MARLBOROUGH BOARD OF EDUCATION

Regular Business Meeting
Thursday, October 23, 2025
Elmer Thienes-Mary Hall Elementary School – Library
6:30 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/ttv-fznx-bzj?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.marlborough.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 — 6:30/05
2. Pledge of Allegiance
3. Celebrations — 6:35/05
4. Public Comment* — 6:40/05
5. Additions to the Agenda — 6:45/05

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 — 6:50/05

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 9/25/25 Regular Business Meeting (Encl. 6.1A) and the 9/25/25 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);

7. Oral Reports
   7.1 Advisory Groups 6:55/10
   - PTO – Paula Graef/Kristen Trahan
   - SAC – Paula Graef/Kristen Trahan
   - Operations, Wellness & Safety – John Mercier
   - Board of Finance Liaison – Linda Earley
   - AHM – Chip Morris

   7.2 Subcommittees 7:05/05
   - Policy
   - Personnel
   - Communications

   7.3 Chairperson 7:10/05
   7.4 Superintendent and Administrative Team 7:15/10

8. Unfinished Business
   8.1 MES Facilities Project Update: Indoor Air Quality Inspection Report 7:25/25

9. New Business
   9.1 First Read of Proposed Policy Revisions (Encl. 9.1): 7:50/10
   The Board will review and discuss on a first read basis the proposed policy revisions as presented by the Policy Subcommittee: P#: 9311- Policies and Bylaws, P#5114 - Suspension and Expulsion/Due Process, P#: 5118.2 - Educational Opportunities for Military Children, P#: 6159 - Individualized Education Program (IEP's), P#: 6171 - Special Education.
   9.2 Review October Financial Report – (Encl. 9.2) 8:00/05

10. Communications 8:05/05
   10.1 Staff Vacancy Summary - No updates since the last Board meeting.

11. Future Meetings & Topics 8:10/05
   - Regular Business meeting, Thursday, November 20, 2025, 6:30 p.m.
   - CABE/CAPSS Convention, November 21-22, 2025
   - CABE New Board Member Orientation/Leadership Conference, December 9, 2025

REMINDER: Agenda suggestions for the next business meeting are due to the Chairperson or Superintendent by 12:00 noon on <u>Monday, November 10, 2025.</u>

12. Public Comment * 8:15/05

13. Executive Session: 8:20/10
   13.1 Matters Pertaining to Collective Bargaining

14. Adjournment 8:30

**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.*

ENCLOSURE: 6.1 A
October 23, 2025

MARLBOROUGH BOARD OF EDUCATION
Regular Business Meeting Minutes
Thursday, September 25, 2025
Elmer Thienes-Mary Hall Elementary School –Library @ 6:30 p.m.

1. Call to Order and Roll Call by Chairperson
Chip Morris, Chairperson, called the meeting to order at 6:31 pm

BOE Members Present: Chip Morris, Amy Kuhrt, Angela Colantonio, , Jean Wilson, Linda Earley and Jamie Smigel

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

2. Pledge of Allegiance

3. Celebrations:
Principals Paula Graef and Kristen Trahan presented a slideshow showcasing students engaged in daily school activities over the last month.

4. Public Comment: None

5. Additions to the Agenda: None

6. Consent Agenda:
6.1 Minutes of 8/28/25 Special Meeting, the 8/28/25 Policy 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 Consent Agenda items 6.1 - 6.3, seconded by L. Earley. Unanimously approved. MOTION CARRIED.

7. Oral Reports:
7.1 Advisory Groups
- PTO – Paula Graef reported that the PTO opened the year with events such as a Hartford Athletic soccer game and participation in the Open House, where they hosted a recruitment table and provided bagged dinners for staff. Upcoming activities include volunteer support for School Pictures (Sept. 30–Oct. 1), the Scholastic Book Fair (Oct. 6–9), the Ice Cream Social (Oct. 9), and Trunk or Treat/ 6th Grade Haunted House (Oct. 24).
- SAC – Kristen Trahan stated that no meeting has been held yet; however, notices were included in the Family and Staff Newsletters to recruit committee members and invited families to submit discussion topics if they are unable to serve on the committee. The first meeting is scheduled for October 21.

- Operations, Wellness & Safety – Dr. Holly Hageman informed the Board that she would provide updates under 8.1 - Facilities Project Update
- Board of Finance Liaison – Linda Earley reported that the Budget Kick-Off Meeting will be held on October 1st.
- AHM – Chip Morris informed the Board that openings remain in AHM's Family Resource Center, Theater, and Health Matters programs. He also noted that AHM is seeking child and adult artists to participate in its first Fall Into Art show, which will be featured at the Hebron Moon Fest on October 18th from 1:30–6:30 p.m. The community is invited to attend.

7.2 Subcommittees

- Policy - Dr. Holly Hageman reported that the Policy Committee met earlier that evening and that the policies reviewed will be presented to the Board at the October meeting for a first read.
- Personnel - None
- Communications - None

7.3 Chairperson

Chip Morris welcomed Jamie Smigel, recently appointed by the Board of Selectmen to fill a vacancy. He also thanked the MES staff for an outstanding Open House.

Dr. Holly Hageman expressed appreciation to Angela Colantonio for her four years of service on the Board, noting that this was her final meeting.

7.4 Superintendent and Administrative Team

- First Month of School Highlights - Dr. Holly Hageman commended the staff for their dedication and noted how smoothly the school opens each year.

Kristen Trahan highlighted activities including district and regional Invention Convention meetings and the Professional Development Day on September 19th.

Paula Graef reported that fall assessments have begun, Open House was well attended, and she recognized the contributions of new teachers and staff.

8. Unfinished Business:

8.1 MES Facilities Project Update

Dr. Holly Hageman reported that the October BOE meeting will include an HVAC presentation on the recent inspection. She also noted that Requests for Proposals (RFPs) will be initiated for the egress and water infiltration studies which were noted as needed in the comprehensive Facility Study conducted last year. Dr. Hageman anticipates submitting both projects in the BOE's FY27 Capital request.

9. New Business:

9.1 Review September Financial Report - Submitted. Jean Wilson asked clarifying questions which Dr. Hageman responded to.

9.2 Proposed Policy Changes

The Board reviewed and discussed the required policy changes:

P#: 5131.911 - Connecticut School Climate Policy, P#: 5144.12- Challenging Behavior Prevention: Restorative Practices Response in Student Discipline - Dr. Holly Hageman informed the Board that both policies are mandated and that districts are required to adopt the CABE version of the Connecticut School Climate Policy.

A.Colantonio made a motion that the Board approve the adoption of the required policies as presented: 5131.911 - Connecticut School Climate Policy and 5144.12- Challenging Behavior Prevention: Restorative Practices Response in Student Discipline, seconded by J. Wilson. Unanimously approved. MOTION CARRIED.

9.3 **Strategic Continuous Improvement (SCIP) Presentation** - Paula Graef and Kristen Trahan delivered a presentation highlighting the key goals and action steps in the annual Strategic Continuous Improvement Plan . The full plan is posted on the school district website.

9.4 **Receive, Review, Revise and Adopt FY 2026-2027 Budget Guiding Principles and Tentative Budget Timeline** - Dr. Holly Hageman reviewed the FY26 Budget Guiding Principles and tentative timeline. She stated that during the BOE's December meeting, she will outline major budget aspects and the BOE will seek input from the community. Dr. Hageman also noted that the Tentative Budget Timeline will be updated on the BOE website as new information becomes available relative to BOF meeting dates.

L. Earley made a motion that the Board accept the FY 2026-2027 Budget Guiding Principles and the Tentative Budget Timeline as presented, seconded by A. Kuhrt. Unanimously approved. MOTION CARRIED.

10. **Communications:**
    10.1 **Staff Vacancy Summary** - Submitted

11. **Future Meetings & Topics:**
- BOS All Boards Meeting, Tuesday, September 30, 2025, 6:30 p.m.- Senior Center
- BOF Budget Kick-Off Meeting, Wednesday, October 1, 2025, 6:30 p.m. - MES Library
- Policy Subcommittee Meeting, Thursday, October 23, 2025, 6:00 p.m.
- Next Regular Business Meeting, Thursday, October 23, 2025, 6:30 p.m.
- BOE Regular Business Meeting, Thursday, November 20, 2025, 6:30 p.m.
- CABE/CAPSS Convention, November 21-22, 2025

12. Public Comment:

Louise Concodello, 70 Millstone Dr. - Thanked Dr. Hageman and the MECCA leadership for presenting the MECCA-funded playground plans to the BOS.

13. Adjournment:

A.Colantonio made a motion to adjourn the meeting at 7:53 p.m., seconded by L. Earley. Unanimously approved. MOTION CARRIED

Respectfully Submitted,
Carmela Monte

ENCLOSURE: 6.1B

October 23, 2025

MARLBOROUGH BOARD OF EDUCATION
POLICY SUBCOMMITTEE MINUTES
Elmer Thienes-Mary Hall Elementary School – Library
Thursday, September 25, 2025 @ 6:00 p.m.
UNAPPROVED DRAFT

1. Call to Order & Roll Call

The meeting was called to order at 6:03 p.m.

Members Present:	Angela Colantonio, Amy Kuhrt, Chip Morris (ex-officio)
Administration:	Dr. Holly Hageman, Superintendent

2. Review and Discuss Proposed Policy Revisions:

The policy Committee reviewed and discussed the following policies:

P#: 9311 Policies and Bylaws - Accept updated policy as presented. Scheduled for first read at the October 23, 2025 BOE Meeting.

P#: 5114 Suspension and Expulsion/Due Process - Accept updated mandated policy as presented. Scheduled for first read at the October 23, 2025 BOE Meeting.

P#: 5118.2 Educational Opportunities for Military Children - Accept new mandated policy as presented. Scheduled for first read at the October 23, 2025 BOE Meeting.

P#: 6159 Individualized Education Program (IEP's) - Accept updated mandated policy as presented. Scheduled for first read at the October 23, 2025 BOE Meeting.

P#: 6171 Special Education - Accept updated mandated policy as presented. Scheduled for first read at the October 23, 2025 BOE Meeting.

P#: 6181 Evaluation of Special Education Program - It was established that policy 6181 was combined with the newly updated 6171 policy and therefore the district does not need to adopt policy 6181 separately from policy 6171. This policy will not move forward.

3. Adjournment:

A. Colantonio motioned to adjourn the meeting at 6:31p.m., seconded by A. Kuhrt. Unanimously approved. MOTION CARRIED.

Respectfully submitted,
Carmela Monte

ENCLOSURE: 6.3
October 23, 2025

Elmer Thienes/ Mary Hall Elementary School

Marlborough, Connecticut

Monthly Enrollment Report
October 1, 2025

Grade	Enrollment Local Classrooms AM 1	AM 2	PM 1	PM 2	Grade Total	Change	# of Rooms	Class Size Avg./Room
PS	9	8	13	13	**43**	0	2	AM 8.5/ PM 13
K	18	18	17		**53**	0	3	17.7
1	16	16	15	16	**63**	0	4	15.8
2	16	18	18		**52**	-1	3	17.3
3	19	19	20		**58**	0	3	19.3
4	18	18	18	18	**72**	0	4	18.0
5	19	18	17		**54**	0	3	18.0
6	17	16	17	16	**66**	0	4	16.5
Total					**461**			

Special Education Full Time Outplaced		
	1	
Special Education Part time Services Provided		
	GRAND TOTAL	**462**

ENCLOSURE: 9.1
October 23, 2025

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
9311	Policies and Bylaws	YES	Recommended	Recommended change by Superintendent
5114	Suspension and Expulsion/Due Process	YES	Mandated	Replace/Update existing policy
5118.2	Educational Opportunities for Military Children	NO	Mandated	Add policy not in place
6159	Individualized Education Program (IEP's)	YES	Mandated	Replace/Update existing policy
6171	Special Education	YES	Mandated	Replace/Update existing policy

Bylaws of the Board

Policies and Bylaws

Introduction. Board of Education policies translate beliefs and desires of elected officials into action through the Superintendent of Schools and the school staff. Except for specific meeting decisions, policies are a Boards' best means of shaping district education through specifying in Board policy "what will be done." The Superintendent's administrative regulations provide the administrative "how it will be done" to accompany Board of Education policies.

Policies also make it clear, at least by implication, that superintendents are expected to follow the direction of the entire Board as it is expressed through its policies. On a daily basis, Board policies, except for bylaws, are primarily for the guidance of the Superintendent of Schools and his/her staff. It is, however, the Board's responsibility to ensure the Superintendent uses policies in making decisions; it is, similarly, the Superintendent's responsibility to insist that both policies and their amplifying regulations are followed by everyone in the school system.

Organization and Contents of Policy Manuals. Policy manuals contain three basic types of entries — Board of Education policies, Superintendent of Schools regulations, and Board of Education bylaws:

1. Policies are guides for discretionary action by the Superintendent of Schools and staff; not all policies require administrative regulations;

2. Regulations are the Superintendent's amplifications of Board policies into specific staff actions; not all administrative regulations require policies;

3. Bylaws are rules governing Boards of Education's internal operations.

Development of Board Policies. The development of sound educational policies is one of the primary duties of the Board of Education. Policies serve to promote democratic and responsive school governance and constitute a major method by which the Board exercises its leadership. Policies are guides for discretionary administrative action by the Superintendent of Schools and his/her staff. Policy development and revision should follow these principles:

1. Policies and regulations shall be given high priorities by the Board and by the Superintendent of Schools;

2. Procedures for development and revision of policies and regulations shall be clear and well understood; participants shall know their roles and authority; lines of communication shall be observed;

3. Use of policies and regulations as guides to action shall be stressed at all organizational levels, and policy or regulatory violations shall not be overlooked or condoned;

Bylaws of the Board

Policies and Bylaws (continued)

4. Policy and regulatory effectiveness shall be monitored regularly by the Board of Education, the Superintendent of Schools, and by other staff members;

The Superintendent is encouraged to submit written recommendations for new policies and for revision of existing policies as necessary for the effective operation of the public schools.

Approved policies shall be in writing and coded according to the policy codification system approved by the Board, and made part of the official policy manual maintained by the superintendent. Policy manuals and copies of new and changed policies shall be distributed to all members of the Board of Education and school administrators, and shall be made available to the staff, students, and general public.

Adoption and/or Amendment of Board of Education Policies. Procedure for the adoption of a new policy or the amendment of existing policy shall be:

1. Upon referral to the policy committee, the committee will develop a statement of policy or change of existing policy based on the following:

   a. Suggestions and requests from Board members;

   b. Recommendations from the Superintendent of Schools;

   c. Statutory requirements;

   d. The Superintendent is authorized to update existing mandated Board of Education policies per state and/or federal statutes without prior approval by the Board of Education. The Superintendent will summarize any updates to existing policies during the Board of Education's Regular Meeting agenda.

      Additionally, the Superintendent is authorized to update existing Board of Education policies for housekeeping such as grammatical corrections without prior approval by the Board of Education.

2. The policy committee shall present a policy statement, or revised policy statement, with its recommendations to the Board for a new, mandated or recommended policy, first reading at a regular Board meeting at which time amendments to the policy proposals may be made. No action shall be taken at this presentation meeting.

3. Following the first reading of a new, mandated or recommended policy, the Board shall act on proposed policies at a regular meeting of the Board at which time further amendments to the policy proposals may be made and the policies approved if the changes are not a departure from the essence of the policy proposal; if the proposed changes are major, a policy should be brought back for a third review at the next regular meeting. Proposed policy changes approved by majority vote of the Board shall take immediate effect.

Bylaws of the Board

Policies and Bylaws (continued)

Formal adoption of policies and/or amendments of policies shall be recorded in the minutes of the Board meeting. Only those written statements so adopted and recorded shall be regarded as official policies.

Legal Reference: Connecticut General Statutes

10-221 Boards of education to prescribe rules, policies, and procedures.

Bylaw adopted by the Board: May 27, 1999

MARLBOROUGH PUBLIC SCHOOLS
Marlborough, Connecticut

CABE's mandated newest version of this policy. Revised definition of "bullying" to align with Connecticut School Climate Policy and provides details related to hearings and due process adding a section on expunging of records.

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 seek 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 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 a 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~~ **6** 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~~ **six** that (1) the student being suspended poses such anger to persons or property or such disruption of the educational process that the student (grades three to ~~twelve~~ **six**) 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~~ **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. 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 danger to persons or property or such 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 firearms. 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, snowmobile, any aircraft, or any vessel equipped for propulsion by mechanical means or sail.

13. **"Martial arts weapon"** means a nunchaku kama, Kesari-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 the 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.

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 hail 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, 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.
32. **"Bullying"** ~~means~~ is defined as unwanted and aggressive behavior among children in grades kindergarten to twelve, inclusive, that involves a real or perceived power imbalance.
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.

Students

Suspension and Expulsion/Due Process

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

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.

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 violates a publicized policy of the Board.

b. Conduct off School Grounds

Students may be disciplined for conduct off school grounds if such conduct is seriously disruptive of the educational process and violates ~~violative of~~ a publicized policy of the Board.

In determining 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.

Students

Suspension and Expulsion/Due Process (continued)

F. Mandatory Expulsion

It shall be the policy of the Board to expel a student, grades preschool, and kindergarten to ~~twelve~~ **six**, 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 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 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 weapon or firearm, instrument or weapon or did so offer for sale or distribution such controlled substance.
3. The Board may modify the period of a mandatory expulsion on a case-by-case basis.
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, blackjack, 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)~~

~~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.~~

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)

Unless an emergency exists, as that term is defined in paragraph A, no student shall be suspended without an informal hearing by the administration, at which such student shall be informed of the reasons for the disciplinary action and given an opportunity to explain the situation, provided nothing herein shall be construed to prevent a more formal hearing from being held if the circumstances surrounding the incident so require. The administration shall then determine whether suspension or in-school suspension is warranted.

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

Prior to conducting any hearing regarding the suspension of a student, an administrator, school counselor or school social worker at the school in which the student is enrolled, shall contact the local homeless education liaison designated by the local or regional board of education for the school district, pursuant to Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act, 42 USC 11431 et seq., as amended from time to time, to determine whether such student is a homeless child or youth, as defined in 42 USC 11343a, as amended from time to time. If it is determined that such student is a homeless child or youth, the administration shall consider the impact of homelessness on the behavior of the student during the hearing.

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 that such student missed during the period of his/her suspension.

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 any student from school when an emergency exists, as that term is defined in paragraph A, above.

Out-of-School Suspensions

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 preschool to two, if during the informal hearing outlined above, the administration:
    a. Determines that an out-of-school suspension is appropriate for such students based on evidence that such student's conduct on school grounds is behavior that causes physical harm;

Students

Suspension and Expulsion/Due Process

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

Out-of-School Suspensions (continued)

b. Requires that such students receive 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

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.

2. Grades three to ~~twelve~~ **six**, inclusive, if, resulting from a due process hearing:

a. The administration determines that the student being suspended poses such danger to persons or property or such disruption of the educational process (as defined above in section E) 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. 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.

Length of Suspension Period:

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.
An out-of-school suspension shall not exceed ten school days for students in grades 3-~~12~~ **6**.

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

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

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

General provisions:

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 such student is granted a formal hearing pursuant to sub sections 4-176e to 4-180a, inclusive, section 4-181a, and as outlined in section I below is first granted.

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 such student is granted a formal hearing pursuant to sub sections 4-176e to 4-180a, inclusive, section 4-181a, and as outlined in in section I below is first granted.

H. Expulsion Procedures

The Board of Education may, upon the recommendation of the Superintendent of Schools, expel any student for one or more of the reasons stated in this policy if, after holding a formal hearing, it is in the judgment of the Board of Education that such disciplinary action is in the best interest of the school system.

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.

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 Board specified program shall not require the student or the parent/guardian of such student to pay for participation in the program.

Prior to conducting formal hearing, as required by PA 25-93 Section 38 subsection 3, an administrator, school counselor or school social worker at the school in which the student is enrolled shall contact the local homeless education liaison designated by the local or regional board of education for the school district, pursuant to Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act, 42 USC 11431 et seq., as amended from time to time, to make a determination whether such student is a homeless child or youth, as defined in 42 USC 11343a, as amended from time to time.

If it is determined that such student is a homeless child or youth:

i. The local or regional board of education, or the impartial hearing board established pursuant to subsection (b) of this section, shall consider the impact of homelessness on the behavior of the student during the hearing.

Students

Suspension and Expulsion/Due Process

H. Expulsion Procedures (continued)

ii. No such student may be expelled without a plan of interventions and supports to mitigate the impact of homelessness on the behavior of the student.

iii. If such child or youth has been expelled for a second time, a meeting with the local homeless education liaison shall be provided by the local or regional board of education.

Upon receipt of a recommendation for expulsion from the Superintendent of Schools the Board shall, after giving written notice as detailed below in section K Notification, 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.

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.

Expulsion hearings (formal 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 or more persons to hear and decide the expulsion matter, provided that no member of the Board may serve on such panel.

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.

I. Formal Hearings/Due Process

1. 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;

Students

Suspension and Expulsion/Due Process

I. Formal Hearings/Due Process (continued)

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.

2. Record keeping:

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.

3. Rules of evidence at hearings:

Rules of evidence at expulsion hearings shall ensure 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;

Students

Suspension and Expulsion/Due Process

I. Formal Hearings/Due Process (continued)

3. **Rules of evidence at hearings:** (continued)

   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.

J. Expunging Records

Suspension:

Whenever a student is suspended pursuant to the provisions of this section, notice of the suspension and the conduct for which the student was suspended shall be included on the student's cumulative educational record.

Such notice shall be expunged from the cumulative educational record by the local or regional Board of Education if a student graduates from high school, or in the case of a suspension of a student for which the length of the suspension period is shortened or the suspension period is waived pursuant to subsection (e) of this section, such notice shall be expunged from the cumulative educational record by the local or regional board of education (1) if the student graduates from high school, or (2) if the administration so chooses, at the time the student completes the administration-specified program and meets any other conditions required by the administration pursuant to subsection (e) of Section 10-233d., whichever is earlier.

Students

Suspension and Expulsion/Due Process

J. Expunging Records (continued)

Expulsion:

Whenever a student is expelled, notice of the expulsion and the conduct for which the student was expelled shall be included in the student's cumulative educational record. Such notice, ~~except for notice of an expulsion of a student in grades nine to twelve~~, inclusive, based on possession of a firearm or deadly weapon as described in Section 29-38 of the general statutes.

1. shall be expunged from the cumulative educational record by the Board of Education if a student graduates from high school, or
2. may be expunged from the cumulative educational record by the Board of Education before a student graduates from high school if:
    1. in the case of a student for which the length of the expulsion period is shortened or the expulsion period is waived pursuant to subdivision (2) of subsection (c) Section 10-233d., such Board determines that an expungement is warranted at the time such student completes the board-specified program and meets any other conditions required by such Board pursuant to subdivision (2) of subsection (c) of Section 10-233d. , or
    2. such student has demonstrated to such Board that the conduct and behavior of such student in the years following such expulsion warrants an expungement. The Board of Education, in determining whether to expunge such notice, may receive and consider evidence of any subsequent disciplinary problems that have led to removal from a classroom, suspension or expulsion of such student.

K. 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 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 (CT legal services as a source of such services) 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~~ **6**, 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.

Students

Suspension and Expulsion/Due Process (continued)

L. 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.

M. 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 off an alternative educational opportunity to such student in accordance with the requirements of IDEA, as it may be amended from time to time.

N. 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 mall 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.

Students

Suspension and Expulsion/Due Process (continued)

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

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 to 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.

   The student's PPT shall consider the relationship between the student's disability and the behavior that led to the recommendation for expulsion or 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.

Students

Suspension and Expulsion/Due Process

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

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.

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 pocketknife 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.

O. 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.

Students

Suspension and Expulsion/Due Process

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

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.

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.

P. 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.

Students

Suspension and Expulsion/Due Process (continued)

Q. 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 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.~~

~~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 that 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.~~
3. ~~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.~~
4. ~~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.~~

Students

Suspension and Expulsion/Due Process

R. 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.

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~~ **six**, 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 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.

Students

Suspension and Expulsion/Due Process

R. Other Considerations (continued)

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.

10. Prior to placing any student in an out-of-district placement due to the challenging behavior of such student, the Board of Education shall conduct a functional behavior assessment of such student and develop or update a behavioral intervention plan for such student.

    A functional behavior assessment and a behavioral intervention plan shall not be required if the time required to conduct such assessment or develop or update such plan would put the safety of such student, any other student, or any staff at such student's school at risk.

    Not later than two business days following the decision not to conduct such assessment, or develop, or update such plan for such student, the local or regional board of education shall file a notice with the Department of Education of the reasons that such assessment was not conducted or such plan was not developed or updated.

S. Change of Residence During Expulsion Proceedings

A. Student moving into the school district

1. If a student enrolls in the district while an expulsion hearing is pending in another district, such student shall not be excluded from school pending completion of the expulsion hearing unless an emergency exists, as defined above. The Board shall retain the authority to suspend the student 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.

Students

Suspension and Expulsion/Due Process

S. Change of Residence During Expulsion Proceedings (continued)

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.

T. Compliance with Documentation and Reporting Requirements

A. The Board of Education shall include in 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, or 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.

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.

Students

Suspension and Expulsion/Due Process

Legal Reference: Connecticut General Statutes

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, PA 17-220, PA 19-91, PA 25-67 and PA 25-93.

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)

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

Public Act 25-67 An Act Concerning the Quality and Delivery of Special Education Services in Connecticut (Section 13)

Public Act 25-93 An Act Increasing Resources for Students, Schools and Special Education (Sections 38 & 39)

Policy adopted:
rev 7/19
rev 7/24
rev 4/25
rev 7/25

Sample policies are distributed for demonstration purposes only. Unless so noted, contents do not necessarily reflect official policies of the Connecticut Association of Boards of Education, Inc.

A mandated policy for your consideration.

Students

Educational Opportunities for Military Children

To facilitate the placement, enrollment, graduation, data collection, and provision of special services for students transferring into or out of the District because of their parents being on active duty in the U.S. Armed Services, the District supports and will implement its responsibilities as outlined in the ***Interstate Compact on Educational Opportunity for Military Children***. The Board of Education believes it is appropriate to remove barriers to educational success imposed on children of military families because of their parents' frequent moves and deployment.

Definitions

Children of military families means school-aged children, enrolled in kindergarten through 12th grade, in the household of an active-duty member of the uniformed service of the United States, including members of the National Guard and Reserve.

Deployment means the period one month before the service members depart from their home station on military orders, six months after return to their home station.

Education(al) records means official records, files, and data directly related to a student and maintained by the school, including, but not limited to, records encompassing all the material kept in the student's cumulative folder.

The requirements applicable to eligible students, which must be fulfilled, are listed below. Eligible students are those who are children of active-duty personnel, active-duty personnel or veterans who have been severely injured and medically discharged, and active-duty personnel who die on active duty within one year of service. Students are not eligible for the provisions of the ***Compact*** if they are children of inactive Guard or Reserves, retired personnel, veterans not included above, or U.S. Department of Defense personnel and other federal civil service employees and contract employees.

The District's responsibilities to eligible children include the following:

- Sending schools must send either official or unofficial records with the moving students, and District receiving schools must use those records for immediate enrollment and educational placement.

- Simultaneously, the receiving school must request official records, and the sending schools shall respond within 10 days with the records.

- Immunization requirements of the District may be met within 30 days from the date of enrollment (or be in progress).

Students

Educational Opportunities for Military Children (continued)

- Receiving schools must honor placement of students in all courses from the sending school. These include, but are not limited to, Honors, International Baccalaureate, Advanced Placement, vocational-technical, and career pathway courses if those courses are offered in the receiving school.

- In compliance with federal law, special education students must be placed by the existing IEP with reasonable accommodations in the receiving school.

- If a child of a member of the armed forces is enrolled in a school under the jurisdiction the district, and such member has received military orders directing them from such town, or any other documents from the armed forces indicating a change of residency from such town during the school year, the child may continue to be enrolled in the school until the end of the school year while such member remains a member of the armed forces, ~~except that any such child in grade eleven may continue to be enrolled in the school for an additional school year while such member remains a member of the armed forces~~

- The District will exercise, as deemed appropriate, the right to waive prerequisites for all courses and programs, while also maintaining its right to re-evaluate the student to ensure continued enrollment, as deemed appropriate.

- Students of active-duty personnel shall have additional excused absences at the discretion of the District for visitations relative to leave or deployment.

  ~~***Alternate language for above:***~~

  - ~~A one-day absence is provided for students when their parent/guardian is deployed into active military service.~~

  - ~~A one-day absence is provided for students when their parent/guardian returns from active military service or deployment.~~

  - ~~A student whose parent or legal guardian has been called to duty for, is on leave from, or immediately returned from deployment to; a combat zone or combat support posting shall be granted additional excused absences at the discretion of the Superintendent or his/her designee.~~

  - ~~Absences related to a student visiting with his/her parent, related to leave or deployment activities, may be excused by the District. The district will permit no more than ___ excused absences per year for this purpose. (*Note: The local district may specify in its policy how many excused absences are permitted.)*~~

Students

Educational Opportunities for Military Children

~~***Alternate language for above:*** (continued)~~

- ~~An eligible student living with a noncustodial parent or other person standing in loco parentis shall be permitted to attend the school in which he or she was enrolled while living without the custodial parent without any tuition fee imposed.~~

- ~~The District high school will accept exit, or end-of-year exams required from the sending state, national norm-referenced tests, or alternate testing instead of testing requirements for graduation in the District (receiving state). If this is not possible, the alternative provision of the Interstate Compact shall be followed to facilitate the on-time graduation of the student in accordance with Compact provisions.~~

(cf. 5111 – Admission)
(cf. 5113 – Attendance and Excuses)
(cf. 5123 – Promotion/Retention)
(cf. 5125 – Student Records; Confidentiality)
(cf. 5141.3 – Health Assessments and Immunizations)
(cf. 6146 – Graduation Requirements)
(cf. 6171 – Special Education)

Legal Reference: Connecticut General Statutes

10-15f Interstate Compact on Educational Opportunity for Military Children

Public Act 25-15 An Act Concerning Various Measures Recognizing and Honoring the Military Service of the Armed Forces in Connecticut. (Section 7)

Policy adopted:
rev 11/11
rev 7/25

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A mandated policy to consider.

Instruction

Individualized Education Program~~/Special Education Program~~

~~In accordance with the regulations of the State Board of Education, each local and regional board of education shall: (1) Provide special education for school age children requiring special education; (2) The obligation of the school district under this subsection shall terminate when such child is graduated from high school or at the end of the school year during which such child reaches age twenty-two, whichever occurs first.~~*delete

~~All students remain eligible for special education services under the Individuals with Disabilities Education Act (IDEA) through the end of the school year, during which the student turns age 22, or until the student graduates from high school with a regular high school diploma, whichever occurs first. Pursuant to the Connecticut General Statutes §10-259, school year is defined as July 1 through June 30. A free appropriate public education (FAPE) must be provided to any child with a disability beginning on or after the child's third birthday, whether or not that birthday occurs during the regular school year.~~

Individualized Education Programs (IEPs) are essential foundations for providing effective, high-quality special education services. The Board requires that all procedures for implementing an individualized education program be designed to guard the privacy of the student and family.

A parent of a child, the State Department of Education, or other state agencies available to the District may initiate a request for an initial evaluation to determine if the child is a child with a disability. Once the district receives a written referral for special education evaluation, it has 45 school days to complete an initial evaluation. The 45-school-day timeline encompasses the entire eligibility determination process, including reviewing the referral, obtaining written parental consent for evaluation, conducting a comprehensive evaluation, determining eligibility, obtaining written parental consent for the provision of special education services, and implementing an IEP if the student is found eligible. The district will conduct a full and individual evaluation that consists of procedures to determine if the child is a child with a disability under 34 C.F.R. §300.301. Further, the evaluation must be sufficiently comprehensive to identify all of the child's special education and related services needed, whether or not commonly linked to the disability category in which the child has been classified. Assessments for disabled children who are transfer students shall be coordinated expeditiously between the sending or receiving district.

~~The adult student or his/her parent/guardian will be asked by the District if the student wishes to receive the special education and related services outlined in their individualized education program (IEP) through the end of the school year during which they turn 22 years of age or they graduate with a regular high school diploma, whichever comes first.~~

In situations in which a student's IEP requires an out-of-district or private placement, the timeline for implementing an IEP must occur within 60 school days of the PPT referral (not including the time it takes to obtain written parental consent).

Instruction

Individualized Education Program/~~Special Education Program~~ (IEP) (continued)

Any individualized education program (IEP) developed for a student with disabilities shall specify whether the student shall achieve the District's adopted content standards or whether the student shall achieve individualized standards that would indicate the student has met the requirements of his or her IEP. When a child is identified as requiring special education, the district will provide parents/guardians with information and resources from the State Department of Education relating to IEPs.

Information Provided to Parents Regarding Special Education

~~At the first PPT, when a child receiving special education services reaches 14, the district shall provide information to the child and parent/guardian regarding the full range of decision making supports, including alternatives to guardianship and conservatorship and the plain-language online resources developed by CSDE regarding decision making options available when the student reaches 18.~~

~~In addition,~~ Information that must be provided to parents/guardians at each PPT meeting shall include plain-language resources developed by CSDE regarding the hearing and appeals process, information regarding free and low-cost legal assistance, and The Parent's Guide to Special Education in Connecticut by CSDE. The district shall annually provide the Guide and rights and resources available to children receiving special education services at the beginning of the school year.

At the beginning of each school year, the district shall provide an informational handout developed by CSDE that explains what it means to have an IEP or Section 504 plan.

Upon request from a parent/guardian, or when there is an apparent need, the district shall provide interpreters and translated documents for students and parents, including translated copies of a child's IEP and any related documents.

The interpreter may be present in person, available by phone, or through an online platform, an Internet website, or other electronic application approved by the State Board of Education.

A parent/guardian of the Board may request mediation through the Mediation Services Coordinator at any time for any matter related to the provision of special education for a child, including, but not limited to, the identification, evaluation, educational placement, or implementation of an IEP. Upon receipt of a request for mediation, the Mediation Services Coordinator shall provide notification to the parties and invite them to participate in voluntary mediation.

Instruction

Individualized Education Program/Special Education Program (IEP) (continued)

Planning and Placement Team or Individualized Education Program Team

The term "Planning and Placement Team" means a group of individuals composed of -

(i) the parents of a child with a disability
(ii) not less than one regular education teacher of such child (if the child is, or may be, participating in the regular education environment);
(iii) not less than one special education teacher, or where appropriate, not less than one special education provider of such child;
(iv) a representative of the local educational agency who -
  (I) is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities;
  (II) is knowledgeable about the general education curriculum; and
  (III) is knowledgeable about the availability of resources of the local educational agency;
(v) an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in clauses (ii) through (vi);
(vi) at the discretion of the parent of the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate;
(vii) the school paraprofessional, if any, assigned to such child, and
(viii) whenever appropriate, the child with a disability.

NOTE: A Planning and Placement Team (PPT) member is not required to attend all or part of an IEP meeting if the parents and District agree that the team member's participation is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting. If the meeting does involve a modification or discussion of the member's area of the curriculum or related services, parents and the District can agree to excuse the member from attending all or part of the meeting if the member submits written input to the parent and the Planning and Placement Team (PPT) prior to the meeting. Parental consent in writing is required in either case.

In addition to the above, the special education specialist, school psychologist, school nurse, school social worker, counselor, or other student service worker who has conducted an assessment of the student shall participate whenever the results or recommendations based on such assessment are significant to the development of the student's individualized education program and placement. Where the student is limited or non-English speaking, a district representative who is fluent in the student's primary language, knowledgeable about the process of second-language acquisition, and competent in the assessment of limited English and non-English speaking individuals should be included.

Any member of the PPT employed by the Board of Education who discusses or makes recommendations concerning the provisions of special education and related services during a PPT meeting shall not be disciplined, suspended, or otherwise punished for such recommendations.

Instruction

Individualized Education Program~~/Special Education Program~~ (IEP) (continued)

No birth-to-three coordinator or qualified personnel, as defined by C.G.S. 17a-248, who discusses or makes recommendations concerning the provision of special education and/or related services during a PPT meeting or in a transition plan shall be subject to discipline, suspension, termination or other punishment based on such recommendations.

The parent/guardian or surrogate parent shall be given at least five (5) school days' prior notice of any PPT meeting and shall have the right to be present and participate in all portions of such meetings at which an educational program for their child is developed, reviewed, or revised. In addition, parents/guardians or surrogate parents have the right to be present at and participate in all portions of the PPT meeting at which an educational program for their child is developed, reviewed, or revised. In addition, the parent/guardian/surrogate shall have advisors and the child's assigned paraprofessional, if any, and such child's birth-to-three service coordinator, if any, be present at and participate in all portions of the PPT meeting in which the child's educational program is developed, reviewed or revised and have the right to have such recommendation made in such child's birth-to-three individualized transition plan, if any, addressed by the PPT at which an educational program for such child is developed.

The District shall offer to meet with the student's parents/guardians, upon the request of the parents/guardians, after the student has been assessed for possible placement in special education and before the Planning and Placement Team (PPT) meets.

The sole purpose of such meeting is to discuss the PPT process and any concerns the parent/guardian has about the student. The meeting will involve a member of the PPT designated by the District before the referral PPT meeting at which the student's assessments and evaluations will be discussed for the first time. This applies to students under evaluation for possible placement in special education.

Upon request of a parent/guardian, the District will provide the results of the assessments and evaluations used in determining a student's eligibility for special education at least three (3) school days before the referral PPT meeting, at which such results will be discussed for the first time.

Parents/Guardians and the District may agree to conduct IEP meetings, and other meetings, through alternative means, such as including but not limited to, videoconferences or conference calls.

(a) ***General.*** The IEP for each child must include -

(1) An accurate statement of the child's present levels of academic achievement and functional performance based upon parental provider information, current classroom-based, local, and state assessments and classroom-based observations, including -

(i) How the child's disability affects the child's involvement and progress in the general education curriculum; or

Instruction

Individualized Education Program~~/Special Education Program~~ (IEP) (continued)

(ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

(2) A statement of measurable annual academic and functional goals that aim to improve educational results and functional performance for each child with a disability, related to –

(i) Meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general education curriculum;
(ii) Meeting each of the child's other educational needs that result from the child's disability; and
(iii) Providing a meaningful opportunity for the child to meet challenging objectives.

Alternate Assessments

(iv) A statement of "benchmarks or short-term objectives" is required only with respect to students with disabilities who take alternate assessments aligned with alternate achievement standards.

If a child will participate in alternate assessments based on either general or alternate achievement standards, the IEP must explain why the child cannot participate in the regular assessment and why the alternate assessment selected is appropriate for the child.

The Planning and Placement Team (PPT) may only recommend appropriate accommodation or use of alternate assessment but may not exempt students with disabilities from the state assessment.

(3) A statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child -

(i) To advance appropriately toward attaining the annual goals;
(ii) To be involved and progress in the general curriculum in accordance with paragraph (a)(1) of this section and to participate in extracurricular and other nonacademic activities; and
(iii) To be educated and participate with other children with disabilities and non-disabled children in the activities described in this paragraph.

(4) A school must offer an IEP that is "reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances." The child's educational program must be appropriately ambitious considering his/her circumstances, and every child should have the chance to meet challenging objectives. The Planning and Placement Team, in determining whether an IEP is reasonably calculated to enable a child to make progress, should consider the child's:

Instruction

Individualized Education Program/~~Special Education Program~~ (continued)

Alternate Assessments (continued)

- Previous rate or academic growth,
- Progress towards achieving or exceeding grade-level proficiency,
- Behaviors, if any, interfering with the child's progress, and
- Parent's input and any additional information provided by such parents.

The U.S. Supreme Court, in the *Endrew F* decision stated, "Any review of an IEP must consider whether the IEP is reasonably calculated to ensure such progress, not whether it would be considered ideal. (137S.CT. at 99)

(5) An explanation of the extent, if any, to which the child will not participate with non-disabled children in the regular class and in the activities described in paragraph (a) (3) of this section;

(6) A statement of any individual modifications in the administration of State or district-wide assessments of student achievement that are needed for the child to participate in the assessment; and

(7) The projected date for the beginning of the services and modifications described in paragraph (a)(3) of this section, and the anticipated frequency, location, and duration of those services and modifications; and

(8) A statement of

(i) How the child's progress toward the annual goals described in paragraph (a)(2) of this section will be measured; and

(ii) How the child's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their non-disabled children's progress, of

(A) Their child's progress toward the annual goals; and

(B) The extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year

(9) Reevaluation of a student's progress may not occur more than once a year unless agreed to by the parents and the District. Reevaluation must occur at least once every three years unless the parent and District agree that it is unnecessary.

Note: To make FAPE available to each eligible child with a disability, the child's IEP must be designed to enable the child to be involved in, and make progress in, the general education curriculum (the same curriculum as for nondisabled children which is based on a State's academic content standards. This alignment must guide and not replace the individualized decision-making required in the IEP process."

Instruction

Individualized Education Program~~/Special Education Program~~ (IEP) (continued)

(b) ***Transition services.***

The district shall designate a transition coordinator who is responsible for the following:

- Complete a prescribed training program within three years of when the training program commences or within one year of being appointed transition coordinator if appointed after the training program commences;
- Ensure parents receive information about transition resources, services, or public transition programs and know the eligibility requirements and application details; and
- The transition coordinator may be the director of student personnel or another school district employee.

(1) Beginning in the 2024-25 School year, the Board of Education shall distribute a notice of a link to an online listing of transitional resources, transitional services, and public transition programs provided by the Statewide Transition Services Coordinator. This shall be distributed to parents/guardians of children receiving special education services in grades six through 12 at a PPT meeting.

(2) At the first PPT meeting after the student turns 14, the Team will provide a listing to the parent/guardian of each public transition and adult education program for which the student may be eligible after graduation. Upon parent/guardian approval, an identified certified professional member of the PPT will notify the state agency that provides such a program about potential eligibility.

(3) By the PPT meeting, which occurs approximately two years prior to the student's anticipated exit from the district, upon parent/guardian approval, a certified professional member of the PPT shall notify any state agency that provides an adult program for which the student may be eligible about the potential eligibility, invite an agency representative to attend the PPT, and permit and facilitate contract and coordination between the agency and parent. An identified certified professional member of the PPT will assist the parent/guardian in completing an application to any such program.

(4) The IEP must include

(i) For each student beginning not later than the first IEP to be in effect when the child is fourteen, and younger if the PPT determines it appropriate, and updated annually, thereafter, appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and the transition services, including courses of study, needed to assist the student in reaching those goals.

Instruction

Individualized Education Program/~~Special Education Program~~ (IEP) (continued)

(b) ***Transition services.*** (continued)

(ii) For a student no longer eligible for services due to graduation from high school with a regular diploma or for a student who exceeds the age of eligibility under State law, a summary of the student's academic achievement and functional performance including recommendations on how to assist the student in meeting his/her postsecondary goals.

(5) If the Planning and Placement Team determines that services are not needed in one or more of the areas specified in §300.27(c)(1) through (c)(4), the IEP must include a statement to that effect and the basis upon which the determination was made.

(c) ***Transfer of rights.*** Beginning not later than one year before a student reaches the age of majority under State law, the student's IEP must include a statement that the student has been informed of his or her rights under this title, if any, that will transfer to the student on reaching the age of majority, consistent with §615(m)

(d) ***Students with disabilities convicted as adults and incarcerated in adult prisons.*** Special rules concerning the content of IEPs for students with disabilities convicted as adults and incarcerated in adult prisons are contained in §612(a)(5)A.

(e) ***Students with disabilities identified as deaf or hearing impaired.*** For a child identified as deaf or hearing impaired, the PPT shall develop an IEP which includes a language and communication plan that shall address;

(i) the child's primary language or mode of communication;

(ii) opportunities for direct communication between the child and his/her peers and professional personnel in the primary child's language or mode of communication;

(iii) educational options available to the child;

(iv) the qualifications of teachers and other professional personnel administering the plan for the child, including their proficiency in the child's primary language or mode of communication;

(v) the accessibility of academic instruction, school services and extracurricular activities to the child;

(vi) Assistive devices and services for the child;

(vii) Communication and physical environment accommodations for the child; and

(viii) An emergency communications plan that includes procedures for alerting the child of an emergency situation and ensuring that the specific needs of the child are met during the emergency situation. Such plan is to be developed for a student identified as deaf, hard of hearing, or both blind or visually impaired and deaf.

Instruction

Individualized Education Program/~~Special Education Program~~ (IEP) (continued)

(f) ***Students who are children of a member of the armed forces***

If, after the start of a school year, a child of a member of the armed forces:

1. enrolls in a school under the jurisdiction of a local or regional Board of Education, as a result of such member having received military orders directing such member to the state or any other documents from the armed forces indicating the transfer of such member to the state, and
2. such child enrolls with an individualized education program or plan pursuant to Section 504 of the Rehabilitation Act of 1973 from such child's prior school.

The Board shall take necessary steps, including, but not limited to, the transfer of any records and prior evaluations, the performance of any reevaluations and, not later than thirty school days after such child's enrollment, the holding of any planning and placement team meeting or meeting to establish a plan pursuant to Section 504 of the Rehabilitation Act of 1973 for such child, to ensure a minimally disruptive transition to the provision of comparable services.

Transfers

When an individual has been on an IEP in another school district, the PPT shall make an evaluative study of the student and develop an IEP for the student as though the student were newly referred, but the PPT may use the previous IEP (if available) in developing the new one.

If the transfer involves districts within Connecticut, the District will provide services "comparable to those described in the previously held IEP," until the District adopts the previously held IEP or develops, adopts, and implements a new IEP. If the student has transferred from another state, the District will provide services "comparable to those described in the previously held IEP," until the District conducts an evaluation, if deemed necessary, and if appropriate, develops a new IEP. If a student who is on an IEP transfers from this district to another, or to a private school, the written IEP and any additional records relating to the student's program and achievement shall be forwarded to the receiving school on the request of the receiving school and the individual's parent or guardian.

Districts receiving out-of-district students requiring special education shall:

a) hold the planning and placement team meeting for each out-of-district student who requires special education and related services and invite representatives from the sending district to participate in such meeting, and

b) ensure that such students receive the services mandated by the student's individualized education program whether such services are provided by the sending district or the receiving district.

Instruction

Individualized Education Program/~~Special Education Program~~ (IEP) (continued)

Transfers (continued)

Furthermore, in the case of a student with a plan pursuant to Section 504 of the Rehabilitation Act of 1973, as amended from time to time, the receiving district shall:

a) ensure that such student receives the services mandated by the student's plan, and
b) pay for the costs of providing such services to such student.

If the Board of Education receives an out-of-district placement of a student who receives special education services, through an agreement or contract with a sending local or regional board of education pursuant to subsection (d) of section 10-76d of the general statutes or section 10-91j, as amended by PA 25-67, the Board shall not transfer such student to any other school or facility unless:

1. upon initiation of the sending local or regional Board of Education or upon the request of a parent or guardian of such student, ~~or such student if such student is eighteen years of age or older or an emancipated minor,~~ such sending local or regional Board of Education holds a planning and placement team meeting for the purpose of determining the appropriateness of such transfer, and
2. the planning and placement team determines that such transfer is more appropriate for the educational needs of such student than the current out-of-district placement.

A representative of the Board of Education shall be invited to attend and participate in such planning and placement team meeting but may not request that such planning and placement team meeting be held.

~~Prior to the enrollment of a District student in a technical education and career school, the District will convene a PPT in order to address such student's transition to the technical education and career school and ensure that such student's IEP reflects the current supports and services the student requires in order to access a Free and Appropriate Public Education (FAPE) in the least restrictive environment. A representative from the technical education and career school shall be invited to the PPT meeting.~~

Independent Educational Assessment

If an independent educational assessment is necessary, it shall be conducted by a Connecticut credentialed or licensed professional examiner who is not employed by and does not routinely provide assessment for the State Department of Education or this District.

Instruction

Individualized Education Program~~/Special Education Program~~ (IEP) (continued)

Legal Reference: Connecticut General Statutes

10-76a Definitions (as amended by PA 06-18)

10-76b State supervision of special education programs and services. Regulations. (as amended by PA 12-173)

10-76d Duties and powers of Boards of Education to provide special education programs and services. (as amended by June Special Session PA 15-5, Sec. 277 and PA 19-49 and PA 21-46 and PA 21-144 and PA 23-137)

10-76ff Procedures for determining if a child requires special education (as amended by PA 06-18)

10-76g State aid for special education.

10-76h Special education hearing and review procedure.

10-76jj Language and communication plan as part of individualized education program for child identified as deaf or hard of hearing (as amended by PA 19-184)

10-76q Special education at technical education and career schools (as amended by PA 21-144)

SDE Guidance Addressing Timeline for Initial Evaluations, Dec. 21, 2018

State Board of Education Regulations

34 C.F.R. 300 et seq. Assistance to States for Education of Handicapped Children.

300.14 Special education definitions.

300.340-349 Individualized education programs.

300.503 Independent educational assessment.

300.533 Placement procedures.

300.550-556 Least restrictive environment.

P.L. 108-446 The Individuals with Disabilities Education Improvement Act of 2004

Rowley v. Board of Education, 485 U.S.-176 (1982)

Endrew F. v. Douglas County School District RE-1, 15-827 U.S. (2017)

A.M. v. N.Y. City Department of Education, 845F.3d 523, 541 (2d Cir.1997)

Mrs. B., v. Milford Board of Education 103 F. 3d 1114, 1121 (2d Cir. 1997)
A.R. v. Connecticut State Board of Education, 3:16-CV-01197 (CSH D. Conn. June 10, 2020)

Instruction

Individualized Education Program/~~Special Education Program~~ (IEP) (continued)

Legal References: (continued)

Public Act 23-137 An Act Concerning Resources and Support Services for Persons With an Intellectual or Developmental Disability Sections 26-27, 30-31, 32-37, 39, 45, 47, 51, 52

P.A 25-67 An Act Concerning the Quality and Delivery of Special Education Services in Connecticut (Section 10)

P.A 25-143 An Act Implementing the Recommendations of the Office of Early Childhood, Department of Education and the Technical Education and Career System and Concerning the Administration of Epinephrine and Glucagon. (Section 10)

Public Act No. 25-15 An Act Concerning Various Measures Recognizing and Honoring the Military Service of Veterans and Members of the Armed Forces in Connecticut (Section 7)

Policy adopted:
rev 9/23
rev 2/24
rev 7/25

Sample policies are distributed for demonstration purposes only. Unless so noted, contents do not necessarily reflect official policies of the Connecticut Association of Boards of Education, Inc.

Regulation to consider.

Instruction

Individualized Education Program~~/Special Education Program~~ (IEP)

The school district shall comply with all state and federal laws concerning the provision of a free appropriate public education to students with disabilities.

Referral

In accordance with the regulations of the State Board of Education, each local and regional board of education shall: (1) Provide special education for school-age children requiring special education; (2) The obligation of the school district under this subsection shall terminate when such child is graduated from high school or at the end of the school year during which such child reaches age twenty-two, whichever occurs first.

All students remain eligible for special education services under the Individuals with Disabilities Education Act (IDEA) through the end of the school year during which the student turns age 22, or until the student graduates from high school with a regular high school diploma, whichever occurs first. Pursuant to the Connecticut General Statutes §10-259, the school year is defined as July 1 through June 30.

Prior to referring a student for special education, the pre-referral process should be completed. This process ensures that strategies in the regular education classroom have been developed, implemented, and evaluated. If it is determined that the alternative strategies have been attempted and that significant progress towards meeting the student's identified needs has not been made, then the student shall be referred to the Planning and Placement Team to determine whether special education services are necessary.

Each child who has been suspended repeatedly or whose behavior, attendance, or progress in school is considered unsatisfactory or at a marginal level of acceptance and has reviewed academic and/or behavioral support shall be referred to the Planning and Placement Team for consideration of eligibility for special education services.

A parent, physician, social worker, or other outside agency may refer a student directly for special education services. During these situations, the alternative strategies process may be bypassed.

Planning and Placement Team or Individualized Education Program Team

The Planning and Placement Team (PPT) for any identified student shall consist of at least the following:

1. A representative of the District other than the individual's teacher, who is qualified to provide, or supervise, the provision of special education and who is knowledgeable about the general education curriculum and about the availability of resources of the District;

2. Not less than one special education teacher of the child, or if appropriate, not less than one special education provider of the child;

Instruction

Individualized Education Program/~~Special Education Program~~ (IEP)

Planning and Placement Team or Individualized Education Program Team (continued)

3. Not less than one regular education teacher (if the child is, or may be, participating in the regular education environment);

4. One or both student's parents, a surrogate parent, and/or a representative chosen by the parent;

5. The student, where appropriate;

6. For a student who is being evaluated for the first time, a member of the assessment team shall be present, and at least one of the persons present shall be knowledgeable about the assessment procedures;

7. The school paraprofessional, if any, assigned to the student, and

8. At the discretion of the parent or the agency, other individuals with knowledge or special expertise regarding the child, including related services personnel as appropriate.

In addition to the above, the special education specialist, school psychologist, school nurse, school social worker, counselor, or other student service worker who has conducted an assessment of the student shall participate whenever the results or recommendations based on such assessment are significant to the development of the student's individualized education program and placement.

Where the student is limited or non-English speaking, a district representative who is fluent in the student's primary language and who is knowledgeable about the process of second-language acquisition and competent in the assessment of limited English and non-English speaking individuals should be included.

A Planning and Placement Team member is not required to attend all or part of a PPT meeting if the parents and District agree the team member's participation is not necessary because the member's area of curriculum or related services is not being modified or discussed at the meeting.

If the PPT meeting does involve a modification or discussion of the member's area of the curriculum or related services, parents/guardians and the District may agree to excuse the member from attending all or part of the meeting if the member submits written input to the PPT and parent prior to the meeting. Parental consent, in writing, is required in either case.

Instruction

Individualized Education Program/~~Special Education Program~~ (IEP)

Planning and Placement Team ~~or Individualized Education Program Team~~ (continued)

Transition Services

The district shall designate a transition coordinator who is responsible for the following:

- Complete a prescribed training program within three years of when the training program commences or within one year of being appointed transition coordinator if appointed after the training program commences.
- Ensure parents receive information about transition resources, services, or public transition programs and know the eligibility requirements and application details.
- The transition coordinator may be the director of student personnel or another school district employee.
- Beginning in the 2024-25 School year, the district will distribute a notice of a link to an online listing of transitional resources, services, and public transitional programs provided by the Statewide Transition Services Coordinator. At a PPT meeting, this shall be distributed to parents/guardians of children receiving special education services in grades six through 12.
- At the first PPT meeting after the student turns 14, the Team will provide a listing to the parents/guardians of each public transition and adult education program for which the student may be eligible after graduation. Upon parent/guardian approval, an identified certified professional member of the PPT will notify the state agency that provides such a program about the potential eligibility.
- By the PPT meeting, which occurs approximately two years prior to the student's anticipated exit from the district, upon parent/guardian approval, a certified professional member of the PPT will notify any state agency that provides an adult program for which the student may be eligible about the potential eligibility, invite an agency representative to attend the PPT, and permit and facilitate contact and coordination between the agency and parent. An identified certified professional member of the PPT will assist the parent/guardian in completing an application to any such program.

(Certified professional refers to "certified teacher," which includes a teacher, school psychologist, social worker, or other members of the support staff holding CSDE certification.)

In the event of a meeting to review or revise the individualized education program of a child in an out-of-district or private placement, a representative of the out-of-district or private facility shall also be invited. In addition, a representative of the outside facility shall contribute to the development of the individual educational program.

Instruction

Individualized Education Program/~~Special Education Program~~ (IEP)

Planning and Placement Team or Individualized Education Program Team (continued)

Parental Participation

The parent/guardian or surrogate parent shall be given at least five (5) school days prior notice of any PPT meeting and shall have the right to be present and participate in all portions of such meetings at which an educational program for their child is developed, reviewed or revised. In addition, parents/guardians or surrogate parents have the right to be present at and participate in all portions of the PPT meeting at which an educational program for their child is developed, reviewed or revised. In addition, the parent/guardian/surrogate shall have advisors and the child's assigned paraprofessional, if any, be present at and participate in all portions of the PPT meeting in which the child's educational program is developed, reviewed or revised.

Upon parental/guardian request, a member of the PPT designated by the District will meet with the parent/guardian after their child has been assessed for possible placement in special education and before the PPT meets. The sole purpose of this meeting will be to discuss the PPT process and any concerns the parent/guardian has about the students. In addition, if requested, by the parent/guardian, the District will provide the results of the assessments and evaluations used in the determination of eligibility for special education of a student at least three (3) school days before the referral PPT meeting at which such results of the assessment and evaluations will be discussed for the first time.

The Board of Education shall take steps to ensure that one or both of the child's parents are afforded the opportunity to participate in each meeting to develop, review or revise the individualized education program for that child. Every effort shall be made to schedule meetings at a mutually agreed-upon time and place. Parents/Guardians and the District may agree to conduct IEP meetings and other meetings through alternative means, such as, including but not limited to, video conferences or conference calls. Steps to ensure parental participation shall be taken in accordance with the following:

1. At the first PPT meeting after a child receiving services reaches age 14, the District will provide information to the child and parent about the full range of decision-making supports, including alternatives to guardianship and conservatorship and the plain-language online resources developed by CSDE regarding decision-making options once the student is 18 years of age.
2. The District will provide interpreters and translated documents for students and parents when necessary or upon request. This includes translated copies of a child's IEP and any related documents. The interpreter may be present in person or available by telephone or through an online technology platform, an Internet website, or other electronic application approved by the State Board of Education.

Instruction

Individualized Education Program~~/Special Education Program~~ (IEP)

Parental Participation (continued)

3. The District will provide parents/guardians with plain-language resources developed by CSDE regarding the hearing and appeals process, information regarding free and low-cost legal assistance, and the Parent's Guide to Special Education in Connecticut developed by CSDE.
4. At the beginning of each year, the District will provide the student with a handout developed by CSDE explaining what it means to have an IEP or Section 504.
5. The District will provide annually, at the beginning of the school year, the Parent's Guide to Special Education and the rights and resources available to children receiving special education services.
6. The District will inform parents/guardians that the Board or the parent may request mediation through the State's Mediation Services Coordinator at any time for any matter related to the provision of special education for a child, including, but not limited to, the identification, evaluation, educational placement, or implementation of an IEP.
7. The District will provide parents/guardians a procedural safeguards notice, at least annually, except that a copy also shall be given, upon initial referral or parental request for evaluation, upon the first filing of a due process complaint or upon parental request advising them in writing, in their dominant language, of their rights with respect to the provision of a free appropriate education for children with disabilities.
8. The District will place a current copy of the Procedural Safeguards notice on the District Website.
9. Written prior notice to the parents/guardian of a child for which the District is proposing or refusing to initiate or change the identification, evaluation or educational placement of the child, shall also specify the purpose, time and location of the meeting and who has been invited.
10. If neither parent can attend, reasonable efforts shall be made to secure parental participation by other means such as conference calls or home visits.
11. A meeting may be conducted without a parent in attendance if the Board of Education is unable to secure parental attendance. In this event, the Board of Education shall have a detailed record of its attempts to arrange parent participation.
12. The parent/guardian of a child with a disability may elect to receive notices under IDEA by electronic mail, if the District makes such an option available.

Instruction

Individualized Education Program/~~Special Education Program~~ (IEP) (continued)

Planning and Placement Team Description

The Planning and Placement Team is required to convene in the following situations:

1. to develop an evaluation plan for a student referred for eligibility determination, as well as for students already identified but requiring further evaluation;
2. to review the results of the evaluations and to identify the student as disabled, if indicated;
3. to develop an individualized educational program (IEP), based upon evaluation results and to determine the proper placement;
4. to review the special education program for a child periodically, but not less frequently than annually or more frequently if deemed necessary and to make the necessary IEP modifications, adjustments, or program changes. Parents/guardians and the District may agree not to convene a PPT meeting for the purpose of making such changes and instead may develop a written document to modify the child's current I.E.P.
5. to exit a student from special education and/or related services, if evaluation results warrant.

Evaluations

Each child who has been referred and who may require special education, and related services shall be evaluated in order to determine whether special education is required. Each child receiving special education and related services shall be re-evaluated in accordance with IDEA procedures if the District determines that the education or related service needs including improved academic achievement and functional performance of the child warrant a reevaluation. In addition, a re-evaluation shall be conducted upon the request of the parent or personnel working with the child. A reevaluation shall occur not more frequently than once a year unless the parent and district agrees otherwise, and at least once every three years, unless parent/guardian and District agree that a reevaluation is unnecessary.

A complete evaluation study shall be conducted for each child referred who may require special education and related services. The evaluation study shall include reports concerning the child's educational progress, structured observation, and such psychological, medical, developmental and social evaluations as may be appropriate in determining the nature and scope of the child's exceptionality. Such reports may include information concerning the child's physical condition, socio-cultural background and adaptive behavior in home and in school. All sources of information shall be documented. If the child is dominant in a language other than English, the evaluation study shall also include systematic teacher observation of the specific areas of concern. Detailed information about the child's performance at home and in the community and any prescriptive or diagnostic teaching which has taken place shall be included.

Instruction

Individualized Education Program/~~Special Education Program~~ (IEP) (continued)

Evaluations (continued)

The evaluation procedures, instruments, and techniques shall be non-discriminatory and be validated for the specific purpose for which they have been designed. All such evaluation procedures, instruments, and techniques shall be administered by appropriately certified and/or licensed personnel in accordance with procedures recommended by the test publisher.

1. All evaluation procedures, instruments, and techniques shall be administered in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is not feasible to provide or administer.
2. More than one evaluation measure or assessment shall be used as the basis for placement. The results of standardized or local tests of ability, aptitude, affect, achievement, and aspiration shall not be exclusively used as the basis for placement.
3. Tests shall be selected and administered so as best to ensure that when a test is administered to a child with impaired sensory, manual, or speaking skills the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual or speaking skills (except where those skills are the factors which the test purports to measure.)
4. Evaluation procedures, instruments and techniques shall include those designed to assess specific areas of educational need and, where appropriate, language dominance, and shall not be limited to those which are designed to provide a general intelligence quotient.
5. In making a determination of eligibility, a child shall not be determined to be a child with a disability if the dominant factor for such determination is the lack of appropriate instruction in reading, including the essential components of reading instruction and/or math and/or limited English proficiency or a student's disciplinary actions or record. Further, the District is not required to take into consideration whether a child has a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skills, reading comprehension, mathematical calculation, or mathematical reasoning.
6. In determining whether a child has a specific learning disability, the District may use a process that determines if the child responds to scientific research-based intervention, as part of the evaluation procedures.

Instruction

Individualized Education Program/~~Special Education Program~~ (IEP) (continued)

Independent Evaluation

Parents have the right to obtain an independent evaluation, conducted by an appropriately certified and/or licensed examiner who is not employed by the responsible Board of Education, of their child. The PPT shall provide to parents, on request, information about where an independent evaluation may be obtained.

Parents have the right to an independent evaluation at public expense if the parents disagree with an evaluation obtained by the Board of Education. However, the Board of Education may initiate a due process hearing, to be conducted by the State Department of Education, to show that its evaluation is appropriate. If there is a determination by the State Department of Education Hearing Officer that the evaluation of the school district was appropriate, the parents still have the right to an independent evaluation, but not at public expense. For purposes of this policy, "at public expense" means that the evaluation is provided at no cost to the parents.

If the parents obtain an independent evaluation at private expense, the results of the evaluation must be considered by the PPT in any decision concerning the provision of a free appropriate public education to the child and may be presented as evidence at a due process hearing conducted pursuant to the State Department of Education.

Whenever an independent evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, shall be the same as the criteria which the school district uses when it initiates an evaluation.

Individualized Education Program (IEP)

The individualized education program shall be based upon the diagnostic findings of the evaluation study. The Planning and Placement Team shall base recommendations for any changes in a child's individualized education program upon the child's current individualized education program and any information relating to the child's current educational performance.

Each Planning and Placement Team shall develop, or revise, whichever is appropriate, the individualized education program for each child requiring special education and related services prior to the beginning of each school year. In the case of a student enrolled after the last day of the previous school year, this process shall be completed by October first of the school year.

Instruction

Individualized Education Program/~~Special Education Program~~ (IEP) (continued)

Individualized Education Program (IEP) (continued)

The individualized education program shall be a written statement developed by the PPT which shall include the following:

1. A statement of the child's present levels of academic achievement and functional performance, including, where appropriate, academic achievement, social adaptation, prevocational and vocational skills, psychomotor skills, and self-help skills;
2. A statement of annual educational goals for the school year "reasonably calculated to enable the child to make progress appropriate in light of the child's circumstances," under the child's individualized educational program;
3. A statement of how the child's progress toward meeting the annual goals will be measured and when periodic reports will be available on the progress the child is making toward meeting the annual goals. (such as using quarterly or other periodic reports, concurrent with the issuance of report cards) The child's educational program must be appropriately ambitious, considering his/her circumstances, and provide the opportunity to meet challenging objectives.
4. A statement of short-term instructional objectives for students with disabilities who take alternative assessments aligned to alternative achievement standards; (Benchmarks or short-term objectives in addition to annual goals are not required for all other students with disabilities.)
5. A statement of specific educational services needed by the child, including a description of special education, related services, and supplementary aids and services, based on peer-reviewed research to the extent practicable, which are needed to meet the needs of the child. Such description shall include the type of transportation necessary and a statement of the recommended instructional settings;
6. The date when those services will begin and length of time the services will be given, with the length of the school day and school year needed to meet the child's special education needs, including criteria to determine when services will no longer be needed;
7. A description of the extent to which the child will be involved in and make progress in the general education curriculum, defined as the same curricula for nondisabled children. This shall include a description of how the regular education program will be modified to meet the child's needs;
8. A list of the individuals who shall implement the individualized program; and
9. In the case of a residential placement, whether such placement is being recommended because of the need for services other than educational services.

Instruction

Individualized Education Program~~/Special Education Program~~ (IEP)

Individualized Education Program (IEP) (continued)

10. If it is determined that the child will take an alternate assessment on a State or District assessment of student achievement, the IEP must contain a statement of why the child cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate for the child.

~~11. Beginning not later than one year before the student reaches the age of majority (18), a statement informing the student of his/her rights under IDEA.~~

12. For a child identified as hearing impaired, the IEP, which includes a language and communications plan, shall address:

    (i) the child's primary language or mode of communication;

    (ii) opportunities for direct communication between the child and his/her peers and professional personnel in the primary child's language or mode of communication;

    (iii) educational options available to the child;

    (iv) the qualifications of teachers and other professional personnel administering the plan for the child, including their proficiency in the child's primary language or mode of communication;

    (v) the accessibility of academic instruction, school services and extracurricular activities to the child;

    (vi) Assistive devices and services for the child; and

    (vii) Communication and physical environment accommodations for the child.

The school district shall use a standardized individualized education program form that shall be subject to the approval of the State Board of Education.

Timelines

Special education and related services shall be provided as soon as possible after the planning and placement team meeting held to review, revise or develop the child's individualized education program, but in any event not later than the following timelines.

In the case of a referral made during the academic year, the timelines shall be as follows:

1. The individualized education program shall be implemented within forty-five school days of referral or notice, exclusive of the time required to obtain parental consent.

Instruction

Individualized Education Program/~~Special Education Program~~ (IEP)

Timelines (continued)

2. In the case of a child whose individualized education program calls for out-of-district or private placement, the individualized education program shall be implemented within sixty school days of referral or notice, exclusive of the time required to obtain parental consent. If difficulty of placement is such as to occasion a delay beyond this period, the Board of Education shall submit to the State Board of Education written documentation of its efforts to obtain placement in a timely manner.

3. Where necessary, parental consent shall be given within ten school days of the date of notice, or, where appropriate, of the date of the Planning and Placement Team meeting in which the parents participated.

4. A full copy of the individualized education program shall be sent to the parents within five school days after the Planning and Placement Team meeting to develop, review or revise the individualized education program.

In the case of a referral made between school years, the effective date of the referral may be deemed to be the first school day of the next school year.

Placement

Educational placements are made in accordance with the requirements set forth in the IEP of each child requiring special education and related services. The least restrictive environment is considered for each student based on the IEP. In selecting the least restrictive environment, consideration is given to any potentially harmful effect on the child or on the quality of services the child needs. To the maximum extent appropriate, students with disabilities, including children in public or private instructions or other care facilities, are educated with their peers in regular education environments.

Special classes, separate schooling, or other removal of disabled children from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. Each child with disabilities shall participate to the maximum extent appropriate with non-disabled age-appropriate peers in non-academic and extra-curricular services and activities, including meals and recess periods.

Interpreting evaluation date and in making placement decisions, the PPT shall:

1. Draw upon information from a variety of sources, including attitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior;

Instruction

Individualized Education Program/~~Special Education Program~~ (IEP)

Placement (continued)

2. Ensure information obtained from all these sources is documented and carefully considered;

3. Ensure that the placement decision is made by a group of persons, including the person's knowledge about the child, the meaning of the evaluation data, and the placement options; and

4. Make the placement decision conforming to the least restrictive environment considerations.

When the PPT meeting determines which placement is most appropriate to deliver education in the least restrictive environment, a continuum of services shall be used to guide the placement selection. This is done at no cost to the child's parents. This continuum shall consider programs ranging from regular education programs with students who are not disabled to special education programs with students who are the most severely disabled. The PPT shall also consider homebound placements, hospitalized instruction, diagnostic placements, and private school placements where such placements are considered necessary by the PPT for a student to receive a free appropriate public education.

Notice

The PPT shall notify parents of students requiring special education and related services five days before proposing to, or refusing to, initiate or change the child's identification, evaluation, or placement. Written notice shall be sent to the parents no later than five days after the date of referral. In addition, written parental consent shall be obtained prior to pre-placement evaluation, initial placement, or private placement of a child who requires or may require special education and related services. If the student is considered an emancipated minor or eighteen years of age or older, such notification shall be to the student.

The notice shall include the following information:

1. The reason of the notice. In the event of a referral, the notice shall include the source and date of the referral;

2. A description of the general evaluation procedure to be used;

3. A statement of parental rights to review and obtain copies of all records used as a basis for the referral, to be fully informed of all evaluation results, and to obtain an independent educational evaluation as part of the evaluation process; and

4. A full explanation of all due process procedures available to parents, upon initial referral or parental request for evaluation, upon the first filing of a due process complaint or upon parental request.

Instruction

Individualized Education Program~~/Special Education Program~~ (IEP)

Notice (continued)

Where parental consent is required, notice shall include the above requirements and the following information:

1. A statement of parental rights to refuse consent and that, if consent is given, it may be revoked at any time;
2. A statement that parental failure to respond, within ten school days from the date of the notice, shall be construed as refusal of consent; and
3. A statement that, if contested, the child's current educational placement will not change until due process procedures have been completed.

The District will provide parents/guardians with State Department of Education information and resources relating to IEPs as soon as a child is identified as requiring special education.

Legal Reference: Connecticut General Statutes

10-76a Definitions (as amended by PA 06-18)

10-76b State supervision of special education programs and services. Regulations. (as amended by PA 12-173)

10-76d Duties and powers of boards of education to provide special education programs and services. (as amended by June Special Session PA 15-5, Section 277, PA 19-184, PA 21-46, PA 21-144 and PA 23-137)

10-76g State aid for special education.

10-76ff Procedures for determining if a child requires special education (as amended by PA 06-18)

10-76h Special education hearing and review procedure.

10-76jj Language and communication plan as part of individualized education program for child identified as deaf or hard of hearing (as amended by PA 19-184)

10-76q Special education at technical education and career schools (as amended by PA 21-144)

State Board of Education Regulations

34 C.F.R. 300 et seq. Assistance to States for Education of Handicapped Children.

300.14 Special education definitions.

300.340-349 Individualized education programs.

300.503 Independent educational assessment.

Instruction

Individualized Education Program~~/Special Education Program~~ (IEP)

Legal Reference: Connecticut General Statutes (continued)

300.533 Placement procedures.

300.550-556 Least restrictive environment.

P.L. 108-446 The Individuals with Disabilities Education Improvement Act of 2004

SDE Guidance Addressing Timeline for Initial Evaluations, Dec. 21, 2018

Rowley v. Board of Education, 485 U.S.-176 (1982)

Endrew F. v. Douglas County School District RE-1, 15-827 U.S. (2017)

A.M. v. N.Y. City Department of Education, 845F.3d 523, 541 (2d Cir.1997)

Mrs. B., v. Milford Board of Education 103 F. 3d 1114, 1121 (2d Cir. 1997)

A.R. v. Connecticut State Board of Education, 3:16-CV-01197 (CSH D. Conn. June 10, 2020)

Public Act 23-137 An Act Concerning Resources and Support Services for Persons With an Intellectual or Developmental Disability Sections 26-27, 30-31, 32-37, 39, 45, 47, 51, 52

Regulation approved:
rev 7/21
rev 7/23
rev 2/24
reviewed 7/25

Sample policies are distributed for demonstration purposes only. Unless so noted, contents do not necessarily reflect official policies of the Connecticut Association of Boards of Education, Inc.

A mandated policy.

Instruction

Special Education

The _Marlborough_ Board of Education accepts its legal duties and responsibilities for providing special education for the students of the school district.

The district shall provide a free appropriate public education and necessary related services to all children requiring special education, as defined in PA 25-67 Section 1, residing within the district, required under the Individuals with Disabilities Education Act ("IDEA"), Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and Connecticut Statutes.

It is the intent of the District to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with appropriate educational services. Students may be disabled within the meaning of Section 504 of the Rehabilitation Act even though they do not require services pursuant to the IDEA.

For students eligible for services under IDEA, the District shall follow procedures for identification, evaluation, placement, and delivery of services to children with disabilities provided in state and federal statutes that govern special education. For those students who are not eligible for services under IDEA, but because of disability as defined by Section 504 of the Rehabilitation Act of 1973, need or are believed to need special instruction or related services, the District shall establish and implement a system of procedural safeguards. The safeguards shall cover students' identification, evaluation, and educational placement. This system shall include notice, an opportunity for the student's parent(s)/guardian(s)/surrogate parent to examine relevant records, an impartial hearing with opportunity for participation by the student's parent(s)/guardians(s), representation by counsel, and a review procedure.

Effective July 1, 2023, all students remain eligible for special education services under the Individuals with Disabilities Education Act (IDEA) through the end of the school year during which the student turns age 22, or until the student graduates from high school with a regular high school diploma, whichever occurs first. Pursuant to the Connecticut General Statutes §10-259, school year is defined as July 1 through June 30. A free appropriate public education (FAPE) must be provided to any child requiring special education beginning on or after the child's third birthday, whether that birthday occurs during the regular school year.

In making a determination of eligibility for special education and related services, through use of a variety of assessment tools and strategies designed to gather relevant functional, developmental, and academic information, a student shall not be determined to be a disabled student if the dominant factor for such a determination is a lack of appropriate instruction in reading, including in the essential components of reading instruction, as defined in the Every Student Succeeds Act, lack of instruction in math or limited English proficiency or evidence that a child's behavior repeatedly violated disciplinary policy.

Instruction

Special Education (continued)

Further, the District is not required to take into consideration whether a student has a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skills, reading comprehension or mathematical calculation or reasoning. A child shall become eligible for special education services on his or her third birthday.

In determining whether a child has a specific learning disability, the District may use a process that determines if the student responds to scientific, research-based intervention as a part of the evaluation procedures to determine eligibility. The program to which each student with a disability is assigned shall provide an appropriate education, seek to assure success in learning, and offer the least restrictive environment, in accordance with federal and state regulations. No student with a disability shall be denied, because of handicap/disability, participation in activities, programs, or services offered or recognitions rendered to District students, unless participation is not possible because of the handicap/disability.

Each student requiring special education, as defined in PA 25-67 section 1, who is a resident of the district shall be provided quality education programs and services that meet the student's needs for educational, instructional, transitional and related services. The special education program shall be designed to comply with federal and state law; conform to district goals; and integrate programs of special education with the regular instructional programs of the schools, consistent with the interests of the student requiring special education and other students. If necessary, students requiring special education may also be placed in private school education facilities. Students with disabilities are required by federal law to be included in State and District-wide assessments, with appropriate accommodations where necessary.

In accordance with the regulations of the State Board of Education, each local and regional Board of Education shall:

1. Provide special education for children requiring special education, as defined in PA 25-67 section 1.
2. ~~2.~~ The obligation of the school district under this subsection shall terminate when such child graduates from Marlborough Elementary School. ~~high school or at the end of the school year during which such child reaches age twenty-two, whichever occurs first.~~
3. Report to the Department of Education on each placement of a student receiving special education services for which the board is paying a portion of the cost:
    a. Whether such placement is a result of a decision of a planning and placement team meeting, a settlement agreement, or a special education hearing pursuant to section 10-76h of the general statutes;

Instruction

Special Education (continued)

b. Whether such placement is with an approved or nonapproved private provider of special education services, regional educational service center, operator of an interdistrict magnet school program, state charter school, a cooperative arrangement pursuant to section 10-158a of the general statutes, a local or regional board of education operating an outplacement program or as part of the statewide interdistrict public school attendance program pursuant to section 10-266aa of the general statutes;

c. The amount being paid by the Board;

d. The special education services being provided;

e. The location of the facility at which such special education services are being provided;

f. The total number of any agreements such Board enters into with a student, parent, or guardian during the preceding school year that includes provisions for nondisclosure of special education services or a waiver of the rights to which such student, parent, or guardian is entitled pursuant to the Individuals with Disabilities Education Act, 20 USC 1400 et seq;

g. Any other information requested by the Department.

The District shall also take steps to make the public aware that all children and youth from birth through the end of the school year during which the student turns age 22, and suspected of having a disability, have a right to a formal determination as to whether they have such a condition or disability.

The Board shall determine the facilities, programs, services, and staff that will be provided by the District for the instruction of students requiring special education. To maintain an effective special education plan, the Board may participate in special education programs of other school districts or those offered by a RESC.

Evaluation of Special Education Program

On or after June first, but prior to September thirtieth annually, the superintendent shall provide, at a regularly scheduled meeting of the Board of Education, an annual report concerning the special education programs of the school district with the following information:

1. The number and names of all community-based organizations with whom the board of education has executed a formal memorandum of understanding, memorandum of agreement, or contract to provide support services to students in the school district, disaggregated by school and type of support service provided;

Instruction

Special Education

Evaluation of Special Education Program (continued)

2. ~~The workforce development programs offered by the board of education to students in which the board has partnered with an outside entity, including, but not limited to, cooperatives, internships, in-school job training programs provided by businesses, and in-school workforce board presentations, and~~
3. Attrition data for certified and noncertified staff, disaggregated by school and subject, not including in-district transfers.

The report shall also include recommendations of the Superintendent and staff, and by any advisory groups, for improvement in the program.

In addition to the annual report, the Superintendent shall make interim reports whenever any phase of the program is significantly less satisfactory than was expected so that necessary adjustments may be made.

The Superintendent shall make certain that the individualized education plan of each student is reviewed periodically, or at least annually.

The Superintendent of Schools or his/her designee is directed to develop a comprehensive plan for compliance with all the requirements of federal and state law for the education of students with disabilities residing in or attending school in the school district. The Board of Education requests that the plan be in harmony with the school district's financial abilities, with the availability of special facilities needed, and the availability of trained and certified personnel.

Legal Reference: Connecticut General Statutes
10-76a Definitions. (as amended by PA 00-48 and PA 06-18)
10-76b State supervision of special education programs and services. (as amended by PA 12-173)
10-76c Receipt and use of money and personal property.
10-76d Duties and powers of boards of education to provide special education programs and services. (as amended by PA 97-114, PA 00-48, PA 06-18 and June Special Session PA 15-5, Section 277)
10-76e School construction grant for cooperative regional special education facilities.
10-76f Definition of terms used in formula for state aid for special education.
10-76ff Procedures for determining if a child requires special education (as amended by PA 06-18)
10-76g State aid for special education.
10-76h Special education hearing and review procedure. Mediation of disputes. (as amended by PA 00-48)

Instruction

Special Education

Legal Reference: Connecticut General Statutes (continued)

10-76i Advisory council for special education.
10-76j Five-year plan for special education.
10-76k Development of experimental educational programs.
PA 06-18 An Act Concerning Special Education
State Board of Education Regulations.
10-76m Auditing claims for special education assistance.
10-76a-1 et seq. Definitions. (as amended by PA 00-48)
10-76b-1 through 10-76b-4 Supervision and administration.
10-76d-1 through 10-76d-19 Conditions of instruction.
10-76h-1 through 10-76h-2 Due process.
10-76l-1 Program Evaluation.
10-145a-24 through 10-145a-31 Special Education (re teacher certification).
10-264l Grants for the operation of interdistrict magnet school programs.
P.A. 12-173, An Act Concerning Individualized Education Programs and Other Issues Relating to Special Education
34 C.F.R. 3000 Assistance to States for Education for Handicapped Children.
American with Disabilities Act, 42 U.S.C. §12101 et seq.
Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq.
Rehabilitation Act of 1973, Section 504, 29 U.S.C. § 794.
P.L. 108-446 The 2004 Reauthorization of the Individuals with Disabilities Act
Bd of Ed of the City School District of the City of New York v. Tom F. 128S.Ct. 1, 76 U.S.L.W. 3197 (2008)
Rowley v. Board of Education, 485 U.S.-176 (1982)
Endrew F. v. Douglas County School District RE-1, 15-827 U.S. (2017)
A.M. v. N.Y. City Department of Education, 845F.3d 523, 541 (2d Cir.1997)
Mrs. B., v. Milford Board of Education 103 F. 3d 1114, 1121 (2d Cir. 1997)
Public Act 25-67 An Act Concerning the Quality and Delivery of Special Education Services in Connecticut (Sec 1 & 12)
Public Act 25-93 An Act Increasing Resources for Students, Schools and Special Education (Section 32)

Policy adopted:
cps 7/25

2025-2026 General Fund

October Summary

- **Salaries (51111-51190)**
  - For fiscal year 2026 our total budget in our salary accounts is $6,332,840 which is about 71% of our total budget. Salary accounts include certified and non-certified, related services, and sub wages. For October we are forecasting a reserve in our salary accounts of $81,465.32. This includes a placeholder in the sick day payout and the sub accounts.
- **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 $1,189,108 which is 13% of our total budget. We are currently anticipating a deficit in our benefit accounts of ($13,723.28). This is due to some enrollment changes we've had during open enrollment and over the summer.
- **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 $172,070 which is about 2% of our overall budget. We are currently forecasting a deficit of ($32,997) in these accounts due to the reclassification of salaries to professional purchased 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 $347,846 which is about 4% of our budget. For October we are anticipating an overall deficit in these accounts of ($42,385.48) due to an increase in electricity expenditures and a placeholder for a potential repair in relation to our Boiler. We will use other available funding sources, such as the MECCA fund, if any of these accounts continue to have increased overages.
- **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 $599,171 which is about 7% of our overall budget. We are currently forecasting these accounts to have a reserve of $10,426.91 due to anticipating the rates of Magnet school tuition to be capped at 58%.
- **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 including Heat, transportation supplies such as gas and diesel, library books, and textbooks. Our budget in our supply accounts is $269,277 for this fiscal year. This is about 3% of our overall budget. We currently are anticipating a reserve in these accounts of $16,480.94 but that is due to the forecast amount being between 50% and 75% additional spent. We will continue to monitor these accounts as we move through the year.
- **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 $16,113 which is less than 1% of our overall budget. We are currently forecasting these accounts to be fully spent.

Overall, our total spent to date for fiscal year 26 is $2,111,358.86 which is about 23% of our total budget of $8,926,425.

Marlborough Elementary School October FY26 Update

10/14/2025

Object Code	Budget	Transfers	Adj Budget	YTD Expended	Encumbered	Balance	Forecasted Adjustment	Forecasted Balance
Salary								
51111 - Admin	$ 427,651.00	$ -	$ 427,651.00	$ 133,212.22	$ 316,379.07	$ (21,940.29)	$ (16,651.29)	$ (5,289.00)
51112 - Teacher	$ 4,117,489.00	$ -	$ 4,117,489.00	$ 813,435.90	$ 3,413,222.66	$ (109,169.56)	$ (97,831.16)	$ (11,338.40)
51113 - Stipend	$ 3,744.00	$ -	$ 3,744.00	$ -	$ -	$ 3,744.00	$ 3,744.00	$ -
51114 - Curriculum	$ 5,500.00	$ -	$ 5,500.00	$ 2,046.00	$ -	$ 3,454.00	$ -	$ 3,454.00
51115 - Teacher Subs	$ 58,969.00	$ -	$ 58,969.00	$ 9,569.43	$ -	$ 49,399.57	$ 49,399.57	$ -
51116 - Sick Day Payout	$ 26,534.00	$ -	$ 26,534.00		$ -	$ 26,534.00	$ 13,000.00	$ 13,534.00
51118 - Summer School Teacher	$ 13,118.00	$ -	$ 13,118.00	$ 10,439.04	$ -	$ 2,678.96	$ -	$ 2,678.96
51120 - OT/PT - Related Services	$ 69,860.00	$ -	$ 69,860.00	$ 5,569.60	$ 24,846.08	$ 39,444.32	$ (1,868.68)	$ 41,313.00
51123 - Office Support	$ 337,728.00	$ -	$ 337,728.00	$ 93,729.45	$ 268,911.02	$ (24,912.47)	$ (24,058.29)	$ (854.18)
51124 - Paraprofessionals	$ 704,423.00	$ -	$ 704,423.00	$ 106,034.34	$ 616,105.49	$ (17,716.83)	$ (69,882.93)	$ 52,166.10
51125 - Custodian	$ 314,231.00	$ -	$ 314,231.00	$ 105,750.40	$ 188,426.46	$ 20,054.14	$ 26,261.64	$ (6,207.50)
51126 - Nurse	$ 69,767.00	$ -	$ 69,767.00	$ 14,437.50	$ 67,462.50	$ (12,133.00)	$ (5,975.00)	$ (6,158.00)
51127 - Tech Coordinator	$ 76,400.00	$ -	$ 76,400.00	$ 23,507.52	$ 55,830.36	$ (2,937.88)	$ (2,938.38)	$ 0.50
51128 - Summer Paraprofessional	$ 4,735.00	$ -	$ 4,735.00	$ 6,569.16	$ -	$ (1,834.16)	$ -	$ (1,834.16)
51129 - Subs - Non Certified	$ 23,630.00	$ -	$ 23,630.00	$ 9,295.00	$ -	$ 14,335.00	$ 14,335.00	$ -
51190 - Constables	$ 79,061.00	$ -	$ 79,061.00	$ -	$ -	$ 79,061.00	$ 79,061.00	$ -
Total Salary	**$ 6,332,840.00**	**$ -**	**$ 6,332,840.00**	**$ 1,333,595.56**	**$ 4,951,183.64**	**$ 48,060.80**	**$ (33,404.52)**	**$ 81,465.32**
Benefits								
52005 - SS/Med	$ 175,000.00	$ -	$ 175,000.00	$ 40,683.31	$ -	$ 134,316.69	$ 138,881.71	$ (4,565.02)
52012 - Pension	$ 67,000.00	$ -	$ 67,000.00	$ 18,331.56	$ -	$ 48,668.44	$ 48,668.44	$ -
52000 - Health Insurance	$ 868,117.00	$ -	$ 868,117.00	$ 308,042.87	$ -	$ 560,074.13	$ 579,074.37	$ (19,000.24)
52025 - LTD/Life Insurance	$ 20,798.00	$ -	$ 20,798.00	$ 4,079.34	$ -	$ 16,718.66	$ 16,718.66	$ -
52027 - GASB45	$ 6,100.00	$ -	$ 6,100.00	$ -	$ -	$ 6,100.00	$ 6,100.00	$ -
52035 - Unemployment Compensation	$ 8,600.00	$ -	$ 8,600.00	$ 86.00	$ -	$ 8,514.00	$ -	$ 8,514.00
52040 - Workers' Comp	$ 35,493.00	$ -	$ 35,493.00	$ 17,082.56	$ -	$ 18,410.44	$ 17,082.56	$ 1,327.88
52060 - Tuition	$ 8,000.00	$ -	$ 8,000.00	$ -	$ -	$ 8,000.00	$ 8,000.00	$ -
Total Benefits	**$ 1,189,108.00**	**$ -**	**$ 1,189,108.00**	**$ 388,305.64**	**$ -**	**$ 800,802.36**	**$ 814,525.74**	**$ (13,723.38)**
Professional Services								
53140 - Audit	$ 15,000.00	$ -	$ 15,000.00	$ 19,333.00	$ -	$ (4,333.00)	$ 4,000.00	$ (8,333.00)
53180 - School Physicians	$ 1,000.00	$ -	$ 1,000.00	$ -	$ -	$ 1,000.00	$ 700.00	$ 300.00
53190 - OT/PT	$ 59,096.00	$ -	$ 59,096.00	$ 1,964.16	$ -	$ 57,131.84	$ 82,095.84	$ (24,964.00)
53200 - Consultant	$ 27,150.00	$ -	$ 27,150.00	$ 13,841.76	$ -	$ 13,308.24	$ 13,308.24	$ -
53210 - Legal Consult	$ 14,400.00	$ -	$ 14,400.00	$ 1,182.50	$ -	$ 13,217.50	$ 13,217.50	$ -

Marlborough Elementary School October FY26 Update

10/14/2025

Object Code	Budget	Transfers	Adj Budget	YTD Expended	Encumbered	Balance	Forecasted Adjustment	Forecasted Balance
53240 - Professional Development	$ 7,675.00	$ -	$ 7,675.00	$ -	$ -	$ 7,675.00	$ 7,675.00	$ -
53260 - AHM Youth Services	$ 47,749.00	$ -	$ 47,749.00	$ 24,694.67	$ -	$ 23,054.33	$ 23,054.33	$ -
Total Professional Services	**$ 172,070.00**	**$ -**	**$ 172,070.00**	**$ 61,016.09**	**$ -**	**$ 111,053.91**	**$ 144,050.91**	**$ (32,997.00)**
Property Services								
54160-70, 54325-40 - Utility Services	$ 176,734.00	$ -	$ 176,734.00	$ 67,291.03	$ -	$ 109,442.97	$ 134,896.47	$ (25,453.50)
54XXX - Contracted Repair Services	$ 171,112.00	$ -	$ 171,112.00	$ 104,347.16	$ 38,100.00	$ 28,664.84	$ 45,596.82	$ (16,931.98)
Total Property Services	**$ 347,846.00**	**$ -**	**$ 347,846.00**	**$ 171,638.19**	**$ 38,100.00**	**$ 138,107.81**	**$ 180,493.29**	**$ (42,385.48)**
Purchased Services								
55000 - Telephone	$ 7,404.00	$ -	$ 7,404.00	$ 2,528.09	$ -	$ 4,875.91	$ 4,875.91	$ -
55005 - Email / Webhosting	$ 15,500.00	$ -	$ 15,500.00	$ 10,185.67	$ -	$ 5,314.33	$ 5,314.33	$ -
55110 - Advertising & Legal Notices	$ 1,100.00	$ -	$ 1,100.00	$ 69.00	$ -	$ 1,031.00	$ -	$ 1,031.00
55120 - Tuition	$ 71,000.00	$ -	$ 71,000.00	$ 15,153.28	$ -	$ 55,846.72	$ 55,846.72	$ -
55125 - Magnet School Tuition	$ 47,881.00	$ -	$ 47,881.00	$ -	$ -	$ 47,881.00	$ 35,910.75	$ 11,970.25
55130 - Postage	$ 3,900.00	$ -	$ 3,900.00	$ 1,006.08	$ -	$ 2,893.92	$ 2,893.92	$ -
55140 - Property & Liability Insurance	$ 40,287.00	$ -	$ 40,287.00	$ 21,430.67	$ -	$ 18,856.33	$ 21,430.67	$ (2,574.34)
55160 - Student Regular Transportation	$ 267,045.00	$ -	$ 267,045.00	$ 6,033.87	$ -	$ 261,011.13	$ 261,011.13	$ -
55170 - Special Ed Transportation	$ 145,054.00	$ -	$ 145,054.00	$ 6,537.56	$ -	$ 138,516.44	$ 138,516.44	$ -
Total Purchased Services	**$ 599,171.00**	**$ -**	**$ 599,171.00**	**$ 62,944.22**	**$ -**	**$ 536,226.78**	**$ 525,799.87**	**$ 10,426.91**
Supplies								
56080 - Heat	$ 70,634.00	$ -	$ 70,634.00	$ -	$ -	$ 70,634.00	$ 70,634.00	$ -
56090 - Diesel & Gasoline	$ 28,943.00	$ -	$ 28,943.00	$ 2,987.76	$ -	$ 25,955.24	$ 25,955.24	$ -
56095 - Propane	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
56111 - Instructional Supplies	$ 68,500.00	$ -	$ 68,500.00	$ 25,776.15	$ 3,170.86	$ 39,552.99	$ 27,664.74	$ 11,888.25
56113 - Technology Supplies	$ 4,000.00	$ -	$ 4,000.00	$ 12,993.79	$ -	$ (8,993.79)	$ -	$ (8,993.79)
56211 - Instructional Technology	$ 15,000.00	$ -	$ 15,000.00	$ 10,279.31	$ 4,500.02	$ 220.67	$ 165.50	$ 55.17
56410 - Textbooks	$ 18,100.00	$ -	$ 18,100.00	$ 4,718.03	$ 5,213.27	$ 8,168.70	$ -	$ 8,168.70
56421 - Library Books	$ 5,300.00	$ -	$ 5,300.00	$ 2,716.61	$ 372.89	$ 2,210.50	$ 1,657.88	$ 552.63
56901 - Office Supplies	$ 4,000.00	$ -	$ 4,000.00	$ 6,777.46	$ -	$ (2,777.46)	$ -	$ (2,777.46)
56902 - Health Office Supplies	$ 5,300.00	$ -	$ 5,300.00	$ 3,522.53	$ -	$ 1,777.47	$ 1,777.47	$ -
56903 - Other Supplies	$ 2,500.00	$ -	$ 2,500.00	$ 864.25	$ 9.25	$ 1,626.50	$ -	$ 1,626.50
56904 - Custodial Supplies	$ 47,000.00	$ -	$ 47,000.00	$ 17,195.27	$ -	$ 29,804.73	$ 23,843.78	$ 5,960.95
Total Supplies	**$ 269,277.00**	**$ -**	**$ 269,277.00**	**$ 87,831.16**	**$ 13,266.29**	**$ 168,179.55**	**$ 151,698.61**	**$ 16,480.94**

Marlborough Elementary School October FY26 Update

10/14/2025

Object Code	Budget	Transfers	Adj Budget	YTD Expended	Encumbered	Balance	Forecasted Adjustment	Forecasted Balance
Equipment								
57301 - Instructional Equipment	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
57390 - Non-Instructional Equipment	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Total Equipment	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**
Dues & Fees								
58900 - Dues & Fees	$ 16,113.00	$ -	$ 16,113.00	$ 6,028.00	$ 2,088.00	$ 7,997.00	$ 7,997.00	$ -
Total Dues & Fees	**$ 16,113.00**	**$ -**	**$ 16,113.00**	**$ 6,028.00**	**$ 2,088.00**	**$ 7,997.00**	**$ 7,997.00**	**$ -**
Total Fiscal Year 2025	**$ 8,926,425.00**	**$ -**	**$ 8,926,425.00**	**$ 2,111,358.86**	**$ 5,004,637.93**	**$ 1,810,428.21**	**$ 1,791,160.91**	**$ 19,267.30**