EASTCONN
Where Learning Comes to Life

STUDENTS
Series 5000
Policy#5023.1.1

Conduct and Discipline

Each student shall learn to respect the rights of others as individuals and as groups. The student shall learn the rules that govern appropriate behavior in his/her school and obey the rules established by the EASTCONN Board of Directors or all students in all public schools of the town.

Areas of Responsibility

The EASTCONN Board of Directors - The EASTCONN Board of Directors holds the certified personnel responsible for the proper conduct and control of students while legally under the supervision and jurisdiction of the school.

Program Director - The Principal may implement necessary procedures and rules and regulations to render effective the policies of the EASTCONN Board of Directors relating to standards of student behavior. The Principal may involve representatives of all areas of school personnel, students, parents and citizens of the community.

Teachers - Teachers shall be responsible for the instruction of students in rules and regulations of proper conduct, as well as be responsible for proper and adequate control of students. The responsibility and authority of any teacher extends to all students of EASTCONN under the assigned supervision of the teacher and to other students so situated with respect to the teacher as to be subject to the teacher's control.

Parents - Parents shall be expected to cooperate with school authorities regarding the behavior of their children. Parents shall be held responsible for the willful misbehavior of their children.

I. Definitions

A. Exclusion means any denial of public school privileges to a student for disciplinary purposes.

B. Emergency means a situation in which the continued presence of the student in school poses such a danger to persons or property or a disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of such student as possible.

C. School Sponsored Activity means any activity sponsored, recognized or authorized by the EASTCONN Board of Directors and includes activities conducted on or off

school property.

D. Removal is the exclusion of a student for a class period of ninety minutes or less.

E. In School Suspension means an exclusion from regular classroom activity for no more than ten (10) consecutive school 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. No student shall be placed on in-school suspension more than fifteen (15) times or a total of fifty
(50) days in one school year, whichever results in fewer days of exclusion.

F. Suspension means the exclusion of a student from school and/or transportation services for not more than ten (10) consecutive school days, provided such suspension shall not extend beyond the end of the school year in which such suspension is imposed; and further provided 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 exclusion, unless such student is granted a formal hearing as provided below. All suspensions shall be in-school suspensions unless the administration determines for any student enrolled in grades three through twelve, inclusive, that
(1) the student being suspended poses such a danger to persons or property or such a disruption of the educational process that the student shall be excluded from school during the period of suspension or (2) that an out-of-school suspension is appropriate based on evidence of previous disciplinary problems that have led to suspensions or expulsion of the student and efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive support strategies.

G. A student enrolled in grades preschool to two, inclusive, may be given an out-of-school suspension if it is determined by the administration that such a 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 section.

H. Expulsion means the exclusion of a student, grades three to twelve inclusive, from school privileges for more than ten (10) consecutive school days. The expulsion period may not extend beyond one calendar year.

I. School Days shall mean days when school is in session for students.

J. Seriously Disruptive of the Educational Process means any conduct that markedly interrupts or severely impedes the day to day operation of a school.

K. Notwithstanding the foregoing, the reassignment of a student from one regular education classroom program in EASTCONN to another regular education classroom program in EASTCONN shall not constitute a suspension or expulsion.

II. Scope of the Student Discipline Policy

A. Conduct on School Grounds or at a School Sponsored Activity:

Students may be disciplined for conduct on school grounds or at any school sponsored activity that endangers persons or property, is seriously disruptive of the educational process, or that violates a publicized policy of the Board of Directors.

B. Conduct off School Grounds:

1. Students may be disciplined for conduct off school grounds if such conduct is seriously disruptive of the educational process and violative of a publicized policy of the Board of Directors. In making a determination as to whether such conduct is seriously disruptive of the educational process, the Administration and the EASTCONN Board of Directors 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
C.G.S. § 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 EASTCONN Board of Directors may also consider whether such off-campus conduct involved the use of drugs.

2. When considering whether conduct off school grounds is seriously disruptive of the educational process, the term "weapon" means any pistol or revolver, any dirk knife or switch knife having an automatic spring release devise by which a blade is released from the handle. and any other dangerous or deadly weapon or instrument, including any sling shot, blackjack, sand bag, metal or brass knuckles, stiletto, knife, the edged portion of the blade or a martial arts weapon.

III. Actions Leading to Disciplinary Action, including Suspension and/or Expulsion

Conduct which may lead to disciplinary action (including but not limited to suspension and/or expulsion) includes conduct on school grounds or at a school sponsored activity, 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.

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, or law enforcement authorities, or disruptive classroom behavior.

6. Any act of harassment based on an individual's gender, personal characteristics, gender identification, race, color, religion, disability, national origin or ancestry.

7. Refusal by a student to identify himself/herself to a staff member when asked.

8. A walk out from or sit in within a classroom or school building or school grounds.

9. Blackmailing, threatening or intimidating school staff or students.

10. Possession of any weapon, weapon facsimile, deadly weapon, pistol, knife, blackjack, bludgeon, box cutter, metal knuckles, pellet gun, explosive device, firearm, whether loaded or unloaded, whether functional or not, or any other dangerous object. This also includes pellet guns and/or air soft pistols.

11. Unauthorized entrance into any school facility or portion of a school facility or aiding or abetting an unauthorized entrance.

12. Possession or ignition of any fireworks or other explosive materials, or ignition of any material causing a fire.

13. Unauthorized possession, sale, distribution, use or consumption of tobacco, drugs, narcotics or alcoholic beverages. For the purposes of this Paragraph 13, 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.

14. Possession of paraphernalia used or designed to be used in the consumption, sale or distribution of drugs, alcohol or tobacco, as described in subparagraph (13) above.

15. The destruction of real, personal or school property such as, cutting, defacing or otherwise damaging property in any way.

16. Accumulation of offenses such as school and class tardiness, class or study hall cutting, or failure to attend detention.

17. Trespassing on school grounds while on out of school suspension or expulsion.

18. Making bomb threats or other threats to the safety of students, staff members, and/or other persons.

19. Defiance of school rules and the valid authority of teachers, supervisors, administrators, other staff members and/or law enforcement authorities.

20. Throwing snowballs, rocks, sticks and/or similar objects.

21. Unauthorized and/or reckless and/or improper operation of a motor vehicle on school grounds or at any school sponsored activity.

22. Leaving school grounds, school transportation vehicle or a school-sponsored activity without authorization.

23. Repeated use of or copying of the academic work of another individual and presenting it as the student's own work, without proper attribution.

24. Possession and/or use of a personal electronic device, radio, walkman, beeper, paging device, cellular telephone, walkie talkie or similar electronic device on school grounds or at a school sponsored activity as defined in the student handbook or without the written permission of the Building Administrator.

25. 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 unauthorized or non-school related purposes.

26. Possession and/or use of a laser pointer.

27. Hazing.

28. Any other violation of school rules or regulations or a series of violations which makes the presence of the student in school seriously disruptive of the educational process and/or a danger to persons or property.

29. Any action prohibited by any Federal or State law which would indicate that the student presents a danger to any person in the school community or school property.

IV. Procedures Governing Removal

A student may be removed from class by a teacher or administrator if he/she deliberately causes a serious disruption of the educational process. When a student is removed, the teacher must send him/her to a designated area and notify the Program Director or his/her designee at once. A student may not be removed from class more than six times in one school year nor more than twice in one week unless the student is referred to the building Program Director or designee and granted an informal hearing at which the student should be informed of the reasons for the disciplinary action and given an opportunity to explain the situation.

V. Procedures Governing Suspension

A. The Program Director of a school, or designee on the administrative staff of the school, shall have the right to suspend any student for breach of conduct as noted in Section II of this policy for not more than ten (10) consecutive school days. All suspensions shall be in-school suspensions unless the administration determines that for a student enrolled in grades three through twelve, inclusive, (1) the student being suspended poses such a danger to persons or property or such a disruption of the educational process that the student shall be excluded from school during the period of suspension or (2) that an out-of-school suspension is appropriate based on evidence of previous disciplinary problems that have led to suspensions or expulsion of the student and efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive support strategies.

An out-of-school suspension may be given to a student enrolled in grades preschool through grade two, inclusive, if it is determined by the administration that an out-of-school suspension is appropriate due to evidence that the student's conduct on school grounds is of a violent nature or sexual nature that endangers persons.

In such cases, the following procedures shall be followed:

1. Unless an emergency situation exists, no student shall be suspended prior to having an informal hearing before the Program Director or designee 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.

2. Evidence of past disciplinary problems which have led to removal from a classroom, suspension, or expulsion of a student who is the subject of an informal hearing may be received by the Program Director, but only considered in the determination of the length of suspensions.

3. By telephone, the Program Director or designee shall notify the parent or guardian of a student and the Executive Director of EASTCONN not later than 24 hours of the suspension following the suspension and state the cause(s) leading to the suspension.

4. Whether or not home contact is made with the parent or guardian of such student, the Program Director or designee shall forward a letter promptly to such parent or guardian to the last address reported on school records (or to a newer address if known by the Program Director designee), offering the parent or guardian an opportunity for a conference to discuss same.

5. Notice of the original suspension shall be transmitted by the Program Director or designee to the Executive Director of EASTCONN or designee by the close of the school day following the commencement of the suspension.

6. The student shall be allowed to complete any classwork, including examinations, without penalty, which he or she missed while under suspension.

7. Notice of the suspension shall be recorded in the student's cumulative educational record. Such notice shall be expunged from the cumulative educational record by the EASTCONN Board of Directors if the student graduates from high school.

8. The decision of the Program Director or designee with regard to disciplinary actions up to and including suspensions shall be final.

9. 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.

B. In cases where the student has already been suspended, or such suspension will result in the student's being suspended, more than ten (10) times or fifty (50) days in a school year, whichever results in fewer days of exclusion, the student shall, prior to suspension, be granted a formal hearing. The Program Director or designee shall report the student to the Executive Director or designee and request a formal hearing.

VI. Procedures Governing In-School Suspension

A. The Program Director or designee may impose in-school suspension in cases where a student's conduct endangers persons or property, violates school policy, seriously disrupts the educational process or in other appropriate circumstances as determined by the Program Director or designee. Guidelines developed and promulgated by the Commissioner of Education will be utilized by the administration to help determine whether a student should receive an in-school or out-of-school suspension.

B. In-school suspension may not be imposed on a student without an informal hearing by the Program Director or designee.

C. No student shall be placed on in-school suspension more than fifteen (15) times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion.

VII. Expulsion

I. Expulsion

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 student was assigned at the time such disciplinary action was taken, provided such exclusion shall not extend beyond a period of one (1) calendar year. All expulsions will be referred to the home school district.

A. The EASTCONN Executive Director or his/her designee shall recommend expulsion proceedings to sending districts in all cases involving any of the following students:

1) a preschool student who was in possession of a firearm, as defined in 18 USC 921, on or off school grounds or at a preschool program-sponsored event; or

2) a student in grades Kindergarten to twelve on school grounds or at a school- sponsored activity who, (a) was in possession of a firearm, as defined in 18 USC 921, or deadly weapon, dangerous instrument or martial arts weapon, as defined in C.G.S 53a-3; or (b) off school grounds, possessed a firearm or possessed and used such a firearm, instrument or weapon in the commission of a crime; or (c) on or off school grounds, offered for sale or distribution a controlled substance, as defined in C.G.S 21a-240, whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with intent to sell or dispense, offering, or administering is subject to criminal penalties under C.G.S. 21a-277 and 21a-278.

The EASTCONN Executive Director or his/her designee may recommend expulsion proceedings to sending districts in all cases involving any of the following students:

3) a student in grades three to twelve, on school grounds or at a school-sponsored activity whose conduct is violative of a publicized school policy and either endangers persons or property; or is seriously disruptive of the educational process; or off school grounds has engaged in conduct that is seriously disruptive of the educational process and is violative of a publicized school policy.

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

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

EASTCONN's Executive Director or his/her designee shall create administrative regulations regarding student discipline in accordance with this policy.

VIII. Expulsion Hearing Procedure

A. Emergency Exception

Except in an emergency situation, the EASTCONN Board of Directors shall, prior to expelling the student, conduct a hearing to be governed by the procedures outlined herein. Whenever an emergency exists, the hearing provided for above shall be held as soon as possible after the expulsion.

B. Hearing Panel

1. Expulsion hearings conducted by the EASTCONN Board of Directors will be heard by any three or more Board of Directors members. A decision to expel a student must be supported by a majority of the EASTCONN Board of Directors members present, provided that no less than three affirmative votes to expel are cast.

2. Alternatively, the EASTCONN Board of Directors may appoint an impartial hearing board composed of one or more persons to hear and decide the expulsion matter, provided that no member of the EASTCONN Board of Directors may serve on such panel.

C. Notice

1. Written notice of the expulsion hearing must be given to the student, and, if the student is a minor to his/her parent(s) or guardian(s) a reasonable time prior the time of the hearing.

2. The written notice of the expulsion hearing shall inform the student of the following:

a. The date, time, and location of the hearing.

b. A short, plain description of the conduct alleged by the administration.

c. The student may present as evidence, testimony and documents concerning the conduct alleged and the appropriate length and conditions of expulsion, as well as notice that the expulsion hearing will be the student's sole opportunity to present such evidence.

d. The student may cross-examine witnesses called by the administration.

e. The student may be represented by any third party of his/her choice, including an attorney, at his/her expense or at the expense of his/her parents.

f. The notice shall include information concerning legal services that are provided free of charge or at a reduced rate that are available locally (CT Legal Service or source of such services) and how to access such services.

g. A student is entitled to the services of a translator or interpreter, to be provided by the EASTCONN Board of Directors, whenever the student or his/her parent(s) or guardian(s) do(es) not speak the English language or is disabled.

h. The conditions under which the EASTCONN Board of Directors is not legally required to give the student an alternative educational opportunity (if applicable).

D. Hearing Procedures

1. The hearing will be conducted by the Presiding Officer, who will call the meeting to order, introduce the parties, the Hearing Board members and counsel, briefly explain the hearing procedures, and swear in any witnesses called by the administration or the student.

2. The hearing will be conducted in executive session. A verbatim record of the hearing will be made, either by tape recording or by a stenographer.

3. Formal rules of evidence will not be followed. The Hearing Board has the right to accept hearsay and other evidence if it deems that evidence relevant or material to its determination. The presiding officer will rule on testimony or evidence as to it being immaterial or irrelevant.

4. The hearing will be conducted in two parts. In the first part of the hearing, the Hearing Board will receive and consider evidence regarding the conduct alleged by the administration.

5. In the first part of the hearing, the charges will be introduced into the record by the Executive Director or his/her designee.

6. Each witness for the administration will be called and sworn. After a witness has finished testifying, he/she will be subject to cross examination by the opposite party or his/her legal counsel and by the Hearing Board members.

7. After the Administration has presented its case, the student will be asked if he/she has any witnesses or evidence to present. If so, the witnesses will be sworn, will testify, and will be subject to cross examination and to questioning by the Hearing Board. The student may also choose to make a statement at this time. If the student chooses to make a statement, he or she will be sworn and subject to cross examination and questioning by the Hearing Board. Concluding statements will be made by the administration and then by the student and/or his or her representative.

8. In cases where the respondent has denied the allegation, the Hearing Board

must determine whether the respondent committed the offense(s) as charged by the Executive Director.

9. If the Hearing Board determines that the student has committed the conduct as alleged, then the Hearing Board shall proceed with the second portion of the hearing, during which the Hearing Board will receive and consider evidence regarding the length and conditions of expulsion.

10. When considering the length and conditions of expulsion, the Hearing Board may review the student's attendance, academic and past disciplinary records. The Executive Director will make a recommendation as to the discipline to be imposed.

11. Evidence of past disciplinary problems which have led to removal from a classroom, suspension or expulsion of a student being considered for expulsion may be considered only during the second portion of the hearing, during which the Hearing Board is considering length of expulsion and nature of alternative educational opportunity to be offered.

12. Where administrators presented the case in support of the charges against the student, such administrative staff shall not be present during the deliberations of the Haring Board either on questions of evidence or on the final discipline to be imposed. The Executive Director may, after reviewing the incident with administrators, and reviewing the student's records, make a recommendation to the Hearing Board to the appropriate discipline to be applied.

13. The Hearing Board shall make findings as to the truth of the charges, if the student has denied them, and, in all cases, the disciplinary action, if any, to be imposed. The Hearing Board shall report its final decision in writing to the student, or if such student is a minor, also to the parent(s) or guardian(s), stating the reasons on which the decision is based, and the disciplinary action to be imposed. Said decision shall be based solely on evidence presented at the hearing.

14. For any student who is suspended for the first time and who has never been expelled, the school administration may shorten the length of or waive the suspension period if the student successfully completes an administration-specified program and meets any other administration-required conditions. Such program shall be at no expense to the student or his/her parents/guardians

IX. Board Policy Regarding Mandatory Expulsions

A. EASTCONN will abide with C.G.S. §10 233d and the Gun Free Schools Act, it shall be the policy of the EASTCONN Board of Directors to expel a student enrolled in grades preschool through grade twelve, inclusive, for one full calendar year. The EASTCONN Board of Directors may modify the term of expulsion on a case-by-case basis.

B. 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.

C. 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.

X. Notice of Student Expulsion on Cumulative Record

A. Notice of expulsion and the conduct for which the student was expelled shall be included on the students' cumulative educational record. Such notice, except for the notice of an expulsion of a student in grades 9 through 12 inclusive, based on possession of a firearm or deadly weapon, may be expunged from the cumulative educational record by the EASTCONN Board of Directors if they determine that the conduct and behavior of the student in the years following the expulsion warrants an expungement. Such notice shall be expunged from the cumulative educational record by the EASTCONN Board of Directors when the student graduates from high school.

B. 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 of Directors specified program and/or met other conditions required by the EASTCONN Board of Directors, the notice of expulsion shall be expunged from the cumulative educational record if the student graduates from high school or, if the EASTCONN Board of Directors so chooses, at the time the student completes the EASTCONN Board of Directors specified program and meets any other conditions required by the EASTCONN Board of Directors.

C. In the case of a student in grades Pre-K to grade eight inclusive expelled for the possession of a firearm or deadly weapon, the EASTCONN Board of Directors may expunge from the student's cumulative education record the notice of the conduct for which the student was expelled if the EASTCONN Board of Directors determines that the conduct and behavior of the student in the years following the expulsion warrants an expungement.

XI. Change of Residence During Expulsion Proceedings

A. Student moving into the school Agency:

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

student or to conduct its own expulsion hearing.

2. Where a student enrolls in EASTCONN during the period of expulsion from another school Agency, the EASTCONN Board of Directors may adopt the decision of the student expulsion hearing conducted by such other school Agency. The EASTCONN Board of Directors shall make its determination based upon a hearing held by the EASTCONN Board of Directors which shall be limited to a determination of whether the conduct which was the basis of the expulsion would also warrant expulsion by the EASTCONN Board of Directors.

B. Student moving out of the school Agency:

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 EASTCONN Hearing Board, the notice of the pending expulsion hearing shall be included on the student's cumulative record and the EASTCONN Hearing Board shall complete the expulsion hearing and render a decision. If the EASTCONN Hearing Board subsequently renders a decision to expel the student, a notice of the expulsion shall be included on the student's cumulative record.

XII. 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, as reauthorized in 2004, (an "IDEA student") who has engaged in conduct that violated any rule or code of conduct of EASTCONN that applies to all students, the following procedures shall apply:

1. The administration shall not later than the date on which the decision to take disciplinary action is made, notify the parents of the student of the decision to suspend and a copy of the special education procedural safeguards must either be hand delivered or sent by mail to the parents on the date that the decision to suspend was made.

2. During the period of suspension, EASTCONN is not required to provide any educational services to the IDEA student beyond that which is provided to all students suspended by EASTCONN.

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 engaged in conduct that violated any rule or code of conduct of EASTCONN that applies to all students, the procedures described in this section shall apply. The procedures described in this section shall also apply for students whom the administration has suspended in a manner that is considered under

the IDEA, as it may be amended from time to time, to be a change in placement:

1. The parents of the student must be notified of the decision to suspend on the date on which the decision to suspend was made, and a copy of the special education procedural safeguards must either be hand-delivered or sent by mail to the parents on the date that the decision to suspend was made.

2. EASTCONN shall immediately request to convene the IEP team, but in no case later than ten (10) school days after the recommendation for expulsion or the suspension which constitutes a change in placement was made. The relevant members of the student's IEP team shall consider the relationship between the student's disability and the behavior that led to the recommendation for expulsion or the suspension which constitutes a change in placement, in order to determine whether the student's behavior was a direct manifestation of his/her disability.

3. If the IEP team finds that the behavior was a direct manifestation of the student's disability, the administration shall not proceed with the recommendation for expulsion. The IEP team shall consider the student's misconduct and revise the IEP to prevent a recurrence of the misconduct and to provide for the safety of other students and staff.

4. If the IEP team 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. The special education records and disciplinary records of the student must be transmitted to the individual(s) who will make the final determination regarding a recommendation for expulsion or a suspension that results in a change in placement.

6. EASTCONN has the authority, on a case-by-case basis, to determine whether the student should be removed from the classroom and placed in an alternative setting, pending a manifestation determination.

7. School personnel may remove a disabled student who has violated the conduct code from his/her current placement for up to 10 school days without a hearing.

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. Inflicted serious bodily injury to another person at school, on school premises or at a school function.

The term "dangerous weapon" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2.5 inches in length.

The term "serious bodily injury" means a substantiated risk of death, extreme physical pain, protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

Off-school grounds misconduct that may result in discipline includes, but is not limited

to: Use, possession, sale or distribution of dangerous weapons by statewide

statute.

Use, sale, possession or distribution of illegal drugs

Violent conduct

Making of a bomb threat

Threatening to harm or kill another student or member of the staff.

Engaging in activity that has the reasonable likelihood of threatening the health, safety or welfare of individuals at the school, endangering school property, and/or disrupting the educational process.

For example, if it is determined that a student's use or possession of drugs in the community has a strong likelihood of endangering the safety of students or employees because of the possibility of such sales in the school; or if violent conduct in the community presents a reasonable likelihood of repeating itself in the school environment; or if any similar type of misconduct in the community has a reasonable likelihood of being continued or repeated in school or of bringing retaliation or revenge into the school, discipline up to and including suspension and/or recommendation for expulsion may be imposed. The standard to be applied in considering disciplinary action is whether the off-school grounds conduct will markedly interrupt or severely impede the day-to-day operation of a school.

XIII. Procedures Governing Suspension and Expulsion of Students Identified as Eligible for Educational Accommodations under Section 504 of the Rehabilitation Act of 1973

A. Expulsion of students identified as eligible for educational accommodations under Section 504 of the Rehabilitation Act of 1973:

Notwithstanding any provision to the contrary, if the administration recommends for expulsion a student identified as eligible for educational accommodations under Section 504 of the Rehabilitation Act of 1973 (a "Section 504 Student") who has engaged in conduct that violated any rule or code of conduct of EASTCONN that applies to all students, the following procedures shall apply:

1. The parents of the student must be notified of the decision to recommend the student for expulsion.

2. EASTCONN 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, in order to 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 recommendation for expulsion. The 504 team shall consider the student's misconduct and revise the 504 plan to prevent a recurrence of the misconduct and to provide for the safety of other students and staff.

4. If the 504 team finds that the behavior was not a manifestation of the student's disability, the administration may proceed with the recommendation for expulsion.

XIV. Notification to Parents or Guardian

A. The parents or guardian of any minor student either expelled or suspended or removed from class shall be given notice of such disciplinary action within twenty four (24) hours of the time of the institution of the period of expulsion, suspension or removal from class.

B. The Executive Director of EASTCONN shall forward to the student concerned and his/her parents, or the student if he/she has attained the age of 18, a copy of this Board of Directors policy on student discipline at the time the Executive Director sends out the notice that an expulsion hearing will be convened.

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

XVI. Dissemination of Student Conduct and Discipline Policy

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

XVIII. Compliance with Reporting Requirements

1. The EASTCONN Board of Directors shall report all suspensions and expulsions to the State Department of Education.

2. If the EASTCONN Board of Directors expels a student for sale or distribution of a controlled substance, the EASTCONN Board of Directors shall refer such student to an appropriate state or local agency for rehabilitation, intervention or job training and inform EASTCONN of its action.

3. If the EASTCONN Board of Directors expels a student for possession of a deadly weapon or firearm, as defined in C.G.S. §53a-3, the violation shall be reported to the local police.

Legal References: Connecticut General Statutes

4-177 - 4-180 Contested cases. Notice. Record, as amended

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 14-229 and PA 15-96.

10-233f In-school suspension of students.

Packer v. Board of Educ. of the Town of Thomaston, 246 Conn.89 (1998).
Public Act 98-139

Honig v. Doe, (United States Supreme Court 1988)

Individuals with Disabilities Act, 20 U.S.C. 1400 et seq. as amended by the Individuals with Disabilities Education Act Amendments of 1997 (P.L. 105 17). Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794(a).

20 U.S.C. Section 7114 No Child Left Behind Act

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

2004 State v. Hardy, 896 A.2d 755, 278 Conn. 113 (2006)

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