EASTCONN
Where Learning Comes to Life

STUDENTS
Series 5000
Policy #5023.6.1

Out of School Misconduct

Students are subject to discipline, up to and including suspension and expulsion for misconduct, which is seriously disruptive of the educational process and is a violation of a publicized of EASTCONN's Board of Directors policy, even if such misconduct occurs off-school property and during non-school time. All legal restrictions and requirements will be adhered to pertaining to special education students.

In compliance with judicial decisions, the EASTCONN Board of Directors considers conduct which is "severely disruptive of the educational process" to mean conduct that "markedly interrupts or severely impedes the day-to-day operations of a school" in addition to such conduct also being violative of publicized school policy. Such conduct includes, but is not limited to, phoning in a bomb threat, or making a threat, off school grounds, to kill or hurt any person in the building.

In addition, in making the determination as to whether conduct is "seriously disruptive of the educational process," the administration may consider other information, but such consideration shall not be limited to (l) 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 29-38 and whether any injuries occurred; and (4) whether the conduct involved the use of substances. The conduct can also be the use of inappropriate electronic messages. Inappropriate conduct may also include the use of electronic messages on school grounds or during school activities to promote, promulgate, contrive, plan, coordinate or otherwise enable any inappropriate activity as defined in board policy or any other illicit or illegal activity, regardless of time or location of the activity. The EASTCONN Board of Directors or impartial hearing board, in matters of expulsion for out of school misconduct, in making a determination as to whether conduct is "seriously disruptive of the educational process," may consider other information, but consideration is not limited to the same items listed previously.

Such discipline may result whether: l) the incident was initiated in the school or on school grounds, or 2) even if the incident occurred or was initiated off-school grounds and non-school time; if after the occurrence there was a reasonable likelihood that return of the student would contribute to a disruptive effect on the school education or its process, markedly interrupting or severely impeding the day-to day operation of a school, by threatening:

1. The school's orderly operations;

2.The safety of the school property;

3.The welfare of the persons who work or study there.

Examples of the type of such off-school misconduct that may result in such discipline include but are not limited to:

1. Use, possession, sale, or distribution of dangerous weapons; (as defined C.G.S. 53a-3, 53- 206, and 29-35),

2. Use, possession, sale, or distribution of illegal drugs; or

3. Violent conduct,

4. Making of a bomb threat,

5. Threatening to harm or kill another person.

where any such activity has the reasonable likelihood of threatening the health, safety or welfare of school property, individuals thereon, and/or the educational process.

For example, if it is determined that a student's use, possession, or sale 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 for such off-school misconduct, the EASTCONN Board of Directors may impose discipline up to and including suspension and/or expulsion. The rationale 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.

A student who possessed and used a firearm, deadly weapon, dangerous instrument or martial arts weapon in the commission of a crime off-campus shall be expelled for one calendar year unless said expulsion is modified on an individual case basis.

Legal Reference: Connecticut General Statutes

4- 176e through 4- 185 Uniform Administrative Procedure Act.

10-233a through 10-233f re in-school suspension, suspension, expulsion.

29-35 Carrying of pistol or revolver without permit prohibited.

29-38 Weapons in vehicles.

53a-3 Firearms and deadly weapons.

53-206 Carrying and sale of dangerous weapons.

53a-217b Possession of firearms and deadly weapons on school grounds.

18 U.S.C. 921 Definitions.

PL 103-382 Elementary and Secondary Education Act. (Sec. 14601 - Gun Free Requirements: Gun Free School Act of 1994)

Kyle P. Packer PPA Jane Packer v. Thomaston Board of Directors. (SC

15862)

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