

Students

Student Discipline (continued)

Student Discipline

It is the policy of the Waterford Board of Education (the “Board”) to create a school environment that promotes respect of self, others, and property within the Waterford Public Schools (the “District”). Compliance with this policy will enhance the Board and the District’s ability to maintain discipline and reduce interference with the educational process that can result from student misconduct.

Definitions

- A. **Cannabis** means marijuana, as defined by Conn. Gen. Stat. § 21a-240.
- B. **Dangerous Instrument** means any instrument, article or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury, and includes a "vehicle" or a dog that has been commanded to attack.
- C. **Deadly Weapon** means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon or metal knuckles. A deadly weapon is one which is designed for violence, and which is capable of inflicting death or serious bodily harm and may include pellet guns and/or air soft pistols.
- D. **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.
- E. **Emergency** means a situation in which the continued presence of the student in school 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 student as possible.
- F. **Exclusion** means any denial of public-school privileges to a student for disciplinary purposes.
- G. **Expulsion** means the exclusion of a student 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 the student was assigned at the time such disciplinary action was taken. The expulsion period may not extend beyond one (1) calendar year.

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- H. **Firearm**, as defined in 18 U.S.C § 921, means (a) any weapon (including a starter gun) that will, is designed to, or may be readily converted to expel a projectile by the action of an explosive, (b) the frame or receiver of any such weapon, (c) a firearm muffler or silencer, or (d) any destructive device. As used in this definition, a "destructive device" includes any explosive, incendiary, or poisonous gas device, including a bomb, a grenade, a rocket having a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, or any other similar device; or any weapon (other than a shotgun or shotgun shell particularly suited for sporting purposes) that will, or may be readily converted to, expel a projectile by explosive or other propellant, and which has a barrel with a bore of more than ½" in diameter. The term "destructive device" also includes any combination of parts either designed or intended for use in converting any device into any destructive device or any device from which a destructive device may be readily assembled. A "destructive device" does not include: an antique firearm; a rifle intended to be used by the owner solely for sporting, recreational, or cultural purposes; or any device which is neither designed nor redesigned for use as a weapon.
- I. **Protected Class Harassment** is a form of discrimination on the basis of any protected characteristic (or protected class) including race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression, veteran status, status as a victim of domestic violence, or any other basis prohibited by state or federal law ("Protected Class"). Harassment constitutes unlawful discrimination when it creates a hostile environment, which occurs when the harassment is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student's ability to participate in or benefit from the services, activities, or opportunities offered by a school. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Harassment against any individual on the basis of that individual's association with someone in a Protected Class may be a form of Protected Class harassment.
- J. **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 (1) school year, whichever results in fewer days of exclusion.
- K. **Martial Arts Weapon** includes but is not limited to a nunchaku, kama, kasari-fundo, octagon sai, tonfa or Chinese star.
- L. **Removal** is the exclusion of a student from a classroom for all or part of a single class period, provided such exclusion shall not extend beyond ninety (90) minutes.

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- M. **School Days** shall mean days when school is in session for students.

- N. **School-Sponsored Activity** means any activity sponsored, recognized or authorized by the Board and includes activities conducted on or off school property.

- O. **Seriously Disruptive of the Educational Process**, as applied to off-campus conduct, means any conduct that markedly interrupts or severely impedes the day-to-day operation of a school.

- P. **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

- Q. **Weapon** means any BB gun, any blackjack, any metal or brass knuckles, any police baton or nightstick, any dirk knife or switch knife, any knife having an automatic spring release device by which a blade is released from the handle, having a blade of over one and one-half inches in length, any stiletto, any knife the edged portion of the blade of which is four inches and over in length, any martial arts weapon or electronic defense weapon, or any other dangerous or deadly weapon or instrument, unless permitted by law under Section 29-38 of the Connecticut General Statutes.

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

- S. For purposes of this policy, references to “school”, “school grounds” and “classroom” shall include physical educational environments, including on school transportation, as well as environments in which students are engaged in remote learning, which means instruction by means of one or more Internet-based software platforms as part of a remote learning model.

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-

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sponsored activity that endangers persons or property, is seriously disruptive of the educational process, or that violates a publicized policy of the Board.

B. *Conduct off School Grounds:*

Students may be disciplined for conduct off school grounds if such conduct is seriously disruptive of the educational process and violative of a publicized policy of the Board. In making a determination as to whether such conduct is seriously disruptive of the educational process, the Administration and the Board 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 Conn. Gen. Stat. Section § 29-38, and whether any injuries occurred; and (4) whether the conduct involved the use of alcohol.

In making a determination as to whether such conduct is seriously disruptive of the educational process, the Administration and/or the Board may also consider whether such off-campus conduct involved the use of drugs.

- C. Student shall not have greater discipline, punishment, or sanction for the use, sale, or possession of cannabis on school property than a student would face for the use, sale, or possession of alcohol on school property, except as otherwise required by applicable law.

III. **Actions Leading to Disciplinary Action, including Removal from Class, Suspension and/or Expulsion**

Conduct which may lead to disciplinary action (including, but not limited to, removal from class, suspension and/or expulsion in accordance with this policy) includes conduct on school grounds or at a school-sponsored activity, and conduct off school grounds, as set forth above. Such conduct includes, but is not limited to, the following:

1. Striking or assaulting a student, members of the school staff or other persons.
2. Theft.
3. The use of obscene or profane language or gestures, the possession and/or display of obscenity or pornographic images or the unauthorized possession and/or display of images, pictures or photographs depicting nudity.
4. Violation of smoking, dress, transportation regulations, or other regulations and/or policies governing student conduct.
5. Refusal to obey a member of the school staff, law enforcement authorities, or

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school volunteers, or disruptive classroom behavior.

6. Any act of Protected Class Harassment or reprisal or retaliation against any individual for reporting in good faith incidents of Protected Class Harassment, or who participate in the investigation of such reports.
7. Refusal by a student to identify himself/herself to a staff member when asked, misidentification of oneself to such person(s), lying to school officials or otherwise engaging in dishonest behavior.
8. Inappropriate displays of public affection of a sexual nature and/or sexual activity on school grounds or at a school-sponsored activity.
9. A walk-out from or sit-in within a classroom or school building or school grounds.
10. Blackmailing, threatening or intimidating school staff or students (or acting in a manner that could be construed to constitute blackmail, a threat, or intimidation, regardless of whether intended as a joke).
11. Possession of any weapon, weapon facsimile, deadly weapon, martial arts weapon, electronic defense weapon, pistol, knife, blackjack, bludgeon, box cutter, metal knuckles, pellet gun, air pistol, explosive device, firearm, whether loaded or unloaded, whether functional or not, or any other dangerous object. The possession and/or use of any object or device that has been converted or modified for use as a weapon.
12. Possession of any ammunition for any weapon described above in paragraph 11.
13. Unauthorized entrance into any school facility or portion of a school facility or aiding or abetting an unauthorized entrance.
14. Possession or ignition of any fireworks or other explosive materials, or ignition of any material causing a fire. Possession of any materials designed to be used in the ignition of combustible materials, including matches and lighters.
15. Possession, sale, distribution, use, or consumption of tobacco, electronic nicotine delivery systems (e.g., e-cigarettes and vaporizers), or vapor products, or the unlawful possession, sale, distribution, use or consumption of drugs, narcotics or alcoholic beverages (or any facsimile of tobacco, drugs, narcotics or alcoholic beverages), including being under the influence of any such substances or aiding in the procurement of any such substances. For the purposes of this Paragraph 15, the term "electronic delivery system" shall mean an electronic device that may be used to simulate smoking in the delivery of nicotine or other substance to a person inhaling from the device and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any

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related device and any cartridge or other component of such device. For the purposes of this Paragraph 15, the term “vapor product” shall mean any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may or may not include nicotine that is inhaled by the user of such product. For the purposes of this Paragraph 15, the term "drugs" shall include, but shall not be limited to, any medicinal preparation (prescription and non-prescription) and any controlled substance whose possession, sale, distribution, use or consumption is illegal under state and/or federal law.

16. Sale, distribution, or consumption of substances contained in household items; including, but not limited to glue, paint, accelerants/propellants for aerosol canisters, and/or items such as the aerators for whipped cream; if sold, distributed or consumed for the purpose of inducing a stimulant, depressant, hallucinogenic or mind-altering effect.
17. Possession of paraphernalia used or designed to be used in the consumption, sale or distribution of drugs, alcohol or tobacco, as described in subparagraph (15) above. For purposes of this policy, drug paraphernalia includes any equipment, products and materials of any kind which are used, intended for use or designed for use in growing, harvesting, manufacturing, producing, preparing, packaging, storing, containing or concealing, or injecting, ingesting, inhaling or otherwise introducing controlled drugs or controlled substances into the human body, including but not limited to items such as "bongs," pipes, "roach clips," vials, tobacco rolling papers, and any object or container used, intended or designed for use in storing, concealing, possessing, distributing or selling controlled drugs or controlled substances.
18. The destruction of real, personal or school property, such as, cutting, defacing or otherwise damaging property in any way.
19. Accumulation of offenses such as school and class tardiness, class or study hall cutting, or failure to attend detention.
20. Trespassing on school grounds while on out-of-school suspension or expulsion.
21. Making false bomb threats or other threats to the safety of students, staff members, and/or other persons.
22. Defiance of school rules and the valid authority of teachers, supervisors, administrators, other staff members and/or law enforcement authorities.
23. Throwing snowballs, rocks, sticks and/or similar objects, except as specifically authorized by school staff.
24. Unauthorized and/or reckless and/or improper operation of a motor vehicle on school grounds or at any school-sponsored activity.

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25. Leaving school grounds, school transportation or a school-sponsored activity without authorization.
26. Use of or copying of the academic work of another individual and presenting it as the student's own work, without proper attribution; or any other form of academic dishonesty, cheating or plagiarism.
27. Unauthorized use of wireless and/or portable electronic hand-held equipment that can be used for word processing, wireless Internet access, image capture and recording, sound playback and recording, and information transmission and/or receiving, storing, etc. (including, but not limited to, personal laptops, tablet computers, smartphones, cellular telephones, e-readers, listening devices (such as an mp3 player), network access devices and other electronic devices on school grounds or at a school-sponsored activity in violation of Board policy 5240 regulating the use of such devices.
28. Use of a privately owned electronic or technological device in violation of school rules, including the unauthorized recording (photographic or audio) of another individual without permission of the individual or a school staff member.
29. Possession and/or use of a beeper or paging device on school grounds or at a school-sponsored activity without the written permission of the principal or his/her designee.
30. Unauthorized use of or tampering with any school computer, computer system, computer software, Internet connection or similar school property or system, or the use of such property or system for inappropriate purposes as defined by Board Policy 5220 – Student Use of the District’s Computer Systems and Internet Safety (acceptable Use Policy)
31. Possession and/or use of a laser pointer, unless the student possesses the laser pointer temporarily for an educational purpose while under the direct supervision of a responsible adult.
32. Hazing
33. Bullying, defined in Board policy 5020 Bullying and Safe School Climate Plan as the repeated use by one or more students of a written, oral or electronic communication, such as cyberbullying, directed at another student attending school in the same district, or a physical act or gesture by one or more students repeatedly directed at another student attending school in the same school district, which:
 - a. causes physical or emotional harm to such student or damage to such student’s property;
 - b. places such student in reasonable fear of harm to himself or herself, or of damage to his or her property;

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- c. creates a hostile environment at school for such student;
- d. infringes on the rights of such student at school; or
- e. substantially disrupts the education process or the orderly operation of a school.

Bullying includes, but is not limited to, repeated written, oral or electronic communications or physical acts or gestures based on any actual or perceived differentiating characteristics, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socioeconomic status, academic status, physical appearance, or mental, physical, developmental or sensory disability, or by association with an individual or group who has or is perceived to have one or more of such characteristics.

- 34. Cyberbullying, defined in Board Policy 5020 Bullying and Safe School Climate Plan as any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices or any electronic communications.
- 35. Acting in any manner that creates a health and/or safety hazard for employees, third parties on school property students, or the public, regardless of whether the conduct is intended as a joke, including but not limited to violating school or District health and safety protocols.
- 36. Engaging in a plan to stage or create a violent situation or any educationally disruptive situation for the purposes of recording it by electronic means; or recording by electronic means acts of violence for purposes of later publication.
- 37. Engaging in a plan to stage sexual activity for the purposes of recording it by electronic means; or recording by electronic means sexual acts for purposes of later publication.
- 38. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.
- 39. Engaging in teen dating violence, defined as any act of physical, emotional or sexual abuse, including stalking, harassing and threatening, that occurs between two students who are currently in or who have recently been in a dating relationship as defined in Board Policy 5020 – Bullying and Safe Climate Plan.
- 40. Any action prohibited by any Federal or State law.
- 41. Any other violation of school rules or regulations or a series of violations which

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makes the presence of the student in school seriously disruptive of the educational process and/or a danger to persons or property.

IV. Procedures Governing Discretionary and Mandatory Expulsions

- A. An administrator responsible for a school program may consider recommendation of expulsion of a student in grades three to twelve, inclusive, a case where the responsible administrator has reason to believe the student has engaged in conduct described at Sections II.A. and II.B., above.
- B. A responsible administrator must recommend expulsion proceedings in all cases against any student in grades kindergarten to twelve, inclusive, whom the Administration has reason to believe:
1. was in possession on school grounds or at a school-sponsored activity of a deadly weapon, dangerous instrument, martial arts weapon, or firearm as defined in 18 U.S.C. § 921 as amended from time to time; or
 2. off school grounds, possessed a firearm as defined in 18 U.S.C. § 921, in violation of Conn. Gen. Stat. § 29-35, or possessed and used a firearm as defined in 18 U.S.C. § 921, a deadly weapon, a dangerous instrument or a martial arts weapon in the commission of a crime under chapter 952 of the Connecticut General Statutes; or
 3. was engaged on or off school grounds in offering for sale or distribution a controlled substance (as defined in Conn. Gen. Stat. § 21a-240(9)), whose manufacturing, distribution, sale, prescription, dispensing, transporting, or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under Conn. Gen. Stat. §§21a-277 and 21a-278. Sale or distribution of less than one (1) kilogram of cannabis is not subject to mandatory expulsion. The terms “dangerous instrument,” “deadly weapon,” “electronic defense weapon,” “firearm,” and “martial arts weapon,” are defined above in Section I.
- C. In any preschool program provided by the Board or provided by a regional or provided by a regional educational service center or a state or local charter school pursuant to an agreement with the Board, no student enrolled in such a preschool program shall be expelled from such preschool program, except an expulsion hearing shall be conducted by the Board in accordance with

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Section VIII of this policy whenever the Administration has reason to believe that the student enrolled in such a preschool program was in possession of a firearm as defined in 18 U.S.C. § 921, as amended from time to time, on or off school grounds or at a preschool program-sponsored event. The term “firearm” is defined above in Section I.

- D. Upon receipt of an expulsion recommendation, the Superintendent may conduct an inquiry concerning the expulsion recommendation.

If the Superintendent or his/her designee determines that a student should or must be expelled, he or she shall forward his/her recommendation to the Board so that the Board can consider and act upon this recommendation.

- E. In keeping with Conn. Gen. Stat. § 10-233d and the Gun-Free Schools Act, it shall be the policy of the Board to expel a student in grades kindergarten to twelve, inclusive, for one (1) full calendar year for: the conduct described in Section VII(B)(1), (2) and (3) of this policy and to expel a student enrolled in a preschool program for one (1) calendar year for the conduct described in Section IV.(C). For any mandatory expulsion offense, the Board may modify the term of expulsion on a case-by-case basis.

V. Procedures Governing Removal from Class

- A. 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 by the teacher, the teacher must send him/her to a designated area and notify the responsible administrator or the administrator’s designee at once.
- B. A student may not be removed from class more than six (6) times in one school year nor more than twice in one week unless the student is referred to the responsible administrator or the administrator’s 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.
- C. The parents or guardian of any minor student removed from class shall be given notice of such disciplinary action within twenty-four (24) hours of the time of the institution of such removal from class.

VI. Procedures Governing Suspension

- A. The responsible administrator or the administrator’s 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.

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In cases where suspension is contemplated, 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 responsible administrator or the administrator's 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. If the student is suspended, such suspension shall be an in-school suspension, except the responsible administrator or the administrator's designee may impose an out-of-school suspension on any student:
 - a. In grades three to twelve, inclusive, if, during the informal hearing,
 - (a) the responsible administrator or the administrator's designee determines that the student poses such a danger to persons or property or such a disruption of the educational process that the student should be excluded from school during the period of suspension; or
 - (b) responsible administrator or the administrator's designee determines that an out-of-school suspension is appropriate based on evidence of (i) the student's previous disciplinary problems that have led to suspensions or expulsion of such student, and (ii) previous efforts by the Administration to address the student's disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies, or
 - b. In grades preschool to two, inclusive, if the responsible administrator or the administrator's designee determines that an out-of-school suspension is appropriate for such pupil based on evidence that such pupil's conduct on school grounds is of a violent or sexual nature that endangers persons.
3. Evidence of past disciplinary problems that 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 responsible administrator or the administrator's designee, but only considered in the determination of the length of suspensions.
4. By telephone, a responsible administrator or the administrator's designee shall make reasonable attempts to immediately notify the parent or guardian of a minor student following the suspension and to state the cause(s) leading to the suspension.
5. Whether or not telephone contact is made with the parent or guardian of such minor student, responsible administrator or the administrator's designee shall forward a letter promptly to such parent or guardian to the last address reported on school

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records (or to a newer address if known by the principal or designee), offering the parent or guardian an opportunity for a conference to discuss same.

6. In all cases, the parent or guardian of any minor student who has been suspended shall be given notice of such suspension within twenty-four (24) hours of the time of the institution of the suspension.
7. Not later than twenty-four (24) hours after the commencement of the suspension, responsible administrator or the administrator's designee shall also notify the Superintendent or his/her designee of the name of the student being suspended and the reason for the suspension.
8. The student shall be allowed to complete any classwork, including examinations, without penalty, which he or she missed while under suspension.
9. The school Administration may, in its discretion, shorten or waive the suspension period for a student who has not previously been suspended or expelled, if the student completes an Administration-specified program and meets any other conditions required by the Administration. Such an Administration-specified program shall not require the student and/or the student's parents to pay for participation in the program.
10. Notice of the 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 period of suspension is shortened or waived in accordance with Section V.A(9), above, the Administration may choose to expunge the suspension notice from the cumulative record at the time the student completes the Administration-specified program and meets any other conditions required by the Administration.
11. If the student has not previously been suspended or expelled, and the Administration chooses to expunge the suspension notice from the student's cumulative 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. The decision of responsible administrator or the administrator's designee with regard to disciplinary

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actions up to and including suspensions shall be final.

13. During the period of suspension, 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 responsible administrator or the administrator's designee specifically authorizes the student to enter school property for a specified purpose or to participate in a particular school-sponsored activity.
- B. In cases where a student's suspension will result in the student being suspended more than ten (10) times or for a total of fifty (50) days in a school year, whichever results in fewer days of exclusion, the student shall, prior to the pending suspension, be granted a formal hearing before the Board. responsible administrator or the administrator's designee shall report the student to the Superintendent or designee and request a formal Board hearing. If an emergency situation exists, such hearing shall be held as soon after the suspension as possible.

VII. Procedures Governing In-School Suspension

- A. The responsible administrator or the administrator's 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 responsible administrator or the administrator's designee.
- B. In-school suspension may not be imposed on a student without an informal hearing by the responsible administrator or the administrator's designee.
- C. Suspensions shall be considered to be in-school suspensions unless the responsible administrator or the administrator's designee determines through the informal hearing process that the student poses such a danger to persons or property or is so disruptive of the educational process that he or she must serve the suspension out of school.
- D. No student shall be placed on in-school suspension more than fifteen (15) times or for a total of fifty (50) days in one school year, whichever results in fewer days of exclusion.
- E. The parents or guardian of any minor student placed on in-school suspension shall be given notice of such suspension within twenty-four (24) hours of the time of the institution of the period of the in-school suspension.

VIII. Procedures Governing Expulsion Hearing

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A. *Emergency Exception:*

Except in an emergency situation, the Board shall, prior to expelling any student, conduct a hearing to be governed by the procedures outlined herein and consistent with the requirements of Conn. Gen. Stat. § 10-233d and or Conn. Gen. Stat. § 10-233l, if applicable, as well as and the applicable provisions of the Uniform Administrative Procedures Act, Conn. Gen. Stat. §§ 4-176e to 4-180a, and § 4-181a. Whenever an emergency exists, the hearing provided for herein shall be held as soon as possible after the expulsion.

B. *Hearing Panel:*

1. Expulsion hearings conducted by the Board will be heard by any three or more Board members. A decision to expel a student must be supported by a majority of the Board members present, provided that no less than three (3) affirmative votes to expel are cast.
2. Alternatively, the Board may appoint an impartial hearing board composed of one (1) or more persons to hear and decide the expulsion matter, provided that no member of the Board may serve on such panel.

C. *Hearing Notice and Rights of the Student and Parent(s)/Guardian(s):*

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) at least five (5) business days before such hearing.
2. A copy of this Board policy on student discipline shall also be given to the student, and if the student is a minor, to his/her parent(s) or guardian(s), at the time the notice is sent that an expulsion hearing will be convened.
3. The written notice of the expulsion hearing shall inform the student of the following:
 - a. The date, time, place and nature of the hearing.
 - b. The legal authority and jurisdiction under which the hearing is to be held, including a reference to the particular sections of the legal statutes involved.

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- c. A short, plain description of the conduct alleged by the Administration.
- d. The student may present as evidence relevant testimony and documents concerning the conduct alleged and the appropriate length and conditions of expulsion; and that the expulsion hearing may be the student's sole opportunity to present such evidence.
- e. The student may cross-examine witnesses called by the Administration.
- f. The student may be represented by an attorney or other advocate of his/her choice at his/her expense or at the expense of his/her parent(s) or guardian(s).
- g. A student is entitled to the services of a translator or interpreter, to be provided by the Board, whenever the student or his/her parent(s) or guardian(s) requires the services of an interpreter because he/she/they do(es) not speak the English language or is(are) disabled.
- h. The conditions under which the Board is not legally required to give the student an alternative educational opportunity (if applicable).
- i. Information concerning the parent's(s') or guardian's(s') and the student's legal rights about free or reduced-rate legal services and how to access such services.
- j. The parent(s) or guardian(s) of the student have the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation, except that if an emergency exists, such hearing shall be held as soon after the expulsion as possible.

D. *Hearing Procedures:*

- 1. The hearing will be conducted by the Presiding Officer, who will call the meeting to order, introduce the parties, Board members and others participating in the hearing, briefly explain the hearing procedures, and swear in any witnesses called by the Administration or the student. If an impartial board or more than one person has been appointed, the impartial board shall appoint a Presiding Officer.

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2. The hearing will be conducted in executive session, unless the student aged 18 years or older or a minor student's parent/guardian requests the hearing be conducted in open session. A verbatim record of the hearing will be made, either by tape recording or digital recording by a stenographer. A record of the hearing will be maintained, including the verbatim record, all written notices and documents relating to the case and all evidence received or considered at hearing.
3. The Administration shall bear the burden of production to come forward with evidence to support its case and shall bear the burden of persuasion. The standard of proof shall be a preponderance of the evidence.
4. Formal rules of evidence will not be followed. The 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 and/or any other objections to its submission.
5. The hearing will be conducted in two (2) parts. In the first part of the hearing, the Board (or the impartial board) will receive and consider evidence regarding the conduct alleged by the Administration.
6. In the first part of the hearing, the charges will be introduced into the record by the Superintendent or his/her designee.
7. 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, by the Presiding Officer and by Board members (or the impartial board).
8. The student shall not be compelled to testify at the hearing.
9. After the Administration has presented its case, the student will be asked if he/she has any witnesses or evidence to present concerning the charges. If so, the witnesses will be sworn, will testify, and will be subject to cross examination and to questioning by the Presiding Officer and/or by the Board (or the impartial 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 Presiding Officer and/or by the Board (or the impartial board). Concluding statements will be made by the Administration and then by the student and/or his or her representative.
10. In cases where the student has denied the allegation, the Board (or the impartial board) must

Students

Student Discipline (continued)

determine whether the student committed the offense(s) as charged by the Superintendent.

11. If the Board (or the impartial board) determines that the student has committed the conduct as alleged, then the Board (or the impartial board) shall proceed with the second portion of the hearing, during which the Board (or the impartial board) will receive and consider relevant evidence regarding the length and conditions of expulsion.
12. When considering the length and conditions of expulsion, the Board (or the impartial board) may review the student's attendance, academic and past disciplinary records. The Board (or the impartial board) may not review notices of prior expulsions or suspensions which have been expunged from the student's cumulative record, except as so provided in Section V.A (9), (10), (11), above, and Section XI, below. The Board (or the impartial board) may ask the Superintendent for a recommendation as to the discipline to be imposed.
13. 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 Board (or the impartial board) is considering length of expulsion and nature of alternative educational opportunity to be offered.
14. Where administrators presented the case in support of the charges against the student, neither such administrative staff nor the Superintendent or designee shall not be present during the deliberations of the Board (or the impartial board) either on questions of evidence or on the final discipline to be imposed. The Superintendent or designee may, after reviewing the incident with administrators, and reviewing the student's records, make a recommendation to the Board (or the impartial board) as to the appropriate discipline to be applied.
15. The Board (or the impartial 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. While the hearing itself can be conducted in executive session, the vote regarding expulsion must be made in open session and in a manner that preserves the confidentiality of the student's name and other personally identifiable information.
16. Except for a student who has been expelled based on possession of a firearm or deadly weapon as described in subsection IV.B(1) and (2) above, the Board (or the impartial board) may, in its discretion, shorten or waive the expulsion period for a student who has not previously been suspended or expelled, if the student completes a Board-specified program

Students

Student Discipline (continued)

and meets any other conditions required by the Board (or the impartial board) . The Board-specified program shall not require the student and/or the student's parents to pay for participation in the program.

17. The Board (or the impartial 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. The parents or guardian or any minor student who has been expelled shall be given notice of such disciplinary action within twenty-four (24) hours of the time of the institution of the period of the expulsion.

E. *Presence on School Grounds and Participation in School-Sponsored Activities During Expulsion:*

During the period of expulsion, 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, except for the student's participation in any alternative educational opportunity provided by the District in accordance with this policy, unless the Superintendent specifically provides written permission for the student to enter school property for a specified purpose or to participate in a particular school-sponsored activity.

F. *Stipulated Agreements:*

In lieu of the procedures used in this Section, the Administration and the parent(s) or legal guardian(s) of a student facing expulsion may choose to enter into a Joint Stipulation of the Facts and a Joint Recommendation to the Board concerning the length and conditions of expulsion. Such Joint Stipulation and Recommendation shall include language indicating that the parent(s) or legal guardian(s) understand their right to have an expulsion hearing held pursuant to these procedures, and language indicating that the Board, in its discretion, has the right to accept or reject the Joint Stipulation of Facts and Recommendation. If the Board (or the impartial board) rejects either the Joint Stipulation of Facts or the Recommendation, an expulsion hearing shall be held pursuant to the procedures outlined herein. If the student is eighteen years of age or older, the student shall have the authority to enter into a Joint Stipulation and Recommendation on his or her own behalf.

If the parties agree on the facts, but not on the disciplinary recommendation, the Administration and the parents (or legal guardians) of a student facing expulsion may also choose to enter into a Joint Stipulation of the Facts and submit only the Stipulation of the Facts to the Board (or the impartial board) in lieu of holding the first part of the hearing,

Students

Student Discipline (continued)

as described above. Such Joint Stipulation shall include language indicating that the parents and/or student over the age of 18 understand their right to hold a hearing to determine whether the student engaged in the alleged misconduct and that the Board, in its discretion, has the right to accept or reject the Joint Stipulation of Facts. If the Board (or the impartial board) rejects the Joint Stipulation of Facts, a full expulsion hearing shall be held pursuant to the procedures outlined herein.

IX. Alternative Educational Opportunities for Expelled Students

A. *Students under sixteen (16) years of age:*

Whenever the Board expels a student under sixteen (16) years of age, it shall offer any such student an alternative educational program.

B. *Students sixteen (16) to eighteen (18) years of age:*

1. The Board shall provide an alternative educational opportunity to a sixteen (16) to eighteen (18) year old student expelled for the first time if he/she requests it and if he/she agrees to the conditions set by the Board (or the impartial board). Such alternative educational opportunity may include, but shall not be limited to, the placement of a student who is at least seventeen years of age in an adult education program. Any student participating in an adult education program during a period of expulsion shall not be required to withdraw from school as a condition to his/her participation in the adult education program.
2. The Board is not required to offer an alternative educational opportunity to any student between the ages of sixteen (16) and eighteen (18) who is expelled for a second or subsequent time.
3. The Board shall count the expulsion of a student when he/she was under sixteen (16) years of age for purposes of determining whether an alternative educational opportunity is required for such student when he/she is between the ages of sixteen (16) and eighteen (18).

C. *Students eighteen (18) years of age or older:*

The Board is not required to offer an alternative educational opportunity to expelled students eighteen (18) years of age or older.

D. *Content of Alternative Educational Opportunity*

Students

Student Discipline (continued)

1. For the purposes of Section IX, and subject to Subsection IX.E, below, any alternative educational opportunity to which an expelled student is statutorily entitled shall be (1) alternative education, as defined by Conn. Gen. Stat. § 10-74j and in accordance with the Standards for Educational Opportunities for Students Who Have Been Expelled, adopted by the Connecticut State Board of Education, with an individualized learning plan, if the Board provides such alternative education, or (2) in accordance with the Standards for Educational Opportunities for students who have been expelled, adopted by the State Board of Education.
2. The Superintendent, or his/her designee, shall develop administrative regulations concerning alternative educational opportunities, which administrative regulations shall be in compliance with the standards adopted by the State Board of Education. Such administrative regulations shall include, but not limited to, provisions to address student placement in alternative education; individualized learning plans; monitoring of students' placements and performance; and a process for transition planning.

E. *Students identified as eligible for services under the Individuals with Disabilities Education Act ("IDEA"):*

Notwithstanding Subsections IX.A. through D. above, if the Board expels a student who has been identified as eligible for services under the Individuals with Disabilities Education Act ("IDEA"), it shall offer an alternative educational opportunity to such student in accordance with the requirements of IDEA, as it may be amended from time to time, and in accordance with the *Standards for Educational Opportunities for Students Who Have Been Expelled*, adopted by the State Board of Education.

F. *Students for whom an alternative educational opportunity is not required:*

The Board may offer an alternative educational opportunity to a pupil for whom such alternative educational opportunity is not required by law or as described in this policy. In such cases, the Board, or if delegated by the Board, the Administration, shall determine the components, including nature, frequency and duration of such services, of any such alternative educational opportunity.

X. *Notice of Student Expulsion on Cumulative Record*

Notice of expulsion and the conduct for which the student was expelled shall be included

Students

Student Discipline (continued)

on the student's cumulative educational record. Such notice, except for notice of an expulsion of a student in grades nine through twelve, inclusive, based upon possession of a firearm or deadly weapon, shall be expunged from the cumulative educational record by the Board if the student graduates from high school.

In cases where the student's period of expulsion is shortened or waived in accordance with Section VIII.D(14), above, the Board may choose to expunge the expulsion notice from the cumulative record at the time the student completes the Board-specified program and meets any other conditions required by the Board.

If a student's period of expulsion was not shortened or waived, the Board may choose to expunge the expulsion notice from the student's cumulative record prior to graduation if such student has demonstrated to the Board that the student's conduct and behavior in the years following such expulsion warrants an expungement. In deciding whether to expunge the expulsion notice, the Board may receive and consider evidence of any subsequent disciplinary problems that have led to removal from a classroom, suspension or expulsion of the student.

If the student has not previously been suspended or expelled, and the Administration chooses to expunge the expulsion notice from the student's cumulative record prior to graduation, the Administration may refer to the existence of the expunged 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 suspension or expulsion by the student would constitute the student's first such offense.

XI. Change of Residence During Expulsion Proceedings

A. Student moving into the District:

1. If a student enrolls in the District while an expulsion hearing is pending in another public school district, such student shall not be excluded from school pending completion of the expulsion hearing unless an emergency exists, as defined above. The Board shall retain the authority to suspend the student or to conduct its own expulsion hearing.
2. Where a student enrolls in the District during the period of expulsion from another public school district, the Board may adopt the decision of the student expulsion hearing conducted by such other school district. The student shall be excluded from school pending such hearing. The excluded student shall be offered an alternative educational opportunity in accordance with statutory requirements. The Board (or the impartial board) shall make its determination pertaining to expulsion based upon a hearing held by the Board (or the impartial board), which hearing shall

Students

Student Discipline (continued)

be limited to a determination of whether the conduct which the basis of the previous public school district's expulsion was would also warrant expulsion by the Board.

B. *Student moving out of the District:*

Where a student withdraws from school after having been notified that an expulsion hearing is pending, but before a decision has been rendered by the Board, the notice of the pending expulsion hearing shall be included on the student's cumulative record and the Board shall complete the expulsion hearing and render a decision. If the Board subsequently renders a decision to expel the student, a notice of the expulsion shall be included on the student's cumulative record.

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 (an "IDEA student") who has violated any rule or code of conduct of the District that applies to all students, the following procedures shall apply:

1. The Administration shall make reasonable attempts to immediately notify the parents of the student of the decision to suspend on the date on which the decision to suspend was made, and a copy of the special education procedural safeguards must either be hand-delivered or sent by mail to the parents on the date that the decision to suspend was made.
2. During the period of suspension, the District is not required to provide any educational services to the IDEA student beyond that which is provided to all students suspended by the school district.

B. *Expulsion and Suspensions that Constitute Changes in Placement for IDEA students:*

Notwithstanding any provision to the contrary, if the Administration recommends for expulsion an IDEA student who has violated any rule or code of conduct of

Students

Student Discipline (continued)

the school district that applies to all students, the procedures described in this section shall apply. The procedures described in this section shall also apply for students whom the Administration has suspended in a manner that is considered under the IDEA, as it may be amended from time to time, to be a change in educational placement:

1. Upon the decision by the Administration to recommend expulsion or impose a suspension that would constitute a change in educational placement, the Administration shall promptly notify the parent(s)/guardian(s) of the student of the - recommendation of expulsion or the suspension that would constitute a change in educational placement), and provide the parent(s)/guardian(s) a copy of the special education procedural safeguards either by hand delivery or by mail (unless other means of transmission have been arranged.)
2. The District shall immediately convene the student's planning and placement team ("PPT"), but in no case later than ten (10) school days after the recommendation for expulsion or the suspension that constitutes a change in placement was made. The student's PPT shall consider the relationship between the student's disability and the behavior that led to the recommendation for expulsion or the suspension which constitutes a change in placement, in order to determine whether the student's behavior was a manifestation of his/her disability.
3. If the student's PPT finds that the behavior was a manifestation of the student's disability, the Administration shall not proceed with the recommendation for expulsion or the suspension that constitutes a change in placement.
4. If the student's PPT finds that the behavior was not a manifestation of the student's disability, the Administration may proceed with the recommended expulsion or suspension that constitutes a change in placement.
5. During any period of expulsion, or suspension of greater than ten (10) days per school year, the Administration shall provide the student with an alternative education program in accordance with the provisions of the IDEA.
6. When determining whether to recommend an expulsion or a suspension that constitutes a change in placement, the responsible administrator (or designee) should consider the nature of the misconduct and any relevant educational records of the student.

C. *Removal of Special Education Students for Certain Offenses:*

Students

Student Discipline (continued)

1. A responsible administrator may remove a student eligible for special education under the IDEA to an appropriate interim alternative educational setting for not more than forty-five (45) school days if the student:
 - a. Was in possession of a dangerous weapon, as defined in 18 U.S.C. 930(g)(2), as amended from time to time, on school grounds or at a school-sponsored activity; or
 - b. Knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance while at school or at a school-sponsored activity; or
 - c. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.
2. The following definitions shall be used for this subsection:
 - a. **Dangerous weapon** means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocketknife with a blade of less than 2.5 inches in length.
 - b. **Controlled substance** means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act, 21 U.S.C. 812(c).
 - c. **Illegal drug** means a controlled substance but does not include a substance that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.
 - d. **Serious bodily injury** means a bodily injury which involves: (A) a substantial risk of death; (B) extreme physical pain; (C) protracted and obvious disfigurement; or (D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

Students

Student Discipline (continued)

XIII. Procedures Governing Expulsions for Students Identified as Eligible under Section 504 of the Rehabilitation Act of 1973 (“Section 504”)

Notwithstanding any provision to the contrary, if the Administration recommends for expulsion a student identified as eligible for educational accommodations under Section 504 who has violated any rule or code of conduct of the District that applies to all students, the following procedures shall apply:

- A. The parents of the student must be notified of the decision to recommend the student for expulsion.
- B. The District shall immediately convene the student’s Section 504 team (“504 team”) for the purpose of reviewing the relationship between the student’s disability and the behavior that led to the recommendation for expulsion. The 504 team will determine whether the student’s behavior was a manifestation of his/her disability.
- C. If the 504 team finds that the behavior was a manifestation of the student’s disability, the Administration shall not proceed with the recommended expulsion.
- D. If the 504 team finds that the behavior was not a manifestation of the student's disability, the Administration may proceed with the recommended expulsion.

XIV. Procedures Governing Expulsions for Students Placed in a Juvenile Detention Center

- A. Any student who commits an expellable offense and is subsequently placed in a juvenile detention center, or any other residential placement for such offense may be expelled by the Board in accordance with the provisions of this section. The period of expulsion shall run concurrently with the period of placement in a juvenile detention center, or other residential placement.
- B. If a student who committed an expellable offense seeks to return to the District after participating in a diversionary program or having been in a juvenile detention center, or residential placement and such student has not been expelled by the board of education for such offense under subdivision (A) of this subsection, the Board shall allow such student to return and may not expel the student for additional time for such offense.

XV. Early Readmission to School

An expelled student may apply for early readmission to school. The Board delegates the authority to make decisions on readmission requests to the Superintendent. Students

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Students

Student Discipline (continued)

desiring readmission to school shall direct such readmission requests to the Superintendent. The Superintendent has the discretion to approve or deny such readmission requests and may condition readmission on specified criteria.

XVI. Dissemination of Policy

The District 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.

XVII. Compliance with Documentation and Reporting Requirements

- A. The District shall include on all disciplinary reports the individual student's state-assigned student identifier (SASID).
- B. The District shall report all suspensions and expulsions to the State Department of Education.
- C. If the Board expels a student for sale or distribution of a controlled substance, as defined in Conn. Gen. Stat. § 21a-240(9), whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with the intent to sell or dispense, offering, or administration is the subject to criminal penalties under Conn. Gen. Stat. §§ 21a-277 and 21a-278, the District shall refer such student to an appropriate state or local agency for rehabilitation, intervention or job training and inform the agency of its action.
- D. If the Board expels a student for possession of a firearm, as defined in 18 U.S.C. § 921, or deadly weapon, a dangerous instrument or martial arts weapon, as defined in Conn. Gen. Stat. § 53a-3, the District shall report the violation to the local police.

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Students

Student Discipline (continued)

Legal References:

Connecticut General Statutes:

Public Act 18-31, “An Act Concerning the Recommendations of the Juvenile Justice Policy and Oversight Committee and Concerning the Transfer of Juvenile Services from the Department of Children and Families to the Court Support Services Division of the Judicial Branch”

Public Act 16-147, An Act Concerning the Recommendations of the

Juvenile Justice Policy and Oversight Committee

§§4-176e through 4-180a and §4-181a Uniform Administrative Procedures Act

§10-222d Safe school climate plans. Definitions. Safe school climate assessments

§§10-233a through 10-233f Suspension and expulsion of students

§ 10-233l Expulsion and suspension of children in preschool programs

§19a-342a Use of electronic nicotine delivery system or vapor product prohibited

§§ 21a-408a through 408q Palliative Use of Marijuana

§29-38 Weapons in vehicles

§53a-3 Definitions

§53-344b Sale and delivery of electronic nicotine delivery system or vapor products to minors

§53-206 Carrying of dangerous weapons prohibited

Packer v. Board of Educ. of the Town of Thomaston, 246 Conn. 89 (1998)

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

State v. Guzman, 955 A.2d 72, 2008 Conn. App. LEXIS 445 (Sept. 16, 2008)

Connecticut State Department of Education, *Standards for Educational Opportunities for Students Who Have Been Expelled*, adopted January 3, 2018.

Federal law:

Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., as amended by the Individuals with Disabilities Education Improvement Act of 2004, Pub. L. 108-446

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794(a)

18 U.S.C. §921 (definition of “firearm”)

18 U.S.C. §930(g)(2) (definition of “dangerous weapon”)

18 U.S.C. §1365(h)(3) (identifying “serious bodily injury”)

21 U.S.C. §812(c) (identifying “controlled substances”)

34 C.F.R. § 300.530 (defining “illegal drugs”)

Gun-Free Schools Act, 20 U.S.C. §7961)

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Students

Student Discipline (continued)

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WATERFORD PUBLIC SCHOOLS
Waterford, Connecticut

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Student Discipline (continued)

[BOE LETTERHEAD]

(Date) CERTIFIED MAIL - RETURN RECEIPT REQUESTED & U.S. MAIL

(Parent) 1 (Parent's Address)

(Non-custodial Parent, if applicable) (Parent's Address)

Re: *Expulsion Hearing Concerning Student Name; D.O.B.; State-Assigned Student Identifier (SASID).*

Dear (Parent/Guardian):

In accordance with the (name of district) Board of Education Policy (policy # & title), I am writing to advise you that the (name of district) Board of Education (the "Board") will hold a formal hearing concerning your (son/daughter), (Name of Student) to consider the recommendation of (name of administrator) that (he/she) be expelled from school. [In cases where the district uses an impartial hearing board, add the following: Please be advised that the Board has appointed Attorney [Name], to serve as an impartial hearing board in this matter.] This hearing is being held pursuant to Section 10-233d [In cases where a preschool student is recommended for expulsion, add the following: and Section 10-233i] and Sections 4-176e to 4-

180a, inclusive, and Section 4-181a of the Connecticut General Statutes and the (name of district) Board of Education Policy (policy # & title), a copy of which is enclosed. The Board (OR the impartial hearing board) intends to conduct the hearing in executive session, due to the confidential nature of this hearing.

The hearing will address the allegations that your (son/daughter) violated Board Policy (cite Student Discipline Policy number and any other specific policy number on date), by engaging in the following conduct:

(The law governing these hearings requires a short, plain statement of the facts to be included within this notice letter, and should be inserted here.

Example: carrying a knife on the school bus on a specified date and brandishing it at other students on the bus).

(State whether you considered such conduct to endanger persons or to be seriously disruptive of the educational process).

(If the student has admitted to this conduct, note the admission here).

The hearing has been scheduled for (date, time, place [note: unless an emergency exists, this notice must be given to the student/parent/guardian at least five (5)

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Students

Student Discipline (continued)

business days before the hearing]). *(If a manifestation determination must be held prior to the expulsion hearing, add the following language: Prior to the expulsion hearing, your (son's/daughter's) [planning and placement (PPT) team OR Section 504 team] will determine if your child's conduct constitutes a manifestation of (his/her) disability. The expulsion hearing will be canceled if the [PPT OR Section 504 team] determines that the conduct was a manifestation of your child's disability; otherwise, the hearing will proceed as scheduled.*

You and your (son/daughter) are asked to attend this hearing. Your (son/daughter) has the right to be represented by an attorney or other advocate at your expense, has the right to cross-examine administration witnesses, and may present relevant evidence, both documentary and testimonial, concerning the allegations. The hearing will be the parties' sole opportunity to present such evidence. The Board (OR the impartial hearing board) may also question witnesses. An opportunity will also be given for the administration and your (son/daughter) or his/her representatives to present argument concerning the evidence presented at the hearing. If you need the services of a translator or an interpreter for this hearing, please let me know as soon as possible.

Unless the administration has determined that an emergency exists, you have the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation. If you would like to request a postponement, please let me know as soon as possible.

The administration may recommend expulsion from school for up to one calendar year. The Board (OR the impartial hearing board) has discretion to adopt any period of expulsion up to one calendar year.

As mentioned above, your (son/daughter) has a right to be represented, at your own expense, by an attorney or other advocate at the expulsion hearing. Obtaining an attorney or other advocate is the responsibility of the family. Very low income families may be able to obtain free or reduced rate advice or legal representation through Statewide Legal Services, Inc. ("SLS"). To apply for such assistance, those families should contact SLS immediately at 1-800-453-3320.

In the event your (son/daughter) is expelled as a result of the scheduled hearing, and your (son/daughter) is under sixteen (16) years of age, the Board will offer your child an alternative educational opportunity, during any period of exclusion from school as determined by the Administration, in accordance with applicable law and Board policy. If your (son/daughter) is between sixteen (16) and eighteen (18) and has not been expelled before, the Board shall also offer to your (son/daughter) an alternative educational opportunity if she/he wishes to continue her/his education. Please know however, that the Board is not required to offer an alternative educational opportunity to any student between sixteen (16) and eighteen (18) years of age who, have previously been expelled or to students who are eighteen (18) years of age or older.

If you have any questions, please call my office at (number).

Students

Student Discipline (continued)

Sincerely,

(Name of Superintendent)
(Name of District) Public Schools

Cc: (Name of District), Chairman, (Name of District) Board of Education
(Name of Special Education director, where applicable)
(Name of responsible administrator at school that student attends)
(Name of Board of Education Attorney, where applicable)
(Name of Administration's Attorney, where applicable)

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Students

Student Discipline (continued)

AGREEMENT

NAME OF SUPERINTENDENT, (Superintendent of Schools for NAME OF DISTRICT), NAME OF STUDENT and NAME(S) OF PARENT(S)/GUARDIAN(S) (the parent(s)/guardian(s) of NAME OF STUDENT) agree as follows with respect to the Superintendent's request that NAME OF STUDENT be expelled from _____ School:

1. NAME OF STUDENT (D.O.B. _____ ; SASID _____) is currently enrolled as a _____ grade student at _____ School.

2. NAME OF STUDENT admits that he/she engaged in the following conduct (insert a short, plain statement of the conduct) on or about _____, 20 ____ :

3. NAME OF STUDENT's conduct, as described above, violates _____ Board of Education Policy _____ (Student Discipline). (Cite other policies here as appropriate). (State whether such conduct is considered to endanger persons or to be seriously disruptive of the educational process). (If the student has admitted to this conduct, note the admission here).

4. Students are notified of applicable Board policies regarding prohibited conduct by publication in the student handbook.

(Optional Section for students with disabilities):

5. A manifestation determination was made on (date) concerning this conduct and it was determined that the conduct was not a manifestation of the student's disability.

6. Students are notified of applicable Board policies regarding prohibited conduct by publication in the student handbook.

7. Subject to the approval of the _____ Board of Education (the "Board"), NAME OF STUDENT shall be expelled effective _____, 20 ____ and continuing through _____, 20 ____, under the following conditions:

a) During the period of expulsion, the Board will provide NAME OF STUDENT with an alternative education opportunity deemed appropriate by the Administration in accordance with applicable law and Board policy

(Optional alternative language if the parties agree to an alternative educational opportunity other than that required by the state standards:

The NAME OF PARENT(S) and NAME OF STUDENT understand and acknowledge that, pursuant to Section 10-233d of the Connecticut General Statutes, NAME OF

Students

Student Discipline (continued)

STUDENT is entitled to an alternative educational opportunity during the Expulsion Period which shall be (1) alternative education, as defined by Section 10-74j of the Connecticut General Statutes, with an individualized learning plan, if the Board provides such alternative education, or (2) in accordance with the standards adopted by the State Board of Education, pursuant to section 3 of public act 17-220 (a “Statutory Alternative Educational Opportunity”). The NAME OF PARENT(S) and NAME OF STUDENT hereby waive NAME OF STUDENT’s right to a Statutory Alternative Educational Opportunity and accordingly waive the application of the *Standards of Educational Opportunities for Students Who Have Been Expelled*, adopted by the Connecticut State Board of Education, and the Board’s Administrative Regulations concerning the implementation of said standards. In lieu of a Statutory Alternative Educational Opportunity, the NAME OF PARENT(S) and NAME OF STUDENT agree that during the Expulsion Period, the Board will provide NAME OF STUDENT with an alternative educational opportunity as follows:

[Describe alternative educational opportunity agreed to by parties.]

If NAME OF STUDENT becomes ineligible to attend the Waterford Public Schools pursuant to Board Policy and/or if the Parents withdraw NAME OF STUDENT from his/her enrollment as a student at [name of school], the Board will have no obligation to provide NAME OF STUDENT with the alternative educational opportunity described herein.

b) During the period of expulsion, NAME OF STUDENT will not be permitted to be on school grounds and will not be permitted to attend or participate in any school-sponsored activities, except as authorized in writing in advance by the Superintendent of Schools.

(Optional Sections regarding early readmission):

c) Prior to _____, the Superintendent will review NAME OF STUDENT’s conduct, as well as his/her attendance and effort level in the alternative educational opportunity [list other conditions as applicable], for the purpose of determining, in the Superintendent’s sole discretion, whether NAME OF STUDENT should be readmitted to school on or about _____.

d) If the Superintendent determines that NAME OF STUDENT should be readmitted to school early in accordance with the preceding section, and if NAME OF STUDENT subsequently commits any offense that would warrant suspension and/or expulsion under the policies of the Board, the Superintendent may reinstate NAME OF STUDENT’s expulsion for the remainder of the expulsion period, through _____ (date), without the need for any further proceedings before the Board.

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Students

Student Discipline (continued)

(Optional Section for expungement if the expulsion is the student's first expulsion):

e) Prior to (date), the Superintendent will review NAME OF STUDENT's conduct, as well as his/her attendance and effort level since the expulsion, for the purpose of determining, in the Superintendent's sole discretion, whether the expulsion hearing record of NAME OF STUDENT should be expunged from his/her educational record as of (date).

8. 5. All parties to this Agreement request that this Agreement be presented to the Board for the Board's consideration, in lieu of the submission of any other evidence by the Superintendent and/or NAME OF STUDENT or his/her parents, and they agree that this Agreement is sufficient for the Board to expel NAME OF STUDENT from school.

9. NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) understand and acknowledge that, pursuant to Section 10-233d of the Connecticut General Statutes and Board Policy, NAME OF STUDENT is entitled to an expulsion hearing before the Board of Education to contest NAME OF STUDENT's proposed expulsion from the Public Schools. NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) further understands and acknowledges that at such hearing NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) would have the right to call witnesses and to introduce documentary evidence, to cross examine witnesses called by the Administration, and to be represented by an attorney or other advocate at their own expense. Accordingly, NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) waive NAME OF STUDENT's right to an expulsion hearing pursuant to Section 10-233d of the Connecticut General Statutes.

10. The Superintendent, NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) understand that this Agreement is subject to the approval of the Board. In the event that the Board does not approve this Agreement, the Superintendent, NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) agree that the expulsion hearing concerning NAME OF STUDENT shall be rescheduled to a mutually agreeable date for the purposes of conducting an evidentiary hearing before the Board concerning the Superintendent's expulsion request. NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) agree that NAME OF STUDENT will remain out of school until the evidentiary hearing has been completed. NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) also agree that the Board's consideration of this proposed Agreement will not disqualify any member of the Board from serving as a Board member in the evidentiary hearing, and they hereby waive any right to make such a claim in any proceeding in any forum.

11. NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) enter into this Agreement voluntarily and with a full understanding of the provisions of this Agreement.

Students

Student Discipline (continued)

NAME OF SUPERINTENDENT
Superintendent of Schools

Date

NAME OF STUDENT
Student

Date

NAME OF PARENT/GUARDIAN OF STUDENT

Date:

NAME OF PARENT/GUARDIAN
OF STUDENT

Date: