

Procedures for Exclusion from a LEARN Program or School

Infractions of rules can lead to exclusion. They can also lead to issues being addressed by local police authorities. Suspension can be in-school or out of school. Disciplinary action can also take place for behaviors, which occur off school property or outside of LEARN sponsored activities. In the case of identified students with disabilities, procedures will be followed which comply with federal and state requirements.

Intervention for behavior usually proceed in the following order:

- a. Teacher/Staff intervention and/or action
- b. Administration action and notification of authorities if warranted
- c. Suspension or other action requiring parent notification
- d. Meeting of appropriate staff, parents, and student (May include home district or PPT)
- e. LEA notified by LEARN administration
- f. Parent and LEA notified in writing
- g. A manifestation determination, if appropriate
- h. Determination of disciplinary action, program established (if required)
- i. A meeting with the parent/or guardian and a program administrator designee or conference call may be held prior to or upon the return of the student to the LEARN program.

Misconduct Requiring Disciplinary Action

The following breaches of conduct on school property, in a school classroom, on school transportation or any school activity may result in removal, suspension or expulsion:

- Disruptive activity at a school function;
- Disruptive classroom behavior;
- Open defiance of authority of any teacher or person having authority over the student, including verbal abuse;
- 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;
- Using obscene or profane language or gestures to members of the school staff, students, or other persons;

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- Willfully or recklessly striking, assaulting, or attempting to strike or assault another person;
- Conduct causing a threat of injury to the student or others;
- Use of physical force against another person which is not reasonably necessary for self-defense;
- Refusal to follow the dress code according to school/program policy;
- Intimidating, harassing or hazing behavior toward others (please refer to LEARN's Harassment Policy #5006);
- Stealing or attempting to steal school property, private property, or other public property;
- Causing an emergency evacuation, lockdown, fire alarm, or other safety concern involving school personnel and/or first responders;
- Theft of personal or school property, or taking or attempting to take personal property or money from another person, or from his/her presence, by means of force or fear;
- Damaging or attempting to damage school property, private property, or other public property; willfully causing, or attempting to cause damage to school or personal property;
- Tampering with fire or burglar alarms systems;
- Throwing of food or causing a disruption in a lunchroom or cafeteria;
- Possessing, using, transporting, transmitting, consuming, orchestrating the purchase or receipt of, or having consumed dangerous drugs, narcotics, hallucinogenic drugs, amphetamines, barbiturates, marijuana, alcohol, or other intoxicants, nicotine products, smoking paraphernalia, alcoholic beverages, smoking, vaping or electronic nicotine devices and/or products. This includes the inappropriate use or possession of prescribed or over the counter drugs;
- Knowingly being in the presence of those who are in possession of, using, transmitting, or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcohol, nicotine product or other intoxicant of any kind. This includes the inappropriate use or possession of prescribed or over the counter drugs;
- Possession or transmission of any electronic items prohibited in program settings such as personal electronic devices; willful misuse of electronic devices;
- Deliberately refusing to comply with a reasonable directive from a member of the school staff;
- Failure to report to, or remain in, an assigned area including cutting class;

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- Participating in a walk-out, sit-in, boycott, picketing or other demonstration that disrupts the educational process;
- Participation in an unauthorized occupancy or intentional incitement to occupy any part of the school or school premises or building owned or leased by LEARN or its partners and failure to leave such school premises or the facility promptly after having been directed to do so by an administrator or other person(s) in charge of such building or facility;
- Threatening, harassing, intimidating, or blackmailing school staff, students or other persons in any manner;
- Leaving school grounds without permission;
- Intentional and successful incitement of truancy by other students;
- Violating published attendance regulations;
- Wearing any article of clothing including jackets, shoes, hats, bandanas, jewelry or other item that is identifiable as a symbol of gang membership or affiliation;
- Off-campus misconduct which directly affects the school's orderly operations by jeopardizing the safety or welfare of school persons or property or the welfare of the persons who work or study herein;
- Gambling;
- Possessing, using, transporting or transmitting dangerous weapons or facsimiles thereof including any firearms, knives, frame of or receiver of a weapon; firearm muffler or firearm silencer, deadly weapons, dangerous instruments, laser pointers, martial arts weapons, incendiary devices, fireworks, explosives, or other dangerous objects in the school setting;
- Any act of harassment based on an individual's sex, sexual orientation, race, color, religion, disability, national origin, ancestry, gender identity or expression or any other characteristic protected by law;
- Sale or distribution of drugs or alcohol or nicotine products or other smoking paraphernalia on school property, at a school sponsored activity, or off of school property;
- Inappropriate displays of public affection of a sexual nature and/or sexual activity on school grounds or at a school sponsored event;
- Intentionally releasing, injecting, or delivering any material, liquid or gas that could affect the welfare of people and/or living organisms and/or cause disruption to the educational process;
- Accumulation of offenses such as school and class tardiness, class or study hall cutting, or failure to attend detention;
- Making bomb threats or other threats of violence towards the school community;

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- Bullying (refer to LEARN's Bullying Policy #5007), is 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.
- Violation of any federal or state law which would indicate that the violator presents a danger to any person in the school community or to school property,
- Violation of any other board policy or rule dealing with student conduct, including that dealing with conduct on the school bus; and
- Violating other LEARN disciplinary regulations or directives and/or is behavior or actions that are seriously disruptive of the educational process.

Exclusion from physical activity

Unless an emergency situation requiring the student's immediate exclusion exists, no student shall be excluded or restricted from participating in the entire time devoted to physical exercise in the regular school day as a form of discipline or punishment, except:

- 1) when the student poses a danger to the health or safety of other students or staff; or
- 2) during the shortest period devoted to physical exercise if there are two or more such periods in the school day and the student is still able to participate in at least twenty minutes of physical exercise during the regular school day, and only once during the school week.

Such discipline or punishment may be imposed before and/or during the period of physical exercise, and appropriate interventions to redirect the student's behavior shall be used during the time of exclusion or restriction.

No student shall be excluded or restricted from participating in the entire time devoted to physical exercise in the regular school day as a form of discipline or punishment for not completing work on time or for academic performance.

No student shall be required to engage in physical activity as a form of discipline or punishment.

Behavior intervention meeting

A school principal/program director or designee shall notify the 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 with the crisis intervention team of the school/program.

A classroom teacher may request a behavior intervention meeting with the crisis intervention team of 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 the teacher or another student or staff member in the classroom. Upon the teacher's request, and upon notifying the student's parent or guardian, the crisis intervention team shall convene a behavior intervention meeting for the student and shall identify resources and supports to address the student's social, emotional, and instructional needs. The crisis intervention team shall solicit the classroom teacher's input and shall keep the teacher informed of the results of such meeting and/or the resources and supports identified. 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.

Suspension

All suspensions of students shall be in-school suspensions, except that:

1. A student in grades preschool to two may be given an out-of-school suspension if the administration: (a) determines that such suspension is appropriate based on evidence that the student's conduct on school grounds is behavior that causes physical harm; (b) requires that such student receives services that are trauma-informed and developmentally appropriate, and align with any behavioral intervention plan, individualized education program or Section 504 plan for such student upon such student's return to school immediately following the out-of-school suspension; and (c) 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. Such out-of-school suspension shall not exceed five (5) school days.
2. A student in grades three to twelve may be given an out-of-school suspension if it is determined that a) the student poses such a danger to persons or property or such a disruption of the educational process that (s)he shall be excluded from school during the period of suspension; or b) the administration determines that an out-of-school suspension is appropriate based on evidence of (i) previous disciplinary problems that have led to suspension or expulsion, and (ii) efforts to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies. Such out-of-school suspension shall not exceed ten (10) school days.

LEARN Suspension Procedures

1. School administrator will inform the student of the reason(s) suspension is being considered and give him or her an opportunity to respond to the allegation.
2. Parents or guardians will be notified of the length and reason(s) for suspension. The means of communication will be either by telephone or in person, with a written follow-up. In the event a parent cannot be reached, the inability of the administration to make contact cannot be considered a lack of due process if an administrator makes a good faith effort to call the numbers provided by the parent(s). Parents will be notified if the reason for suspension may warrant a recommendation for expulsion, in which case the LEARN Expulsion Procedures will be followed.
3. Any student who is suspended will be given an opportunity to complete any missed class work within an agreed upon timeframe, including, but not limited to, examinations that were missed during the time of the suspension.
4. No regular education student will be suspended for more than ten (10) times or fifty (50) days in one program year, unless the student is granted a formal hearing. No student with an identified disability will be suspended for ten (10) cumulative days or more without a manifestation determination to determine if behavior is a result of disability.
5. Students whose presence poses a "continuing danger" to themselves or persons or property or an "on-going threat" to disrupting the academic process may be immediately removed from the program without prior notice of suspension. However, verbal and/or written notice of the suspension in these cases will be sent to the student's parents within twenty-four (24) hours and a meeting will be held, if requested, with the student and his/her parents or guardians.
6. Appeals from decisions of administrative personnel may be made to the school only after all of the above steps have been taken.
7. An appeal may be made to the Executive Director of LEARN only after all of the above steps have been taken. The Executive Director will normally change a decision only if a LEARN policy has not been properly interpreted.

LEARN Expulsion Procedures

1. All expulsions will be handled by the home district. The Executive Director or designee shall immediately notify the sending district regarding any student facing expulsion along with the recommendation for discipline.
2. If the sending district declines to conduct an expulsion hearing per the Executive Director's recommendation, then the LEARN Board of Directors authorizes the Executive Director, and LEARN shall do so, in accordance with C.G.S. 10-223d.
3. LEARN shall notify the parent of their intent to recommend expulsion.
4. LEARN must provide notice of the expulsion hearing to the student or parent/guardian five business days in advance of the hearing and include the time, place, and nature of the hearing; the legal authority and jurisdiction under which the hearing is to be held; a reference to the particular statutory provisions at issue; and a "short and plain statement of the matters asserted," that is, the factual basis for the proposed expulsion.
5. Notice must include information concerning the parent/guardian's and the student's legal rights in the expulsion process (including the right to a hearing, to representation, postponement, and the opportunities to be heard and to review documents/records).
6. The notice must include information concerning legal services provided free of charge or at a reduced rate that are available locally and how to access such services.
7. LEAs are required to provide notices in a language that the student and parents/guardians can understand.
8. Formal notice of the hearing must be either hand delivered or sent via certified mail to the student or parent/guardian to ensure they are aware of their rights to attend the hearing.
9. The LEARN Board of Directors authorizes the Executive Director, at their discretion, to establish an impartial hearing officer, either as described in CGS Section 10-233d or of a similar nature, for the purpose of hearing and ruling on matters of student discipline originating in the LEARN magnet schools. This authorization extends not only to an impartial hearing officer operated under the sole auspices of LEARN but, also, as considered necessary or appropriate by the Executive Director, an impartial hearing officer operated in conjunction with other entities, including, but not limited to, LEARN college-based magnet schools and districts sending students to such schools.

10. The record of the hearing held in any expulsion case shall include the following:
 - a. All evidence of the hearing received and considered by the hearing officer;
 - b. Questions and offers of proof, objections and ruling on such objections;
 - c. The decision of the Hearing Officer rendered after such hearing; and
 - d. A copy of the initial letter of notice of hearing and the official transcript, if any, or, if not transcribed, any recording of the hearing.

11. Prior to readmission to the program, a reentry meeting may be held to set up conditions of successful reentry, clarify continuing expectations and clarify any next steps.

12. Notice of the expulsion and the conduct for which the pupil was expelled must be included in the student's cumulative education record. The notice must be expunged (unless 9-12 student had possession of firearm or deadly weapon) from the cumulative education record by the LEA if graduates from high school.

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 educational placement:

1. Upon the decision by the Administration to recommend expulsion or impose a suspension that would constitute a change in educational placement, the Administration shall promptly notify the parent(s)/guardian(s) of the student of the recommendation of expulsion or the suspension that would constitute a change in educational placement, and provide the parents(s)/guardian(s) a copy of the special education procedural safeguards either by hand-delivery or by mail (unless other means of transmission have been arranged).
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. 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 behavior was a manifestation of the student's 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. Removal of Special Education Students for Certain Offenses:

1. School personnel may remove a student eligible for special education under the IDEA to an appropriate interim alternative educational setting for not more than forty-five (45) school days if the student:
 - a. 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
 - b. 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
 - c. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

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

1. 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:
 - a. The parents of the student must be notified of the decision to recommend for expulsion.
 - b. 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.
 - c. 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.
 - d. 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.

2. LEARN 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.

Procedures Governing Expulsions for Students Placed in a Juvenile Detention Center

1. Any student who commits an expellable offense and is subsequently placed in a juvenile detention center or any other residential placement for such offense may be expelled by LEARN in accordance with the provisions of this regulation. The period of expulsion shall run concurrently with the period of placement in a juvenile detention center or other residential placement.
2. If a student who committed an expellable offense seeks to return to school after participating in a diversionary program or having been placed in a juvenile detention center or any other residential placement and such student has not been expelled by LEARN for such offense, LEARN shall allow such student to return and may not expel the student for additional time for such offense.

Early Readmission to School

An expelled student may apply for early readmission to school. LEARN delegates the authority to make decisions on readmission requests to the Executive Director. Students desiring readmission to school shall direct such readmission requests to the Executive Director. The Executive Director has the discretion to approve or deny such readmission requests, and may condition readmission on specified criteria.

Procedures for Early Readmission of Students Expelled by LEARN

1. LEARN delegates the authority to make decisions on readmission requests to the Executive Director.
2. The Executive Director must receive a written request for readmission from the parent/guardian of the expelled student.
3. An early readmission meeting will be scheduled to include the parent/guardian, student, Executive Director (or designee), and the magnet school's principal (or designee).

4. The student and parent/guardian must present evidence related to academic progress, compliance with behavioral expectations, and completion of all expulsion hearing recommendations. .
5. Prior to making a decision, the Executive Director (or designee) will ask for a recommendation from the magnet school's principal (or designee).
6. The Executive Director has the discretion to approve or deny such readmission requests, and may condition readmission on specified criteria. .
7. The Executive Director will render a decision based upon the entirety of the evidence provided in consideration of the severity of the original offense which led to expulsion.
8. If early readmission is granted, the magnet school principal will be asked to recommend a transition date.
9. The decision will be shared verbally at the meeting with a written communication to follow.
10. The decision of the Executive Director is final and cannot be appealed.

Dissemination of Policy and Regulation

LEARN shall, at the beginning of each school year and at such other times as it may deem appropriate, provide for an effective means of informing all students, parent(s) and/or guardian(s) of this regulation and accompanying policy.

Compliance with Documentation and Reporting Requirements

- A. LEARN shall include on all disciplinary reports the individual student's state-assigned student identifier (SASID).
- B. LEARN 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, as defined in Conn. Gen. Stat. 21 a-240(9), whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with the intent to sell or dispense, offering, or administration is the subject to criminal penalties under Conn. Gen. Stat. 21a-277 and 21a-278, LEARN 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 LEARN expels a student for possession of a firearm, as defined in 18 U.S.C. § 921, or deadly weapon, dangerous instrument or martial arts weapon, as defined in Conn. Gen. Stat. 53a-3, LEARN shall report the violation to the local police.

Regulation approved:

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LEARN