

Students

Out of School Misconduct

Students are subject to discipline, up to and including suspension and expulsion for misconduct, which is seriously disruptive of the educational process and is a violation of a publicized Amity Regional School District No. 5 (District) Board of Education (Board) policy, even if such misconduct occurs off-school property and during non-school time.

In compliance with judicial decisions, the Board considers conduct which is "severely disruptive of the educational process" to mean conduct that "markedly interrupts or severely impedes the day to-day operations of a school" in addition to such conduct also being violative of publicized school policy. Such conduct includes, but is not limited to, making a bomb threat, or making any threat, off school grounds, to kill or hurt a teacher or student.

In making a determination as to whether conduct is "seriously disruptive of the educational process," the administration may consider, but such consideration shall not be limited to:

1. whether the incident occurred within close proximity of the 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 and whether any injuries occurred; and
4. whether the conduct involved the use of alcohol and/or drugs.

The Board, in matters of expulsion for out-of-school misconduct, in making a determination as to whether conduct is "seriously disruptive of the educational process," may consider, but consideration is not limited to the same items listed previously.

Such discipline may result whether:

1. The incident was initiated in the school or on school grounds, or
2. Even if the incident occurred or was initiated off school grounds and non-school time; if after the occurrence there was a reasonable likelihood that return of the student would contribute to a disruptive effect on the school education or its process by threatening:
 - a. The school's orderly operations;
 - b. The safety of the school property;
 - c. The welfare of the persons who work or study there.

Examples of the type of such off-school misconduct that may result in such discipline include but are not limited to:

1. Use, possession, sale, or distribution of dangerous weapons; (as defined C.G.S. 53a 3, 53-206, and 29-35)
2. Use, possession, sale, or distribution of illegal drugs;
3. Violent conduct;
4. Making of a bomb threat; or
5. Threatening to harm or kill another student or member of the staff.

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For example, if it is determined that a student's use, possession, or sale of drugs in the community has a reasonable likelihood of endangering the safety of students or employees because of the possibility of such sales in the school; or if violent conduct in the community presents a reasonable likelihood of repeating itself in the school environment; or if any similar type of misconduct in the community has a reasonable likelihood of being continued or repeated in school or of bringing retaliation or revenge into the school for such off-school misconduct, the Board may impose discipline up to and including suspension and/or expulsion. The rationale to be applied in considering disciplinary action is whether the off school grounds conduct will markedly interrupt or severely impede the day-to-day operation of a school.

A student who possessed and used a firearm, deadly weapon, dangerous instrument or martial arts weapon in the commission of a crime off-campus shall be expelled for one calendar year unless said expulsion is modified on an individual case basis.

Regulation of Off-Campus Speech

It is recognized that some off-campus speech can be harmful and subject to regulation by District officials. The regulatory interests of the District and its schools remain significant in some off-campus circumstances. Such circumstances involving off-campus speech in which the District has an interest include, but are not limited to, the following:

- serious or severe bullying or harassment targeting particular individuals;
- threats aimed at teachers or students;
- the failure to follow rules concerning lessons, the writing of papers, the use of computers or participation in other online school activities; and
- breaches of school security devices, including material maintained within school computers.

In order for the District to take disciplinary action regarding student off-campus speech, school officials are limited to those situations where it can be reasonably forecast that the student speech in question will materially disrupt classwork or involve substantial disorder in the school setting. Off-campus student speech may be regulated only in compelling circumstances.

Legal Reference: Connecticut General Statutes

4-176e through 4-185 Uniform Administrative Procedure Act.

10 233a through 10 233f re in school suspension, suspension, expulsion.

29 35 Carrying of pistol or revolver without permit prohibited.

29 38 Weapons in vehicles.

53a 3 Firearms and deadly weapons.

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53 206 Carrying and sale of dangerous weapons.

53a 217b Possession of firearms and deadly weapons on school grounds.

18 U.S.C. 921 Definitions.

PL 103 382 Elementary and Secondary Education Act. (Sec. 14601 Gun Free Requirements: Gun Free School Act of 1994)

Kyle P. Packer PPA Jane Packer v. Thomaston Board of Education. (SC 15862)

Wisniewski v. Bd. Of Educ., 494 F.3d34 (2nd Cir. 2007)

Doninger v. Niehoff, 257F.3d (2nd Cir. 2008)

Mahanoy Area School District v. B.L. (S.C. 20-255) June 23, 2021