

Special Darien Board of Education

Policy Committee Meeting

Friday, April 22, 2022

8:30 a.m.

**Darien Public Schools' Administrative Offices
35 Leroy Avenue
Board of Education Meeting Room**

AGENDA

- 1. Proposed Revised Board Policies (Series 5000 - Students): 5100, Restraint and Seclusion of Persons at Risk; 5110, School Attendance Districts; 5125, Students and Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990; 5130, Student Attendance and Truancy; 5140, Continuity of Attendance; 5150, Admission of Resident, Non-Resident and Exchange Students; 5160, Dismissal Precautions; 5210, Student Government; 5215, Standards of Conduct; 5220, Student Discipline**
- 2. Public Comment***
- 3. Adjournment**

*** * The Board of Education meeting will be available to the public in person and via Zoom. Wearing of masks is optional and seating is limited by room capacity. Doors open at 8:15 a.m. for the 8:30 a.m. meeting. Those members of the community wishing to participate in public comment may join the meeting via Zoom:**

<https://darienps.zoom.us/j/91603085009>

Those members of the community wishing to view only, should do so through the Darien Youtube link: <https://www.youtube.com/channel/UCUnnvYKBfFrTWQRuoB6OZA>

In order to reduce audio interference, members of the community are requested not to simultaneously view by Youtube while participating on Zoom.

Memorandum

To: Policy Committee

From: Tara Ochman
Marge Cion

Date: April 22, 2022

Re: Series 5000 – Students: Policies 5100, 5110, 5125, 5130, 5140, 5150, 5160, 5210, 5215 and 5220

We are recommending changes to the following policies:

Policy 5100, Physical Restraint and Seclusion of Persons at Risk: Revisions to this policy include stylistic and technical changes recommended by Shipman and Goodwin.

Policy 5110, School Attendance Districts: While this policy is unnecessary, since several statutes require local Boards of Education to maintain schools that offer equal educational opportunities for all students, many local Boards of Education maintain policies similar to Policy 5110. Therefore, our recommendation is that the Policy Committee review the educational criteria contained in the current Policy to determine what, if any, revisions should be made.

Policy 5125, Students and Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990: Revisions to this policy include stylistic and legal citations recommended by Shipman and Goodwin.

Policy 5130, Student Attendance, Truancy and Chronic Absenteeism: Revisions to this policy reflect changes to State law that require boards of education to allow any student in grades K – 12 to take two non-consecutive days each year as mental health wellness days. Section 18 of the Act, as amended by Section 393 of June Special Session, Public Act No 21-2, directs the State Board of Education (“SBOE”) to revise its definitions of “excused absence” and “unexcused absence” with respect to remote learning. We have revised the definitions in the regulations to reflect statutory requirements for those definitions while we await the SBOE’s revisions. We further revised the regulations to conform with Section 10 of Public Act No. 21-199, which amends state law to raise, from seventeen to eighteen, the age when a student may withdraw from high school, beginning in the school year commencing July 1, 2023. After July 1, 2023, a parent or person having control of a child who is seventeen years of age may withdraw the child from school if the child is enrolled in an adult education program if the parent personally appears at the district office and signs an adult education withdrawal and enrollment form.

Policy 5140, Continuity of Attendance: Repeal this policy. These provisions are covered in Policy 5130. That policy now covers dual enrollment. School handbooks cover both the transfer of credits and the fact that teachers will not provide educational materials to students who are enrolled in other institutions.

Policy 5150, Admission of Resident, Non-Resident and Exchange Students: Shipman and Goodwin does not have a model policy to support the issues contained in this policy. However, most DRG A

districts have policies that address these issues so that the rules are clear to anyone attempting to enroll students in the Darien Public Schools. References to the Illegal Immigration and Immigrant Responsibility Act have been removed since the portions of that law relating to K-12 students has been repealed. Most of the other provisions of this Policy merely reflect current practice. The provisions relating to families registering students who do not currently live in the District now require that the terms of a contract to purchase or lease or a construction contract must contain a clause that makes it clear that the family will be able to take occupancy of the home within three months of the enrollment of the student. Another new provision and one that is included in similar policies in both New Canaan and Westport give the Superintendent the power, should the Superintendent determine that a student is not a bona fide resident of Darien, to either exclude the student from the Darien schools for the remainder of the school year or charge tuition for the student.

Policy 5160, Dismissal Precautions: Repeal this Policy. The rules regarding dismissal of students are administrative in nature and belong more appropriately in the handbooks of each school.

Policy 5210, Student Government: Repeal this Policy. The Board of Education exhibits its support of all extra-curricular activities through the inclusion of stipends for these activities in its yearly operating budgets. The guidelines and rules for individual organizations should be included in school handbooks.

Policy 5215, Standards of Conduct: Repeal this Policy. All but one of the topics covered in this policy are covered in other Board policies, including 5220, Student Discipline and 5280 Dress Code. Some districts have policies addressing the civility of all members of the community. Shipman and Goodwin does not maintain a model policy related to civility and has opined that it is difficult to enforce. However, if the Committee and/or the Board wishes to explore a policy related to civility we will consult with them.

Policy 5220, Student Discipline: Revisions to this policy reflect changes to Section 19 of June Special Session, Public Act No. 21-1, which revises Conn. Gen. Stat. § 10-221(d) to require that, on and after January 1, 2022, policies adopted in conformity with Conn. Gen. Stat. § 10-154a concerning the use, sale or possession of alcohol or controlled drugs by students on school property shall not result in a student facing greater discipline, punishment, or sanction for the use, sale or possession of cannabis than they would face for the use, sale or possession of alcohol. We have also revised references to “remote learning” to ensure they align with the new definition of “remote learning” in Public Act 21-46 and June Special Session, Public Act 21-2. Further, we have revised the definition of “bullying” to conform with the new statutory definition in Public Act No. 19-166, which went into effect on July 1, 2021. We also clarified throughout the policy that the provisions of the policy extend to students while on school transportation, because school transportation is a school-sponsored activity. Legal references have also been updated.

DARIEN PUBLIC SCHOOLS

Darien, Connecticut

SERIES 5000: STUDENTS

POLICY 5100

PHYSICAL RESTRAINT AND SECLUSION OF STUDENTS AND USE OF EXCLUSIONARY TIME OUT

The Darien Board of Education (the “Board”) seeks to foster a safe and positive learning environment for all students. Board ~~of Education~~ employees will restrict the use of physical restraint and seclusion of students to emergency situations, in accordance with this policy and accompanying administrative regulations and applicable law. Physical restraint or seclusion of a student may be necessary in an emergency situation to maintain the safety of the student or another individual. The Board also regulates the use of exclusionary time out in accordance with this Policy and accompanying regulations and applicable law.

The ~~Darien Public Schools~~ Board ~~of Education~~ authorizes the Superintendent or his/her designee to develop and implement ~~a~~Administrative ~~r~~Regulations in accordance with this Policy and applicable law. The Board of Education mandates compliance with this Policy and the associated ~~a~~Administrative ~~r~~Regulations at all times. Violations of this Policy and/or associated ~~a~~Administrative ~~r~~Regulations by a Board of Education staff member or other individual working at the direction of, or under the supervision of, the Board ~~of Education~~, may result in disciplinary action, up to and including possible termination of employment status and/or termination of contract for services.

Nothing within these regulations shall be construed to interfere with the Board’s responsibility to maintain a safe school setting, in accordance with Connecticut General Statutes § 10-220. Under no circumstances shall employees or individuals under the supervision of the Board use corporal punishment with students or physically manage students for purposes of discipline.

Legal References:

~~Public Act 18-51, An Act Implementing the Recommendations of the Department of Education~~

Conn. Gen. Stat. § 10-76b

Conn. Gen. Stat. § 10-76d

Conn. Gen. Stat. § 10-236b

Conn. Gen. Stat. §§ 53a-18 to 53a-22

Reg. Conn. State Agencies. §§ 10-76b-5 to 10-76b-11

Other References:

Restraint and Seclusion: Resource Document, United States Department of Education, available at <http://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf>.

Understanding the Laws and Regulations Governing the Use of Restraint and Seclusion,
Connecticut State Department of Education (July 2018).

Guidance Related to Recent Legislation Regarding Restraint and Seclusion, Connecticut
State Department of Education (Revised, July 2018).

REVIEWED BY THE BOARD OF EDUCATION: January 13.2015

REVISED: November 27, 2018

REVISED:

DRAFT

**SERIES 5000: STUDENTS
POLICY R-5100**

**ADMINISTRATIVE REGULATIONS CONCERNING
PHYSICAL RESTRAINT AND SECLUSION OF STUDENTS AND USE OF
EXCLUSIONARY TIME OUT**

The Darien Public Schools (the “District”) seeks to foster a safe and positive learning environment for all students. District employees will restrict the use of physical restraint and seclusion of students to emergency situations, in accordance with these administrative regulations and the associated policy and applicable law. Physical restraint or seclusion of a student may be necessary in an emergency situation to maintain the safety of the student or another individual. District employees will restrict the use of exclusionary time out with students to those instances permitted by applicable law, as described in these administrative regulations and applicable law.

The following sets forth the procedures for compliance with the relevant state law and regulations concerning the physical restraint and seclusion of, and use of exclusionary time out with, students in the District. The Superintendent mandates compliance with these regulations at all times. Violations of these regulations by a Darien Board of Education (“Board”) staff member or other individual working at the direction of, or under the supervision of, the Board of Education, may result in disciplinary action, up to and including possible termination of employment status and/or termination of contract for services.

Nothing within these regulations shall be construed to interfere with the responsibility of the District to maintain a safe school setting, in accordance with Connecticut General Statutes § 10-220.

I. Definitions:

- A. Exclusionary Time Out: A temporary, continuously monitored separation of a student from an ongoing activity in a non-locked setting, for the purpose of calming such student or deescalating such student’s behavior.
- B. Life Threatening Physical Restraint: Any physical restraint or hold of a person that (1) restricts the flow of air into a person’s lungs, whether by chest compression or any other means, or (2) immobilizes or reduces the free movement of a person’s arms, legs or head while the person is in the prone position.
- C. Psychopharmacological Agent: Any medication that affects the central nervous system, influencing thinking, emotion or behavior;

- D. Physical Restraint: Any mechanical or personal restriction that immobilizes or reduces the free movement of a person's arms, legs or head, including, but not limited to, carrying or forcibly moving a person from one location to another. The term does not include: (1) ~~b~~Briefly holding a person in order to calm or comfort the person; (2) restraint involving the minimum contact necessary to safely escort a person from one area to another; (3) medical devices, including, but not limited to, supports prescribed by a health care provider to achieve proper body position or balance; (4) helmets or other protective gear used to protect a person from injuries due to a fall; (5) helmets, mitts and similar devices used to prevent self-injury when the device is (i) part of a documented treatment plan or an Individualized Education Program ("IEP"); or (ii) prescribed or recommended by a medical professional, as defined in section 38a-976 of the Connecticut General Statutes, and is the least restrictive means available to prevent such injury; or (6) an exclusionary time out.
- E. School Employee: (1) Any individual employed by the ~~Darien Public Schools~~District who is a teacher, substitute teacher, administrator, superintendent, guidance counselor, psychologist, social worker, nurse, physician, paraprofessional, coach; and (2) any other individual who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in the ~~Darien Public Schools~~District pursuant to a contract with the ~~Darien Public Schools~~District.
- F. Seclusion: The confinement of a person in a room from which the student is physically prevented from leaving. Seclusion does not include the following: (i) an exclusionary time out; or (ii) any confinement of a student in which the person is physically able to leave the area of confinement including, but not limited to, in-school suspension.
- G. Student: a child who is
1. ~~e~~Enrolled in grades kindergarten to twelve, inclusive, in a public school under the jurisdiction of a local or regional board of education;
 2. ~~r~~Receiving special education and related services in an institution or facility operating under a contract with a local or regional board of education pursuant to subsection (d) of section 10-76d of the Connecticut General Statutes;
 3. ~~e~~Enrolled in a program or school administered by a regional education service center established pursuant to section 10-66a of the Connecticut General Statutes; OR
 4. ~~r~~Receiving special education and related services from an approved private special education program.

II. Life-Threatening Physical Restraint:

- A. No school employee shall under any circumstance use a life-threatening physical restraint on a student.
- B. Nothing in this section shall be construed as limiting any defense to criminal prosecution for the use of deadly physical force that may be available under sections 53a-18 to 53a-22, inclusive, of the Connecticut General Statutes.

III. Procedures for Physical Restraint and Seclusion of Students

- A. No school employee shall use physical restraint or seclusion on a student EXCEPT as an emergency intervention to prevent immediate or imminent injury to the student or to others.
- B. Seclusion shall not be used as a planned intervention in a student's behavioral intervention plan, individualized education program or plan pursuant to Section 504 of the Rehabilitation Act.
- C. No school employee shall use physical restraint or seclusion on a student unless the school employee has received training in accordance with state law and/or the District's trainings plans as described in Section XI below, upon implementation thereof.
- D. Physical restraint and seclusion of a student shall never be used as a disciplinary measure or as a convenience.
- E. School employees must explore ALL less restrictive alternatives prior to using physical restraint or seclusion for a student.
- F. School employees must comply with all regulations promulgated by the Connecticut State Department of Education in their use of physical restraint and seclusion with a student.
- G. Monitoring
 - 1. Physical restraint: A school employee must continually monitor any student who is physically restrained. The monitoring must be conducted by either:
 - a. direct observation of the student; or
 - b. observation by way of video monitoring within physical proximity sufficient to provide aid as may be needed.
 - 2. Seclusion: A school employee must frequently monitor any student who is placed in seclusion. The monitoring must be conducted by either:

- a. direct observation of the student; or
- b. observation by way of video monitoring within physical proximity sufficient to provide aid as may be needed.

HG. Length

1. Any period of physical restraint or seclusion:
 - a. shall be limited to that time necessary to allow the student to compose him or herself and return to the educational environment; and
 - b. shall not exceed fifteen (15) minutes, except as provided below.
2. If any instance of physical restraint or seclusion of a student used as an emergency intervention exceeds fifteen (15) minutes, one of the following individuals, who have received training in the use of physical restraint or seclusion, will determine whether continued physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others:
 - a. an administrator, or such administrator's designee;
 - b. a school health or mental health personnel; or
 - c. a board certified behavior analyst.
3. The individual identified under subsection 2 (a-c) shall make a new determination every thirty (30) minutes thereafter regarding whether such physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others.

IH. A school employee must regularly evaluate the student being physically restrained or secluded for signs of physical distress. The school employee must record each evaluation in the educational record of the person being physically restrained or secluded.

IV. Seclusion Room Requirements

Seclusion can happen in any location, although a **D**istrict may designate an area or room for this purpose. Regardless of location, any room used for seclusion must:

- A. be of a size that is appropriate to the chronological and developmental age, size and behavior of the student;

- B. have a ceiling height that is comparable to the ceiling height of the other rooms in the building in which the seclusion room is located;
- C. be equipped with heating, cooling, ventilation and lighting systems that are comparable to the systems that are used in the other rooms of the building in which the seclusion room is located;
- D. be free of any object that poses a danger to the ~~person at risk~~ student who is being placed in the seclusion room;
- E. conform to applicable building code requirements.

If the door or doors to a room used for seclusion are to be locked, latched or otherwise secured, a modification from the State Fire Marshal's office shall be secured prior to the installation of a locking mechanism. If a door locking mechanism is used, the ~~person at risk~~ student shall be constantly monitored notwithstanding any other provisions of the Connecticut General Statutes or Regulations to the contrary. The locking mechanism to be used shall be a device that shall be readily released by staff as soon as possible but in no case longer than within two minutes of the onset of an emergency and is connected to the fire alarm system so that the locking mechanism is released automatically when a fire alarm is sounded. An "emergency," for purposes of this subsection, includes but is not limited to the following:

1. the need to provide direct and immediate medical attention to the student;
 2. fire;
 3. the need to remove the student to a safe location during a building lockdown; or
 4. other critical situations that may require immediate removal of the student from seclusion to a safe location.
- F. have an unbreakable observation window or fixture located in a wall or door, which allows the student a clear line of sight beyond the area of seclusion, to permit frequent visual monitoring of the student and any school employee in such room. The requirement for an unbreakable observation window does not apply if it is necessary to clear and use a classroom or other room in the school building as a seclusion room for a student.

V. Use of Psychopharmacologic Agent

- A. No school employee may use a psychopharmacologic agent on a student without that student's consent and the consent of the student's parent/guardian, except:

1. as an emergency intervention to prevent immediate or imminent injury to the student or to others; or
 2. as an integral part of the student's established medical or behavioral support or educational plan, or, if no such plan has been developed, as part of a licensed practitioner's initial orders.
- B. The use of psychopharmacologic agents, alone or in combination, may be used only in doses that are therapeutically appropriate and not as a substitute for other appropriate treatment.
- C. Any administration of a psychopharmacologic agent must **ONLY** be done in accordance with applicable federal and state law and the Board of Education's Administration of Medication Policy.

VI. Procedures for Exclusionary Time Out

- A. No school employee may use exclusionary time out as a form of discipline for a student.
- B. At least one school employee must remain with the student, or be immediately available to the student such that the student and the employee are able to communicate verbally, throughout the exclusionary time out.
- C. The space used for an exclusionary time out must be clean, safe, sanitary and appropriate for the purpose of calming the student or deescalating the student's behavior.
- D. The exclusionary time period must end as soon as possible.
- E. Consistent with subsection D above, the exclusionary time out period may vary depending on the student's chronological and developmental age, individual needs and behavior.

VII. Required Meetings

- A. Students not eligible for special education (and not being evaluated for eligibility for special education)
1. In the event that physical restraint or seclusion is used on a student **four (4) or more times within twenty (20) school days**, a team composed of an administrator, one or more of the student's teachers, a parent or guardian of the student, and, if any, a school mental health professional, shall convene to:

- a. conduct or revise a behavioral assessment of the student;
 - b. create or revise any applicable behavior intervention plan; and
 - c. determine whether such student may require a referral for consideration for special education pursuant to federal and state law.
 - 2. The requirement to convene this meeting shall not supersede the District's obligation to refer a student to a planning and placement team ("PPT") as may be required in accordance with federal and state law.
- B. Students eligible for special education (and students being evaluated for eligibility for special education)
- 1. In the event that physical restraint or seclusion is used on a student **four (4) or more times within twenty (20) school days**, the student's PPT shall convene to:
 - a. conduct or revise a functional behavioral assessment ("FBA");
 - b. create or revise any applicable behavior intervention plan ("BIP"), including but not limited to, such student's individualized education program ("IEP"); and
 - c. review or revise the student's IEP, as appropriate.
 - 2. In the event that the exclusionary time out process is unsuccessful in addressing a student's problematic behavior, the student's PPT shall convene as soon as practicable to determine alternative interventions or strategies to address the student's behavior.
- C. A District and/or school administrator(s) shall determine the school employee(s) responsible for reviewing the number of occurrences of the use of physical restraint or seclusion on a monthly basis to ensure that the appropriate meeting(s) has been convened following the fourth occurrence of physical restraint or seclusion in a twenty (20) day period.

VIII. Crisis Intervention Team

- A. Each school year, each school in the District must identify a crisis intervention team consisting of any teacher, administrator, school paraprofessional or other school employee designated by the school principal (in coordination with other appropriate administrators), and who has direct contact with students.

- B. Members of crisis intervention teams shall respond to any incident in which the use of physical restraint or seclusion may be necessary as an emergency intervention to prevent immediate or imminent injury to a student or others.
- C. The District shall maintain a list of the members of the crisis intervention team for each school.

IX. Documentation and Communication

- A. After each incident of physical restraint or seclusion, and no later than the school day following the incident, a school employee must complete the form provided by the ~~District~~ ArdenPublic Schools for reporting incidents of physical restraint and seclusion. The incident form must be included in the educational file of the student who was physically restrained or secluded. The information documented on the form must include the following:
 - 1. in the case of an emergency use, the nature of the emergency and what other steps, including attempts at verbal de-escalation, were taken to prevent the emergency from arising if there were indications that such an emergency was likely to arise;
 - 2. a detailed description of the nature of the restraint or seclusion;
 - 3. the duration of the restraint or seclusion;
 - 4. the effect of the restraint or seclusion on the student's established behavioral support or educational plan; AND
 - 5. whether the seclusion of a student was conducted pursuant to an IEP.
- B. A school employee must notify the parent or guardian of a student of each incident that the student is physically restrained or secluded.
 - 1. A school employee must make a reasonable attempt to immediately notify a parent or guardian after a student is initially placed in physical restraint or seclusion; in all circumstances, a school employee shall notify the parent or guardian within twenty-four (24) hours after a student is initially placed in physical restraint or seclusion.
 - 2. Notification must be made by telephone, e-mail, or other method which may include, but is not limited to, sending a note home with the student.
 - 3. The parent or guardian of a student who has been physically restrained or placed in seclusion shall be sent a copy of the completed incident report of such action no later than two (2) business days after the use of physical

restraint or seclusion, regardless of whether the parent received the notification described in subsections 1 and 2 above.

The ~~Director of~~ Assistant Superintendent for Special Education and Student Services shall determine what school employees shall be permitted to ensure that required parent/guardian notifications are made.

- C. The Assistant Superintendent for ~~Director of~~ Special Education and Student Services, or his or her designee, must, at each initial PPT meeting for a student, inform the child's parent, guardian, or surrogate parent, or the student if such student is an emancipated minor or eighteen years of age or older, of the laws relating to physical restraint and seclusion as expressed through this regulation, and of the laws and regulations adopted by the Connecticut State Department of Education relating to physical restraint and seclusion.
1. The Assistant Superintendent for ~~Director of~~ Special Education and Student Services and Student Services, or his or her designee, shall provide to the child's parent, guardian, or surrogate parent, or the student if such student is an emancipated minor or eighteen years of age or older, at the first PPT meeting following the student's referral to special education the plain language notice of rights regarding physical restraint and seclusion developed by the Connecticut State Department of Education.
 2. The plain language notice developed by the Connecticut State Department of Education shall also be provided to the student's parent, guardian, or surrogate parent, or the student if such student is an emancipated minor or eighteen years of age or older at the first PPT meeting at which the use of seclusion as a behavior intervention is included in the student's IEP.
- D. The ~~Director of~~ Assistant Superintendent for Special Education and Student Services, or his or her designee, must be notified of the following:
1. each use of physical restraint or seclusion on a student;
 2. the nature of the emergency that necessitated its use;
 3. whether the seclusion of a student was conducted pursuant to an IEP;
AND
 3. if the physical restraint or seclusion resulted in physical injury to the student.

X. Responsibilities of the ~~Director of~~ Assistant Superintendent for Special Education and Student Services

- A. The ~~Director of~~ Assistant Superintendent for Special Education and Student Services, or his or her designee, must compile annually the instances of physical restraint and seclusion within the District, the nature of each instance of physical restraint and seclusion, and whether instances of seclusion were conducted ed pursuant to IEPs.
- B. The ~~Director of~~ Assistant Superintendent for Special Education and Student Services, or his or her designee, must report to the Connecticut State Department of Education within two (2) business days any instance of physical restraint or seclusion that resulted in physical injury (serious and non-serious) to the student.

XI. Professional Development Plan and Training

- A. The District shall provide training regarding the physical restraint and seclusion of students to the members of the crisis intervention team for each school in the District identified in Section VIII, above. The District may provide such training to any teacher, administrator, school paraprofessional or other school employee, designated by the school principal and who has direct contact with students. The District shall provide such training annually and the training shall include, but not be limited to:
 - 1. Beginning with the school year commencing July 1, 2017, an annual overview of the relevant laws and regulations regarding the use of physical restraint and seclusion on students and the proper uses of physical restraint and seclusion. Such overview shall be provided by the Department of Education in a manner and form as prescribed by the Commissioner of Education.
 - 2. The creation of a plan to provide training regarding the prevention of incidents requiring physical restraint or seclusion of students. This plan shall be implemented not later than July 1, 2018.
 - 3. The creation of a plan to provide training regarding the proper means of physical restraint or seclusion of a student, including, but not limited to:
 - a. verbal defusing or de-escalation;
 - b. prevention strategies;
 - c. various types of physical restraint;
 - d. the differences between life-threatening physical restraint and other varying levels of physical restraint;
 - e. the differences between permissible physical restraint and pain compliance techniques;

- f. monitoring methods to prevent harm to a student who is physically restrained or in seclusion; and
- g. recording and reporting procedures on the use of physical restraint and seclusion.

This plan shall be implemented not later than July 1, 2018.

- B. Each member of a crisis intervention team must be recertified in the use of physical restraint and seclusion pursuant to Section XI.A.3, above, on an annual basis.

XII. Review and Revision of Policies, Regulations and Procedures

- A. The District shall make available policies and procedures regarding the physical restraint and seclusion of students and the use of exclusionary time out on the District's Internet web site and procedures manual.
- B. The District shall update any policies, regulations and/or procedures regarding the physical restraint and seclusion of students and the use of exclusionary time out within sixty (60) days after the State Department of Education's adoption or revision of regulations regarding the same. Any and all such updates shall be made available in accordance with subsection A of this section.

Legal References:

~~Public Act 18-51, An Act Implementing the Recommendations of the Department of Education~~

Conn. Gen. Stat. § 10-76b

Conn. Gen. Stat. § 10-76d

Conn. Gen. Stat. § 10-236b

Conn. Gen. Stat. §§ 53a-18 to 53a-22

Conn. State Agencies Reg. §§ 10-76b-5 to 10-76b-11

Other References:

— Restraint and Seclusion: Resource Document, United States Department of Education, available at <http://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf>.

Understanding the Laws and Regulations Governing the Use of Restraint and Seclusion, Connecticut State Department of Education (July 2018).

Guidance Related to Recent Legislation Regarding Restraint and Seclusion, Connecticut
State Department of Education (Revised, July 2018).

REVIEWED BY THE BOARD OF EDUCATION: January 13, 2015

REVISED: November 27, 2018

REVISED:

DRAFT

**Darien Public Schools
Darien, Connecticut**

POLICY

**Series 5100
Attendance**

Policy 5110

SCHOOL ATTENDANCE DISTRICTS

The Board of Education shall determine the geographic areas served by each school within the Darien school district.

The following educational criteria will be used when determining school attendance districts:

Students should be assigned to ensure equal access to educational opportunity at all elementary schools.

Students should be assigned based on class size limits in individual schools, in accordance with Board policy and school procedures.

Core facilities should be adequate for the total enrollment of the school.

Consideration should also be given to these logistical factors:

Children at the same grade levels from the same neighborhoods should, to the degree possible, attend the same school.

Consideration should be given to school proximity and geographic boundaries to the degree that these provisions do not violate the educational provisions above.

Legal Reference:

Connecticut General Statutes 10-15
Connecticut General Statutes 10-15c
Connecticut General Statutes 10-220
Connecticut General Statutes 10-184
Connecticut General Statutes 10-186
Connecticut General Statutes 10-233a – 10-233
Connecticut General Statutes 10-233c
Connecticut General Statutes 10-76a-1

ADOPTED: April 6, 1993
REVISED: June 9, 2009

Darien Public Schools
Darien, Connecticut

SERIES 5000: STUDENTS
POLICY 5125

**STUDENTS AND SECTION 504 OF THE REHABILITATION ACT OF 1973 AND
TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) prohibits discrimination against individuals with a disability in any program receiving Federal financial assistance. Similarly, Title II of the Americans with Disabilities Act of 1990 (“Title II” or “ADA”) prohibits discrimination against individuals with a disability by state and local governments. To be protected under Section 504 and the ADA (collectively “Section 504/ADA”) an individual must (1) have a physical or mental impairment that substantially limits one or more major life activities; (2) have a record of such an impairment; or (3) be regarded as having such an impairment.

In order to fulfill its obligation under Section 504/ADA, the Darien Public Schools (the “District”) recognize a responsibility to avoid discrimination in policies and practices regarding its personnel, students, parents and members of the public who participate in school sponsored programs. In this regard, the ~~Darien Public Schools District~~ prohibits discrimination against any person with a disability in any of the programs operated by the school system.

The ~~Dschool~~ district ~~also~~ has specific responsibilities under Section 504 to identify, evaluate and provide an educational placement for students who have a physical or mental impairment that substantially limits a major life activity. The ~~school D~~district’s obligation includes providing access to free appropriate public education (“FAPE”) for students determined to be eligible under Section 504/ADA. Under Section 504, FAPE is defined as the provision of regular or special education and related services that are designed to meet the individual educational needs of a student with a disability as adequately as the needs of students without disabilities are met, and that are provided without cost (except for fees imposed on nondisabled students/parents).

If the parent or guardian of a student disagrees with the decisions made by the professional staff of the ~~Dschool~~ district with respect to the identification, evaluation, and/or educational placement of his/her child, a parent/guardian has a right to request an impartial due process hearing.

In addition, a student or the parent/~~or~~ guardian of a student may also file an internal grievance/complaint on these issues or any other type of discrimination on the basis of disability by or within the District by utilizing the grievance/complaint procedures outlined in the ~~Board’s~~ Administrative Regulations regarding Students and Section 504 of the Rehabilitation Act of 1973 and Title II of Americans with Disabilities Act associated with this policy, and/or may file a complaint with the Office for Civil Rights, U.S. Department of Education (“OCR”):

Darien Public Schools
Darien, Connecticut

Office for Civil Rights, Boston Office
U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109- 3921
(617) 289-0111

Anyone who wishes to file a complaint, or who has questions or concerns about this policy, should contact the Assistant Superintendent for Special Education and Student Services, the Section 504 Coordinator for the Darien Public Schools, at ~~phone number~~ 203-656-7444.

Legal References: 29 U.S.C. ~~§~~-§ 705, 794
 34 C.F.R. § 104 ~~et seq.~~
 42 U.S.C. 12101 et seq.
 28 C.F.R. Part 35

Protecting Students with Disabilities, Frequently Asked Questions About Section 504 and the Education of Children with Disabilities, Office for Civil Rights (March 17, 2011), available at <http://www.ed.gov/about/offices/list/ocr/504faq.html>

Dear Colleague Letter, United States Department of Education, Office for Civil Rights (January 19, 2012)

APPROVED BY THE BOARD OF EDUCATION: January 13, 2015

REVISED: December 8, 2020

REVISED:

**Darien Public Schools
Darien, Connecticut**

**SERIES 5000: STUDENTS
POLICY R-5125**

**ADMINISTRATIVE REGULATIONS REGARDING STUDENTS
AND SECTION 504 OF THE REHABILITATION ACT OF 1973
AND TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

The Darien Board of Education Section 504/ADAGrievance/Complaint Procedures Regarding
Discrimination Against Students on the Basis of Disability

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) and Title II of the Americans with Disabilities Act of 1990 (“Title II” or “ADA”) (collectively, “Section 504/ADA”) prohibits discrimination on the basis of disability. For the purposes of Section 504/ADA, the term “disability” with respect to an individual means: (a) a physical or mental impairment that substantially limits one or more major life activities of such individual; (b) a record of such an impairment; or (c) being regarded as having such an impairment.

I. Definitions

Free appropriate public education (FAPE): for purposes of Section 504, refers to the provision of regular or special education and related aids and services that are designed to meet individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met, that are provided without cost (except for fees imposed on nondisabled students/parents), and is based upon adherence to procedures that satisfy the Section 504 requirements pertaining to educational setting, evaluation and placement, and procedural safeguards.

Major life activities: include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. A major life activity also includes the operation of a major bodily function such as the functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive systems. The operation of a major bodily function includes the operation of an individual organ within a body system.

Mitigating Measures: include, but are not limited to (a) medication, medical supplies, equipment, appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aid(s) and

Darien Public Schools
Darien, Connecticut

cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment and supplies; (b) use of assistive technology; (c) reasonable modifications or auxiliary aids or services; (d) learned behavioral or adaptive neurological modifications; or (e) psychotherapy, behavioral therapy, or physical therapy.

Physical or Mental Impairment: is a) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems, such as: neurological, musculoskeletal, special sense organs, respiratory, (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic lymphatic, skin, and endocrine b) any mental or psychological disorder, intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities; or (c) an impairment that is episodic or in remission if it would substantially limit a major life activity when active. Physical or mental impairment includes, but is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech, and hearing impairments, and cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism. .

II. Procedures for Grievances/Complaints Alleging Discrimination on the Basis of Disability

- A. Any eligible person, including any student, parent/guardian, staff member or other employee who feels that he/she has been discriminated against on the basis of disability (including differential treatment, harassment and retaliation) may submit a written complaint to the district's designated Section 504/ADA Coordinator (see contact information below) within thirty (30) school days of the alleged occurrence. Complaints by students and/or parents/guardians alleging discrimination involving students will be investigated under these procedures; complaints by employees or other non-students will be investigated under Administrative Regulations
- B. Timely reporting of complaints facilitates the prompt investigation and resolution of such complaints. If a complaint is filed relating to alleged discrimination occurring more than thirty (30) school days after the alleged occurrence, the Board's ability to investigate the allegations may be limited by the passage of time. Therefore, complaints received after thirty (30) school days of the alleged occurrence shall be investigated to the extent possible, given the passage of time and the impact on available information, witnesses and memory. If a complaint is made verbally, the individual taking the complaint will reduce the complaint to writing.

Darien Public Schools
Darien, Connecticut

- C. At any time, when complaints involve discrimination that is directly related to a claim regarding the identification, evaluation, and/or educational placement of a student under Section 504, the complainant may request that the Section 504/ADA Coordinator submit the complaint directly to an impartial hearing officer and request a due process hearing in accordance with Section III.D. Complaints regarding a student's rights with respect to his/her identification, evaluation and/or educational placement shall be addressed in accordance with the procedures set forth below in Section III.
- D. Retaliation against any individual who complains pursuant to the Board's policy and regulations listed herein is strictly prohibited. The district will not tolerate any retaliation that occurs as a result of the good faith reporting or complaint of disability-based discrimination, or as a result of an individual's participation or cooperating in the investigation of a complaint. The district will take necessary actions to prevent retaliation as a result of filing a complaint or the participation in an investigation of a complaint.
- E. If the Section 504/ADA Coordinator is the subject of the complaint, the complaint should be submitted directly to the Superintendent who may conduct the investigation or appoint a designee to conduct the investigation in accordance with these procedures. . If the Superintendent is the subject of the complaint, the Board shall designate an appropriate party to conduct the investigation in accordance with these procedures.
- F. Complaints will be investigated promptly. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information and other extenuating circumstances. Confidentiality will be maintained by all persons involved in the investigation to the extent possible.
- G. If a disability discrimination complaint raises a concern about bullying behavior, the Section 504/ADA Coordinator shall notify the Safe School Climate Specialist or designee who shall coordinate any bullying investigation with the Section 504/ADA Coordinator, so as to ensure that any such bullying investigation complies with the requirements of applicable Board policies.
- H. The complaint should contain the following information:
1. The name of the complainant;
 2. The date of the complaint;
 3. The date(s) of the alleged discrimination;
 4. The names of any witness(es) or individuals relevant to the complaint;
 5. A detailed statement describing the circumstances in which the alleged discrimination occurred; and
 6. Remedy requested.

Darien Public Schools
Darien, Connecticut

However, all complaints will be investigated to the extent possible, even if such information is not included in the complaint. In such circumstances, additional information may be requested by the investigator as part of the investigation process.

- I. Upon receipt of the complaint, the individual investigating the complaint shall:
 1. Provide a copy of the written complaint to the Superintendent of Schools;
 2. Meet separately with the complainant and the respondent within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant and respondent believe have relevant information, and obtain any relevant documents the complainant may have;
 3. Provide the complainant and respondent with a copy of the Board's Section 504 Policy, and these administrative regulations;
 4. Consider whether and which interim measures might be appropriate for an alleged victim and the respondent pending the outcome of the District's investigation;
 5. Conduct an investigation of the factual basis of the complaint that is adequate, reliable, and impartial, including conducting interviews with individuals with information and review of documents relevant to the complaint;
 6. Maintain confidentiality to the extent practicable throughout the investigative process, in accordance with state and federal law;
 7. Communicate the outcome of the investigation in writing to the complainant, and to the respondent (to the extent permitted by state and federal confidentiality requirements), within fifteen (15) school days from the date the complaint was received by the Section 504/ADA Coordinator or Superintendent. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant and the respondent shall be notified of any such extension. ;
 8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint and no later than fifteen (15) school days after the start of the following school year. The complainant and the respondent if the investigation has been impeded by the summer recess will receive notice and interim measures may be implemented as necessary (see sub-paragraph 4);

Darien Public Schools
Darien, Connecticut

9. Ensure that appropriate corrective action is taken whenever allegations are verified. When allegations are verified, ensure that measures to remedy the effects of the discrimination and prevent its recurrence are appropriately considered, and offered, when appropriate.

10. In the event the investigator concludes that there is no violation of Section 504/ADA, the District may attempt to resolve the complainant's ongoing concerns, if possible.

- H. If the complainant or the respondent is not satisfied with the findings and conclusions of the investigation the appealing party may request review and reconsideration of the conclusion of the complaint days of receipt of the written outcome. In requesting review, the appealing party must submit the complaint, the written outcome of the complaint, and explain why he/she believes the factual information relied upon by the investigator was incomplete, the analysis of the facts was incorrect, and/or the appropriate legal standard was not applied, *and* how this would change the investigator's determination in the case. Failure to do so may result in the denial of the review.

Upon review of a written request from the appealing party, the Superintendent shall review the investigative results of the Section 504/ADA Coordinator and determine if further action and/or investigation is warranted. Such action may include consultation with the investigator and other relevant witnesses, a meeting with appropriate individuals to attempt to resolve the complaint or a decision affirming or overruling the investigator's conclusions or findings. The Superintendent shall provide written notice to the appealing party and other party of his/her decision within ten (10) school days following the receipt of the written request for review. When a written request for review is received during summer recess, the Superintendent conduct the review as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the review, and no later than ten (10) school days after the start of the following school year. The Superintendent's decision shall be final.

III. Grievance/Complaint Resolution Procedures for Complaints Involving a Student's Identification, Evaluation, and/or Educational Placement

Complaints regarding a student's identification, evaluation, and/or educational placement shall generally be handled using the procedures described below. **However, at any time, the complainant may request that the Section 504 Coordinator submit the complaint directly to an impartial hearing officer, and request a hearing in accordance with the provisions of subsection D (below).**

Darien Public Schools
Darien, Connecticut

A. Submission of Complaint to Section 504/ADA Coordinator

1. In order to facilitate the prompt investigation of complaints, any complaint regarding a student's identification, evaluation and/or educational placement under Section 504 should be forwarded to the district's Section 504/ADA (see contact information below) Coordinator within thirty (30) school days of the alleged date that the dispute regarding the student's identification, evaluation and/or education placement arose. Timely reporting of complaints facilitates the resolution of potential educational disputes.
2. The complaint concerning a student's identification, evaluation and/or educational placement should contain the following information:
 - a. Full name of the student, age, and grade level;
 - b. Name of parent(s);
 - c. Address and relevant contact information for parent/complainant;
 - d. Date of complaint;
 - e. Specific areas of disagreement relating to the student's identification, evaluation and/or placement; and
 - f. Remedy requested.

However, all complaints will be investigated to the extent possible even if such information is not included in the written complaint. In such circumstances, additional information may be requested by the investigator as part of the investigation process.

3. Complaints will be investigated promptly within timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information and other extenuating circumstances.
4. Upon receipt of the complaint, the Section 504/ADA Coordinator shall:
 - a. Forward a copy of the complaint to the Superintendent of Schools;
 - b. Meet with the complainant within ten (10) school days to discuss the nature of his/her concerns and determine if an appropriate resolution can be reached or whether interim measures may be appropriate. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and other individuals who may have information relevant to the complaint,

Darien Public Schools
Darien, Connecticut

and no later than ten (10) school days after the start of the following school year;

c. If, following such a meeting, further investigation is deemed necessary, the Section 504/ADA Coordinator shall promptly investigate the factual basis for the complaint, consulting with any individuals reasonably believed to have relevant information, including the student and/or complainant; and

d. Communicate the results of his/her investigation in writing to the complainant and any persons named as parties to the complaint (to the extent permitted by state and federal confidentiality requirements) within fifteen (15) school days from the date the complaint was received by the Section 504 Coordinator.

e. In the event that the person making the complaint contends that the Section 504 Coordinator has a conflict of interest that prevents him/her from serving in this role, the complaint shall be forwarded to the Superintendent who shall appoint an investigator who does not have a conflict of interest.

B. Review by Superintendent of Schools

1. If the complainant is not satisfied with the findings and conclusions of the investigation, the appealing party may present the complaint and written outcome to the Superintendent for review and reconsideration within thirty (30) calendar days of receiving the findings. This process provides an opportunity for the appealing party to bring information to the Superintendent's attention that would change the outcome of the investigation. In submitting the complaint and written outcome for review, the appealing party must explain why he/she believes the factual information relied upon by the investigator was incomplete, the analysis of the facts was incorrect, and/or the appropriate legal standard was not applied, *and* how this would change the investigator's determination in the case. Failure to do so may result in the denial of the review.
2. Upon review of a written request from the appealing party, the Superintendent shall review the investigative results of the investigator and determine if further action and/or investigation is warranted. Such action may include consultation with the investigator and other relevant witnesses, a meeting with appropriate individuals to attempt to resolve the complaint or a decision affirming or overruling the investigator's conclusions or findings.

Darien Public Schools
Darien, Connecticut

3. Following the Superintendent's review, he or she shall provide written notice to the appealing party of his/her findings to the complainant within ten (10) school days following his/her receipt of the written request for review , or if the request is received during summer recess, as quickly as possible but no later than ten (10) school days after the start of the following school year.

.

4. If the complainant is not satisfied with the Superintendent's decision or proposed resolution, he/she may request that the Superintendent submit the matter to a neutral mediator or to an impartial hearing officer. This request for a hearing/mediation should be made within fifteen (15) school days of the Superintendent's decision.

C. Mediation Procedures:

1. A parent or guardian may request mediation with a neutral mediator to attempt to resolve a disagreement with the decisions made by the professional staff of the school district with respect to the identification, evaluation, and/or educational placement of his/her child.

2. A request for mediation regarding a student's identification, evaluation and/or educational placement under Section 504 should be forwarded to the district's Section 504/ADA Coordinator within thirty (30) school days of the alleged date that the dispute regarding the student's identification, evaluation, and/or education placement arose or within fifteen (15) school days of the Superintendent's decision in reviewing a complaint handled through the grievance/complaint procedure described in Section III.B, above. Mediation shall only occur by mutual agreement of the parties..

3. The request for mediation concerning a disagreement relating to a student's identification, evaluation and/or educational placement should contain the following information:

- a. Full name of the student, age, and grade level;
- b. Name of parent(s);
- c. Address and relevant contact information for parent/complainant;
- d. Date of complaint;
- e. Specific areas of disagreement relating to the student's identification, evaluation and/or placement; and
- f. Remedy requested.

4. Upon receipt of a request for mediation, the Section 504/ADA Coordinator shall:

Darien Public Schools
Darien, Connecticut

- i. Forward a copy of the request for mediation to the Superintendent of Schools;
 - ii. Inform the parent/guardian or student 18 years old or older as to whether the district agrees to mediation in writing;
 - iii. If the District agrees to mediation, the Board shall retain a neutral mediator who is knowledgeable about the requirements of Section 504/ADA, and has an understanding of a free appropriate public education ("FAPE") under Section 504, and the distinctions between and among Section 504, the ADA and the Individuals with Disabilities Education Act ("IDEA").
 - iv If the district does not agree to mediation, the Section 504/ADA Coordinator shall inform the parent/guardian or student aged 18 or older of their right to request an impartial hearing.
5. The mediator shall inform all parties involved of the date, time and place of the mediation and of the right to have legal counsel or other representation at the complainant's own expense, if desired.
6. The mediator shall meet with the parties jointly, or separately, as determined by the mediator, and shall facilitate a voluntary settlement of the dispute between the parties, if possible.
7. All statements, offers, or discussions and/or information shared during the mediation process, but not available from other means, shall be confidential, and may not be used in a subsequent hearing or proceeding related to the disagreement that is the subject of the mediation.
8. If the parties are not able to reach a voluntary settlement of the dispute, the complainant may request an impartial hearing, as described below.

D. Impartial Hearing Procedures:

An impartial due process hearing is available to the parent or guardian of a student or a student aged 18 years of age or older who disagrees with the decisions made by the professional staff of the school district with respect to the identification, evaluation, and/or educational placement of the student, or otherwise makes a claim of discrimination relating to the identification, evaluation, or educational placement of the student.

Darien Public Schools
Darien, Connecticut

1. The request for a due process hearing concerning a disagreement relating to a student's identification, evaluation or educational placement should contain the following information:

- a. Full name of the student, age, and grade level;
- b. Name of parent(s);
- c. Address and relevant contact information for parent/complainant;
- d. Date of complaint;
- e. Specific areas of disagreement relating to the student's identification, evaluation and/or placement; and
- f. Remedy requested.

2. Upon receipt of a request for an impartial due process hearing, the Board shall retain an impartial hearing officer. The impartial hearing officer must be someone who is knowledgeable about Section 504/ADA and has an understanding of a free appropriate public education ("FAPE") under Section 504, and the distinctions between Section 504, the ADA and the regulations and requirements of the Individuals with Disabilities Education Act (IDEA).

The impartial hearing officer shall schedule a pre-hearing conference with the District and the parents or student 18 years of age or older (and/or legal counsel for the student) to identify the issue(s) for hearing, set the hearing schedule, and address other administrative matters related to the hearing, including the option for mediation

3The impartial hearing officer shall inform all parties involved of the date, time and place of the hearing and of the right to present witness(es), other evidence, and to be represented by legal counsel at each party's own expense, if desired.

4The impartial hearing officer shall hear all aspects of the complainant's complaint and/or appeal concerning the identification, evaluation and/or educational placement of the student and shall reach a decision within forty-five (45) school days of receipt of the request for hearing. The decision shall be presented in writing to the complainant and to the Section 504/ADA Coordinator. The impartial hearing officer's decision shall be final.

5An impartial hearing officer under Section 504 does not have jurisdiction to hear claims alleging discrimination, harassment or retaliation based on an individual's disability unless such a claim is ***directly related*** to a claim regarding the identification, evaluation, or educational placement of a student under Section 504.

Darien Public Schools
Darien, Connecticut

6The time limits noted herein may be extended for good cause shown, including but not limited to if more time is needed to permit thorough review, presentation of evidence, and opportunity for resolution.

E. Drug/Alcohol Violations

If a student with a disability violates the Board's policies relative to the use or possession of illegal drugs or alcohol, the Board may take disciplinary action against such student for his/her illegal use or possession of drugs or alcohol to the same extent that the Board would take disciplinary action against nondisabled students. Such disciplinary action is not subject to the complaint or due process procedures outlined above

IV. *The Section 504/ADA Coordinator for this district is:*

Assistant Superintendent for Special Education and Student Services
Darien Public Schools
35 Leroy Avenue
Darien, CT 06820

Telephone: 203-656-7474

V. *Complaints to Federal Agencies*

At any time, the complainant has the right to file a formal complaint with the U.S. Department of Education, Office for Civil Rights, 8th Floor, 5 Post Office Square, Suite 900, Boston, MA 02109-0111 (TELEPHONE NUMBER (617) 289-0111);
<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>.

**Darien Public Schools
Darien, Connecticut**

**NOTICE OF PARENT/STUDENT RIGHTS
UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973**

Section 504 of the Rehabilitation Act of 1973 (commonly referred to as “Section 504”) is a non-discrimination statute enacted by the United States Congress. Section 504 prohibits discrimination on the basis of disability. Under Section 504, the school district also has specific responsibilities to identify, evaluate and provide an educational placement for students who are determined to have a physical or mental impairment that substantially limits a major life activity. The school district’s obligation includes providing such eligible students a free appropriate public education (“FAPE”). Section 504 defines FAPE as the provision of regular or special education and related services that are designed to meet the individual educational needs of a student with a disability as adequately as the needs of students without disabilities are met, and that are provided without cost (except for fees imposed on nondisabled students/parents).

A student is covered under Section 504 if it is determined that he/she suffers from a mental or physical disability that substantially limits one or more major life activity such as (but not limited to) caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. A major life activity may also include the operation of a major bodily function, such as an individual’s immune, digestive, respiratory or circulatory systems.

A student can be disabled and be covered by Section 504 even if he/she does not qualify for, or receive, special education services under the IDEA.

The purpose of this notice is to provide parents/guardians and students 18 years of age and older with information regarding their rights under Section 504. Under Section 504, you have the right:

Darien Public Schools
Darien, Connecticut

1. To be informed of your rights under Section 504;
2. To have your child take part in and receive benefits from the Darien Public School District's education programs without discrimination based on his/her disability.
3. For your child to have equal opportunities to participate in academic, nonacademic and extracurricular activities in your school without discrimination based on his/her disability;
4. To be notified of decisions and the basis for decisions regarding the identification, evaluation, and educational placement of your child under Section 504;
5. If you suspect your child may have a disability, to request an evaluation, at no expense to you, to have an eligibility determination under Section 504, and if eligible, placement decisions made by a team of persons who are knowledgeable of your child, the assessment data, and any placement options;
6. If your child is eligible for services under Section 504, for your child to receive a free appropriate public education (FAPE). This includes the right to receive regular or special education and related services that are designed to meet the individual needs of your child as adequately as the needs of students without disabilities are met.
7. If your child is eligible for services under Section 504, for your child to receive reasonable accommodations and services to allow your child an equal opportunity to participate in school, extra-curricular and school-related activities;
8. For your child to be educated with peers who do not have disabilities to the maximum extent appropriate;
9. To have your child educated in facilities and receive services comparable to those provided to non-disabled students;
10. To review all relevant records relating to decisions regarding your child's Section 504 identification, evaluation, and educational placement;
11. To examine or obtain copies of your child's educational records at a reasonable cost unless the fee would effectively deny you access to the records;
12. To request changes in the educational program of your child, to have your request and related information considered by the team, a decision made by the team, and if denied, an explanation for the team's decision/determination;

**Darien Public Schools
Darien, Connecticut**

13. To an impartial due process hearing if you disagree with the school district's decisions regarding your child's Section 504 identification, evaluation or educational placement. The costs for this hearing are borne by the local school district. You and the student have the right to take part in the hearing and to have an attorney represent you at your expense.
14. To file a local grievance/complaint with the district's designated Section 504 Coordinator to resolve complaints of discrimination including, but not limited to, claims of discrimination directly related to the identification, evaluation or placement of your child.
15. To file a formal complaint with the U.S. Department of Education, Office for Civil Rights.

The Section 504/ADA Coordinator for this district is:

Assistant Superintendent for Special Education and Student Services
Darien Public Schools
35 Leroy Avenue
Darien, CT 06820
Telephone: 203-656-7474

For additional assistance regarding your rights under Section 504, you may contact:

Boston Regional Office
Office for Civil Rights
U.S. Department of Education
8th Floor
5 Post Office Square, Suite 900
Boston, MA 02109-3921
Telephone: (617) 289-0111

Darien Public Schools
Darien, Connecticut

REVIEWED BY THE BOARD OF EDUCATION: January 13, 2015
Revised: December 8, 2020

DARIEN PUBLIC SCHOOLS
Darien, Connecticut

Series 5000: STUDENTS
Policy 5130

STUDENT ATTENDANCE, TRUANCY AND CHRONIC ABSENTEEISM

Regular and punctual student attendance in school is essential to the educational process. Connecticut state law places responsibility for assuring that students attend school with the parent or other person having control of the child. To assist parents and other persons in meeting this responsibility, the Board of Education, through its Superintendent, will adopt and maintain procedures to implement this policy.

In addition, the Board of Education takes seriously the issue of chronic absenteeism. To address this issue, the Board of Education, through its Superintendent, will adopt and maintain procedures regarding chronic absenteeism in accordance with state law.

Legal References:

Connecticut General Statutes § 10-220

Connecticut General Statutes § 10-184

Connecticut General Statutes § 10-186

Connecticut General Statutes § 10-198a

Connecticut General Statutes § 10-198b

Connecticut General Statutes § 10-198c

Connecticut General Statutes § 10-198d

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

Public Act No. 21-46
June Special Session, Public Act No. 21-2
Public Act No. 21-199

Guidelines for Reporting Student Attendance in the Public School Information System (Connecticut State Department of Education, January 2008)

~~Connecticut State Department of Education Circular Letter C-2, Utilizing Local Support Resources Prior to Referral of Students for Family with Service Needs (August 4, 2009)~~

Connecticut State Board of Education Memorandum, *Definitions of Excused and Unexcused Absences* (June 27, 2012)

Connecticut State Department of Education, *Guidelines for Implementation of the Definitions of Excused and Unexcused Absences and Best Practices for Absence Prevention and Intervention* (April 2013)

~~Darien board of Education Policy 6940: Home Instruction~~

~~Connecticut State Department of Education, Adapt, Advance, Achieve: Connecticut's Plan to Learn and Grow Together (June 29, 2020), available at <https://portal.ct.gov/-/media/SDE/COVID-19/CTReopeningSchools.pdf>~~

Connecticut State Department of Education Memorandum, Youth Service Bureau Referral for Truancy and Defiance of School Rules (February 22, 2018)

Connecticut State Department of Education, Youth Service Bureau Referral Guide (February 2018)

ADOPTED BY THE BOARD OF EDUCATION: March 28, 2017

REVISED: June 12, 2018

~~November 10, 2020~~

REVISED:

**ADMINISTRATIVE REGULATIONS REGARDING
ATTENDANCE, TRUANCY AND CHRONIC ABSENTEEISM**

I. Attendance and Truancy

A. Definitions for Section I

1. “Absence” - any day during which a student is not considered “in attendance” at ~~his/her~~ the student’s assigned school, or on a school sponsored activity (e.g. field trip), for at least one half of the school day.
2. “Disciplinary absence” - Any absence as a result of school or district disciplinary action. Any student serving an out-of-school suspension or expulsion should be considered absent. Such absence is not considered excused or unexcused for attendance and truancy purposes.
3. “Educational evaluation” - for purposes of this policy, an educational evaluation is an assessment of a student’s educational development, which, based upon the student’s presenting characteristics, would assess (as appropriate) the following areas: health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities.
4. “Excused absence” - a student is considered excused from school if the school has received written documentation describing the reason for the absence within ten (10) school days of the student’s return to school, or if the ~~child-student~~ has been excluded from school in accordance with section 10-210 of the Connecticut General Statutes (regarding communicable diseases), and the following criteria are met:
 - a. Any absence before the student’s tenth (10th) absence is considered excused when the student’s parent/guardian approves such absence and submits appropriate written documentation in accordance with this regulation.
 - b. For the student’s tenth (10th) absence and all absences thereafter, a student’s absences from school are, with

appropriate documentation in accordance with this regulation, considered excused only for the following reasons:

- i. student illness (verified by an appropriately licensed medical professional);
- ii. religious holidays;
- iii. mandated court appearances (documentation required);
- iv. funeral or death in the family, or other emergency beyond the control of the student's family;
- v. extraordinary educational opportunities pre-approved by the district administrators and in accordance with Connecticut State Department of Education guidance and this regulation;
- vi. lack of transportation that is normally provided by a district other than the one the student attends.

- c. A student, age five (5) to eighteen (18), **inclusive**, whose parent or legal guardian is an active duty member of the armed forces who has been called for duty, is on leave from or has immediately returned from deployment to a combat zone or combat support posting, shall be granted ten (10) days of excused absences in any school year, and, in the discretion of the administration, additional excused absences to visit such student's parent or legal guardian with respect to the parent's leave or deployment. In the case of such excused absences, the student and parent or legal guardian are responsible for obtaining assignments from the student's teacher prior to any period of excused absence, and for ensuring that such assignments are completed by the student prior to ~~his or her~~ **the child's** return to school.

"Excused Absence" excludes a student's engagement in (1) virtual classes, (2) virtual meetings, (3) activities on time-logged electronic systems, and (4) the completion and submission of assignments, if such engagement accounts for not less than one-half of the school day during remote learning."

5. "In Attendance" - Any day during which a student is present at the student's assigned school, or an activity sponsored by the school, for at least half of the regular school day.
6. "Mental health wellness day" - a school day during which a student attends to such student's emotional and psychological well-being in lieu of attending school.
7. "Remote learning" means instruction by means of one or more Internet-based software platforms as part of a remote learning modal as may be authorized by the Darien Board of Education (the "Board") in accordance with applicable law.
86. "Student" - a student enrolled in the Darien Public Schools.
97. "Truant" - any student **five (5) to eighteen (18)** years of age, inclusive, who has **four (4)** unexcused absences from school in any one month or **ten (10)** unexcused absences from school in any school year.
108. "Unexcused absence" - any absence from a regularly scheduled school day for at least one half of the school day, which is not excused or considered a disciplinary absence.

"Unexcused absence" excludes a student's engagement in (1) virtual classes, (2) virtual meetings, (3) activities on time-logged electronic systems, and (4) the completion and submission of assignments, if such engagement accounts for not less than one-half of the school day during remote learning."

The determination of whether an absence is excused will be made by the building principal or ~~his/her~~ designee. Parents or other persons having control of the child may appeal that decision to the Superintendent or ~~his/her~~ designee, whose decision shall be final.

B. Mental Health Wellness Days

Any student enrolled in grades kindergarten to twelve, inclusive, shall be permitted to take two mental health wellness days during the school year, during which day such student shall not be required to attend school. No student shall take mental health wellness days during consecutive school days.

CB. Written Documentation Requirements for Absences

1. Written documentation must be submitted for each incidence of absence within ten (10) school days of the student's return to school. Consecutive days of absence are considered one incidence of absence. (For example, if a student is absent for eight (8) consecutive days of school due to illness, only one signed doctor's note will be required to document those eight days. However, the student would be charged with eight days of absences.)
2. The first nine (9) days of absence will be excused upon receipt of a signed note from the student's parent/guardian, a signed note from a school official that spoke with the parent/guardian regarding the absence, or a note confirming the absence by the school nurse or by a licensed medical professional, as appropriate.
3. For the student's tenth (10th) absence, and all absences thereafter, documentation of the absence must be submitted in accordance with paragraphs 1 and 2 above, and must also include the reason for the absence and the following additional information:
 - a. student illness:
 - i. a signed note from a medical professional, who may be the school nurse, who has evaluated the student confirming the absence and giving an expected return date; or
 - ii. a signed note from school nurse who has spoken with the student's medical professional and confirmed the absence, including the date and location of the consultation.
 - b. religious holidays: none.
 - c. mandated court appearances:
 - i. a police summons;
 - ii. a subpoena;
 - iii. a notice to appear;
 - iv. a signed note from a court official; or

- v. any other official, written documentation of the legal requirement to appear in court.
 - d. funeral or death in the family, or other emergency beyond the control of the student's family: a written document explaining the nature of the emergency.
 - e. extraordinary educational opportunity pre-approved by the district administrators and in accordance with Connecticut State Department of Education guidance and this policy: written pre-approval from the administration, in accordance with this regulation.
 - f. lack of transportation that is normally provided by a district other than the one the student attends: none.
4. Text messages shall not serve to satisfy the requirement of written documentation.
5. The ~~Darien Public Schools~~District reserves the right to randomly audit written documentation received, through telephone and other methods of communication, to determine its authenticity.
6. Any absence that is not documented in accordance with this regulation within ten (10) school days after the incidence of absence will be recorded as unexcused. If documentation is provided within ten (10) school days, but is incomplete, the building principal may, at ~~his/her~~the principal's own discretion, grant up to a five (5) school day extension for provision of the completed documentation.

DE. Extraordinary Educational Opportunities

1. To qualify as an extraordinary educational opportunity, the opportunity must:
- a. be educational in nature and must have a learning objective related to the student's course work or plan of study;
 - b. be an opportunity not ordinarily available to the student;
 - c. be grade and developmentally appropriate; and
 - d. include content that is highly relevant to the student; while some opportunities will be relevant to all students, others

will contain very specific content that would limit their relevance to a smaller group of students.

2. Family vacations do not qualify as extraordinary educational opportunities.
3. No student enrolled in the Darien Public Schools can be enrolled in another public or private school or program during Darien school hours. Such dual enrollment will not be considered an extraordinary educational opportunity.
4. All requests for approval of extraordinary educational opportunities must:
 - a. be submitted to the building principal in writing prior to the opportunity, but no later than ten (10) school days prior to the opportunity except in exceptional circumstances at the discretion of the building administrator;
 - b. contain the signatures of both the parent/guardian and the student;
 - c. include an outline of the learning objective of the opportunity and include detail as to how the objective is linked to the student's coursework or plan of study; and
 - d. include additional documentation, where available, about the opportunity.
5. The building principal shall provide a response in writing and include the following:
 - a. either approval or denial of the request;
 - b. brief reason for any denial;
 - c. any requirements placed upon the student as a condition of approval;
 - d. the specific days approved as excused absences for the opportunity;
 - e. the understanding that the building administrator may withdraw its approval if the opportunity is canceled or the student fails to meet the agreed-upon requirements of the approval.

6. All decisions of the building principal relating to extraordinary educational opportunities shall be final.
7. Students who are granted excusal from school to participate in extraordinary educational opportunities are expected to share their experiences with other students and/or school staff when they return.
8. Approval for an extraordinary educational opportunity is determined on a case-by-case basis and the analysis of individualized factors. An opportunity approved for one student may not be approved for another.

ED. Truancy Exceptions:

1. A student **five (5) or six (6) years of age** shall not be considered truant if the parent or person having control over such student has appeared personally at the school district office and exercised the option of not sending the child to school at five (5) or six (6) years of age.
2. Until June 30, 2023, a student **seventeen (17) years of age** shall not be considered truant if the parent or person having control over such student consents to such student's withdrawal from school. Such parent or person shall personally appear at the school district office and sign a withdrawal form indicating such consent. Such withdrawal form must include an attestation from a guidance counselor or school administrator from the school that the district provided the parent (or person having control of the child) with information on the educational options available in the school system and community.
3. Beginning July 1, 2023, a student who is eighteen (18) years of age or older may withdraw from school. Such student shall personally appear in person at the school District office and sign a withdrawal form. Such withdrawal form must include an attestation from a guidance counselor or school administrator from the school that the District provided such student with information on the educational options available in the school system and community
4. Beginning July 1, 2023, a student seventeen (17) years of age shall not be considered truant if the parent or person having control over such child withdraws such child from school and enrolls such child in an adult education program pursuant to Conn. Gen. Stat. § 10-

69. Such parent or person shall personally appear at the school District office and sign an adult education withdrawal and enrollment form. Such adult education withdrawal and enrollment form shall include an attestation (1) from a school counselor or school administrator of the school that the District has provided such parent or person with information on the educational options available in the school system and in the community, and (2) from such parent or person that such child will be enrolled in an adult education program upon such child's withdrawal from school.

53. If a parent or guardian of an expelled student chooses not to enroll the student in an alternative program, the student shall not be considered to be “truant.”

FF. Readmission to School Following Voluntary Withdrawal

1. Except as noted in paragraph 2 below, if a student voluntarily withdraws from school (in accordance with Section ED.2 or 4, above) and subsequently seeks readmission, the Board may deny school accommodations to the student for up to ninety (90) school days from the date of the student’s withdrawal from school.
2. If a student who has voluntarily withdrawn from school (in accordance with Section ED.2 or 4, above) seeks readmission within ten (10) school days ~~of his/her~~ the student’s withdrawal, the Board shall provide school accommodations to the student not later than three (3) school days after the student requests readmission.

GF. Determinations of Whether a Student is “In Attendance”:

1. A student serving an out of school suspension or expulsion shall be reported as absent unless ~~he or she~~ the student receives an alternative educational program for at least one half of the regular school day. In any event, the absence is considered a disciplinary absence, and will not be designated as excused or unexcused.
2. On early dismissal days and days shortened due to inclement weather, the regular school day for attendance purposes is considered to be the amount of instructional time offered to students on that day. For example, if school is open for four hours on a shortened day scheduled, a student must be present for a minimum of two hours in order to be considered “in attendance.”
3. Students placed on homebound instruction due to illness or injury in accordance with applicable regulations and requirements are

counted as being “in attendance” for every day that they receive instruction from an appropriately certified teacher for an amount of time deemed adequate in accordance with applicable law.

HG. Procedures for students in grades K-8*

1. Notification

- a. Annually at the beginning of the school year and upon the enrollment of any child during the school year, the administration shall notify the parent or other person having control of the student enrolled in grades K - 8 in writing of the obligations pursuant to Conn. Gen. Stat. § 10-184 to ensure that such a student attends school regularly or to show that the child is elsewhere receiving equivalent instruction in the studies taught in the Darien Public Schools.
- b. Annually at the beginning of the school year and upon the enrollment of any child during the school year, the administration shall obtain from the parent or other person having control of the student in grades K-8 a telephone number or other means of contacting such parent or other person during the school day.

2. Monitoring

Each school shall implement a system of monitoring individual unexcused absences of students in grades K-8. Whenever such a student fails to report to school on a regularly scheduled school day, school personnel under the direction of the building principal ~~for his/her designee~~ shall make a reasonable effort to notify the parent or other person having control of such student by telephone and by mail of the student's absence, unless school personnel have received an indication that the parent or other person is aware of the student's absence. **~~Reasonable efforts shall include two (2) attempts to reach the parent or other person at the telephone number provided by the parent or other person. Such attempts shall be recorded on a form provided by the Superintendent.~~** Mailed notice of the student's absence shall include a warning that two unexcused absences from school in a month or five unexcused absences in a school year may result in a complaint filed with the Superior Court pursuant to section 46b-149 of the Connecticut General Statutes alleging the belief that the acts or omissions of the child are such that the child's family is a family with service needs. Any person who, in good faith, gives or fails to give such notice shall be immune from liability, civil or

criminal, which might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding which results from such notice or failure to give notice.

~~*[*Note: State law mandates notification and monitoring only with regard to students in grades K-8. Boards of Education are free, however, to extend the application of monitoring and intervention procedures to students at all grade levels.]*~~

II. Procedures applicable to students ages five (5) to eighteen (18)

1. Intervention

- a. When a student is truant, the building principal or ~~his/her~~ designee shall schedule a meeting with the parent (or other person having control of such student) and appropriate school personnel to review and evaluate the reasons for the student's truancy. This meeting shall be held no later than **ten (10) days** after the student becomes truant. The district shall document the meeting, and if parent or other person declines to attend the meeting, or is otherwise is non responsive, that fact shall also be documented and the meeting shall proceed with school personnel in attendance.
- b. When a student is truant, the Superintendent or ~~his/her~~ designee shall coordinate services with and referrals of students to community agencies providing child and family services, as appropriate. The district shall document efforts to contact and include families and to provide early intervention in truancy matters.
- c. If the Commissioner of Education determines that any school under the jurisdiction of the Board has a disproportionately high rate of truancy, the District shall implement in that school a truancy intervention model identified by the Department of Education pursuant to Conn. Gen Stat. Section 10-198e.
- c. ~~If the parent or other person having control of a student who is truant fails to attend the meeting held pursuant to subsection H.1.a., above, or otherwise fails to cooperate with the school in attempting to solve the truancy problem, the Superintendent shall file, within fifteen (15) calendar days of such failure to attend the meeting or other failure to cooperate with the school in attempting to solve the truancy problem, for such truant a written complaint with the Superior Court pursuant to Conn. Gen. Stat. § 46b-149 alleging the belief that the acts or~~

~~omissions of the truant are such that his/her family is a family with service needs.~~

d. In addition to the procedures specified in subsections a through c above, a regular education student who is experiencing attendance problems should be referred to the building Child Study Team **[or other appropriate school based team]** to consider the need for additional interventions and/or assistance. The Team will also consider whether the student should be referred to a planning and placement team ("PPT") meeting to review the student's need and eligibility for special education. A special education student who is experiencing attendance problems should be referred to a PPT meeting for program review.

e. ~~If a family with service needs petition is filed and the court orders an educational evaluation of the student, the district shall conduct an appropriate educational evaluation if no such evaluation has been performed within the preceding year.~~

~~i. For a regular education student, the educational evaluation will be conducted or arranged for by appropriate school personnel and coordinated through the Child Study Team **[or other appropriate school based team]**. Upon completion of the evaluation of a regular education student, the Child Study Team **[or other appropriate school based team]** shall review the evaluations and make appropriate recommendations for alternative procedures, programs or interventions. Such recommendations may include a referral of the student for further evaluation and/or consideration for special education eligibility.~~

~~ii. In the case of a student who requires or may require special education and related services, the district shall convene a PPT to determine what evaluations may be appropriate to assess any specific areas of concern. The PPT shall reconvene to review the evaluations and make appropriate recommendations regarding the student's need for special education services and the need, if any, to write and/or revise the student's individualized education program ("IEP").~~

e. When the documented implementation of the procedures specified in subsections (a) through (d) above does not result in improved outcomes despite collaboration with the parent/guardian, the Superintendent or designee may, with

written parental consent, refer a student who is truant to a Youth Service Bureau.

J. Attendance Records

All attendance records developed by the Board shall include the individual student's state-assigned student identifier (SASID).

II. Chronic Absenteeism

A. Definitions for Section II

1. "Chronically absent child" - a child who is enrolled in a school under the jurisdiction of the Darien Board of Education and whose total number of absences at any time during a school year is equal to or greater than ten percent (10%) of the total number of days that such student has been enrolled at such school during such school year;
2. "Absence" - (a) an excused absence, unexcused absence or disciplinary absence, as those terms are defined by the State Board of Education pursuant to section 10-198b of the general statutes and these administrative regulations, or (b) an in-school suspension, as defined in section 10-233a of the general statutes, that is greater than or equal to one-half of a school day;
3. "District chronic absenteeism rate" - the total number of chronically absent children under the jurisdiction of the Darien Board of Education in the previous school year divided by the total number of children-students under the jurisdiction of the Board of Education for such school year; and
4. "School chronic absenteeism rate" - the total number of chronically absent children-students for a school in the previous school year divided by the total number of children-students enrolled in such school for such school year.

B. Establishment of Attendance Review Teams

If the ~~Darien~~ Board ~~of Education~~ has a district chronic absenteeism rate of ten percent (10%) or higher, it shall establish an attendance review team for the school district.

If a school under the jurisdiction of the ~~Darien~~ Board ~~of Education~~ has a school chronic absenteeism rate of fifteen percent (15%) or higher, it shall establish an attendance review team for that school.

If the ~~Darien~~ Board of Education has more than one school with a school chronic absenteeism rate of fifteen percent (15%) or higher, it shall establish an attendance review team for the school district or at each such school.

If the ~~Darien~~ Board of Education has a district chronic absenteeism rate of ten percent (10%) or higher and one or more schools with a school chronic absenteeism rate of fifteen percent (15%) or higher, it shall establish an attendance review team for the school district or at each such school.

C. Composition and Role of Attendance Review Teams

Any attendance review team established under these regulations may include school administrators, guidance counselors, school social workers, teachers, representatives from community-based programs who address issues related to student attendance by providing programs and services to truants, as defined under I.A. 79, and chronically absent ~~children~~ students and their parents or guardians.

Each attendance review team shall be responsible for reviewing the cases of truants and chronically absent ~~children~~ students, discussing school interventions and community referrals for such truants and chronically absent ~~students~~ children and making any additional recommendations for such truants and chronically absent children and their parents or guardians. Each attendance review team shall meet at least monthly.

D. State Chronic Absenteeism Prevention and Intervention Plan

The Darien Board of Education and its attendance review teams, if any, will consider any chronic absenteeism prevention and intervention plan developed by the State Department of Education.

III. Reports to the State Regarding Truancy Data

Annually, each local and regional board of education shall include information regarding the number of truants and chronically absent children in the strategic school profile report for each school under its jurisdiction and for the school district as a whole submitted to the Commissioner of Education. Measures of truancy include the type of data that is required to be collected by the Department of Education regarding attendance and unexcused absences in order for the department to comply with federal reporting requirements and the actions taken by the board of education to reduce truancy in the school district.

IV. Evolving State Department of Education and State Board of Education

The Board will comply with any and all guidance issued by the State Department of Education and/or the State Board of Education regarding attendance requirements, including during periods of remote learning.

Legal References:

Public Act No. 21-46

June Special Session, public act No.21-2

Public act No. 21-199

Connecticut General Statutes § 10-220

Connecticut General Statutes § 10-184

Connecticut General Statutes § 10-186

Connecticut General Statutes § 10-198a

Connecticut General Statutes § 10-198b

Connecticut General Statutes § 10-198c

Connecticut General Statutes § 10-198d

Connecticut General Statutes § 10-198e

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

Guidelines for Reporting Student Attendance in the Public School Information System (Connecticut State Department of Education, January 2008)

~~Connecticut State Department of Education Circular Letter C-2, Utilizing Local Support Resources Prior to Referral of Students for Family with Service Needs (August 4, 2009)~~

Connecticut State Board of Education Memorandum, *Definitions of Excused and Unexcused Absences* (June 27, 2012)

Connecticut State Department of Education, *Guidelines for Implementation of the Definitions of Excused and Unexcused Absences and Best Practices for Absence Prevention and Intervention* (April 2013)

~~Darien board of Education Policy 6940: Home Instruction~~

Connecticut State Department of Education, *Reducing Chronic Absence in Connecticut's Schools: A Prevention and Intervention Guide for Schools and Districts* (April 2017)

Connecticut State Department of Education Memorandum, *Youth Service Bureau Referral for Truancy and Defiance of School Rules* (February 22, 2018)

Connecticut State Department of Education, *Youth Service Bureau Referral Guide* (February 2018)

APPROVED BY THE BOARD OF EDUCATION: March 28, 2017

REVISED: June 12, 2018

REVISED: November 10, 2020

REVISED:

**Darien Public Schools
Darien, Connecticut**

POLICY

**Series 5100
Attendance**

Policy 5140

CONTINUITY OF ATTENDANCE

Status as an enrolled student in the Darien Public Schools carries with it an obligation to attend school continuously on all scheduled school days. If a parent voluntarily chooses to send his/her child to specialized training (skiing, skating, equestrian, ballet, acting, etc.) which then prevents the student from attending the normal instructional sessions of any of the Darien Public Schools for significant periods of time (9 or more of the scheduled school days in a marking period), these absences will be considered unexcused absences, and the academic consequences of unexcused absences will be imposed, as outlined in the school handbook. The school principals will oversee the application of this policy. The only other option is for the parent to withdraw the student from Darien Public School enrollment and to make alternate arrangements for the child's education during these periods of time. In these cases, the parent is solely responsible to make other arrangements for the education of the child. When the parent chooses the option to withdraw his/her child from the Darien Public Schools, in no cases will the Darien Public Schools and its staff be responsible further, either directly or indirectly, for the delivery of educational programs and services at sites away from our school buildings. Any parent who chooses to provide education by other means needs to be aware of school policy regarding the acceptance of transferred academic credits.

APPROVED: August 30, 2005

REVISED: June 9, 2009

**Darien Public Schools
Darien, Connecticut**

POLICY

**Series 5100
Attendance**

Policy 5150

ADMISSION OF RESIDENT NON-RESIDENT AND EXCHANGE STUDENTS

The Darien Public Schools provide a free public school education to all resident students in accordance with state law. The ~~Assistant~~ Superintendent(s) of School(s) or designee ~~have~~ has the final authority (on behalf of the Superintendent) to resolve all matters of residency pursuant to Board of Education Policy.

Residency shall be defined as full-time occupancy of a Darien residence by at least one parent and the student.- The following exceptions may apply to the attendance of non-resident students within the Darien Public Schools:

A. Former Residents:

1. In cases where a parent or legal guardian of a student in Grade 12 has changed residences from Darien to another town, the Superintendent may, at her/his discretion, authorize the student to complete her/his secondary education in the Darien Schools. The Superintendent's decision will be based on a consideration of the following factors: (a) the student is making satisfactory progress toward graduation; or (b) The student maintains satisfactory attendance and behavior records.
2. In cases where a parent or legal guardian of a student in Grades K – 11 has changed residences from Darien to another town, the Superintendent may, at his/her discretion, authorize the student to complete the current school year in Darien. The Superintendent's decision will be based on a consideration of the following factors: (a) the student is making satisfactory progress toward graduation; or (b) The student maintains satisfactory attendance and behavior records.

B. Foreign and/or exchange students:

1. Foreign and/or non-resident students studying under the auspices of approved international or philanthropic agencies in Darien may, at the discretion of the Superintendent, be admitted if they are temporarily domiciled within the Town of Darien during the

full period of their admission and comply fully with all state and federal statutory requirements.

~~2. Under the provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (section 625), visiting (non-immigrant) elementary students are prohibited from attending the public schools. A visiting (non-immigrant) secondary level student is prohibited from attending the public schools unless:~~

- ~~a. his/her student visa status does not exceed one year; and~~
- ~~b. the student shows proof of having reimbursed the school district for its full, per pupil cost.~~

Non-resident students who are residing with Darien residents who are not the custodial parent or guardian may attend school in Darien after submitting a sworn affidavit attesting that the residence is permanent, provided without pay to the Darien resident and not for the sole purpose of having the student attend school in Darien.

Families in the process of moving to Darien but not yet bona fide residents may enroll students in the Darien schools provided intent of residency is established by means of the following:

- A contract for the rental of a residence in Darien has been signed and occupancy will take place within three months from the time the student is enrolled.
- A contract to purchase a home in Darien has been signed and the closing is scheduled within three months from the time that the student is enrolled.
- A contract for construction of a home in Darien has been signed with a completion date within three months of the time the student is enrolled.

In the event it is discovered at any time after a child is enrolled in the Darien Public School system that s/he is not a bona fide resident of the Town of Darien, the Superintendent may, in s/he sole discretion: a) Exclude the child from school for the balance of the school year; or, b) Impose a tuition charge on any parent (or legal guardian) of the child and the resident with whom the child resides. The tuition charge may be imposed for the current school year or for any past year in which the child was enrolled in the Darien Public School system.

APPROVED: May 13, 1997

REVISED: June 9, 2009

REVISED:

**Darien Public Schools
Darien, Connecticut**

POLICY

**Series 5100
Attendance**

Policy 5160

DISMISSAL PRECAUTIONS

No staff member shall excuse any student from school prior to the end of the school day, or into any person's custody, without the direct prior approval and knowledge of the principal or his or her designee.

The principal shall not excuse a student before the end of the school day without a request for the early dismissal by the student's parents or guardian.

Additional precautions shall be taken by the school administration appropriate to the age of students and as the need arises.

APPROVED: November 22, 1977

REVISED: June 9, 2009

**Darien Public Schools
Darien, Connecticut**

POLICY

**Series 5210
Rights and Responsibilities**

Policy 5210

STUDENT GOVERNMENT

The Board of Education sanctions and recommends the organization of student government bodies in the schools. Such councils shall assist in improving the general welfare of all students and shall give students the opportunity to participate in the orderly workings of the democratic process.

Such councils shall not have authority to make policies or regulations for the school, nor shall they have any disciplinary authority. However, a council may make recommendations to the administration on any topic of student concern.

APPROVED: November 22, 1977
REVISED: June 9, 2009

**Darien Public Schools
Darien, Connecticut**

POLICY

**Series 5210
Rights and Responsibilities**

Policy 5215

STANDARDS OF CONDUCT

It is the responsibility of the Darien Public Schools to provide an environment that is safe, healthy, and conducive to learning. It is clear that, in order to implement effectively the Standards of Conduct for Students contained in this 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 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. In all cases the constitutional rights of students will be preserved and protected.

Listed below are the minimum standards of conduct for students at all levels of the Darien schools. The administration of each individual school is expected to inform the school community in writing of these standards and its specific rules for interpreting these standards. The Superintendent of Schools or his designee 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. Failure to follow these standards may result in discipline, up to and including expulsion, as provided in the Board's Student Discipline Policy.

Students are expected to show courtesy and consideration for all members of the school community.

Students are expected to behave in a manner that is not disruptive to the educational process.

Students are expected to comply with classroom procedures and requirements as designed for their individual needs.

Students are expected to dress in a manner that does not interfere with the work of the school nor create a safety hazard to themselves or others.

Students are required to comply with state, local and school health, safety, and attendance regulations.

Students are required to comply with State statutes and local laws and regulations regarding possession, sale, or use of drugs, alcohol, and tobacco.

Students are not permitted to smoke, or use tobacco products, in the school buildings. Students are not permitted to smoke or use tobacco products on school property or at school-sponsored student activities.

The use, possession, sale or distribution of drugs or alcohol in or on school property, in any vehicle while such vehicle is being used to transport students for the school, or at school events is prohibited. Attendance at school events while under the influence of drugs or alcohol is prohibited.

The administration of each individual school is given authority to take appropriate action to ensure compliance with this policy.

Legal Reference:

Connecticut General Statutes, Section 10-221
Connecticut General Statutes, Section 10-233b
Connecticut General Statutes, Section 10-233c
Connecticut General Statutes, Section 10-233d
Connecticut General Statutes, Section 53-198
Connecticut General Statutes, Section 19a-342
Connecticut General Statutes, Section 53-344

APPROVED: January 28, 1992

REVISED: June 9, 2009

DARIEN PUBLIC SCHOOLS
Darien, CT

POLICY

Series 5000 Students
Policy 5220

STUDENT DISCIPLINE

I. Definitions

A. **Cannabis** means marijuana as defined by Conn. Gen Stat. Sec 21a-240

A.B. **Dangerous Instrument** means any instrument, article or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury, and includes a "vehicle" or a dog that has been commanded to attack.

B.C. **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.D. **Electronic Defense Weapon** means a weapon which by electronic impulse or current is capable of immobilizing a person temporarily, but is not capable of inflicting death or serious physical injury, including a stun gun or other conductive energy device.

D.E. **Emergency** means a situation in which the continued presence of the student in school poses such a danger to persons or property or such a disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of such student as possible.

E.F. **Exclusion** means any denial of public school privileges to a student for disciplinary purposes.

~~F.G.~~ **Expulsion** means the exclusion of a student from school privileges for more than ten (10) consecutive school days and shall be deemed to include, but not be limited to, exclusion from the school to which such pupil was assigned at the time such disciplinary action was taken. The expulsion period may not extend beyond one (1) calendar year.

~~G.H.~~ **Firearm**, as defined in 18 U.S.C § 921, means (a) any weapon (including a starter gun) that will, is designed to, or may be readily converted to expel a projectile by the action of an explosive, (b) the frame or receiver of any such weapon, (c) a firearm muffler or silencer, or (d) any destructive device. The term firearm does not include an antique firearm. As used in this definition, a "**destructive device**" includes any explosive, incendiary, or poisonous gas device, including a bomb, a grenade, a rocket having a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, or any other similar device; or any weapon (other than a shotgun or shotgun shell which the Attorney General finds is generally recognized as particularly suited for sporting purposes) that will, or may be readily converted to, expel a projectile by explosive or other propellant, and which has a barrel with a bore of more than ½" in diameter. The term "destructive device" also includes any combination of parts either designed or intended for use in converting any device into any destructive device and from which a destructive device may be readily assembled. A "destructive device" does not include: an antique firearm; a rifle intended to be used by the owner solely for sporting, recreational, or cultural purposes; or any device which is neither designed nor redesigned for use as a weapon.

~~H.I.~~ **In-School Suspension** means an exclusion from regular classroom activity for no more than ten (10) consecutive school days, but not exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed. No student shall be placed on in-school suspension more than fifteen (15) times or a total of fifty (50) days in one (1) school year, whichever results in fewer days of exclusion.

~~I.J.~~ **Martial Arts Weapon** means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or chinese star.

~~J.K.~~ **Removal** is the exclusion of a student from a classroom for all or part of a single class period, provided such exclusion shall not extend beyond ninety (90) minutes.

~~K.L.~~ **School Days** shall mean days when school is in session for students.

L.M. School-Sponsored Activity means any activity sponsored, recognized or authorized by the Board and includes activities conducted on or off school property.

M.N. Seriously Disruptive of the Educational Process, as applied to off-campus conduct, means any conduct that markedly interrupts or severely impedes the day-to-day operation of a school.

N.O. Suspension means the exclusion of a student from school and/or transportation services for not more than ten (10) consecutive school days, provided such suspension shall not extend beyond the end of the school year in which such suspension is imposed; and further provided no student shall be suspended more than ten (10) times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion, unless such student is granted a formal hearing as provided below.

O.P. Weapon means any BB gun, any blackjack, any metal or brass knuckles, any police baton or nightstick, any dirk knife or switch knife, any knife having an automatic spring release device by which a blade is released from the handle, having a blade of over one and one-half inches 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.Q. 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.

Q.R. For purposes of this policy, references to “school,” “school grounds” and “classroom” shall include physical educational environments, as well as virtual educational environments, whether synchronous or asynchronous, which occur on in which students are engaged in remote learning, which means instruction by means of one or more Internet-based software platforms that allow students to engage in as part of a remote learning.

II. Scope of the Student Discipline Policy

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

1. **Suspension.** Students may be suspended for conduct on school grounds, on school transportation or at any school-sponsored activity

that violates a publicized policy of the Board or is seriously disruptive of the educational process or endangers persons or property.

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

C. Seriously Disruptive of the Educational Process:

In making a determination as to whether such conduct is seriously disruptive of the educational process, the Administration and the Board 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 29-38 of the Connecticut General Statutes, and whether any injuries occurred; and (4) whether the conduct involved the use of alcohol. The Administration and/or the Board of Education may also consider (5) whether the off-campus conduct involved the illegal use of drugs.

D. On and after January 1, 2022, a student shall not have greater discipline, punishment, or sanction for the use, sale or possession of cannabis on school property than a student would face for the use, sale or possession of alcohol on School property except as otherwise required by applicable law.

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

Conduct that is considered to violate a publicized policy of the Board of Education 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 ~~alienage~~, ancestry, 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 ~~respond~~ to a staff member's request for the student to provide the student's name to a staff member when asked, misidentification of oneself to such person(s), lying to school officials or otherwise engaging in dishonest behavior.
8. Inappropriate displays of public affection of a sexual nature and/or sexual activity on school grounds, on school transportation, or at a school-sponsored activity.
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), electronic cannabis delivery system or vapor products, or the unlawful possession, sale, distribution, use or consumption of drugs, narcotics or alcoholic beverages (or any facsimile of tobacco, drugs, narcotics or alcoholic beverages, or any item represented to be tobacco, drugs or alcoholic beverages), including being under the influence of any such substances or aiding in the procurement of any such substances. For the purposes of this Paragraph 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 purposes of Paragraph 15, the term “electronic cannabis delivery system” shall mean an electronic device that may be used to simulate smoking in the delivery of cannabis to a person inhaling the device and includes but is not limited to, a vaporizer, electronic pipe, electronic hookah and any related device and any cartridge or other component of such device. For the purposes of Paragraph 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, including cannabis.

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, including cannabis.
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, on school transportation, 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, on school transportation, 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~~ an act that is direct or indirect and severe, persistent or pervasive, which
 - a. causes physical or emotional harm to ~~such student or damage to such student's property~~ an individual;
 - b. places an individual ~~such student~~ in reasonable fear ~~of harm to himself or herself, or of damage to his or her property~~ physical or emotional harm; or
 - c. ~~creates a hostile environment at school for such student;~~

~~c.d.~~ infringes on the rights or opportunities of ~~such student an~~
individual at school ~~;~~ ~~or~~

- e. substantially disrupts the education process or the orderly operation of a school.

Bullying ~~includes~~shall include, but ~~is-need~~ not be 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-remote~~ learning platforms, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.
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~~which 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~~the principal 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, on school transportation, or at a school-sponsored activity of a deadly weapon, dangerous instrument, martial arts weapon, or firearm as defined in 18 U.S.C. § 921 as amended from time to time; or
 2. off school grounds, possessed a firearm as defined in 18 U.S.C. § 921, in violation of 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 or school transportation 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, on school transportation, or at a preschool program-sponsored event. The term “firearm” is defined above in Section I.

D. Upon receipt of an expulsion recommendation, the Superintendent may conduct an inquiry concerning the expulsion recommendation.

If the Superintendent or ~~his/her~~ designee determines that a student should or must be expelled, ~~he or she~~ the Superintendent shall forward ~~his/hersuch~~ 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~~ the student 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 or on school transportation is of a violent or sexual nature that endangers persons.
 3. Evidence of past disciplinary problems that have led to removal from a classroom, suspension, or expulsion of a student who is the

subject of an informal hearing may be received by the principal or designee, but only considered in the determination of the length of suspensions.

4. By telephone, the 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~~ the student missed while under suspension.
9. The school Administration may, in its discretion, shorten or waive the suspension period for a student who has not previously been suspended or expelled, if the student completes an Administration-specified program and meets any other conditions required by the Administration. Such Administration-specified program shall not require the student and/or the student's 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, or 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. § 10-233l, 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 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~~the student's parent(s) or guardian(s) at least five (5) business days before such hearing. Such notice will inform the student or parent(s)/guardian of the right to request that the hearing be held virtually, via video conference.

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~~the student's 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~~the student's choice; at ~~his/her~~the student's expense or at the expense of ~~his/her~~the student's 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~~the student's 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 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~~the witness will be subject to cross-examination by the opposite party or ~~his/her~~the witness' legal counsel, by the Presiding Officer and by Board members.

8. The student shall not be compelled to testify at the hearing.
9. After the Administration has presented its case, the student will be asked if ~~he/she~~the student has any witnesses or evidence to present concerning the charges. If so, the witnesses will be sworn, will testify, and will be subject to cross examination and to questioning by the Presiding Officer and/or by the Board. The student may also choose to make a statement at this time. If the student chooses to make a statement, ~~he or she~~the student will be sworn and subject to cross examination and questioning by the Presiding Officer and/or by the Board. Concluding statements will be made by the Administration and then by the student and/or ~~his or her~~the student's representative.
10. In cases where the student has denied the allegation, the Board must determine whether the student committed the offense(s) as charged by the Superintendent.
11. If the Board determines that the student has committed the conduct as alleged, then the Board shall proceed with the second portion of the hearing, during which the Board will receive and consider relevant evidence regarding the length and conditions of expulsion.
12. When considering the length and conditions of expulsion, the Board may review the student's attendance, academic and past disciplinary records. The Board may not review notices of prior expulsions or suspensions which have been expunged from the student's cumulative record, except as so provided in Section VI.A (9), (10), (11), above, and Section X, below. The Board may ask the Superintendent for a recommendation as to the discipline to be imposed.
13. Evidence of past disciplinary problems ~~which that~~ have led to removal from a classroom, suspension or expulsion of a student being considered for expulsion may be considered only during the second portion of the hearing, during which the Board is considering 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 of 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 (i) 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, or (ii) at the request of the parent(s) or legal guardian(s) of a student facing expulsion, provided the Administration has approved such request after considering all relevant facts and circumstances. Any virtual hearing must provide the student the due process rights identified in this Subsection D.

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

During the period of expulsion, the student shall not be permitted to be on school property or on school transportation and shall not be permitted to

attend or participate in any school-sponsored activities, except for the student's participation in any alternative educational ~~program~~opportunity ~~alternative educational opportunity~~ provided by the district in accordance with this policy, unless the Superintendent specifically authorizes the student to enter school property or school transportation for a specified purpose or to participate in a particular school-sponsored activity.

F. Stipulated Agreements:

In lieu of the procedures used in this Section, the Administration and the parent(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 ~~parents~~ (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 the student's ~~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. 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 ~~program~~opportunity.

B. 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~~the student requests it and if ~~he/she~~the student 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 seventeen 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~~the student was under sixteen (16) years of age for purposes of determining whether an alternative educational opportunity is required for such pupil when ~~he/she~~the student is between the ages of sixteen and eighteen.

C. 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.

D. 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 Board 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 Superintendent, 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 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 Sections IX.A. through IX.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, 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 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(16), 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~~ the student's disability.

3. If the student's PPT finds that the behavior was a manifestation of the student's disability, the Administration shall not proceed with the recommendation for expulsion or the suspension that constitutes a change in placement.
4. If the student's PPT finds that the behavior was not a manifestation of the student's disability, the Administration may proceed with the recommended expulsion or suspension that constitutes a change in placement.
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, on school transportation 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, on school transportation or at a school-sponsored activity; or

- c. Has inflicted serious bodily injury upon another person while at school, on school premises, on school transportation 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 ~~that~~ 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 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 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 a school district 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 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. Whether the student's behavior was a manifestation of the student's disability,~~

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 ~~or firearm~~, dangerous instrument or martial arts weapon, as defined in Conn. Gen. Stat. § 53a-3, the Board shall report the violation ~~shall be reported~~ to the local police.

Legal References:

Connecticut General Statutes:

§ 10-16 Length of school year

§ 10-74j Alternative education

§§ 4-17 4-176e through 4-180a and §4-181a of the 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

10-2331 Expulsion and suspension of children in preschool

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. Exceptions. Signage required.

Penalties

§ 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.

§ 53-344b Sale and delivery of electronic nicotine delivery system or vapor products to persons under twenty-one years or age

Public act No. 21-46 “An Act concerning Social equity and the Health, Safety and Education of Children.”

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

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

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

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

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: November 10, 2020

REVISED: October 12, 2021

REVISED

DRAFT

DARIEN PUBLIC SCHOOLS
Darien, CT

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 the Darien Public Schools (the “District”) is entitled to an alternative educational opportunity during a period of expulsion.

II. Responsible Personnel

The building 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 building 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 from the school from which the student was expelled, the student and the parent/guardian, and will review all relevant student records.

B. Contents of the Individualized Learning Plan

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

progress in the curriculum for those classes so that the student has an opportunity to continue to progress in the Board'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 Board of Education or Superintendent, as applicable.

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

- A. A review of the appropriateness of the placement must occur at least once per marking period.
- 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 Education or Superintendent, as applicable.

VI. Transition Plan for Readmission

- A. Before a student is readmitted to the school from which the student was expelled, relevant staff should provide an opportunity to meet with the parents/guardians and student to discuss the student's readmission. As part of the readmission process and the student's ILP, the principal, or his/her designee, should consider:
 1. 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 District 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 District will provide an expelled student transferring to a new school district 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: November 10, 2020

REVISED: October 12, 2021