

6.008. Policy Concerning Student Discipline and Dismissal Actions from C.E.S. Programs

Cooperative Educational Services (C.E.S.) recognizes that it is the responsibility of program personnel to maintain a safe and orderly environment for learning to take place and to ensure the safety of children in school, school-sponsored activities on or off school grounds and transportation to and from school.

The Executive Director is authorized to establish administrative procedures that permit program administrators to take necessary disciplinary actions consistent with Connecticut General Statutes for student conduct that threatens the welfare of people who study or work at school, endangers property or persons, is seriously disruptive of the educational process or violates a law or a policy of the C.E.S. Representative Council. All decisions regarding disciplinary action (e.g., in-school suspension vs. out-of-school suspension) should take into account whether the student's conduct poses a danger to persons or property or a serious disruption of the educational process. Consideration should be given to whether there are any mitigation factors (e.g., age, development, first time offense, etc.) that might lead to a consideration of whether an in-school suspension vs. an out-of-school suspension might be warranted. Pursuant to Public Act 15-96, preschool through grade 2 students may be given out-of-school suspension only if their conduct is of violent or sexual nature that endangers others. Program personnel are encouraged to establish age and developmentally appropriate expectations for behaviors that are conducive to the development and maintenance of a healthy, orderly and safe learning environment.

Pursuant to Public Act 22-81, a school employee may only restrict the time a student participates in physical exercise (i.e. recess or physical education) if the student poses a danger to the health or safety of other students or school personnel, or it is limited to the shorter period if there are two or more periods devoted to physical exercise, so long as the student is allowed to participate in at least twenty minutes of physical activity during the school day. Additionally, students access to physical activity may only be restricted one time during a school week, unless the student is a danger to the health or safety of other students or school personnel. Student restriction from physical activity must not be unreasonable or punitive, or allow prevention or restriction of time devoted to physical exercise if a student does not complete their work on time or as a result of a student's academic performance.

Program administrators and personnel will vigorously pursue all information regarding students who may be in possession of and/or involved in the sale of weapons, dangerous instruments, drugs and alcohol or acts/threats of violence consistent with agency administrative procedures herein. C.E.S. will provide program personnel appropriate training on the topics of behavior management techniques, conflict resolution and school violence prevention. In addition, C.E.S. will provide annual notification to parents/guardians and when appropriate, students concerning school conduct and school discipline.

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Reference: Sec. 10-233a-j - Connecticut General Statutes and as Amended

-Removal of Pupils From Class

-Suspension of Pupils

-Expulsion of Pupils, etc.

-Notice as to Disciplinary Policies & Action

-In-school Suspension of Pupils

-Boards to Report School Violence, etc.

C.E.S. Guidelines for the Employment of Behavior Management Strategies

C.E.S. Policy and Administrative Procedures Concerning Chemical  
Health and Student Substance Abuse

C.E.S. Policy and Administrative Regulations Concerning Student  
Sexual Harassment

C.E.S. Policy and Administrative Procedures Regarding  
Confidentiality of Student Records

PA 02-119 An Act Concerning Bullying Behavior in Schools

PA 07-122 An Act Concerning Suspensions and Expulsions by Local and Regional Boards  
of Education

PA 07-66 An Act Concerning In-School Suspensions.

PA 22-81 Withholding Time Devoted to Physical Activity

Policy 6.008A. (C.E.S.)  
Administrative Guidelines Concerning Student Discipline  
And Dismissal Action from C.E.S. Programs

**DEFINITIONS**

- a) **"Bullying"** means any overt acts by a student or group of students directed against another student with the intent to ridicule, harass, humiliate, or intimidate the other student while on school grounds (including on transportation vehicles), or at a school-sponsored activity, which acts are committed more than once against any student during the school year.
- b) **"Dangerous instrument"** means any instruments, article or substance which, under the circumstances in which it is used or attempted to be used or threatened to be used, is capable of causing death or serious physical injury, and includes a motor vehicle and/or a dog that has been commanded to attack.
- c) **"Deadly weapon"** means any weapon designed for violence and which is capable of inflicting death or serious bodily harm and may include a loaded or unloaded pellet gun and or certain air powered pistols, switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles.
- d) **"Dismissal"** means a permanent exclusion of at least one year from a C.E.S. school, program, or service.
- e) **"Electronic Defense Weapon"** means a weapon which by electronic impulse or current is capable of immobilizing a person temporarily, but is not capable of inflicting death or serious physical injury.
- f) **"Emergency"** means a situation under which the continued presence of the pupil in school or on a transportation vehicle poses such a danger to persons or property or such a disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of such pupil as possible.
- g) **"Exclusion"** means any denial of public school privileges to a student for disciplinary purposes.
- h) **"Expulsion"** means an exclusion from school privileges 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 pupil was assigned at the time such disciplinary action was taken, provided such exclusion shall not extend beyond a period of one hundred eighty (180) consecutive school days. Such period of exclusion may extend beyond the school year in which the exclusion was imposed.
- i) **"Firearm"** means 1) any weapon (including a starter gun) which will or is designed to or may be readily 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. 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. The term "destructive device" also includes any combination of parts either designed or intended for use in converting any device into a destructive device which may be readily assembled. Firearm does not include any antique firearm; or any device which is neither designed nor redesigned for use as a weapon.
- j) **"Informal Hearing"** means a meeting with the student and/or parents in regard to the suspension.

- k) **"In-School Suspension"** means an exclusion from regular classroom activity for no more than ten (10) consecutive days, but not exclusion from school. No student shall be placed on in-school suspension more than (15) times or a total of fifty (50) days in one (1) school year, whichever results in fewer days of exclusion. An in-school suspension may include reassignment to a regular classroom program in a different school in the school district; such reassignment shall not constitute a "suspension" or "expulsion" under this policy.
- l) **"Martial arts weapon"** means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or Chinese star.
- m) **"Possess"** means to have physical possession or otherwise to exercise dominion or control over tangible property.
- n) **"Program Personnel"** means any person employed by Cooperative Educational Services (C.E.S.) who provides instruction or related services including transportation to students enrolled in C.E.S. schools/programs.
- o) **"Removal"** means an exclusion from a classroom for all or part of a single class period, provided such exclusion shall not extend beyond ninety (90) minutes.
- p) **"School"** means any program/service under the direction of Cooperative Educational Services for which one or more local or regional board of education pays tuition costs for students enrolled in such programs.
- q) **"School-Sponsored Activity"** means any activity sponsored, recognized or authorized by C.E.S. or the students responsible board of education and includes activities conducted on and off school property.
- r) **"Seriously Disruptive of the Educational Process"** as applied to on and off-campus conduct, means any conduct that markedly interrupts or severely impedes the day-to-day operation of the school.
- s) **"Suspension"** means the exclusion from school and/or transportation services for no more than ten (10) consecutive school days, provided such suspension shall not extend beyond the end of the school year in which the suspension was imposed. No student shall be suspended more than ten (10) times or a total of fifty (50) days in one school year, whichever results in fewer days of suspension, unless such student is granted a formal hearing as provided below.
- t) **"Transportation Vehicle"** means any public service vehicle used by C.E.S. or the student's responsible board of education to transport students to and from school or school sponsored activities.
- u) **"Vehicle"** means a "motor vehicle" as defined in Section 14-1 of the Connecticut General Statutes, snow mobile, any aircraft, or any vessel equipped for propulsion by mechanical means or sail.

**Scope of the Student Discipline Policy** - C.E.S. administrators may suspend students from school privileges or dismiss students for conduct either on school grounds or at a school sponsored activity if the conduct is:

- a violation of a publicized policy of the Representative Council; or
- seriously disruptive of the education process; or
- endangers persons or property.

Students may be suspended or dismissed from school privileges for conduct off school grounds if the conduct is both:

- a violation of a publicized policy of the Representative Council **and**
- seriously disruptive of the education policy.

NOTE: Consistent with amendments to Connecticut General Statutes (10-233c and 10-233d), in making a determination as to whether conduct occurring off school grounds is seriously disruptive of the educational process, the agency administration may consider, but such consideration shall not be limited to:

- whether the incident occurred in close proximity of a school;
- whether other students from the school were involved
- whether there was any gang involvement;
- whether the conduct involved violence, threats of violence or the unlawful use of a weapon as defined in Connecticut General Statutes 29-38
- whether any injuries occurred; and/or
- whether the conduct involved the use of alcohol.

## **I. Levels of Disciplinary Action**

**A. Removal:** C.E.S. program personnel are authorized to remove students to a designated area and notify the program administrator or his/her designee when such student deliberately causes a serious disruption of the educational process within the classroom. A student may not be removed from class more than twice in one week or more than six times in any school year unless such student is granted an informal hearing in accordance with the provisions of these administrative regulations by the Program Administrator.

NOTE: Seclusion time-out may be used as an emergency intervention to prevent immediate or imminent injury to self or others. Furthermore, "time out" is sometimes employed by some C.E.S. programs as a behavioral intervention for students in the implementation of their Individualized Educational Programs (IEP). The use of "time out" is governed by C.E.S. Behavior Management Guidelines.

Removal may be imposed when a student intentionally/deliberately engages in severe misbehavior which seriously disrupts the educational process. The types of offenses\* that would warrant consideration of this disciplinary action may include when a student:

- 1) repeatedly defies the valid authority of instructional/related services program personnel;
- 2) engages in behavior that threatens the safety of self or others;
- 3) intentionally/knowingly vandalizes classroom furniture textbooks/workbooks or materials/equipment;
- 4) makes repeated insulting, humiliating, ridiculing, intimidating comments, or sexually suggestive explicit or unwelcomed comments toward classmates or program personnel;
- 5) repeatedly violates classroom rules which interfere with another student's right to learn and program personnel's ability to provide instruction/teach.
- 6) intentionally/knowingly leaves the classroom, school building, C.E.S. transportation vehicle or school grounds without permission;
- 7) exhibits aggressive actions toward a classmate or program personnel;
- 8) uses profanity, vulgarity or obscene gestures with classmates, program visitors or program personnel;
- 9) throws objects that threaten the safety of others;

\*(This listing of offenses are examples and are not meant to be exhaustive with respect to the disciplinary action of removal.)

NOTE: Given the characteristics of students enrolled in C.E.S. school-based special education programs, certified program personnel are required to establish classroom management plans that limit the need to remove students from class. Such plans should be devised with regard to the disability of the student(s) and his/her developmental ability to comprehend behavioral expectations and consequences established as well as this disciplinary action when warranted.

**B. In-School Suspension:** C.E.S. Program Administrators are authorized to impose an in-school suspension when a student's conduct is violative of publicized policy of CES or the student's local school district, endangers persons or property, or causes serious disruption of the educational process within the classroom. A student may not be placed on in-school suspension without an informal hearing by the Program Administrator. No student shall be placed on in-school suspension for more than ten (10) consecutive school days, more than fifteen (15) times in one school year or a cumulative total of fifty (50) days in one school year, whichever results in fewer days of exclusion.

In-school suspension shall be imposed when misconduct is serious, reflects chronic misbehavior that seriously disrupts the educational process, or potentially endangers self, other persons or property in school, at a school sponsored activity on or off school grounds, or on a C.E.S. transportation vehicle. The types of offenses\* that would warrant consideration of this disciplinary action may include when a student:

- 1) intentionally defies the valid authority of program personnel or administrators;
- 2) intentionally engages in behavior that jeopardizes or threatens the safety and well being of self or others;
- 3) intentionally vandalizes, cuts or defaces any school property including textbooks, library books or other educational materials;
- 4.) makes repeated insulting, humiliating, ridiculing, intimidating comments, or sexually suggestive explicit or unwelcomed comments toward classmates or program personnel;
- 5.) violates classroom rules which interferes with another student's right to learn and program personnel's ability to provide instruction/teach.
- 6) intentionally/knowingly leaves the classroom, school building, C.E.S. transportation vehicle or school grounds without permission;
- 7) engages in overt acts of bullying.
- 8) fights with another student;
- 9) steals or attempts to steal school property or the property of a classmate or program personnel;
- 10) possesses or uses tobacco products in the school building, on C.E.S. transportation vehicles or on school grounds except where designated by program personnel for students of high school age;
- 11) knowingly possess drug paraphernalia;
- 12) repeatedly engages in behaviors that require removal from class.
- 13) engages in inappropriate displays of public affection of a sexual nature and/or sexual activity on school grounds or at a school sponsored event.
- 14) possesses ammunition for any weapon
- 15) enters the school facility or portion of the school without authorization or aids/abets any unauthorized entrance.
- 16) unauthorized and/or inappropriate use of any school computer, computer system, computer software, internet connection, or similar school property or system.
- 17) Accumulates offenses such as school and class tardiness, class or study hall cutting, or failure to attend detention.
- 18) Throws snowballs, rocks, sticks, and/or similar objects that could accidentally hurt someone/damage property.

19) Uses an activated paging device (i.e., beeper) or cellular device that disrupts the education process without permission of the program administrator.

20) engages in use of profanity, vulgarity or obscene or sexually explicit actions/gestures toward others;

\*(This listing of offenses are examples and are not meant to be exhaustive with respect to the disciplinary action of in-school suspension.)

*a Refer to Policy and Administrative Procedures Concerning Chemical Health and Student Substance Abuse*

*b Refer to Policy and Administrative Procedures Concerning Bullying Behavior*

**C. \*Out-of-School Suspension:** C.E.S. Program Administrators are authorized to suspend from school any student whose conduct poses a serious danger to persons or property or is seriously disruptive of the educational process or whose conduct is violative of a publicized policy of the agency. C.E.S. also authorizes the administration to suspend C.E.S. transportation services for any student whose conduct while waiting or receiving transportation to and from school poses a danger to persons or property or is violative of a publicized policy of the agency. Unless an emergency exists, no student shall be suspended without an informal hearing by the Program Administrator. No student shall be suspended from school/C.E.S. transportation services for more than ten (10) consecutive school days, more than ten (10) times in one school year 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 sections 4-176e to 4-180a inclusive and Section 4-181a. If an emergency situation exists, such hearing shall be held as soon after the suspension as possible.

\*NOTE: C.E.S. program administrators may elect to impose an in-school suspension in lieu of out-of-school suspension when situations warrant this disciplinary action.

Suspension outside of school shall be imposed when a student's misconduct is serious and potentially endangers staff, other persons or property; and violates a publicized policy of C.E.S. or the student's responsible local school district; is seriously disruptive of the educational process; and occurs in school, off school grounds, at a school sponsored activity on or off school grounds or while awaiting or receiving school transportation services.

The types of offenses\* that would warrant consideration of this disciplinary action may include when a student:

1) intentionally and repeatedly defies the valid authority of program personnel or administrators;

2) repeatedly engages in behavior that jeopardizes and threatens the safety and well-being of self and others;

3) intentionally causes or attempts to cause substantial damage to school property including educational materials and equipment, transportation vehicles and/or equipment;

4) intentionally engages in overt acts of bullying, or engages in sexual harassment, insults or intimidation of other students, program personnel, program visitors, or other persons involved in school sponsored activities;

- 5) demonstrates behavior such that safety can no longer be ensured for him/herself, other students or program personnel;
- 6) Leaves classroom and/or assigned area, school campus and/or building without permission;
- 7) repeatedly engages in fighting with other students;
- 8) physically assaults another person which is not reasonably required for self-defense;  
*c, d*
- 9) steals or attempts to steal school or private property of substantial value;
- 10) consumes tobacco products, ignites matches or a lighter on a C.E.S. transportation vehicle and in school programs;
- 11) knowingly possesses, uses or is under the influence of any narcotic drug, restricted mood altering substance or any substance purported to be a restricted substance or over the counter drug or alcoholic beverage;  
*a, b*
- 12) intentionally repeats offenses leading to in-school suspension;
- 13) intentionally causes or attempts to cause substantial damage to private property of program personnel, program visitors, other students or other persons involved in school-sponsored activities;
- 14) intentionally throws anything out of a C.E.S. transportation window that would endanger others or potentially leads to a violation;
- 15) intentionally engages in repeated use of profanity, vulgarity or obscene or sexually explicit actions/gestures toward others;
- 16) knowingly/intentionally sets-off false fire alarms, makes a false 911 phone call or false reports to authorities (i.e., bomb scares);
- 17) possesses facsimiles of weapons or possesses or transmits fireworks or other similar devices that endanger self or others or could cause damage to school or private property including C.E.S. transportation and private vehicles;
- 18) engages in conduct or criminal activity that violates a publicized policy of C.E.S. or the student's responsible local school district and is seriously disruptive of the educational process;
- 19) Repeatedly uses an activated paging device (i.e., beeper) or cellular device that disrupts the education process without permission of the program administrator.
- 20) Trespasses on school grounds while on out-of-school suspension.
- 21) Recklessly or improperly operates a motor vehicle on school grounds or at any school sponsored event.
- 22) Engages 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 to persons other than school officials.
- 23) Engages 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 to persons other than school officials.
- 24) Throws snowballs, rocks, sticks and/or similar objects with the intent of potentially hurting someone/damaging property.

\*(This listing of offenses are examples and are not meant to be exhaustive with respect to the disciplinary action of suspension.)

*a Refer to Policy and Administrative Procedures Concerning Chemical Health and Student Substance Abuse*

*b Refer to Search and Seizure Regulations in Appendix*

*c Refer to Policy and Administrative Regulations Concerning Student Sexual Harassment*

*d Refer to Policy and Administrative Procedures Concerning Bullying Behavior* <sup>9</sup>

**D. Dismissal from C.E.S. Programs:** C.E.S. reserves the right to dismiss a student from its program when a student engages in conduct on school grounds or at a school sponsored activity that is otherwise prohibited by C.E.S. policy or by any code of student conduct in effect in the schools, that is 1) violative of a publicized policy of C.E.S. or the student's local school district, or 2) is seriously disruptive of the educational process, or 3) endangers persons or property. In addition, C.E.S. reserves the right to dismiss a student from its program when a student engages in conduct off school grounds that is otherwise prohibited by C.E.S. policy or by any code of student in effect in the schools, that is 1) violative of a publicized policy of C.E.S. or the student's local school district, and 2) is seriously disruptive of the educational process. In addition, C.E.S. reserves the right to dismiss a student from its program when C.E.S. determines that the C.E.S. program/service in which the student is enrolled does not meet his/her individual needs due to conduct or disciplinary issues, consistent with the state and federal law.

Since the provision of such agreed upon services by C.E.S. is a sale of services and does not act to release or surrender the responsible board of education's rights or obligations in the provision of free, appropriate public education to said student, the program administrator will request that the responsible LEA/local school district convene a Planning and Placement Team (PPT) Meeting to formally discuss the dismissal of the student from C.E.S.' program/service and to make recommendations for placement in another setting. Such a decision should be interpreted as a recommendation that the school district seek an alternative placement in the best interest of the student's needs.

Dismissal shall be considered when a student: [engages in one of the following offenses]

*b, c* 1) knowingly possesses, transmits and/or sells or attempts to sell a firearm, deadly weapon, dangerous instrument, martial arts weapon or facsimile of a weapon;

*c* 2) off school grounds possesses a firearm without a permit or did possess and use a firearm, dangerous instrument, deadly weapon or martial arts in the commission of a crime;

*a,b/c* 3) manufactures, distributes, sells or attempts to sell, prescribes, dispenses, offers or administers or possesses or transports with the intent to sell or dispense illegal substances including drugs, restricted mood altering substances or any substance purported to be a restricted or mood altering substance, over the counter drug or alcoholic beverage(s);

*a, b* 4) repeatedly possesses of illegal substances, including drugs, restricted mood altering substances or any substance purported to be restricted or a mood altering substance, over the counter drug or alcohol beverage(s);

5) repeated acts of assaultive behavior or other acts of violence or threats of violence;

6) participates in other criminal activity which takes place in the school, on or off school grounds or on school-sponsored activities that violates a published policy of C.E.S. or the student's responsible school district and is seriously disruptive of the educational process;

*d* 7) violation of any state or federal law on or off school grounds which would indicate that the student presents a danger to any person in the school community or to C.E.S. property; or

8) intentionally repeats offenses leading to suspension.

\*(This listing of offenses are examples and are not meant to be exhaustive with respect to the administrative action of dismissal).

*a Refer to Policy and Administrative Procedures Concerning Chemical Health and Student Substance Abuse*

*b Refer to Search and Seizure Regulations in Appendix*

*c Consistent with Connecticut General Statutes 10-233d, the student will be referred to the responsible school district for an Expulsion Hearing*

*d Refer to Section IV for applicable procedures with respect to a student arrested for a felony off school grounds*

## **II. Procedures for Disciplinary Actions/Dismissal**

**A. Primary Prevention:** C.E.S. program personnel will foster learning environments that encourage appropriate student conduct and safety. Given the behavioral characteristics of students attending certain C.E.S. school-based programs, program personnel will establish age and developmentally appropriate behavioral and social-emotional objectives within a least restrictive model of behavior management practices. Since behavioral issues/needs are frequently primary reasons for student placement in certain C.E.S. school-based programs every effort will be made to maintain a low student to staff ratio that ensures appropriate supervision and a planned, ongoing and systematic program of instruction in accordance with each student's Individualized Education Program (IEP). Adequate training will be provided to all program personnel to understand the unique behavioral and social-emotional characteristics of assigned students and their implementation/utilization of developmentally appropriate behavior management and conflict resolution practices.

1. Each C.E.S. program/service will establish age and developmentally appropriate standards of student conduct that are specific to their target populations.

2. Certified program personnel who have direct assignments of student(s) in the delivery of classroom and/or related services instruction will establish age and developmentally appropriate rules of conduct and/or individualized behavior management plans which clearly reflect behavioral expectations and consequences for appropriate and inappropriate behaviors.

3. C.E.S. program personnel will utilize various proactive and reactive behavior management techniques to encourage positive behavioral changes, student success and social-emotional growth and to diminish the frequency or escalation of disruptive and/or inappropriate behaviors. The system utilized will be based on a least restrictive model of intervention and will emphasize the need for program personnel to respond in a highly predictable and consistent manner which affords the student the opportunity to make choices and learn to avoid undesired consequences.

4. All students will be properly supervised by program personnel at all times. In planning supervision, staff should consider the individual behaviors and developmental levels of their assigned students. It is the responsibility of program personnel to make sure that their assigned students/class is appropriately supervised in the building, on the playground and during all school sponsored instruction/activities on or off school grounds. Student safety should always be a primary consideration of such planning.

5. If for some reason program personnel must leave their assigned areas, they should be sure those students are appropriately supervised before leaving and that co-workers know where they are and when they will be returning. If program personnel need to be away from their assigned areas for more than just a few minutes, they should alert their program administrators and his/her designee to ensure proper student supervision prior to leaving their assigned areas.

6. At the time of placement, parents/legal guardians of newly enrolled students should be made aware of all student behavioral expectations, behavior management procedures employed to encourage appropriate behavior and agency policies/administrative regulations related to potential misbehaviors that may result in disciplinary action.
7. C.E.S. programs will provide annual notification to parents concerning student conduct and school discipline policies and procedures. When age and developmentally appropriate, students should receive annual verbal and/or written notification concerning student conduct and school discipline policies and procedures.
8. C.E.S. program personnel will receive annual training in program specific behavior management practices.
9. C.E.S. program personnel will receive training on the topics of school violence prevention and conflict resolution.
10. C.E.S. program personnel will annually receive and review agency policies and procedures related to student conduct, disciplinary action, and their role in execution of required administrative procedures.
11. C.E.S. programs may, where appropriate, establish a student assistance program for the purpose of handling student disciplinary issues.
12. Consistent with Connecticut State Department of Education requirements, CES administration or program administration will complete and submit for their assigned programs, ED 166 reports for each student incident requiring disciplinary action. These reports will be submitted by a designee of the Executive Director, to the Connecticut State Department of Education by the prescribed due date.

**B. General Procedures:** C.E.S. program personnel are responsible for maintaining accurate records related to student behavioral incidents. Less severe behavior should be documented and dealt with in a consistent manner in accordance with designated program procedures. Various classroom and/or instructional modifications (i.e., change seating) should be first considered to avoid certain behavioral problems. Consultation with the program administrator or available related services personnel (i.e., School Psychologist) should be sought. Every effort should be made to reinforce appropriate student behaviors and when warranted fairly utilize consequences to de-escalate inappropriate behaviors. As is age and developmentally appropriate these may include telephone contacts or formal conferences with parents, loss of classroom privileges, consistent use of prescribed behavioral interventions, detention, probation from classroom or school privileges or restitution in terms of damage to school or private property. When misbehaviors occur as listed in each of the levels of action in Section I, program personnel are required to follow the below listed procedures:

1. Any serious or highly-unusual behavioral incident should be verbally reported to the program administrator or his/her designee as quickly as possible.
2. A behavioral incident warranting disciplinary action as described in Section I, should be documented in writing on the program's designated reporting form by the program personnel who was in charge at the time of the incident and all other program personnel who witnessed the incident.
3. The written report should include precipitating factors, a full description of the misbehavior/incident itself and documentation of any injury that may have resulted to either the student, other students or staff involved in the incident.

4. The report must be signed and submitted to the Program Administrator/immediate supervisor on the day of the incident (no later than

the end of the day in which the misbehavior/incident occurred).

5. Whenever program personnel remove a student from the classroom, they shall send such student to the designated program area for removal and take steps to ensure appropriate supervision of the student. The program personnel shall immediately inform the Program Administrator/immediate supervisor or his/her designee as to the name of the student against whom such disciplinary action was taken and the reason therefore.

6) Assigned program personnel will provide appropriate class work during the period of removal/in-school suspension.

7. The student's parent(s)/guardian should be contacted by telephone or if not possible via note by the end of the school day in order to describe the misbehavior/incident, the disciplinary action and nature of any injury that may have occurred to their child or others (NOTE: Certain misbehaviors may warrant more immediate parent contact by program personnel or by the Program Administrator. See Suspension Procedures).

8. When warranted, the Program Administrator should arrange a meeting with all appropriate personnel to discuss the misbehavior/incident and to review any need to modify supervision of the student, individual or as applicable group behavioral management plans and individual or as applicable group contingency consequences. This should involve other available program personnel as warranted who may lend to the discussion of how to prevent subsequent misbehaviors/student incidents or provide suggestions related to modifying the student(s)' behavior management plan.

**C. Suspension Procedures:** Suspensions, both in and out of school, are significant disciplinary actions which warrant careful consideration of all factors surrounding the incident/misbehavior by the student. It should be confined to serious misconduct, chronic misbehavior that seriously disrupts the educational process, conduct that endangers persons or property or conduct that is violative of a publicized policy of the agency (i.e., Policy 6.006 Concerning Chemical Health and Student Substance Abuse). Primary consideration should be given to whether the student intentionally, knowingly or repeatedly commits offenses as listed in Section I of these administrative regulations.

Consistent with IDEA regulations repeated or lengthy suspensions (removal of more than 10 consecutive days or its cumulative equivalent) may require the district PPT to determine whether the misconduct was caused by the child's disability (Manifestation Determination). In accordance with these procedures, C.E.S. program personnel are obligated to report to administration all information regarding students who may commit offenses that potentially endangers the safety of others or property or is violative of a publicized policy of the agency. Program personnel should maintain familiarity with all offenses that could lead to suspension and accompanying procedures and should carefully document such misbehaviors/incidents in accordance with general procedures as outlined previously. In addition to previously stated procedures, the following apply to misbehaviors/incidents warranting consideration of suspension.

1. In determining the length of a suspension period, the program

administrator may receive and consider evidence of past disciplinary problems which has led to removal from a classroom, suspension or expulsion of such student in previous placements of the nexus board of education or a previous board of education.

2. Unless an emergency situation exists, no student shall be suspended prior to having an informal hearing before the program administrator at which the student is informed of the charges and given an opportunity to respond. In the event of an emergency, the informal hearing shall be held as soon after the suspension as possible, provided nothing herein shall be construed to prevent a more formal hearing from being held if the circumstances surrounding the incident so require (See Section II, Part E for hearing procedures.)

3. If suspended, {in school or out of school} the program administrator should determine if the student's behavior (a) poses such a danger to persons or property or (b) is so disruptive of the educational process. Administrators will also consider mitigating factors such as the child's age, grade level and developmental stage, prior responses to disciplinary interventions, degree of parental involvement, and risk of loss of instruction, amongst others.

4. By telephone, the principal or designee shall make reasonable attempts to immediately notify the parent(s)/legal guardian of the student following the suspension and to state the causes(s) leading to the suspension. In the case of a student whose age or disability renders him/her unable to comprehend the hearing procedures the parent(s)/legal guardian should be invited to attend the hearing.

5. Whenever the program administrator suspends a student, he/she shall notify the Executive Director or his/her designee within 24 hours and the primary contact person for the placement in the C.E.S. program/service by the nexus board of education.

6. Whether or not telephone contact is made with the parent or guardian, the principal or designee shall forward a letter promptly to such parents or guardians to the last address reported on school records, offering the parent or guardian an opportunity for a conference to discuss the same. A copy of this suspension notification will be maintained with the student's educational records. This record is not to be expunged until the student graduates from high school. In instances where a student may possess drugs, drug paraphernalia, alcohol or dangerous instruments; or steals/attempts to steal school or private property the program administrator is authorized to conduct student searches in accordance with C.E.S.' Student Search and Seizure Regulations (see Appendix).

7) When warranted, or after repeated suspensions, the program administrator will request that the responsible local school district convene a PPT for modification of the student's individualized education plan to prevent a reoccurrence of such behavior and to ensure the safety of the student or others in the C.E.S. programs/services.

8. When warranted (i.e., physical assaults, theft) police intervention may be sought, particularly in instances where program personnel or other students (or their parents) involved in the incident choose to file formal charges.

9) The student shall be allowed to complete any class work, including examinations, without penalty, which he or she missed while under suspension.

10) Notice of suspension shall be recorded in the student's cumulative educational record. Such notice shall be expunged from the cumulative educational record if the student graduates from high school. In cases where the student's suspension is shortened or waived, the administration may choose to expunge the suspension notice from the cumulative record at the time the student completes an administrative specified program and meets any other conditions required by the administration. Such administrative

specified programs will not require the student or parent/guardian of student to pay for participation in the program.

11) If the student has not been previously suspended or expelled, and the administration chooses to expunge the suspension notice from the student's cumulative educational record prior to graduation, the administration may refer to the existence of the expunged disciplinary notice, notwithstanding the fact that such notice may have been expunged from the student's cumulative file, for the limited purpose of determining whether any subsequent suspensions or expulsions by the student would constitute the student's first such offense.

12) During any period of suspension served out of school, the student shall not be permitted to be on school property and shall not be permitted to attend or participate in any school-sponsored activities, unless the program administrator specifically authorizes the student to enter school property for a specified purpose or to participate in a particular school-sponsored activity.

**D. Dismissal Procedures:** As previously indicated C.E.S. reserves the right to dismiss a student from a C.E.S. program/service when he/she repeatedly violates one or more of the behaviors leading to suspension, when he/she represents a danger to the safety of himself/herself or others by engaging in misbehaviors that endangers persons or property or when it is determined that the C.E.S. program in which the student is placed does not meet his/her needs or when the misconduct violates a C.E.S. or the student's responsible local school district publicized policy and seriously disrupts the educational process. This is a serious action which will require the responsible local school district to convene a meeting (e.g. PPT) to determine an alternative placement in the best interest of the student's needs. Although in most instances, the program administrator will have had previous discussions with parent/legal guardian of the student and local school district representatives responsible for the C.E.S. placement, there are certain infractions of policy that will lead to a consideration of immediate dismissal in accordance with this and other agency policies. These include sale/distribution of illegal substances; repeated possession of drugs or alcohol; repeated acts of violence or threats of violence; other criminal activity; possession and/or sale of firearm, dangerous instruments, martial arts weapon or deadly weapon. In each instance the procedures as listed below will be followed:

1. In an emergency situation, a suspension will be imposed until a district hearing can take place and/or the district can convene a Planning and Placement Team Meeting.
2. In instances where a student may possess drugs or alcohol or may possess firearms, dangerous weapons, martial arts weapons, dangerous instruments, or fascimilies of weapons or allegedly steals/attempts to steal valuable school or private property the program administrator is authorized to conduct student searches in accordance with C.E.S. Student Search and Seizure Regulations (see Section III).
3. As is warranted, the program administrator is authorized to contact the local police department, inform them of the situation and request that they come to school to investigate the situation for possible prosecution.
4. The student's parent(s)/legal guardian will be immediately notified of the misbehavior/incident and be asked to come to school for a conference.
5. The program administrator will immediately notify the C.E.S. Executive Director and/or his/her designee of the situation and planned actions.
6. The program administrator will contact the LEA/local school district contact person for the placement or the district's Director of Pupil Personnel or Special Education Services to

request that they convene a meeting (e.g. PPT) to formally discuss the dismissal of the student from C.E.S.

7. The program administrator and other program personnel as warranted will attend the district meeting (e.g. PPT) to discuss the situation leading to the dismissal and provide data related to other pertinent past disciplinary problems which led to disciplinary action. The purpose of attendance will also be to assist the local school district in determining an IEP and an alternative placement or in the case of non-special education student necessary information to consider an interim alternate placement or change in school.

8. The responsible school district may refer the student for readmission to a C.E.S. program after one (1) year from the date of the dismissal. If such a request is made, the responsible school district will be required to provide written evidence that the student has successfully completed a program that includes rehabilitation, treatment and counseling for the misconduct leading to the C.E.S. dismissal. If re-entry is approved, it will be understood that any subsequent serious offence will result in immediate dismissal without the privilege of readmission under this policy.

#### **E. Hearing Procedures Governing Suspension:**

1. Unless an emergency situation requiring the pupil's immediate removal exists, no student shall be suspended prior to having an informal hearing. The hearing will minimally consist of the Program Administrator presenting the charge for suspension to the student and allowing the student to respond to the charges protecting his/her due process rights. The meeting may consider all past disciplinary evidence for the student and any mitigating factors before reaching a decision on disciplinary action. Any witness to the incident may be present to provide relevant information. In the event of an emergency, the informal hearing shall be held as soon after the suspension as possible. The hearing content will be documented in writing using the agency informal hearing form (see appendix).

2. By telephone, the program administrator or his/her designee in their absence, will immediately notify the parent or guardian and the LEA representative responsible for the student about the suspension and state the cause(s) leading to the suspension. No student under the age of 18 will be removed or suspended from the program without being released to a responsible adult or agency. A student 18 years or older whose disability renders him/her unable to comprehend these procedures will only be released to a responsible adult or agency.

3. Whether or not telephone contact is made with the parent or guardian, and the LEA representative, the C.E.S.' program administrator will forward a letter to such parent or guardian to the last known address reported on school records, and to the LEA representative

responsible for the child within 24 hours of the suspension action and offering the parent or guardian and the LEA representative responsible for the student an opportunity for a conference to discuss same.

\*\*Evidence of past disciplinary problems which have led to removal from a classroom, suspension, or expulsion of a pupil may be considered at the informal hearing, but only considered in the determination of length of suspension. (Public Act 79-115).

4. Notice of the original suspension shall be transmitted by the program administrator to the C.E.S. Executive Director and/or his or her designee within twenty-four hours of the disciplinary action.

5. Following a conference with the program administrator, the student or his/her parent(s) or guardian(s) may request an administrative hearing to review the administrative decision. Such review shall be completed and a

written report issued to the student and his or her parent(s) or guardian(s) and to the Executive Director of C.E.S. within three school days of such request. In re-examining the program administrator's decision to suspend, the Director shall require the person who witnessed and reported the incident which resulted in the student's suspension, and the student to give individual accounts as to the events leading to the suspension. The Director, if he/she deems it appropriate calls all involved together for a conference, at which minutes will be taken.

6. Following the Director's review, the student at age of majority, parent(s) or guardian(s) may appeal to the Executive Director of C.E.S. for a review. The Executive Director will review the written findings, process, and decisions or convene all parties for further review and decision-making.

7. If a student is 18 years of age or older, any notice required by this policy shall be given to the student (unless his/her level of disability renders the student unable to comprehend these procedures).

8. Instructional materials are to be provided to each pupil for the duration of the suspension period, and the student shall be allowed to complete any classwork, including examinations, without penalty which he or she missed while under suspension.

9. A copy of the suspension notification will be maintained in the student's confidential educational file.

10. The Executive Director of C.E.S. shall report any unusual serious case of pupil suspension to the C.E.S.' Representative Council at their first meeting following such action.

11. The program administrator, and the staff member who was involved with the student at the time of the suspension, will meet to review the causes leading to suspension and to generate strategies and identify resources to deal effectively with the student and the situation when he/she returns to school. The student's parent/legal guardian, when deemed appropriate, will be asked to accompany the student on the day he/she returns to the program and will meet to discuss strategies aimed at avoiding a repeat of the suspension.

12. After repeated suspension the program administrator will request that the responsible school district convene a PPT meeting to discuss the student behavior in order to develop a written plan of action to address the causes of suspension or to revise existing behavior management plans or IEP goals/objectives.

**F. Expulsion:** The concept of expulsion as defined in Connecticut General Statutes Section 10-233d is not applicable to C.E.S. but rather to the nexus board of education in which the student is enrolled. Consequently, C.E.S. may not authorize its administrative personnel to impose this disciplinary action. The actual responsibility and decisions for expulsion of the student for offenses occurring while the student is enrolled in a C.E.S. program/service remain vested in the nexus board of education. If a C.E.S. Program Administrator is asked to participate in any steps of the expulsion hearing pertaining to offenses which occur while the student is enrolled in a C.E.S. program/service, the following procedures will occur:

1) The C.E.S. Program Administrator will provide a verbal and written report to the responsible school district detailing the student offense(s) leading to the consideration of expulsion as well as any other information that might assist in the determination of whether the offense might be related to the student's disability;

2) The Program Administrator will provide any relevant objective behavioral data related to past disciplinary problems which led to other disciplinary actions (i.e., suspension);

3) The Program Administrator will arrange for any program personnel who had witnessed such offenses to attend the expulsion hearing as is warranted or deemed necessary by C.E.S. or the responsible school district. The material to be presented by such program personnel will be reviewed by the Program Administrator and submitted to the attention of the school district designee;

4) Recommendations and identification of supportive resources to all parties may be made;

5) The nature of the responsible school district's request will be reported to the C.E.S. Director of Special Education and Executive Director;

6) Expulsion notifications except for those based on possessions of a firearm or deadly weapon shall be included in the student's educational record and shall be expunged by the responsible local school district when the student graduates from high school and in accordance with its policy/procedures.

NOTE: Consistent with the federal Gun-Free School Act and Connecticut's General Statutes 10-233a-j and as amended, expulsion is mandatory for possession or use of a firearm, deadly weapon, dangerous instrument or martial arts weapon on school grounds or at a school sponsored activity; possession of a firearm without a permit or possession or use of a firearm, instrument or weapon in the commission of a crime off school grounds; or manufacturing, selling, distributing, prescribing, dispensing, transporting or possessing with the intent to sell or dispense, offering or administering drugs on or off school grounds. In such cases, the student will be referred to the nexus board of education for an expulsion hearing.

### **III. Procedures for Felonies/Class A Misdemeanors Committed by Student**

**A. Notification:** Consistent with Connecticut General Statutes 10-233h, the police are now required to notify the Superintendent (Executive Director) no later than the end of the next school day if a student between the age of 7 and 21 is arrested during the school year for a felony and Class A misdemeanor. Written notification shall be provided within 72 hours of the arrest. The court shall also make the identity of a child who is adjudicated a delinquent as a result of a felony to the Superintendent (Executive Director). It is anticipated that the responsible local school district will be notified of such situations and that this information will in turn be shared between the responsible local school district's Superintendent and C.E.S.' Executive Director.

1. The Executive Director will disclose this information to the Director of Special Education and the student's program administrator;

2. C.E.S. may use such information for determining recommendations to the responsible school district for modifications of the student's C.E.S. placement/IEP or disciplinary decisions;

3. The program administrator may disclose this information to related services program personnel (i.e., school psychologist, school social worker) or consultants (i.e., psychiatrist) for the purposes of determining the need for an assessment.

**B. Assessment:** Consistent with Connecticut General Statute 10-233h, the C.E.S. program will administer an assessment for the purposes of determining the risk of danger posed by such student to himself, other students, program personnel or school property and to determine the need for appropriate modification of the student's C.E.S. placement/individualized education plan and for disciplinary purposes.

1. The program administrator will assign the assessment to appropriate related services program personnel (i.e., school psychologist, school social worker) and/or consulting personnel (i.e, psychiatrist).
2. The assessment will be completed no later than the end of the next school day from the time of official notification.
3. The program administrator will request that the nexus board of education convene a PPT to discuss the assessment results and potential need for modification of the student's C.E.S. placement and IEP.
4. Based on the assessment results, the program administrator may take disciplinary action (i.e., suspension/dismissal) if the student is determined to pose a risk or danger to self and others, or school property or if the student's conduct violates a publicized policy of C.E.S. or the student's responsible local school district and is seriously disruptive of the educational process.
5. All information including the Assessment Report will be maintained in accordance with the agency confidentiality policy. Policy/Administrative Procedures Regarding Confidentiality of Student Records.
6. The program administrator will comply with requests of the court or will comply in a timely manner for requests of the court for information pertaining to a student's school attendance, adjustment and behavior.

**C. Disciplinary Action:** The program administrator may take disciplinary action with students who are arrested for a felony or Class A misdemeanor or are adjudicated a delinquent as a result of a felony for Class A misdemeanor, including while on probation, consistent with agency procedures as described in Section I and II of these administrative procedures.

**DISCIPLINARY GUIDELINES  
FOR SPECIAL EDUCATION STUDENTS  
TRANSPORTED BY  
COOPERATIVE EDUCATIONAL SERVICES**

**DISCIPLINARY ISSUES  
TRANSPORTATION GUIDELINES FOR  
SPECIAL EDUCATION PROGRAMS AND C.E.S. TRANSPORTATION**

The following guidelines pertain to C.E.S. special education students who are transported to and from school by C.E.S. Transportation. They are intended to guide administrative and, as applicable, program personnel in the prevention of behavioral disciplinary issues as well as management of student problems which occur on C.E.S. transportation vehicles. In dealing with more severe behavioral and/or disciplinary problems, C.E.S. administrative personnel should consult with the responsible school district and as necessary may need to request that a meeting (i.e., parent conference, disciplinary hearing, Planning and Placement Test (PPT), etc.) be convened with parents and/or district personnel. The C.E.S. approved Policy/Administrative Regulations for Student Discipline and Disciplinary Action may apply to certain more serious incidents, misbehaviors or situations (refer to as applicable) referenced in these guidelines.

Prevention Guideline: The main objective is to prepare transportation personnel (i.e., bus drivers, aides) to better comprehend the unique behavioral characteristics of their assigned students and to provide applicable training on how to avoid and/or de-escalate potential behavioral situations. To provide both advanced and ongoing opportunities for transportation personnel to dialogue and receive information, administrative personnel should plan regular meetings between C.E.S. special education and transportation personnel.

1. In planning student vehicle assignments, the Director of Transportation should confer with appropriate special education program administrators to determine potential needs for support (i.e., bus aide) and to discuss compatibility of students and potential seating assignments.
  
2. Program Administrators and/or their designee should provide any known behavioral and/or medical alerts that may be important for consideration in planning either vehicle assignments, need for support and/or duration/length of transportation routes.
  
3. Prior to the start of the academic year and/or session (i.e., Summer), and/or a newly developed transportation run, transportation personnel should receive necessary training/orientation information that will make them aware of potential student behavioral and/or medical issues. This will principally be provided by the Transportation Manager, although may include as is deemed necessary special education administration or program personnel.
  
4. Initial and ongoing training should be collaboratively scheduled by the program administrators and Transportation Manager for transportation personnel that relate to specific identified issues, potential problems, or recurring problems, and to revise behaviors and other prevention strategies that can be considered for assigned students. These should be scheduled at the start of the year and at a minimum, every six weeks or when situations warrant more frequently.

5. A listing of student rules for transportation to and from school should be determined by administrative personnel and regularly reviewed with students and transportation personnel. Additional or modified rules should be only instituted by collaborative agreement between special education and transportation administrative personnel.
6. All transportation personnel should receive orientation to agency policies/ administrative regulations that may be pertinent to their roles/responsibilities (i.e., Confidentiality, Child Abuse, Suicide Prevention, Discipline, Chemical Health and Substance Abuse Prevention). These will be provided by the Transportation Manager.
7. As is applicable to specific runs and/or student assignments, specific behavior management or systems established for individual or groups of students should be established. Transportation personnel should receive necessary information/training required to implement the plan and how to provide student feedback/consequences and to collect data/report information for monitoring of such plans.
8. A reporting system should be established for any vehicle or student when such data/information may lend to the prevention of potential behavioral issues and/or de-escalation of potential problems or regular reporting of unusual or inappropriate behaviors/circumstances. These systems could involve providing verbal reports to designated administrative or program personnel and/or, as is applicable, written documentation in accordance with prescribed procedures established jointly by the special education/transportation programs. Written reports should be completed at the end of runs and submitted to appropriate program administrators or their designees in a timely fashion (no later than the next school day).

Student Behavior Management Guidelines: Due to the nature of students served by C.E.S. special education programs, behavioral and associated social-emotional problems will represent major challenges to all C.E.S. program personnel. Consequently, no individually designed or group contingency management systems will be “fool proof” in dealing with student behavioral issues. By the very mix of student transportation runs, no system will also be totally applicable to all students assigned to a particular vehicle. Rules of conduct will need to be established with consideration of the age and developmental appropriateness of assigned students. Despite the complexity posed by the students, consistency and non-confrontational relationships between transportation drivers/aides and students will lend to ensuring more effective management of potential or occurring misbehaviors. It is also extremely important to document all unusual behaviors or circumstances and immediately report them to designated administrative and program personnel. More serious misconduct should be immediately verbally reported to determine steps/methods to handle the situation and to hopefully avoid escalation or unsafe situations. Except for extreme situations, transportation personnel should not attempt to manage such situations without advice and/or direction from Transportation Manager, other transportation supervisory personnel and, when time permits, program personnel.

1. Student specific and/or program specific management systems will be established for transportation runs by program administrator or their designee when required for safety concerns. These systems will be reviewed first with the Transportation Manager and then, as applicable, drivers/aides
2. The designated system will be established so as to elicit daily reports from drivers/aides to designated program personnel and the Transportation Manager. In most situations, transportation personnel should provide verbal reports to designated program personnel when students are unloading at the start of each school day. This may include verbal reports for the transportation from school to home for the previous school day. For extreme or serious behavioral situations, information should be dispatched to the transportation department immediately. (NOTE: In certain situations, providing such a report may escalate the behavior. Consequently, in such circumstances, it may be best to convey the information upon arrival to the school or the student's home/designated drop-off point.)
3. Written reports on major incidents should be completed at the end of the run and provided to the Transportation Manager and/or designated program personnel.
4. Student management systems should be established so that consequences (positive or negative) can be incorporated into daily program specific behavior management systems.
5. Group or student specific management systems should be written to ensure clarity on the part of drivers/aides on specific behavior expectations and, when applicable, any role they may have on how to reward appropriate behaviors or deal with escalating or recurring misbehaviors. (NOTE: Given the complexity of driving school vehicles, systems should be simplified to ensure that the driver's primary attention is to road safety.)
6. Basic rules/expectations required of a student or students should be reviewed by program personnel when age/developmentally appropriate.
7. All behavioral/rule infractions should be documented/verbally conveyed to ensure the consistency that students require in order to profit from such management systems. Inconsistency in reporting such information or "special deals" between transportation personnel and students is strongly discouraged.

8. Student behavior management systems should be reviewed regularly in terms of data and/or consistent reports of inappropriate behaviors and modified as is applicable by program personnel.
  
9. The aim of all Student Behavior Management Systems should be to encourage appropriate behavior leading to positive consequences. However, simultaneously such plans should be developed so as to consistently enforce consequences for serious misbehaviors that could potentially threaten safety and an orderly transportation environment.

10. Rules established for transportation and potential disciplinary action(s) when applicable for more serious infractions, should be conveyed to parents to ensure their knowledge of such efforts to maintain safety for their child and others and to make them aware of potential disciplinary action (s).

11. General student rules of conduct for transportation should minimally include:

- Students are required to remain seated.
- Students should keep their seatbelts on at all times.
- Students should not engage in any verbal threats to other students or transportation personnel.
- Students should not fight, inappropriately touch, shove or hit other students or transportation personnel.
- Students should not smoke or ignite matches or lighters on transportation vehicles.
- Students should not engage in any loud talking/laughter or rowdy behavior that could divert the attention of the driver.
- Students should not swear, use vulgarity or make obscene gestures to other students, transportation personnel or pedestrians/other vehicle occupants.
- Students should not touch vehicle controls.
- Students should not damage the transportation vehicle in any manner.
- Students should not refuse to follow the driver's directions or disregard his/her valid authority to maintain safety.
- Students should not throw anything out of the transportation vehicles.
- Students shall conduct themselves in a safe manner at all times when driving to and from school.

12. More serious infractions of agency policy/administrative procedures that also pertain to transportation to and from school on C.E.S. vehicles include:

- physical assault of other students and transportation personnel;

- possession, use of sale of drugs/alcohol'
- sexual harassment of other students or transportation personnel;
- repeated acts of violence or threats of violence;
- repeated acts of bullying against another student;
- stealing or attempting to steal agency or private property;
- intentionally causing or attempting to cause substantial damage to transportation vehicle of equipment;
- intentionally defying the valid authority of transportation personnel in a manner that causes or threatens to cause an unsafe situation for self or others; and
- violating any state or federal law that presents a danger to self or others or property.
- Possession of weapons

These serious misbehaviors/misconduct when committed knowingly and intentionally will result in disciplinary action of suspension or dismissal from the student's C.E.S. special education program and/or C.E.S. transportation services.

13. If an incident occurs on the transportation vehicle that requires immediate attention of program personnel, transportation drivers should be instructed to return to the school or, as may be necessary, legal authorities (i.e., legal or State police station). Location of the vehicle with respect to the program/student's home, at the time of the incident, should be considered when this action is being determined.
14. If a student is having a particularly difficult school day or difficulties when boarding C.E.S. transportation vehicles and use of his/her normal C.E.S. transportation vehicle is not considered safe for him/her or others, the program administrator or his/her designee should request an alternative transportation arrangement from the Transportation Manager or when incidents warrant that the parent/legal guardian provide such transportation.

Disciplinary Guidelines: Consistent with applicable agency policy/administrative regulations, all behavioral incidents/situations that could result in disciplinary action should be immediately reported to the program administrator of the student's assigned C.E.S. program, or when unavailable, his/her designee. Other than in emergency situations as defined by agency policy/administrative regulations concerning student discipline, suspension may not be imposed prior to having an informal hearing with the student, his/her parent or legal guardian and program administrator.

In situations where the disciplinary action relates to transportation to or from school on a C.E.S. vehicle, the informal hearing should include the Transportation Manager and, as is deemed appropriate, the transportation personnel who report/witness the infraction/misbehavior. A written report should be minimally available by the transportation personnel detailing the behavior/incident leading to the consideration of such disciplinary action.

1. A student behavior/incident leading to consideration of suspension/dismissal should be immediately reported to the Transportation Manager.
2. A written report detailing the behavior/incident should be submitted to the Transportation Manager within 12 hours of the behavior incident.
3. The Transportation Manager will immediately report the behavior/incident to the student's C.E.S. program administrator and/or his/her designee (in their absence). The written report should be provided to the program administrator at the time of receipt from the reporting transportation personnel, but no later than 24 hours of the behavior/incident.
4. The program administrator or his/her designee will contact the student's parent/legal guardian to convey the behavior/incident leading to consideration of a disciplinary action.

5. The program administrator will convene an informal hearing to discuss the situation, provide an opportunity for the student, or in the case of student whose disability renders his/her unable to comprehend these procedures, the student's

parent/guardian, to respond to the charges; and to formally impose disciplinary action. In determining the length of the suspension or dismissal, the program administrator may receive and consider evidence of past disciplinary problems on transportation vehicles and/or in school. NOTE: In the event of an emergency situation, the hearing shall be held as soon after the suspension as possible.

6. In the event of an emergency situation and when the program administrator or his/her designee is unavailable, the Transportation Manager may convey the behavior/incident to the parent/legal guardian and impose a one (1) day suspension pending a hearing. This circumstance will be verbally conveyed to the Director of Administrative Services and at first opportunity to the program administrator.

7. The hearing content will be documented in writing or by taping responses.

8. A formal letter documenting the disciplinary action will be forwarded to the parent of legal guardian via Certified, Return Receipt Mail within 24 hours of the informal hearing, outlining the offense and disciplinary action imposed. A copy of this letter and other accompanying documentation will be maintained in the student Confidential C.E.S. File for two years or upon graduation to be removed only if the student.

9. The program administrator will contact the responsible school district to alert them to the sanction and to convey and/or confer regarding the disciplinary action imposed or to be imposed. A copy of the letter submitted to parent/legal guardian will be sent to the responsible school district.

10. Within 24 hours, the program administrator will notify the Director of Special Education, Director of Administrative Services and Executive Director of the disciplinary action taken and the reasons therefore. In the case of property damage that may entail restitution, the Transportation Manager will provide a detailed report to the Director of Administrative Services who, in turn, will contact the responsible school district to discuss/decide upon methods of payment for damages incurred.

11. The student who is suspended shall be given an opportunity to complete any school work including but not limited to examinations which such student missed during the period of suspension.

12. When the behavior/incident leads to a consideration of disciplinary action of dismissal, the program administrator will ask the responsible school district to convene a PPT meeting to formally discuss this action/potential action and to determine an alternative placement consideration.

Communication Guidelines: It is imperative to quickly communicate all details related to student behaviors/incidents on C.E.S. transportation vehicles to necessary agency personnel and as is applicable to parents and the responsible school district. This is a shared responsibility between the administrative personnel of the C.E.S. Special Education program of the student and the transportation department. It requires accurate facts/details about the incident, especially for those that may lead to a

consideration of disciplinary action. Written reports by transportation personnel of behaviors/incidents should be completed in an accurate and timely fashion and submitted to the Transportation Manager and designated program administrators.

1. Parents should be notified of all of their child's serious or recurring problems on C.E.S. transportation vehicles. In such situations, the program administrator and Transportation Manager should confer as to who/when the parents/legal guardians will be notified.
2. Recurring or serious problems should be conveyed to the responsible school district to ensure that they are aware of potential disciplinary actions that might lead to the consideration or, when applicable, changes in transportation arrangements. In the former case, this information should be conveyed by the program administrator. As is applicable to the latter case, this information should be conveyed by the Transportation Manager or both administrators.
3. Program personnel should aim to regularly communicate about their assigned students' behavior on transportation vehicles so that preventive steps can be taken to de-escalate or deal with potential problems related to the student or other students' behavior toward the student. They should seek guidance from appropriate related services personnel and regularly report incidents or unusual circumstances to their program administrator.
4. When parents convey concerns/issues to transportation or program personnel pertinent to transportation services, this information should be conveyed to administrative personnel immediately.
5. When parents or students convey information to program administrators or personnel that pertains to the conduct of transportation personnel, this information should be conveyed immediately to the Transportation Manager for consideration of action or inquiry. When such information concerns serious allegations of misconduct, they should be carefully documented and simultaneously conveyed to the Director of Administrative Services, and/or Director of Special Education and/or Executive Director as deemed necessary by agency policy/administrative procedures.
6. All such communications should be treated confidentially consistent with state and federal law and every effort should be made to immediately explore the situation with involved parties.

Appendix  
Student: Search and Seizure Policy, Procedure & Regulations

## **Student: Search and Seizure Regulations**

A. Locker and Desk Searches: The C.E.S. Representative Council provides lockers and desks as depositories for students' personal belongings and school-related materials. Students are required to store personal belongings and school-related materials exclusively in their desks or lockers/storage areas but have no privacy interest in their desks or lockers/storage areas. The Representative Council, through the C.E.S. school administration, maintains ultimate control over all student desks and lockers/storage areas.

Consistent with Connecticut Education law, the Representative Council authorizes C.E.S. administration to perform searches of student desks, lockers/storage areas or other school property available for use by students if: 1) there is reasonable grounds for suspecting the search will turn up evidence that the student has violated or is violating either the law or the rules of the school; 2) the measures adopted to conduct the search are reasonably likely to produce evidence of the violation, and 3) the physical safety of members of the school community or the prevention of disruption to school operations warrant such action.

Students shall be responsible for maintaining desks and lockers/storage areas in an orderly and sanitary condition. The Representative Council, through the C.E.S. school administration, maintains ultimate control over all desks and lockers/storage areas. Consequently the school administration may open and examine any desk or locker/storage area when the physical safety of members of the school community or the prevention of disruption of school operations warrants such action.

### **B. Student Searches:**

In order to maintain safety in C.E.S. programs it may be necessary to conduct a search of the personal property or clothing of any student suspected of concealing any weapon, illegal substance or other dangerous object or material. The program administrator or his/her designee is authorized to search a student's personal property or clothing where there exists reasonable grounds for suspecting the search will produce evidence that the student has violated or is violating either the law or school rules pertaining to drugs, possession of weapons or other dangerous objects that may be used to cause harm to the student, other students or staff. This type of search can occur when reasonable suspicion exists and may include a search of student's book bag, lunch bag, other personal belongings or outer clothing garments. Every effort will be made to encourage the student to cooperate with such a search. If the student becomes non-compliant, the clinical staff may be engaged to encourage the student to comply. If resistance persists, local police intervention may be requested to assist with such a search.

In cases of a proposed search of a student's person, such a search will be limited to a "frisking" or "pat down. When feasible, the Division Director or Program Administrator will be consulted prior to a search of this kind. The administrator or his/her designee shall be expected to use sound professional judgement in deciding whether a search should be conducted. This form of search will only be conducted in a private area when deemed feasible and shall only be conducted by a clinical or certified staff member of the same sex of the student and in the presence of a second person of the same sex (if possible). Whenever possible the program administrator should be present.

In exercising a judgement to conduct such a search, the administrator or his/her designee shall determine whether such a search would be intrusive in light of the student's age and the nature of the infraction/suspected infraction. The student will initially be asked to empty the contents of all pockets, remove shoes/socks or his/her coat and turn their pockets inside out. If they fail to comply, the staff member conducting the search may press his/her hands against the pockets to check for suspected objects. Additionally, the cuffs of the student's pants may be checked and/or the student's shoes/socks or coat may be removed.

Every effort will be made to encourage the student to cooperate with such a search. When safety is not an immediate issue, a student's parents will be advised prior to conducting such a search. If the student becomes non-compliant or resistant, the local police may be contacted to assist with such a search.

A search of a student which is more intrusive than a "frisking/pat down", shall be conducted only when there exists a potential threat to the physical safety of the student or other members of the school community and/or there exists reasonable grounds that the search will turn up evidence that the student has violated or is violating C.E.S. policies or the law pertaining to the possession of weapons, dangerous objects, illegal substance or similar contraband. In such instances the local police will be contacted to assist the program administrator or his/her designee with the search. In addition, whenever possible a student's parents will be advised prior to conducting such a search.

In cases of a search of the student's belongings or person, an appropriate incident report shall be completed within twenty-four (24) hours of the event detailing the specific violation, the activities undertaken, all persons involved and the outcome of the search. The student's parent(s) will be contacted by telephone to explain the circumstances leading to the search as well as other pertinent information about the search. When deemed necessary, a meeting with the student's parent(s) will be arranged to help form a plan to prevent future issues and if necessary formulate a plan for including regular searches in the treatment plan for that student.

Appendix  
Informal Disciplinary Hearing

**DRAFT/SAMPLE FORM**  
**Cooperative Educational Services**

**Informal Disciplinary Hearing**

Date of Hearing: \_\_\_\_\_ Program: \_\_\_\_\_

Student's Name: \_\_\_\_\_ Age: \_\_\_\_ Grade/Grade Equiv: \_\_\_\_\_

List any pertinent developmental factors: \_\_\_\_\_

Nexus School District: \_\_\_\_\_

Attendees of Meeting (in addition to student): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Briefly describe the student's act of misconduct/behavioral incident leading to informal hearing

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Was this a first offense for student at C.E.S.?  Yes  No

Do we have prior knowledge of similar offense or incidents prior to attending C.E.S.?

Yes  No

If this behavior/incident/offense or similar behavior previously occurred provide pertinent information:

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Prior disciplinary actions: \_\_\_\_\_

*Student's response to prior disciplinary actions/interventions:* \_\_\_\_\_

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Are there any cultural factors that should be considered?  Yes  No

If yes, briefly explain: \_\_\_\_\_

Are there any communication factors that should be considered?  Yes  No

If yes, briefly explain: \_\_\_\_\_

Briefly summarize student's explanation of incident: \_\_\_\_\_

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Were there any witnesses to the incident?  Yes  No

Provide any pertinent information from witness (es): \_\_\_\_\_

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**Continued on reverse side...**

**ACTION TAKEN:**

- \*Repeated Removals: Date(s) \_\_\_\_\_
- Detention:** Date(s): \_\_\_\_\_ Length of time: \_\_\_\_\_
- In-School Suspension**  
Length of In-School Suspension: \_\_\_\_\_ days  
Specify dates: \_\_\_\_\_
- Out-of-School Suspension**  
Length of Out-of-School Suspension: \_\_\_\_\_ days  
Specify dates: \_\_\_\_\_
- Other Disciplinary Action (explain):** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*twice in a week or six times in year requires an informal hearing

**Reason for Out-of-School Suspension: Conduct posed ...**

- Danger to**  self  others **or**  both
- Danger to property**
- Disruption of educational process**
  - Represented recurring pattern of incidents
  - Markedly interrupted/severely impeded day-to-day operation of school

**Specify or explain why behavior represented: danger to self/others and/or property or serious disruption of educational process and required an out-of-school suspension:**

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Parent/guardian was informed by telephone:      Date: \_\_\_\_\_ Time: \_\_\_\_\_

By whom: \_\_\_\_\_

Disciplinary letter mailed to parent/guardian:      Date: \_\_\_\_\_

Letter cc'd to  district contact: \_\_\_\_\_

Executive Director or designee

Specify designee: \_\_\_\_\_

This form completed by: \_\_\_\_\_

Name of Administrator

Program: \_\_\_\_\_

Position: \_\_\_\_\_

***Attach a copy of Disciplinary Notification Letter and maintain in student's Confidential File.***

Note: This record and the formal notification letter should be reviewed at least annually by the program administrator. This record should be expunged if student graduates from high school.
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