

EXCLUSION FROM SCHOOL FOR DISCIPLINARY PURPOSES

LEARN affirms its commitment to the right of each child to obtain an education in an environment conducive to learning.

The goal of discipline is to help the child develop self-control and move toward appropriate social behavior, through the use of developmentally appropriate methods for resolving conflict, including positive guidance; setting clear limits; and redirection. Staff will continually supervise children during disciplinary actions, and shall not be abusive or neglectful, or use corporal, humiliating, or frightening discipline under any circumstances.

Each pupil has the responsibility to abide by the policies and school rules which have been established to ensure a safe school environment and an orderly educational process.

Exclusion from school (removal, suspension or expulsion) may be a necessary disciplinary action for any pupil whose conduct endangers persons or property, seriously disrupts the educational process, or violates publicized school policy or school rules.

The policy on exclusion shall apply to all schools, school transportation, programs, and activities under LEARN's jurisdiction.

In accordance with the mandates of Connecticut General Statutes concerning exclusion for disciplinary purposes, LEARN:

- Authorizes teachers in its employ to remove a pupil from class when such pupil causes a serious disruption of the educational process within the classroom;
- Authorizes the administration of the schools under its direction to suspend at an informal hearing any pupil whose conduct endangers persons or property, seriously disrupts the educational process or violates publicized policy or school rules;
- Authorizes the administration of the schools under its direction to take actions to recommend expulsion based upon the descriptions listed below;
- Retains for itself the authority to exclude from school until a PPT is convened, any pupil whose conduct endangers persons or property, seriously disrupts the educational process or violates publicized policy or school rules. Whenever a student is expelled from school, LEARN shall, with the student's home district, offer such pupil an alternative educational program or plan.

DEFINITIONS:

- “Exclusion” means any denial of school privileges to a pupil for disciplinary purposes.
- “Removal” means temporary removal of a pupil from class for a period not to exceed ninety (90) minutes.
- “Suspension” means exclusion from school privileges or from transportation services for no more than ten consecutive school days, but not beyond the end of the school year.
- “In-School Suspension” means exclusion from regular classroom activity for no more than five (5) consecutive school days, but not beyond the end of the school year.
- “Out-of-School Suspension” means exclusion from regular classroom activity and from school district premises for no more than five (5) consecutive days for students in grades preschool to two; and for no more than ten (10) consecutive school days, for students in grades three to twelve; but not beyond the end of the school year.
- “Expulsion” means exclusion from school privileges and from school district premises for a period of more than ten (10) consecutive school days, but not beyond one calendar year. All expulsions are handled by the home school district.
- “Emergency” means a situation where the continued presence of the pupil in school poses such a danger to persons or property or such a disruption of the educational process that a hearing must be held as soon as possible after the exclusion of the pupil.

The LEARN Executive Director or designee shall recommend expulsion proceedings to sending districts in all cases involving any of the following students:

- 1) a preschool student who was in possession of a firearm, as defined in 18 USC 921, on or off school grounds or at a preschool program-sponsored event; or
- 2) a student in grades Kindergarten to twelve who, (a) on school grounds or at a school-sponsored activity was in possession of a firearm, as defined in 18 USC 921, or deadly weapon, dangerous instrument or who, (a) on school martial arts weapon, as defined in C.G.S 53a-3; or (b) off school grounds, possessed a firearm or possessed and used such a firearm, instrument or weapon in the commission of a crime; or (c) on or off school grounds, offered for sale or distribution a controlled substance, as defined in 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. 21a-277 and 21a-278; or
- 3) a student in grades three to twelve, who, on school grounds or at a school-sponsored activity, has engaged in conduct that is in violation of a publicized school policy and either endangers persons or property, or is seriously disruptive of the educational process [or is in violation of a publicized school policy]; or who, off school grounds, has engaged in conduct that is seriously disruptive of the educational process and is violation of a publicized school policy.

The LEARN Executive Director or designee shall forward the recommendation to the sending LEA, if determined to be necessary and appropriate.

If the sending LEA declines to conduct an expulsion hearing per the LEARN Executive Director or designee recommendation, LEARN shall do so, in accordance with C.G.S. 10-233d.

The LEARN Board of Directors authorizes the Executive Director, at their discretion, to establish an impartial hearing officer, either as described by C.G.S. Sec 10-233d or of a similar nature, for the purpose of hearing and ruling on matters of student discipline originating in LEARN magnet schools. This authorization extends not only to impartial hearing officers operated under the sole auspices of LEARN, but also in conjunction with the other entities, including but not limited to LEARN college-based magnet schools and districts sending students to such schools.

LEARN's Executive Director or designee shall create administrative regulations regarding student discipline in accordance with this policy.

It is the policy of LEARN to abide by mandates of the Connecticut General Statutes (CGS) and the Individuals with Disabilities Education Act (IDEA) concerning exclusion of students from school for disciplinary purposes. In exclusion cases for identified students with disabilities, LEARN adheres to the manifestation determination decisions of Planning and Placement Teams (PPT).

Legal References: Connecticut General Statutes
4-177-4-180. Contested cases. Notice. Record.
10-233a-10-233e. Suspension and expulsion of students
10-233f In-School suspension of pupils
10-221o Lunch periods. Recess
10-221u. Boards to adopt policies addressing the use of physical activity as discipline
P.A. 22-47, An Act Concerning Children's Mental Health
P.A. 24-45, An Act Concerning Education Mandate Relief, School Discipline, and Disconnected Youth
P.A. 24-93, An Act Concerning Various and Assorted Revisions to the Education Statutes

Other
Honig v. Doe. (United States Supreme Court 1988) IDEA, 300.121(d); 300.519 – 300.529

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