

MARLBOROUGH BOARD OF EDUCATION

Regular Business Meeting

Thursday, October 24, 2024

Elmer Thienes-Mary Hall Elementary School – Library

6:00 p.m.

The Marlborough Board of Education is holding its meeting in a hybrid format to allow for greater community awareness and participation. Hybrid meetings and proceedings will be recorded and posted on the District website within seven days of the meeting. The public is welcome to attend Board of Education meetings in-person, but also can view the Board meeting live via Google Meet Link:

<https://meet.google.com/dpo-uibx-ewd?hs=122&authuser=1>

Persons requiring interpreters or related services are advised to call 860-295-6236 at least three (3) business days before the meeting.

Copies of the agenda enclosures are available for examination in the Superintendent's Office at 25 School Drive, Marlborough, CT during business hours: 8:00 a.m. to 4:00 p.m., Monday through Friday and are posted on the district website: <https://www.marlbrough.k12.ct.us>

NOTE TO BOARD MEMBERS:

Attendance - If you are unable to attend this meeting either in-person or remotely please call the Superintendent's Office at 860-295-6236 at least 24 hours prior to the meeting. If you plan to attend remotely, please notify the Superintendent's office 24 hours in advance of the meeting.

In a partnership of family, school and community, our mission is to educate, challenge and inspire each individual to excel and become a contributing member of society.

AGENDA

- | | | |
|----|--|---------|
| 1. | Call to Order and Roll Call by Chairperson | 6:00/05 |
| 2. | Pledge of Allegiance | |
| 3. | Celebrations | 6:05/05 |
| 4. | Public Comment | 6:10/05 |

Members of the Marlborough community are encouraged to share their thoughts with the Board of Education and are invited to do so during this segment of the meeting. All speakers must identify themselves by name and address and limit comments to 3 minutes. The Board will not engage in dialogue with the public. Written comments to be read-aloud by the Chair can be emailed to:

boe@marlbrough.k12.ct.us, no later than 24 hours before the meeting. Those who wish to provide comment by remote means: Raise your hand using the raise hand icon at the bottom of the Google Meet screen: once called upon, unmute yourself to speak. Please mute yourself after speaking.\

- | | | |
|----|-------------------------|---------|
| 5. | Additions to the Agenda | 6:15/05 |
|----|-------------------------|---------|

Additional business may be considered at a regular meeting upon a 2/3 vote of those members of the board present and voting, per state statute.

6. Consent Agenda

6:20/05

Consent agenda items are considered to be routine in nature, which the Board may not need to discuss individually and may be voted on as a group. Any board member who wishes to discuss a particular item in this section may request the Chairperson to remove it for later discussion and a separate vote if necessary.

MOTION: That the Board approve the following Consent Agenda items:

- 6.1 Minutes of 9/26/24 Regular Business Meeting (Encl. 6.1A) and the 9/26/24 Policy Committee meeting (Encl. 6.1B);
- 6.2 Personnel Actions – none;
- 6.3 Reports – receive and file the following document: monthly enrollment report (Encl.6.3);
- 6.4 Approval of Policy Revisions
(REFERENCE: September 26, 2024 Agenda, Encl. 9.2
P# 3171.1 - Non-Lapsing Education Fund; P# 4000.1/4200.1/5145.44 - Sexual Harassment/Title IX; P# 4112.5 - Security Check, Fingerprinting, Criminal Justice Information

7. Oral Reports

- 7.1 Advisory Groups 6:25/10
 - PTO – Paula Graef/Kristen Trahan
 - SAC – Paula Graef/Kristen Trahan
 - Operations, Wellness & Safety – John Mercier
 - Board of Finance Liaison – Linda Early
 - AHM – Chip Morris
- 7.2 Subcommittees 6:35/05
 - Policy
 - Personnel
 - Communications
- 7.3 Chairperson 6:40/05
- 7.4 Superintendent and Administrative Team 6:45/10

8. Unfinished Business

- 8.1 School District Facebook Page - John Mercier 6:55/05

MOTION: That the Board of Education approve of the launch of the school district Facebook page as presented.

9. New Business

- 9.1 First Read of Proposed Policy Revisions (Encl. 9.1): 7:00/05

The Board will review and discuss on a first read basis the proposed policy revisions as presented by the Policy Subcommittee: P# 0521 - Nondiscrimination Policy and Notice; P# 5114 - Suspension and Expulsion/Due process; P# 7230.2 - Indoor Air Quality/Heating, and Air Conditioning (HVAC)
- 9.2 Review October Financial Report – (Encl. 9.2) 7:05/05

- 9.3 Review of Confidential Documents relative to Collective Bargaining with the Marlborough Education Association and the Marlborough Administrators Association 7:10/15

MOTION: That the Board of Education enter into Executive Session to Discuss Confidential Documents relative to Collective Bargaining with the Marlborough Education Association and the Marlborough Administrators Association.

- 9.4 Reconvene for the Discussion and Action relative to the agreements with the Marlborough Education Association and the Marlborough Administrators Association 7:25/05

MOTION: That the Board of Education approve the negotiated agreement with the Marlborough Education Association for the term of July 1, 2025 - June 30, 2028.

MOTION: That the Board of Education approve the negotiated agreement with the Marlborough Administrators Association for the term of July 1, 2025 - June 30, 2028.

10. Public Comment 7:30/05

Members of the Marlborough community are encouraged to share their thoughts with the Board of Education and are invited to do so during this segment of the meeting. All speakers must identify themselves by name and address and limit comments to 3 minutes. The Board will not engage in dialogue with the public. Written comments to be read-aloud by the Chair can be emailed to:

boe@marlborough.k12.ct.us, no later than 24 hours before the meeting. Those who wish to provide comment by remote means: Raise your hand using the raise hand icon at the bottom of the Google Meet screen: once called upon, unmute yourself to speak. Please mute yourself after speaking.

11. Communications 7:35/05
11.1 Staff Vacancy Summary (Encl. 11.1)

12. Future Meetings & Topics 7:40/05

- Community Conversation about the Marlborough Elementary School Upcoming Budget, November 7, 2024, 6:30 p.m.
- Policy Committee meeting, Thursday, November 21, 2024, 5:30 p.m.
- Regular Business meeting, Thursday, November 21, 2024, 6:00 p.m.
- CABE/CAPSS Convention, November 15-16, 2024

REMINDER: Agenda suggestions for the next business meeting are due to the Chairperson or Superintendent by 12:00 noon on **Tuesday, November 12, 2024.**

13. Adjournment 7:45

The Marlborough Board of Education does not discriminate in its programs, activities, and employment practices based on an individual's race, color, religion, creed, sex, sexual orientation, gender identity/expression, national origin, ancestry, disability, (including, but not limited to, intellectual disability, past or present history of mental disorder, physical disability or learning disability), genetic information, marital status, age, or status as a Veteran.

MARLBOROUGH BOARD OF EDUCATION
Regular Business Meeting Minutes
Thursday, September 26, 2024
Elmer Thienes-Mary Hall Elementary School –Library @ 6:00 p.m.

1. Call to Order and Roll Call by Chairperson

Sue Stolfi, Vice Chairperson, called the meeting to order at 6:00 pm

BOE Members Present: Sue Stolfi, Angela Colantonio, Linda Earley, Amy Kuhrt, Chip Morris and Jean Wilson.

Kerri Barella, joined remotely by phone.

Administration Present: Dr. Holly Hageman, Superintendent
 Paula Graef, Principal
 Kristen Trahan, Principal

2. Pledge of Allegiance

3. Celebrations:

Principals, Paula Graef and Kristen Trahan, announced the winner of the new mascot image contest and congratulated the top four runners up.

4. Public Comment:

Karen Pakulis-Paul, East Lake Road stated that she was thrilled with the new way the BOE prepares the monthly financial reports and expressed her gratitude.

5. Additions to the Agenda: None

6. Consent Agenda:

- 6.1 Minutes of 8/22/24 Regular Business meeting, the 8/22/24 Policy Committee meeting, and the 9/12/24 Communications Committee meeting;
- 6.2 Personnel Actions – none;
- 6.3 Reports – receive and file the following document: monthly enrollment report

A. Colantonio made a motion that the Board approve the following Consent Agenda items: 6.1 - 6.3, second by C. Morris. K. Barella voted Yes by phone. Unanimously approved by all present. MOTION CARRIED.

7. Oral Reports

7.1 Advisory Groups

- PTO – Kristen Trahan provided an update on PTO activities, including the Bookfair; an upcoming BMX assembly to promote school spirit and PBIS expectations; a planning committee being formed for 6th grade events; Trunk or Treat
- SAC – Kristen Trahan reported the SAC committee convened two weeks ago to review its purpose and goals. SAC plans to generate a parent survey about Open House.
- Operations, Wellness & Safety – Dr. Holly Hageman provided an update regarding the Architectural Study: The architectural firm recently presented a draft report to Dr. Hageman, John Mercier, Town Manager Mr. Porter and Town Planner Mr. Hughes. They provided feedback on the organization of the report, specifically requesting that the order of recommendations be prioritized based upon types of projects that make sense to propose together along with timing of eligibility for grants. Another draft will be prepared prior to a formal presentation to the BOE at its October 24th meeting.
- Board of Finance – Linda Early reported that at its most recent meeting, the BOF discussed budget guidelines, and the ideal for standardization across the three boards in how budgets are presented, referencing the MES school budget as a model. The Board of Education Budget tab on the MES website was highlighted by Karen Paul and she advocated for the other two boards to adopt a similar approach to ensure accurate information is provided to the public. Additionally, it was announced that the BOF Budget Kick-Off Meeting will be held on Monday, October 7th, at 7 PM in the MES library.
- AHM – Chip Morris shared AHM currently has immediate openings in its outpatient clinical program for youth ages 4-26. Interested individuals can contact the program at (860) 228-9488 ext. 10. Starting in mid-October, AHM will offer group mental health sessions. There are still available spots in various Health Matters and Family Resource programs. Finally, a free community presentation will be held by Stephen Hill, a renowned national speaker on mental health promotion and substance use prevention, on Thursday, October 24th, at 7 PM at AHM, located at 25 Pendleton Drive in Hebron.

7.2 **Subcommittees**

- Policy - Dr. Holly Hageman reported that four policies were reviewed during the Policy Subcommittee meeting earlier that evening. Three of these policies will be presented to the Board for a first reading at the next meeting. One policy is being held for further research which will be brought back again to the Policy Committee in November.
- Personnel - Dr. Holly Hageman informed the Board that both the Marlborough Education Association and the Marlborough Administrator Association bargaining units are due for negotiations this year. A tentative agreement has been reached with the MEA, while negotiations for the administrators are set to convene next week.
- Communications - The committee met to discuss social media strategies for the district. Further details will be addressed during agenda item 9.5.

7.3 **Chairperson:** None

7.4 **Superintendent and Administrative Team**

- First Month of School - Paula Graef reported that the first month of school has been wonderful and the children have transitioned smoothly back to school. Teachers have done an excellent job setting the tone for a successful year.

8. Unfinished Business

8.1 Setting Date(s) for Potential School District Budget Community Forum(s): The Board discussed potential titles for the Community Forum Meeting to attract more public input and attendance. The Board agreed upon *Community Conversations for the Marlborough Elementary School Budget*. It was also decided to hold this Special Meeting on November 7th at 6:30pm in the MES Library.

9. New Business

9.1 Review September Financial Report - Dr. Holly Hageman reviewed the monthly financial report as enclosed.

9.2 First Reading of Proposed Policy Changes - The Board reviewed and discussed on a first read basis the proposed policy revisions as presented by the Policy Subcommittee:
P# 3171.1 - Non-Lapsing Education Fund; P# 4000.1/4200.1/5145.44 - Sexual Harassment/Title IX; P# 4112.5 - Security Check, Fingerprinting, Criminal Justice Information

9.3 Fixed Asset Disposal Request - Dr. Holly Hageman presented a fixed asset disposal memorandum, along with a detailed list of the outdated and unsupportable technology items to be disposed of.

L. Earley made a motion that the Board approve the disposal of items as presented, seconded by A. Colantonio. K. Barella voted Yes by phone. Unanimously approved by all present. MOTION CARRIED.

9.4 Strategic Continuous Improvement (SCIP) Presentation - Dr. Holly Hageman, Paula Graef, and Kristen Trahan delivered a presentation highlighting the key action steps for the 2024-25 SCIP.

9.5 Communications: Discuss Establishment of School District Social Media Presence - Dr. Holly Hageman informed the Board that the Communications Committee is interested in establishing a Facebook page to get timely information out to the general public of Marlborough.

L. Earley made a motion that the Board of Education approve of the establishment of Marlborough School District social media presence as presented, seconded by S. Stolfi. Unanimously approved by all present. MOTION CARRIED. (K. Barella no longer on call)

9.6 Receive, Review, Revise and Adopt FY 2025-2026 Budget Guiding Principles and Assumptions and Tentative Budget Timeline - Dr. Holly Hageman reviewed the Budget Guiding Principles & Assumptions and Budget Timeline. Dr. Hageman went into detail regarding the preliminary enrollment projections for 2025-26, noting there is a likelihood that two class sections will need to be added due to a very substantial increase in the kindergarten enrollment projection,

R. Morris made a motion that the Board accept the FY 2025-2026 Budget Guiding Principles & Assumptions, and the Tentative Budget Timeline as presented, seconded by A. Kuhrt. Unanimously approved by all present. MOTION CARRIED.

10. Public Comment:

Hal Whitney, Ogden Lord Road - Asked where agenda enclosures are posted. He also commented on the new community form title and offered to donate \$50 for refreshments.

Karen Pakulis-Paul, East Lake Road - Shared that she informed the Board of Finance that there is the potential to add two additional classes for the upcoming year due to a projected increase in student enrollment.

11. Communications

11.1 Staff Vacancy Summary - Submitted

12. Future Meetings & Topics

- BOS All Boards Meeting, Monday, September 30, 2024, 7:00 p.m.
- BOF Budget Kick-Off Meeting, Monday, October 7, 2024, 7:00 p.m., MES Library
- Communications Subcommittee Meeting, Thursday, October 24, 2024, 5:30 p.m.
- Next Regular Business Meeting, Thursday, October 24, 2024, 6:00 p.m..
- CABA/CAPSS Convention, November 15-16, 2024
- CABA New Board Member Orientation/Leadership Conference, December 6, 2023

13. Executive Session: Discussion of Attorney-Client Privileged Communication Related to a Potential Legal Claim.

S. Stolfi made a motion that the Board of Education move to enter into executive session to discuss attorney-client privileged communication related to a potential legal claim, seconded by C. Morris. Unanimously approved by all present. MOTION CARRIED.

Entered Executive Session: 8:09 PM

Exited Executive Session: 8:49 PM

A.Colantonio made a motion to end the Executive Session at 8:49 pm, seconded by L. Earley. Unanimously approved by all present. MOTION CARRIED.

MOTION: With the intent to settle a contract dispute, the Board of Education agrees to part of the demand made by the attorney for former Superintendent David Sklarz by covering the monthly cost of a \$75,000 life insurance plan, approximately \$237/month minus \$480 to be paid by Dr. Sklarz annually. All present (Kerri Barella was no longer present) voted yes, except S. Stolfi who voted NO. MOTION CARRIED.

14. Adjournment:

A. Colantonio made a motion to adjourn the meeting at 8:50 pm, seconded by J. Wilson. Unanimously approved. MOTION CARRIED.

Respectfully Submitted,
Carmela Monte

MARLBOROUGH BOARD OF EDUCATION POLICY SUBCOMMITTEE MEETING MINUTES

Elmer Thienes-Mary Hall Elementary School – Library

Thursday, September 26, 2024 @ 5:30 p.m.

UNAPPROVED DRAFT

1. **Call to Order & Roll Call:** The meeting was called to order at 5:35 p.m.

Members Present: Angela Colantonio and Amy Kuhrt

Administration: Dr. Holly Hageman, Superintendent

2. **Review and Discuss Proposed Policy Revisions:** The policy Committee reviewed and discussed the following policies:

P# 0521, Nondiscrimination Policy and Notice - Accept, keep as presented.

To be on the 10.24.24 agenda for the first read.

P# 5145.53, Transgender and Gender Non-Conforming Youth - Dr. Holly Hageman will gather additional information regarding the policy, specifically whether we can retain the current version without recent updates or adopt the updated policy while excluding the privacy provision related to parents. This policy will not be presented for a first reading at the upcoming Board of Education meeting and will be brought back to the November Policy meeting.

P# 5114, Suspension and Expulsion/Due process- Accept, keep as presented. To be on the 10.24.24 agenda for the first read.

P# 7230.2, Indoor Air Quality/Heating, and Air Conditioning (HVAC) - Accept, keep as presented. To be on the 10.24.24 agenda for the first read.

Next Policy Meeting in November.

3. **Adjournment:**

A. Colantonio motioned to adjourn the meeting at 5:59 p.m, seconded by A. Kuhrt. Unanimously approved. 2/0 MOTION CARRIED.

Respectfully submitted,
Carmela Monte

October 1, 2024

Grade	Enrollment Local Classrooms				Grade Total	Change	# of Rooms	Class Size Avg./Room
	AM 1	AM 2	PM 1	PM 2				
PS	7	8	10	9	34		2	7.5 / 9
K	20	20	20		60		3	20.0
1	17	19	18		54		3	18.7
2	19	18	20		57		3	19.0
3	18	18	18	18	72		4	18.0
4	19	19	19		57		3	19.0
5	16	17	17	17	67		4	17.0
6	19	19	19		57		3	19.0
					Total Change			
Total					458			
Special Education Full Time Outplaced								
Special Education Part time Services Provided								
GRAND TOTAL					458			

Marlborough Public Schools BOE Policy Subcommittee

Policy Number(s) & Bylaw	Policy Topic	Current MES Policy	Optional, Recommended or Mandated	Action: *Add policy not in place *Replace/Update existing policy with updates
0521	Nondiscrimination Policy and Notice	YES	Mandated	Replace existing policy
5114	Suspension and Expulsion/Due process-	YES	Mandated	Replace existing policy
7230.2	Indoor Air Quality/Heating, and Air Conditioning (HVAC)	YES	A revised recommended policy	Replace existing policy

CABE's version of this mandated policy to consider.

Mission – Goals – Objectives

Nondiscrimination

Nondiscrimination Policy and Notice

Pursuant to Title IX and its regulations (“Final Rule” released on April 19, 2024), the Marlborough Board of Education 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 Marlborough Public Schools 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. **Individuals are encouraged to report concerns or questions to the Title IX Coordinator. The notice of non-discrimination is located at <https://www.marlborough.k12.ct.us/district1/board-of-education/boe-policies>.**

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 Marlborough 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 Marlborough Board of Education’s non-discrimination policy and is prohibited.

Mission – Goals – Objectives

Nondiscrimination Policy and Notice (continued)

The Marlborough Public Schools 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 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 Marlborough Public Schools 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.marlborough.k12.ct.us/district1/board-of-education/boe-policies>

The “Long Version” of the Board’s Non-Discrimination Statement shall be as follows:

~~The _____ Public Schools 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 _____ Board of Education has designated the following 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(s):~~

District Title IX Coordinator:

Mr. Daniel White, 25 School Drive, Marlborough, CT 06447, dwhite@marlborough.k12.ct.us, 860-295-6236

District’s Other Designees Under Section 504

The Marlborough Public School District 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.

Mission – Goals – Objectives

Nondiscrimination Policy and Notice (continued)

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

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.

The ____ **Marlborough** _____ Public School's non-discrimination policy and grievance procedures (**Title IX Policy and Administrative Regulation**) Policy [#4000.1/4200.1](#) and [5145.44](#).

(cf. 4000.1 – Title IX)
(cf. 4111 – Recruitment and Selection)
(cf. 4111.1/4211.1 – Affirmative Action)
(cf. 4118.11/4218.11 – Nondiscrimination)
(cf. 4118.112/4218.112 – Sex Discrimination and Sexual Harassment in the Workplace)
(cf. 4118.113/4218.113 – Harassment)
(cf. 5145.4 – Nondiscrimination)
(cf. 5145.5 – Sexual Harassment)
(cf. 5145.51 – Peer Sexual Harassment)
(cf. 5145.52 – Harassment)
(cf. 5145.6 – Student Grievance Procedure)
(cf. 6121 – Nondiscrimination)
(cf. 6121.1 - Equal Educational Opportunity)

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

Mission – Goals – Objectives

Nondiscrimination

Legal Reference: (continued)

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 (a0 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. Monroe County Board of Education, No. 97-843, (U.S. Supreme Court, May 24, 1999.)

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 Members...

Public Law 111-256

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

Mission – Goals – Objectives

Nondiscrimination

Legal Reference: (continued)

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)

2024 Amendments to the U.S. Department of Education’s Title IX Regulations (“Final Rule”)

Policy adopted:
cps 7/24

CABE's newest version of this policy.

Students

Suspension and Expulsion/Due Process

The Marlborough Board of Education is committed to creating a safe, orderly, and supportive learning environment for all students, staff, and visitors. This policy aims to balance the necessity of maintaining safety and order within our schools while adhering to progressive discipline and restorative practices, which seeks to address and correct inappropriate behavior while promoting accountability, personal growth, and the repair of harm.

Students are expected to comply with school rules and Board policies and may 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. Students may be disciplined for conduct off school grounds if such conduct is seriously disruptive to the educational process and violates Board policy.

Policy Objectives

1. **Ensure Safety and Order:** Maintain a secure and disciplined school environment conducive to learning and free from violence, threats, and disruptive behaviors.
2. **Promote Equity and Fairness:** Apply disciplinary measures in an equitable, consistent, and unbiased manner, ensuring that all students are treated with dignity and respect.
3. **Support Progressive Discipline:** Implement a progressive discipline model that focuses on intervention and prevention strategies to address and correct student behavior before it escalates.
4. **Implement Restorative Practices:** Incorporate restorative practices that emphasize accountability, reparation of harm, and the restoration of relationships within the school community.
5. **Encourage Personal Responsibility:** Foster a sense of personal responsibility and self-discipline in students, helping them to understand the consequences of their actions and to make better choices in the future.
6. **Engage Families and Communities:** Involve parents, guardians, and community members in the disciplinary process to support students in their behavioral and academic growth.

Policy Guidelines

1. **Clear Expectations and Communication:**
 - Establish and communicate clear behavioral expectations and the consequences of violating them.
 - Ensure that all students, staff, and parents/guardians are aware of the discipline policy and procedures.

Students

Suspension and Expulsion/Due Process

Policy Guidelines (continued)

2. **Progressive Discipline Framework:**

- Utilize a tiered approach to discipline that escalates in response to the severity and frequency of the behavior.
- Implement early intervention strategies such as counseling, mentoring, and behavior modification plans to address minor infractions.

3. **Restorative Practices:**

- Employ restorative practices such as mediation, peer counseling, and restorative circles to address conflicts and repair harm.
- Encourage students to take responsibility for their actions and to actively participate in the resolution process.

4. **Consistent and Fair Application:**

- Ensure that disciplinary measures are applied consistently and fairly across all student populations.
- Monitor and address any disparities in the application of disciplinary actions to prevent discrimination or bias.

5. **Supportive Interventions:**

- Provide support services such as counseling, social work, and mental health resources to help students address underlying issues contributing to behavioral problems.
- Develop individualized behavior plans for students with recurring or severe behavioral issues.

6. **Engagement and Collaboration:**

- Engage families in the disciplinary process through regular communication and involvement in restorative practices.
- Collaborate with community organizations and resources to support students and families in addressing behavioral and social-emotional needs.

7. **Training and Professional Development:**

- Provide ongoing training for staff on progressive discipline, restorative practices, and culturally responsive approaches to student behavior.
- Encourage staff to develop skills in conflict resolution, de-escalation techniques, and positive behavior support.

Students

Suspension and Expulsion/Due Process

Policy Guidelines (continued)

Review and Accountability

The Marlborough Board of Education will regularly review the effectiveness of its discipline policy, incorporating feedback from students, staff, parents, and the community. Data on disciplinary actions and their outcomes will be collected and analyzed to ensure continuous improvement and the achievement of policy objectives.

By adopting this balanced approach to discipline, the Marlborough Public School District aims to create a school environment where all students can learn, grow, and succeed while feeling safe and supported.

A. Definitions

1. **"Exclusion"** shall be defined as any denial of public school privileges to a student for disciplinary purposes.
2. **"Removal"** shall be defined as an exclusion from a classroom for all or a part of single class period, provided such exclusion shall not extend beyond ninety (90) minutes.
3. **"In-School Suspension"** means an exclusion from regular classroom activity for no more than five consecutive 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. Such suspensions shall be served in any school building under the jurisdiction of the Board of Education.
4. **"Suspension"** means an exclusion from school privileges or from transportation services, provided such exclusion shall not extend beyond the end of the school year in which suspension was imposed. An out-of-school suspension for students in grades 3-12 shall not exceed ten days. An out-of-school suspension imposed for children in preschool to second grade shall not exceed five days.

All suspensions shall be in-school unless the administration determines for any student in grades three through twelve 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 (grades three to twelve) shall be excluded from school during the period of the suspension, or (2) that an out-of-school suspension is appropriate based on evidence of previous disciplinary issues that have led to suspensions or expulsion of the student and efforts by the administration to address such disciplinary issues through means other than out-of-school suspension or expulsion, including positive support strategies.

Students

Suspension and Expulsion/Due Process

A. Definitions (continued)

4. Suspension (continued)

A student in grades preschool to two, inclusive, may be given an out-of-school suspension if it is determined by the administration that such suspension is appropriate based on evidence that the student's conduct on school grounds is of a violent or sexual nature that endangers persons. In addition, a person's duty as a mandated reporter to report suspected child abuse or neglect is not limited by this provision.

5. **"Expulsion"** shall be defined as an exclusion from school privileges for any student in grades three to twelve, inclusive, for more than ten (10) consecutive school days and shall be deemed to include but not be limited to, exclusion from the school to which such student was assigned at the time such disciplinary action was taken, provided that assignment to a regular classroom program in a different school in the district shall not constitute a suspension or an expulsion. Such period of exclusion may extend to the school year following the school year in which the exclusion was imposed, up to one calendar year. To be expelled, the student's conduct must be found to be both violative of a Board policy and either seriously disruptive of the educational process or endangering persons or property.

Unless an emergency exists, no student shall be expelled without a formal hearing provided whenever such student is a minor, the notice shall also be given to the parents or guardians of the student at least five business days before such hearing, not including the day of such hearing. If an emergency exists, such hearing shall be held as soon after the expulsion as possible. The notice shall include information concerning the parent's or guardian's and the student's legal rights and concerning legal services provided free of charge or at a reduced rate that are available locally and how to access such services. An attorney or other advocate may represent any student subject to expulsion proceedings. The parent or guardian of the student 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.

6. **"Emergency"** shall be defined as a situation under which the continued presence of the student in the school imposes 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 student as possible.
7. **"Days"** is defined as days when school is in session.
8. **"School-sponsored activity"** is defined as any activity sponsored, recognized or authorized by the Board of Education and includes activities conducted on or off school property.
9. **"Possess"** means to have physical possession or otherwise to exercise dominion or control over tangible property.

Students

Suspension and Expulsion/Due Process

A. Definitions (continued)

10. **“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. A weapon such as a pellet gun and/or airsoft pistol may constitute a deadly weapon if such weapon is designed for violence and is capable of inflicting death or serious bodily harm.
11. **“Firearm”** as defined in 18 U.S.C. §921, means 1) any weapon (including a starter gun) which will or is designed to or readily be converted to expel a projectile by the action of an explosive; 2) the frame or receiver of any such weapon; 3) any firearm muffler or firearm silencer; or 4) any destructive device. Firearm does not include any antique firearm. For purposes of this definition “destructive device” means any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than 4 ounces, missile having an explosive or incendiary charge of more than ¼ ounce, mine, or device similar to any of the weapons described herein. 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.
12. **“Vehicle”** means a **“motor vehicle”** as defined in Section 14-1 of the Connecticut General Statutes, snow mobile, any aircraft, or any vessel equipped for propulsion by mechanical means or sail.
13. **“Martial arts weapon”** means a nunchakum kama, kasari-fundo, octagon sai, tonfa or chinese star.
14. **“Dangerous Drugs and Narcotics”** is defined as any controlled drug in accordance with Connecticut General Statutes §219-240.
15. **“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).
16. **“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” or a dog that has been commanded to attack.
17. **“Seriously disruptive of the educational process”** means, as applied to off-campus conduct, any conduct that markedly interrupts or severely impedes the day-to-day operation of a school.

Students

Suspension and Expulsion/Due Process (continued)

B. Removal from Class

1. 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.
2. Such teacher shall send the student to a designated area and shall immediately inform the building Principal or his/her designee as to the name of the student and the reason for removal.
3. 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 his/her designee and granted an informal hearing in accordance with the provisions of this policy, as stated in G(3).
4. 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 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.

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.

C. 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, field trips, and school trips out-of-state and abroad.

Students

Suspension and Expulsion/Due Process

D. Actions Leading to Disciplinary Action, including Removal from Class, Suspension and/or Expulsion

Conduct which may lead to disciplinary action (including, but not limited to, removal from class, suspension and/or expulsion in accordance with this policy) includes conduct on school grounds or at a school-sponsored activity (including on a school bus), and conduct off school grounds, as set forth above. Such conduct includes, but is not limited to, the following:

1. Striking or assaulting a student, members of the school staff or other persons.
2. Theft.
3. The use of obscene or profane language or gestures, 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.
4. Violation of smoking, dress, transportation regulations, or other regulations and/or policies governing student conduct.
5. Refusal to obey a member of the school staff, law enforcement authorities, or school volunteers, or disruptive classroom behavior.
6. Any act of harassment based on an individual's sex, sexual orientation, race, color, religion, disability, national origin or ancestry.
7. Refusal by a student to identify himself/herself to a staff member when asked, misidentification of oneself to such person(s), lying to school officials or otherwise engaging in dishonest behavior.
8. Inappropriate displays of public affection of a sexual nature and/or sexual activity on school grounds or at a school-sponsored activity.
9. A walk-out from or sit-in within a classroom or school building or school grounds.
10. Blackmailing, threatening or intimidating school staff or students (or acting in a manner that could be construed to constitute blackmail, a threat, or intimidation, regardless of whether intended as a joke).
11. Possession of any weapon, weapon facsimile, deadly weapon, martial arts weapon, electronic defense weapon, pistol, knife, blackjack, bludgeon, box cutter, metal knuckles, pellet gun, air pistol, explosive device, firearm, whether loaded or unloaded, whether functional or not, or any other dangerous object or instrument. The possession and/or use of any object or device that has been converted or modified for use as a weapon.
12. Possession of any ammunition for any weapon described above in paragraph 11.
13. Unauthorized entrance into any school facility or portion of a school facility or aiding or abetting an unauthorized entrance.
14. Possession or ignition of any fireworks, combustible or other explosive materials, or ignition of any material causing a fire. Possession of any materials designed to be used in the ignition of combustible materials, including matches and lighters.

Students

Suspension and Expulsion/Due Process

D. Actions Leading to Disciplinary Action, including Removal from Class, Suspension and/or Expulsion (continued)

15. Unlawful possession, sale, distribution, use, or consumption of tobacco, electronic nicotine delivery systems (e.g. e-cigarettes), vapor products, drugs, narcotics or alcoholic beverages (or any facsimile of tobacco, drugs, narcotics or alcoholic beverages, or any item represented to be tobacco, drugs or alcoholic beverages), including being under the influence of any such substances or aiding in the procurement of any such substances. For the purposes of this Paragraph 15, the term "electronic nicotine delivery system" shall mean an electronic device that may be used to simulate smoking in the delivery of nicotine or other substance to a person inhaling from the device and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device. For the purposes of Paragraph 15, the term "vapor product" shall mean any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may or may not include nicotine that is inhaled by the user of such product. For the purposes of this Paragraph 15, the term "drugs" shall include, but shall not be limited to, any medicinal preparation (prescription and non-prescription) and any controlled substance whose possession, sale, distribution, use or consumption is illegal under state and/or federal law.
16. Sale, distribution, or consumption of substances contained in household items; including, but not limited to glue, paint, accelerants/propellants for aerosol canisters, and/or items such as the aerators for whipped cream; if sold, distributed or consumed for the purpose of inducing a stimulant, depressant, hallucinogenic or mind-altering effect.
17. Unlawful possession of paraphernalia used or designed to be used in the consumption, sale or distribution of drugs, alcohol or tobacco, as described in subparagraph (15) above. For purposes of this policy, drug paraphernalia includes any equipment, products and materials of any kind which are used, intended for use or designed for use in growing, harvesting, manufacturing, producing, preparing, packaging, storing, containing or concealing, or injecting, ingesting, inhaling or otherwise introducing controlled drugs or controlled substances into the human body, including but not limited to items such as "bongs," pipes, "roach clips," vials, tobacco rolling papers, and any object or container used, intended or designed for use in storing, concealing, possessing, distributing or selling controlled drugs or controlled substances.
18. The destruction of real, personal or school property, such as, cutting, defacing or otherwise damaging property in any way.
19. Accumulation of offenses such as school and class tardiness, class or study hall cutting, or failure to attend detention.

Students

Suspension and Expulsion/Due Process

D. Actions Leading to Disciplinary Action, including Removal from Class, Suspension and/or Expulsion (continued)

20. Trespassing on school grounds while on out-of-school suspension or expulsion.
21. Making false bomb threats or other threats to the safety of students, staff members, and/or other persons.
22. Defiance of school rules and the valid authority of teachers, supervisors, administrators, other staff members and/or law enforcement authorities.
23. Throwing snowballs, rocks, sticks and/or similar objects, except as specifically authorized by school staff.
24. Unauthorized and/or reckless and/or improper operation of a motor vehicle on school grounds or at any school-sponsored activity.
25. Leaving school grounds, school transportation or a school-sponsored activity without authorization.
26. Use of or copying of the academic work of another individual and presenting it as the student's own work, without proper attribution; or any other form of academic dishonesty, cheating or plagiarism.
27. Possession and/or use of a cellular telephone, radio, walkman, CD player, blackberry, personal data assistant, walkie talkie, Smartphone, mobile or handheld device, or similar electronic device, on school grounds or at a school-sponsored activity in violation of Board policy and/or administrative regulations regulating the use of such devices.
28. Possession and/or use of a beeper or paging device on school grounds or at a school-sponsored activity without the written permission of the principal or his/her designee.
29. Unauthorized use of 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.
30. Possession and/or use of a laser pointer, unless the student possesses the laser pointer temporarily for an educational purpose while under the direct supervision of a responsible adult.
31. Hazing.

Students

Suspension and Expulsion/Due Process

D. Actions Leading to Disciplinary Action, including Removal from Class, Suspension and/or Expulsion (continued)

32. Bullying, defined as the repeated use by one or more students of a written, oral or electronic communication, such as cyberbullying directed at another student attending school in the same district, or a physical act or gesture by one or more students repeatedly directed at another student attending school in the same school district, which:
 - a) causes physical or emotional harm to such student or damage to such student's property;
 - b) places such student in reasonable fear of harm to himself or herself, or of damage to his or her property;
 - c) creates a hostile environment at school for such student;
 - d) infringes on the rights of such student at school; or
 - e) substantially disrupts the education process or the orderly operation of a school.

Bullying includes, but is not limited to, repeated written, oral or electronic communications or physical acts or gestures based on any actual or perceived differentiating characteristics, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socioeconomic status, academic status, physical appearance, or mental, physical, developmental or sensory disability, or by association with an individual or group who has or is perceived to have one or more of such characteristics.

33. Cyberbullying, defined as any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices or any electronic communications.
34. Acting in any manner that creates a health and/or safety hazard for staff members, students, or the public, regardless of whether the conduct is intended as a joke.
35. Engaging in a plan to stage or create a violent situation for the purposes of recording it by electronic means; or recording by electronic means acts of violence for purposes of later publication.
36. Engaging in a plan to stage sexual activity for the purposes of recording it by electronic means; or recording by electronic means sexual acts for purposes of later publication.
37. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.
38. Use of a privately owned electronic or technological device in violation of school rules, including the unauthorized recording (photographic or audio) of another individual without permission of the individual or a school staff member.

Students

Suspension and Expulsion/Due Process (continued)

E. Scope of the Student Discipline Policy

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

Students may 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 may 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 such consideration 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 Conn. Gen. Stat. § 29-38, and whether any injuries occurred; and (4) whether the conduct involved the use of alcohol.

In making a determination as to whether such conduct is seriously disruptive of the educational process, the Administration and/or the Board of Education may also consider whether such off-campus conduct involved the illegal use of drugs.

F. Mandatory Expulsion

It shall be the policy of the Board to expel a student, grades preschool, and kindergarten to twelve, inclusive, for one full calendar year if:

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; 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. Such a student shall be expelled for one calendar year if the Board of Education or impartial hearing officer 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.

Students

Suspension and Expulsion/Due Process

F. Mandatory Expulsion (continued)

4. A firearm, as defined by C.G.S. 53a-3 includes any sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver, or other weapon, whether loaded or unloaded from which a shot may be discharged, or a switchblade knife, a gravity knife, billy, black jack, bludgeon or metal knuckles.
5. A student enrolled in a preschool program provided by the Board of Education, state or local charter school or interdistrict magnet school shall not be expelled from such school except that a student shall be expelled for one calendar year from such preschool program pursuant to the mandatory expulsion requirement in compliance with the Gun-Free School Act, as described in this section.

G. Suspension Procedure (as modified in Public Act 24-45, Sections 13 and 14)

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 in:

1. Grades three to ^{SIX}twelve, inclusive, if, resulting from a due process hearing:
 - a. 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;
 - b. The administration determines that an out-of-school suspension is appropriate for such student based on evidence of:
 - i. Previous disciplinary problems that have led to suspensions or expulsion of such student, and
 - ii. Efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies; or for grades preschool to two if during the due process hearing:
2. 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;
3. 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 such student's return to school immediately following the out-of-school suspension; and

**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.*

Students

Suspension and Expulsion/Due Process

G. Suspension Procedure (as modified in Public Act 24-45, Sections 13 and 14 (continued))

4. 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 for students in grades 3-12.

An out-of-school suspension shall not exceed five school days for children in preschool through 2 grade.

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.

The administration shall also have the authority to suspend a student from transportation services whose conduct while awaiting or receiving transportation violates the standards set forth in paragraph D, above. The administration shall have the authority to immediately suspend from school any student when an emergency exists as that term is defined in paragraph A, above.

If an emergency situation exists, the hearing outlined in paragraph G (3) shall be held as soon as possible after the exclusion of the student.

5. In the case of suspension, the administration shall notify the student's parents and the Superintendent of Schools not later than twenty-four (24) hours of the suspension as to the name of the student who has been suspended and the reason therefore. Any student who is suspended shall be given an opportunity to complete any class work including, but not limited to, examinations which such student missed during the period of his/her suspension.
6. Except in the case of an emergency, as defined in paragraph A, above, a student shall be afforded the opportunity to meet with the administration and to respond to the stated charges prior to the effectuation of any period of suspension or in-school suspension. If, at such a meeting the student denies the stated charges, he/she may at that time present his/her version of the incident(s) upon which the proposed suspension is based. The administration shall then determine whether or not suspension or in-school suspension is warranted. In determining the length of a suspension period, the administration may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, in-school suspension, or expulsion.
7. 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 his/her parents/guardians.

Students

Suspension and Expulsion/Due Process (continued)

G. Suspension Procedure (as modified in Public Act 24-45, Sections 13 and 14 (continued))

8. No student shall be suspended more than ten times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion, unless a hearing as provided in paragraph H(5) is first granted.
9. No student shall be placed on in-school suspension more than fifteen times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion, unless a hearing as provided in paragraph H(5) is first granted.

H. Expulsion Procedures

1. The Board of Education may, upon recommendation of the Superintendent of Schools, expel any student for one or more of the reasons stated in this policy if in the judgment of the Board of Education, such disciplinary action is in the best interest of the school system.
2. Upon receipt of a recommendation for expulsion from the Superintendent of Schools the Board shall, after giving written notice, at least five (5) business days before such hearing, to the student and his parents or guardian, if said student is less than 18 years of age, conduct a hearing prior to taking any action on the expulsion of said student, provided however, that in the event of an emergency as defined in this policy, the student may be expelled prior to the hearing but in such case even a hearing shall be held as soon after the expulsion as possible. The notice shall include information concerning the student's and his/her parent's/guardian's legal rights and concerning legal services that are provided free of charge or at a reduced rate that are available locally (CT Legal Service a source of such services) and how to access such services. An attorney or other advocate may represent any student subject to expulsion proceedings. The parent/guardian of the student has 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.
3. 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 (3) affirmative votes to expel are cast.

Alternatively, the Board may appoint an impartial hearing officer composed of one (1) or more persons to hear and decide the expulsion matter, provided that no member of the Board may serve on such panel.

4. A special education student's handicapping conditions shall be considered before making a decision to expel. A Planning and Placement Team (PPT) meeting must be held to determine whether the behavior or student actions violative of Board of Education standards set forth in policy governing suspension and expulsion are the result of the student's handicapping condition.

Students

Suspension and Expulsion/Due Process

H. Expulsion Procedures (continued)

5. The procedure for any hearing conducted under this paragraph shall at least include the right to:
 - a. Notice prior to the date of the proposed hearing which shall include a statement of the time, place and nature of the hearing and a statement of the legal jurisdiction under which the hearing is to be held and a statement that students under sixteen years old who are expelled and students between sixteen and eighteen who have been expelled for the first time and who comply with conditions set by the Board of Education, must be offered an alternative educational opportunity;
 - b. A short and plain statement of the matters asserted, if such matters have not already been provided in a statement of reasons requested by the student;
 - c. The opportunity to be heard in the student's own defense;
 - d. The opportunity to present witnesses and evidence in the student's defense;
 - e. The opportunity to cross-examine adverse witnesses;
 - f. The opportunity to be represented by counsel at the parents'/student's own expense; and
 - g. Information concerning legal services provided free of charge or at a reduced rate that are available locally and how to access such services;
 - h. The opportunity to have the services of a translator, to be provided by the Board of Education whenever the student or his/her parent or legal guardian do not speak the English language;
 - i. The prompt notification of the decision of the Board of Education, which decision shall be in writing if adverse to the student concerned.
6. The record of the hearing held in any expulsion case shall include the following:
 - a. All evidence received and considered by the Board of Education;
 - b. Questions and offers of proof, objections and ruling on such objections;
 - c. The decision of the Board of Education rendered after such hearing; and
 - d. A copy of the initial letter of notice of proposed expulsion, a copy of any statement of reasons provided upon request, a statement of the notice of hearing and the official transcript, if any or if not transcribed, any recording or stenographic record of the hearing.

Students

Suspension and Expulsion/Due Process

H. Expulsion Procedures (continued)

7. Rules of evidence at expulsion hearings shall assure fairness, but shall not be controlled by the formal rules of evidence, and shall include the following:
 - a. Any oral or documentary evidence may be received by the Board of Education but, as a matter of policy, irrelevant, immaterial or unduly repetitious evidence may be excluded. In addition, other evidence of past disciplinary problems which have led to removal from a classroom, in-school suspension, suspension, or expulsion may be received for considering the length of an expulsion and the nature of the alternative educational opportunity, if any, to be offered;
 - b. The Board of Education shall give effect to the rules of privilege by law;
 - c. In order to expedite a hearing, evidence may be received in written form, provided the interest of any party is not substantially prejudiced thereby;
 - d. Documentary evidence may be received in the form of copies or excerpts;
 - e. A party to an expulsion hearing may conduct cross-examination of witnesses where examination is required for a full and accurate disclosure of the facts;
 - f. The Board of Education may take notice of judicially cognizable facts in addition to facts within the Board's specialized knowledge provided, however, the parties shall be notified either before or during the hearing of the material noticed, including any staff memoranda or data, and an opportunity shall be afforded to any party to contest the material so noticed;
 - g. A stenographic record or tape-recording of any oral proceedings before the Board of Education at an expulsion hearing shall be made provided, however, that a transcript of such proceedings shall be furnished upon request of a party with the cost of such transcript to be paid by the requesting party. Findings of fact made by the Board after an expulsion hearing shall be based exclusively upon the evidence adduced at the hearing.
 - h. Decisions shall be in writing if adverse to the student, and shall include findings of fact and conclusions necessary for the decision. Findings of fact made by the Board after an expulsion hearing shall be based exclusively upon the evidence adduced at the hearing.
8. For any student expelled for the first time and who has never been suspended, except for a student who has been expelled based on possession of a firearm or deadly weapon, 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. Such a Board specified program shall not require the student or the parent/guardian of such student to pay for participation in the program.

Students

Suspension and Expulsion/Due Process (continued)

I. Notification

1. All students and parents within the jurisdiction of the Board of Education shall be informed, annually, of Board Policy governing student conduct by the delivery to each said student of a written copy of said Board Policy.
2. The parents or guardian of any minor student either expelled or suspended shall be given notice of such disciplinary action no later than 24 hours of the time of the institution of the period of expulsion or suspension.
3. The notice of an expulsion hearing shall be given at least five (5) business days before such hearing to the student and his/her parents or guardians, if said student is less than 18 years of age shall include information concerning the parent's/guardian's and the student's legal rights and concerning legal services that are provided free of charge or at a reduced rate that are available and how to access such services. The notification shall reference the maximum number of suspension days before the expulsion days proceed. 5 consecutive days for students in pre-school to second grade, 10 consecutive days for students in grades 3-12, a statement that an attorney or other advocate may represent any student subject to expulsion proceedings. The parent/guardian of the student shall be notified of 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.

J. Stipulated Agreements

In lieu of the procedures used in this section, the Administration and the parents (or legal guardians) of a student facing expulsion may choose to enter into a Joint Stipulation of the Facts and a Joint Recommendation to the Board concerning the length and conditions of expulsion. Such Joint Stipulation and Recommendation shall include language indicating that the parents (or legal guardians) understand their right to have an expulsion hearing held pursuant to these procedures, and language indicating that the Board, in its discretion, has the right to accept or reject the Joint Stipulation of Facts and Recommendation.

If the Board rejects either the Joint Stipulation of Facts or the Recommendation, an expulsion hearing shall be held pursuant to the procedures outlined herein. If the Student is eighteen years of age or older, the student shall have the authority to enter into a Joint Stipulation and Recommendation on his or her own behalf.

If the parties agree on the facts, but not on the disciplinary recommendation, the Administration and the parents (or legal guardians) of a student facing expulsion may also choose to enter into a Joint Stipulation of the Facts and submit only the Stipulation of the Facts to the Board in lieu of holding the first part of the hearing, as described above. Such Joint Stipulation shall include language indicating that the parents understand their right to have a hearing to determine whether the student engaged in the alleged misconduct and that the Board, in its discretion, has the right to accept or reject the Joint Stipulation of Facts. If the Board rejects the Joint Stipulation of Facts, a full expulsion hearing shall be held pursuant to the procedures outlined herein.

Students

Suspension and Expulsion/Due Process (continued)

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

L. 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 (an "IDEA student") who has 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 make reasonable attempts to immediately notify the parents of the student 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. 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 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 recommend for expulsion (or to suspend if a change in placement) 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 recommend for expulsion (or to suspend if a change in placement) was made.
2. The school district shall immediately convene the student's planning and placement team ("PPT"), but in no case later than ten (10) school days after the recommendation for expulsion or the suspension that constitutes a change in placement was made.

Students

Suspension and Expulsion/Due Process

L. Procedures Governing Suspension and Expulsion of Students Identified as Eligible for Services under the Individuals with Disabilities Education Act ("IDEA") (continued)

B. Expulsion and Suspensions that Constitute Changes in Placement for IDEA Students (continued)

The student's PPT 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 manifestation of his/her disability.

3. If the student's PPT finds that the behavior was a manifestation of the student's disability, the Administration shall not proceed with the recommendation for expulsion or the suspension that constitutes a change in placement.
4. If the student's PPT 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. When determining whether to recommend an expulsion or a suspension that constitutes a change in placement, the building administrator (or his or her designee) should consider the nature of the misconduct and any relevant educational records of the student.

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. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

Students

Suspension and Expulsion/Due Process

L. Procedures Governing Suspension and Expulsion of Students Identified as Eligible for Services under the Individuals with Disabilities Education Act ("IDEA") (continued)

The following definitions shall be used for this subsection XII. C.

1. **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.
2. **Controlled substance** means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act, 21 U.S.C. 812(c).
3. **Illegal drug** means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.
4. **Serious bodily injury** means a bodily injury which involves: (A) a substantial risk of death; (B) extreme physical pain; (C) protracted and obvious disfigurement; or (D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

M. Procedures Governing Expulsions for Students Identified as Eligible under Section 504 of the Rehabilitation Act of 1973 ("Section 504")

- A. Except as provided in subsection B below, notwithstanding any provision to the contrary, if the Administration recommends for expulsion a student identified as eligible for educational accommodations under Section 504 who has 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. The 504 team will determine whether the student's behavior was a manifestation of his/her disability.
 3. If the 504 team finds that the behavior was a manifestation of the student's disability, the Administration shall not proceed with the recommended expulsion.
 4. If the 504 team finds that the behavior was not a manifestation of the student's disability, the Administration may proceed with the recommended expulsion.

Students

Suspension and Expulsion/Due Process

M. Procedures Governing Expulsions for Students Identified as Eligible under Section 504 of the Rehabilitation Act of 1973 ("Section 504") (continued)

- B. The Board may take disciplinary action for violations pertaining to the use or possession of illegal drugs or alcohol against any student with a disability who currently is engaging in the illegal use of drugs or alcohol to the same extent that such disciplinary action is taken against nondisabled students. Thus, when a student with a disability is recommended for expulsion based solely on the illegal use or possession of drugs or alcohol, the 504 team shall not be required to meet to review the relationship between the student's disability and the behavior that led to the recommendation for expulsion.

N. Procedures Governing Expulsions for Students Committed to a Juvenile Detention Center

- A. Any student who commits an expellable offense and is subsequently committed to a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement for such offense may be expelled by the Board in accordance with the provisions of this section. The period of expulsion shall run concurrently with the period of commitment to a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement.
- B. If a student who committed an expellable offense seeks to return to a school district after participating in a diversionary program or having been detained in a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement and such student has not been expelled by the board of education for such offense under subdivision (A) of this subsection, the Board shall allow such student to return and may not expel the student for additional time for such offense.

O. Alternative Educational Opportunity

The Board of Education recognizes its obligation to offer any student under the age of sixteen (16) who is expelled, an alternative educational opportunity which shall be equivalent to alternative education, as defined, by C.G.S. 10-74j with an individualized learning plan, (1) if the Board provides such alternative education, or (2) in accordance with the standards adopted by the State Board of Education (by 8/15/17), which includes the kind of instruction to be provided and the number of hours to be provided, during the period of expulsion.

Any parent or guardian of such student who does not choose to have his or her child enrolled in an alternative educational opportunity shall not be subject to the provision of Section 10-184 of the Connecticut General Statutes. Any expelled student who is between the ages of sixteen (16) and eighteen (18) not previously expelled and who wishes to continue his or her education shall be offered such an alternative educational opportunity if he or she complies with conditions established by the Board of Education. other than the one from which the student has been excluded.

Students

Suspension and Expulsion/Due Process

O. Alternative Educational Opportunity (continued)

Such alternative educational opportunity may include, but shall not be limited to, the assignment of a student (who is seventeen (17) years of age or older) to any such adult education program or placement of such student in a regular classroom program of a school

Any student participating in an adult education program during a period of expulsion shall not be required to withdraw from school under C.G.S. 10-184. In determining the nature of the alternative education opportunity to be offered under this Section, the Board of Education may receive and consider evidence of past disciplinary issues which have led to removal from a classroom, suspension, or expulsion.

The Board of Education is not obligated to provide such alternative educational opportunity to any student eighteen years of age or older. The Board of Education is also required to offer such alternative educational opportunity, as defined, to any student between the ages of sixteen and eighteen who is expelled because of conduct which endangers persons, and involved the following, on school grounds or at a school-sponsored event:

1. Possession of a firearm, deadly weapon, dangerous instrument or martial arts weapon, or
2. Offering an illegal drug for sale or distribution.

If the Board expels a student for the sale or distribution of a controlled substance, the Board shall refer the student to an appropriate state or local agency for rehabilitation, intervention or job training, or any combination thereof, and inform the agency of its action. If a student is expelled for possession of a firearm, deadly weapon, dangerous instruments (those that can be used to cause death or serious injury) or martial arts weapons the Board shall report the violation to the local police department.

This provision shall not apply to students requiring special education who are described in subdivision (1) of sub-section (e) of C.G.S. 10-76a. The alternative educational opportunity for any such student shall be established by the IEP team (PPT) in accordance with the procedures described above.

P. Other Considerations

1. If a student is expelled, notice of the expulsion and the conduct for which the student was expelled shall be included on the student's cumulative educational record. Such notice, except for the notice of an expulsion of a student in grades nine through twelve, inclusive, based on possession of a firearm or deadly weapon, shall be expunged from the cumulative educational record by the Board if the Board determines that the student's conduct and behavior in the years following such expulsion warrants an expungement or if the student graduates from high school.

Students

Suspension and Expulsion/Due Process

P. Other Considerations (continued)

2. If a student's expulsion is shortened or the expulsion period waived based upon the fact that the student was expelled for the first time, had never been suspended, and successfully completed a Board specified program and/or met other conditions required by the Board, the notice of expulsion shall be expunged from the cumulative educational record if the student graduates from high school or, if the Board so chooses, at the time the student completes the Board specified program and meets any other conditions required by the Board.
3. If a student in grades preschool to eight, is expelled based on possession of a firearm or deadly weapon, the Board may expunge from the students' cumulative education record the notice of the expulsion and the conduct for which the student was expelled if the Board determines that the conduct and behavior of the student in the years following such expulsion warrants an expungement.
4. The Board may adopt the decision of a student expulsion hearing conducted by another school district provided such Board of Education held a hearing pursuant to C.G.S.10-233d(a). Adoption of such a decision shall be limited to a determination of whether the conduct which was the basis for the expulsion would also warrant expulsion under the policies of this Board. The student shall be excluded from school pending such hearing. The excluded student shall be offered an alternative education opportunity in accordance with item K above.
5. Whenever a student against whom an expulsion hearing is pending withdraws from school and after notification of such hearing but before the hearing is completed and a decision rendered, (1) notice of the pending expulsion hearing shall be included on the student's cumulative educational record and (2) the Board shall complete the expulsion hearing and render a decision.
6. A student expelled for possession of a firearm, deadly weapon, dangerous instrument or martial arts weapon shall have the violation reported to the local police department.
7. The period of expulsion shall not extend beyond a period of one calendar year. A period of exclusion may extend into the next school year.
8. An expelled student may apply for early readmission to school. Such readmission shall be at the discretion of the Board of Education/Superintendent of Schools (choose which). Readmission decisions shall not be subject to appeal to Superior Court. The Board or Superintendent, as appropriate, may condition such readmission on specified criteria.
9. Any student who commits an expellable offense and is subsequently committed to a juvenile detention center, The Connecticut Juvenile Training School or any other residential placement for such offense may be expelled by the local Board of Education. The period of expulsion shall run concurrently with the period of commitment to a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement.

Students

Suspension and Expulsion/Due Process (continued)

Q. Change of Residence During Expulsion Proceedings (continued)

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 or to conduct its own expulsion hearing.
2. Where a student enrolls in the district during the period of expulsion from another public school district, the Board may adopt the decision of the student expulsion hearing conducted by such other school district. The student shall be excluded from school pending such hearing. The excluded student shall be offered an alternative educational opportunity in accordance with statutory requirements. The Board shall make its determination based upon a hearing held by the Board, which hearing shall be limited to a determination of whether the conduct which was the basis of the previous public school district's 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.

R. Compliance with Documentation and Reporting Requirements

- A. The Board of Education shall include on all disciplinary reports the individual student's state-assigned student identifier (SASID).
- B. The Board of Education shall report all suspensions and expulsions to the State Department of Education.
- C. 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.
- D. If the Board of Education expels a student for possession of a deadly weapon or firearm, as defined in Conn. Gen. Stat. §53a-3, the violation shall be reported to the local police.

Students

Suspension and Expulsion/Due Process (continued)

Readmission of Student from a Residential Placement

A District student who has committed an expellable offense who seeks to return to a District school, after participating in a diversionary program or having been detained in a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement, for one year or more, in lieu of expulsion from the District, shall be permitted to return to the appropriate school setting within the District. Further, the District shall not expel the student for any additional time for the offense(s).

Students and parents shall be notified of this policy annually.

Legal Reference: Connecticut General Statutes

4-176e through 4-180a. Contested Cases. Notice. Record, as amended

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

10-222d Safe school climate plans. Definitions. Safe school climate assessments.

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 11-126, PA 14-229, PA 15-96, PA 16-147 and PA 17-220, and PA 19-91.

10-233l Expulsion and suspension of children in preschool programs

19a-342a Use of electronic nicotine delivery system or vapor product prohibited.

29-38 Weapons in vehicles

53a-3 Definitions.

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

53-344b Sale and delivery of electronic nicotine delivery system or vapor products to minors.

53-206 Carrying of dangerous weapons prohibited.

PA 15-96 An Act Prohibiting Out-of-School Suspensions and Expulsions for Students in Preschool and Grades Kindergarten to Two.

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

Title III - Amendments to the Individuals with Disabilities Education Act. Sec. 314 (Local Control Over Violence)

Students

Suspension and Expulsion/Due Process (continued)

Legal Reference: (continued)

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

P.L. 105-17 The Individuals with Disabilities Act, Amendments of 1997.

Kyle P. Packer PPA Jane Packer v. Thomaston Board of Education.

P.L. 108-446 The Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C. 1400 et seq.

18 U.S.C. §921 – Definitions of “firearms”

18 U.S.C. §930(g)(2) – Definition of “dangerous weapon”

18 U.S.C. §1365(h)(3) – Identifying “serious bodily injury”

21 U.S.C. §812(c) – Identifying “controlled substances”

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

Policy adopted:

rev 7/19

rev 7/24

Provision of an Alternative Educational Opportunity for Eligible Expelled Students

The following procedures shall be followed, in concert with policy #5114/5131/5144 (*choose which*) by District personnel pertaining to the required provision of an alternative educational opportunity for expelled students eligible for such program.

Options for Alternative Educational Opportunity

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

1. Enroll the student in an alternative education program which is compliant with requirements for such programs, including the length of school year and number of hours, with an individualized learning plan IF the district provides such alternative education, (*use of this option requires the alternative education program to comply with C.G.S. 10-74j which requires adherence to C.G.S. 10-15 and 10-6 requiring a minimum of 180 days and 900 hours of actual school work per year*) and the program is appropriate for the student. **OR**
2. Provide the student with an alternative educational opportunity in accordance with the State Board of Education (SBOE) adopted standards, including through an alternative education program offered by another school district or operator. (*A standard program for its alternative educational opportunity providing such program meets the other requirements of the Standards, including the individualized learning plan.*)

State Department of Education (SDE) Positions to Consider

1. In order to properly implement the provision of an alternative educational opportunity to expelled students, whether the District implements option #1 or #2 above, the District must comply with the SBOE adopted (1/3/18) Standards.
2. SDE “expects that, in most cases, school districts will determine that enrollment in an alternative education program...is the appropriate alternative educational opportunity” for an expelled student. Such an alternative education program could be operated by the local district or another provider.
3. There may be “unusual cases” where placement in an alternative education program may not be appropriate or available.
4. The alternative educational opportunity must be “full-time” and “comprehensive,” and such opportunity for learning is comparable to a regular school setting. (*This provides the district that does not provide placement for the expelled student in alternative educational program some flexibility in developing an alternative educational opportunity that provides comparable learning opportunities for the expelled student without dictating a certain number of minimum instructional hours, but, per the Standards, must be “full-time” and “comprehensive.”*)
5. Assignment to homebound instruction will not satisfy the “Guiding Principles” of the Standards.

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

Guiding Principles

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

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

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

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

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

1. Provide a full time, comprehensive alternative educational opportunity, with a focus on an opportunity for learning that is comparable to those in a regular school setting.
2. Notify parents/students at the time of expulsion of the right to apply for early readmission, which can be granted at the discretion of the Board of Education or the Superintendent, if the Board delegates this authority to the Superintendent (C.G.S. 10-233(j)). *(The criteria for early readmission should be recorded in the individualized learning plan (ILP)).*
3. Meet with parents/guardians prior to placement to provide information about potential alternative educational opportunities and a placement meeting to finalize such placement. *(Such meeting can take place directly after the expulsion hearing.)*
4. Consult with relevant school personnel knowledgeable about the student's academic, social and behavioral history to help in the determination of an appropriate alternative educational opportunity.

5. Involve the PPT for expelled special education students who are determined to have educational programming and placement during the period of expulsion in accordance with the Individuals with Disabilities Act (IDEA).
6. Develop an Individualized Learning Plan (ILP) to address:
 - Information pertaining to the student's academic and behavioral needs and appropriate academic and behavioral goals and interventions including the core classes and current placement or progress in the curriculum of those classes at the time of expulsion.
 - Benchmarks to measure progress towards the goals and progress towards graduation. *(This will include monitoring attendance, work completion, and progress toward meeting the coursework's academic standards.)*
 - Reviewing the student's progress and communicating that progress to parent/guardian or student. *(What would be done for students generally.)*
 - Transfer of records to/from the alternative educational provider and the school from which the student was expelled.
 - Language pertaining to the possibility of early readmission to the school from which the student was expelled.
7. Monitor progress of student performance and placement. *(This must be done and documented at least once per marking period, review of the student's ILP and make any needed adjustments.)*
8. Adopt procedures to address a student's transition from an alternate educational opportunity to the student's regular school. *(The criterion for readmission is the completion of the expulsion period.)*

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

The Superintendent or his/her designee is responsible for the fulfillment of the following:

1. Determine the eligibility of the expelled student for an alternative education opportunity.
 - a. The student is under the age of sixteen (16) and must be offered an alternative educational opportunity.
 - b. The student is between the ages of sixteen (16) and eighteen (18) and has not been previously expelled and wishes to continue his or her education shall be offered such an alternative educational opportunity. *(The District is not obligated to provide an alternative educational opportunity to students in this age bracket who have been previously expelled, even if the prior expulsion occurred before the student was sixteen years of age.)*
 - c. The student is eighteen years of age or older and the Board of Education is not obligated to provide an alternative educational opportunity.

- d. Other considerations:
 - i. Any parent/guardian of an expelled student who does not choose to have his or her child enrolled in an alternative educational opportunity shall not be subject to the provision of Section 10-184 of the Connecticut General Statutes regarding school attendance.
 - ii. A student seventeen (17) years of age or older may be assigned to an adult education program and not be required to withdraw from school per C.G.S. 10-184.
 - iii. The student may be placed in a regular classroom program of a school other than the one from which the student has been excluded.
 - iv. A student expelled for the sale or distribution of a controlled substance, shall be referred to an appropriate state or local agency for rehabilitation, intervention or job training, or any combination thereof.
 - v. A student expelled for possession of a firearm, deadly weapon, dangerous instruments (those that can be used to cause death or serious injury) or martial arts weapons shall be reported to the local police department.
 - vi. An expelled special education student's alternative educational opportunity shall be established by the IEP team (PPT).
2. Determine the appropriate option for the alternative educational opportunity option to be offered to the expelled student.
 - a. Enroll the student in an alternative education program operated by the District which is compliant with requirements for such programs, (hours, length of school year and number of hours) with an individualized learning plan IF the district provides such alternative education.
 - b. Provide the student with an alternative educational opportunity in accordance with the SBOE adopted standards, including through an alternative education program offered by another school district or operator. (A standard program for its alternative educational opportunity providing such program meets the other requirements of the Standards, including the individualized learning plan.)
3. Consult with relevant school personnel knowledgeable about the student to obtain information regarding the student's academic, social and behavioral history that will help inform the decision concerning an appropriate alternative educational opportunity. The input shared by school personnel may be gathered via written reports.
4. Meet with the student's parent(s)/guardian(s) prior to placement to provide information concerning the potentially appropriate alternative educational opportunities for the student.

5. Hold a placement meeting after parents/guardians have been informed and the appropriate school personnel have shared information regarding the student.
 - a. Explore all alternative educational opportunities at this meeting.
 - b. The placement decision should be made at this meeting.
 - c. Other considerations:
 - i. Parents/students, at the time of expulsion, should be informed of the right to apply for early readmission, which can be granted at the discretion of the Board of Education or Superintendent (*if the BOE delegates this authority to the Superintendent under C.G.S. Section 10-233d(j)*).
 - ii. Any criteria for early readmission to the school from which the student has been expelled should be recorded in the Individualized Learning Plan (ILP).
6. Development of an Individualized Learning Plan (ILP) to inform and direct the student's learning goals and activities for the duration of the expulsion.
 - a. After placement in the alternative education opportunity, an ILP must be developed to govern the student's programming during period of the expulsion.
 - b. Develop the ILP through collaboration among school personnel, the student and the parent/guardian.
 - c. Reference student records with information relevant to the alternative educational opportunity. (*student success plan, Individualized Education Program (IEP) under special education, Section 504 Plan, Individualized Health Plan, and/or other academic and behavioral data.*)
 - d. The student's ILP is to contain:
 - i. The student's academic and behavioral needs and appropriate academic and behavioral goals and interventions;
 - ii. The student's core classes at the time of expulsion;
 - iii. The student's current placement or progress in the curriculum of those classes so that the student has an opportunity to continue to progress in the LEA's academic program and earn graduation credits, if applicable;
 - iv. Benchmarks to measure progress towards the goals and ultimately, progress towards graduation;
 - v. Timing and method for reviewing the student's progress and for communicating that progress to the parent/guardian or student; (*For most students, monitoring and reviewing the student's progress will include monitoring the student's attendance, work completion and progress toward meeting the relevant academic standards for particular coursework, and thus progressing toward graduation, if applicable.*)
 - The progress monitoring of student performance and placement must be done and documented at least once per marking period, including a review of the ILP and the making of any necessary adjustments.

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

Procedures for Alternative Educational Opportunities for Expelled Students

Applicability of these Administrative Regulations

These procedures apply in cases when, pursuant to state law, a District student school is entitled to an alternative educational opportunity during an expulsion.

Responsible Personnel

The building principal or his/her designee of the school from which the student has been expelled, is responsible for compliance with these procedures relative to the student who is being provided with the alternative educational opportunity.

Student Placement Procedures

- A. After a student has been expelled, and unless extraordinary circumstances exist, the building principal, or his/her designee(s), will take the following steps:
 - a. Meet with the expelled student's parent(s)/guardian(s) prior to the student's placement in an alternative educational setting to provide information concerning the potentially appropriate alternative educational opportunities for the student and to inform the parent(s)/guardian(s) and student of the right to apply for early readmission to school in accordance with Conn. Gen. Stat. Section 10-233d(j).
 - b. Consult with relevant school personnel from the school from which the student was expelled, who are knowledgeable about the student, to obtain information regarding the student's academic, social, and behavioral history that will help inform the decision concerning an appropriate alternative educational opportunity. Such information may be gathered by written reports.
 - c. After placement options have been shared with the parent(s)/guardian(s), a placement meeting is to be convened to explore all alternative educational opportunities and a placement decision is made.
- B. The educational programming and placement for expelled students who are eligible to receive special education and related services under the Individuals with Disabilities Education Act ("IDEA") shall be determined by the student's Planning and Placement Team ("PPT"). In such case, the above procedural steps (Section "A" shall not apply.)

Individualized Learning Plan

A. Development of the Individualized Learning Plan

After student placement into an alternative educational placement, the principal, or his/her designee, will develop an Individualized Learning Plan (“ILP”) that will govern the programming for the student for the period of expulsion. To develop the ILP, the principal, or his/her designee, will collaborate with school personnel from the student’s school, the student and the parent/guardian, and all relevant student records will be reviewed.

B. Contents of the Individualized Learning Plan

- a. The ILP will reference student records with information relevant to the provision of an alternative educational opportunity. These records may include:
 - i. Student success plan (for students who have a student success plan as mandated by state law, the student success plan may inform the ILP but does not replace the ILP);
 - ii. Individualized education program (“IEP”);
 - iii. Section 504 Plan;
 - iv. Individualized health care plan or emergency care plan; and/or
 - v. Other relevant academic and behavioral data.
- b. The ILP will address the following:
 - i. The student’s academic and behavioral needs and appropriate academic and behavioral goals and interventions, including the student’s core classes at the time of expulsion and the student’s current placement or progress in the curriculum for those classes so that the student has an opportunity to continue to progress in the Board’s academic program and earn graduation credits, if applicable;
 - ii. Benchmarks to measure progress towards the goals and ultimately, progress towards graduation;
 - iii. Provision for the timing and method for reviewing the student’s progress in the alternative educational opportunity and for communicating that progress to the parent/guardian or student. For most students, monitoring and reviewing the student’s progress will include monitoring the student’s attendance, work completion and progress toward meeting the relevant academic standards for particular coursework, and thus progressing toward graduation, if applicable. The student’s progress and grades will be communicated to the parents/guardians or student with the same frequency as similar progress for students in the regular school environment is reported and communicated to parents/guardians or students. The student’s progress and grades will also be reported to the school from which the student was expelled;

- iv. Provision for the timely transfer of the student's records both from the student's school to the alternative educational opportunity provider, and also from the alternative educational opportunity provider to the student's school; and
- v. The possibility of early readmission to the school from which the student was expelled and the early readmission criteria, if any, established by the Board of Education or Superintendent, as applicable.

Review of Student's Placement in Alternative Educational Opportunity and Individualized Learning Plan

- A. A review of the appropriateness of the placement must occur at least once per marking period.
- B. The placement review must include:
 - a. Review of the ILP to (1) assess progress and make adjustments as necessary and (2) determine its alignment with the goals of the student's IEP, where applicable; and
 - b. Consideration of opportunities for early readmission as set forth in the ILP, as established by the Board of Education or Superintendent, as applicable.

Transition Plan for Readmission

- A. Before a student is readmitted to the school from which the student was expelled, relevant staff should provide an opportunity to meet with the parents/guardians and student to discuss the student's readmission. As part of the readmission process and the student's ILP, the principal, or his/her designee, should consider:
 - a. Efforts to readmit the student at a semester starting point (at the high school level);
 - b. A plan to transfer the student's credits and records back to the school from which the student was expelled:
 - i. The District will award an expelled high school student appropriate high school credit for work satisfactorily completed during the period the student participates in the alternative educational opportunity and will transfer relevant records back to the school from which the student was expelled;
 - ii. The District will provide an expelled student transferring to a new school district a progress summary of all work completed during the course of the student's expulsion, and will indicate the course credit earned by the student for that work.
 - c. The student's need for academic and other supports upon returning to his/her school; and
 - d. Efforts to connect the returning student with opportunities to participate in extracurricular activities.

- B. In the event the principal, or his/her designee, determines that a student's alternative educational opportunity is no longer beneficial to the student, but it remains inappropriate to return the student to the school from which the student was expelled, a plan for a different alternative educational opportunity may be developed in accordance with these procedures.

Legal References: Connecticut General Statutes:
 10-233d Expulsion of students

 Federal law:
 Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, as
 amended by the Individuals with Disabilities Education Improvement Act
 of 2004, Pub. L. 108-446.
 Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794(a).
 Connecticut State Department of Education, *Standards for Educational
 Opportunities for Students Who Have Been Expelled* (January 3, 2018).

[BOE LETTERHEAD]

(Date)

CERTIFIED MAIL - RETURN RECEIPT REQUESTED & U.S. MAIL

(Parent)¹
(Parent's Address)

(Non-custodial Parent, if applicable)
(Parent's Address)

Re: Expulsion Hearing Concerning Student Name; d.o.b.

Dear (Parent/Guardian):

In accordance with the (name of district) Board of Education Policy (policy # & title), I am writing to advise you that the (name of district) Board of Education (the "Board") will hold a formal hearing concerning your (child), (Name of Student) to consider the recommendation of (name of administrator) that (he/she) be expelled from school. [In cases where the district uses a hearing officer, add the following: Please be advised that the Board has appointed Attorney [Name], Shipman & Goodwin LLP, to serve as an impartial hearing officer in this matter.] This hearing is being held pursuant to Section 10-233d and Sections 4-176e to 4-180a, inclusive, and Section 4-181a of the Connecticut General Statutes and the (name of district) Board of Education Policy (policy # & title), a copy of which is enclosed. The Board (OR the hearing officer) intends to conduct the hearing in executive session, due to the confidential nature of this hearing.

The hearing will address the allegations that your (child) violated Board Policy (cite Student Discipline Policy number and any other specific policy number on date), by engaging in the following conduct:

(The law governing these hearings requires a short, plain statement of the facts to be included within this notice letter, and should be inserted here.

Example: carrying a knife on the school bus on a specified date and brandishing it at other students on the bus).

(State whether you considered such conduct to endanger persons or to be seriously disruptive of the educational process).

¹ If the student is aged 18 or older, this notice should be sent directly to the student, with copies to the parent(s).

(If the student has admitted to this conduct, note the admission here).

The hearing has been scheduled for *(date, time, place)*. (this notice must be given to the students/parents/guardian at least five (5) business days before the hearing.) You and your *(son/daughter)* are asked to attend this hearing. Your *(child)* has the right to be represented by an attorney or other advocate at your expense, has the right to cross-examine administration witnesses, and may present relevant evidence, both documentary and testimonial, concerning the allegations. The hearing will be the parties' sole opportunity to present such evidence. The Board *(OR the hearing officer)* may also question witnesses. An opportunity will also be given for the administration and your *(child)* or his/her representatives to present argument concerning the evidence presented at the hearing. If you need the services of a translator or an interpreter for this hearing, please let me know as soon as possible.

(If a manifest determination must be held prior to the expulsion hearing, add the following language: "Prior to the expulsion hearing, your son's/daughter's PPT team or Section 504 Team will determine if your child's conduct constitutes a manifestation of his/her disability." The expulsion hearing will be cancelled if the PPT or Section 504 Team determines that the conduct was a manifestation of your child's disability, otherwise, the hearings will proceed as scheduled.

You have the right to have the 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.

The administration may recommend expulsion from school for up to one calendar year. The Board *(OR the hearing officer)* has discretion to adopt any period of expulsion up to one calendar year.

As mentioned above, your *(child)* has a right to be represented, at your own expense, by legal counsel or other advocate at the expulsion hearing, has the right to cross-examine administration witnesses and may present relevant evidence, both documentary and testimonial, concerning the allegations. Obtaining an attorney or other representative is the responsibility of the family. Very low income families may be able to obtain free advice or legal representation through Statewide Legal Services, Inc. ("SLS"). To apply for such assistance, those families should contact SLS immediately at 1-800-453-3320.

In the event your *(child)* is expelled as a result of the scheduled hearing, and your *(child)* is between the ages of sixteen (16) and eighteen (18) and has not been expelled before, the Board shall offer to your *(child)* an alternative educational opportunity if she/he wishes to continue her/his education. Please be aware that the Board is not required to offer an alternate educational opportunity to any student between sixteen (16) and eighteen (18) years of age who have been previously expelled or to students eighteen (18) years of age or older.

If you have any questions, please call my office at *(number)*.

Sincerely,
(Name of Superintendent)
(Name of District) Public Schools

cc: *(Name of District)*, Chairman, *(Name of District)* Board of Education
(Name of Special Education director)
(Name of Principal at school that student attends)
(Name of Board of Education Attorney, where applicable)
(Name of Administration's Attorney, where applicable)

AGREEMENT

NAME OF SUPERINTENDENT, (Superintendent of Schools for NAME OF DISTRICT), NAME OF STUDENT and NAME(S) OF PARENTS (the parents of NAME OF STUDENT) agree as follows with respect to the Superintendent's request that NAME OF STUDENT be expelled from _____ School:

1. NAME OF STUDENT (D.O.B. _____) is currently enrolled as a _____ grade student at _____ School.
2. NAME OF STUDENT admits that he/she engaged in the following conduct on or about _____, 20__:
3. NAME OF STUDENT's conduct, as described above, violates _____ Board of Education Policy _____ (Student Discipline). (Cite other policies as appropriate. State whether such conduct is considered to endanger persons or be seriously disruptive of the educational process.) (If the student has admitted to this conduct, note the admissions here.)
4. Students are notified of applicable Board policies regarding prohibited conduct by publication in the student handbook.
5. A manifestation determination was made on _____ (date) concerning this conduct and it was determined that the conduct was not a manifestation of the student's disability. (optional for student with disabilities)
6. Subject to the approval of the _____ Board of Education (the "Board"), NAME OF STUDENT shall be expelled from school, effective _____, 20__ and continuing through _____, 20__, under the following conditions:

- a. During the period of expulsion, the Board will provide NAME OF STUDENT with an alternative education program deemed appropriate by the Administration, in accordance with the standards adopted by the State Board of Education. The student and his/her parent(s)/guardian(s) acknowledge that C.G.S. 10-233d provides that the District will provide, during the expulsion period, an alternative education, defined in C.G.S. 10-74j, with an individualized learning plan, if the District provides such alternative education,

OR

In lieu of a statutory alternative educational opportunity, the student and his/her parent(s)/guardian(s) agree that the District will provide said student with an alternative educational opportunity as follows. (Describe the alternative educational opportunity agreed to by the parties.)

- b. During the period of expulsion, NAME OF STUDENT will not be permitted to be on school grounds and will not be permitted to attend or participate in any school-sponsored activities, with the sole exception of his participation in the alternative education program.
- c. Prior to _____, the Superintendent will review NAME OF STUDENT's conduct, as well as his/her attendance and effort level in the alternative educational program, for the purpose of determining, in the Superintendent's sole discretion, whether NAME OF STUDENT should be readmitted to school on or about _____.
- d. If the Superintendent determines that NAME OF STUDENT should be readmitted to school early in accordance with the preceding section, and if NAME OF STUDENT subsequently commits any offense that would warrant suspension and/or expulsion under the policies of the Board, the Superintendent may reinstate NAME OF STUDENT's expulsion for the remainder of the expulsion period, through _____, without the need for any further proceedings before the Board.

(optional section for expungement if this is the student's first expulsion):

- e. Prior to, _____, the Superintendent will review NAME OF STUDENT's conduct, attendance, and effort level since the expulsion, in order to determine, in the Superintendent's sole discretion, whether the record of the expulsion hearing should be expunged from the student's educational record as of _____.
7. All parties to this Agreement request that this Agreement be presented to the Board for the Board's consideration, in lieu of the submission of any other evidence by the Superintendent and/or NAME OF STUDENT or his/her parents, and they agree that this Agreement is sufficient for the Board to expel NAME OF STUDENT from school.
8. NAME OF STUDENT and HOME OF PARENT(S)/GUARDIAN(S) understand and acknowledge that, pursuant to C.G.S. 10-233d and Board policy, NAME OF STUDENT, is entitled to an expulsion hearing before the _____ Board of Education to contest said student's proposed expulsion. The student and his/her parent(s)/guardian(s) understands and acknowledge that at such hearing the student and his/her parent(s)/guardian(s) would have the right to call witnesses, to introduce documentary evidence, to cross examine Administration witnesses and to be represented by an attorney or other advocate at their own expense. Accordingly, NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) waive said student's right to an expulsion hearing pursuant to (C.G.S. 10-233(d)).

9. The Superintendent, NAME OF STUDENT and NAME OF PARENT understand that this Agreement is subject to the approval of the Board. In the event that the Board does not approve this Agreement, the Superintendent, NAME OF STUDENT and NAME OF PARENT agree that the expulsion hearing concerning NAME OF STUDENT shall be rescheduled to a mutually agreeable date for the purposes of conducting an evidentiary hearing before the Board concerning the Superintendent's expulsion request. NAME OF STUDENT and NAME OF PARENT agree that NAME OF STUDENT will remain out of school until the evidentiary hearing has been completed. NAME OF STUDENT and NAME OF PARENT also agree that the Board's consideration of this proposed Agreement will not disqualify any member of the Board from serving as a Board member in the evidentiary hearing, and they hereby waive any right to make such a claim in any proceeding in any forum.
10. NAME OF STUDENT and NAME OF PARENT enter into this Agreement voluntarily and with a full understanding of the provisions of this Agreement.

NAME OF SUPERINTENDENT
Superintendent of Schools

Date: _____

NAME OF STUDENT
Student

Date: _____

NAME OF MOTHER and/or
NAME OF FATHER
Parents of NAME OF STUDENT

Date: _____

Suggested sample regulation.

Students

Suspension and Expulsion/Due Process

Suspension

When the Principal or designee has determined that there is cause for suspension of a student, the following procedures shall be observed:

1. The student shall be given a hearing before the Principal or designee, at which time the charges against the student will be stated and the student will be given an opportunity to respond to the charge. This hearing must be granted except when an emergency situation exists, in which case the hearing must be held as soon after the suspension as possible. Nothing in the informal hearing shall be taken to prevent a more formal hearing from being held if the circumstances warrant. An out-of-school suspension shall not exceed ten days for students in grades 3-12 and not exceed five days for children in pre-school to 2nd grade.
2. The Principal or designee may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, suspension or expulsion of the student.
3. The Principal or designee shall make every possible attempt to reach the parent or guardian of the student stating the charges against the student and the terms and conditions of the suspension.
4. Whether the telephone contact is made or not the Principal or designee shall forward a letter to the parent or guardian at the last known address according to school records (unless a newer address is determined) not later than twenty-four hours of the suspension, and offering the parent or guardian the opportunity for a conference to discuss the suspension.
5. Notice of the suspension shall be transmitted by the Principal to the Superintendent of Schools by the close of the school day following the commencement of the suspension, but no later than twenty-four hours of the commencement of the suspension.
6. Following a conference with the Principal or designee the parent or guardian may request the Superintendent to review the Principal's decision. Such review shall be completed and a written report issued to the student and parent or guardian, and to the Board of Education, within three (3) days of the receipt of such request. In examining the Principal's decision to suspend, the Superintendent shall obtain oral or written statements from the Principal or designee, the student, and the person(s) who witnessed and reported the incident(s) which resulted in the suspension. The Superintendent may call all concerned parties together for a conference, and take whatever other action is needed to determine the true facts of the matter.
7. If a student is eighteen or older, any notice required by Board policy and this regulation shall be given to the student.

Students

Suspension and Expulsion/Due Process (continued)

Suspension (continued)

8. Textbooks and homework are to be provided each student for the duration of the suspension period and the student shall be allowed to complete any classwork, including examinations, without penalty, which was missed during suspension.
9. The Superintendent shall report any unusually serious cases of student suspension to the Board of Education at the first meeting following such action.
10. Notice of a suspension for conduct endangering persons or property or seriously disruptive of the educational process and a description of the conduct leading to such suspension shall be included on the student's cumulative educational record. Such notice shall be expunged from the cumulative record by the Board if the student graduates from high school, except if such notice of expulsion is based on possession of a firearm or deadly weapon.
11. All suspensions shall be in-school suspensions unless the administration (1) determines that the student, in grades three through twelve, inclusive, 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.

A student in grades preschool through grade two, inclusive, may be given an out-of-school suspension if it is determined by the administration that such suspension is appropriate based on evidence that the student's conduct on school grounds is of a violent or sexual nature that endangers persons.
12. The administration will use the guidelines developed and promulgated by the Commissioner of Education to help determine whether a student should receive an in-school or out-of-school suspension.
13. In-school suspension will be served in the school attended by the student. (or: In-school suspensions will be served by assigning the suspended student to one of the following schools: _____.)
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 his/her parents/guardians.

Students

Suspension and Expulsion/Due Process (continued)

Suspension (continued)

The foregoing procedure will be followed unless the student has had a total of ten (10) suspensions during the current school year, or has been suspended for a total of fifty (50) days during the current school year. If the student's proposed suspension would exceed either figure the suspension shall not take effect until so ordered by the Board of Education after a formal hearing such as that required for expulsion. If the Principal has reason to believe that the student's conduct endangers persons or property, is seriously disruptive of the educational process or is in violation of a Board policy, expulsion may be recommended.

Expulsion

The Board of Education or an impartial hearing officer, as defined in C.G.S. 10-233d, may expel any student in grades three through twelve, inclusive, whose conduct on school grounds or at a school sponsored activity has been found to be both violative of a Board policy and either seriously disruptive of the educational process or endangers persons or property.

In making a determination as to whether conduct is "seriously disruptive of the educational process," the administration, Board of Education or impartial hearing officer may consider, but such consideration shall not be limited to; (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 29-38 and whether any injuries occurred, and (4) whether the conduct involved the use of alcohol.

The procedures leading to expulsion are as follows:

1. Requests for expulsion are to be directed to the Board of Education through the Superintendent of Schools.
2. Upon receipt of an expulsion request the Superintendent will conduct an inquiry within two (2) school days.
3. If after the inquiry the Superintendent or designee determines the student should be expelled, the Superintendent shall forward such request to the Board of Education within five days, (for pre-school – grade 2), after receipt of the request to expel.
4. Except in an emergency situation requiring the student's immediate removal, the Board shall conduct a hearing to be governed by the following procedures:
 - A. The student and parent or legal guardian must be given notice at least five business days prior to the date of the hearing.

Students

Suspension and Expulsion/Due Process (continued)

Expulsion (continued)

- B. The notice shall contain:

The date, time and place of the scheduled hearing.

The details of the grounds for the 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, and the proposed penalty.

A statement of the student's, parent's/guardian's rights.

A statement that the Board is not required to offer an alternative educational opportunity to any student between 16 and 18 who was previously expelled. A student between the ages of 16 and 18 who is expelled for the first time and who complies with conditions set by the Board will be offered an alternative educational opportunity that is equivalent to "Alternative Education" as defined in Section 10-74, with an individualized learning plan.

- C. At the hearing the student shall have the right to testify and produce witnesses and other evidence in his/her defense and shall have the right to demand that any witnesses against him/her appear in person to answer questions.

In exceptional circumstances the Board or the impartial hearing panel may refuse to allow a witness against the accused student to appear, when the Board or panel believes that fear on the part of the witness would prevent the giving of accurate testimony. In such cases a verbatim statement of the witness's testimony must be given to the student.

A witness's unsubstantiated desire to remain anonymous is not such an exceptional circumstance as to justify dispensing with confrontation and questioning by the student.

- D. A student may be represented by any third party of his/her choice, including an attorney. The parent/guardian of the student 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.
- E. 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 or legal guardian do not speak the English language.

Students

Suspension and Expulsion/Due Process (continued)

Expulsion (continued)

- F. The Board or impartial hearing officer shall keep verbatim record of the hearing and the student or his/her parent or legal guardian shall be entitled to a copy of that record at his/her own expense.
 - G. The Board or impartial hearing officer shall report its final decision in writing to the student, stating the reasons on which the decision is based, and the penalty to be imposed. Said decision shall be based on evidence produced and derived at the hearing.
 - H. Except under unusual circumstances the parent or a minor student shall be notified of the Board action within twenty-four hours.
 - I. Whenever an emergency exists, the hearing provided for the above procedure shall be held as soon as possible after the expulsion.
5. Whenever the Board of Education or impartial hearing officer expels a student it shall offer an alternative education opportunity to students under the age of sixteen which shall be (1) alternative education* as defined by C.G.S. 10-74j with an individualized learning plan if the Board provides such alternative education or in accordance with State Board of Education standards indicating the kind of instruction and number of hours to be provided by a student enrolled in an alternative educational opportunity. The parent or guardian of such student has the legal right to reject such a program without being subject to the truancy law. The Board of Education shall make provisions for an alternative educational opportunity to expelled students between the ages of sixteen and eighteen, conditional upon the desire of the student to continue his/her education and compliance with conditions established by the Board. A student age 17 or older may be placed in an adult education program as an alternative educational opportunity. Any student participating in an adult education program during a period of expulsion shall not be required to withdraw from school under C.G.S. 10-184. Any special education student expelled for a misconduct not caused by the student's disability must be offered an alternative educational opportunity consistent with the student's needs during the period of expulsion.
6. If the Board expels a student for the sale or distribution of a controlled substance, the Board shall refer the student to an appropriate state or local agency for rehabilitation, intervention or job training, or any combination thereof, and shall inform the agency of its action.

**Alternative education is a school or program maintained and operated by a school board that is offered to students in a non-traditional setting and addresses their social, emotional, and behavioral and academic needs. (C.G.S. 10-74j)*

Students

Suspension and Expulsion/Due Process (continued)

Expulsion (continued)

7. Notice of the expulsion and the conduct for which the student was expelled shall be included on the student's cumulative educational record. Such notice, except for the notices of an expulsion of a student in grades nine through 12, inclusive, based on possession of a firearm or deadly weapon, shall be expunged from the cumulative educational record by the Board if the Board determines that the student's conduct or behavior in the years following such expulsion warrant an expungement or if the student graduates from high school.
8. If a student in grades kindergarten to eight, is expelled based on possession of a firearm or deadly weapon, the Board may expunge from the students' cumulative education record the notice of the expulsion and the conduct for which the student was expelled if the Board determines that the conduct and behavior of the student in the years following such expulsion warrants an expungement.
9. The Board may adopt the decision of a student expulsion hearing conducted by another school district provided such Board of Education held a hearing pursuant to C.G.S. 10-233d(a). Adoption of such a decision shall be limited to a determination of whether the conduct which was the basis for the expulsion would also warrant expulsion under the policies of this Board. The student shall be excluded from school pending such hearing. The excluded student shall be offered an alternative education opportunity in accordance with the provisions of 5 and 6 above.
10. Whenever a student against whom an expulsion hearing is pending withdraws from school and after notification of such hearing but before the hearing is completed and a decision rendered, (1) notice of the pending expulsion hearing shall be included on the student's cumulative educational record and (2) the Board shall complete the expulsion hearing and render a decision.
11. The Superintendent shall recommend an expulsion hearing if there is reason to believe a student possessed a firearm or other dangerous instrument in or on real property, comprising any public school or at any school activity as defined in C.G.S. 10-233a or in conduct displayed off school grounds.
12. If a student enrolled in grades preschool through grade twelve, inclusive, is found to have possessed a firearm, dangerous instrument, dangerous weapon or martial arts weapon in or on the real property or a school or at any school function as defined in Section 10-233a, or on or off school property offered for sale or distribution a dangerous drug, he or she must be expelled for one calendar year. The expulsion period may be modified on a case by case basis by the Board of Education or hearing officer.
13. A student expelled for possession of a firearm, deadly weapon, dangerous instrument or martial arts weapon shall have the violation reported to the local police department or State Police if the student is enrolled in a regional vocational-technical school.

Students

Suspension and Expulsion/Due Process (continued)

Expulsion (continued)

14. The Board will report annually to the Commission of Education, as prescribed, information pertaining to expulsions for weapons and/or dangerous instruments.
15. An expelled student may apply for early readmission to school. Such readmission shall be at the discretion of the Board of Education (*alternative language - "at the discretion of the Superintendent of Schools"*) Readmission decisions shall not be subject to appeal to Superior Court. The Board or Superintendent, as appropriate, may condition such readmission on specified criteria.
16. For any student expelled for the first time and who has never been suspended, 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. Such a Board specified program shall not require the student or the parent/guardian of such student to pay for participation in the program.
17. If a student's expulsion is shortened or the expulsion period waived based upon the fact that the student was expelled for the first time, had never been suspended, and successfully completed a Board specified program and/or met other conditions required by the Board, the notice of expulsion shall be expunged from the cumulative educational record if the student graduates from high school or, if the Board so chooses, at the time the student completes the Board specified program and meets any other conditions required by the Board.
- ~~18. The record of a student, grades 9 to 12 inclusive, expelled for possession of a firearm or deadly weapon, shall not be expunged.~~
19. The Board may expunge an expulsion in the years following the expulsion if the student has demonstrated conduct warranting an expungement.
20. A student in grades K-⁶8 inclusive, shall have any expulsion, including for possession of a firearm or deadly weapon expunged from the record upon graduation.

Prior Notice

The Superintendent shall provide for an effective means of informing all students and their parents or guardians of the Board's policy and this regulation at the beginning of each school year, or when the student enrolls or transfers during the school year.

Students

Suspension and Expulsion/Due Process

Legal Reference: Connecticut General Statutes
4-176e through 4-185 Uniform Administrative Procedure Act, 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 11-126, PA 14-229, PA 15-96n, PA 16-147, PA 17-220 and PA 19-91.
53a-3 Firearm and deadly weapons
53a - 217b Possession of firearm and deadly weapons on school grounds.
PA 94-221 An Act Concerning School Discipline and Security.
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 Education Act Sec. 314 (Local Control Over Violence)
Elementary and Secondary, Education Act of 1965 as amended by the Gun Free Schools Act of 1994.
Kyle P. Packer PPA Jane Packer v. Thomaston Board of Education.
Public Act 24-45 An Act Concerning Education Mandate Relief, School Discipline and Disconnected Youth, (Sections 13-14)

EXPULSION HEARING CHECK LIST

Student Name _____ Parent/Guardian Name _____ Home Phone _____
 School _____ Id # _____ Grade _____ Parent Work Phone _____

- _____ 1) Obtain Student Discipline Incident Report and other relevant documentation
- _____ 2) Is the student a Special Education student? Was he/she ever in Special Education?
- _____ 3) Set up the file
- _____ 4) Call Hearing Officer or BOE Members to set a hearing date _____
- _____ 5) Get an attorney to represent the BOE (if BOE members conducting hearing) _____
- _____ 6) Get 4 Board members to participate in hearing (if not Hearing Officer) _____
- _____ 7) Get an attorney to represent Central Office Administration _____
- _____ 8) Notify the Town Clerk in writing and then e-mail notice to all Board of Education members, Superintendent, and two Assistant Superintendents
- _____ 9) Line up witnesses (i.e. principal/assistant principal, security officer, police officer).
- _____ 10) Hand deliver & send via regular mail initial letter to parent/guardian at least five business days before the scheduled expulsion proceedings, (& copy to student) which includes copies of Board of Education Suspension/Expulsion Policy & Regulations and the student's disciplinary record. Deliver or mail copies of letter and all documentation to both attorneys.
- _____ 11) Prepare Proof of hand-delivery & mailing of documents to parent/guardian and have courier sign.
- _____ 12) Prepare Superintendent's recommendation
- _____ 13) Prepare sets of copies (five (5) if hearing officer / nine (9) if BOE members)

a) _____ BOE Policy & Regulations	g) _____ Student academic record
b) _____ Student Handbook	h) _____ Student attendance record
c) _____ Letter/attachments to parent/guardian	i) _____ Posted Meeting Notice
d) _____ Proof of Delivery receipt	j) _____ Arrest report if applicable
e) _____ Incident Report	Other: _____
f) _____ Student disciplinary record	

- _____ 14) Arrange for any evidence (weapon, etc.) to be brought to hearing and/or make copies of photo(s).
- _____ 15) Manifestation Letter (PPT) (if applicable)
- _____ 16) Prepare DRAFT of Minutes for hearing officer or Board Secretary
- _____ 17) Set up room (tape recorder, pads/pencils, coffee, etc.)
- _____ 18) Keep small conference room free for breakout meetings

AFTER HEARING:

- _____ 19) Obtain hearing minutes from Hearing Officer OR finalize Board Secretary's minutes
- _____ 20) Prepare outcome letter from Superintendent to parent/guardian outlining disposition
- _____ 21) If Board presided, prepare outcome letter from Board Chair to parent/guardian. If Hearing Officer presided, obtain copy of Hearing Officer's outcome letter to parent/guardian for file.
- _____ 22) If tutoring and/or counseling to be provided, prepare memo to Asst. Superintendent for Curriculum/Instruction requesting services to be arranged for student.

Expulsion Hearings - Order of Copies

If presided over by Hearing Officer make five (5) sets

If presided over by Board Members nine (9) sets

PHASE I

Initial letter to Parent(s), Proof of delivery of initial letter to Parent(s), and Posted Meeting Notice (stapled together in this order)

Policy and Regulations (Policy/Regs #5114)

Student Handbook (one original and 5 or 9 copies depending on who is presiding)

Incident Report (redacted)

Statements (redacted)

Photo of weapon/instrument (and actual weapon/instrument) (if applicable)

PHASE II

Discipline Records (current year first followed by previous years)

Attendance Records (current year first followed by previous years)

Transcript (Report Card) (current year first followed by previous years)

A recommended sample policy to consider updating the HVAC inspection and evaluation timeline in accordance with PA 24-74, An Act Concerning School Resources, Section 7.

New Construction

Indoor Air Quality/Heating, Ventilation, and Air Conditioning (HVAC)

The Board of Education recognizes that the maintenance of acceptable temperature, relative humidity and adequate fresh air ventilation in school buildings is a primary objective in the creation and maintenance of an optimal learning environment.

Indoor Air Quality in Existing Facilities

The Superintendent or his/her designee shall implement an indoor air quality program that provides for ongoing maintenance and facility reviews, in accordance with all applicable state statutes, necessary for the maintenance and improvement of the indoor air quality of all District facilities.

Starting on January 1, 2024 and annually thereafter, for all District facilities the Board of Education shall provide for a uniform inspection and evaluation program of indoor air quality complying with the Environmental Protection Agency's Tools for Indoor Air Quality for Schools Program. The results of the evaluation shall be made available for public inspection at a regularly scheduled Board of Education meeting and also posted on the District's website.

The District shall report biennially, in a manner as required, to the Commissioner of Education on the condition of its facilities, its long range facilities program, its air quality program, and green cleaning program. The Board must utilize standard reporting forms to conduct and report on both IAQ and HVAC inspections and must provide The Department of Administrative Services (DAS) the completed forms for each school. The forms and/or reports must be made available at a regularly scheduled Board of Education meeting and on the Board of Education/individual school website.

The inspection and evaluation program shall include, but not be limited to, a review, inspection or evaluation of the following:

1. the heating, ventilating, and air conditioning (HVAC) systems;
2. radon levels in the air and water;
3. potential for exposure to microbiological airborne particles, including fungi, mold, and bacteria;
4. chemical compounds of concern to indoor air quality, including volatile organic compounds;
5. pest infestation, including insects and rodents;
6. pesticide usage;
7. the presence and plans for removal of certain hazardous substances identified under federal law;
8. ventilation systems;

New Construction

Indoor Air Quality

Indoor Air Quality in Existing Facilities (continued)

9. plumbing, including water distribution systems, drainage systems, and fixtures;
10. moisture incursion (leaks);
11. the facilities' overall cleanliness;
12. building structural elements, including roofing, basements, and slabs;
13. the use of space, particularly in areas designed to be unoccupied; and
14. the provision of indoor air quality maintenance training for building staff.

Heating, Ventilation, and Air Conditioning (HVAC)

Heating, ventilation, and air conditioning systems shall be maintained in accordance with the prevailing maintenance systems, such as Standard 62. The Board direct the Superintendent or his/her designee to ensure that such systems shall be operated continuously during the hours in which students or school personnel occupy school facilities except during periods of scheduled maintenance or emergency repairs or at other times when it can be demonstrated that the air supply system meets the Standards 62 requirements for air changes per hour.

Records shall be maintained on the maintenance of the District's heating, ventilation, and air conditioning systems for a period of not less than five years. Such records shall be available to the public upon request.

By June 30, 2030, and every five years thereafter, the local or regional Board of Education shall provide for a uniform inspection and evaluation of the heating, ventilation and air conditioning system of all school buildings each year under its jurisdiction.

For the first year of implementation, the Department of Administrative Services (DAS) may waive these provisions (i.e., <20% of schools can be assessed by June 30, 2026, but 40% must nevertheless be assessed by June 30, 2027) if:

- Qualified HVAC technicians are unavailable in the first school year of implementation, or
- The Board of Education has actually scheduled an inspection or evaluation but it is for a date in the subsequent school year.

Such inspection and evaluation shall be performed by a certified testing, adjusting and balancing technician, an industrial hygienist certified by the American Board of Industrial Hygiene or the Board for Global EHS Credentialing, or a mechanical engineer. Such heating, ventilation and air conditioning systems inspection and evaluation shall include, but need not be limited to:

1. Testing for maximum filter efficiency
2. Physical measurements of outside air delivery rate
3. Verification of the appropriate condition and operation of ventilation components

New Construction

Indoor Air Quality

Heating, Ventilation, and Air Conditioning (HVAC) (continued)

4. Measurement of air distribution through all system inlets and outlets
5. Verification of unit operation and that required maintenance has been performed in accordance with the most recent indoor ventilation standards promulgated by the American Society of Heating, Refrigerating and Air-Conditioning Engineers
6. Verification of control sequences
7. Verification of carbon dioxide sensors and acceptable carbon dioxide concentrations indoors, and
8. Collection of field data for the installation of mechanical ventilation if none exist.

The ventilation systems inspection and evaluation shall identify to what extent each school's current ventilation system components, including any existing central or non-central mechanical ventilation system, are operating in such a manner as to provide appropriate ventilation to the school building in accordance with most recent indoor ventilation standards promulgated by the American Society of Heating, Refrigerating and Air-Conditioning Engineers. The inspection and evaluation shall result in a written report, and such report shall include any corrective actions necessary to be performed to the mechanical ventilation system or the heating, ventilation and air conditioning infrastructure, including installation of filters meeting the most optimal level of filtration available for a given heating, ventilation and air conditioning system, installation of carbon dioxide sensors and additional maintenance, repairs, upgrades or replacement. Any such corrective actions shall be performed, where appropriate, by a contractor, who is licensed in accordance with chapter 393. The Board of Education shall make available for public inspection the results of performed inspections and evaluations at a regularly scheduled meeting of the Board and on the Board's website and on the website, of each individual school. The Board of Education shall not provide for a uniform inspection and evaluation for any school building that will cease to be used as a school building within the three years from when such inspection and evaluation is to be performed.

Schedule Relief (HVAC)

The Board of Education shall ensure that at least 20% of their schools complete the HVAC inspections and evaluations by June 30, 2030, by which time the HVAC systems at all schools shall have been assessed.

<u>School Year Ending June 30</u>	<u>Minimum Percentage of Schools Assessed (Total)</u>
2025-2026	20% (20%)
2026-2027	20% (40%)
2027-2028	20% (60%)
2028-2029	20% (80%)
2029-2030	20% (100%)

New Construction

Indoor Air Quality (continued)

Indoor Air Quality in New or Renovated Facilities

In order to secure appropriate indoor air quality in District schools, the Board of Education believes that when new facilities are constructed and when existing facilities are renovated, the following requirements shall be specified to the architect or design professional responsible for the construction project:

1. Adhere to the requirements defining minimum air circulation contained in the State Building Code which apply only when constructing new space.
2. The building/space meets or exceeds the ASHRAE (American Society of Heating, Ventilating and Air Conditioning Engineers) 62-1999 standard, "Ventilation for Acceptable Indoor Air Quality," which considers chemical, physical and biological contaminants that can effect air quality as referenced by the State Code adopted pursuant to C.G.S. 29-252.
3. Utilizing the ASHRAE 62-1999 standard, achieve a minimum ventilation rate per occupant of 15 cubic feet per minute (cfm) of outdoor air.
4. Design and placement of air handling equipment needs to be done in a manner where it is accessible to inspect and maintain the equipment; therefore, mechanical rooms are desirable versus exposed rooftop units or units hung above suspended ceilings.
5. With increased air flow requirements, attention must be given to the potential of air velocity noise within ductwork.
6. Fresh air intakes must be located, whenever possible, away from all types of vents and exhausts on roofs.
7. Air intakes and ventilation windows must be sufficiently distant from bus loops and loading docks.
8. Radon mitigation systems to provide a vapor barrier and protection from under-slab humidity should be a part of new school construction.
9. Attention must be given to the selection of carpeting, carpet adhesives and synthetic materials which may emit odorous and irritating volatile organic vapors degrading indoor air quality.
10. Reduce the potential of moisture intrusion through appropriately designed pitched roofs wherever possible.
11. Consider the economic feasibility of achieving dehumidification through air conditioning.
12. Install temperature control systems, which monitor temperature and other factors helpful in monitoring and diagnosing heating, ventilating and air conditioning (HVAC) systems.
13. When renovating an occupied building provide for the mechanical control of airborne pollutants associated with the construction process.

New Construction

Indoor Air Quality

Indoor Air Quality in New or Renovated Facilities (continued)

The Board of Education directs the Superintendent to evaluate and apply for grant opportunities if offered by The Department of Administrative Services (DAS) and collaborate with the Town administration to plan budgets that allow HVAC inspections and assessments that allow HVAC inspections and assessments for 20% of school buildings in the 2025-2026 school year and annually thereafter.

Legal Reference: Connecticut General Statutes
 10-220 Duties of boards of education
 10-231(f) Indoor air quality committees
 10-282(19) Definitions
 10-283 Applications for grants for school building projects
 10-286 (a)(9) Computation of school building project grants
 10-291 Approval of plans and site. Expense limit
 10-292 Review of final plans by Commissioner of Education. Exceptions;
 role of local officials
 10-231g Green Cleaning Program at schools: Definitions, Implementation,
 Notice
 PA 22-118 An Act Concerning the State Budget for the Biennium Ending
 June 30, 2023
 PA 23-167 An Act Concerning Transparency in Education
 PA 24-74 An Act Concerning School Resources, Section 7.

Policy adopted:

rev 7/23

rev 6/24

Additional Resources

For more information on asthma contact:

U.S. Environmental Protection Agency

www.epa.gov/iaq/schools

Download the IAQ Tools for Schools Kit from EPA's website.

www.epa.gov/asthma

Find more asthma resources on EPA's website

www.epa.gov/cleanschoolbus

Learn about EPA's clean school bus initiative on EPA's website

U.S. EPA Indoor Air Quality Information Clearinghouse (IAQ INFO)

(800) 438-4318

(703) 356-5386 Fax

Call to request the IAQ Tools for Schools Kit

Allergy and Asthma Network/Mothers of Asthmatics, Inc.

(800) 878-4403

www.aanma.org

Ask about obtaining their School Information Packet

American Lung Association

(800) LUNG-USA

www.lungusa.org

Ask about the *Open Airways for Schools* program and the Asthma-Friendly Schools Toolkit.

Asthma and Allergy Foundation of America

(800) 7-ASTHMA

www.aafa.org

Ask about AAFA's *Asthma Management at School* presentation for parents and school personnel. Also available are additional school-based child and teen education materials.

Center for Disease Control and Prevention

(888) 232-6789

www.cdc.gov/asthma

Find out more information on the Asthma Prevention Program by visiting this website.

2024-2025 General Fund

October Summary

- **Salaries (51111-51190)**
 - For fiscal year 2025 our total budget in our salary accounts was \$6,217,373 which is about 72% of our total budget. Salary accounts include certified and non-certified, related services, and sub wages. We are currently forecasting a surplus in our Salary accounts of \$27,463.15. This includes anticipated amounts in our sub accounts so this forecast may change as we move through the year.
- **Benefits (52005-52060)**
 - Benefits include medical, dental, vision, life, and long term disability insurance. This object code also includes employer taxes, tuition reimbursements, unemployment, workers' compensation, and pension benefits. Our total budget in this object code is \$1,125,395 which is 13% of our total budget. We are currently forecasting a surplus in these accounts of \$3,969.22.
- **Professional Services (53140-53260)**
 - Professional services are in the 3000 object codes. Professional services are budgeted items such as professional development for staff, contracted services, and purchased services. Some examples of purchased services or contracted services are our annual audit costs, attorney fees, Occupational and Physical Therapy, school medical advisor, medicaid reimbursements, Behavioral Analysts, Social Worker services, Psych services, and diagnostic evals. Our total budget in Professional Services is \$160,184 which is about 2% of our overall budget. For the October update we are forecasting a deficit of (\$2,182.75). This is driven by the audit line due to an increase in cost for services.
- **Plant Operations (54160-54520)**
 - All of the 4000 object codes refer to plant operations and utilities. Items coded here would be electricity, maintenance agreements, facility repairs, and trash removal. Our budget for this fiscal year is \$341,090 which is about 4% of our budget. For October's update, we are forecasting a surplus of \$29,407.91. We are currently only forecasting a percentage of facility repairs, but this may change as we move through the year and if any unanticipated repairs are needed.
- **Transportation / Tuition / Insurance / Communication (55000-55170)**
 - The 5000 object codes cover contracted transportation, tuition, insurance (Property, liability, cyber, etc.), printing and binding, postage, telephone, and advertising. Our total budget in these object codes for this fiscal year is \$515,792 which is about 6% of our overall budget. We are currently forecasting a surplus of \$14,728.58. The account that is primarily driving this surplus is the Magnet Tuition account. We are currently anticipating a surplus there, but this may change once we get our final enrollment.
- **Supplies (56080-56904)**
 - Supply accounts will be found in the 6000 object codes. Supplies can be for instructional supplies, office supplies, nurse supplies, custodial supplies, building supplies (Heat), transportation supplies (gas/diesel), Library books, and textbooks. Our budget in our supply accounts is \$276,327 for this fiscal year. This is about 3% of our overall budget. For October's forecast we are anticipating a surplus of \$27,836.52. This is due to forecasting only a portion of supply accounts being expended.
- **Equipment (57301-57390)**
 - Equipment will be coded in the 7000 object codes. Technology equipment is for instructional or non-instructional purposes. We do not have any funds budgeted in Equipment for this fiscal year, but have spent \$1,400 to date on the purchase of classroom headphones.

- **Dues & Fees (58900)**

- All dues and fees accounts are coded in the 8000 object codes. Dues and Fees are for memberships to professional organizations and for conference fees. Our total budget for this fiscal year in our Dues & Fees accounts is \$17,920 which is less than 1% of our overall budget. We are currently anticipating that our Dues & Fees accounts will be fully spent.

Overall, our total spent to date for fiscal year 25 is \$1,770,143.08 which is about 20% of our total budget of \$8,654,081.

Marlborough Elementary School October FY25 Update

10/15/2024

Object Code	Budget	Transfers	Adj Budget	YTD Expended	Encumbered	Balance	Forecasted Adjustment	Forecasted Balance
Salary								
51111 - Admin	\$ 417,427.00	\$ -	\$ 417,427.00	\$ 111,962.73	\$ 303,411.00	\$ 2,053.27	\$ -	\$ 2,053.27
51112 - Teacher	\$ 4,147,099.00	\$ -	\$ 4,147,099.00	\$ 658,897.16	\$ 3,418,393.85	\$ 69,807.99	\$ 59,028.99	\$ 10,779.00
51113 - Stipend	\$ 5,773.00	\$ -	\$ 5,773.00	\$ -	\$ -	\$ 5,773.00	\$ 5,773.00	\$ -
51114 - Curriculum	\$ 5,375.00	\$ -	\$ 5,375.00	\$ 5,332.00	\$ -	\$ 43.00	\$ -	\$ 43.00
51115 - Teacher Subs	\$ 58,969.00	\$ -	\$ 58,969.00	\$ 3,080.00	\$ -	\$ 55,889.00	\$ 65,000.00	\$ (9,111.00)
51116 - Sick Day Payout	\$ 13,244.00	\$ -	\$ 13,244.00	\$ -	\$ -	\$ 13,244.00	\$ 13,244.00	\$ -
51118 - Summer School Teacher	\$ 13,118.00	\$ -	\$ 13,118.00	\$ 6,536.00	\$ -	\$ 6,582.00	\$ -	\$ 6,582.00
51120 - OT/PT - Related Services	\$ 69,258.00	\$ -	\$ 69,258.00	\$ 9,307.20	\$ 9,751.56	\$ 50,199.24	\$ 50,199.24	\$ -
51123 - Office Support	\$ 364,146.00	\$ -	\$ 364,146.00	\$ 77,000.82	\$ 251,580.02	\$ 35,565.16	\$ 17,782.58	\$ 17,782.58
51124 - Paraprofessionals	\$ 566,311.00	\$ -	\$ 566,311.00	\$ 76,015.36	\$ 544,139.05	\$ (53,843.41)	\$ (41,126.76)	\$ (12,716.65)
51125 - Custodian	\$ 313,554.00	\$ -	\$ 313,554.00	\$ 79,057.05	\$ 258,867.09	\$ (24,370.14)	\$ (34,698.85)	\$ 10,328.71
51126 - Nurse	\$ 64,821.00	\$ -	\$ 64,821.00	\$ 13,210.10	\$ 57,783.60	\$ (6,172.70)	\$ (6,789.70)	\$ 617.00
51127 - Tech Coordinator	\$ 73,388.00	\$ -	\$ 73,388.00	\$ 20,012.46	\$ 54,204.43	\$ (828.89)	\$ -	\$ (828.89)
51128 - Summer Paraprofessional	\$ 4,502.00	\$ -	\$ 4,502.00	\$ 2,567.87	\$ -	\$ 1,934.13	\$ -	\$ 1,934.13
51129 - Subs - Non Certified	\$ 23,630.00	\$ -	\$ 23,630.00	\$ 1,905.00	\$ -	\$ 21,725.00	\$ 21,725.00	\$ -
51190 - Constables	\$ 76,758.00	\$ -	\$ 76,758.00	\$ -	\$ -	\$ 76,758.00	\$ 76,758.00	\$ -
Total Salary	\$ 6,217,373.00	\$ -	\$ 6,217,373.00	\$ 1,064,883.75	\$ 4,898,130.60	\$ 254,358.65	\$ 226,895.50	\$ 27,463.15
Benefits								
52005 - SS/Med	\$ 161,607.00	\$ -	\$ 161,607.00	\$ 32,362.71	\$ -	\$ 129,244.29	\$ 143,775.26	\$ (14,530.97)
52012 - Pension	\$ 80,190.00	\$ -	\$ 80,190.00	\$ 16,555.56	\$ -	\$ 63,634.44	\$ 63,634.44	\$ -
52000 - Health Insurance	\$ 802,538.00	\$ -	\$ 802,538.00	\$ 302,984.71	\$ -	\$ 499,553.29	\$ 499,553.29	\$ -
52025 - LTD/Life Insurance	\$ 17,275.00	\$ -	\$ 17,275.00	\$ 1,483.38	\$ -	\$ 15,791.62	\$ 15,791.62	\$ -
52027 - GASB45	\$ 6,100.00	\$ -	\$ 6,100.00	\$ 6,945.00	\$ -	\$ (845.00)	\$ -	\$ (845.00)
52035 - Unemployment Compensation	\$ 8,601.00	\$ -	\$ 8,601.00	\$ -	\$ -	\$ 8,601.00	\$ 1,000.00	\$ 7,601.00
52040 - Workers' Comp	\$ 41,084.00	\$ -	\$ 41,084.00	\$ 16,585.28	\$ -	\$ 24,498.72	\$ 16,585.28	\$ 7,913.44
52060 - Tuition	\$ 8,000.00	\$ -	\$ 8,000.00	\$ 4,169.25	\$ -	\$ 3,830.75	\$ -	\$ 3,830.75
Total Benefits	\$ 1,125,395.00	\$ -	\$ 1,125,395.00	\$ 381,085.89	\$ -	\$ 744,309.11	\$ 740,339.89	\$ 3,969.22
Professional Services								
53140 - Audit	\$ 15,000.00	\$ -	\$ 15,000.00	\$ 22,636.00	\$ -	\$ (7,636.00)	\$ -	\$ (7,636.00)
53180 - School Physicians	\$ 1,000.00	\$ -	\$ 1,000.00	\$ -	\$ -	\$ 1,000.00	\$ 600.00	\$ 400.00
53190 - OT/PT	\$ 57,375.00	\$ -	\$ 57,375.00	\$ -	\$ 38.08	\$ 57,336.92	\$ 57,336.92	\$ -
53200 - Consultant	\$ 18,150.00	\$ -	\$ 18,150.00	\$ 10,769.63	\$ -	\$ 7,380.37	\$ 7,380.37	\$ -
53210 - Legal Consult	\$ 14,400.00	\$ -	\$ 14,400.00	\$ 1,794.00	\$ -	\$ 12,606.00	\$ 6,303.00	\$ 6,303.00

Marlborough Elementary School October FY25 Update

10/15/2024

Object Code	Budget	Transfers	Adj Budget	YTD Expended	Encumbered	Balance	Forecasted Adjustment	Forecasted Balance
53240 - Professional Development	\$ 7,675.00	\$ -	\$ 7,675.00	\$ 4,857.00	\$ 100.00	\$ 2,718.00	\$ 2,718.00	\$ -
53260 - AHM Youth Services	\$ 46,584.00	\$ -	\$ 46,584.00	\$ 24,088.88	\$ 23,744.87	\$ (1,249.75)	\$ -	\$ (1,249.75)
Total Professional Services	\$ 160,184.00	\$ -	\$ 160,184.00	\$ 64,145.51	\$ 23,882.95	\$ 72,155.54	\$ 74,338.29	\$ (2,182.75)
Property Services								
54160-70, 54325-40 - Utility Services	\$ 176,734.00	\$ -	\$ 176,734.00	\$ 66,732.30	\$ -	\$ 110,001.70	\$ 109,719.20	\$ 282.50
54XXX - Contracted Repair Services	\$ 164,356.00	\$ -	\$ 164,356.00	\$ 77,170.27	\$ 8,181.01	\$ 79,004.72	\$ 49,879.32	\$ 29,125.41
Total Property Services	\$ 341,090.00	\$ -	\$ 341,090.00	\$ 143,902.57	\$ 8,181.01	\$ 189,006.42	\$ 159,598.52	\$ 29,407.91
Purchased Services								
55000 - Telephone	\$ 7,404.00	\$ -	\$ 7,404.00	\$ 6,643.71	\$ -	\$ 760.29	\$ -	\$ 760.29
55005 - Email / Webhosting	\$ 15,301.00	\$ -	\$ 15,301.00	\$ -	\$ -	\$ 15,301.00	\$ 15,301.00	\$ -
55110 - Advertising & Legal Notices	\$ 1,100.00	\$ -	\$ 1,100.00	\$ 69.00	\$ -	\$ 1,031.00	\$ -	\$ 1,031.00
55120 - Tuition	\$ 11,000.00	\$ -	\$ 11,000.00	\$ 15,728.60	\$ -	\$ (4,728.60)	\$ -	\$ (4,728.60)
55125 - Magnet School Tuition	\$ 46,479.00	\$ -	\$ 46,479.00	\$ -	\$ -	\$ 46,479.00	\$ 30,000.00	\$ 16,479.00
55130 - Postage	\$ 4,000.00	\$ -	\$ 4,000.00	\$ 313.11	\$ -	\$ 3,686.89	\$ 2,500.00	\$ 1,186.89
55140 - Property & Liability Insurance	\$ 39,158.00	\$ -	\$ 39,158.00	\$ 21,844.02	\$ -	\$ 17,313.98	\$ 17,313.98	\$ -
55160 - Student Regular Transportation	\$ 253,123.00	\$ -	\$ 253,123.00	\$ -	\$ -	\$ 253,123.00	\$ 253,123.00	\$ -
55170 - Special Ed Transportation	\$ 138,227.00	\$ -	\$ 138,227.00	\$ 5,784.26	\$ -	\$ 132,442.74	\$ 132,442.74	\$ -
Total Purchased Services	\$ 515,792.00	\$ -	\$ 515,792.00	\$ 50,382.70	\$ -	\$ 465,409.30	\$ 450,680.72	\$ 14,728.58
Supplies								
56080 - Heat	\$ 82,597.00	\$ -	\$ 82,597.00	\$ -	\$ -	\$ 82,597.00	\$ 82,597.00	\$ -
56090 - Diesel & Gasoline	\$ 35,980.00	\$ -	\$ 35,980.00	\$ 8,268.90	\$ -	\$ 27,711.10	\$ 27,711.10	\$ -
56095 - Propane	\$ 1,200.00	\$ -	\$ 1,200.00	\$ 748.43	\$ -	\$ 451.57	\$ 451.57	\$ -
56111 - Instructional Supplies	\$ 69,250.00	\$ -	\$ 69,250.00	\$ 24,454.52	\$ 2,799.34	\$ 41,996.14	\$ 31,497.11	\$ 10,499.04
56113 - Technology Supplies	\$ 4,000.00	\$ -	\$ 4,000.00	\$ -	\$ -	\$ 4,000.00	\$ -	\$ 4,000.00
56211 - Instructional Technology	\$ 6,000.00	\$ -	\$ 6,000.00	\$ (1,707.67)	\$ -	\$ 7,707.67	\$ -	\$ 7,707.67
56410 - Textbooks	\$ 15,000.00	\$ -	\$ 15,000.00	\$ 2,855.32	\$ -	\$ 12,144.68	\$ 9,108.51	\$ 3,036.17
56421 - Library Books	\$ 5,300.00	\$ -	\$ 5,300.00	\$ 2,429.72	\$ -	\$ 2,870.28	\$ 2,152.71	\$ 717.57
56901 - Office Supplies	\$ 4,000.00	\$ -	\$ 4,000.00	\$ 1,224.76	\$ 241.98	\$ 2,533.26	\$ 1,899.95	\$ 633.32
56902 - Health Office Supplies	\$ 3,500.00	\$ -	\$ 3,500.00	\$ 941.11	\$ -	\$ 2,558.89	\$ 1,919.17	\$ 639.72
56903 - Other Supplies	\$ 2,500.00	\$ -	\$ 2,500.00	\$ 87.85	\$ -	\$ 2,412.15	\$ 1,809.11	\$ 603.04
56904 - Custodial Supplies	\$ 47,000.00	\$ -	\$ 47,000.00	\$ 18,934.88	\$ 2,849.53	\$ 25,215.59	\$ 25,215.59	\$ -
Total Supplies	\$ 276,327.00	\$ -	\$ 276,327.00	\$ 58,237.82	\$ 5,890.85	\$ 212,198.33	\$ 184,361.81	\$ 27,836.52

Marlborough Elementary School October FY25 Update

10/15/2024

Object Code	Budget	Transfers	Adj Budget	YTD Expended	Encumbered	Balance	Forecasted Adjustment	Forecasted Balance
Equipment								
57301 - Instructional Equipment	\$ -	\$ -	-	\$ 1,400.00	\$ -	\$ (1,400.00)	\$ -	\$ (1,400.00)
57390 - Non-Instructional Equipment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Equipment	\$ -	\$ -	\$ -	\$ 1,400.00	\$ -	\$ (1,400.00)	\$ -	\$ (1,400.00)
Dues & Fees								
58900 - Dues & Fees	\$ 17,920.00	\$ -	\$ 17,920.00	\$ 6,104.84	\$ 1,838.01	\$ 9,977.15	\$ 9,977.15	\$ -
Total Dues & Fees	\$ 17,920.00	\$ -	\$ 17,920.00	\$ 6,104.84	\$ 1,838.01	\$ 9,977.15	\$ 9,977.15	\$ -
Total Fiscal Year 2025	\$ 8,654,081.00	\$ -	\$ 8,654,081.00	\$ 1,770,143.08	\$ 4,937,923.42	\$ 1,946,014.50	\$ 1,846,191.87	\$ 99,822.63

Marlborough Board of Education 2024-2025 Personnel Report

[illegible]

POSITION	VACANCY DUE TO	ASSIGNMENT/APPOINTMENT	START DATE
SUPPORT STAFF			
Michele Demicco/ Shannon Rosario	Jason Lathrop - Restructure of Finance Office	Business Manager/Payroll	7/1/2024
Rebecca Smith	Brylene Laws hired as 3 rd Grade Teacher	1.0 FTE Paraeducator	8/27/2024
Erin Burns	Elise Filosa - resignation	1.0 FTE Paraeducator	8/27/2024
Denise Frank	Madison Wall - resignation	1.0 FTE Paraeducator	8/27/2024
Brittany Schadtler	Gino Perrone - resignation	1.0 FTE Paraeducator	8/27/2024
Emily Messier	Abby Dwyer - resignation	1.0 FTE Paraeducator	8/27/2024
Bonnie Hoffman	Jessica Tuck - hired as RBT	1.0 FTE Paraeducator	8/27/2024
Emily Phillips	Available position	1.0 FTE Paraeducator	8/27/2024
Keri Westcott	Available position	1.0 FTE Paraeducator	8/27/2024
Jessica Tuck	New RBT position	1.0 FTE RBT	8/27/2024
Sarah Dotson	James Raffin - resignation	1.0 FTE Custodian	9/9/2024
Joanne Andrews	Marcy Spellman - retirement	1.0 FTE Pupil Services Admin Assistant	10/9/2024
To be filled	Joanne Andrews – hired as Pupil Services Admin Assistant	1.0 FTE Paraeducator	
To be filled	Holly Davis resignation	1.0 FTE Paraeducator	