

AMITY REGIONAL SCHOOL DISTRICT NO. 5

***Bethany Orange Woodbridge
25 Newton Road, Woodbridge, Connecticut 06525***

***Dr. Jennifer P. Byars
Superintendent of Schools***

AMITY REGIONAL POLICY COMMITTEE MEETING AGENDA

August 26, 2024 at 5:30 p.m.

***25 Newton Road, Woodbridge, CT
District Presentation Room***

1. Call to Order
2. Approval of Policy Committee Meeting Minutes
 - a. Policy Committee Meeting May 20, 2024
3. Public Comment
4. Review of revisions to First Read Policies from June 10, 2024 Board of Education Meeting
 - a. Policy 6148 – FAFSA Completion Program
 - b. Bylaw 9323 – Construction of the Agenda
 - c. Bylaw 9132.7 - Standing Committee: Communications Committee
5. Discussion and Possible Action on Policies Requiring Statutory Updates and Revisions
 - a. Policy 3171.1 - Non-Lapsing Education Fund
 - b. Policy 5145.5/4118.112/4218.112 - Prohibition of Sex Discrimination/Sex-based Harassment
 - c. Policy 0521 – Nondiscrimination Policy and Notice
 - d. 5131 – Conduct and Discipline
6. Discussion and Possible Actions Updating Board Bylaws
 - a. 9120 – Officers
 - b. 9325 – Meeting Conduct
7. Adjourn



Jennifer P. Byars, Ed.D.
Superintendent of Schools

pc: Town Clerks: Bethany, Orange, Woodbridge

***Working to "enable every Amity student to become a lifelong learner
and a literate, caring, creative and effective world citizen."
District Mission Statement***

PLEASE POST

PLEASE POST

If you require accommodations to participate because of a disability,
please contact the office of the Superintendent of Schools in advance at 203-397-4811.

AMITY REGIONAL SCHOOL DISTRICT NO. 5

Bethany Orange Woodbridge
25 Newton Road, Woodbridge, Connecticut 06525

Dr. Jennifer P. Byars
Superintendent of Schools

AMITY REGIONAL POLICY COMMITTEE MEETING MINUTES

May 20, 2024 at 5:00 p.m.
25 Newton Road, Woodbridge, CT
District Presentation Room

COMMITTEE MEMBERS PRESENT

Chairperson Christina Levere-D'Addio, Cathy Bradley, Andrea Hubbard, Dr. Carol Oladele (arrived 5:15 p.m.), Donna Schuster (arrived 5:20 p.m.)

COMMITTEE MEMBERS ABSENT

None

BOARD MEMBERS IN ATTENDANCE

Mike McDonough

STAFF MEMBERS IN ATTENDANCE

Dr. Byars

1. Call to Order

Chairperson Levere-D'Addio called the meeting to order at 5:00 p.m.

2. Approval of Policy Committee Meeting Minutes

a. Policy Committee Meeting April 22, 2024

MOTION BY Andrea Hubbard to approve Policy Committee Meeting minutes, as submitted, April 22, 2024.

VOTES IN FAVOR, 2 (Levere-D'Addio, Hubbard)

ABSTAIN, 1 (Bradley)

MOTION CARRIES

3. Public Comment

None

4. Discussion and Possible Action on Policies revisions as a result of changes to State Statutes

a. Policy 6148 – FAFSA Completion Program

b. Bylaw 9323 – Construction of the Agenda

c. Policy 5131.911 - Connecticut School Climate Policy

PLEASE POST

PLEASE POST

MOTION BY Christina Levere-D'Addio to move Policy 6148- FASA Completion Program and Bylaw 9323- Construction of the Agenda to Board of Education First Read. Policy 5131.911 tabled until April 2025.

VOTES IN FAVOR, 5 (UNANIMOUS)

MOTION CARRIES

5. Discussion and Possible Action on Bylaw 9132.7 - Standing Committee: Communications Committee

MOTION BY Cathy Bradley to move Bylaw 9132.7- Standing Committee: Communications Committee to Board of Education First Read.

VOTES IN FAVOR, 5 (UNANIMOUS)

MOTION CARRIES

6. Adjourn

Meeting adjourned, without objection, by Chairperson Levere- D'Addio at 5:54 p.m.

Respectfully submitted,

Lisa Zaleski

Lisa Zaleski

BOE Recording Secretary

Instruction

FAFSA Completion Program

The Board of Education (Board) recognizes that college, for many students, continues to be an important pathway that helps to provide students with the necessary skills for work and for lifelong learning. In addition, research has indicated the students who complete the Free Application for Federal Student Aid (FAFSA) are more likely to attend college with financial aid.

In compliance with Public Act 23-204 sections 319-320, beginning with classes graduating in 2027, graduating students must have completed a Free Application for Federal Student Aid (FAFSA), completed and submitted to a public institution of higher education an application for institutional financial aid for students without legal immigration status, or completed a waiver, on a form prescribed by the Connecticut State Department of Education (CSDE) signed by the student's parent/legal guardian or by the student if 18 years of age or older.

A principal, school counselor, teacher, or other certified educator may complete the waiver on behalf of any student if the certified educator affirms that they have made a good faith effort to contact the parent/legal guardian or student about the completion of the application.

The Board, through this policy, sets a goal of ensuring 100% compliance for the FAFSA completion rates among grade 12 students or students. This goal aims to ensure District efforts to improve postsecondary enrollment and student outcomes and to make it easier for students to attend postsecondary education.

The Board directs the administration to develop plans to implement strategies to achieve 100% yearly student FAFSA completion rates. The Board may accept gifts, grants, and donations, including in-kind donations, to implement this policy.

As required, the Board will publish and make available on the District website the annual FAFSA student completion rate for the graduating class of each high school within the District.

Legal Reference: Connecticut General Statutes
P. A. 21-199 An Act Concerning Various Revisions and Additions to the Statutes Relating to Education and Workforce Development, Sect. 6, 7, 8.

P.A. 23-204 An Act Concerning the State Budget for the Biennium Ending June 30, 2025, and Making Appropriations Therefor, And Provisions Related to Revenue and Other Items Implementing the State Budget Sections 319-320

P.A. 24-45 An Act Concerning Education Mandate Relief, School Discipline and Disconnected Youth Sections 9-10.

Bylaws of the Board

Construction of the Agenda

The Superintendent, in cooperation with the Chairperson of the Board of Education, shall prepare an agenda for each regular meeting. Any member of the Board of Education may call the Superintendent and request any item to be placed on the agenda no later than 72 hours prior to the legally required public posting of the agenda. Any business not included on the filed agenda for a regular meeting may be added to the agenda, considered, and acted upon if there is an affirmative vote of 2/3 of the members of the Board present and voting.

Posting of the Agenda

At least 24 hours prior to the time of the regular meeting, the agenda shall be posted in the Board room of the district and in each school in a place readily available to parents, teachers and the general public, in the Office of the Town/City Clerk, posted on the District's Internet website, and shall be filed in the Superintendent's office.

In addition to posting Board of Education meeting agendas on its website 24 hours prior to the meeting, any associated documents that may be reviewed by members of the Board at such meeting will be made available on the Board's website prior to the meeting.

Legal Reference: Connecticut General Statutes

1-225 Meetings of government agencies to be public (as amended by P.A. 07-213)

Public Act 23-160 An Act Concerning Education Mandate Relief and Other Technical and Assorted Revisions and Additions to the Education and Early Childhood Education Statutes

Bylaws of the Board

Communications Committee

A Communications Committee consisting of those members of the Amity Board of Education appointed by its Chairperson shall be a standing committee of the Board.

The Communications Committee is established to facilitate effective communication and is charged with increasing opportunities for two-way communication between the Superintendent, the school community, and the public.

The Communications Committee will develop strategies to improve communication between the Board of Education, schools, parents, students, staff, and the wider community to ensure efficient, effective, and varied methods of communication among all stakeholders and will work to align communications with the District Strategic Plan, Portrait of the Graduate, and District/Board goals, in keeping with the Board's Roles and Responsibilities.

The Communications Committee shall recommend action to the Board as necessary.

Business/Non-Instructional Operations

Non-Lapsing Education Fund

The Amity Regional School District No. 5 (District) Board of Education (Board), by a majority vote of its members, may create a reserve fund for educational expenditures. Such fund shall be termed “reserve fund for educational expenditures.” The aggregate amount of annual and supplemental appropriations by a district to such fund shall not exceed two percent (2%) of the annual district budget for such fiscal year.

Annual appropriations to such fund shall be included in the share of net expenses to be paid by each member town. Supplemental appropriations to such fund may be made from estimated fiscal year end surplus in operating funds. Interest and investment earnings received with respect to amounts held in the fund shall be credited to such fund.

The Board shall use the fund for capital expenditures, including, but not limited to, the funding of all or part of the planning, construction, reconstruction or acquisition of any specific capital improvement or the acquisition of any specific item of equipment. . Funds will be allocated for specific expenditures at the time of appropriation. Upon a recommendation and approval by a two-thirds vote of the Board, any part or the whole of such fund may be used for other designated educational expenditures. The Board shall annually submit a complete and detailed report of the condition of such fund to the member towns.

Such fund may be discontinued, after the recommendation and approval by the Board, and any amounts held in the fund shall be transferred to the general fund of the District.

Legal Reference:

Connecticut General Statutes

10-51 (d) (2) Fiscal year. Budget. Payments by member towns; adjustments to payments. Investment of funds. Temporary borrowing. Reserve funds. (as amended by PA 21-2, JSS, Section 363)

10-222 Appropriations and budget

10-248a Unexpended education funds account (as amended by PA 19-117, Section 285)

Public Act 24-45 An Act Concerning Education Mandate Relief, School Discipline and Disconnected Youth (Sections 7-8)

Students
Personnel

Prohibition of Sex Discrimination/Sex-based Harassment

The Amity Regional School District No. 5 (District) Board of Education (Board) does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in employment.

Prohibited sex discrimination includes discrimination based upon sex stereotypes, sex characteristics, pregnancy and related conditions, sexual orientation and gender identity as well as sex-based harassment.

Inquiries about Title IX may be referred to the District's Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights (see <https://ocrcas.ed.gov/contact-ocr>) or both. The District's Title IX Coordinator is identified annually on all school and district websites.

The Superintendent of Schools shall establish a regulation to accompany this policy that shall contain grievance procedures in accordance with Title IX and its implementing Regulations to guide the District's response to reports and complaints of sex discrimination including sex-based harassment under this policy.

To report information or make a complaint about conduct that may constitute sex discrimination including sex-based harassment under Title IX, please refer to the District's Title IX page <https://www.amityregion5.org/departments/pupil-services>.

This policy and the regulation directed herein shall apply to complaints of conduct occurring on or after August 1, 2024. Complaints of conduct occurring on or before July 31, 2024 will be addressed using the Board's policy and accompanying regulation in effect as of July 31, 2024. If a complaint alleges some conduct occurring on or before July 31, 2024 and some conduct occurring on or after August 1, 2024, the Title IX Coordinator shall determine which policy and regulation shall govern.

Legal References:

C.G.S. 10-15c Discrimination in public schools prohibited. School attendance by five-year-olds.

United States Constitution, Article XIV.

Title IX of the Education Amendments of 1972, 20 U.S.C. 1681, *et seq.*

Title IX of the Education Amendments of 1972, 34 C.F.R. 106.1, *et seq.*

Title IX Regulation, 34 C.F.R. Part 106 (revised 2024)

20 U.S.C. 1092 (f)(6)(A)(v)

Students
Personnel

Prohibition of Sex Discrimination/Sex-based Harassment

34 U.S.C. 12291 (a)(8), (a)(10), (a)(36)

Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)

Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)

Davis v. Monroe County Bd. Of Educ., 526 U.S. 629 (1999)

Mission-Goals-Objectives

Nondiscrimination Policy and Notice

Pursuant to Title IX and its regulations ("Final Rule" released on April 19, 2024), the Amity Regional School District No. 5 (District) Board of Education (Board) has adopted and implemented a policy stating that the District does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity it operates, including admission and employment.

The Amity Regional School District No. 5 does not discriminate based on race, color, religion, sex, sexual orientation, gender identity or expression, status as a veteran, status as a victim of domestic violence, marital status, pregnancy or related conditions, national origin, protective hairstyles, alienage, ancestry, age, disability, or any other basis prohibited by law and prohibits discrimination, including harassment, in any education program or activity it operates.

The Board shall provide protections from all forms of sex-based harassment, including sexual violence and unwelcome sex-based conduct that creates a hostile environment by limiting or denying a person's ability to participate in or benefit from a school's education program or activity.

The District shall take prompt and effective action to end any sex discrimination in its education programs or activities to provide for the prompt and equitable resolution of sex discrimination complaints, prevent recurrence, and remedy its effects. To that end, the District shall act promptly and effectively in response to information about conduct that reasonably may constitute discrimination, including sexual violence and other forms of sex-based harassment. The district shall also ensure that all school employees are trained about their obligations to address sex discrimination and their obligations to notify or provide contact information for the Title IX Coordinator.

The Board of Education Non-discrimination policy includes protections for students, employees, and applicants against discrimination based on pregnancy, childbirth, termination of pregnancy, lactation, related medical conditions, or recovery from these conditions and shall provide reasonable modifications for students based on pregnancy or related conditions, allow for lactation for employees, and access to a clean, private lactation space for students and employees.

The District shall not disclose personally identifiable information obtained through complying with Title IX, with limited exceptions, such as when there had been prior written consent or when the information is disclosed to the parent of a minor.

Retaliation against anyone who, in good faith, makes a report of harassment or discrimination, files a complaint of harassment or discrimination, serves as a witness, or participates in an investigation or grievance process is also a violation of the Board of Education's non-discrimination policy and is prohibited.

The Amity Regional School District No. 5 shall notify students, employees, parents, and others of this policy and publish it widely. The Board recognizes that due to size and format restrictions of different publications, to ensure the broadest level of distribution, the Board shall publish a statement (Short Version) that the District prohibits sex discrimination in any

Mission-Goals-Objectives

Nondiscrimination Policy and Notice

education program or activity that it operates and that individuals may report concerns or questions to the Title IX Coordinator and provide a link to the "Long Version" of the non-discrimination notice on the District's website.

The "Short Version" of the Board's Non-Discrimination statement shall be as follows:

The Amity Regional School District No. 5 prohibits sex discrimination in any educational program or activity that it operates. Individuals are encouraged to report concerns or questions to the Title IX Coordinator. The notice of non-discrimination is located at (<https://www.amityregion5.org/departments/pupil-services>)

The "Long Version" of the Board's Non-Discrimination Statement shall be as follows:

The Amity Regional School District No. 5 does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity it operates, as required by Title IX and its regulations, including admission and employment.

The Superintendent shall designate an individual(s) to coordinate efforts to comply with and carry out its non-discrimination responsibilities under Title IX (2024's "Final Rule," applicable State laws, and court decisions). Questions regarding the District's non-discrimination commitments, as well as related laws, regulations, and District policies, may be referred to this/these designated employee. This designee is identified on <https://www.amityregion5.org/departments/pupil-services>

You may also contact the District Title IX Coordinator at Amity Regional School District Offices, 25 Newton Rd., Woodbridge, CT, 06525, 203-397-4820.

District's Designee Under Section 504 and Title VII

Please contact the Director of Pupil Services at Amity Regional School District Offices, 25 Newton Rd., Woodbridge, CT, 06525, 203-397-4820.

The Amity Regional School District No. 5 is required not to discriminate on the basis of sex by Title IX and its implementing regulations. Inquiries about Title IX may be referred to the District's Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights, or both.

The U.S. Department of Education's Office for Civil Rights Contact Information:

U.S. Department of Education
Office for Civil Rights
Lyndon Baines Johnson Department of Education Bldg
400 Maryland Avenue, SW
Washington, DC 20202-1100
OCR@ed.gov
800-421-3481

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Nondiscrimination Policy and Notice

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please refer to (include a link to the location(s) on the website or otherwise describe the location(s) where individuals can report sex discrimination). Any person may also report sex discrimination, including harassment, using the contact information listed for the Title IX Coordinator.

(cf. 5145.4/4118.112/4218.112 – Prohibition of Sex Discrimination/Sex-based Harassment)

Legal Reference: Title VII, Civil Rights Act, 42 U.S.C. 2000e, et seq.

29 CFR 1604.11, EEOC Guidelines on Sex Discrimination.

Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq.

Title IX Final Rule, May 6, 2020

Age Discrimination in Education Act, 29 U.S.C. §621

Americans with Disabilities Act, 42 U.S.C. §12101

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794

Title II of the Genetic Information Act of 2008

Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d et. Seq.

34 CFR Section 106.8(b), OCR Guidelines for Title IX.

Definitions, OCR Guidelines on Sexual Harassment, Fed. Reg. Vol 62, #49, 29 CFR Sec. 1606.8 (a) 62 Fed Reg. 12033 (March 13, 1997) and 66 Fed. Reg. 5512 (January 19, 2001)

20 U.S.C. 7905 (Boy Scouts of America Equal Access Act)

Meritor Savings Bank. FSB v. Vinson, 477 U.S. 57 (1986)

Faragher v. City of Boca Raton, No. 97-282 (U.S. Supreme Court, June 26,1998)

Gebbs v. Lago Vista Indiana School District, No. 99-1866, (U.S. Supreme Court, June 26,1998)

Davis v. Monro County Board of Education, No. 97-843, (U.S. Supreme Court, May 24, 1999.)

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Nondiscrimination Policy and Notice

The Vietnam Era Veterans' Readjustment Act of 1974, as amended,
38U.S.C. §4212

Title II of the Genetic Information Nondiscrimination Act of 2008

Connecticut General Statutes

[46a](#)-51 Definitions (as amended by PA 17-127, PA 21-2 and PA 22-82)

[46a](#)-58 Deprivation of rights. Desecration of property. Placing of burning cross or noose on property. Penalty. (as amended by PA 17-127 and PA 22-82)

[46a](#) 60 Discriminatory employment practices prohibited. (as amended by PA 17-127 and PA 21-69 and PA 22-82)

[46a](#)-81a Discrimination on basis of sexual orientation: Definition

[10](#)-15c Discrimination in public schools prohibited. School attendance by five-year olds. (Amended by P.A. 97-247 to include "sexual orientation" and P.A. 11-55 to include "gender identity or expression")

[10](#)-153 Discrimination on account of marital status.

[17a](#)-101 Protection of children from abuse.

PA 17-127, An Act Concerning Discriminatory Practices Against Veterans, Leaves of Absence for National Guard Members⃛

Public Law 111-256

Meacham v. Knolls Atomic Power Laboratory 128 S.Ct. 2395, 76 U.S.L.W. 4488 (2008)

Federal Express Corporation v. Holowecki 128 S.Ct. 1147, 76 U.S.L.W. 4110 (2008)

Kentucky Retirement Systems v. EEOC 128 S.Ct. 2361, 76 U.S.L.W. 4503 (2008)

Sprint/United Management Co. v. Mendelsohn 128 S.Ct. 1140, 76 U.S.L.W. 4107 (2008)

Bostock v. Clayton County, Georgia, 140 S.Ct. 1731, 2020 WL3146686 (June 15, 2020)

Mission-Goals-Objectives

Nondiscrimination Policy and Notice

2024 Amendments to the U.S. Department of Education's Title IX
Regulations ("Final Rule")

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

Students

Conduct and Discipline

- 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) 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,

Students

Conduct and Discipline

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 1/2" 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 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

Policy Approved:

AMITY REGIONAL SCHOOL DISTRICT NO. 5
Woodbridge, Connecticut

Students

Conduct and Discipline

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, 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,

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- 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.
 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.

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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 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.

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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.
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

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- 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.

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.
- D. A school principal or other school administrator shall notify a parent or guardian of a student whose behavior has caused a serious disruption to the instruction of other students, caused self-harm or caused physical harm to a teacher, another student or other school employee not later than twenty-four hours after such behavior occurs. Such notice shall include, but not be

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limited to, informing such parent or guardian that the teacher of record in the classroom in which such behavior occurred may request a behavior intervention meeting.

- E. Any teacher of record in a classroom may request a behavior intervention meeting with the crisis intervention team for the school, for any student whose behavior has caused a serious disruption to the instruction of other students or caused self-harm or physical harm to such teacher or another student or staff member in such teacher's classroom. The crisis intervention team shall, upon the request of such teacher and notifying such student's parent or guardian, convene a behavior intervention meeting regarding such student. The participants of such behavior intervention meeting shall identify resources and support to address such student's social, emotional and instructional needs. Not later than seven days after the behavior intervention meeting, the crisis intervention team shall submit to the parent or guardian of such student, in the dominant language of such parent or guardian, a written summary of such meeting, including, but not limited to, the resources and supports identified.

VI. Procedures Governing **Out-of-School** Suspension

- A. The Principal of a school, or designee on the administrative staff of the school, shall have the right to suspend **out of school** 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, except the Board of Education may authorize the administration of schools under its direction to impose an out-of-school suspension on any student if, resulting from a due process hearing:

1. The administration determines that 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;
2. The administration determines that an out-of-school suspension is appropriate for such student based on evidence of:
 - a. Previous disciplinary problems that have led to suspensions or expulsion of such student, and
 - b. Efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies;
3. The administration determines that an out-of-school suspension is appropriate for such student based on evidence that such student's conduct on school grounds is behavior that causes physical harm;
4. Requires that such student receives services that are trauma-informed and developmentally appropriate and align with any behavioral intervention plan, individualized education program, or plan pursuant to Section 504 of the Rehabilitation Act of 1973, as amended from time to time, for such student upon

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such student's return to school immediately following the out-of-school suspension;
and

5. Considers whether to convene a planning and placement team meeting for the purposes of conducting an evaluation to determine whether such student may require special education or related services.

An out-of-school suspension shall not exceed ten school days.

B. 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 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

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- 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

- 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. 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.
- B. The Principal of a school, or designee on the administrative staff of the school, shall have the right to suspend any student **in-school** for breach of conduct as noted in Section III of this policy for not more than **five (5)** consecutive school days.
- C. In-school suspension may not be imposed on a student without an informal hearing by the building Principal or designee.
- D. In-school suspensions shall be served in the school attended by the student.

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- E. **An in-school suspension may be served in the student's school or any school building under the jurisdiction of the local or regional board of education, as determined by such board.**
- F. 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.
 - 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.

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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, **not including the day of such 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.
 - 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.

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- 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.
- 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

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- 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 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

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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):

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

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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 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.

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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 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

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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.

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.

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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.

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

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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, 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-

Policy Approved:

AMITY REGIONAL SCHOOL DISTRICT NO. 5
Woodbridge, Connecticut

Students

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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

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

Public Act 24-45 An Act Concerning Education Mandate Relief, School
Discipline and Disconnected Youth, Sections 13-14

Public Act 24-93 An Act Concerning Various and Assorted Revisions to the
Education Statutes, Section 11 and Section 12

Bylaws of the Board

Officers

The officers of the Board of Education shall consist of Chairman, Vice-Chairman, Secretary, Treasurer, and Deputy Treasurer.

Such Officers shall be elected from the Board membership at its ~~annual~~ **biennial** organizational meeting **conducted** in December **of each Board member election year**, and shall remain in office until new officers are elected at the next ~~annual~~ **biennial** organizational meeting, unless such officers cease to be members of the Board of Education or otherwise resign or are removed from office.

If there is a vacancy in any officer position during the course of the year, the Board membership shall act promptly, commencing no later than the next regularly scheduled meeting, to elect a new officer to fill the vacancy. The new officer will take office immediately upon completion of the election.

Board members shall vote by a show of hands, and a majority of the full Board membership shall be required in order to elect an officer. If there are more than two nominees and no nominee receives a majority vote of the full board membership, the nominee receiving the lowest number of votes shall be removed from the list of candidates before balloting again. The vote of each member shall be reduced to writing and shall be made available for public inspection within forty-eight hours, excluding Saturday, Sunday and legal holidays.

The results of the election shall also be recorded in the minutes of the meeting and the minutes shall be available for public inspection at all reasonable times.

Legal Reference: Connecticut General Statutes

10-46 Regional board of education

Bylaws of the Board

Meeting Conduct

Meetings of the Board of Education (Board) shall be conducted by the Chairperson of the Board in a manner consistent with the adopted Bylaws of the Board and the provisions of the Freedom of Information Act.

All Board meetings shall commence at the stated time or as soon thereafter as a quorum is present and shall be guided by an agenda, which will have been prepared and delivered in advance to all Board Members and other designated persons.

The meetings shall to the fullest possible extent enable members to conduct the business of the Board in an orderly, expeditious manner.

Provisions for permitting any individual or group to address the Board concerning any subject that lies within its jurisdiction shall be as follows:

1. A 3-minute time limit may be allowed to each speaker with a maximum of 20 minutes per meeting being allocated for any one item that appears on the agenda or falls under the jurisdiction of the Board.
2. No boisterous, inappropriate, or disrespectful conduct shall be permitted at any Board meeting. The Chairperson shall not permit actions which disrupt or interrupt the orderly conduct of the Board meeting. A willful participant in such conduct will be asked to leave the meeting of the Board. In case of a general disturbance the meeting room may be cleared except for non-participating representatives of the press.
3. Speakers are asked to express themselves in a civil manner, with due respect for the dignity and privacy of others who may be affected by their comments. While it is not the Board's intent to stifle public comment speakers should be aware that if their statements violate the rights of others under the law of defamation or invasion of privacy, the speaker may be held legally responsible.
4. The Board may by a majority vote decide to modify the amount of time allotted per item of the Agenda.
5. Inquiries or questions may be considered and answered at a future date.
6. Speakers may offer objective criticism of district operations and programs, but the Board encourages members of the public to address complaints concerning individual Amity Regional School District No. 5 (ARSD) personnel through the proper chain of command (see ABOE Policy 1312). The Chairperson may direct the member of the public to the appropriate means to address concerns brought before the Board; however the Board will not respond with action during public comment, but will take comments under advisement and when possible clarify issues.

Bylaws of the Board

Meeting Conduct

When holding a Special Meeting of the Board of Education, notice shall be posted not less than twenty-four hours before the meeting to which such notice refers. The notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered. The Board reserves the right to conduct a Special Meeting without public comment. Public comment will only be permitted if noticed on the posted special meeting agenda. Such public comment will only be permitted for items on the special meeting agenda.

(cf. 1312 - Public Complaints)

(cf. 2100 – Administrative Staff Organization)

(cf. 9321 - Time, Place, Notification of Meetings)

(cf. 9322 - Public and Executive Sessions)

(cf. 9323 - Construction of the Agenda)

Legal Reference:

Connecticut General Statutes:

1-200 Definitions.

1-206 Denial of access of public records or meetings. Notice. Appeal.

1-210 Access to public records.

1-225 Meetings of government agencies to be public.

19a-342 Smoking prohibited in certain places. Sign required. Penalty.

1-231 Executive sessions.

1-232 Conduct of meetings (re disturbances).

10-224 Duties of the Secretary