US.57 (1986)~~
~~29 CFR Para. 1604.11 (EEOC)~~
~~Faragher v. City of Boca Raton, No. 97-282 (U.S. Supreme Court, June 26,1998)~~
~~Burlington Industries, Inc. v. Ellerth, No. 97-569, (U.S. Supreme Court, June 26,1998)~~
~~Gebbs v. Lago Vista Indiana School District, No. 99-1866, (U.S. Supreme Court, June 26,1998)~~
~~Connecticut General Statutes~~
~~46a-60 Discriminatory employment practices prohibited.~~

United States Constitution, Amendment XIV
Civil Rights Act of 1964, Title VII, 42 U.S.C. § 2000e-2(a).
Equal Employment Opportunity Commission Policy Guidance on Current
Issues of Sexual Harassment (N-915.050), March 19, 1990.
Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.
Title IX of the Education Amendments of 1972, 34 CFR § 106, et seq.
Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)
Constitution of the State of Connecticut, Article I, Section 20
Connecticut General Statutes § 46a-60 Discriminatory employment practices
prohibited.

Policy adopted: June 23, 1995
[REVISED:](#) _____

WESTPORT PUBLIC SCHOOLS
Westport, Connecticut

Students

Policy Regarding Sex Discrimination and Sexual Harassment

~~Sexual harassment violates both federal and state laws and is insulting and demeaning to the victim. It is the policy of the Westport Board of Education to condemn and prohibit all forms of sexual harassment directed at male or female students or employees by other male or female students or employees, or by those doing business with the Board of Education, or by volunteers under the control of the Board of Education. Supervisory personnel are responsible for assuring that all students and employees enjoy the right to work and learn in an environment free of all forms of sexual harassment.~~

Definition: ~~Sexual harassment is generally defined under state and federal law as unwelcomed sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature where:~~

- ~~1. Submission to such conduct is made either explicitly or implicitly a term or condition of any individual's employment or academic award;~~
- ~~2. Submission to or rejection of such conduct by any individual is used as the basis for employment decisions affecting such individual; or~~
- ~~3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or ability to learn or creating an intimidating, hostile or offensive environment.~~

~~Sexual harassment can include conduct that is verbal, (including sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions or threats, sexual insults and put-downs); non-verbal (including use or display of sexually suggestive objects or pictures; suggestive or insulting sounds or whistles, leers, obscene gestures, etc.); or physical (including unwanted physical contact such as touching, pinching, kissing, brushing the body, fondling, assault or coerced sexual intercourse).~~

Communication: ~~A copy of this policy will be distributed to all current employees and to all new employees at the time of hire. It will also be distributed annually to all employees and students. Moreover, a copy of this policy will remain posted at all times in each Board of Education facility.~~

~~The Board encourages victims of sexual harassment to report such claims and no reprisals or retaliation will result from good faith reporting.~~

Complaints: ~~All complaints of sexual harassment will be investigated promptly and discreetly. If investigation reveals the complaint to be valid, prompt action will be taken to stop the harassment and prevent its recurrence.~~

Violations: ~~Violation of this policy may result in disciplinary action up to and including suspension (students) and discharge (employees).~~

It is the policy of the Board of Education that any form of sex discrimination or sexual harassment is prohibited, whether by students, Board employees or third parties subject to the control of the Board. Students, Board employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students. Any student or employee who engages in conduct prohibited by this policy shall be subject to disciplinary action.

The Superintendent of Schools shall develop Administrative Regulations implementing this Policy.

Definitions

Sex discrimination occurs when a person, because of his or her sex, is denied participation in or the benefits of any education program receiving federal financial assistance.

Sexual harassment: In a school setting, sexual harassment is conduct that 1) is sexual in nature; 2) is unwelcome; and 3) denies or limits a student's ability to participate in or benefit from a school's educational program. Sexual harassment can be verbal, nonverbal or physical. Sexual violence is a form of sexual harassment. Sexual harassment creates a hostile environment if the conduct is sufficiently severe or pervasive such that it interferes with or limits a student's ability to participate in or benefit from the school's program. Although not an exhaustive list, the following are examples of sexual conduct prohibited by this policy:

1. Statements or other conduct indicating that a student's submission to, or rejection of, sexual overtures or advances will affect the student's grades and/or other academic progress.
2. Unwelcome attention and/or advances of a sexual nature, including verbal comments, sexual invitations, leering and physical touching.
3. Display of sexually suggestive objects, or use of sexually suggestive or obscene remarks, invitations, letters, emails, text messages, notes, slurs, jokes, pictures, cartoons, epithets or gestures.
4. Touching of a sexual nature or telling sexual or dirty jokes.
5. Transmitting or displaying emails or websites of a sexual nature.
6. Using computer systems, including email, 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.

Sexual Violence: Sexual violence is a form of sexual harassment. For the purposes of this policy, sexual violence refers to physical acts that are sexual in nature, perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol.

Procedure

It is the express policy of the Board of Education to encourage victims of sex discrimination or

sexual harassment to report such claims. Students are encouraged to promptly report complaints of sex discrimination or sexual harassment to the appropriate personnel, as set forth in the Administrative Regulations implementing this Policy. The district will investigate such complaints promptly, take interim measures, and take corrective action where appropriate. The district will maintain confidentiality to the extent appropriate. The district will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of sexual harassment or sex discrimination. Any such reprisals or retaliation will result in disciplinary action against the retaliator.

The school district will periodically provide staff development for district administrators, and periodically distribute this Policy and the implementing Administrative Regulations to staff and students in an effort to maintain an environment free of sexual discrimination and sex harassment.

Sex discrimination and/or sexual harassment may also constitute bullying behavior under the Board's Bullying Behavior in the Schools Policy.

Students

Sexual Harassment

Legal Reference: ~~Civil Rights Act of 1964, Title VII, 42 U.S.C. §2000-e2(a).~~

~~Equal Employment Opportunity Commission Policy Guidance (N-915.035) on Current Issues of Sexual Harassment, effective 10/15/88.~~

~~Title IX of the Education Amendments of 1972, 34 CFR Section 106.~~

United States Constitution, Amendment XIV

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.

Title IX of the Education Amendments of 1972, 34 C.F.R § 106.1, et seq.

Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)

Office for Civil Rights, U.S. Department of Education, Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, 66 Fed. Reg. 5512 (Jan. 19, 2001).

Office for Civil Rights, U.S. Department of Education Dear Colleague Letter: Sexual Violence (April 4, 2011).

Constitution of the State of Connecticut, Article I, Section 20.

Policy adopted: June 23, 1993
REVISED: _____

WESTPORT PUBLIC SCHOOLS
Westport, Connecticut

BYLAWS OF THE BOARD - SERIES 9000**1. Role of the Board**

- A. Duties of the Board/Board Member Ethics [9010](#) B *pages 13-14*
- B. Responsibilities and Functions of the Board [9012](#) B *page 15*
- C. Commitment to Democratic Principles in Relation to Community, Staff & Students (Board-Staff Communications) [9030](#) B *page 17*

2. Organization

- A. Duties of Officers
 - (1) Chairperson [9121](#) B *page 19*
- B. Committees [9130](#) B *page 21*

3. Members

- A. Terms of Office [9210](#) B *page 23*
- B. Election
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- C. Conflict of Interest [9270](#) B *page 27*

4. Methods of Operation [9300](#) B *page 29*

- A. Development, Distribution and Maintenance of Manual of Policies, Regulations, Bylaws
 - (1) Formulation, Adoption of Policies [9311](#) B *page 31*
- B. Meetings
 - (1) Organizational Meeting [9320](#) B *page 33*
 - (2) Time, Place, Notification of Meetings [9321](#) B *page 35*
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 - (b) Parliamentary Procedures/Rules of Order [9325.3](#) B *page 43*
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Bylaws of the Board

Duties of the Board

State statute charges the Board of Education to "maintain good elementary and secondary schools" and to "give all the children of the town as nearly equal advantages as practical." In carrying out this duty, the Board is directed to serve the interests of the State as well as those of the Town.

To assist in determining the interests of the Town, the Board will be receptive to community opinion on local educational matters. However, the Board cannot delegate to local individuals or groups its authority for establishing educational policy and its control of the schools.

The Board of Education will base its actions on the welfare of the students. In so doing, it will endeavor to secure maximum educational benefit for every dollar spent.

The following guidelines will govern the activities of the Board:

1. Board members will never use their position on the Board for personal gain.
2. Board members must understand that their primary responsibility is to establish policy.
3. The local school district has been created as a unit of the state government. This means that a local Board is responsible both to the local community and to state government. The Board of Education member is a state official functioning at a local level.
4. All Board members will abide by the principle of majority rule.
5. Board members should make no promise of commitments on school questions unless they are fully discussed and acted upon in the Board meeting.
6. The individual Board member has no authority when the Board is not in session unless authorized by the Board.
7. The local Board of Education should function independently of other local government bodies, except as provided by state law and town charter.
8. Board members will recognize that authority rests only with the whole board assembled in meeting, and will make no personal promises nor take any private action which may compromise Board.
9. Board members will acknowledge that the Board represents the entire school community, and a member will refuse to surrender his or her independent judgment to special interest or partisan political groups.
10. Board members will respect the confidentiality of executive session.
11. Board members will arrive at conclusions only after discussing all aspects of the issue at hand with other board members in meeting. Opinions of Board members with differing points of view will be respected.
12. No individual member of the Board, by virtue of holding office, shall exercise any administrative responsibility with respect to the schools, nor as an individual command the services of any school employee.

Legal Reference: Connecticut General Statutes

[10-220](#) Duties of Boards of Education

[10-232](#) Restrictions on employment of members of the Board of Education.

Charter, Town of Westport

C7-2, Powers and Duties

Bylaw adopted by the Board: May 13, 2002

Bylaws of the Board

Responsibilities and Functions of the Board

By state statute, the Board of Education has “charge of the schools of the town.” The Board is specifically empowered to enter into contracts, employ the Superintendent of schools and the school staff, and “prescribe rules for the management, studies, classification and discipline” of the schools, including the adult education program. For these purposes its functions may be classified under the headings of finance, plant, staff, community relations, administration, student welfare, special services, instruction, and program extensions.

In exercising these powers the Board of Education functions as a policy-making and planning agency, relying on the school staff for the administration and implementation of the policies and plans. To ensure the Board of competent professional advice and to promote maximum staff understanding and commitment, the Board will consult fully with the professional staff in these matters. The Board will also negotiate with duly recognized staff organizations matters concerning their salaries and other benefits, as required by law.

The Superintendent of Schools is the chief educational advisor, executive advisor and executive officer of the Board of Education. In all matters coming before the Board it will seek the Superintendent’s recommendations before reaching decisions. The Board delegates to the Superintendent the authority to appoint certified staff below the rank of Principal and non-certified staff.

Legal Reference: Connecticut General Statutes

[10-220](#) Duties of boards of education

[10-221](#) Boards of education to prescribe rules.

Bylaw adopted by the Board: May 13, 2002

Bylaws of the Board

Commitment to Democratic Principles in Relation to Community, Staff, Students

Board-Staff Communications

The Westport Board of Education recognizes the need to maintain open communication between itself and the staff. Essentially, communications with staff deal with three general areas -- administration, policy and philosophy. While the Board recognizes the necessity for board-staff communications, it also recognizes that administrative matters must be dealt with through its chief administrator. Hence, the basic line of communication for administrative matters shall be through the Superintendent.

1. Staff Communications to the Board

All formal reports to the Board from administrators, supervisors, teachers or other staff members shall be submitted through the Superintendent. This necessary procedure shall not be construed as denying the right of any employee to appeal to the Board from administrative decisions on important matters, provided that the Superintendent shall have been notified of the forthcoming appeal and that it is processed in accordance with the Board's policy on complaints and grievances.

Staff members are also reminded that Board meetings are public meetings. As such, they provide an excellent opportunity to observe and participate in the Board's deliberations on problems of staff concern.

2. Board Communication to Staff

All official communications, policies and directives of staff interest and concern will be communicated to staff members through the Superintendent, and the Superintendent will employ all such media as are appropriate to keep staff fully informed of the Board's problems, concerns and actions.

3. Visits to Schools

Official visits by Board members will be conducted only under Board authorization and with the full knowledge of staff, including the Superintendent, building administrators and other supervisors.

4. Social Interaction

Individual Board members have no special authority excepting when they are convened at a legal meeting of the Board or vested with special authority by Board action. Board of Education members are expected, at social affairs and other functions to avoid discussion of:

- A. Matters that are, or have the potential of becoming, the subject of an executive session;
- B. Information and data contained in personnel records protected by the privacy act;
- C. Contested issues that may require final resolution by the Board.

Legal Reference: Connecticut General Statutes

[10-220](#) Duties of boards of education.

Bylaw adopted by the Board: August 19, 2002

9121

9122

9123

Bylaws of the Board

Duties of Officers

The Chairperson will:

1. Confer with the Superintendent in the preparation of agendas for meetings.
2. Preside at all meetings at which he or she is present.
3. Serve as chief spokesperson for the Board when it appears on official business before other town Boards and commissions and the Representative Town Meeting.
4. Call special meetings of the Board when he/she deems it necessary or as requested in writing to do so by three of its members.
5. Sign legal documents as authorized by the Board.
6. In all other respects have the same powers and duties as other members.

The Vice-Chairperson will normally perform the duties of the Chairperson in the Chairperson's absence. In the event of the Chairperson's resignation from the Board, the Vice-Chairperson will become the acting Chairperson and serve in that capacity until the Board is reconstituted and a new Chairperson has been elected.

With the assistance of a staff member appointed by the Superintendent, the Secretary has responsibility for the maintenance of the minutes of Board meetings, for the submission of an annual report to the Town, for causing written notices of regular and special meetings to be sent to Board members through the office of the Superintendent, and any for other duties assigned by law and the Board.

Legal Reference: Connecticut General Statutes

[10-218](#) Officers. Meetings.

[10-221](#) Salaries of secretary and attendance officers.

[10-224](#) Duties of secretary.

[10-225](#) Salaries of secretary and attendance officers.

Bylaw adopted by the Board: June 10, 2002

Bylaws of the Board

Committees

The Board will act as a committee of-the-whole insofar as possible. There will be no standing committees, and no member has authority to make decisions for the Board in meetings with other town bodies or in relation to the school staff.

Since some of the business of the Board requires approval by other town bodies and since effective cooperation among town bodies and among school boards is highly desirable, individual Board members will be asked to serve as needed as liaison representatives to these bodies, and to report to the Board at intervals concerning those of their activities relevant to the schools. Such requests will be made by the Chairman as needed.

Legal Reference: Connecticut General Statutes

[1-7](#) through [1-18](#) and [1-200](#) through [1-241](#) of the Freedom of Information Act.

[1-200](#) Definitions.

[1-226](#) Meetings of government agencies to be public.

Bylaw adopted by the Board: June 10, 2002

Bylaws of the Board

Terms of the Office

Each member serves a term of four years.

The term commences the first Tuesday after the third Monday in the November of their election, and continues until a successor has been elected and qualified. Four members and then three members alternately shall be elected at each regular Town election, which will be held on the first Tuesday after the first Monday in November in each odd numbered year.

Reference: Charter, Town of Westport

C7-1, Composition and election.

C2-1, Eligibility.

C2-2, Minority representation.

C2-3, Town elections and terms of office.

Bylaw adopted by the Board: May 13, 2002

Bylaws of the Board

Filling Vacancies

A vacancy is filled by appointment by the remaining Board members. Any member so appointed serves until the next municipal election, at which time a successor is elected to fill the unexpired portion of the term. If the person vacating a position was elected as a member of a political party, such vacancy is filled from the membership of the same political party.

If such vacancy has not been filled by appointment of the remaining Board members within 30 days after the occurrence of the vacancy, the Board of Selectman or First Selectman may appoint a qualified person to fill the vacancy until the next municipal election.

Legal Reference: Connecticut General Statutes

[7-107](#) Vacancy appointments by selectmen.

[9-204](#) Minority representation on boards of education.

[10-219](#) Procedure for filling vacancy on board of education.

[10-156e](#) Employees of boards of education permitted to serve as elected officials; exception.

[10-232](#) Restriction on employment of members of the board of education.

Charter Town of Westport.

C2-1, Eligibility.

C2-2, Minority representation on boards of commissions.

C40-3, Vacancies.

Bylaw adopted by the Board: May 13, 2002

Bylaws of the Board

Conflict of Interest

In the course of carrying out its responsibilities, the Board of Education does business with a large number of individuals and groups, purchasing, renting or leasing a variety of goods and services. In order to avoid financial conflict of interest or the appearance of conflict of interest, the Board of Education will avoid doing business with Board members or Board employees.

It shall be a conflict of interest for a Board member or employee to engage in any business transaction with the Board of Education unless disclosure of any material financial interest is made to the Superintendent and the Board of Education. Any financially interested Board member or employee shall not take part in any action to authorize or approve the contract.

Further Stipulations

- A. A material financial interest shall be considered to be an interest of 5% or more in the company wishing to do business with the Board, or a contract to receive remuneration to effect the transaction.
- B. Disclosure of material financial interest will be made publicly.

Gifts

All members and employees of the Board of Education are prohibited from accepting gifts other than of minimal value as defined by current IRS regulations from any person(s) doing or planning to do business with the school system.

This policy should not be construed so as to prohibit an employee or member of the Board of Education who is a candidate for any office (including re-election to the Board of Education) from receiving campaign contributions that he or she would otherwise be legally entitled to accept.

Legal Reference: Connecticut General Statutes

[7-479](#) Conflict of interest (municipal employees).

[10-156e](#) Employees of boards of education permitted to serve as elected officials; exception.

[10-232](#) Restrictions on employment of members of the board of education.

Bylaw adopted by the Board May 13, 2002

Bylaws of the Board**Methods of Operation**

The Westport Board of Education shall concern itself only with broad questions of policy and not with administrative details. The Board shall rely upon the Superintendent of Schools to recommend policies for adoption and to administer policies enacted by the Board. Such policies shall be broad enough to indicate a line of action to be taken by the Superintendent in meeting a number of problems and jobs. Application of such policies to individual problems and jobs is an administrative function to be performed by the Superintendent.

Bylaws adopted by the Board: August 19, 2002

Bylaws of the Board

Formulation/Adoption of Policies

In exercising its authority and responsibility for control of the schools the Board of Education acts primarily through establishment of school policies. The Board views policies as guides to discretionary action, which should be as broad as possible but as specific as necessary to ensure fulfillment of its intent. Such policies will normally state the purposes of the Board in adopting them and indicate the essential criteria and procedures to be used by the school staff in implementing them.

The policies of the Westport schools will be formulated on two levels. Board policies will state the requirements to be met by the Board and the school staff in the conduct of school affairs. Administrative policies will state the requirements to be met by staff and students in executing Board policies and in the day-to-day conduct of school activities.

Where public or staff concern indicates the need, school policies will be formally developed, committed to writing, adopted and incorporated in the official policy handbook maintained by the Superintendent of Schools.

Policy suggestions may originate with the Board of Education or with any individual or group. Such proposals will normally be referred to the Superintendent for consideration, possible development in written form, review by appropriate school personnel, and referral to the Board.

In accordance with state law, policies to be incorporated in contractual agreements with groups of staff personnel will be developed through established negotiation procedures before referral to the Board for action. Contractual agreements in conflict with existing policy will be considered to supersede that policy.

Reference: Robert's Rules of Order

Bylaw adopted by the Board: June 10, 2002

Bylaws of the Board

Meetings

Organizational Meeting

Not later than one month after the date on which the newly elected members take office, the Board elects from its number, by public vote, (which is to be recorded in the minutes) a Chairperson, Vice Chair and a Secretary. If such officers are not chosen after one month because of a tie vote of the members, the Selectman chooses such officers from the membership of the Board.

Thereafter, new officers will be elected annually in December.

Legal Reference: Connecticut General Statutes

[10-218](#) Officers. Meetings.

Charter, Town of Westport

C40-3 Vacancies.

Bylaw adopted by the Board: May 13, 2002

Bylaws of the Board

Time, Place and Notification of Meetings

The purpose of meetings of the Board of Education is to enable the Board to discuss effectively the questions, the policies and the plans by which the schools are governed, and to arrive at well-informed decisions on them. In fact, it is only when the Board is in session that its members are empowered to discharge the duties for which they were elected. All Board members will be sent notification concerning all meetings.

Regular meetings of the Board of Education will normally be held on the first and third Monday of each month. The Board may hold more frequent meetings as needed. The Superintendent will see that an annual schedule of meetings is filed with the Town Clerk as required by law.

Special meetings may be called by the Chair, Vice Chair, or Secretary up to 24 hours before the time set for the meeting. The Superintendent shall post a notice at Town Hall stating the time, place and business to be transacted and shall file the notice with the Town Clerk. No other business may be transacted than the items stated.

Emergency meetings may be called by the Chair, Vice Chair, Secretary and/or Superintendent upon notice to all members. Such meetings may be held without complying with the preceding notice requirements. The Superintendent must file the minutes of the emergency meeting, including the reason for the emergency, within 72 hours of the meeting with the Town Clerk.

Executive sessions may be held as provided by law for the purpose of discussing personnel matters; matters involving negotiations with individuals or groups, pending claims and litigation; security matters; real estate acquisition; or any matter that would result in the disclosure of a public record exempted from the disclosure requirement for public records. All business or discussion in the executive session shall be limited to the above areas. Otherwise, all meetings of the Board shall be open to the public.

Any person who wishes to receive a notice of meetings and agendas must make a written request to the Board of Education. Notification of meetings will be sent, where practicable, at least one week prior to the meeting date. Requests are valid for one year and may be renewed within 30 days after January 1 of each year. The Board of Education may charge a fee for these notices based upon cost of the service, as provided by law.

Legal Reference: Connecticut General Statutes

[1-206](#) Denial of access to public records or meetings.

[1-225](#) Meetings of government agencies to be public.

[1-227](#) Mailing of notice of meetings to persons filing written request.

[1-228](#) Adjournment of meetings. Notice.

[1-229](#) Continued hearings. Notice.

[1-230](#) Regular meetings to be held pursuant to regulation, ordinance or resolution.

[10-218](#) Officers. Meetings

Bylaw adopted by the Board: June 10, 2002

Bylaws of the Board

Public and Executive Sessions

Public Meetings

All meetings of the Board of Education shall be open to the public with the exception of executive sessions. (cf. [9320](#) -Meetings)

Executive Sessions

The public may be excluded from meetings of the Board of Education which are declared to be executive sessions. Executive sessions may be held upon a two-thirds vote of the members present and voting taken at a public meeting only for one or more of the following reasons.

1. Discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, provided that such individual may require that discussion be held at an open meeting.
2. Strategy and negotiations with respect to pending claims and litigation.
3. Matters concerning security strategy or the deployment of security personnel, or devices affecting public security.
4. Discussion of the selection of a site or the lease, sale or purchase of real estate by a political subdivision of the state when publicity regarding such site, lease, sale, purchase or construction would cause a likelihood of increased price until such time as all of the property has been acquired or all proceedings or transactions concerning same have been terminated or abandoned.
5. Discussion of any matter which would result in the disclosure of public records or the information contained therein described in subsection (b) of section 1-210 of the Connecticut General Statutes Freedom Of Information Act (FOIA). The types of records which may be withheld in accordance with FOIA include personnel and health records, student identification records, matters of security, test questions and other specified in FOIA.

Public Participation

In addition to permitting the public to attend meetings, the Westport Board of Education encourages public participation.

Regular and Special Meetings

The following members of the public may speak at meetings of the Board:

- Westport residents, students and employees of the Board; non-resident consultants to the Board and/or administration invited by the Board.

Speakers must use the following guidelines:

- Comment on non-agenda items will occur during the first 15 minutes except when staff or guest presentations are scheduled.
- Public may speak as agenda topics come up for discussion or information.

- Speakers on non-agenda items limited to 2 minutes each, except by prior arrangement with Chair.
- Speakers on agenda items are limited to 3 minutes each, except by prior arrangement with chair.
- Speakers must give name and use the microphone.
- Responses to questions may be deferred if answers not immediately available.
- Board will not engage in dialogue on non-agenda items unless the topic is added to the agenda (regular meetings only) by a 2/3 vote
- Public comment is normally not invited for topics listed for action after having been publicly discussed at one or more meetings.

Public Work Sessions

When meetings or parts of meetings are designated as work sessions the Board does not normally invite discussion or questions from the general public, but brief public comment may be permitted at the end of a work session if time permits.

Freedom of Information

In accordance with the Freedom of Information Act (FOIA), the following are not public meetings and thus not subject to posting and other requirements:

- Meetings of personnel search committees
- Meetings for the purpose of discussion of collective bargaining strategy
- Negotiating sessions
- Chance or social gatherings not intended to relate to official business
- Caucuses of the members of a single party, provided that no persons other than the members attend the caucus.

Legal Reference: Connecticut General Statutes

[1-200](#) Definitions.

[1-206](#) Denial of access to public records or meetings.

[1-210](#) Access to public records.

[1-225](#) Meetings of government agencies to be public.

[1-226](#) Recording, broadcasting or photographing meetings.

[1-231](#) Executive sessions.

Bylaw adopted by the Board: August 19, 2002

Bylaws of the Board

Agenda Preparation and Dissemination

Agendas are prepared primarily to enable Board members to participate effectively in discussion and to make well informed judgments concerning the school issues before them. These agendas also enable members of the public to follow the discussion of the Board and to understand the basis for decisions reached.

Preparation

The Superintendent of Schools shall prepare the agenda for each Board meeting in consultation with the Chair. Board members wishing to place items on the agenda should notify the Superintendent sufficiently in advance of the meeting to enable him/her to obtain the information needed for effective discussion.

Members of the public wishing to have an item placed on the agenda should make a written request to the Superintendent. Oral requests may also be made at Board meetings for future consideration, but the Chair may ask for a written statement of the problem if circumstances warrant

Announcement

A list of items to be included on the agenda will normally be made available to the local news media no later than Friday prior to the meeting. A legal notice of regular meetings will be placed in a newspaper serving the Westport area as required by the Westport Town Charter permitted by State law, the Board may add an item to the agenda at the meeting by a 2/3 vote.

Distribution

Agendas, together with the necessary supporting information, will normally be distributed to members of the Board at least forty-eight hours before each regularly scheduled meeting.

Bylaw adopted by the Board: June 10, 2002

Bylaws of the Board

Order of Business

The following is the normal order of business for regular meetings of the Board:

- A. Call to Order/Pledge of Allegiance
 - 1. Minutes of the previous meeting(s)
- B. *Public Questions and Comments on Non Agenda Items (1st 15 minutes)
- C. Announcements from Board and Administration
- D. Action
- E. Discussion/Action
- F. Discussion
- G. Information
- H. Adjournment

Executive Sessions require a 2/3 vote.

Items may be added to the agenda (regular meetings only) by a two-thirds vote of those present and voting.

No new topic may be started after 10:30 p.m. except by a two-thirds vote of those present and voting.

Public comment first fifteen minutes except when there is a staff or guest presentation.

(Note: the order may change to later depending on length of agenda.)

Bylaw adopted by the Board: June 10, 2002

Bylaws of the Board

Parliamentary Procedures

Rules of Order

Regular and special meetings of the Board of Education are held in public, but they are not public hearings unless so designated. Comments from those citizens present will be welcomed at times indicated by the Chair, but such participation shall not be allowed to interfere with the conduct of business by the Board.

Procedure will normally be informal for the sake of simplicity and to minimize diversion of discussion to procedural questions. Board members may, however, involve Robert's Rules of Order, Revised.

A majority of the Board members present is required to approve a motion.

When comments from the public would be particularly helpful to the Board in reaching a decision on an item, the Board may schedule a public hearing devoted exclusively to that item. In any case, final action, on a change in Board policy will not normally be taken at the time of its first discussion or at a public hearing unless postponement until the next Board meeting would hinder the intent of such action.

Upon a 2/3 vote of the members of the Board, new business, not listed on the agenda, may be considered and acted upon at a regular meeting of the Board.

No new topic will be started after 10:30 p.m. except by a 2/3 vote of the members present and voting.

If a person or group of persons is so disruptive that the meeting cannot proceed in an orderly fashion, the meeting may be cleared, except for representatives of the news media not involved in the disturbance. A meeting may be adjourned or continued to a time and place specified in the adjournment or continuance.

Legal Reference: Connecticut General Statutes

[1-200](#) Definitions

[1-206](#) Denial of access of public records or meetings. Notice. Appeal

[1-210](#) Access to public records

[1-226](#) Recording, broadcasting or photographing meetings

[19a-342](#) Smoking prohibited in certain places. Signed required. Penalty

[1-231](#) Executive sessions

[1-232](#) Conduct of meetings (re disturbances)

[10-224](#) Duties of the Secretary

Bylaw adopted by the Board: June 10, 2002

Bylaws of the Board

Taping/Recording Board Meetings

1. Board of Education public meetings shall be recorded.
2. The recordings shall be retained for one year.
3. The recordings are not to be considered part of the minutes.

Recording Devices

1. Broadcasting and recordings of meetings are permitted and electronic and photographic audio and video devices may be used at meetings of the Board of Education according to the following guidelines:
2. Persons operating recording devices are asked not to
 - a. Obstruct the view between members of the audience and the Board of Education,
 - b. Disrupt the proceedings by holding interviews,
 - c. Provide commentary in a manner that distracts Board members.

Bylaw adopted by the Board: June 10, 2002

Bylaws of the Board

Meetings

Electronic Mail Communications

The Board of Education believes that Board members electronically connected to other Board members is an efficient and convenient way to communicate. The main goal of electronic mail (e-mail) is to expedite the exchange of information. E-mail gives Board members quick access to one another.

Guidelines for Board E-Mail Usage

The Freedom of Information Act mandates that all meetings of public bodies such as School Boards be open to the public and that records received and/or retained by public agencies be available to the public for inspection and copying. It is the policy of the Board of Education that the rules governing use of district e-mail be clarified and that such e-mail shall not be used in a manner to deprive the public of its rights under the Freedom of Information Act. Accordingly, this bylaw sets forth guidelines for e-mail use by Board members when communicating with other Board members on the district e-mail account provided for their convenience.

1. E-mail, like other written forms of communication relating to the conduct of the public business is subject to the Freedom of Information Act and may be subject to public disclosure.
2. Board members shall not use e-mail as a substitute for deliberations at public Board meetings, and/or to vote informally on any issues.
3. As is true with all e-mail systems, the systems' administrators could, under unusual circumstances, read the content of e-mail messages and/or override passwords. Therefore, Board members should not presume privacy or security in any e-mail communications made on the district account members. Board members shall not reveal their passwords to others in the network or to anyone outside of it. If any Board member has reason to believe that a password has been lost or stolen, or that e-mail is being accessed by someone without authorization, he/she shall notify the Superintendent.
4. Board members should exercise discretion in discussing personnel issues and other sensitive subjects through e-mail communications. The confidentiality of employee data, pupil data, and other information privileged under law should be maintained.

Any use of district e-mail contrary to the guidelines set out above shall be reported immediately to the Superintendent.

Legal Reference: Connecticut General Statutes

The Freedom of Information Act.

[1-18a](#) Definitions.

[1-19](#) Access to public records. Exempt records.

[1-19a](#) Disclosure of computer-stored public records.

Policy adopted: August 19, 2002

Students

Eligibility of Students to Attend the Westport Schools

Resident Students

- A. Children of school age (who are not graduates of a high school or vocational school) who are residents of the Town of Westport, are entitled to all school privileges provided by the Board of Education. For the purposes of determining those students entitled to the privileges described above, the following definitions of resident student shall apply:
1. Any child residing with his or her custodial parent or parents, or in the custody of a legally appointed guardian or guardians, within the boundaries of the Town of Westport; or
 2. A legally emancipated minor or a student 18 years of age or older who is residing independently within the boundaries of the Town of Westport.
 3. In accordance with CGS, Section 10-186, any child residing with parent(s) or guardian(s), or any emancipated minor residing in a domicile that is situated on a Town line.
 4. No student enrolled in the Westport Public Schools can be dually enrolled. Dual enrollment is defined as being enrolled in another public or private school or program during Westport school hours.
- B. The decision regarding the residency status of any student shall be made by the Superintendent of Schools (or his/her designee).

Non-Resident Students

- A. In accordance with State law 10-253, certain non-resident students are entitled to free school privileges in the Westport Public Schools on the following terms and conditions.

Section One

1. A non-resident child who is residing with adult Westport residents who are relatives or non-relatives of the child; or
2. A non-resident child who is residing with a non-custodial parent who is a Westport resident; or
3. A non-resident child who is residing in a group or foster home who has been placed in the home by the Commissioner of Children and Families or some other public agency;

Students

Eligibility of Students to Attend the Westport Schools

Non-Resident Students (continued)

Section One (continued)

Provided that:

1. It is the intention of the Westport resident, and the child's custodial parent(s)/ legal guardian(s) or the child that such residence in Westport shall be permanent, and
2. The residence is provided without pay to the Westport resident (except for the payment of child support by one of the child's parents to the other parent), and
3. The residence arrangement is not for the sole purpose of having the child attend school in Westport, and
4. A notarized statement signed by the custodial parent(s) or legal guardian(s) is submitted to the Superintendent or the Superintendent's designee, attesting to all of the above conditions, and

The Superintendent or the Superintendent's designee may require the Westport resident and/or the custodial parent(s) or legal guardians(s) to submit other supporting documentation as he or she deems necessary.

Section Two

A non-resident child who is residing with adult Westport residents who are either relatives or non-relatives and for whom legal guardianship is in question, shall be entitled to all school privileges provided by the Board of Education to resident students provided that the Westport resident with whom the child is residing shall submit documentation which attests to the fact that a guardianship proceeding with regard to said child is pending, the purpose of which proceeding is to seek legal guardianship in the Westport resident(s) with whom the child is residing.

Section Three

A non-resident child who is residing in a home in Westport as a result of placement by the Commissioner of Children and Families or by some other public agency shall be entitled to school privileges as defined under 10-253 of the General Statutes.

Students

Eligibility of Students to Attend the Westport Schools

Non-Resident Students (continued)

Section Four

A non-resident student who is residing in Westport by arrangement with a sponsoring agency approved by the Board of Education (including the American Field Service, and A Better Chance, Inc.), which agency clearly accepts responsibility for the student's welfare (including responsibility to make educational decisions) for the duration of the school year, *may* be entitled to attend public schools in the Town of Westport. Pursuant to federal law, students in the United States on an F-1 visa are required to furnish evidence to the Superintendent or his/her designee that the Westport Board of Education has been reimbursed in advance for the unsubsidized cost of the student's education in the Westport Public Schools. Full information concerning the details of the arrangement must be supplied to the Superintendent or designee by the sponsoring agency and must be approved by the Superintendent or designee. As the Board of Education is not legally required to furnish this service, the number of such students accepted in any one year is at the discretion of the Superintendent whose decision shall be final.

Section Five

New Students: A family that expects to move to Westport within three (3) months may enroll a child in Westport schools at no cost, provided that the family furnishes a copy of the lease or construction contract or sales contract of the prospective residence in Westport. Transportation is the responsibility of the family.

Section Six

Families That Are Moving:

Grades K-11:

- a. If the family is moving after April 1, the child may be permitted to complete the *current* school year with no tuition charge.
- b. If the family is moving before April 1, the child may apply to complete the *current* school year at 25% tuition.

Grade 12:

Students enrolled as Staples seniors may complete the year at Staples with no tuition charge regardless of whether the family moves before or after April 1.

The parents of such students shall be required to pay the actual cost of providing special education services while such non-resident students are enrolled in the Westport Public Schools.

Students

Eligibility of Students to Attend the Westport Schools

Non-Resident Students (continued)

B. Decisions About Enrollment of Non-Resident Students

1. In all instances the determination to approve the enrollment of a non-resident child shall be made by the Superintendent or the Superintendent's designee. The decision to approve the enrollment of a non-resident child in any school year shall not be binding in any subsequent school years.
2. At the end of each school year, the Superintendent or designee will review the status of each non-resident child enrolled pursuant to this policy for approval or denial for the ensuing school year.
3. The Superintendent of Schools shall periodically advise the Board of Education with regard to the number of students enrolled under this policy.
4. This policy in no way waives the Board of Education's right to seek reimbursement from the State Department of Education or another school district for education provided hereunder.

Tuition Payment

The Board of Education may allow certain non-resident students living within the geographical boundaries of Westport who do not meet the above-described criteria, to attend Westport Public Schools upon the payment of tuition fees as established by the Board, plus any expenses that may be required for special education services.

Right of Appeal

Any decision rendered by the Superintendent shall be in writing and shall be mailed to the parent(s), legal guardian(s), emancipated minor or student eighteen years of age or older, as applicable. The parent(s), legal guardian(s), emancipated minor or student eighteen years of age or older may appeal the Superintendent's decision in accordance with the provisions of Section 10-186 of the Connecticut General Statutes, by making a written request for a hearing with the Board of Education. The Board of Education must grant a hearing within ten days after receipt of a written request, must make a stenographic record or tape recording of the hearing and must make a finding within ten days after the close of the hearing.

Persons wishing to appeal the decision of the Board of Education, shall, upon request, be furnished with a copy of the transcript of the hearing within 30 days after the request. Such persons may make a written request for a hearing to the State Board of Education.

Students

Eligibility of Students to Attend the Westport Schools

Non-Resident Students (continued)

Legal Reference: Connecticut General Statutes

- 10-15 Towns to maintain schools
- 10-15c Discrimination in public schools prohibited. School attendance by five-year olds, as amended by PA 97-247
- 10-76a - 10-76g re special education
- 10-184 Duties of parents (re mandatory schooling for children ages five to sixteen, inclusive) - as amended by PA 98-243, and PA 00-157
- 10-186 Duties of local and regional boards of education re school attendance. Hearings. Amended by PA 96-26, An Act Concerning Graduation Requirements and Placement of Older Students
- Appeals to state board. Establishment of hearing board
- 10-233a - 10-233f Inclusive; re: suspend, expel, removal of pupils
- 10-233c Suspension of pupils
- 10-233d Expulsion of pupils
- 10-261 Definitions

State Board of Education Regulations

- 10-76a-1 General definitions (c) (d) (q) (t)
- 10-76d-7 Admission of student requiring special education (referral)
- 10-204a Required immunizations (as amended by PA 98-243)

United States Statutes

8 U.S.C. § 1184(m)(1)

Policy adopted: December 16, 2002
Policy amended: September 20, 2010

WESTPORT PUBLIC SCHOOLS
Westport, Connecticut

to any designated school. Letter to Sergi, Opinions of the Attorney General #1996-019 (December 13, 1996). This opinion also states, however, that a school district not maintaining a high school may agree with a parent to pay full tuition and share in the cost of transportation to a school other than the designated high school.

a. Eligibility for school privileges

Students are eligible for school accommodations if they reach the age of five on or before January 1 in that year. Conn. Gen. Stat. § 10-15c. Parents sometimes press to get their children into the public schools before that time. Early admission may be required because of the special educational needs of the child, as discussed in Chapter Five. More generally, the statute provides that boards of education may admit students prior to that time by formal vote. In considering such requests, however, boards of education must keep in mind their responsibility under the Equal Protection Clause, *i.e.* the constitutional duty to provide equal treatment. Early admission for one student may result in a demand for the same by another parent.

The right to school accommodations ends with high school graduation or attainment of age twenty-one, whichever comes first. In addition, the General Assembly has limited the right to school accommodations in two respects. If a student seventeen years of age or older voluntarily terminates enrollment (*i.e.* drops out), he or she may be denied readmission to the school district for up to ninety school days from the date of termination. Conn. Gen. Stat. § 10-186(d)(2). Second, a board of education may now place a student enrolling at age nineteen or older in "an alternative school program or other suitable educational program," if that student cannot acquire a sufficient number of credits for graduation by age twenty-one. Conn. Gen. Stat. § 10-220(a).

b. School assignment

Designating the schools children attend is a basic responsibility of boards of education. Conn. Gen. Stat. § 10-220(a). School boards typically accomplish this responsibility by establishing attendance zones that determine which of the district's schools a particular student will attend. Under state law, once attendance zones are set, that is that, and there is no right of a parent to appeal. In addition, Conn. Gen. Stat. § 10-221e provides that school districts may establish intradistrict assignment programs that give students the option to attend a different school within the district, and

Students

Discipline

Standards of Conduct

It is the responsibility of the Westport Public Schools to provide an environment which is safe, healthy and conducive to learning. In establishing and maintaining this environment, the professional staff recognizes the individual differences that exist among students and the responsibility of providing a positive educational experience for all students. It is clear that in order to provide this positive environment in the schools and to implement effectively the Standards of Conduct for Students contained in the policy, cooperation and mutual support on matters of discipline and attendance are necessary between home and school.

Students, teachers and administrators have the right to expect mutual courtesy, and fair and equitable treatment, and to be informed of their rights and responsibilities. The goals of the Westport Schools are to assist students in developing the ability for self-direction and self-discipline and to provide opportunities for decision-making. However, in the pursuit of these goals, those students who infringe on the rights of others, or who violate school policies and regulations, will be subject to corrective action including without limitation transfer to another class, transfer to another school, suspension and/or expulsion.

The administration of each individual school is expected to inform the school community in writing of the standards and its specific rules for interpreting these standards as set forth below. The Central Administration has the responsibility to work with principals in developing guidelines and procedures for uniform implementation where consistency is necessary and desirable. It is recognized that in order to implement the following standards effectively, cooperation between parents and professional staff is required. The following are the minimum standards of conduct for students at all levels of the Westport schools:

1. Students are expected to show courtesy and consideration for all members of the school community.
2. Students are expected to behave in a manner that is not disruptive to the educational process.
3. Students are expected to comply with school rules, classroom procedures and requirements as designed for their individual needs.
4. Students are expected to respect and assume responsibility for school and personal property.
5. Students are expected to dress in a manner that does not interfere with the work of the school or create a safety hazard to themselves or others.
6. Students are required to comply with state, local and school health, safety and attendance regulations.
7. Students are required to comply with state statutes and local laws and regulations.
8. Students are not permitted to smoke or be in possession of tobacco products or non-tobacco smoking products in school buildings, on school grounds, on school buses, vans or any school provided transportation, or at any school-sponsored activity at any time.

Furthermore, a student is subject to transfer or exclusion if he/she:

1. Intentionally causes or attempts to cause damage to school property or steals or attempts to steal school property;
or
2. Intentionally causes or attempts to cause damage to private property or steals or attempts to steal private property;
or
3. Intentionally causes or attempts to cause physical injury to another person; or

4. Knowingly possesses, uses, sells, offers for sale, distributes, or is under the influence of any controlled drugs or controlled substances, mood altering substances, chemical solvents, other illegal substances, pills, capsules, alcoholic beverage or intoxicant of any kind; or
5. Intentionally defies the valid authority of supervisors, teachers or administrators for example:
 - a) displays lack of respect for staff (i.e., by the use of vulgarity or profanity);
 - b) fails to attend assigned classes, study halls or detention;
 - c) leaves school, building or grounds without permission
 - d) smokes on school grounds; or
 - e) brings a weapon or any facsimile of such to school, or, is in possession of fireworks, explosives or other incendiary devices.
6. Violates other publicized policies of the Board of Education.
7. Engages in conduct which is seriously disruptive of the educational process or, which endangers persons or property.

If such conduct occurs, the teacher, the Principal and his/her designee is to follow the regulations set out in the Student Exclusion Policy. The consequences of such violations may ultimately result in exclusion from school.

The administration of each individual school is given the authority to take appropriate action to ensure compliance with Board policy as stated above. Appropriate action may include, although it is not limited to, one or more of the following:

1. Conference with student and/or teacher and/or guidance counselor.
2. Conference with parent or guardian.
3. Requiring of financial restitution for damaged or lost school property.
4. Removal of privilege of participation in athletic or other extra-curricular activities or school events.
5. Removal of other privileges such as parking, etc.
6. Referral to social and community agencies, as applicable.

Further action may include exclusion from school in accordance with the Student Exclusion Policy.

Legal Reference: Connecticut General Statutes

4-177 through 4-180. Contested Cases. Notice. Record.

10-233a through 10-233f. Suspension, removal and expulsion of students.

21a-240(9) Definitions.

53a-3 Definitions.

PA 94-221 An Act Concerning School Discipline and Security.

PA 95-304 An Act Concerning, School Safety

GOALS 2000: Educate America Act, Pub. L. 103-227.

18 U.S.C. 921 Definitions.

Title III - Amendments to the Individuals with Disabilities Act Sec. 314

Elementary and Secondary Schools Act of 1968, as amended by the Gun Free Schools Act of 1994

PL 105-17 The Individuals with Disabilities Act, Amendments of 1997

Policy adopted: April 1997

Students

Suspension and Expulsion/Due Process

The Westport Board of Education recognizes that order in the classroom, school and/or school functions is a necessary prerequisite for learning. If students unreasonably disrupt this order, it may be necessary to exclude them from the classroom and/or school setting.

Any student whose conduct on school grounds or at a school-sponsored activity is violative of a publicized policy of the Board, or is seriously disruptive of the educational process or endangers persons or property may be expelled. Expulsion proceedings are required when there is reason to believe that a student possessed or used a firearm, deadly weapon, dangerous instrument or martial arts weapon on school grounds or at a school-sponsored activity; off school grounds possessed a firearm or used or possessed a firearm, instrument or weapon in the commission of crime; or on or off school grounds offered for sale or distribution a controlled substance. Any such exclusion shall take place in accordance with Section 10-233a of Connecticut Statutes. The Board of Education will notify students annually of its adopted standard of conduct for students and of this policy and regulations governing removal, suspension and expulsion.

1. Definition:

- a) **"Exclusion"** means any denial of public school privileges to a student for disciplinary reasons.
- b) **"Removal"** means an exclusion of a student from a classroom for all or part of a single class period, provided such exclusion shall not extend beyond ninety minutes.
- c) **"Suspension"** means an exclusion from school privileges or from transportation services only for no more than ten consecutive schooldays, provided such exclusion shall not extend beyond the end of the school year in which suspension was imposed.
- d) **"In-school suspension"** means an exclusion from regular classroom activity and all extra-curricular activities for no more than five 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.
- e) **"Expulsion"** means an exclusion from school privileges for more than ten consecutive schooldays 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 calendar year.
- f) **"Emergency"** means any situation under 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.

(cf. 5144 Discipline)

Legal Reference: Connecticut General Statutes

4-176e through 4-180a. Contested Cases. Notice. Record.

10-233a through 10-233f. Suspension, removal and expulsion of students, as amended by PA 95-304, PA 96-244, and PA 98-139.

53a-3 Definitions.

53a-217b Possession of Firearms and Deadly Weapons on School Grounds.

PA 94-221 An Act Concerning School Discipline and Safety.

GOALS 2000: Educate America Act, Pub. L. 103-227.

18 U.S.C. 921 Definitions.

Title III - Amendments to the Individuals with Disabilities Education Act.

Sec. 314 (Local Control Over Violence)

Elementary and Secondary Act of 1965 as amended by the Gun Free Schools Act of 1994.

P.L. 105-17 The Individuals with Disabilities Act, Amendment of 1997.

Kyle P. Packer PPA Jane Packer v. Thomaston Board of Education.

Policy adopted: December 16, 2002

Students

Discipline of Students with Disabilities

Introduction

Westport Public Schools recognize the need to establish standards and safeguards for students and staff in the use of behavior management. We also recognize our professional responsibility to provide appropriate interventions which will promote independence and adaptive behavior for all our students.

As a school system which provides integrated services for students with disabilities from pre-school-age through age 21, we carefully safeguard the rights of students with disabilities. The schools are open to the scrutiny of staff, parents and the community. The highest standards of professional behavior are expected from the staff, all of whom are required to have appropriate training and certification. Firing and supervisory practices are rigorous.

We will continue to provide staff with access to up-to-date references and guidelines on behavioral management. Staff members with specialized training and experience in this area are available for consultation with their colleagues. We will continue to utilize consultants such as clinical psychologists, psychiatrists and university professors from outside the Westport Public Schools when necessary.

In the Special Education program, as in the regular program, we will continue to comply with legal mandates, and staff will continue to respect the human and legal rights of students. Parents are encouraged to be fully involved in planning and decision-making for their children. Parental consent is required for special education placement. Every student has an Individualized Educational Place (IEP) that is reviewed at least annually. Behavior management programs, if appropriate, are included in the IEP. Student behavior is routinely evaluated on an ongoing basis. The results of intensive procedures are reviewed more frequently as needed (daily, weekly, monthly).

Regular Disciplinary Guidelines

The Westport Public Schools' Disciplinary Guidelines, which cover the range of infractions of school rules usually found in a public school setting, emphasize consistency, flexibility, and respect for individual rights. The goals are to develop self-discipline in each student and establish a positive educational environment for all students. These guidelines are adequate for most special education students and will be followed where appropriate.

Behavior Management Techniques

Students who have extreme behavioral problems can usually be effectively taught and managed through a behavior management approach. This approach is based on the scientific research in human psychology known as applied behavioral analysis and behavior modification. Behavior management techniques provide a powerful tool for educators and should emphasize the development of appropriate and adaptive behaviors.

Individually planned behavior management programs may include a continuum of techniques such as:

- a. Positive reinforcement: primary (food, drink); social (hug, praise); activity (game, walk); token (earned for future reward).
- b. Mild verbal reprimand, correction, of result of unacceptable behavior, strong verbal reprimand, time out, detentions, in-school suspension, constructive work on the weekend.
- c. Early dismissal, moderate physical restraint, as permitted by law; suspension, or placement in a more appropriate setting.

Westport policies dealing with these last restrictive measures are consistent with the state statutes for special education students.

Emergency Situations

- a. In emergency situations, staff are expected to use necessary procedures to prevent harm to the student involved, other students and staff, as well as the intervening staff member. These procedures may include emergency seclusion and physical restraint.
- b. Attempts should be made to contact parents as soon as possible.
- c. Immediately afterwards, staff members involved in the emergency must document the circumstances of the emergency situation in detail, including results, recommendations and follow-up. If necessary, a Planning and Placement Team meeting, which includes parents, will be held to review the students' needs and program after an emergency situation.

Change of Program or Placement

There are special education students, particularly those who are severely developmentally disabled or emotionally disturbed, who sometimes exhibit abnormal behaviors which seriously interfere with the education process and put them in conflict with their environment. These behaviors may include self-injury, aggressive acts, disruptive acts, noncompliance, deviant sexual behaviors and running away. Students who continually pose a danger to themselves or others may need a different kind of program and service. Appropriate placement in a more restrictive environment may be sought for these students. This decision is to be made by a Planning and Placement Team, which includes parents.

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Notification

Every effort will be made to assure that, to the extent possible, special education students and their parents know what behavior is acceptable and what behavior is not acceptable, and what will be the disciplinary results of infractions.

Legal Reference: Connecticut General Statutes

10-233a through 10-233f. Suspension, removal and expulsion of students, as amended by PA 95-304 and PA 96-244.

53a-3 Definitions.

53a-217b Possession of Firearms and Deadly Weapons on School Grounds.

PA 94-221 An Act Concerning School Discipline and Security.

GOALS 2000: Educate America Act, Pub. L. 103-227.

18 U.S.C. 921 Definitions.

Title I - Amendments to the Individuals with Disabilities Act. (PL 105-17)

Sec. 314 (Local Control Over Violence)

Elementary and Secondary Schools Act of 1965, as amended by the Gun Free Schools Act of 1994

Policy adopted: November 15, 1989

5144.3 Appendix 1

Students

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Code of Conduct Violations By Students with Disabilities Resulting in Disciplinary Consequences of 10 School Days or Less

Student commits code of conduct violation for which the disciplinary consequence would result in removal from the student's placement for 10 consecutive school days or less.

School personnel may assign the consequence applicable to non-disabled students for a similar period of time, not to exceed 10 consecutive schools days.

Reg. 300.520(a)(1)(i).

During the first 10 cumulative school days of removal in one school year, the school does not have to provide any services to the student if non-disabled students would not receive services. *Reg. 300.121(d)(1).*

A series of disciplinary removals each for 10 consecutive school days or less may result in a change of placement if they cumulate to more than 10 school days in one school year. School personnel should analyze the length of each removal, the proximity of the removals to each other, and the total amount of time the child is removed. *Reg. 300.519(b).* If a removal would result in a change of placement, a manifestation determination review (MDR) must be done first. *Reg. 300.523(a).*

School personnel may continue to remove the student for disciplinary reasons for up to 10 school days at a time throughout the same school year for separate incidents of misconduct, so long as the removals do not constitute a change of placement under *Reg. 300.519(b)*, and are those which would be applied to non-disabled. *Reg. 300.520(a)(1)(i).*

If the student's IEP already includes a behavior intervention plan, within 10 business days of first removing the student for more than 10 school days in a school year, the IEP Team must meet to review the behavior intervention plan and its implementation, and modify the plan and its implementation as necessary to address the behavior.

Reg. 300.520(b)(1)(ii).

The educational services to be provided must meet the standard of enabling the student to appropriately progress in the general curriculum and approximately advance toward achieving the goals in the IEP.

Reg. 300.121(d)(2)(i)(A).

Beginning with the 11th day of disciplinary removals in a school year, educational services must be provided. *Reg. 300.520(a)(1)(ii); Reg. 300.121(d)(2)(i)(A).* If the removal does not result in a change of placement, school personnel, in consultation with the student's special education teacher, determine the services to be provided. *Reg. 300.121(d)(3)(i)*

Beginning with the 11th day of disciplinary removals in a school year, the IEP Team must address behavioral issues. If the removal does not result in a change of placement, the IEP Team must meet within 10 business days of first removing the student for more than 10 school days in a school year to develop a plan to conduct a functional behavioral assessment, if one was not conducted before the behavioral that resulted in the removal. *Reg. 300.520(b)(1)(i).*

If the student is assigned subsequent disciplinary removals in a school year for 10 school days or less that do not result in a change of placement, the IEP Team members (including the parent) informally review the behavior intervention plan and its implementation to determine if modifications are necessary. *Reg. 300.520(c)(2).*

After the functional behavioral assessment is completed, the IEP Team meets as soon as practicable to develop a behavioral intervention plan to address the behavior and implement the plan. *Reg. 300.520(b)(2).*

If one or more team members believe modifications are needed, the IEP Team must meet to modify the plan and its implementation to the extent the IEP Team deems necessary. *Reg. 300.520(c)(2).*

Code of Conduct Violations by Students with Disabilities for Which Recommended Disciplinary Consequences Would Result in Change of Placement for More than Ten School Days

(Excluding Drug and Weapon Offenses)

Student violates code of conduct and the recommended disciplinary consequence would result in a removal from the current educational placement for more than 10 consecutive school days (alternate placement, expulsion). This constitutes a change of placement. *Reg. 300.519(a)*

The recommended disciplinary consequence may be for a removal from the current educational placement for less than 10 consecutive school days, but may constitute a change of placement because the student has already been removed for disciplinary reasons for 10 or more school days in the current school year, and the length of each removal, their proximity to each other, and the total amount of time the student has been removed result in a change of placement. *Reg. 300.519(b)*.

School personnel may remove from current educational placement for 10 school days or less (*Reg. 300.520(a)(1)(i)*), and recommend further discipline according to the code of conduct. (The 10-day-or-less alternative must be one equally applicable to non-disabled. See Appendix 1 for educational services to be provided during a short removal.) If a criminal act has been committed, charges may be filed and law enforcement authorities to whom the crime was reported must be provided special education and disciplinary records to the extent disclosure is permitted by FERPA. *Sec. 1415(k)(9)*. *Reg. 300.529*

Within 10 business days, IEP Team and other qualified personnel must meet and review relationship between disability and the behavior subject to disciplinary action (manifestation determination review-MDR). *Sec. 1415(k)(4)(A)*; *Reg. 300.523(a)(2), (b)*. If there has been no previous functional behavioral assessment and creation of a behavior intervention plan the IEP Team must develop an assessment plan. *Reg. 300.520(b)(1)(i)*. (As soon as practicable after the assessment, the IEP Team must meet again to develop and implement the behavior intervention plan. *Reg. 300.520(b)(2)*. If the IEP contains a behavior intervention plan, the IEP Team reviews the plan and its implementation and modifies them as necessary to address the behavior. *Reg. 300.520(b)(1)(ii)*.

At time decision is made to take this action, school personnel must notify parent of decision and provide procedural safeguards notice in *Reg. 300.504*.

Sec. 1415(k)(4)(A)(i); *Reg. 300.523(a)(1)*

Parent may appeal a finding that the misbehavior was not a manifestation of the disability. The hearing is expedited before a special education hearing officer who applies the same standards as the IEP Team. *Sec. 1415(k)(6)*; *Reg. 300.525(a), (b)*.

Parent may appeal decision to place student in 45 day interim placement. The hearing is expedited before a special education hearing officer who applies the standards regarding a dangerous student in *Reg. 300.521*. *Sec. 1415(k)(6)(B)(ii)*; *Reg. 300.525(b)(2)*.

When a parent requests a hearing in a drug or weapon case to challenge the interim alternative placement or the manifestation determination, student remains in interim placement until decision of hearing officer or 45 days expires, whichever comes first unless the parent and school agree otherwise. *Reg. 300.526(a)*. Then student returns to current placement (defined as placement prior to interim alternative educational setting). School can ask for expedited hearing before special education hearing officer to prevent this return if the student is substantially likely to injure self or others. *Reg. 300.526(b), (c)*. The hearing officer applies the standards in *Reg. 300.121*. *Reg. 300.526(c)*. Hearing officer can order another placement for up to 45 days. *Reg. 300.526(c)(3)*. This procedure may be repeated as necessary. *Sec. 1415(k)(7)*; *Reg. 300.526(c)(4)*.

For the MDR, the IEP Team must look at all information relevant to the behavior subject to discipline such as evaluation and diagnostic results, including such results and other relevant information from the parent, observations of the student and the student's IEP and placement. The misbehavior is not a manifestation of the disability if the IEP Team finds that in relationship to the misbehavior subject to discipline:

- the IEP and placement were appropriate;
- consistent with the content of the student's IEP and placement, special education services, supplementary aids and behavior intervention strategies were actually provided;
- the disability did not impair the ability of the student to understand the impact and consequences of the misbehavior; and

- the disability did not impair the ability of the student to control the misbehavior.

Sec. 1415(k)(4)(C); Reg. 300.523(c).

The standard the educational services must meet is to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals in the IEP. *Reg. 300.121(d)(2)(i)(B); Reg. 300.524(a).* The IEP Team must determine what services are necessary to meet this standard. *Reg. 300.121(d)(3)(ii).*

If the IEP Team determines the misbehavior was not a manifestation of the disability, regular disciplinary consequences may be applied to the student except that the student must continue to be provided a free appropriate public education. *Sec. 1415(k)(5)(A); Sec. 1412(a)(1)(A). Reg. 300.121(a); Reg. 300.524(a).* The campus must ensure that special education and disciplinary records are transmitted for consideration by the school district person making the final determination regarding the disciplinary action. *Sec. 1415(k)(5)(B); Reg. 300.524(b).*

If the IEP Team determines any of the standards were not met, the misbehavior was a manifestation of the disability, and no punishment may be assessed. *Reg. 300.523(d).* If IEP Team identified deficiencies in IEP, placement, or implementation, it must take immediate steps to remedy.

Reg. 300.523(f).

5144.3 Appendix 3

Students

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Drug and Weapon Offenses by Students with Disabilities

Student carries weapon to school, or possesses, uses, sells or solicits sale of illegal or controlled substance on school property or at a school function.

Illegal drug - controlled substance. Excludes legally used and possessed prescription drugs. *Sec. 1415(k)(10)(B); Reg. 300.520(d)(2).*

Controlled substance - drug or substance in 21 U.S.C. 812(c), Schedules I-V. *Sec. 1415(k)(10)(A); Reg. 300.520 (d)(1).*

Weapon - A firearm and more. Something used for or readily capable of causing death or serious bodily injury. Excludes pocket knife with blade of 2-1/2 inches or less. *Sec. 1415(k)(10)(D);*

Reg. 300.520(d)(3).

School personnel may remove from current educational placement for 10 school days or less, and recommend further discipline according to the code of conduct. *Sec. 1415(k)(1)(A)(i); Reg. 300.520(a)(1)(i).* (The 10-day-or-less alternative must be one equally applicable to non-disabled. See Appendix 1 for educational services to be provided during a short removal). If criminal act has been committed, charges may be filed and special education and disciplinary records shall be transmitted to law enforcement authorities to whom the crime was reported, to the extent disclosure is permitted by FERPA. *Sec. 1415(k)(9); Reg. 300.529.*

The 45 day alternative interim placement must:

- enable student to progress in general curriculum, although in another setting;
- enable the student to continue to receive those services and modifications, including those described in the student's current IEP, that will enable the student to meet the goals set out in that IEP; and
- include services and modifications designed to address the drug or weapon offense so that it does not recur. *Sec. 1415(k)(3)(B); Reg. 300.522; Reg. 300.121(d)(2)(ii).*

Comments to regulations: Students may be subject to multiple 45 day interim placements for separate drug and weapon offenses. The 45 day interim placement may be completed even if drug or weapon offense was manifestation of disability. If misbehavior was not a manifestation of disability, regular disciplinary consequence can be applied in addition to 45 day interim placement.

At time decision is made to take this disciplinary action, school personnel must notify parent of decision and provide procedural safeguards notice in *Reg. 300.504. Sec. 1415(k)(4)(A)(i)*;

Reg. 300.523(a)(1).

Within 10 business days, IEP Team must meet and may extend the removal by placing student in appropriate interim alternative educational setting applicable to non-disabled student for same amount of time non-disabled student would be assigned but not more than 45 calendar days. *Sec. 1415(k)(1)(A)(ii) and (3)(A); Reg. 300.520 (a)(2); Reg. 300.522(a).* IEP Team must review the behavior intervention plan, if one exists, and its implementation and modify, as necessary, to address behavior. *Reg. 300.520(b)(1)(ii).* If there has been no previous functional behavioral assessment and creation of behavior intervention plan, IEP Team must develop assessment plan. *Sec. 1415(k)(1)(B); Reg. 300.520(b)(1)(i).* (As soon as practicable after the assessment, the IEP Team must meet again to develop and implement the behavior intervention plan. *Reg. 300.520(b)(2).* The IEP Team and other qualified personnel must review the relationship between disability and the behavior subject to disciplinary action (manifestation determination review-MDR). *Sec. 1415(k)(4)(A);*

Reg. 300.523(a)(2), (b).

Parent may appeal a finding that the misbehavior was not a manifestation of the disability. The hearing is expedited before a special education hearing officer who applies the same standards as the IEP Team. *Sec. 1415(k)(6);*

Reg. 300.525(a),(b).

If IEP Team finds no manifestation and changes placement to comply with the disciplinary recommendation, parent may appeal the placement decision. The hearing is expedited before a special education hearing officer. *Sec. 1415(k)(6)(A);*

Reg. 300.525(a)(2).

During appeals, stay put applies. *Reg. 300.524(c).* If child is substantially likely to injure self or others in the current placement, the school can request an expedited hearing and request the hearing officer to remove to an interim alternative educational placement for up to 45 days. Standards to be met are those in *Sec. 1415(k)(2)* and *Reg. 300.521.*

For the MDR, the IEP Team must look at all information relevant to the behavior subject to discipline such as evaluation and diagnostic results, including such results and other relevant information from the parent, observations of the student and the student's IEP and placement. The misbehavior is not a manifestation of the disability if the IEP Team finds that in relationship to the misbehavior subject to discipline:

- the IEP and placement were appropriate;
- consistent with the content of the student's IEP and placement, special education services, supplementary aids and services and behavior intervention strategies were actually provided;
- the disability did not impair the ability of student to understand the impact and consequences of the misbehavior; and
- the disability did not impair the ability of the student to control the misbehavior.
- *Sec. 1415(k)(4)(C); Reg. 300.523(c).*

If the IEP Team determines any of the standards were not met, the misbehavior was a manifestation of the disability, and no punishment may be assessed. *Reg. 300.523(d).* If IEP Team identifies deficiencies in IEP, placement or implementation, it must take immediate steps to remedy.

Reg. 300.523(f).

- or -

If the IEP Team determines the misbehavior was not a manifestation of the disability, regular disciplinary consequences may be applied to the student except that the student must continue to be provided a free appropriate public education. *Sec. 1415(k)(5)(A); Sec. 1412(a)(1)(A). Reg. 300.121(a) Reg. 300.524(a).* The campus must ensure that special education and disciplinary records are transmitted for consideration by the school district person making the final determination regarding the disciplinary action. *Sec. 1415(k)(5)(B); Reg. 300.524(b).*

The standard the education services must meet is to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals in the IEP. *Reg. 300.121(d)(2)(i)(B);*

Reg. 300.524(a).

The IEP Team must determine what services are necessary to meet this standard. *Reg. 300.121(d)(3)(ii).*

5144.3 Appendix 4

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Students Dangerous to Self or Others

IDEA discipline procedures are followed for a non-drug or weapon offense, the penalty for which would result in expulsion or removal from the student's placement for more than 10 school days.

IEP Team meets, determines no manifestation and recommends discipline proceed. Parent disagrees and requests a due process hearing. Stay put applies and child stays in the current placement unless school acts to change the placement. *Reg. 300.524.*

School requests hearing officer to change the placement during the pendency of the hearing because of the likelihood of injury to self or others. *Sec. 1415(k)(2); Reg. 300.521.*

Hearing officer holds expedited hearing to consider request. School has burden of proof to show by more than a preponderance of the evidence that maintaining the child in the current placement is substantially likely to result in injury to self or others. *Sec. 1415(k)(2)(A), (10)(D); Reg. 300.521(a).* Hearing Officer must also:

- consider the appropriateness of the current placement.
- consider whether the school has made reasonable effort to minimize the risk of harm in the current placement, including the use of supplemental aids and services
- determine that the interim alternative setting proposed by the school personnel, in consultation with special education teacher
 - enables the student to participate in the general curriculum, although in another setting
 - enables the student to continue to receive those services and modifications, including those described in the student's current IEP, that will enable the student to meet the goals set out in the IEP; and
 - include services and modifications designed to address the behavior so that it does not recur.

Sec. 1415(k)(2); Reg. 300.521(b), (c), (d); Reg. 300.522(b); Reg. 300.121(d)(2)(ii)(B).

If parent appeals 45 day interim alternative placement by IEP Team in drug or weapon case, hearing officer applies these standards in expedited hearing.

Sec. 1415(k)(6)(B)(ii);

Reg. 300.525(b)(2).

Student returns to his or her current placement (the placement prior to the interim alternative educational setting) at end of 45 days if no decision has been issued by hearing officer in pending due process hearing. If school believes it would be dangerous for student to return to current placement while hearing is still pending, school may request another expedited hearing to again place student in 45 day interim placement while hearing continues to be pending. *Reg. 300.526(b), (c)(4)*. Hearing officer holds same type of hearing initially held when hearing officer ordered first 45 day interim placement. *Sec. 1415(k)(7); Reg. 300.526*. Any subsequent 45 day interim setting must meet the standards in *Reg. 300.522*.

If all requirements are met, hearing officer may order a change of placement to the interim alternative educational setting for up to 45 days. *Sec. 1415(k)(2); Reg. 300.521*.

Series 5000
Students

STUDENT DISCIPLINE

I. Definitions

- A. **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.
- B. **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. A weapon such as a pellet gun and/or air soft 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 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.
- C. **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.
- D. **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.
- E. **Exclusion** means any denial of public school privileges to a student for disciplinary purposes.
- F. **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.

- G. **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 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 or any device 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.
- H. **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.
- I. **Martial Arts Weapon** means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or chinese star.
- J. **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.
- K. **School Days** shall mean days when school is in session for students.
- L. **School-Sponsored Activity** means any activity sponsored, recognized or authorized by the Board and includes activities conducted on or off school property.
- M. **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 a school.

- N. **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 school year, whichever results in fewer days of exclusion, unless such student is granted a formal hearing as provided below.
- O. **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 in length, any stiletto, any knife the edged portion of the blade of which is four 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 Section 29-38 of the Connecticut General Statutes.
- P. Notwithstanding the foregoing definitions, the reassignment of a student from one regular education classroom program in the district to another regular education classroom program in the district shall not constitute a suspension or expulsion.

II. Scope of the Student Discipline Policy

A. *Conduct on School Grounds or at a School-Sponsored Activity:*

Students may be disciplined for conduct on school grounds or at any school-sponsored activity that **endangers persons or property, is seriously disruptive of the educational process, or that violates a publicized policy of the Board.**

B. *Conduct off School Grounds:*

1. Students may be disciplined for conduct off school grounds if such conduct **is seriously disruptive of the educational process and violative of a publicized policy of the Board.** In making a determination as to whether such conduct is seriously disruptive of the educational process, the Administration and the Board of Education may consider, but such consideration shall not be limited to, the following factors: (1) **whether the incident occurred within close proximity of a school;** (2) **whether other students from the school were involved or whether there was any gang involvement;** (3) **whether the conduct involved violence, threats of violence, or the unlawful use of a weapon,** as defined in Section Conn. Gen. Stat. § 29-38, and **whether any**

injuries occurred; and (4) whether the conduct involved the use of alcohol.

In making a determination as to whether such conduct is seriously disruptive of the educational process, the Administration and/or the Board of Education may also consider **whether such off-campus conduct involved the illegal use of drugs.**

III. Actions Leading to Disciplinary Action, including Removal from Class, Suspension and/or Expulsion

Conduct which may lead to disciplinary action (including, but not limited to, removal from class, suspension and/or expulsion in accordance with this policy) includes conduct on school grounds or at a school-sponsored activity (including on a school bus), and conduct off school grounds, as set forth above. Such conduct includes, but is not limited to, the following:

1. Striking or assaulting a student, members of the school staff or other persons.
2. Theft.
3. 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.
4. Violation of smoking, dress, transportation regulations, or other regulations and/or policies governing student conduct.
5. Refusal to obey a member of the school staff, law enforcement authorities, or school volunteers, or disruptive classroom behavior.
6. 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.
7. Refusal by a student to identify himself/herself to a staff member when asked, misidentification of oneself to such person(s), lying to school officials or otherwise engaging in dishonest behavior.
8. Inappropriate displays of public affection of a sexual nature and/or sexual activity on school grounds or at a school-sponsored activity.

9. A walk-out from or sit-in within a classroom or school building or school grounds.
10. 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).
11. 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.
12. Possession of any ammunition for any weapon described above in paragraph 11.
13. Unauthorized entrance into any school facility or portion of a school facility or aiding or abetting an unauthorized entrance.
14. 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.
15. Unlawful possession, sale, distribution, use, or consumption of tobacco, electronic nicotine delivery systems (e.g. e-cigarettes), vapor products, 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 15, the term "electronic nicotine delivery system" shall mean an electronic device that may be used to simulate smoking in the delivery of nicotine or other substance 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. For the purposes of Paragraph 15, 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, that is inhaled by the user of such

product. For the purposes of this Paragraph 15, 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.

16. 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.
17. Unlawful possession of paraphernalia used or designed to be used in the consumption, sale or distribution of drugs, alcohol or tobacco, as described in subparagraph (15) 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 growing, harvesting, manufacturing, producing, preparing, packaging, 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.
18. The destruction of real, personal or school property, such as, cutting, defacing or otherwise damaging property in any way.
19. Accumulation of offenses such as school and class tardiness, class or study hall cutting, or failure to attend detention.
20. Trespassing on school grounds while on out-of-school suspension or expulsion.
21. Making false bomb threats or other threats to the safety of students, staff members, and/or other persons.
22. Defiance of school rules and the valid authority of teachers, supervisors, administrators, other staff members and/or law enforcement authorities.
23. Throwing snowballs, rocks, sticks and/or similar objects, except as specifically authorized by school staff.

24. Unauthorized and/or reckless and/or improper operation of a motor vehicle on school grounds or at any school-sponsored activity.
25. Leaving school grounds, school transportation or a school-sponsored activity without authorization.
26. 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.
27. Possession and/or use of a cellular telephone, radio, portable audio player, CD player, blackberry, personal data assistant, walkie talkie, Smartphone, mobile or handheld device, or similar electronic device, on school grounds or at a school-sponsored activity in violation of Board policy and/or administrative regulations regulating the use of such devices.
28. Possession and/or use of a beeper or paging device on school grounds or at a school-sponsored activity without the written permission of the principal or his/her designee.
29. 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.
30. 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.
31. Hazing.
32. Bullying, defined as the repeated use by one or more students of a written, oral or electronic communication, such as cyberbullying, directed at another student attending school in the same district, or a physical act or gesture by one or more students repeatedly directed at another student attending school in the same school district, which:
 - a. causes physical or emotional harm to such student or damage to such student's property;
 - b. places such student in reasonable fear of harm to himself or herself, or of damage to his or her property;
 - c. creates a hostile environment at school for such student;

- d. infringes on the rights of such student at school; or
- e. substantially disrupts the education process or the orderly operation of a school.

Bullying includes, but is not limited to, repeated written, oral or electronic communications or physical acts or gestures 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.

- 33. 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.
- 34. 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.
- 35. 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.
- 36. 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.
- 37. Using computer systems, including email, 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.
- 38. 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.
- 39. Engaging in teen dating violence, defined as any act of physical, emotional or sexual abuse, including stalking, harassing and

threatening, that occurs between two students who are currently in or who have recently been in a dating relationship.

- 40. Any action prohibited by any Federal or State law.
- 41. 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 principal may consider recommendation of expulsion of a student in **grades three to twelve, inclusive**, in a case where he/she has reason to believe the student has engaged in conduct described at Sections II.A. or II.B., above.
- B. A principal must recommend expulsion proceedings in all cases against any student in **grades kindergarten to twelve, inclusive**, whom the Administration has reason to believe:
 - 1. was in possession on school grounds 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 Conn. Gen. Stat. § 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 in offering for sale or distribution a controlled substance** (as defined in Conn. Gen. Stat. § 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 Conn. Gen. Stat. §§21a-277 and 21a-278.

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 of Education or provided by a regional educational service center or a state or local charter school

pursuant to an agreement with the Board of Education, 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 of Education in accordance with Section VIII of this policy whenever the Administration has reason to believe that 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 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 his/her designee determines that a student should or must be expelled, he or she shall forward his/her recommendation to the Board of Education so that the Board can consider and act upon this recommendation.

- E. In keeping with Conn. Gen. Stat. § 10-233d and the Gun-Free Schools Act, it shall be the policy of the Board to expel a student in grades kindergarten to twelve, 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.

V. Procedures Governing Removal from Class

- A. A student may be removed from class by a teacher or administrator if he/she deliberately causes a serious disruption of the educational process. When a student is removed, the teacher must send him/her to a designated area and notify the principal or his/her 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 week unless the student is referred to the building 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 parents or 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 principal of a school, or designee on the administrative staff of the school, 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 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 principal or designee may impose an out-of-school suspension on any pupil:
 - a. in grades three to twelve, inclusive, if, during the informal hearing, (i) the principal or designee determines that the student poses such a danger to persons or property or such a disruption of the educational process that he or she should be excluded from school during the period of suspension; or (ii) the principal or designee determines that an out-of-school suspension is appropriate based on evidence of (A) the student's previous disciplinary problems that have led to suspensions or expulsion of such student, and (B) 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, 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 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 principal or designee shall make reasonable attempts to immediately notify the parent or guardian of a minor student following the suspension and to state the cause(s) leading to the suspension.
5. Whether or not telephone contact is made with the parent or guardian of such minor student, the principal or designee shall forward a letter promptly to such parent or guardian to the last address reported on school records (or to a newer address if known by the principal or designee), offering the parent or guardian an opportunity for a conference to discuss same.
6. In all cases, the parent or 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 principal or designee shall also notify the Superintendent or his/her 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 he or she 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 parents 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 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 principal specifically authorizes the student to enter school property for a specified purpose or to participate in a particular school-sponsored activity.
- 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 of Education. The 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 principal or designee may impose in-school suspension in cases where a student's conduct endangers persons or property, violates school policy, seriously disrupts the educational process or in other appropriate circumstances as determined by the principal or designee.
- B. In-school suspension may not be imposed on a student without an informal hearing by the building principal or designee.
- C. In-school suspension may be served in the school that the student regularly attends or in any other school building 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 parents or 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 of Education shall, prior to expelling any student, conduct a hearing to be governed by the procedures outlined herein and consistent with the requirements of Conn. Gen. Stat. § 10-233d or Conn. Gen. Stat. § 10-233i, if applicable, as well as the applicable provisions of the Uniform Administrative Procedures Act, Conn. Gen. Stat. §§ 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 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.

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 his/her parent(s) or guardian(s) at least five (5) business days before such hearing.
2. A copy of this Board policy on student discipline shall also be given to the student, and if the student is a minor, to his/her parent(s) or guardian(s), 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.
- 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 his/her choice at his/her expense or at the expense of his/her parent(s) or guardian(s).
- g. A student is entitled to the services of a translator or interpreter, to be provided by the Board of Education, whenever the student or his/her parent(s) or guardian(s) requires the services of an interpreter because he/she/they do(es) not speak the English language or is(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's(s') or guardian's(s') and the student's legal rights and concerning about free or reduced-rate legal services and how to access such services.
- j. The parent(s) or guardian(s) of the student 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.

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 hearing.
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 his/her designee.
7. Each witness for the Administration will be called and sworn. After a witness has finished testifying, he/she will be subject to cross-examination by the opposite party or his/her 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 he/she 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, he or she 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 his or her 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 which 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 length of expulsion and nature of alternative educational opportunity to be offered.
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 parents 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(s) or guardian(s), stating the reasons on which the decision is based, and the disciplinary action to be imposed. Said decision shall be based solely on evidence presented at the hearing. The parents or 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.

E. ***Presence on School Grounds and Participation in School-Sponsored Activities During Expulsion:***

During the period of expulsion, 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, except for the student's participation in any alternative educational opportunity provided by the district in accordance with this policy, unless the Superintendent specifically authorizes the student to enter school property 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(s) or legal guardian(s) 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(s) or legal guardian(s) understand 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 Student is eighteen years of age or older, the student shall have the authority to enter into a Joint Stipulation and Recommendation on his or her own behalf.

If the parties agree on the facts, but not on the disciplinary recommendation, the Administration and the parents (or legal guardians) 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 parents understand 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. For the purposes of this Section, and subject to Subsection IX.E, below, any alternative educational opportunity to which an expelled student is statutorily entitled shall be (1) alternative education, as defined by Conn. Gen. Stat. § 10-74j, 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.

B. *Students under sixteen (16) years of age:*

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

C. *Students sixteen (16) to eighteen (18) years of age:*

1. The Board of Education shall provide an alternative educational opportunity to a sixteen (16) to eighteen (18) year-old student expelled for the first time if he/she requests it and if he/she agrees to the conditions set by the Board of Education. Such alternative educational opportunity may include, but shall not be limited to, the placement of a pupil who is at least sixteen years of age in an adult education program. Any pupil participating in an adult education program during a period of expulsion shall not be required to withdraw from school as a condition to his/her participation in the adult education program.
2. The Board of Education is not required to offer an alternative educational opportunity to any student between the ages of sixteen (16) and eighteen (18) who is expelled for a second, or subsequent, time.

3. The Board of Education shall count the expulsion of a pupil when he/she was under sixteen (16) years of age for purposes of determining whether an alternative educational opportunity is required for such pupil when he/she is between the ages of sixteen and eighteen.

D. *Students eighteen (18) years of age or older:*

The Board of Education is not required to offer an alternative educational opportunity to expelled students eighteen (18) years of age or older.

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

Notwithstanding Sections IX.B. through D. above, if the Board of Education expels a student who has been identified as eligible for services under the Individuals with Disabilities Education Act ("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.

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

The Board of Education may offer an alternative educational opportunity to a pupil for whom such alternative educational opportunity is not required by law or 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, except for notice of an expulsion of a student in grades nine through twelve, 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.

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 district. 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.

XII. Procedures Governing Suspension and Expulsion of Students Identified as Eligible for Services under the Individuals with Disabilities Education Act ("IDEA")

A. *Suspension of IDEA students:*

Notwithstanding the foregoing, if the Administration suspends a student identified as eligible for services under the IDEA (an "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 parents 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 school district is not required to provide any educational services to the IDEA student beyond that which is provided to all students suspended by the school 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 school 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 educational 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(s)/guardian(s) of the student of the recommendation of expulsion or the suspension that would constitute a change in educational placement, and provide the parents(s)/guardian(s) 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 school 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 his/her 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.
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 building administrator (or his or her 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:*

1. School personnel may remove a student eligible for special education under the IDEA to an appropriate interim alternative educational setting for not more than forty-five (45) school days if the student:
 - a. 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 or at a school-sponsored activity, or
 - b. Knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance while at school or at a school-sponsored activity; or

- c. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.
- 2. The following definitions shall be used for this subsection XII.C.:
 - a. **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 2.5 inches in length.
 - b. **Controlled substance** means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act, 21 U.S.C. 812(c).
 - c. **Illegal drug** means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health-care 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.
 - d. **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 school district that applies to all students, the following procedures shall apply:
 - 1. The parents of the student must be notified of the decision to recommend the student for expulsion.
 - 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 his/her 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 nondisabled 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 Committed to a Juvenile Detention Center

- A. Any student who commits an expellable offense and is subsequently committed to a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement for such offense may be expelled by the Board in accordance with the provisions of this section. The period of expulsion shall run concurrently with the period of commitment to a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement.
- B. If a student who committed an expellable offense seeks to return to a school district after having been in a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement and such student has not been expelled by the board of education 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 of Education 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, parent(s) and/or guardian(s) of this policy.

XVII. Compliance with Documentation and Reporting Requirements

- A. The Board of Education shall include on all disciplinary reports the individual student's state-assigned student identifier (SASID).
- B. The Board of Education shall report all suspensions and expulsions to the State Department of Education.
- C. If the Board of Education expels a student for sale or distribution of a controlled substance, as defined in Conn. Gen. Stat. § 21a-240(9), whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with the intent to sell or dispense, offering, or administration is the subject to criminal penalties under Conn. Gen. Stat. §§ 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 of Education 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 Conn. Gen. Stat. § 53a-3, the Board shall report the violation to the local police.

Legal References:

Connecticut General Statutes:

Public Act 17-237, An Act Concerning Education Mandate Relief

Public Act 16-147, An Act Concerning the Recommendations of the
Juvenile Justice Policy and Oversight Committee

§§ 4-176e through 4-180a and § 4-181a Uniform Administrative
Procedures Act

§ 10-222d Safe school climate plans. Definitions. Safe school climate
assessments

§§ 10-233a through 10-233f Suspension and expulsion of students.

§ 10-233f Expulsion and suspension of children in preschool
programs

§ 19a-342a Use of electronic nicotine delivery system or vapor
product prohibited
§§ 21a-408a through 408p Palliative Use of Marijuana
§ 29-38 Weapons in vehicles
§ 53a-3 Definitions
§ 53-344b Sale and delivery of electronic nicotine delivery system or
vapor products to minors
§ 53-206 Carrying of dangerous weapons prohibited.

Packer v. Board of Educ. of the Town of Thomaston, 246 Conn. 89 (1998).
State v. Hardy, 896 A.2d 755, 278 Conn. 113 (2006).
State v. Guzman, 955 A.2d 72, 2008 Conn. App. LEXIS 445 (Sept. 16,
2008).

Federal law:

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 (definition of “firearm”)
18 U.S.C. § 930(g)(2) (definition of “dangerous weapon”)
18 U.S.C. § 1365(h)(3) (identifying “serious bodily injury”)
21 U.S.C. § 812(c) (identifying “controlled substances”)
34 C.F.R. § 300.530 (defining “illegal drugs”)
Gun-Free Schools Act, 20 U.S.C. § 7961
Honig v. Doe, 484 U.S. 305 (1988)

ADOPTED: _____
REVISED: _____

7/26/17

[BOE LETTERHEAD]

(Date)

CERTIFIED MAIL - RETURN RECEIPT REQUESTED & U.S. MAIL

(Parent)¹
(Parent's 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 (name of district) Board of Education Policy (policy # & title), I am writing to advise you that the (name of district) 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 (name of district) Board of Education Policy (policy # & title), 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) violated Board Policy (cite Student Discipline Policy number and any other specific policy number on date), 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.

¹ If the Student is aged 18 or older, this notice should be sent directly to the student, with copies to the parent(s).

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

(State whether you considered such conduct to endanger persons or to be seriously disruptive of the educational process).

(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, the this notice must be given to the student/parent/guardian at least five (5) business days before the hearing])*. 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 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.

Unless the administration has determined that an emergency exists, you have the right to have the expulsion hearing postponed for up to one 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 calendar year. The Board *(OR the hearing officer)* has discretion to adopt any period of expulsion up to one calendar year.

As mentioned above, your *(son/daughter)* has a right to be represented, at your own expense, an attorney or other advocate at the expulsion hearing. Obtaining an attorney or other advocate 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, and your *(son/daughter)* is under sixteen (16) years of age, the Board will offer your child an alternative educational opportunity during any period of exclusion from school as determined by the Administration in accordance with applicable law. If your *(son/daughter)* is between sixteen (16) and eighteen (18) and has not been expelled before, the Board shall also offer to your *(son/daughter)* an alternative educational opportunity if she/he wishes to continue her/his education. Please know however, that the Board is not required to offer an alternative educational opportunity to any student

between sixteen (16) and eighteen (18) years of age who have previously been expelled or to students who are eighteen (18) years of age or older.

If you have any questions, please call my office at *(number)*.

Sincerely,

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

Cc: *(Name of District)*, Chairman, *(Name of District)* Board of Education
(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)

7/26/17

AGREEMENT

NAME OF SUPERINTENDENT, (Superintendent of Schools for NAME OF 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 _____ School:

1. NAME OF STUDENT (D.O.B. _____) is currently enrolled as a _____ grade student at _____ 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 _____ Board of Education Policy _____ (Student Discipline). (*Cite other policies here as appropriate*). (*State whether such conduct is considered to endanger persons or to be seriously disruptive of the educational process*). (*If the student has admitted to this conduct, note the admission here*).
4. Students are notified of applicable Board policies regarding prohibited conduct by publication in the student handbook.

(Optional Section for students with disabilities):

5. 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. Students are notified of applicable Board policies regarding prohibited conduct by publication in the student handbook.
7. Subject to the approval of the _____ 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.
 - 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, unless specific permission is granted 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 program, 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 any 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 educational record as of (date).
- 8. 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 parents, and they agree that this Agreement is sufficient for the Board to expel NAME OF STUDENT from school.
 - 9. NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) understand and acknowledge that, pursuant to Section 10-233d of the Connecticut General Statutes and Board Policy, NAME OF STUDENT is entitled to an expulsion hearing before the _____ Board of Education to contest NAME OF STUDENT's proposed expulsion from the _____ Public Schools. 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 Section 10-233d of the Connecticut General Statutes.
 - 10. 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 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.

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

NAME OF SUPERINTENDENT
Superintendent of Schools

Date: _____

NAME OF STUDENT
Student

Date: _____

NAME OF PARENT/GUARDIAN
OF STUDENT

Date: _____

NAME OF PARENT/GUARDIAN
OF STUDENT

Date: _____

7/26/17

Personnel -- Certified

Appointment & Conditions of Employment

Hiring Process for Teachers: Standards and Procedures

Standards

1. We do not discriminate on the basis of race, color, religion, national origin, age, disability, sex, sexual orientation or marital status.
2. All contacts with candidates will be consistent with Westport's position as a high performing, dynamic, reform-oriented, professional work place. Candidates will be treated courteously, with respect and consideration.
3. The hiring process for different positions will start by March 15, and be scheduled and sequenced so that not all interviewing will be conducted simultaneously.
4. All candidates for teaching positions will be expected to meet Westport's stated general criteria, expectations, and qualifications.
5. Candidates will be expected to meet additional criteria, expectations and qualifications relevant to particular positions.
6. All application papers will be read and evaluated in the initial screening process.

Invitations to interview will be given only after a telephone screening, and only when an applicant's file is complete, including transcript, and letters of reference.

7. Initial interviews will be conducted by a group of interviewers, reflecting our belief that we are hiring for the system.
8. We will maintain consistency and quality of all interviews through the establishment of an agreed-upon format, with key areas to explore.
9. After the interview, we will have a continuing candidate give a demonstration lesson whenever possible, or we will visit the candidate in another setting.
10. No candidate will be recommended for employment until after an in-depth follow-up interview with the appropriate administrator, and a telephone contact with at least two references.
11. All recommended candidates will be interviewed by the Superintendent, who will have the final authority to offer a contract.

Procedures

Screening and Interviewing Person(s) Responsible

1. All applications will be read in the TSO. Appropriate Admin. Readers should initial document in upper right hand corner and assign a rating of 1-3.
2. Based on the ratings, a telephone contact will be made with Personnel office staff prospective interviewees. An interview will be scheduled, if appropriate after this telephone screening, provided the application is complete.
3. Appropriate interview groups (IG) will be formed, will All members of IG identify a leader to serve as liaison to the Assistant Superintendent, will develop, in advance, a consistent interview format and questions to be asked of all candidates. An attempt should be made to have the same group

present at all interviews for the same position.

4. The IG will be provided with candidates' files (including Appropriate resume, references and transcripts), a schedule of the Administrator interviews, and Interview Evaluation forms.
 5. Each interviewer is to complete an Interview Evaluation All members of IG form for each candidate. After each set of interviews, an Interview Group Scoring IG Leader Sheet should be completed, including average scores and recommended follow-up for all candidates interviewed.
 6. At the end of the interview session, all material, including IG Leader scoring sheets, should be returned to the personnel office,
- and the Assistant Superintendent should be "debriefed" regarding pluses and minuses of candidates.

Follow-Up

1. Unsuccessful candidates will be informed in writing ASAP. Assistant Superintendent
2. Arrangements will be made for a continuing candidate to visit Personnel office staff appropriate Westport school(s), to have an indepth interview, and to give a demonstration lesson. Alternatively, arrangements will be made to visit a candidate at another site. If a candidate lives far away, arrangements should be made for follow-up steps while the candidate is still in the area.

Final Steps

1. Prior to recommendation for employment, telephone contact Appropriate Administrator should be made with at least two references. Notes of telephone conversations should be given to Assistant Superintendent.
2. If references check out, a written recommendation will Assistant Superintendent be made to the Superintendent.
3. An appointment for an interview with the Superintendent Personnel office staff will be scheduled for those candidates who indicate their readiness to accept a contract if offered.
4. If the Superintendent approved the recommendation, the Superintendent candidate will be offered a contract at the conclusion of the interview. If the candidate is not approved, the Superintendent will meet with the recommender(s) to share reservations and concerns.

Regulation approved: 2006

4112 Appendix A

Personnel -- Certified

Appointment & Conditions of Employment

Statement of Expectations

The Westport school system, in its mission statement, "Schools of the Future," affirms its commitment to help students acquire the attributes for success in the complex technological, information-based and rapidly changing 21st century world. We seek highly intelligent, reflective, intellectually curious teachers who are committed to that vision, and to the idea that each child can and should experience success and the pleasure of learning and creating.

Desired Characteristics for Teachers in the Westport Schools

Knowledge

- Superior academic achievement
- Strong subject matter background

- Understanding of child and adolescent development
- Awareness of best current teaching practices

Attitudes

- Willingness to engage students in discovery and active learning
- Commitment to continual learning both personally and professionally
- Commitment to collaboration with colleagues
- Willingness to offer and accept collegial support and constructive criticism
- Willingness to enter into partnership with parents
- Willingness to accept and work with people of diverse abilities and backgrounds

Skills

- Ability to create a nurturing environment for children
- Ability to stimulate and motivate students
- Ability to call on a broad repertoire of teaching techniques
- Ability to use technology for instruction
- Ability to think analytically and creatively
- Ability to speak and write articulately and effectively
- Ability to get along with people and inspire confidence

Series 4000
Personnel

EMPLOYMENT CHECKS

As set forth below, each applicant for a position with the district shall be asked whether he/she has ever been convicted of a crime, whether there are any criminal charges pending against him/her and whether the applicant is included on the Abuse and Neglect Registry of the Connecticut Department of Children and Families ("DCF") (the "Registry"). *[Optional language: If the applicant's current or most recent employment occurred out of state, the applicant will also be asked whether he/she is included on an equivalent database and/or abuse/neglect registry maintained in that other state].** Applicants shall not be required to disclose any arrest, criminal charge or conviction that has been erased.

*[*Note: This language is optional, as out-of-state registry checks are not required under Connecticut law. However, given that the intent of state law is to ensure access to all relevant background information, we have included this provision should districts wish to require this additional information.]*

In addition, the district shall conduct an employment history check for each applicant for a position, as set forth below.

For the purposes of this policy:

"Sexual misconduct means" any verbal, nonverbal, written, or electronic communication, or any other act directed toward or with a student that is designed to establish a sexual relationship with the student, including a sexual invitation, dating or soliciting a date, engaging in sexual dialog, making sexually suggestive comments, self-disclosure or physical exposure of a sexual or erotic nature, and any other sexual, indecent, or erotic contact with a student.

"Abuse or neglect" means abuse or neglect as described in Conn. Gen. Stat. § 46b-120, and includes any violation of Conn. Gen. Stat. §§ 53a-70 (sexual assault in the first degree), 53a-70a (aggravated sexual assault in the first degree), 53a-71 (sexual assault in the second degree), 53a-72a (sexual assault in the third degree), 53a-72b (sexual assault in the third degree with a firearm), or 53a-73a (sexual assault in the fourth degree).

"Former employer" means any person, firm, business, educational institution, nonprofit agency, corporation, limited liability company, the state, any political subdivision of the state, any governmental agency, or any other entity that such applicant was employed by during any of the previous twenty years prior to applying for a position with a local or regional board of education.

I. Employment History Check Procedures

A. The district shall not offer employment to an applicant for a position, including any position that is contracted for, if such applicant would have direct student contact, prior to the district:

1. Requiring the applicant:

- a. to list the name, address, and telephone number of each current employer or former employer (please note the definition of "former employer" employer above, including the applicable twenty year reporting period) during any of the previous twenty years), if:
 - (i) such current or former employer is/was a local or regional board of education, council of a state or local charter school, interdistrict magnet school operator, or a supervisory agent of a nonpublic school, and/or
 - (ii) the applicant's employment with such current or former employer caused the applicant to have contact with children.
- b. to submit a written authorization that
 - (i) consents to and authorizes disclosure by the employers listed under paragraph I.A.1.a of this policy of the information requested under paragraph I.A.2 of this policy and the release of related records by such employers,
 - (ii) consents to and authorizes disclosure by the Department of Education of the information requested under paragraph I.A.3 of this policy and the release of related records by the department, and
 - (iii) releases those employers and the Department of Education from liability that may arise from such disclosure or release of records pursuant to paragraphs I.A.2 or I.A.3 of this policy; and
- c. to submit a written statement of whether the applicant
 - (i) has been the subject of an abuse or neglect or sexual misconduct investigation by any employer, state agency or municipal police department, unless the investigation resulted in a finding that all allegations were unsubstantiated,
 - (ii) has ever been disciplined or asked to resign from employment or resigned from or otherwise separated from any employment while an allegation of abuse or neglect was pending or under investigation by DCF, or an allegation of sexual misconduct was pending or under investigation or due to an allegation substantiated pursuant to Conn. Gen. Stat. § 17a-101g or abuse or neglect, or of sexual misconduct or a conviction for abuse or neglect or sexual misconduct, or

- (iii) has ever had a professional or occupational license or certificate suspended or revoked or has ever surrendered such a license or certificate while an allegation of abuse or neglect was pending or under investigation by DCF or an investigation of sexual misconduct was pending or under investigation, or due to an allegation substantiated by DCF of abuse or neglect or of sexual misconduct or a conviction for abuse or neglect or sexual misconduct;
- 2. Conducting a review of the employment history of the applicant by contacting those employers listed by the applicant under paragraph I.A.1.a of this policy. Such review shall be conducted using a form developed by the Department of Education, which shall request the following:
 - a. the dates employment of the applicant, and
 - b. a statement as to whether the employer has knowledge that the applicant:
 - (i) was the subject of an allegation of abuse or neglect or sexual misconduct for which there is an investigation pending with any employer, state agency, or municipal police department or which has been substantiated;
 - (ii) was disciplined or asked to resign from employment or resigned from or otherwise separated from any employment while an allegation of abuse or neglect or sexual misconduct was pending or under investigation, or due to a substantiation of abuse or neglect or sexual misconduct; or
 - (iii) has ever had a professional or occupational license, certificate, authorization or permit suspended or revoked or has ever surrendered such a license, certificate, authorization or permit while an allegation of abuse or neglect or sexual misconduct was pending or under investigation, or due to a substantiation of abuse or neglect or sexual misconduct. Such review may be conducted telephonically or through written communication. Notwithstanding the provisions of subsection (f) of Conn. Gen. Stat. § 31-51i, not later than five (5) business days after the district receives a request for such information about an employee or former employee, the district shall respond with such information. The district may request more information concerning any response made by a current or former employer for information about an applicant, and, notwithstanding subsection (f), such employer shall respond not later than five (5) business days after receiving such request.
- 3. Requesting information from the Department of Education concerning:
 - a. the eligibility status for employment of any applicant for a position requiring a certificate, authorization or permit,

- b. whether the Department of Education has knowledge that a finding has been substantiated by DCF pursuant to Conn. Gen. Stat. § 17a-101g of abuse or neglect or of sexual misconduct against the applicant and any information concerning such a finding, and
 - c. whether the Department of Education has received notification that the applicant has been convicted of a crime or of criminal charges pending against the applicant and any information concerning such charges.
- B. Notwithstanding the provisions of subsection (f) of Conn. Gen. Stat. § 31-51i, if the district receives information that an applicant for a position with or an employee of the board has been disciplined for a finding of abuse or neglect or sexual misconduct, it shall notify the Department of Education of such information.
- C. The district shall not employ an applicant for a position involving direct student contact who does not comply with the provisions of paragraph I.A.1 of this policy.
- D. The district may employ or contract with an applicant on a temporary basis for a period not to exceed ninety (90) calendar days, pending the district's review of information received under this section, provided:
 - 1. The applicant complied with paragraph I.A.1 of this policy;
 - 2. The district has no knowledge of information pertaining to the applicant that would disqualify the applicant from employment with the district; and
 - 3. The applicant affirms that the applicant is not disqualified from employment with the district.
- E. The district shall not enter into a collective bargaining agreement, an employment contract, an agreement for resignation or termination, a severance agreement, or any other contract or agreement or take any action that:
 - 1. Has the effect of suppressing information relating to an investigation of a report of suspected abuse or neglect or sexual misconduct by a current or former employee;
 - 2. Affects the ability of the district to report suspected abuse or neglect or sexual misconduct to appropriate authorities; or
 - 3. Requires the district to expunge information about an allegation or a finding of suspected abuse or neglect or sexual misconduct from any documents maintained by the district, unless, after investigation, such allegation is dismissed or found to be false.
- F. The district shall not offer employment to a person as a substitute teacher, unless such person and the district comply with the provisions of paragraph I.A.1 of this policy. The district shall

determine which such persons are employable as substitute teachers and maintain a list of such persons. The district shall not hire any person as a substitute teacher who is not on such list. Such person shall remain on such list as long as such person is continuously employed by the district as a substitute teacher as described in paragraph III.B.2 of this policy, provided the district does not have any knowledge of a reason that such person should be removed from such list.

- G. In the case of an applicant who is a contractor, the contractor shall require any employee with such contractor who would be in a position involving direct student contact to supply to such contractor all the information required of an applicant under paragraphs I.A.1.a and I.A.1.c of this policy and a written authorization under paragraph I.A.1.b of this policy. Such contractor shall contact any current or former employer (please note the definition of "former employer" employer above, including the applicable twenty year reporting period) of such employee that was a local or regional board of education, council of a state or local charter school, interdistrict magnet school operator, or a supervisory agent of a nonpublic school, or if the employee's employment with such current or former employer caused the employee to have contact with children, and request, either telephonically or through written communication, any information concerning whether there was a finding of abuse or neglect or sexual misconduct against such employee. Notwithstanding the provisions of subsection (f) of Conn. Gen. Stat. § 31-51i, such employer shall report to the contractor any such finding, either telephonically or through written communication. If the contractor receives any information indicating such a finding or otherwise receives any information indicating such a finding or otherwise has knowledge of such a finding, the contractor shall, notwithstanding the provisions of subsection (f) of Conn. Gen. Stat. § 31-51i, immediately forward such information to the district, either telephonically or through written communication. If the district receives such information, it shall determine whether such employee may work in a position involving direct student contact at any school in the district. No determination by the district that any such employee shall not work under any such contract in any such position shall constitute a breach of such contract.
- H. Any applicant who knowingly provides false information or knowingly fails to disclose information required in subdivision (1) of subsection (A) of this section shall be subject to discipline by the district that may include
1. denial of employment, or
 2. termination of the contract of a certified employee, in accordance with the provisions of Conn. Gen. Stat. § 10-151.
- I. If the district provides information in accordance with paragraph I.A.2 or I.G of this policy, the district shall be immune from criminal and civil liability, provided the district did not knowingly supply false information.
- J. Notwithstanding the provisions of Conn. Gen. Stat. § 10-151c and subsection (f) of Conn. Gen. Stat. § 31-51i, the district shall provide, upon request by another local or regional board of education, governing council of a state or local charter school, interdistrict magnet school operator, or supervisory agent of a nonpublic school for the purposes of an inquiry pursuant to

paragraphs I.A.2 or I.G of this policy or to the Commissioner of Education pursuant to paragraph I.B of this policy any information that the district has concerning a finding of abuse or neglect or sexual misconduct by a subject of any such inquiry.

- K. Prior to offering employment to an applicant, the district shall make a documented good faith effort to contact each current and any former employer (please note the definition of “former employer” employer above, including the applicable twenty year reporting period) of the applicant that was a local or regional board of education, governing council of a state or local charter school, interdistrict magnet school operator, or supervisory agent of a nonpublic school, or if the applicant’s employment with such current or former employer caused the applicant to have contact with children in order to obtain information and recommendations that may be relevant to the applicant’s fitness for employment. Such effort, however, shall not be construed to require more than three telephonic requests made on three separate days.
- L. The district shall not offer employment to any applicant who had any previous employment contract terminated by a local or regional board of education, council of a state or local charter school, interdistrict magnet school operator, or a supervisory agent of a nonpublic school, or who resigned from such employment, if the person has been convicted of a violation of Conn. Gen. Stat. § 17a-101a, when an allegation of abuse or neglect or sexual assault has been substantiated.

II. DCF Registry Checks

Prior to hiring any person for a position with the district, the district shall require such applicant to submit to a records check of information maintained on the Registry concerning the applicant.

[Optional: For any applicant whose current or most recent employment occurred out of state, the district shall request that the applicant provide the district with authorization to access information maintained concerning the applicant by the equivalent state agency in the state of most recent employment, if such state maintains information about abuse and neglect and has a procedure by which such information can be obtained. Refusal to permit the district to access such information shall be considered grounds for rejecting any applicant for employment.]

The district shall request information from the Registry or its out of state equivalent promptly, and in any case no later than thirty (30) calendar days from the date of employment. Registry checks will be processed according to the following procedure:

- A. No later than ten (10) calendar days after the Superintendent or his/her designee has notified a job applicant of a decision to offer employment to the applicant, or as soon thereafter as practicable, the Superintendent or designee will either obtain the information from the Registry or, if the applicant’s consent is required to access the information, will supply the applicant with the release form utilized by DCF, or its out of state equivalent when available, for obtaining information from the Registry.
- B. If consent is required to access the Registry, no later than ten (10) calendar days after the Superintendent or his/her designee has provided the successful job applicant with the form, the applicant must submit the signed form to DCF or its out of state equivalent, with a copy to the

Superintendent or his/her designee. Failure of the applicant to submit the signed form to DCF or its out of state equivalent within such ten-day period, without good cause, will be grounds for the withdrawal of the offer of employment.

- C. Upon receipt of Registry or out-of-state registry information indicating previously undisclosed information concerning abuse or neglect investigations concerning the successful job applicant/employee, the Superintendent or his/her designee will notify the affected applicant/employee in writing of the results of the Registry check and will provide an opportunity for the affected applicant/employee to respond to the results of the Registry check.
- D. If notification is received by the Superintendent or designee that that the applicant is listed as a perpetrator of abuse or neglect on the Registry, the Superintendent or designee shall provide the applicant with an opportunity to be heard regarding the results of the Registry check. If warranted by the results of the Registry check and any additional information provided by the applicant, the Superintendent or designee shall revoke the offer of employment and/or terminate the applicant's employment if he or she has already commenced working for the district.

III. Criminal Records Check Procedure

- A. Each person hired by the district shall be required to submit to state and national criminal record checks within thirty (30) calendar days from the date of employment. Each person otherwise placed within a school under any public assistance employment program, employed by a provider of supplemental services pursuant to federal law or in a nonpaid, noncertified position completing preparation requirements for the issuance of an educator certificate, who performs a service involving direct student contact shall also be required to submit to state and national criminal record checks within thirty (30) calendar days from the date such worker begins to perform such service. Record checks will be processed according to the following procedure:*
- 1. No later than five (5) calendar days after the Superintendent or his/her designee has notified a job applicant of a decision to hire the applicant, or as soon thereafter as practicable, the Superintendent or his/her designee will provide the applicant with a packet containing all documents and materials necessary for the applicant to be fingerprinted by the _____ **[insert name of applicable law enforcement agency]**. This packet shall also contain all documents and materials necessary for the police department to submit the completed fingerprints to the State Police Bureau of Identification for the processing of state and national criminal record checks. The Superintendent or his/her designee will also provide each applicant with the following notifications before the applicant obtains his/her fingerprints: (1) Agency Privacy Requirements for Noncriminal Justice Applicants; (2) Noncriminal Justice Applicant's Privacy Rights; (3) and the Federal Bureau of Investigation, United States Department of Justice Privacy Act Statement.
- 2. No later than ten (10) calendar days after the Superintendent or his/her designee has provided the successful job applicant with the fingerprinting packet, the applicant must arrange to be fingerprinted by the _____ **[insert name of applicable law enforcement agency]**. Failure of the applicant to have his/her fingerprints taken

within such ten-day period, without good cause, will be grounds for the withdrawal of the offer of employment.

3. Any person for whom criminal records checks are required to be performed pursuant to this policy must pay all fees and costs associated with the fingerprinting process and/or the submission or processing of the requests for criminal record checks.
4. Upon receipt of a criminal record check indicating a previously undisclosed conviction, the Superintendent or his/her designee will notify the affected applicant/employee in writing of the results of the record check and will provide an opportunity for the affected applicant/employee to respond to the results of the criminal record check. The affected applicant/employee may notify the Superintendent or his/her designee in writing within five (5) calendar days that the affected/employee will challenge his/her criminal history record check. Upon written notification to the Superintendent or his/her designee of such a challenge, the affected applicant/employee shall have ten (10) calendar days to provide the Superintendent or his/her designee with necessary documentation regarding the affected applicant/employee's record challenge. The Superintendent or his/her designee may grant an extension to the preceding ten-day period during which the affected applicant/employee may provide such documentation for good cause shown.
5. Decisions regarding the effect of a conviction upon an applicant/employee, whether disclosed or undisclosed by the applicant/employee, will be made on a case-by-case basis. Notwithstanding the foregoing, the falsification or omission of any information on a job application or in a job interview, including but not limited to information concerning criminal convictions or pending criminal charges, shall be grounds for disqualification from consideration for employment or discharge from employment.
6. Notwithstanding anything in paragraph III.A.5 of this Policy, above, no decision to deny employment or withdraw an offer of employment on the basis of an applicant/employee's criminal history record shall be made without affording the applicant/employee the opportunities set forth in paragraph III.A.4 of this Policy, above.

B. Criminal Records Check for Substitute Teachers:

A substitute teacher who is hired by the district must submit to state and national criminal history record checks according to the procedures outlined above, subject to the following:

1. If the state and national criminal history record checks for a substitute teacher have been completed within one year prior to the date the district hired the substitute teacher, and if the substitute teacher arranged for such prior criminal history record checks to be forwarded to the Superintendent, then the substitute teacher will not be required to submit to another criminal history record check at the time of such hire.
2. If a substitute teacher submitted to state and national criminal history record checks upon being hired by the district, then the substitute teacher will not be required to submit to another criminal history record check so long as the substitute teacher is continuously

employed by the district, that is, employed for at least one day of each school year, by the district, provided a substitute teacher is subjected to such checks at least once every five years.

IV. Sex Offender Registry Checks

School district personnel shall cross-reference the Connecticut Department of Public Safety's sexual offender registry prior to hiring any new employee. Registration as a sexual offender constitutes grounds for denial of employment opportunities.

V. Credit Checks

The district may also ask a prospective employee for a credit report for employment for certain district positions, where the district's receipt of a credit report is substantially related to the employee's potential job. Substantially related is defined to mean "the information contained in the credit report is related to the position for which the employee or prospective employee who is the subject of the report is being evaluated." Prior to asking for a credit report, the district will determine whether the position falls within one of the categories as described in this paragraph. The position must: (1) be a managerial position which involves setting the direction or control of the district; (2) involve access to employees' personal or financial information; (3) involve a fiduciary responsibility to the district, including, but not limited to, the authority to issue payments, collect debts, transfer money or enter into contracts; (4) provide an expense account or district debit or credit card; or (5) involve access to the district's nonfinancial assets valued at two thousand five dollars or more.

When a credit report will be requested as part of the employment process, the district will provide written notification to prospective employee regarding the use of credit checks. That notification must be provided in a document separate from the employment application. The notification must state that the district may use the information in the consumer credit report to make decisions related to the individual's employment.

The district will obtain consent before performing the credit or other background checks. If the district intends to take an action adverse to a potential employee based on the results of a credit report, the district must provide the prospective employee with a copy of the report on which the district relied in making the adverse decision, as well as a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act," which should be provided by the company that provides the results of the credit check. The district will notify the prospective employee either orally, in writing or via electronic means that the adverse action was taken based on the information in the consumer report. That notice must include the name, address and phone number of the consumer reporting company that supplied the credit report; a statement that the company that supplied the report did not make the decision to take the unfavorable action and cannot provide specific reasons for the district's actions; and a notice of the person's right to dispute the accuracy or completeness of any information the consumer reporting company furnished, and to get an additional free report from the company if the person asks for it within sixty (60) calendar days.

VI. Notice of Conviction

If, at any time, the Board of Education receives notice of a conviction of a crime by (1) a person holding a certificate, authorization or permit issued by the State Board of Education, or (2) a person employed by a provider of supplemental services, the Board shall send such notice to the State Board of Education.

VII. School Nurses

School nurses or nurse practitioners appointed by, or under contract with, the Board of Education shall also be required to submit to a criminal history records check in accordance with the procedures outlined above.

VIII. Personal Online Accounts

For purposes of these Administrative Regulations, "personal online account" means any online account that is used by an employee or applicant exclusively for personal purposes and unrelated to any business purpose of the Board, including, but not limited to, electronic mail, social media and retail-based Internet web sites. "Personal online account" does not include any account created, maintained, used or accessed by an employee or applicant for a business purpose of the Board.

A. During the course of an employment check, the Board may not:

1. request or require that an applicant provide the Board with a user name and password, password or any other authentication means for accessing a personal online account;
2. request or require that an applicant authenticate or access a personal online account in the presence of the Board; or
3. require that an applicant invite a supervisor employed by the Board or accept an invitation from a supervisor employed by the Board to join a group affiliated with any personal online account of the applicant.

B. The Board may request or require that an applicant provide the Board with a user name and password, password or any other authentication means for accessing:

1. any account or service provided by Board or by virtue of the applicant's employment relationship with the Board or that the applicant uses for the Board's business purposes, or
2. any electronic communications device supplied or paid for, in whole or in part, by the Board.

C. In accordance with applicable law, the Board maintains the right to require an applicant to allow the Board to access his or her personal online account, without disclosing the user name and

password, password or other authentication means for accessing such personal online account, for the purpose of:

1. conducting an investigation for the purpose of ensuring compliance with applicable state or federal laws, regulatory requirements or prohibitions against work-related employee misconduct based on the receipt of specific information about activity on an applicant's personal online account; or
2. conducting an investigation based on the receipt of specific information about an applicant's unauthorized transfer of the Board's proprietary information, confidential information or financial data to or from a personal online account operated by an applicant or other source.

IX. Policy Inapplicable to Students Employed by the School District

- A. This policy shall also not apply to a student employed by the local or regional school district in which the student attends school.

X. Falsification of Records.

Notwithstanding any other provisions of this policy, the falsification or omission of any information on a job application or in a job interview, including but not limited to information concerning abuse or neglect investigations or pending criminal applications, shall be grounds for disqualification from consideration for employment or discharge from employment.

[Note: This is a sample policy designed to provide compliance with the provisions of Connecticut General Statutes §§ 10-221d and 10-222c. Individual boards of education may wish to treat certain aspects of this policy differently. For example, a board of education may wish to do the required fingerprinting on-site, using board personnel. Also, a board of education may request a regional educational service center to arrange the taking and forwarding of the fingerprints, with the direction to provide the board of education with the results of the criminal history records checks.]*

Legal References:

Conn. Gen. Stat. § 10-212

Conn. Gen. Stat. § 10-221d

Conn. Gen. Stat. § 10-222c

Conn. Gen. Stat. § 31-40x

Conn. Gen. Stat. § 31-51i

Conn. Gen. Stat. § 31-51tt

Public Act 17-68, "An Act Concerning Various Revisions and Additions to the Education Statutes."

Public Act 17-220, "An Act Concerning Education Mandate Relief."

Elementary and Secondary Education Act, reauthorized as the Every Student Succeeds Act, Pub. L. 114-95, codified at 20 U.S.C. § 1001 *et seq.*

Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.*

ADOPTED: _____

REVISED: _____

10/2017

Agency Privacy Requirements for Noncriminal Justice Applicants

Authorized governmental and non-governmental agencies/officials that conduct a national fingerprint-based criminal history record check on an applicant for a noncriminal justice purpose (such as a job or license, immigration or naturalization matter, security clearance, or adoption) are obligated to ensure the applicant is provided certain notice and other information and that the results of the check are handled in a manner that protects the applicant's privacy.

- Officials must provide to the applicant written notice¹ that his/her fingerprints will be used to check the criminal history records of the FBI.
- Officials using the FBI criminal history record (if one exists) to make a determination of the applicant's suitability for the job, license, or other benefit must provide the applicant the opportunity to complete or challenge the accuracy of the information in the record.
- Officials must advise the applicant that procedures for obtaining a change, correction, or updating of an FBI criminal history record are set forth at Title 28, Code of Federal Regulations (CFR), Section 16.34.
- Officials should not deny the job, license, or other benefit based on information in the criminal history record until the applicant has been afforded a reasonable time to correct or complete the record or has declined to do so.
- Officials must use the criminal history record solely for the purpose requested and cannot disseminate the record outside the receiving department, related agency, or other authorized entity.²

The FBI has no objection to officials providing a copy of the applicant's FBI criminal history record to the applicant for review and possible challenge when the record was obtained based on positive fingerprint identification. If agency policy permits, this courtesy will save the applicant the time and additional FBI fee to obtain his/her record directly from the FBI by following the procedures found at 28 CFR 16.30 through 16.34. It will also allow the officials to make a more timely determination of the applicant's suitability.

Each agency should establish and document the process/procedures it utilizes for how/when it gives the applicant notice, what constitutes "a reasonable time" for the applicant to correct or complete the record, and any applicant appeal process that is afforded the applicant. Such documentation will assist State and/or FBI auditors during periodic compliance reviews on use of criminal history records for noncriminal justice purposes.

If you need additional information or assistance, contact:

Connecticut Records: Department of Emergency Services and Public Protection State Police Bureau of Identification (SPBI) 1111 Country Club Road Middletown, CT 06457 860-685-8480	Out-of-State Records: Agency of Record OR FBI CJIS Division-Summary Request 1000 Custer Hollow Road Clarksburg, West Virginia 26306
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¹ Written notification includes electronic notification, but excludes oral notification.

² See 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 42 U.S.C. 14616, Article IV(c); 28 CFR 20.21(c), 20.33(d), 50.12(b) and 906.2(d).

Noncriminal Justice Applicant's Privacy Rights

As an applicant who is the subject of a national fingerprint-based criminal history record check for a noncriminal justice purpose (such as an application for a job or license, an immigration or naturalization matter, security clearance, or adoption), you have certain rights which are discussed below.

- You must be provided written notification³ by _____ that your fingerprints will be used to check the criminal history records of the FBI.
- If you have a criminal history record, the officials making a determination of your suitability for the job, license, or other benefit must provide you the opportunity to complete or challenge the accuracy of the information in the record.
- The officials must advise you that the procedures for obtaining a change, correction, or updating of your criminal history record are set forth at Title 28, Code of Federal Regulations (CFR), Section 16.34.
- If you have a criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the officials deny you the job, license, or other benefit based on information in the criminal history record.⁴
- You have the right to expect that officials receiving the results of the criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.⁵
- If agency policy permits, the officials may provide you with a copy of your FBI criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, you may obtain a copy of the record by submitting fingerprints and a fee to the FBI. Information regarding this process may be obtained at <http://www.fbi.gov/about-us/cjis/background-checks>.
- If you decide to challenge the accuracy or completeness of your FBI criminal history record, you should send your challenge to the agency that contributed the questioned information to the FBI. Alternatively, you may send your challenge directly to the FBI at the same address as provided above. The FBI will then forward your challenge to the agency that contributed the questioned information and request the agency to verify or correct the challenged entry. Upon receipt of an official communication from that agency, the FBI will make any necessary changes/corrections to your record in accordance with the information supplied by that agency. (See 28 CFR 16.30 through 16.34.)
- If you need additional information or assistance, please contact:

Connecticut Records:	Out-of-State Records:
Department of Emergency Services and Public Protection	Agency of Record
State Police Bureau of Identification (SPBI)	OR
1111 Country Club Road	FBI CJIS Division-Summary Request
Middletown, CT 06457	1000 Custer Hollow Road
860-685-8480	Clarksburg, West Virginia 26306

³ Written notification includes electronic notification, but excludes oral notification.

⁴ See 28 CFR 50.12(b).

⁵ See 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 42 U.S.C. 14616, Article IV(c); 28 CFR 20.21(c), 20.33(d) and 906.2(d).

Federal Bureau of Investigation
United States Department of Justice
Privacy Act Statement

Authority: The FBI's acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Pub. L. 92-544, Presidential Executive Orders, and federal. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.

Social Security Account Number (SSAN). Your SSAN is needed to keep records accurate because other people may have the same name and birth date. Pursuant to the Federal Privacy Act of 1974 (5 USC 552a), the requesting agency is responsible for informing you whether disclosure is mandatory or voluntary, by what statutory or other authority your SSAN is solicited, and what uses will be made of it. Executive Order 9397 also asks Federal agencies to use this number to help identify individuals in agency records.

Principal Purpose: Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI's Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or otherwise responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI.

Routine Uses: During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Routine Uses as may be published at any time in the Federal Register, including the Routine Uses for the NGI system and the FBI's Blanket Routine Uses. Routine uses include, but are not limited to, disclosures to: employing, governmental or authorized non-governmental agencies responsible for employment, contracting licensing, security clearances, and other suitability determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.

Additional Information: The requesting agency and/or the agency conducting the application-investigation will provide you additional information pertinent to the specific circumstances of this application, which may include identification of other authorities, purposes, uses, and consequences of not providing requested information. In addition, any such agency in the Federal Executive Branch has also published notice in the Federal Register describing any systems(s) of records in which that agency may also maintain your records, including the authorities, purposes, and routine uses for the system(s).