

Committee Meeting Agenda/Minutes

Committee: BOE Policy & Legislation Committee			
Location: Superintendent's Office Chase Building/Room 158 236 Grand Street	Date of Meeting: Thursday May 25, 2023	Start Time: 5:30 p.m.	Finish Time:

Team Norms:
1. All meetings will start on time 2. All team members will agree to stay on specific agenda topics 3. A specific agenda will be set for all meeting

Commissioners Present:	Staff Present:

AGENDA			MINUTES
	Agenda Item	Time Allotted	• Motion • Motion by/seconded by • Vote tally
1.	Revised Policy 5114 – Suspension and Expulsion (suggested edits from CABE) ~ D. Schwartz		
2.	New Policy 5144.4 – Physical Exercise and Discipline of Students (PA 22-80) ~ D. Schwartz		
3.	CABE Call for Resolutions ~ E. Brown		
3.	Scheduling of next meeting		
5.	Adjournment		

Additional notes/minutes:

Minutes prepared by:

Discipline/Student Conduct Policy***STUDENT CONDUCT***

It is a privilege to be a part of the Waterbury School System. We expect all students to observe the basic rules for maintaining order and decorum while in the educational environment. The adherence to the rules and expectations will encourage the development of good citizenship skills throughout the lives of our students. The Waterbury School System will provide opportunities for all students to maximize their skills and talents in an atmosphere where teaching and learning flourish under the never-wavering belief that all students can be exemplary. The articles and behavioral expectations are set forth for all members of the Waterbury School System.

These expectations include:

- Norms, values, and expectations that support people feeling socially, emotionally, physically and intellectually safe
- Members of the school community are engaged and respected
- Students, families and educators work together to develop, live and contribute to a shared school vision
- Educators model and nurture attitudes that emphasize the benefits and satisfaction gained from learning
- Each person contributes to the operations of the school and the care of its social, emotional, intellectual and physical environment

National School Climate Standards

The Waterbury Public School System is committed to providing the best possible education in the best possible environment for all of its students in an effort to fulfill this commitment, the Waterbury Public Schools have integrated the Positive Behavioral Interventions and Support (PBIS) program as a framework to further develop positive school climates and positive relationships throughout the district. PBIS reinforces the National School Climate Standards.

The Board of Education supports the utilization of progressive discipline.

The development of good discipline practices is the concern of all persons involved in the education of youth. To this end, thoughtful and patient effort is required in order to reach pupils in a way which will help and guide them in achieving self-discipline. Such measures may involve, but are not limited to interventions, restorative measures, removal, suspension, or expulsion. Whatever measure is employed, it must always be fair, dignified, and consistent.

Inquiries and complaints concerning the applicability of the aforementioned laws and regulations may be referred to:

U.S. Department of Education
Office for Civil Rights (OCR)
Lyndon Baines Johnson Department of Education Bldg.
400 Maryland Avenue, SW
Washington, DC 20202-1100
Telephone: 800-421-3481
FAX: 202-453-6012; TDD: 877-521-2172
Email: OCR@ed.gov

Discipline/Student Conduct Policy, continued**ARTICLE 1
EXCLUSION FROM SCHOOL FOR DISCIPLINARY PURPOSES*****SECTION 1******1. Definitions***

- a. "Exclusion" means any denial of public school privileges to a pupil for disciplinary purposes.
- b. "Removal" means an exclusion from a classroom for all or part of a single class period, provided such exclusion shall not extend beyond ninety minutes.
- c. "Suspension" means an exclusion from school privileges for no more than ten (10) consecutive school days, provided such exclusion shall not extend beyond the end of the school year in which such suspension was imposed. Suspensions pursuant to this policy shall be in-school suspensions except (1) for students in grades three (3) to twelve (12), inclusive, if, (A) the administration determines that the pupil being suspended poses such a danger to persons or property or such a disruption of the education process that the pupil shall be excluded from school during the period of suspension or (B) the administration determines that an out of school suspension is appropriate for such pupil based on evidence of (i) previous disciplinary problems that have led to suspensions or expulsion of such pupil and (ii) efforts by the administration to address such disciplinary problems through means other than out of school suspensions including positive behavior support strategies or (2) for grades preschool to grade two (2), inclusive, if during the hearing held, the administration determines that an out-of-school suspension is appropriate for such pupil based on evidence that such pupil's conduct on school grounds is of a violent or sexual nature that endangers persons.
- d. "Expulsion" means an exclusion from school privileges for more than ten consecutive school days and shall be deemed to include, but not be limited to, exclusion from the school to which such pupil was assigned at the time such disciplinary action was taken, provided such expulsion shall not extend beyond a period of one calendar year (12 consecutive months). Such period of exclusion may extend to the school year following the school year in which such exclusion was imposed.
- e. "Emergency" means a situation under which the continued presence of the pupil in school poses such a danger to persons or property or such a disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of such pupil as possible.
- f. "Probation" means a warning which has an automatic penalty if offense is repeated.
- g. "School" means any school under the direction of the Board of Education.
- h. "Off-campus behavior" means behavior off school grounds which violates school policy and is seriously disruptive to the educational process.

SECTION 2***1. Removal***

- a. The Board of Education authorizes teachers, with the approval of the building principal, or his/her designee, to remove a pupil, except those students covered under Article 6 below, from class when such pupil deliberately causes a serious disruption of the educational process within the classroom, provided no pupil shall be removed from class more than six times in any year nor more than twice in one week unless such pupil is granted an informal hearing by the building principal or his/her designee in accordance with the provisions below.

Discipline/Student Conduct Policy, continued

- b. Whenever any teacher removes a pupil from the classroom, such teacher shall send him/her to an area designated by the building principal with a designated staff member to supervise, and send the name of the pupil against whom such disciplinary action was taken and the reason therefore to the principal.
 - c. Each teacher shall maintain an individual pupil log of interventions in accordance with the designated form. The teacher shall provide the original copy of such log to the building principal when referring a pupil for disciplinary action. This log will be provided for disciplinary action in accordance with the designated form. If removal from a classroom does not result in disposition of the disciplinary case within ninety minutes, the building principal must consider the case a suspension and follow procedures in Section 4 following. (Maintenance of logs is required by the Office of Civil Rights.)
2. **Notification** – Parents shall be notified in order to solicit their cooperation in an effort to alter the student's behavioral pattern before more serious problems develop which will require disciplinary action at the suspension level.
- a. By telephone, the principal or designee may make attempts to immediately notify the parent or guardian of the student about the removal and state the cause(s) which led to the removal.
 - b. Whether or not telephone contact is made with the parent or guardian, the principal or designee shall forward a letter to such parent or guardian to the most current address within one school day of the removal action and offer the parent or guardian an opportunity for a conference to discuss same. All notices, written and/or oral, required by this policy shall be in English or in the primary language of the home if fluency in English is limited.
 - c. If a student is eighteen years of age or older, any notice required by this policy shall also be given to the student.
 - d. The principal or designee shall maintain a file of removal reports and copies shall be sent to the school counselor and one will be placed in the student's permanent record file.

3. **Chronic Behavior Problems**

Referral to Planning and Placement Team

Each board of education shall accept and process referrals from appropriate school personnel, as well as from a child's parents; or from a physician, clinic or social worker, provided the parent so permits, in order to determine a child's eligibility for special education and related services. A board of education shall make available a standard referral form which shall be used in all referrals. Before a child is referred to a planning and placement team, alternative procedures and programs in regular education shall be explored and, where appropriate, implemented. Provision shall be made for the prompt referral to a planning and placement team of all children who have been suspended repeatedly or whose behavior, attendance or progress in school is considered unsatisfactory or at a marginal level of acceptance. (Effective September 1, 1980) See Conn State Reg.10-76d 7.

Discipline/Student Conduct Policy, continued

A process shall be developed by the building principal or Building Intervention Team, to systematically review all discipline and suspension records on a quarterly basis and begin the referral process (i.e., for any student whose behavior problems could be described as chronic or excessive).

SECTION 3
IN-SCHOOL SUSPENSION ROOM PROCEDURES

1. A student must report on time after homeroom with all assignments, or an additional day of In-school suspension may be assigned.
2. A student is required to follow all rules for In-school suspension and stay on task at all times. The In-school suspension room instructor will review the In-school suspension rules and the In-school suspension rubric and score sheet with the student at the commencement of the first day of In-school suspension.
3. A student must complete the character education assignment given them by the In-school teacher in the first period and all other assigned work must be completed satisfactorily.
4. A student who fails to follow In-school suspension rules and procedures may result in additional time in the In-school room or other consequence.
5. The in-school suspension room instructor shall follow the district wide model for In-school suspensions and may assign additional classroom work to the student when appropriate.
6. In-School suspension cannot be assigned for more than ten (10) consecutive days or more than fifteen (15) times or a total of fifty (50) days in one school year.
7. In-school suspension shall be held in a classroom in each school which room shall be kept closed, separated from the rest of the school and the room shall be quiet and orderly at all times.
8. If in-school suspension is completed successfully, the student will receive full credit for the school work completed therein and will be allowed to participate in after school activities.
9. The in-school suspension instructor shall follow school policy for the proper operation of the In-school suspension classroom and shall at all times implement the grading rubric designed for the City's in-school suspension classrooms and all other rules associated with it to insure that all in-school suspension classrooms and instructors are operated consistently and uniformly in the District.
10. For special education and Section 504 students, a copy of their IEP or Section 504 plan should be submitted to the In-school suspension instructor on or before the student's In-school suspension.

Discipline/Student Conduct Policy, continued**SECTION 4
SUSPENSION****1. Procedures Governing Suspension**

Unless an emergency situation requiring the student's immediate exclusion exists, the principal shall observe the following procedures in all actions which may lead to suspension except for those students covered under Article 6 below. In the event of an emergency, the procedure must be initiated as soon after the cessation of the emergency as possible, but no later than 72 hours after the exclusion.

No student shall be suspended, as suspension is defined in Section 1 above, 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 in accordance with the procedures governing Board hearings concerning Expulsion.

a. Informal Hearings

- i. No student shall be suspended prior to having an informal hearing before the principal or his/her designee. The student will be informed of the charges which have been written.
- ii. The student shall be granted an opportunity to refute the charges against him/her.
- iii. The principal or designee shall inform the student of the disciplinary action to be imposed.

b. Notification

- i. By telephone, the principal or designee shall make all possible attempts to immediately notify the parent or guardian of the student about the suspension and state the cause(s) leading to the suspension.
- ii. Whether or not telephone contact is made with the parent or guardian, the principal or designee shall forward a letter to such parent or guardian to the most recent address reported on school records within one school day of the suspension action and offering the parent or guardian an opportunity for a conference to discuss same.
- iii. Notice of the original suspension shall be transmitted by the principal or designee to the Superintendent of Schools by the close of the school week following the commencement of the suspension.
- iv. If a student is eighteen years of age or older, any notice required by this policy shall also be given to the student.
- v. Any pupil who is suspended shall be given an opportunity to complete any classwork including, but not limited to, examinations which such pupil missed during the period of suspension.

**SECTION 5
NOTIFICATION TO PARENTS**

1. Within three weeks of the effective date of this policy, within three weeks of the beginning of each school year thereafter, and at other such times as it deems appropriate, this policy shall be distributed to students (Grades K–12) and parents (or legal guardians, if known to be other than parents) and to school employees printed in the English language with notices appended thereto in the Spanish language.

Discipline/Student Conduct Policy, continued

2. All notices, written or oral, required by this policy shall be in English and in the primary language of the home. All notices shall be made in simple and commonly understood words to the extent possible. All hearings and conferences required by this policy shall be conducted by persons fluent in the primary language of the student's home or with the assistance of an interpreter. The constitutional rights of all students and school staff will be upheld.
3. Each board shall further provide an effective means of notifying the parents or guardian of any minor pupil against whom the disciplinary action authorized by the provisions of this act has been taken. Such notice shall be given within twenty-four hours of the time such pupil has been excluded.

**ARTICLE 2
ASSAULT ON STAFF**

1. In the event of an assault committed on a member of the staff, the Board of Education authorizes that staff person to (a) retreat if possible, (b) defend himself/herself, utilizing only what force is reasonably necessary. All assaults on staff are to be reported immediately by the building principal or his/her designee to the police for prosecution, to the Superintendent (for disciplinary action if the perpetrator is a pupil) and to the Clerk of the Board. All staff members, both professional and non-professional, shall cooperate with police and prosecution authorities in prosecuting the perpetrator to the full extent of the law.
2. The victim of assault is encouraged by the Board to seek compensation from the offender and/or his/her parents by means of legal action.
3. The Board of Education shall hold harmless any member of the staff from loss and expense including legal fees and costs coming out of any claim by reason of that staff member defending himself/herself, another staff member, or pupil from assault in accordance with Section 10-235 of the Connecticut General Statutes.

**ARTICLE 3
SUSPENSION OF SCHOOL BUS PRIVILEGES**

The Board of Education authorizes the administration of the schools under its direction to suspend school bus privileges for any pupil whose conduct endangers persons or property or is seriously disruptive of the transportation process, or which conduct is violative of a publicized policy of the Board.

1. Unless an emergency exists, no pupil shall be suspended without an informal hearing before the principal of the school the pupil attends or his/her designee at which student shall be informed of the reasons for such action and given an opportunity to explain the situation. If an emergency exists such hearing shall be held as soon after the suspension as possible.
2. Prior to reinstatement of bus privileges if said suspension exceeds five (5) school days, the pupil, his/her parent or legal guardian may appeal for reinstatement at a hearing with the principal or his/her designee to show cause why said pupil shall be reinstated.

Discipline/Student Conduct Policy, continued

3. In the event of suspension of school bus privileges of a pupil, the responsibility of getting the pupil to and from school rests with the parent or guardian. In considering this option, it is advisable for school administrators to assure that alternative arrangements are made with the parent or guardian for safe transportation of the student to and from school and if no such arrangements can be made, to consider other alternatives to such disciplinary actions.
4. Unless an emergency exists, the parent or legal guardian of a child when school bus privileges have been suspended shall be notified one (1) day in advance of such suspension of the reason therefore and the duration thereof.
5. The duration of the suspension of school bus privileges is within the discretion of the principal or his/her designee and is to be rationally based upon the nature and severity of the disruption and the likelihood of repetition if and when busing privileges are restored.
6. For the purpose of the discipline policy, students' behavior on the bus, on a field trip or any school sponsored activity or/and at a school bus stop will be regarded as behavior at school. The Board authorizes the administration to suspend transportation services for any pupil whose conduct while waiting or receiving transportation to and from school endangers persons or property or is violative of a publicized policy of the Board of Education.

Hold Harmless Clause: The Board of Education will hold harmless from claims for damages any member of the professional staff against whom a claim for damages is made based upon the denial of school bus transportation whether by virtue of a suspension of school bus privileges or detention that causes a pupil to miss a school bus, as long as the proper notification was dispatched to the parent or guardian in accordance with these rules.

ARTICLE 4
DISCIPLINARY PROCEDURES AND GUIDELINES

All members of the professional staff shall enforce discipline in accordance with the following procedures:

1. When minor violations occur, level 1, these incidents will be handled proactively in the classroom. Disciplinary measures consistent with proven prior practices and known educational techniques consistent with the law may be used. Teacher will contact the parent/legal guardian and inform them of these minor violations.
2. Repeated minor occurrences will require a written referral to an administrator, contact with the parent/ legal guardian and a conference should be scheduled. (This can be done by phone, email or in person.)
3. When all teacher interventions and restorative measures prove ineffective, probation or exclusion (removal from classroom or suspension) may be warranted and imposed by the building principal as set forth in Section 1, Exclusion for Disciplinary Purposes.
4. However, the building principal is authorized to exclude (removal from classroom or suspension) a pupil to maintain an environment conducive to education as set forth in Section 1, Exclusion for Disciplinary Purposes.

Discipline/Student Conduct Policy, continued

5. When a major offense occurs, the building principal is authorized to use an in school suspension or out of school suspension as set forth in Section 1, Exclusion for disciplinary purposes, arrest or referral to court.
6. Unless an emergency exists, the parent or legal guardian of a child who has been suspended shall be notified one day in advance of such suspension of the reason for and the duration of the suspension.
7. The length of any exclusion is to be determined pursuant to statute, Board of Education Rules and Policy, and the Superintendent's regulations, as set forth herein.
8. After an exclusion period the parent and/or legal guardian shall return with the pupil for a conference and reinstatement, except where extenuating circumstances preclude parent's presence.
9. When any pupil is found vandalizing, damaging, or defacing school property, parents or legal guardians shall be held financially responsible for repair of such school property and the Board of Education shall pursue such claims through the Legal Department of the City of Waterbury.
10. In the event of vandalism, damage or defacement of school property, the building principal or his/her designee is empowered to assign the pupil or pupils involved, with proper supervision, to clean up and replace school property, where practical, in lieu of suspension when authorized in writing by the parents of the pupil.
11. Books and/or equipment and supplies are supplied for the use of pupils. It is the responsibility of each pupil to care for such school property. If damaged or lost, parents must pay for the replacement of such school property. The building principal is authorized to obtain written permission of a pupil's parents for specific work to be performed by a pupil or pupils under proper supervision, i.e., snow shoveling, weed pulling, picking up litter, etc., to meet the financial responsibility for replacement of school property.
12. Whenever the police are called in connection with a disciplinary action, every attempt should be made to notify the parent(s) of the pupil prior to the arrival of police authorities. When an emergency situation exists, the parent(s) should be notified as soon as possible. The principal or his/her designee will be present whenever the parent(s) are not at the scene.
13. Corporal punishment is not a part of the disciplinary procedure. However, school personnel may use reasonable and prudent physical force upon a student when necessary, pursuant to CGS 53a-18, to:
 - a. Protect themselves or others from immediate harm or injury;
 - b. Obtain a dangerous instrument or illegal item from a student;
 - c. Protect property;
 - d. Restrain or remove a student to maintain order.
14. The authority of the entire professional staff extends throughout the entire building, school grounds, school activities, and school transportation.

Discipline/Student Conduct Policy, continued**ARTICLE 5
DISCIPLINE**

1. **Expulsion** – The Board of Education may expel any pupil in grades three (3) to twelve (12) inclusive, except those students grades three (3) to twelve (12), inclusive, covered by Article 6 below, from school if, after a full hearing, the Board finds that his/her conduct endangers persons or property or is seriously disruptive of the educational process **and** is in violation of a publicized Board policy or whose conduct off school grounds is violative of such policy and is seriously disruptive of the educational process. Students who have been expelled may be eligible for an alternative educational program.

Since this is a very severe penalty it must be used with care and deliberation, and generally for one of two basic reasons: (1) to protect the school population from individuals whose behavior continually interrupts the learning process of other individuals, or (2) to help an individual understand that a constant behavior pattern is so inappropriate that the most serious disciplinary action possible must be taken.

For any student expelled for the first time and who has never been suspended: under the recommendation of a hearing officer, the Board of Education may shorten the length of or waive the expulsion period if the student successfully completes a Board specified program and meets any other conditions required by the Board.

In making a determination as to whether conduct is seriously disruptive of the educational process, the board of education or impartial hearing officer [Section 10-233d(b)] may consider, but such consideration shall not be limited to:

- whether the conduct occurred within close proximity of a school,
- whether other students from the school were involved or whether there was any gang involvement,
- 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
- whether the conduct involved the use of alcohol.

2. ***Actions Leading To Expulsion***

- a. A principal must request expulsion in cases where a student, grades three (3) through twelve (12), inclusive, has already been or exclusion 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, or in circumstances under which the student will be prevented from completing a normal course of study.
- b. A principal may request expulsion for students grades three (3) through twelve (12), inclusive, in cases where the principal has cause to believe:
 - i. That the student has committed conduct which has endangered persons or property or seriously disrupted the educational process **and** has violated a publicized policy of the Board of Education, and/or;
 - ii. That the student's past conduct at school is so serious as demonstrated by repeated violation of actions leading to suspensions to indicate that he/she will endanger persons or property or seriously disrupt the educational process if allowed to remain in school; or
 - iii. that the student's conduct while off school grounds violates a policy of the Board of

Education and is seriously disruptive of the educational process.

3. Procedures Governing Expulsion

- a.** Upon receipt of an expulsion request and required school record, the Superintendent or his/her designee, shall conduct an inquiry within two (2) school days of the request. This inquiry may include an opportunity for an informal conference with the student and his/her parent or guardian.
- b.** If after the inquiry, the Superintendent or designee determines that a student ought to be expelled, he/she shall forward such request to the Board of Education within five (5) days of the conclusion of the inquiry.

Discipline/Student Conduct Policy, continued

- c. The Board of Education shall, prior to expelling the student, conduct a hearing to be governed by the following procedures:
 - i. The student and his/her parent(s) or guardian(s) must be given reasonable notice prior to the date of the hearing.
 - ii. The notice shall contain: the date, time, and place of the scheduled hearing, the details of the grounds for the scheduled hearing, the details of the grounds for the proposed expulsion—including a narrative of the events leading to the expulsion—the names of any witnesses against the student, copies of any statements or affidavits of those witnesses, a detailed summary of any other information to be used in support of expulsion—including any record of past offenses or misbehavior, and whether any prior warnings or suspensions have been given, the proposed penalty, a statement of the student's rights as enumerated in Article 6 together with a copy of Article 6 and notice that the parents may be entitled to free or reduced legal services that are locally available through Connecticut Legal Services, 85 Central Avenue, Waterbury, CT.
 - iii. At the hearing, the student shall have the right to testify and produce witnesses and other evidence in his/her defense. The student shall have the right to demand that any witnesses against him/her appear in person to answer questions asked by the student or his/her representative.
 - iv. A student may be represented by any third party of his/her choice, including an attorney.
 - v. A student is entitled to the services of a translator, to be provided by the Board of Education, whenever the student or his/her parent(s) or guardian(s) does not speak the English language.
 - vi. The Board shall keep a verbatim record of the hearing, and the student or such student's parent or guardian shall be entitled to a copy of that record at his/her own expense unless the family of the student is indigent, in which case the record shall be provided free of charge.
 - vii. The Board shall report its final decision in writing to the student, stating finding of facts, the reasons on which the decision is based, and the penalty to be imposed. Said decision shall be based solely on evidence derived at the hearing.
 - viii. Within twenty-four (24) hours after its decision, the Board shall notify the parent(s) or guardian(s) of any minor pupil, of such action.
 - ix. The Board of Education shall mail a copy of its decision to the State Board of Education within five (5) days of the effective date of such action when required by statute.
- d. Whenever the Board of Education expels a student, it shall offer such student an alternative education program. The parent(s) or guardian(s) of such student has the legal right to reject such a program without being subject to the truancy law. The parent(s) or guardian(s) of such student may challenge the adequacy of this program at a hearing before the Board held subject to the requirements of Connecticut General Statutes.
- e. The Board of Education will not provide an alternative education program for a student who is expelled, if this individual case was decided on the conditions stated in C.G.S., Section 10-233d.(e).

Discipline/Student Conduct Policy, continued

- f. Whenever a pupil is expelled pursuant to the provisions of this section, notice of the expulsion and the conduct for which the pupil was expelled shall be included on the pupil's cumulative educational record.
- g. The Waterbury Board of Education may adopt the decision of a pupil expulsion hearing conducted by another school district. The pupil shall be excluded from school pending the expulsion period as identified by the student's previous educational facility and/or school. The excluded student may be offered an alternative educational opportunity.

5. Procedures Governing the Expungement of Expulsion Records

- a. Notice of an expulsion pursuant to C.G.S. §10-233d(f) and as set forth in section 3 of this policy, except for notice of an expulsion of pupils in grades nine through twelve, based on possession of a firearm or deadly weapon as described in subsection (a) of C.G.S. §10-233d as follows:
 - i. shall be expunged from the cumulative educational record by the local or regional board of education upon a pupil graduating from high school;
 - ii. may be expunged from the cumulative educational record by the local or regional board of education before a pupil graduates from high school if:
 - a. in the case of a pupil expelled for the first time and who has never been suspended, except for a pupil who has been expelled based on possession of a firearm or deadly weapon, for which the length of the expulsion period is shortened or the expulsion period is waived, such board determines that an expungement is warranted at the time such pupil completes the board-specified program and meets any other conditions required by such board, or
 - b. such pupil has demonstrated to such board that the conduct and behavior of such pupil in the years following such expulsion warrants an expungement.

6. Mandatory Expulsion Policy

- a. The Board of Education, in compliance with Connecticut General Statutes §10-233d, has adopted a policy under which whenever there is reason to believe that any student, grades kindergarten (K) to twelve (12), inclusive:
 - i. on school grounds or at a school sponsored activity was in possession of a firearm as defined by law or
 - ii. off school grounds to possess a firearm or did possess or use a firearm, instrument or weapon in the commission of a crime or
 - iii. on or off school grounds offered for sale or distribution of a controlled substance, or possessed with intent to sell

shall be expelled for a period of one calendar year. The Board of Education may modify the period of expulsion for a pupil on a case by case basis. These students shall also be referred to the Criminal Justice System. Waterbury will maintain records that include: (1) the name of the school concerned; (2) the number of students expelled from the school; and (3) the type of weapons concerned. The Board of Education agrees to provide this information to the state upon request.

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- b. As to pre-K students enrolled in programs offered by the Board of Education, no preschool program provider shall expel any student enrolled except an expulsion hearing may be conducted whenever there is reason to believe that any child enrolled in such preschool program was in possession of a firearm as defined by Title 18 of the United States Code Section 921, on or off school grounds or at a preschool program-sponsored event. Such child shall be expelled for one calendar year if it is determined at the hearing that the child did possess a firearm. A preschool program may modify the period of expulsion for a child on a case by case basis.
- c. The Gun-Free Schools Act, which was re-codified as section 4141 of the No Child Left Behind Act, obligates state educational agencies that receive federal funds to require that local educational agencies expel students who bring a “weapon” to school for no less than one calendar year, subject to exceptions on a case-by-case basis. The law defines “weapon” as a firearm as defined as 18 U.S.C. §921 (a), summarized as follows:
- i. *The term “firearm” means -*
 - a. any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive;
 - b. the frame or receiver of any such weapon;
 - c. any firearm muffler or firearm silencer; or
 - d. any destructive device. Such term does not include an antique firearm.
 - ii. *The term “destructive device” means -*
 - a. any explosive, incendiary, or poison gas,
 - b. bomb,
 - c. grenade,
 - d. rocket having a propellant charge of more than four ounces,
 - e. missile having an explosive or incendiary charge of more than one-quarter ounce,
 - f. mine, or
 - g. device similar to any of the devices described in the preceding clauses.

The statutory definition also includes any combination of parts designed or intended for use readily construction a “weapon” as defined above. The Act requires that students who bring such weapons to school be expelled for one calendar year. It permits the chief executive officer of the school district to make case by case exceptions in writing.

**ARTICLE 6
DISCIPLINARY POLICY FOR PUPILS WITH DISABILITIES**

1. Notwithstanding the foregoing, the following procedures shall apply to students who are eligible or have been identified as having one or more disabilities under the IDEA. (an “identified student”).

Notwithstanding any provision to the contrary, if suspension or expulsion is considered as a consequence of an identified student's conduct, if an issue exists as to whether the conduct was the direct result of the district's failure to implement the IEP, or, if the Board of Education is

Discipline/Student Conduct Policy, continued

contemplating a change of placement for more than ten (10) school days per school year for an identified student who has engaged in other behavior that violated any rule or code of conduct of the school district that applies to identified or non-identified students, the following procedures shall apply:

- a. If an identified student engages in conduct that would lead to a recommendation for disciplinary action not contemplated by a child's behavior plan:
 - b. the parents of the student must be notified of the decision to take disciplinary action not later than on the date on which the decision to take that action was made and must also receive notice of all special education procedural safeguards; and
 - c. in the case of a recommendation for expulsion, or a disciplinary action that would result in the suspension of an identified student for greater than ten (10) school days per school year, the district shall convene the student's planning and placement team (PPT) as soon as possible, but in no case later than ten (10) school days after the recommendation for such discipline was made, for the purpose reviewing the relationship between the student's disability and the behavior that led to the recommendation for such discipline and whether the conduct directly relates to any failure to provide special education services set forth in the student's IEP, in order to determine whether the student's behavior was a manifestation of his/her disability. During the process of manifestation review, a student may be suspended for up to ten (10) school days. An identified student must not be suspended for more than ten (10) days per school year, without the school district's conducting a manifestation PPT.
2. If the PPT finds that the behavior was a manifestation of the student's disability, the Administration shall not proceed with the recommendation for expulsion. The PPT shall consider the student's misconduct together with any unique circumstances and revise the IEP to prevent a recurrence of the misconduct and to provide for the safety of other students and staff. If the IEP of the identified student does not contain a current behavior intervention plan, the PPT must develop a behavior intervention plan to address the behavior that led to the disciplinary action. If the IEP of the identified student contains a current behavior intervention plan, the PPT must consider the use of positive behavioral interventions to address the child's behavior and convene as necessary to review and modify the behavior intervention plan to address the student's behavior.

If the PPT finds that the behavior was not a manifestation of the student's disabilities, the Administration may proceed with the recommended expulsion, to the extent that a non-identified student would be subject to such discipline. During any period of expulsion, or suspension of greater than ten (10) days per school year, an identified student shall receive an alternative education plan in accordance with the IEP as modified by the PPT in light of the student's exclusion. 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 exclusions of greater than ten (10) school days per year.

3. Notwithstanding the foregoing, the placement of an identified student may be changed as a disciplinary measure under the following circumstances:

Discipline/Student Conduct Policy, continued

- a. School personnel may transfer an identified student to an appropriate interim alternative educational setting, another setting, or suspension for not more than ten (10) school days per school year if such disciplinary action would also apply to non-identified students; or
 - b. School personnel may transfer an identified student to an appropriate interim alternative education setting for not more than forty-five (45) school days if the student 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
 - c. 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
 - d. School personnel may take disciplinary action against an identified student that would be taken against similar behavior by a non-identified student, including expulsion, if a PPT review of the relationship between the student's disability and the behavior subject to disciplinary action and a review of the district's implementation of the IEP concludes that the student's behavior was not a manifestation of the student's disability or due to the district's failure to implement the IEP. Under such circumstances, the Board of Education must continue to provide a free appropriate public education to the identified student.
 - e. The Board of Education may report a crime committed by an identified student to the appropriate law enforcement authority. When the Board reports such a crime, copies of the student's special education and discipline records must be transmitted for consideration by the authorities who received the report of the crime.
 - f. As used in the following subsection, 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.
4. Procedures concerning students who are eligible or who have been identified as having one or more disabilities under Section 504 of the Rehabilitation Act, which student does not fit the criteria under the IDEA as described in subsection 1 above (a "student with disabilities") are set forth below.: Notwithstanding the foregoing, the following additional procedures apply to a student with disabilities as defined in this subsection:
- a. Notwithstanding any provision to the contrary, if suspension or expulsion is considered as a consequence of a student with disabilities' conduct, if an issue exists as to whether the conduct was the direct result of the district's failure to implement the Section 504 plan, or if the Board of Education is contemplating a change of placement for more than ten (10) school days per school year for a student with disabilities who has engaged in other behavior that violated any rule or code of conduct of the school district that applies to students with or without disabilities, the following procedures shall apply:
 - i. If a student with disabilities engages in conduct that would lead to a recommendation for suspension or expulsion:
 - a. the parents of the student must be notified of the decision to suspend or expel not later than on the date on which the decision to take that action was made.

Discipline/Student Conduct Policy, continued

- b. the district shall convene the student's Section 504 Team (504 Team) as soon as possible but in no case later than ten (10) school days after the recommendation for such discipline was made, for the purpose of reviewing the relationship between the student's disability and the behavior that led to the recommendation for such discipline and whether the conduct directly relates to any failure to provide Section 504 services set forth in the student's Section 504 plan, in order to determine whether the student's behavior was a manifestation of his/her disability.
- ii. If the Section 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 Section 504 Team shall consider the student's misconduct and revise the Section 504 Plan to prevent a recurrence of the misconduct and to provide for the safety of other students and staff. If the 504 Plan of the student with disabilities does not contain a current behavior intervention plan, the Section 504 Team must develop a behavior intervention plan to address the behavior that led to the disciplinary action. If the Section 504 Plan of the student with disabilities contains a current behavior intervention plan, the 504 Team must consider the use of positive behavioral interventions to address the child's behavior and convene as necessary to review and/or modify the behavior intervention plan.
- iii. If the Section 504 Team finds that the behavior was not a manifestation of the student's disabilities, the Administration may proceed with the recommended expulsion, to the extent that a student without disabilities would be subject to such discipline. Even if the behavior is a manifestation of the student's disability, the "student with disabilities" placement may change to an appropriate interim alternate setting as set forth under subsection 3a through 3e above.

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, PA 15-96 and PA 19-91

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

Connecticut State Board of Education ED166 Report



P.A. 22-80 An Act Concerning Childhood Mental and Physical Health Services in Schools

~Page 2~

- **RECESS** The Act requires each local and regional board of education to adopt a policy it deems appropriate concerning the circumstances when, as a form of discipline, a school employee may prevent or otherwise restrict a student from participating in the entire time devoted to physical exercise (i.e., recess) in the regular school day.

Under the Act, the policy must allow school employees to prevent or restrict recess when:

1. a student poses a danger to the health or safety of other students or school personnel or
2. it is limited to the shorter recess period if there are two or more recess periods in the school day, so long as the student is allowed to participate in at least 20 minutes of physical activity during the school day. The policy may allow recess prevention or restriction only once during a school week, unless the student is a danger to the health or safety of other students or school personnel. Additionally, the policy must not (1) include provisions that are unreasonably restrictive or punitive, as determined by the board, or (2) allow recess prevention or restriction if a student does not complete their work on time or for the student's academic performance. Under the Act, the recess policy must also distinguish between discipline that: 1. is imposed before recess begins and discipline imposed during recess and 2. (a) prevents or otherwise restricts a student from participating in recess before recess and (b) uses methods to redirect a student's behavior during recess. The Act also eliminates a more general provision requiring that the local and regional boards of education develop a recess policy by October 1, 2019 on school employees preventing students from participating in recess as a form of discipline.

Policy Implications: Policy 5144.4 has been updated to reflect the changes based on P.A. 22-80.



Students

Discipline

Physical Exercise and Discipline of Students

The Board of Education (Board) recognizes that a positive approach toward exercise and physical activity is important to the health and well-being of students. The Board requires that each student in elementary school shall have not less than twenty minutes daily in total devoted to physical exercise, except that a Planning and Placement Team may alter such schedule for a child requiring special education and related services. Further, the Board permits, in its elementary schools, including an additional amount of time, beyond the required twenty minutes for physical exercise, devoted to undirected play during the regular school day, subject to the approval of the building administration.

All aspects of the school experience should encourage students to have a healthy attitude toward exercise and promote the life-long enjoyment of physical activity. Therefore, when school employees impose disciplinary consequences for student misconduct during the regular day, the following restrictions shall apply:

1. Loss of Recess as Disciplinary Consequence

Except as provided below, school employees may NOT prevent a student in elementary school from participating in the entire time devoted to physical exercise or undirected play in the regular school day as a form of discipline. Recess and other physically active learning opportunities may include movement-oriented learning activities in the academic environment, physical activity breaks, and regularly scheduled school wide routines and events that engage students in physical activity that is the time devoted each day (at least 20 minutes) to physical exercise in the District's elementary schools.

School employees may prevent or restrict recess when:

- a. a student poses a danger to the health or safety of other students or school personnel or
- b. it is limited to the shorter recess period if there are two or more recess periods in the school day, so long as the student is allowed to participate in at least 20 minutes of physical activity during the school day.

Recess prevention or restriction may be imposed only once during a school week, unless the student is a danger to the health or safety of other students or school personnel. Recess prevention or restriction is not allowed for a student's failure to complete their work on time or for the student's academic performance. Discipline may be imposed before recess begins and/or imposed during recess. Appropriate interventions shall be used to redirect a student's behavior during recess.

2. Physical Activity as Punishment

School employees may NOT require students enrolled in grades K-12, inclusive, to engage in physical activity as a form of discipline during the school day.

3. Wellness Instruction

School employees shall not prevent students from participating in physical exercise or undirected play during wellness instruction as a form of discipline.

This restriction does not apply to brief periods of respite/time-outs, referrals to the building administrator, or for safety reasons.

At no time shall an entire class be prevented from participating in wellness instruction or physical exercise activity as a disciplinary consequence.

The Superintendent of Schools is authorized to develop guidelines to implement this policy.

Nothing in this policy shall prevent a school employee from acting in accordance with an Individualized Education Plan (IEP) developed by the student's Planning and Placement Team (PPT).

For the purpose of this policy, "school employee" means a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school

paraprofessional or coach employed by the Board or working in a public elementary, middle or high school; or any other individual who, in the performance of his or her duties, has regular contact with students and who provides services to, or on behalf of students enrolled in a public elementary, middle or high school, pursuant to a contract with the Board.

Any employee who fails to comply with this policy will be subject to discipline, up to and including termination of employment. Any contracted individual who provides services to or on behalf of District students and who fails to comply with the requirements of this policy may be subject to having his/her contract for services suspended by the District.

(cf. [6142.10](#) - Health Education Program)

(cf. [6142.101](#) - Wellness)

(cf. 6142.61 - Physical Activity)

(cf. 6142.6 - Physical Education)

Legal Reference: Connecticut General Statutes

[10-221o](#) Lunch periods. Recess

[10-221u](#) Boards to adopt policies addressing the use of physical activity as discipline.

PA 22-81 An Act Expanding Preschool and Mental and Behavioral Services for Children

Policy adopted:

DRAFT

To: CABE Member Board of Education Chairs
CABE Member Liaison
CABE Government Relations Committee
CABE Board of Directors

From: Patrice McCarthy, CABE Executive Director and General Counsel

Re: **AUGUST 4th DEADLINE FOR SUBMISSION OF
RESOLUTIONS FOR THE 2023 DELEGATE ASSEMBLY**

cc: CABE Member Superintendents

THE RESOLUTIONS PROCESS: HOW TO PARTICIPATE

CABE's resolutions and beliefs are what drive our association. They set the direction of our association and provide legislators and other education leaders with our viewpoint on education issues. Resolutions and/or belief statements may deal with local, state or federal issues. They are usually directed at school boards, the legislature, the State Board of Education, or Congress. If your school board has concerns that are not addressed by CABE's existing resolutions, we encourage you to submit a resolution to the Committee for consideration at the Delegate Assembly.

The CABE Government Relations Committee, through its Resolutions Subcommittee, is about to begin its yearly cycle of gathering and developing resolutions from local and regional school boards, CABE committees, CABE Areas and the CABE Board of Directors. The resolutions will be acted upon by the membership at the CABE Delegate Assembly on **November 16, 2023**. Those adopted resolutions will become the positions of the Association for 2024 and they will provide the foundation for CABE's Government Relations Program.

HOW TO SUBMIT A RESOLUTION

The **4th of August is the deadline** for submission of written resolution proposals to the CABE Government Relations Committee. Resolutions must be submitted by boards of education, not individuals. To assist you in drafting your proposals, a sample resolution proposal and a resolutions form attached. You will also find a form to join any of CABE's Government Relations Committees. (The CABE Government Relations Committee, The Resolutions Subcommittee, The State Relations Subcommittee, and The Federal Relations Subcommittee)

SAMPLE

RESOLUTION PROPOSAL

Submitted by: Mid-Connecticut Board of Education

Title: **SCHOOL IMPROVEMENT AND COMMUNITY CHARACTERISTICS**

Issue: The need for the development of school improvement programs that reflect local needs and characteristics and that avoid the "one best model" design.

Resolution: CABA urges the state and federal governments to recognize the wide differences among America's public school districts, including those that are rural or small, by funding the development of school improvement programs that reflect local needs and characteristics and avoid the "one best model" design.

***Please [click here](#) to see CABA existing resolutions to guide your discussion.**

Resolution Proposal Form

Submitted by:

Title:

Issue:

Resolution:

Please email to Gail Heath at gheath@cabe.org

Deadline – August 4, 2023