



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 that the Attorney General finds is generally recognized as particularly suited for sporting purposes) that will, or may be readily converted to, expel a projectile by explosive or other propellant, and which has a barrel with a bore of more than ½" in diameter. The term "destructive device" also includes any combination of parts either designed or intended for use in converting any device into any destructive device and from which a destructive device may be readily assembled. A "destructive device" does not include: an antique firearm; a rifle intended to be used by the owner solely for sporting, recreational, or cultural purposes; or any device which is neither designed nor redesigned for use as a weapon.
- 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 school 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 school to another regular education classroom program in the school shall not constitute a suspension or expulsion.
- Q. For purposes of this policy, references to “school” and “classroom” shall include physical educational environments, as well as virtual educational environments, whether synchronous or asynchronous, which occur on Internet-based platforms that allow students to engage in remote learning.

II. Scope of the Student Discipline Policy

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

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

B. *Conduct off School Grounds:*

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

C. *Seriously Disruptive of the Educational Process:*

In making a determination as to whether such conduct is seriously disruptive of the educational process, the Administration and the Interdistrict School for Arts and Communication (“School”) Board of Directors 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.

The Administration and/or the School Board of Directors may also consider (5) whether the off-campus conduct involved the illegal use of drugs.

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

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

1. Striking or assaulting a student, member of the school staff or other person(s).
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, alienage, gender identity or expression, marital status, age, pregnancy, veteran status, 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. Possession, sale, distribution, use, or consumption of tobacco, electronic nicotine delivery systems (e.g. e-cigarettes), or vapor products, or the unlawful possession, sale, distribution, use or consumption of drugs, narcotics or alcoholic beverages (or any facsimile of tobacco, drugs, narcotics or alcoholic beverages, or any item represented to be tobacco, drugs or alcoholic beverages), including being under the influence of any such substances or aiding in the procurement of any such substances. For the purposes of this Paragraph 15, the term “electronic nicotine delivery system” shall mean an electronic device used in the delivery of nicotine or other substances to a person inhaling from the device and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other

component of such device, including, but not limited to, electronic cigarette liquid. For the purposes of Paragraph 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, and 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. Possession of paraphernalia used or designed to be used in the consumption, sale or distribution of drugs, alcohol or tobacco, as described in Paragraph 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 planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing or concealing, or injecting, ingesting, inhaling or otherwise introducing controlled drugs or controlled substances into the human body, including but not limited to items such as "bongs," pipes, "roach clips," vials, tobacco rolling papers, and any object or container used, intended or designed for use in storing, concealing, possessing, distributing or selling controlled drugs or controlled substances.
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 school 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 the school, or a physical act or gesture by one or more students repeatedly directed at another student attending the school, 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 the 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, including but not limited to violating school or district health and safety protocols
- 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, distance learning platforms, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.
- 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. The Executive Director 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. The Executive Director 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 School or provided by a regional educational service center or a state or local charter school pursuant to an agreement with a board of education or the charter school, no student enrolled in such a preschool program shall be expelled from such preschool program, except an expulsion hearing shall be conducted by the School 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 Executive Director may conduct an inquiry concerning the expulsion recommendation.

If the Executive Director or his/her designee determines that a student should or must be expelled, he or she shall forward his/her recommendation to the School Board of Directors so that the Board of Directors 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 School 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 School Board of Directors 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 Executive Director 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 School Board of Directors. The principal or designee shall report the student to the Executive Director or designee and request a formal hearing before the Board of Directors. 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 or seriously disrupts the educational process as determined by the principal or designee.
- B. In-school suspension may not be imposed on a student without an informal hearing by the 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 School.
- 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 School Board of Directors 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. § 10-233l, 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 of Directors will be heard by any three or more Directors. A decision to expel a student must be supported by a majority of the Directors present, provided that no less than three (3) affirmative votes to expel are cast.
2. Alternatively, the Board of Directors 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 of Directors 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 school 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, including if the hearing will be held virtually, via video conference.
 - b. The legal authority and jurisdiction under which the hearing is to be held, including a reference to the particular sections of the legal statutes involved.

- c. A short, plain description of the conduct alleged by the administration.
- d. The student may present as evidence relevant testimony and documents concerning the conduct alleged and the appropriate length and conditions of expulsion; and that the expulsion hearing may be the student's sole opportunity to present such evidence.
- e. The student may cross-examine witnesses called by the Administration.
- f. The student may be represented by an attorney or other advocate of 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 School, 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 of Directors 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 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, members of the Board of Directors present 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 school 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 of Directors 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 of Directors 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 Executive Director 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 members of the School Board of Directors.
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 members of the Board of Directors. 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 members of the Board of Directors. 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 of Directors must determine whether the student committed the offense(s) as charged by the Executive Director.
11. If the Board of Directors determines that the student has committed the conduct as alleged, then the Board of Directors shall proceed with the second portion of the hearing, during which the Board of

Directors will receive and consider relevant evidence regarding the length and conditions of expulsion.

12. When considering the length and conditions of expulsion, the Board of Directors may review the student's attendance, academic and past disciplinary records. The Board of Directors 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 of Directors may ask the Executive Director 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 of Directors 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 of Directors either on questions of evidence or on the final discipline to be imposed. The Executive Director may, after reviewing the incident with administrators, and reviewing the student's records, make a recommendation to the Board of Directors as to the appropriate discipline to be applied.
15. The Board of Directors 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 of Directors 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 program specified by the Board of Directors and meets any other conditions required by the Board of Directors. The Board of Directors-specified program shall not require the student and/or the student's parents to pay for participation in the program.
17. The Board of Directors 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.

18. The hearing may be conducted virtually, via video conference, at the direction of the Board, in the event school buildings are closed to students or individuals are provided limited access to school buildings due to a serious health emergency. Any virtual hearing must provide the student the due process rights identified in this Subsection D.

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 charter school in accordance with this policy, unless the Executive Director 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 of Directors 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 of Directors, in its discretion, has the right to accept or reject the Joint Stipulation of Facts and Recommendation. If the Board of Directors 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 of Directors 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 of Directors, in its discretion, has the right to accept or reject the Joint Stipulation of Facts. If the Board of Directors rejects the Joint Stipulation of Facts, a full expulsion hearing shall be held pursuant to the procedures outlined herein.

IX. Alternative Educational Opportunities for Expelled Students

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

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

B. ***Content of Alternative Educational Opportunity***

1. For the purposes of Section IX, 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 and in accordance with the Standards for Educational Opportunities for Students Who Have Been Expelled, adopted by the State Board of Education, with an individualized learning plan, if the School provides such alternative education, or (2) in accordance with the Standards for Educational Opportunities for Students Who Have Been Expelled, adopted by the State Board of Education.
2. The Executive Director, or his/her designee, shall develop administrative regulations concerning alternative educational opportunities, which administrative regulations shall be in compliance with the standards adopted by the State Board of Education. Such administrative regulations shall include, but are not limited to, provisions to address student placement in alternative education; individualized learning plans; monitoring of students placements and performance; and a process for transition planning.

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

Notwithstanding Subsections IX.A. through D. above, if the School 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, and in

accordance with the *Standards for Educational Opportunities for Students Who Have Been Expelled*, adopted by the State Board of Education.

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

The School may offer an alternative educational opportunity to a pupil for whom such alternative educational opportunity is not required by law as described in this policy. In such cases, the Board of Directors, or if delegated by the Board of Directors, the [School Executive], 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 of Directors 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(16), above, the School Board of Directors may choose to expunge the expulsion notice from the cumulative record at the time the student completes the Board of Directors-specified program and meets any other conditions required by the Board of Directors.

If a student's period of expulsion was not shortened or waived, the School may choose to expunge the expulsion notice from the student's cumulative record prior to graduation if such student has demonstrated to the School's Board of Directors 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 School 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 enrolling into the charter school:*

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

B. *Student leaving the charter school:*

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 of Directors, the notice of the pending expulsion hearing shall be included on the student's cumulative record and the Board of Directors shall complete the expulsion hearing and render a decision. If the Board of Directors 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 charter school 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 charter school is not required to provide any educational services to the IDEA student beyond that which is provided to all students suspended by the charter school.

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 charter school 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 parent(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 charter school 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. *Transfer of IDEA students for Certain Offenses:*

1. School personnel may transfer an IDEA 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 charter school 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 school 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 School 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 Placed in a Juvenile Detention Center

- A. Any student who commits an expellable offense and is subsequently placed in a juvenile detention center or any other residential placement for

such offense may be expelled by the Board of Directors in accordance with the provisions of this section. The period of expulsion shall run concurrently with the period of placement in a juvenile detention center or other residential placement.

- B. If a student who committed an expellable offense seeks to return to the School after participating in a diversionary program or having been placed in a juvenile detention center or any other residential placement and such student has not been expelled by the School Board of Directors for such offense under subdivision (A) of this subsection, the Board of Directors 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 of Directors delegates the authority to make decisions on readmission requests to the Executive Director. Students desiring readmission to school shall direct such readmission requests to the Executive Director. The Executive Director has the discretion to approve or deny such readmission requests, and may condition readmission on specified criteria.

XVI. Dissemination of Policy

The School 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 School shall include on all disciplinary reports the individual student's state assigned student identifier (SASID).
- B. The School shall report all suspensions and expulsions to the State Department of Education.
- C. If the School Board of Directors 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 subject to criminal penalties under Conn. Gen. Stat. §§ 21a-277 and 21a-278, the Board of Directors 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 School Board of Directors expels a student for possession of a firearm, as defined in 18 U.S.C. § 921, or deadly weapon or dangerous

instrument or martial arts weapon, as defined in Conn. Gen. Stat. § 53a-3, the School shall report the violation to the local police.

Legal References:

Connecticut General Statutes:

- §§ 4-176e through 4-180a and § 4-181a Uniform Administrative Procedures Act
- § 10-16 Length of school year.
- § 10-74j Alternative education
- § 10-66dd(b)(1) School professionals and persons holding charter school educator permits employed in charter schools. Charter schools subject to laws governing public schools; exceptions; waivers. Participation in the state teacher retirement system
- § 10-222d Safe school climate plans. Definitions. Safe school climate assessments
- §§ 10-233a through 10-233f Suspension and expulsion of students.
- § 10-233l Expulsion and suspension of children in preschool programs
- § 10-253 School privileges for children in certain placements, nonresident children, children in temporary shelters, homeless children and children in juvenile detention facilities. Liaison to facilitate transitions between school districts and juvenile and criminal justice systems.
- § 19a-342a Use of electronic nicotine delivery system or vapor product prohibited
- § 21a-240 Definitions
- § 21a-277 Penalty for illegal manufacture, distribution, sale, prescription, dispensing
- § 21a-278 Penalty for illegal manufacture, distribution, sale, prescription, or administration by non-drug-dependent person
- §§ 21a-408a through 408p Palliative Use of Marijuana
- § 29-35 Carrying of pistol or revolver without permit prohibited. Exceptions
- § 29-38 Weapons in vehicles
- § 53a-3 Definitions
- § 53-206 Carrying of dangerous weapons prohibited
- § 53-344 Sale or delivery of cigarettes or tobacco products to persons under twenty-one
- § 53a-344b Sale and delivery of electronic nicotine delivery system or vapor products to persons under twenty-one years or age

Packer v. Board of Educ. of the Town of Thomaston, 717 A.2d 117 ((1998).

State v. Hardy, 896 A.2d 755 (Conn. 2006).

State v. Guzman, 955 A.2d 72 (Conn. App. Ct. 2008).

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

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: May 9, 2018

REVISED: December 16, 2020

**Series 5000
Students**

**ADMINISTRATIVE REGULATIONS REGARDING ALTERNATIVE
EDUCATIONAL OPPORTUNITIES FOR EXPELLED STUDENTS**

I. Applicability of these Administrative Regulations

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

II. Responsible Personnel

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

III. Student Placement Procedures

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

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

B. The educational programming and placement for expelled students who are eligible to receive special education and related services under the

Individuals with Disabilities Education Act (“IDEA”) shall be determined by the student’s Planning and Placement Team (“PPT”). In such case, Subsection A above shall not apply.

IV. Individualized Learning Plan

A. Development of the Individualized Learning Plan

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

B. Contents of the Individualized Learning Plan

1. The ILP will reference student records with information relevant to the provision of an alternative educational opportunity. These records may include:
 - a. Student success plan (for students who have a student success plan as mandated by state law, the student success plan may inform the ILP but does not replace the ILP);
 - b. Individualized education program (“IEP”);
 - c. Section 504 Plan;
 - d. Individualized health care plan or emergency care plan; and/or
 - e. Other relevant academic and behavioral data.
2. The ILP will address the following:
 - a. The student’s academic and behavioral needs and appropriate academic and behavioral goals and interventions, including the student’s core classes at the time of expulsion and the student’s current placement or progress in the curriculum for those classes so that the student has an opportunity to continue to progress in the School’s academic program and earn graduation credits, if applicable;
 - b. Benchmarks to measure progress towards the goals and ultimately, progress towards graduation;

- c. Provision for the timing and method for reviewing the student's progress in the alternative educational opportunity and for communicating that progress to the parent/guardian or student. For most students, monitoring and reviewing the student's progress will include monitoring the student's attendance, work completion and progress toward meeting the relevant academic standards for particular coursework, and thus progressing toward graduation, if applicable. The student's progress and grades will be communicated to the parents/guardians or student with the same frequency as similar progress for students in the regular school environment is reported and communicated to parents/guardians or students. The student's progress and grades will also be reported to the school from which the student was expelled;
- d. Provision for the timely transfer of the student's records both from the student's school to the alternative educational opportunity provider, and also from the alternative educational opportunity provider to the student's school; and
- e. The possibility of early readmission to the school from which the student was expelled and the early readmission criteria, if any, established by the [School Board of Directors or Executive Director, as applicable.

V. Review of Student's Placement in Alternative Educational Opportunity and Individualized Learning Plan

- A. A review of the appropriateness of the placement must occur at least once per marking period.
- B. The placement review must include:
 - 1. Review of the ILP to (1) assess progress and make adjustments as necessary and (2) determine its alignment with the goals of the student's IEP, where applicable; and
 - 2. Consideration of opportunities for early readmission as set forth in the ILP, as established by the Board of Directors or Executive Director, as applicable.

VI. Transition Plan for Readmission

- A. Before a student is readmitted to the School, relevant staff should provide an opportunity to meet with the parents/guardians and student to discuss the student's readmission. As part of the readmission process and the student's ILP, the principal, or his/her designee, should consider:
1. Efforts to readmit the student at a semester starting point (at the high school level);
 2. A plan to transfer the student's credits and records back to the school from which the student was expelled:
 - a. The School will award an expelled high school student appropriate high school credit for work satisfactorily completed during the period the student participates in the alternative educational opportunity and will transfer relevant records back to the school from which the student was expelled;
 - b. The School will provide an expelled student transferring to a new school district or charter school a progress summary of all work completed during the course of the student's expulsion, and will indicate the course credit earned by the student for that work.
 3. The student's need for academic and other supports upon returning to his/her school; and
 4. Efforts to connect the returning student with opportunities to participate in extracurricular activities.
- B. In the event the principal, or his/her designee, determines that a student's alternative educational opportunity is no longer beneficial to the student, but it remains inappropriate to return the student to the school from which the student was expelled, a plan for a different alternative educational opportunity may be developed in accordance with the procedures outlines in these Administrative Regulations.

Legal References:

Connecticut General Statutes:

Conn. Gen. Stat. § 10-233d

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).

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

ADOPTED: May 9, 2018
REVISED: December 16, 2020



AGREEMENT

[NAME OF EXECUTIVE DIRECTOR], ([Executive Director] of [NAME OF CHARTER SCHOOL]), [NAME OF STUDENT] and [NAME(S) OF PARENTS] (the parents of [NAME OF STUDENT]) agree as follows with respect to the [Executive Director]'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 [she/he] 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 [NAME OF CHARTER SCHOOL] Policy _____ (Student Discipline) (*Cite other policies here as appropriate*) and is considered by the school administration to be seriously disruptive of the educational process. (*For conduct that occurs on school grounds or at a school-sponsored activity, you may alternatively or additionally state whether such conduct is considered to endanger persons or property*). (*If the student has admitted to this conduct, note the admission here*).
4. Students are notified of applicable school policies regarding prohibited conduct by publication in the student handbook.
5. (*Optional Section for students with disabilities*): A manifestation determination was made on (date) concerning this conduct, and it was determined that the conduct was not a manifestation of the student's disability.
6. Students are notified of applicable Board policies regarding prohibited conduct by publication in the student handbook.
7. Subject to the approval of the [NAME OF CHARTER SCHOOL] Board of Directors (the "Board"), [NAME OF STUDENT] shall be expelled from school, 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.

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

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

[Describe alternative educational opportunity agreed to by parties.]

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

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

(Optional Sections regarding early readmission):

- c) Prior to _____, the [Executive Director] will review [NAME OF STUDENT]’s conduct, as well as [her/his] attendance and effort level in the alternative educational opportunity [list other conditions as applicable], for the purpose of determining, in the [Executive Director]’s sole discretion, whether [NAME OF STUDENT] should be readmitted to school on or about

_____.

- d) If the **[Executive Director]** 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 **[Executive Director]** 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 **[Executive Director]** will review **[Name of Student]**'s conduct as well as his/her attendance and effort level since expulsion, for the purpose of determining, in the **[Executive Director]**'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 its consideration, in lieu of the submission of any other evidence by the **[Executive Director]** 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(S) OF PARENT(S)/GUARDIAN(S)** understand and acknowledge that, pursuant to Section 10-233d of the Connecticut General Statutes and school policy, **NAME OF STUDENT** is entitled to an expulsion hearing before the **[NAME OF CHARTER SCHOOL]** Board of Directors to contest **NAME OF STUDENT**'s proposed expulsion from the **[NAME OF CHARTER SCHOOL]**. **NAME OF STUDENT** and **NAME(S) OF PARENT(S)/GUARDIAN(S)** further understands and acknowledges that at such a hearing **NAME OF STUDENT** and **NAME(S) 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, **STUDENT and NAME OF 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 **[Executive Director]**, **[NAME OF STUDENT]** and **[NAME OF PARENT]** understand that this Agreement is subject to the approval of the Board. In the event that the Board does not approve this Agreement, the **[Executive Director]**, **[NAME OF STUDENT]** and **[NAME OF PARENT]** 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 **[Executive Director]**'s expulsion request. **[NAME OF STUDENT]** and **[NAME OF PARENT]** agree that **[NAME OF STUDENT]** will remain out of school until the evidentiary hearing has been completed. **[NAME OF STUDENT]** and **[NAME OF PARENT]** also agree that the Board's consideration of this proposed Agreement will not disqualify any member of the Board from serving as a member of the Board 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]** enter into this Agreement voluntarily and with a full understanding of the provisions of this Agreement.

[NAME OF EXECUTIVE DIRECTOR]
[Executive Director] Date: _____

[NAME OF STUDENT]
Student Date: _____

[NAME OF MOTHER] and/or **[NAME OF FATHER]**
Parents of **[NAME OF STUDENT]** Date: _____

1/14/2021

Note: This is a sample Individualized Learning Plan drafted in accordance with the Standards for Educational Opportunities for Students Who Have Been Expelled, which was approved by the State Board of Education on January 3, 2018. The specific goals and benchmarks can be customized to meet the needs of individual students.

ISAAC Individualized Learning Plan

Student Name: _____ **Date of Birth:** _____ **Gr.** _____

School Prior to Expulsion: _____ **SASID:** _____

Does the student have an Individualized Education Program? Yes No
 Does the student have a Section 504 Plan? Yes No

Records Reviewed with Relevant Information for the Provision of an Alternative Educational Opportunity	
<input type="checkbox"/> Student Success Plan <input type="checkbox"/> Individualized Education Program (IEP) <input type="checkbox"/> Behavioral Intervention Plan (BIP) <input type="checkbox"/> Section 504 Plan <input type="checkbox"/> Individualized Health Care Plan/Emergency Care Plan	<input type="checkbox"/> Report Cards and Current Grades <input type="checkbox"/> Attendance Records <input type="checkbox"/> Disciplinary/Behavioral Records <input type="checkbox"/> Other: _____ <input type="checkbox"/> Other: _____
ILP Developed Through Collaboration With (check all that apply):	
<input type="checkbox"/> Parent/Guardian: _____ <input type="checkbox"/> Parent/Guardian: _____	<input type="checkbox"/> Teacher: _____ <input type="checkbox"/> Teacher: _____

<input type="checkbox"/> Student: <hr/> <input type="checkbox"/> Administrator: <hr/> <input type="checkbox"/> School Counselor: <hr/>	<input type="checkbox"/> Other (specify): <hr/> <input type="checkbox"/> Other (specify): <hr/> <input type="checkbox"/> Other (specify): <hr/>
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Records Transferred

Date of transfer of relevant student records from the student's school to provider of alternative educational opportunity: <hr/>	Date of transfer of records from provider of alternative educational opportunity to the student's school: <hr/>
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Records Distribution and Storage

Copies of the Individualized Learning Plan will be distributed to the following locations and/or individuals and stored in accordance with the [NAME OF CHARTER SCHOOL] student records policy:

- Student's cumulative file
- The Student's receiving school or alternative educational placement
- Student's parent/guardian

[Note: Charter schools should insert or delete locations where this record may be kept in accordance with their student records policies and practices]

Student's Classes Prior to Expulsion

Core Class	Placement/Progress in Class at Time of Expulsion <i>(e.g. current grade, current unit, etc.)</i>

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

NEEDS

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

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

GOALS

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

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

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

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

INTERVENTIONS

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

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

Review and Communication of Progress to Parents/Guardians or Student

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

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

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

- Each marking period
- Other: _____

Early Readmission

The expulsion decision contains the following early readmission criteria:

- The student may apply to [NAME OF CHARTER SCHOOL] for early readmission and such readmission shall be at the discretion of [NAME OF CHARTER SCHOOL].
- The student applied to [NAME OF CHARTER SCHOOL] for early readmission on _____ and [NAME OF CHARTER SCHOOL] granted the request and has conditioned such early readmission on the following criteria:
- The student applied to [NAME OF CHARTER SCHOOL] for early readmission on _____ and early readmission was not granted.

- | |
|--|
| <ul style="list-style-type: none"><input type="checkbox"/> The student may apply to the Executive Director early readmission and such readmission shall be at the discretion of the Executive Director.<input type="checkbox"/> The student applied to the Executive Director for early readmission on _____ and the Executive Director granted the request and has conditioned such early readmission on the following criteria:
<input type="checkbox"/> The student applied to the Executive Director for early readmission on _____ and early readmission was not granted. |
|--|

Review of Placement and ILP:

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

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

Transition Plan for Readmission:

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

- Efforts to readmit the student at a semester starting point (at the high school level)
- A plan to transfer the student's credits and record back to the student's school
- The student's need for academic and other supports upon returning to his/her school
- Efforts to connect the student with opportunities to participate in extracurricular activities