

Students

Conduct and Discipline

The Amity Board of Education supports a positive and safe learning environment where each students' academic potential can be achieved. Students have a role in creating a positive and safe environment by treating others with respect and promoting kindness. Students are expected to adhere to the policies regarding conduct and discipline established by the Board for all students in all public schools of the District.

Areas of Responsibility

Board of Education – The Amity Regional School District No. 5 (ARSD/District) Board of Education (Board) holds the certified personnel responsible for the proper conduct and control of students while legally under the supervision and jurisdiction of the school.

Principals – The Principals and their designees implement necessary procedures and rules and regulations to render effective the policies of the Board of Education relating to standards of student behavior. The Principal may involve representatives of all areas of school personnel, students, parents, and citizens of the community.

Teachers – Teachers are responsible for the instruction of students in rules and regulations of proper conduct, as well as be responsible for proper and adequate control of students. The responsibility and authority of any teacher extends to all students of the school district under the assigned supervision of the teacher and to other students so situated with respect to the teacher as to be subject to the teacher's control.

Support Staff - Support staff are responsible for reporting to teachers and administrators, any inappropriate student behavior, to preserve their personal safety, the safety of other students and/or staff, and to safeguard District property as well as to preserve the orderly operation of school.

Parents – Parents are expected to cooperate with school authorities regarding the behavior of their children. Parents shall be held responsible for the willful misbehavior of their children.

Students - Students are expected to comply with school rules and regulations, as well as Board policies and administrative regulations. Students who fail to comply are subject to disciplinary action including, but not limited to, suspension and expulsion.

I. Definitions

- A. **Exclusion** means any denial of public-school privileges to a student for disciplinary purposes.
- B. **Emergency** means a situation in which the continued presence of the student in school poses such a danger to persons or property or 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.

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- C. **School-Sponsored Activity** means any activity sponsored, recognized or authorized by the Board and includes activities conducted on or off school property.
- D. **Removal** is the exclusion of a student for a class period of ninety minutes or less.
- E. **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 school year, whichever results in fewer days of exclusion.
- F. **Suspension (also referred as Out-of-School Suspension or Bus 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.

All suspensions shall be in-school suspensions unless the administration determines for any student enrolled in grades three through twelve, inclusive, that (1) the student being suspended poses such a danger to persons or property or such a disruption of the educational process that the student shall be excluded from school during the period of suspension or (2) that an out-of-school suspension is appropriate based on evidence of previous disciplinary problems that have led to suspensions or expulsion of the student and efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive support strategies.

- G. **Expulsion** means the exclusion of a student, grades three to twelve inclusive, from school privileges for more than ten (10) consecutive school days. The expulsion period may not extend beyond one calendar year.
- H. **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.”
- I. **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. It may also include pellet guns and/or air soft pistols.
- J. **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)

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any destructive device. (A firearm; currently defined by 18 U.S.C. 921, is any weapon that can expel a projectile by an explosive action and includes explosive devices, incendiaries, poison gases, and firearm frames, receivers, mufflers, or silencers.) A firearm, as defined by C.G.S. 53a-3 includes any sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver, or other weapon, whether loaded or unloaded from which a shot may be discharged. The term firearm does not include an antique firearm.

- K. **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.
- L. **Martial Arts Weapon** means a nunchaku, kama, kasari-fundo, octagon sai, tonfa, or Chinese star.
- M. **Weapon** means any BB gun, any blackjack, any metal or brass knuckles, any police baton or nightstick, any dirk knife or switch knife, any knife having an automatic spring release device by which a blade is released from the handle, having a blade of over one and one-half inches (1½") in length, any stiletto, any knife the edged portion of the blade of which is four (4) inches and over in length, any martial arts weapon or electronic defense weapon, or any other dangerous or deadly weapon or instrument, unless permitted by law under Connecticut General Statute § 29-38.
- N. **Hazing** means any action which recklessly or intentionally endangers the health or safety of a person for the purpose of initiation, admission into or affiliation with, or as a condition for continued membership in a student organization.
- O. **School Days** shall mean days when school is in session for students.
- P. **Seriously Disruptive of the Educational Process** means any conduct that markedly interrupts or severely impedes the day-to-day operation of a school.
- Q. **Alternate education** means a school or program maintained and operated by the Board of Education that is offered to students in a nontraditional setting and addresses their social, emotional, behavioral, and academic needs. Such program must conform to SBE guidelines

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and conform to C.G.S. 10-15 and 16 (180 days/900 hours).

II. Scope of the Student Discipline Policy

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

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

B. Conduct off School Grounds

1. Students will be disciplined for conduct off school grounds if such conduct is seriously disruptive of the educational process and violative of a publicized policy of the Board. In making a determination as to whether such conduct is seriously disruptive of the educational process, the Administration and the Board of Education may consider, but 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 C.G.S. § 29-38, 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 whether such off-campus conduct involved the use of drugs.
2. Students are subject to suspension or expulsion for conduct off school property and outside of school-sponsored activities in accordance with law, for conduct that violates a publicized policy of the Board and is seriously disruptive of the educational process, including but not limited to the following:

Conduct leading to a violation of any federal or Connecticut state law that indicates that the student presents a danger to any person in the school community or school property and/or the conduct resulted in an arrest. Adjudication as a delinquent or a youthful offender as the result of a felony if the conduct leading to the adjudication is determined to pose a danger to the student themselves, other students, school employees or school property.

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

Conduct which leads to disciplinary action (including but not limited to suspension and/or expulsion) includes conduct on school grounds or at a school-sponsored activity, and conduct off school grounds, as set forth above. Conduct includes, but is not limited to, the following:

1. Possession of any weapon, weapon facsimile, deadly weapon, pistol, knife, blackjack,

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- bludgeon, box cutter, metal knuckles, pellet gun, explosive device, firearm, whether loaded or unloaded, whether functional or not, or any other dangerous object. This also includes pellet guns and/or air soft pistols.
2. Unauthorized possession, sale, distribution, use or consumption of tobacco, drugs, narcotics or alcoholic beverages. For the purposes of this Paragraph 2, 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.
 3. Possession of paraphernalia used or designed to be used in the consumption, sale or distribution of drugs, alcohol or tobacco, as described in subparagraph (2) above.
 4. Striking or assaulting a student, members of the school staff or other persons.
 5. Threatening in any manner any member of the school community, including any teacher, a member of the school administration, any other employee, or a fellow student, including, but not limited to, threats made orally, in writing, or via electronic communication.
 6. Blackmailing, threatening or intimidating school staff or students.
 7. Any act of harassment that is based on, inclusive of, but not limited to, an individual’s race, religion, color, disability, national origin, ancestry, ethnic background, gender, sexual orientation, gender identity or expression, or socioeconomic status or membership in any other protected class.
 8. Bullying on school grounds; at a school-sponsored or school-related activity, function, or program; at a school bus stop; on a school bus or other vehicle owned, leased, or used by the Board; or through the use of an electronic device or an electronic mobile device owned, leased, or used by the Board.
 9. Bullying outside of the school setting if it creates a hostile environment at school for the victim, infringes on the rights of the victim at school, or substantially disrupts the education process or orderly operation of a school.
 10. Engaging in teen dating violence, defined as any act of physical, emotional or sexual abuse, including stalking, harassing and threatening, that occurs between two students who are currently in or who have been in a dating relationship.
 11. Hazing.
 12. Theft.

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13. The destruction of real, personal or school property such as, cutting, defacing or otherwise damaging property in any way.
14. Possession or ignition of any fireworks or other explosive materials, or ignition of any material causing a fire.
15. Unauthorized and/or reckless and/or improper operation of a motor vehicle on school grounds or at any school-sponsored activity.
16. Leaving school grounds, school transportation vehicle or a school-sponsored activity without authorization.
17. A walk-out from or sit-in within a classroom or school building or school grounds. At the discretion of school administration, student protest activities may be permitted if such activities are planned to be minimally disruptive to the educational environment.
18. Use of or copying of the academic work of another individual and presenting it as the student's own work, without proper attribution.
19. Making an untrue statement of fact about a staff member or member of the school community with malice or reckless disregard for the truth.
20. 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 on school property or at a school-sponsored activity.
21. Inappropriate displays of public affection of a sexual nature and/or sexual activity on school grounds or at a school-sponsored activity.
22. Possession and/or use of a radio, walkman, beeper, paging device, cellular telephone, walkie-talkie or similar electronic device on school grounds or at a school-sponsored activity in a manner that is not in accordance with the District Technology and District Acceptable Use policies.
23. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social media, or other forms of electronic communications, to engage in any conduct prohibited by this policy.
24. Engaging in a plan to stage or create a violent situation for the purposes of recording it by photographing, audio, or video; or recording by photographic audio, or video acts of violence for purposes of later publication. Engaging in a plan to stage sexual activity for the purposes of recording it by photographing, audio, or video; or

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- recording by photographing, audio, or video sexual acts for purposes of later publication.
25. 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.
 26. Violation of the District's "Acceptable Use Agreement/Internet Use" for the applicable grade level.
 27. Possession and/or use of a laser pointer.
 28. Lying, misleading or being deceitful to a school employee or person having authority over the student during any school investigation including knowingly making a false written statement or the filing of a false complaint.
 29. Refusal to obey redirection by a member of the school staff or law enforcement authorities for disruptive classroom behavior.
 30. Defiance of school rules and the valid authority of teachers, supervisors, administrators, other staff members and/or law enforcement authorities.
 31. Refusal by a student to identify themselves to a staff member when asked.
 32. Violation of smoking; dress; transportation regulations, or other regulations and/or policies governing student conduct.
 33. The use of obscene or profane language or gestures.
 34. Unauthorized entrance into any school facility or portion of a school facility or aiding or abetting an unauthorized entrance.
 35. Trespassing on school grounds while on out-of-school suspension or expulsion.
 36. Throwing snowballs, rocks, sticks and/or similar objects.
 37. Accumulation of offenses such as school and class tardiness, class or study hall or failure to attend detention.
 38. 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.

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39. Any action prohibited by any Federal or State law which would indicate that the student presents a danger to any person in the school community or school property.

IV. Progressive Discipline

Through progressive discipline, principal/designee determines appropriate consequences and/or support to help students improve their behavior, while taking into account the details of each individual circumstance. The goal of all discipline is to teach students why the behavior is inappropriate and to prevent inappropriate student behavior from happening again. Providing students with the opportunity to reflect on their own actions and the impact of these actions is essential to student learning. The following may be taken into consideration when employing progressive discipline:

1. The student's age, grade level, stage of social development, and /or special education needs;
2. The nature and severity of the misbehavior;
3. The impact of the misbehavior on the learning environment and school climate; and
4. Prior referrals for inappropriate behavior.

Within this context, more serious consequences may be considered for inappropriate behavior that escalates or is repeated.

The principal/designee shall consider a range of options to determine the consequences for each situation and to help the student learn from their choices. Possible consequences include, but are not limited to:

1. A conversation with student and/or student's parent/guardian;
2. A review of expectations for student's behavior;
3. Restorative conversations and actions;
4. Recommendation for counseling support;
5. After school detention;
6. Saturday School detention;
7. Loss of privileges (i.e., extracurricular participation, field trips, parking);
8. Suspension or expulsion; and/or
9. A consequence that fits the student's misbehavior.

Each decision on discipline is unique for each student, as it will depend upon the strengths and challenges of the student and the circumstances of the misbehavior. Parent/guardian notification for consequences 1 through 3 (as noted above) is at the discretion of the administrator addressing the violation. Parent notification will be provided for consequences 4 through 9 (as noted above). Notification is generally provided in the form of a phone call, a letter, or an electronic communication which state the nature of the violation and the consequence.

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V. Procedures Governing Removal

- A. All teachers are hereby authorized to remove a student from class when such student causes a serious disruption of the educational process within the classroom.
- B. Such teacher shall send the student to a designated area and shall immediately inform the building Principal or their designee as to the name of the student and the reason for removal.
- C. No student shall be removed from class more than six (6) times in any year nor more than twice in one week, unless such student is referred to the Building Principal or their designee and granted an informal hearing in accordance with the provisions of this policy.

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 any student for breach of conduct as noted in Section III of this policy for not more than ten (10) consecutive school days. All suspensions shall be in-school suspensions unless the administration determines that for a student enrolled in grades three through twelve, inclusive, (1) the student being suspended poses such a danger to persons or property or such a disruption of the educational process that the student shall be excluded from school during the period of suspension or (2) that an out-of-school suspension is appropriate based on evidence of previous disciplinary problems that have led to suspensions or expulsion of the student and efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive support strategies.

In such cases, 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. Evidence of past disciplinary problems which 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, but only considered in the determination of the length of suspension.
- 3. By telephone, the Principal or designee shall notify the parent or guardian of a student and the Superintendent of Schools not later than 24 hours of the suspension following the suspension and state the cause(s) leading to the suspension.
- 4. Whether or not home contact is made with the parent or guardian of such student, the

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- 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.
5. Notice of the original suspension shall be transmitted by the Principal or designee to the Superintendent of Schools or designee by the close of the school day following the commencement of the suspension, but not later than 24 hours after the commencement of the suspension.
 6. The student shall be allowed to complete any classwork, including examinations, missed while under suspension, without penalty.
 7. Notice of the suspension shall be recorded in the student's cumulative educational record. Such notice shall be expunged from the cumulative educational record by the Board if the student graduates from high school. For any student for whom a suspension has been waived or the length of suspension has been shortened pursuant to number 9 below, the student's suspension shall be expunged from the cumulative education record if the student graduates from high school, or if the administration so chooses, at the time the student completes any administration-specified program and meets any other conditions required by the administration, whichever is earlier.
 8. The decision of the Principal or designee with regard to disciplinary actions up to and including suspensions shall be final.
 9. For any student who is suspended for the first time and who has never been expelled, the school administration may shorten the length of or waive the suspension period if the student successfully completes an administration- specified program and meets any other administration-required conditions. Such program shall be at no expense to the student or their parents/guardians.
- B. In cases where the student has already been suspended, or such suspension will result in the student's being suspended, more than ten (10) times or fifty (50) days in a school year, whichever results in fewer days of exclusion, the student shall, prior to 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.
- C. The reassignment of a student from one regular education classroom in the district to another regular education classroom program in the school district shall not constitute a suspension or expulsion.

VII. Procedures Governing In-School Suspension

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- A. The Principal or designee may impose in-school suspension in cases where a student's conduct endangers persons or property, violates school policy, seriously disrupts the educational process or in other appropriate circumstances as determined by the Principal or designee. Guidelines developed and promulgated by the Commissioner of Education will be utilized by the administration to help determine whether a student should receive an in-school or out-of-school suspension.
- B. In-school suspension may not be imposed on a student without an informal hearing by the building Principal or designee.
- C. In-school suspensions shall be served in the school attended by the student.
- D. No student shall be placed on in-school suspension more than fifteen (15) times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion.

VIII. Expulsion Recommendation Procedure

- A. A Principal may consider recommendation or expulsion of a student enrolled in grades three through twelve, inclusive, in a case where they have reason to believe the student has engaged in conduct described at Sections IIA and IIB above.
- B. A Principal must recommend expulsion proceedings in all cases against any student in grades kindergarten through grade twelve, inclusive, whom the administration has reason to believe:
 - 1) The student, on grounds or at a school-sponsored activity, was in possession of a firearm, as defined in 18 U.S.C. 921*, as amended from time to time, or deadly weapon, dangerous instrument or martial arts weapon, as defined in C.G.S. 53A-3; or the student, off school grounds, did possess such firearm in violation of C.G.S. 29-35 or did possess and use such a firearm, instrument or weapon in the commission of a crime under chapter 952 of the Connecticut General Statutes; or the student, on or off school grounds offered for sale or distribution a controlled substance, as defined in subdivision (9) of C.G.S. 21a-240, whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under C.G.S. 21-277 and 21a-278.
 - 2) In keeping with C.G.S. §10-233d and the Gun Free Schools Act, such a student shall be expelled for one calendar year if the Board of Education or impartial hearing board finds that the student did so possess or so possess and use, as appropriate, such a weapon or firearm, instrument or weapon; or did so offer for sale or distribution such a controlled substance.
 - 3) The Board may modify the period of a mandatory expulsion on a case-by-case basis.

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- 4) A preschool student enrolled in a Board provided preschool program is subject to mandatory expulsion whenever there is reason to believe that the child was in possession of a firearm, as defined in 18 USC 921, as amended from time to time, on or off school grounds or at a preschool program-sponsored event. Such child shall be expelled for one calendar year if, at the expulsion hearing it is determined, that the child did so possess such a firearm. The Board may modify the period of expulsion on a case-by-case basis.
- C. Upon receipt of an expulsion recommendation, the Superintendent may conduct an inquiry concerning the expulsion recommendation.

If the Superintendent or their designee determines that a student should or must be expelled, they shall forward their recommendation to the Board of Education so that the Board of Education can consider and act upon this recommendation.

VIII. Expulsion Hearing Procedure

A. Emergency Exception

Except in an emergency situation, the Board of Education shall, prior to expelling the student, conduct a hearing to be governed by the procedures outlined herein. Whenever an emergency exists, the hearing provided for above 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 affirmative votes to expel are cast.
2. Alternatively, the Board may appoint an impartial hearing board composed of one or more persons to hear and decide the expulsion matter, provided that no member of the Board may serve on such panel.

C. Notice

1. Written notice of the expulsion hearing must be given to the student, and, if the student is a minor to their parent(s) or guardian(s) at least five business days prior the time of the hearing.
2. The written notice of the expulsion hearing shall inform the student of the following:
 - a) The date, time, and location of the hearing.

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- b) A short, plain description of the conduct alleged by the administration.
- c) The student may present as evidence, testimony and documents concerning the conduct alleged and the appropriate length and conditions of expulsion, as well as notice that the expulsion hearing will be the student's sole opportunity to present such evidence.
- d) The student may cross-examine witnesses called by the administration.
- e) The student may be represented by any third party of their choice, including an attorney, at their expense or at the expense of their parents.
- f) The notice shall include information concerning the parent/guardian and the student's legal rights regarding expulsion hearings and the legal services that are provided free of charge or at a reduced rate that are available locally (CT Legal Service or source of such services) and how to access such services. An attorney or other advocate may represent any student subject to expulsion proceedings. The student's parent/guardian shall 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.
- 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 their parent(s) or guardian(s) do(es) not speak the English language or is disabled.
- h) The conditions under which the Board is not legally required to give the student an alternative educational opportunity (if applicable).

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.
3. 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.

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4. The hearing will be conducted in two parts. In the first part of the hearing, the Board will receive and consider evidence regarding the conduct alleged by the administration.
5. In the first part of the hearing, the charges will be introduced into the record by the Superintendent or their designee.
6. Each witness for the administration will be called and sworn. After a witness has finished testifying, they will be subject to cross-examination by the opposite party or their legal counsel and by Board members.
7. After the Administration has presented its case, the student will be asked if they have any witnesses or evidence to present. If so, the witnesses will be sworn, will testify, and will be subject to cross examination and to questioning by the Board. The student may also choose to make a statement at this time. If the student chooses to make a statement, they will be sworn and subject to cross examination and questioning by the Board. Concluding statements will be made by the administration and then by the student and/or their representative.
8. In cases where the respondent has denied the allegation, the Board must determine whether the respondent committed the offense(s) as charged by the Superintendent.
9. 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 evidence regarding the length and conditions of expulsion.
10. When considering the length and conditions of expulsion, the Board may review the student's attendance, academic and past disciplinary records. The Superintendent will make a recommendation as to the discipline to be imposed.
11. Evidence of past disciplinary problems which have led to removal from a classroom, suspension or expulsion of a student being considered for expulsion may be considered only during the second portion of the hearing, during which the Board is considering length of expulsion and nature of alternative educational opportunity to be offered.
12. 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

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discipline to be applied.

13. 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. 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.
14. For any student who is suspended for the first time and who has never been expelled, the school administration may shorten the length of or waive the suspension period if the student successfully completes an administration- specified program and meets any other administration-required conditions. Such program shall be at no expense to the student or their parents/guardians.

IX. Alternative Educational Program for Expelled Students

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

Whenever the Board of Education expels a student under sixteen years of age, it shall offer any such student an alternative educational program, which shall be (1) alternative education, as defined, by C.G.S. 10-74j or (2) in accordance with the standards adopted by the State Board of Education (SBE) with an individualized learning plan.

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

The Board of Education will provide an alternative education as defined or in accordance with SBE standards to a sixteen- to eighteen-year-old student expelled for the first time if they request it and if they agree to the conditions set by the Board of Education. The alternative education may include placement in an adult education program for students who are at least seventeens of age. Students participating in an adult education program during a period of expulsion shall not be required to withdraw from school prior to participation. The Board of Education is not required to offer an alternative program to any student between the ages of sixteen and eighteen who is expelled for the second time.

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

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

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

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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 program to such student in accordance with the requirements of IDEA, as it may be amended from time to time.

X. Notice of Student Expulsion on Cumulative Record

- A. Notice of expulsion and the conduct for which the student was expelled shall be included on the students’ cumulative educational record. Such notice, except for the notice of an expulsion of a student in grades 9 through 12 inclusive, based on possession of a firearm or deadly weapon, may be expunged from the cumulative educational record by the Board if the Board determines that the conduct and behavior of the student in the years following the expulsion warrants an expungement. Such notice shall be expunged from the cumulative educational record by the Board if the student graduates from high school.
- B. If a student’s expulsion is shortened or the expulsion period waived based upon the fact that the student was expelled for the first time, had never been suspended, and successfully completed a Board specified program and/or met other conditions required by the Board, the notice of expulsion shall be expunged from the cumulative educational record if the student graduates from high school or, if the Board so chooses, at the time the student completes the Board specified program and meets any other conditions required by the Board.

XI. Change of Residency 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 and/or to conduct its own expulsion hearing.
- 2. Where a student enrolls in the district during the period of expulsion from another school district, the Board may adopt the decision of the student expulsion hearing conducted by such other school district. The Board shall make its determination based upon a hearing held by the Board which shall be limited to a determination of whether the conduct which was the basis of the 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

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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, as reauthorized in 2004, (an "IDEA student") who has engaged in conduct that 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 not later than the date on which the decision to take disciplinary action is made, notify the parents of the student of the decision to suspend 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 engaged in conduct that 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 placement.

1. The parents of the student must be notified 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. The school district shall immediately convene the IEP team, but in no case later than ten (10) school days after the recommendation for expulsion or the suspension which constitutes a change in placement was made. The relevant members of the student's IEP team shall consider the relationship between the student's disability

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- 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 direct manifestation of their disability.
3. If the IEP team finds that the behavior was a direct manifestation of the student's disability, the administration shall not proceed with the recommendation for expulsion. The IEP team shall consider the student's misconduct and revise the IEP to prevent a recurrence of the misconduct and to provide for the safety of other students and staff.
 4. If the IEP team 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. The special education records and disciplinary records of the student must be transmitted to the individual(s) who will make the final determination regarding a recommendation for expulsion or a suspension that results in a change in placement.
 7. School personnel may remove a disabled student who has violated the conduct code from their current placement for up to 10 school days without a hearing.

C. Transfer of IDEA students for Certain Offenses:

School personnel may transfer an IDEA student to an appropriate interim alternative educational setting for not more than forty-five (45) school days if the student:

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

As used in this subsection XIIC., the term "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.

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The term “serious bodily injury” means a substantiated risk of death, extreme physical pain, protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

XIII. Procedures Governing Suspension and Expulsion of Students Identified as Eligible for Educational Accommodations under Section 504 of the Rehabilitation Act of 1973

A. Expulsion of students identified as eligible for educational accommodations under Section 504 of the Rehabilitation Act of 1973:

Notwithstanding any provision to the contrary, if the administration recommends for expulsion a student identified as eligible for educational accommodations under Section 504 of the Rehabilitation Act of 1973 (a “Section 504 Student”) who has engaged in conduct that 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, in order to determine whether the student’s behavior was a manifestation of their 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 recommendation for expulsion. The 504 team shall consider the student’s misconduct and revise the 504 plan to prevent a recurrence of the misconduct and to provide for the safety of other students and staff.
4. If the 504 team finds that the behavior was not a manifestation of the student’s disability, the administration may proceed with the recommendation for expulsion.

XIV. Notification to Parents or Guardian

- A. The parents or guardian of any minor student either expelled or suspended or removed from class shall be given notice of such disciplinary action within twenty- four (24) hours of the time of the institution of the period of expulsion, suspension or removal from class.
- B. The Superintendent of Schools shall forward to the student concerned and their parents, or the student if they have attained the age of 18, a copy of this Board policy on student discipline at the time the Superintendent sends out the notice that an expulsion hearing will be convened.

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XV. Early Readmission to School

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

XVI. Exclusion from Co-Curricular and Extra-Curricular Activities

Participation in co-curricular and extra-curricular activities is a privilege and not an entitlement. Students involved in such programs are expected to follow all school rules and demonstrate good citizenship. Failure to do so may result in partial or complete exclusion from said activities and programs. Activities include, but are not limited to, athletic programs, musical or drama productions, clubs, class activities, proms and school dances, graduation ceremonies, field trips, and school trips out-of-state and abroad.

XVII. Expulsion and Readmission of a Student Placed in a Diversionary Program, Juvenile Residential Center or Other Residential Placement

1. Any student who commits an expellable offense and is subsequently placed in a juvenile residential center or any other residential placement for such offense may be expelled by the Board. The period of expulsion shall run concurrently with the period of placement in a juvenile residential center or other residential placement.
2. If a student who committed an expellable offense seeks to return to the school district after participating in a diversionary program or having been placed in a juvenile residential center or any other residential placement and such student has not been expelled by the board of education for such offense, the board of education shall allow such student to return and may not expel the student for additional time for such offense.

XVIII. Dissemination of Student Conduct and Discipline 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.

XIX. Compliance with Reporting Requirements

- A. The Board of Education shall report all suspensions and expulsions to the State Department of Education.
- B. If the Board of Education expels a student for sale or distribution of a controlled substance,

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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.

C. If the Board of Education expels a student for possession of a deadly weapon or firearm, as defined in C.G.S. §53a-3, the violation shall be reported to the local police.

(cf. 5128.1 – Plagiarism)

(cf. 5131.1 – Bus Conduct)

(cf. 5131.21 – Threats or Acts of Violence)

(cf. 5131.5 – Vandalism)

(cf. 5131.6 – Drugs, Alcohol, Tobacco)

(cf. 5131.7 – Weapons and Dangerous Instruments)

(cf. 5131.8 – Off-School Grounds Misconduct)

(cf. 5131.81 – Use of Cell Phones and Other Electronic Communication Devices)

(cf. 5131.91 – Hazing)

(cf. 5131.911 – Bullying Regulation and Teen Dating Violence)

(c.f. 5144.12 – Student Discipline: Restorative Practice)

(c.f. 5145.45 – Non-Discrimination)

(c.f. – 5145.5 – Prohibition Against Sexual Harassment)

Legal References: Connecticut General Statutes

4-177 – 4-180 Contested cases. Notice. Record, as amended

10-74j Alternative education (PA 15-133)

10-233a through 10-233f Suspension, removal and expulsion of students, as amended by PA 95-304, PA 96-244, PA 98-139, PA 07-66, PA 07-122, PA 08-160, PA 09-82, PA 09-6 (September Special Session), PA 10-111, PA 14-229, PA 15-96, PA 16-147, PA 17-220 and PA 19-91

10-233f In-school suspension of students

Packer v. Board of Educ. of the Town of Thomaston, 246 Conn.89 (1998).
Public Act 98-139

Honig v. Doe, (United States Supreme Court 1988)

Individuals with Disabilities Act, 20 U.S.C. 1400 et seq. as amended by the
Individuals with Disabilities Education Act Amendments of 1997 (P.L. 105-
17). Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794(a)

P.L. 108-446 Individuals with Disabilities Education Improvement Act of
2004

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State v. Hardy, 896 A.2d 755, 278 Conn. 113 (2006)

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The following procedures shall be followed, in concert with Amity Regional School District No. 5 (ARSD/District) Board of Education (Board) Policy 5131 by District personnel pertaining to the required provision of an alternative educational opportunity for expelled students eligible for such program.

Options for Alternative Educational Opportunity

The District shall provide an alternative educational opportunity for eligible expelled students by exercising one of the following two permissible options.

1. Enroll the student in an alternative education program which is compliant with requirements for such programs, including the length of school year and number of hours, with an individualized learning plan if the district provides such alternative education, and the program is appropriate for the student; or
2. Provide the student with an alternative educational opportunity in accordance with the State Board of Education (SBOE) adopted standards, including through an alternative education program offered by another school district or operator.

State Department of Education (CSDE) Positions to Consider

In order to properly implement the provision of an alternative educational opportunity to expelled students, whether the District implements option #1 or #2 above, the District must comply with the SBOE adopted Standards.

1. SDE "expects that, in most cases, school districts will determine that enrollment in an alternative education program is the appropriate alternative educational opportunity" for an expelled student. Such an alternative education program could be operated by the local district or another provider.
2. There may be "unusual cases" where placement in an alternative education program may not be appropriate or available.
3. The alternative educational opportunity must be "full-time" and "comprehensive," and such opportunity for learning is comparable to a regular school setting.
4. Assignment to homebound instruction will not satisfy the "Guiding Principles" of the Standards.

Requirements of Standards for Alternative Educational Opportunities for Students Who Have Been Expelled

Guiding Principles

Consistent with the *Guidelines for Alternative Education Settings*, these standards are grounded in the conviction that alternative educational opportunities for students who have been expelled should exhibit the following characteristics:

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- Whole student approach that addresses the personal, social, emotional, intellectual, work skills, safety, and security needs of all students in addition to academic content (including the Connecticut Core Standards);
- Full time, comprehensive experience, where the learning is comparable to what the student would experience in a regular school environment;
- Instruction that is based on a curriculum aligned to the Connecticut Core Standards unless modified as indicated by goals and objectives of an Individualized Education Program (IEP);
- High expectations that are consistent with LEA goals and Connecticut state standards including the belief that all students are capable and can be successful regardless of their discipline history; and
- Research/evidence-based practices with student success in mind including the engagement of parents/guardians and families as well as community partners, as appropriate.

These principles are unlikely to be satisfied by assignment to homebound instruction.

Requirements of Standards for Alternative Educational Opportunities for Students Who Have Been Expelled

The SBOE adopted Standards for Alternative Educational Opportunities require the District to:

1. Provide a full time, comprehensive alternative educational opportunity, with a focus on an opportunity for learning that is comparable to those in a regular school setting.
2. Notify parents/students at the time of expulsion of the right to apply for early readmission, which can be granted at the discretion of the Board of Education or the Superintendent, if the Board delegates this authority to the Superintendent (C.G.S. 10-233(j)).
3. Meet with parents/guardians prior to placement to provide information about potential alternative educational opportunities and a placement meeting to finalize such placement.
4. Consult with relevant school personnel knowledgeable about the student's academic, social and behavioral history to help in the determination of an appropriate alternative educational opportunity.
5. Involve the PPT for expelled special education students who are determined to have educational programming and placement during the period of expulsion in accordance with the Individuals with Disabilities Act (IDEA).
6. Develop an Individualized Learning Plan (ILP) to address:
 - A. Information pertaining to the student's academic and behavioral needs and appropriate academic and behavioral goals and interventions including the core classes and current placement or progress in the curriculum of those classes at the time of expulsion.

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- B. Benchmarks to measure progress towards the goals and progress towards graduation. (This will include monitoring attendance, work completion, and progress toward meeting the coursework's academic standards.)
- C. Reviewing the student's progress and communicating that progress to parent/guardian or student. (What would be done for students generally.)
- D. Transfer of records to/from the alternative educational provider and the school from which the student was expelled.
- E. Language pertaining to the possibility of early readmission to the school from which the student was expelled.
- F. Monitor progress of student performance and placement. (This must be done and documented at least once per marking period, review of the student's ILP and make any needed adjustments.
- G. Adopt procedures to address a student's transition from an alternate educational opportunity to the student's regular school. (The criterion for readmission is the completion of the expulsion period.)

Procedural Steps to be taken by District following the Expulsion of a Student to Provide the Required Alternative Educational Opportunity

The Superintendent or their designee is responsible for the fulfillment of the following:

1. Determine the eligibility of the expelled student for an alternative education opportunity.
 - A. The student is under the age of sixteen (16) and must be offered an alternative educational opportunity.
 - B. The student is between the ages of sixteen (16) and eighteen (18) and has not been previously expelled and wishes to continue their education shall be offered such an alternative educational opportunity. The District is not obligated to provide an alternative educational opportunity to students in this age bracket who have been previously expelled, even if the prior expulsion occurred before the student was sixteen years of age.
 - C. The student is eighteen years of age or older and the Board of Education is not obligated to provide an alternative educational opportunity.
 - D. Other considerations:
 - 1) Any parent/guardian of an expelled student who does not choose to have their child enrolled in an alternative educational opportunity shall not be subject to the provision of Section 10-184 of the Connecticut General Statutes regarding school attendance.
 - 2) A student seventeen (17) years of age or older may be assigned to an adult education program and not be required to withdraw from school per C.G.S. 10-184.

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- 3) The student may be placed in a regular classroom program of a school other than the one from which the student has been excluded.
 - 4) A student expelled for the sale or distribution of a controlled substance, shall be referred to an appropriate state or local agency for rehabilitation, intervention or job training, or any combination thereof.
 - 5) A student expelled for possession of a firearm, deadly weapon, dangerous instruments (those that can be used to cause death or serious injury) or martial arts weapons shall be reported to the local police department.
 - 6) An expelled special education student's alternative educational opportunity shall be established by the IEP team (PPT).
2. Determine the appropriate option for the alternative educational opportunity option to be offered to the expelled student.
 - A. Enroll the student in an alternative education program which is compliant with requirements for such programs, including the length of school year and number of hours, with an individualized learning plan if the district provides such alternative education, and the program is appropriate for the student; or
 - B. Provide the student with an alternative educational opportunity in accordance with the State Board of Education (SBOE) adopted standards, including through an alternative education program offered by another school district or operator.
 3. Consult with relevant school personnel 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. The input shared by school personnel may be gathered via written reports.
 4. Meet with the student's parent(s)/guardian(s) prior to placement to provide information concerning the potentially appropriate alternative educational opportunities for the student.
 5. Hold a placement meeting after parents/guardians have been informed and the appropriate school personnel have shared information regarding the student.
 - A. Explore all alternative educational opportunities at this meeting.
 - B. The placement decision should be made at this meeting.
 - C. Other considerations:
 - 1) Parents/students, at the time of expulsion, should be informed of the right to apply for early readmission, which can be granted at the discretion of the Board of Education or Superintendent.

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- 2) Any criteria for early readmission to the school from which the student has been expelled should be recorded in the Individualized Learning Plan (ILP).
6. Development of an Individualized Learning Plan (ILP) to inform and direct the student's learning goals and activities for the duration of the expulsion.
 - A. After placement in the alternative education opportunity, an ILP must be developed to govern the student's programming during period of the expulsion.
 - B. Develop the ILP through collaboration among school personnel, the student and the parent/guardian.
 - C. Reference student records with information relevant to the alternative educational opportunity. (*Student Success Plan, Individualized Education Program (IEP), Section 504 Plan, Individualized Health Plan, and/or other academic and behavioral data.*)
 - D. The student's ILP is to contain:
 - 1) The student's academic and behavioral needs and appropriate academic and behavioral goals and interventions;
 - 2) The student's core classes at the time of expulsion;
 - 3) The student's current placement or progress in the curriculum of those classes so that the student has an opportunity to continue to progress in the LEA's academic program and earn graduation credits, if applicable;
 - 4) Benchmarks to measure progress towards the goals and ultimately, progress towards graduation;
 - 5) Timing and method for reviewing the student's progress 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.*)
 - a) The progress monitoring of student performance and placement must be done and documented at least once per marking period, including a review of the ILP and the making of any necessary adjustments.
 - 6) Such progress to be communicated to the parent/guardian and/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;
 - 7) 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

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- 8) The possibility of early readmission to the school from which the student was expelled and the early readmission criteria.
- 9) A process for transition planning based upon the following considerations:
 - a) Efforts to readmit students at semester start points at the high school level to facilitate re-entry;
 - b) A plan to transfer the student's credits and record back to the school from which the student was expelled;
 - c) The student's needs for academic and other supports upon return to the home school environment; and
 - d) Efforts to connect returning students with opportunities to participate in extracurricular activities to support student engagement and general health and development.
7. If a determination is made that placement in the current alternative educational opportunity is no longer beneficial to an expelled student but it is also inappropriate to have the student return to the school from which the student was expelled, a plan for different alternative educational opportunities should be developed, following the procedure outlined above.
8. Students who have a student success plan as mandated by state law, such plan may inform the ILP but does not replace the ILP.