

## Students

### Discipline

The Board of Education supports the utilization of a progressive discipline approach that utilizes a continuum of interventions, supports and consequences that address inappropriate student behavior and to build upon strategies that promote positive behaviors and when inappropriate behavior occurs, disciplinary measures should be applied within a framework that shifts the focus from one that is solely punitive to a focus that is both corrective and supportive. Progressive discipline must take into account the individual needs of the student by showing sensitivity to diversity, cultural needs, and special education needs.

The Board of Education shall assure that all students within its jurisdiction are informed, at least annually, of the Board policies governing student conduct.

Legal Reference: Connecticut General Statutes  
4-177 through 4-180. Contested Cases. Notice. Record.  
10-233a through 10-233f Suspension, removal and expulsion of students,  
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 and PA 15-96  
21a-240(9) Definitions.  
53a-3 Definitions.  
PA 94-221 An Act Concerning School Discipline and Security.  
PA 95-304 An Act Concerning, School Safety  
PA 15-96 An Act Concerning Out-of-School Suspensions and Expulsions  
for Students in Preschool and Grades Kindergarten to Two  
GOALS 2000: Educate America Act, Pub. L. 103-227.  
18 U.S.C. 921 Definitions.  
Title III - Amendments to the Individuals with Disabilities Act Sec. 314  
Elementary and Secondary Schools Act of 1968, as amended by the Gun  
Free Schools Act of 1994  
PL 105-17 The Individuals with Disabilities Act, Amendments of 1997  
20 U.S.C. Section 7114, No Child Left Behind Act

Policy adopted: September 22, 2016

MARLBOROUGH PUBLIC SCHOOLS  
Marlborough, Connecticut

## **Students**

### **Disciplinary Guidelines**

The best school environment is one that results in efficient and effective learning in an atmosphere that promotes responsibility, respect, and consideration. In accordance with the school's mission, education of our children is a partnership shared by family, school, and the community. Open communication and honesty between parents/guardians and teachers is essential in this partnership. As a result, the following general, student discipline guidelines were developed:

1. Teachers are to inform students of the school-wide rules as well as classroom rules, expected behaviors, and consequences when behavioral standards are not met. These standards should be presented to and discussed with the class the first week of school and remain posted in the classroom.
2. Teachers are to repeatedly reinforce the behavioral standards and rules to the students as necessary throughout the year so that expectations and consequences are clear.
3. Copies of the school-wide discipline policy and guidelines will be sent home to parents in the beginning of the school year so that parents are informed and knowledgeable.
4. Teachers are responsible for informing parents of their specific classroom discipline procedures.
5. Parents are to be informed of any serious or recurrent discipline problems in order to work together to understand and address the issue.

Classroom management involves the use of guidance techniques to encourage students to become self-directive. Teachers are encouraged to reinforce behavioral standards by verbally recognizing good behavior. Classroom behavioral modification programs that offer incentives for proper conduct, hard work, and cooperation and/or consequences for infractions may be helpful in encouraging a positive learning environment.

Inappropriate behavior infringes upon the rights of other students and the teacher, thereby disrupting the learning process and environment. When behavioral standards are not met, disciplinary measures may be necessary to change students behavior. Disciplinary measures may include the following progression.

1. The first consequence of breaking a rule is a verbal warning and, if necessary, a reminder of the expected behavior.
2. If the inappropriate behavior continues, the teacher implements a predetermined consequence.

## **Students**

### **Disciplinary Guidelines (continued)**

3. The teacher conferences with any student having difficulty meeting behavioral standards.
4. These steps may be repeated as necessary, modifying consequences as the teacher deems appropriate.
5. The teacher informs the parent/guardian of any recurrent difficulties in writing or by telephone.
6. If the problem persists, a conference is set up between the teacher and parents(s)/guardian(s).
7. The teacher may consult the Student Assistance Team for recommendations.
8. The teacher may choose to send the child to the Principal/Assistant Principal for counseling regarding a persistent difficulty. If so, the teacher is responsible for notifying the parent/guardian. The Principal/Assistant Principal may also notify the parent/guardian.
9. If the teacher decides that the student's behavior threatens the safe and productive learning environment, the student may be sent to the office immediately rather than following the above progression.

If a student has an individualized behavior management plan, that plan takes precedence over the generalized plan.

Reference: "Handbook for Students and Parents, Elmer-Thienes - Mary Hall Elementary School, 1998-99."

## **Students**

### **Discipline**

#### **Discipline of Students with Disabilities**

Students with disabilities are neither immune from a school district's disciplinary process nor entitled to participate in programs when their behavior impairs the education of other students. Students with disabilities who engage in disruptive activities and/or actions dangerous to themselves or others will be disciplined in accordance with their Individualized Education Plan (IEP), any behavioral intervention plan and this policy. School personnel may consider any unique circumstances on a case by case basis when determining whether to order a change in placement for a student with a disability who violates the code of student conduct. Therefore, the District has the authority on a case-by-case basis to place a student in an alternative setting while a manifestation determination is pending. During any period of disciplinary action, irrespective of whether the behavior is determined to be a manifestation of the student's disability, the student will continue to receive a "free appropriate public education" in accordance with federal law and applicable regulations and educational services in order to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP and receive, as appropriate, functional behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

#### **Manifestation Determination**

When a disciplinary change in placement is being considered for more than ten (10) days in a given school year related to a disabled student's behavior, the relevant members of the Planning and Placement Team (PPT) and other qualified district personnel as determined by the parent and District, will review the relationship between the student's disability and the behavior. All relevant information in the student's file including the IEP, any teacher observations and any parental provided information shall be reviewed to determine if the conduct in question was caused by, or had a direct and substantial relationship to the student's disability or if the conduct was the direct result of the District's failure to implement the IEP. Such a review must take place as soon as possible, but no later than ten (10) school days from the date of the decision to take disciplinary actions which would remove a student with a disability from his/her current educational placement for more than ten (10) school days.

The team will determine whether the student's behavior is a manifestation of the disability and whether the student's disability impaired his or her ability to control or understand the impact and consequences of the behavior.

School personnel may order a change in the placement of a disabled student who violates the conduct code to an appropriate interim educational setting, another setting, or a suspension of not more than ten school days, to the extent that such alternatives are applied to non-disabled students.

## **Students**

### **Discipline**

#### **Disciplinary Action for Behavior that is Not a Manifestation**

Once the team determines that the behavior was not a manifestation of the disability, disciplinary procedures will be applied to the student in the same manner as applied to non-disabled students.

#### **Disciplinary Action and/or Alternative Placement for Behavior that is a Manifestation**

A student with disabilities whose behavior is determined to be a manifestation of his or her disability may not be expelled but will be disciplined in accordance with his or her IEP, any behavioral intervention plan and this policy.

In addition to any disciplinary action provided for in the IEP or behavioral intervention plan, a disabled student may be suspended for up to ten (10) school days cumulatively in a school year to the extent suspension would be applied to non-disabled students. Disabled students may be suspended for additional removals for up to ten (10) days for separate acts of misconduct as long as the removals do not constitute a pattern or change in placement. School administrators and the student's special education teacher shall determine the level of services to be provided to the disabled student in subsequent suspensions beyond the first ten (10) days cumulative in a school year.

School personnel may remove a disabled student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability if the student has inflicted serious bodily injury upon another person while at school, on school premises or at a school function or carries or possess a weapon to or at school, on school premises or at a school function or carries or possesses a weapon to or at school, or solicits the sale of a controlled substance while at school, on school premises or at a school function.

A "serious bodily injury" is defined as bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty. (18 U.S.C. §1365(h)(3))

The alternative educational setting shall be determined by the IEP Team (PPT). The parent/guardian of the disabled child who disagrees with any decision regarding disciplinary action, placement, or the manifestation determination, or the District if it believes that maintaining the current placement of the child is substantially likely to result in injury to the student or others, may request a hearing.

## Students

### Discipline

#### **Disciplinary Action and/or Alternative Placement for Behavior that is a Manifestation** (continued)

A hearing officer may order removal to an alternative setting for forty-five (45) school days where the district demonstrates by substantial evidence that maintaining the student's current placement is substantially likely to result in injury to the student or others.

When an appeal has been requested by the parent/guardian or school District regarding the interim alternative educational setting or a manifestation determination, the student shall remain in the interim educational setting pending the decision of the hearing officer, or until the expiration of the 45 day time period, whichever occurs first, unless the parent and the state or local district agree otherwise.

Either before or within ten (10) days after any change in placement for more than ten days related to a disciplinary problem, the IEP team (PPT) must meet to determine an appropriate alternative setting, to develop a behavioral assessment plan or to review and modify an existing intervention plan, and review and modify the IEP where necessary.

Nothing in this policy shall prohibit the IEP team (PPT) team from establishing consequences for disruptive or unacceptable behavior as a part of the student's IEP. The plan shall be subject to all procedural safeguards established by the IEP process.

#### **Expedited Hearings**

An expedited hearing is available when:

1. the parent/guardian disagrees with the IEP team (PPT) team's determination regarding manifestation or with any decision regarding placement.
2. the parent/guardian disagrees with the proposed new placement following an interim alternative placement.
3. the district believes it is dangerous for the student to be returned to the previous placement

The hearing shall occur within 20 days of the date it is requested and a decision rendered within 10 school days after the hearing.

During any challenge to placement, the student will stay in the alternative placement.

## Students

### Discipline

#### Students Not Identified as Disabled

Students who have not been identified as disabled may be subjected to the same disciplinary measures applied to children without disabilities who engaged in comparable behaviors if the district did not have "knowledge" of the disability.

The district shall be deemed to have knowledge that a student has a disability if, before the behavior that precipitated the disciplinary action occurred:

1. the parent/guardian has expressed concern in writing that the student needs special education.
2. the parent/guardian has requested an evaluation.
3. the student's teacher or other district personnel have expressed concern about the student's behavior or performance to the director of special education or other supervisory district personnel.

If a request for evaluation is made during the period the student is subject to disciplinary measures, the evaluation will be expedited.

The hearing shall occur within 20 days of the date it is requested and a decision rendered within 10 school days after the hearing.

(cf. 5114 - Suspension/Expulsion/Due Process)  
(cf. 5125 - Student Records)  
(cf. 5131 - Conduct)  
(cf. 5131.6 - Drugs, Tobacco, Alcohol)  
(cf. 5131.7 - Weapons and Dangerous Instruments)  
(cf. 5144 - Discipline/Punishment)

Legal Reference: Connecticut General Statutes

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

53a-3 Definitions.

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

## Students

### Discipline

Legal Reference: Connecticut General Statutes (continued)

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

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

18 U.S.C. 921 Definitions.

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

Sec. 314 (Local Control Over Violence)

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

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

Policy adopted: March 22, 2001  
Policy revised: June 22, 2006

MARLBOROUGH PUBLIC SCHOOLS  
Marlborough, Connecticut



## **Students**

### **Discipline**

#### **Discipline of Students with Disabilities**

##### **Special Education Suspension Procedures**

1. All suspension notices and suspension review procedures established by Board policy and state statute shall be followed when suspending a special education student. In addition, a special education student who is suspended from school shall receive educational services in accordance with the IDEA and its regulations.
2. If a child with an identified disability carries or possesses a weapon to or at school, on school premises or to or at a school function or knowingly possesses or uses controlled drugs or sells or solicits the sale of a controlled substance while at school or school function, or has inflicted serious bodily injury upon another person while at school, on school premises or at a school function. The District may remove the student to an interim alternative educational setting for no more than 45 school days without regard to whether the behavior is determined to have been a manifestation of the student's disability. The IEP Team (PPT) shall determine the alternative education setting. The District shall, no later than ten (10) school days after determining to suspend the student, convene a meeting to review the relationship between the student's disability and the behavior which is subject to discipline, in accordance with the provisions described in paragraphs 3 through 5 below.
3. For all suspensions, in which further disciplinary actions is contemplated, no later than ten (10) school days after the decision to suspend a student is made, the District shall convene an IEP team (PPT) meeting to review and, if appropriate, modify the student's behavior modification plan, as necessary, to address the student's behavior. If no behavior management plan is in place, the District shall develop an assessment plan to address the behavior.
4. For suspensions of ten (10) days or less, cumulatively in a given school year and for which no further disciplinary action is contemplated, it is not required to do a manifestation determination or a functional behavioral assessment.
5. Manifestation determinations are required for suspensions, beyond the first ten (10) days in a school year, which constitute a pattern and a change in placement.

##### **Special Education Expulsion Procedures**

1. The District shall promptly notify the student's parent(s)/guardian(s) of the disobedience or misconduct and whether the student shall be recommended for expulsion. All procedural protections pertaining to notice provided under the District's discipline policy shall apply to a notice of recommended expulsion in the case of a special education student. Such notice shall also include the following information:

## Students

### Discipline

#### Discipline of Students with Disabilities

#### Special Education Expulsion Procedures (continued)

1. (continued)
  - That an IEP team (PPT) shall be convened to determine whether the student's act of gross disobedience/misconduct is a manifestation of his or her disability. The IEP team (PPT) meeting shall take place as soon as possible, but at least 10 calendar days after this notice was sent, unless such ten (10) day notice is waived by the parent(s)/guardian(s).
  - That the student's parent(s)/guardian(s) are requested to attend the IEP team (PPT) meeting and the date, time, and location of the meeting.
2. For purposes of such manifestation determination review, the IEP team (PPT) shall include the members of the student's IEP team and other qualified personnel including, but not limited to, the authorized administrator familiar with the act of misconduct.
3. In carrying out the manifestation determination review, the team shall consider, in terms of the behavior subject to the disciplinary action, all relevant information including:
  - evaluation and diagnostic results, including relevant information supplied by the parents;
  - observations of the student; and
  - the student's IEP and placement.
  - the District's implementation of the student's IEP.
4. The team shall make the following determinations regarding whether the student's conduct was a manifestation of his or her disability:
  - whether, in relationship to the behavior subject to the disciplinary action, the student's IEP and placement were appropriate and whether the special education, supplementary aids and services, and behavior intervention strategies were provided consistent with the student's IEP and placement;
  - whether the student's disability did or did not impair the ability of the student to understand the impact and consequences of the behavior subject to the disciplinary action; and
  - whether the student's disability did or did not impair the ability of the student to control the behavior subject to the disciplinary action.
  - whether the conduct in question was the direct result of the District's failure to implement the student's IEP.

## Students

### Discipline

#### Discipline of Students with Disabilities

##### Special Education Expulsion Procedures (continued)

5. If, at the manifestation review conference, it is determined that the behavior of the student was a manifestation of his or her disability, or if the conduct in question was the direct result of the District's failure to implement the student's IEP, the conduct shall be determined to be a manifestation of the student's disability and the authorized administrator shall not recommend expulsion. The authorized administrator may request a review of the appropriateness of the educational placement of the student. During the period necessary to propose a new placement, the student will remain in his or her then current placement or in the interim alternative educational setting unless:
  - the student is suspended for a period not to exceed ten (10) school days. During the first ten days of suspension cumulatively during a school year the District need not provide educational services; additional suspension time beyond the initial ten days requires the provision of services which is to be determined by the building administrator and the student's special education teacher; or
  - the parent(s)/guardian(s) and the District agree on a change in the interim placement; or
  - the District obtains an order from a court of competent jurisdiction or a State of Connecticut hearing officer changing the then current placement or providing for other appropriate relief.
6. If, at the manifestation review conference, it is determined that the behavior of the student was not a manifestation of his or her disability, the authorized administrator may recommend that the student be considered for expulsion by the School Board. The expulsion notice to the parent(s)/guardian(s) shall also include the following provisions:
  - The parent(s)/guardians are entitled to all rights provided under the IDEA and those set forth in state statutes as available to the parent(s)/guardian(s) from the District. A copy of the parent'(s)/guardian'(s) rights shall be included with the expulsion hearing notice.
  - In addition to issues regularly determined at an expulsion hearing, the authorized administrator must present evidence that the IEP team (PPT) met and concluded that the student's misconduct was not a manifestation of his or her disability which shall be duly noted by the Board.
  - The administration shall ensure that relevant special education and disciplinary records of the student are transmitted for consideration by the School Board.

## **Students**

### **Discipline**

#### **Discipline of Students with Disabilities**

##### **Special Education Expulsion Procedures (continued)**

7. If a special education student is expelled from school in accordance with the procedures set forth above, the District shall convene an IEP team (PPT) meeting to develop an educational program to deliver educational services to the student during such period of expulsion which will enable the student to appropriately progress in the general education curriculum and appropriately advance toward achieving the goals of the student's IEP.

##### **Weapon and Drug Offenses**

In accordance with the above procedures, the District may take one or more of the following steps when a student with a disability carries a weapon to school or to a school function or knowingly possesses or uses controlled drugs or sells or solicits the sale of a controlled substance while at school or at a school-related function or has inflicted serious bodily injury to another person while at school, on school premises, or at a school function:

1. Suspend the student from school for ten (10) school days or less.
2. Remove the student with a disability to an interim alternative educational setting for up to 45 school days.
3. If the parent(s)/guardian(s) disagree with the alternative educational placement or with the District-proposed placement, and the parent(s)/guardian(s) initiate a due process hearing, the student must remain in the alternative educational setting during the authorized review proceedings, unless the parent(s)/guardian(s) and the District agree on another placement.
4. Seek an order from a court of competent jurisdiction or a State of Connecticut Hearing Officer to change the student's educational placement if the District demonstrates that the current placement is substantially likely to result in injury to the student or to others.

Regulation approved:  
Regulation revised:

March 22, 2001  
June 22, 2006

MARLBOROUGH PUBLIC SCHOOLS  
Marlborough, Connecticut