

Students

Student Discipline

It is the policy of the Westport Board of Education (the “Board”) to create a school environment that promotes respect of self, others, and property within the Westport 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. Pursuant to this policy, the District shall promote the utilization of consistent discipline practices, both within and across schools in the District, while also promoting the consideration of individual circumstances arising in each student disciplinary matter. Where appropriate, the District implements strategies that teach, encourage and reinforce positive student behavior that do not require engagement with the discipline system.

I. 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.

BC. Deadly Weapon means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon or metal knuckles. A weapon such as a pellet gun and/or air soft pistol may constitute a deadly weapon if such weapon is designed for violence and is capable of inflicting death or serious bodily harm. In making such determination, the following factors should be considered: design of weapon; how weapon is typically used (e.g., hunting); type of projectile; force and velocity of discharge; method of discharge (~~i.e.g.~~, spring v. CO2 cartridge) and potential for serious bodily harm or death.

CD. 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, including a stun gun or other conductive energy device.

DE. 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.

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

FG. 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 such ~~pupil~~-student was assigned at the time such

disciplinary action was taken. The expulsion period may not extend beyond one (1) calendar year.

GH. 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. The term firearm does not include an antique firearm. 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 which the Attorney General finds is generally recognized as 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~~ and 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. Presiding Officer means the member of the Board of Education or impartial board designated as the individual responsible for presiding over an expulsion hearing.

J. Generative Artificial Intelligence ("AI") refers to a technology system, including but not limited to ChatGPT, capable of learning patterns and relationships from data, enabling it to create content, including but not limited to text, images, audio, or video, when prompted by a user.

K. Hate-Based Conduct means conduct that attacks, threatens, intimidates, degrades, or otherwise infringes on the rights of an individual based on such individual's race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression, or veteran status. Such conduct includes, but is not limited to, the use of a written, oral, or electronic communication or a physical act or gesture that: causes physical or emotional harm to an individual or damage to such individual's property; places an individual in reasonable fear of harm to themselves, or of damage to their property; creates a hostile environment for such individual at school or during a school-sponsored activity; infringes on the rights of an individual at school or during a school-sponsored activity; and/or substantially disrupts the educational process or the orderly operation of a school.

L. 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.

~~**H. Impartial Hearing Board** means a board composed of one (1) or more persons appointed by the Board, provided that no member of the Board may serve on such hearing board. The Impartial Hearing Board shall have the authority to conduct hearings and render a final decision in accordance with the provisions of the Uniform Administrative Procedures Act, Conn. Gen. Stat. §§ 4-176e to 4-180a, and § 4-181a.~~

IML. **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.

JNM. **Martial Arts Weapon** means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or chinese star.

KON. **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.

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

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

NRQ. **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.

OSR. **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.

PTS. **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~~-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.

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

VU. 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, on School Transportation, 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.~~

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

2. Expulsion. Students may be expelled for conduct on school grounds, on school transportation, or at any school-sponsored activity that either (1) violates a publicized policy of the Board and is seriously disruptive of the educational process, or (2) endangers persons or property.

B. Conduct off School Grounds:

~~4. Discipline. Students may be disciplined, including suspension and/or expulsion, for conduct off school grounds if such conduct~~ violates a publicized policy of the Board and is seriously disruptive of the educational process ~~and violative of a publicized policy of the Board.~~

C. Seriously Disruptive of the Educational Process:

In making a determination as to whether such conduct is seriously disruptive of the educational process, the Administration and ~~an Impartial Hearing Board or~~ the Board of ~~Education~~ may consider, but such consideration shall not be limited to, the following factors: (1) **whether the incident occurred within close proximity of a school;** (2) **whether other students from the school were involved or whether there was any gang involvement;** (3) **whether the conduct involved violence, threats of violence, or the unlawful use of a weapon,** as defined in Section ~~29~~ Conn. Gen. Stat. § 29-38 of the Connecticut General Statutes, § 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 an Impartial Hearing Board or the Board of ~~Education~~ may also consider (5) **whether such the off-campus conduct involved the illegal use of drugs.**

D. A 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 that is considered to violate a publicized policy of the Board ~~Any such~~ includes the offenses described below. Any such ~~C~~ conduct which may lead to disciplinary action (including, but not limited to, removal from class, suspension and/or expulsion in accordance with this policy) ~~includes conduct on school grounds or at a school sponsored activity (including on a school bus), and conduct off school grounds, as set forth above. Such conduct includes, but is not limited to, the following:~~ The offenses below are organized for ease of understanding and reference only and should not be considered to diminish or otherwise modify the list of offenses.

Behavior that demonstrates a lack of respect for the teaching and learning environment:

1. Disruptive classroom behavior
2. Offenses or accumulation of offenses such as school and class tardiness, class or study hall cutting, or failure to attend detention or monitored study, unauthorized leaving of a classroom, and/or unauthorized absences from school
3. Possession and/or use of a cellular telephone, radio, portable audio player, CD player, blackberry, tablet, personal data assistant, walkie talkie, Smartphone, mobile or handheld device, beeper or paging device, or similar electronic device, on school grounds, on school transportation, or at a school-sponsored activity in violation of Board policy and/or administrative regulations regulating the use of such devices.

Behavior that demonstrates a lack of honesty, respect, and courtesy for individuals in the school community:

4. Use of obscene or profane language or gestures
5. Violation of dress policy
6. Refusal to obey a member of the school staff, law enforcement authorities, or school volunteers
7. Refusal by a student to respond to a staff member's request for the student to provide the student's name to a staff member when asked
8. Misidentification of oneself to staff member when asked or refusal to identify to a staff member
9. Lying to school staff members
10. Otherwise engaging in dishonest behavior, including but not limited to forgery
11. Defiance of school rules and the valid authority of teachers, supervisors, administrators, other employees and/or law enforcement authorities
12. Use of or copying of the academic work of another individual and presenting it as the student's own work, without proper attribution; the unauthorized use of AI for the completion of class assignments; or any other form of academic dishonesty, cheating or plagiarism
13. Publication or dissemination, including but not limited to publication or dissemination via social media platforms, of libelous, obscene or defamatory materials or literature

Behavior that demonstrates a lack of respect or damages personal or public property:

14. Theft
15. Throwing garbage and food items in the cafeteria or elsewhere in the school building or on school grounds/ initiating a food fight
16. The destruction of real, personal or school property, such as, cutting, defacing, vandalizing or otherwise damaging property in any way

Behavior that jeopardizes the health, safety, and welfare of individuals in the school community:

17. Striking or assaulting a student, members of the school staff, or other persons; fighting
18. Pushing, shoving of another student, including but not limited to deliberately pulling a chair out from under an individual
19. Violation of transportation regulations/bus misconduct
20. Inappropriate displays of public affection of a sexual nature and/or sexual activity on school grounds, on school transportation, or at a school-sponsored activity
21. A walk-out from or sit-in within a classroom or school building or school grounds, creating a public disruption; and/or promoting an unsafe environment
22. Trespassing on school grounds while on out-of-school suspension or expulsion
23. Throwing snowballs, rocks, sticks and/or similar objects, except as specifically authorized by school employees responsible for student supervision
24. Unauthorized and/or reckless and/or improper operation of a motor vehicle on school grounds or at any school-sponsored activity
25. Leaving school grounds, school transportation, or a school-sponsored activity without authorization
26. Being in an unauthorized area of any school facility, including but not limited to locker rooms, storage rooms, and/or utilizing unisex restrooms for any reason other than their intended purpose; or school grounds, including but not limited to the parking lot; or aiding or abetting an unauthorized entrance
27. Acting in any manner that creates a health and/or safety hazard for employees, students, third parties on school property 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
28. Engaging in a plan to stage or create a violent and/or sexual activity for the purposes of recording it by electronic means; and/or recording such activity by electronic means acts of violence.
29. Using computer systems, including email, remote learning platforms, instant messaging, text messaging, blogging or the use of social networking websites, AI, or other forms of electronic communications, to engage in any conduct prohibited by this policy.
30. Use of a privately owned electronic or technological device or any other device in violation of school rules, including the unauthorized recording, publication and/or dissemination (including, but not limited to, via social media platforms) of an unauthorized recording (photographic or audio) of another individual without permission of the individual or a school employee. Reporting recordings to school officials may warrant exceptions from disciplinary action in certain circumstances.
31. Lewd exposure such as “mooning” on school property or at a school-sponsored event

Behavior that violates school regulations, board policies, and/or state/federal laws:

32. The possession and/or display of obscenity or pornographic images or the unauthorized or inappropriate possession and/or display of images, pictures or photographs depicting nudity
33. Possessing or transmitting child pornography by a minor
34. Violation of smoking regulations
35. Violation of other regulations and/or policies governing student conduct
36. Any act of Protected Class Harassment
37. Any act of Hate-Based Conduct
38. Reprisal or retaliation against any individual for reporting in good faith incidents of Protected Class Harassment or Hate-Based Conduct, or who participate in the investigation of such reports

39. 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), or making an untrue statement of fact about a staff member with malice or reckless regard for the truth, including the use of AI to engage in such conduct
40. Possession of any weapon, weapon facsimile, deadly weapon, martial arts weapon, electronic defense weapon, pistol, knife, blackjack, bludgeon, box cutter, metal knuckles, pellet gun, air pistol, explosive device, firearm, whether loaded or unloaded, whether functional or not, or any other dangerous object or instrument
41. Possession and/or use of any object or device that has been converted or modified for use as a weapon
42. Possession of any ammunition for any weapon described above in Paragraph 40
43. Possession or ignition of any fireworks, combustible or other explosive materials, or ignition of any material causing a fire
44. Possession of any materials designed to be used in the ignition of combustible materials, including matches and lighters
45. Possession, sale, distribution, use, or consumption of tobacco, electronic nicotine delivery systems (e.g., e-cigarettes), electronic cannabis delivery system, 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, or any item represented to be tobacco, drugs or alcoholic beverages), including being under the influence of any such substances or aiding in the procurement of any such substances
46. 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.
47. Possession of personal prescribed drugs, except where permitted by law
48. Possession of paraphernalia used or designed to be used in the consumption, sale or distribution of drugs, alcohol or tobacco, as described above in Paragraph 45
49. Making false bomb threats or other threats to the safety of students, employees, and/or other persons
50. Initiating a false alarm or lockdown alarm and/or tampering with alarm or safety devices
51. 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, including using AI in a manner that disrupts or undermines the effective operation of the school district or is otherwise seriously disruptive to the educational process
52. 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
53. Gambling.
54. Hazing.
55. Bullying.
56. Cyberbullying.
57. Engaging in teen dating violence
58. Any action prohibited by any Federal or State law
59. 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

- ~~1. Striking or assaulting a student, members of the school staff or other person(s); fighting.~~
- ~~2. Pushing or shoving a student or member of the school staff, including but not limited to deliberately pulling a chair out from an individual.~~
- ~~3. Theft.~~
- ~~4. 3. The use of obscene or profane language or gestures, the possession and/or display of obscenity or pornographic images or the unauthorized or inappropriate possession and/or display of images, pictures or photographs depicting nudity.~~
- ~~5. 4. Violation of smoking, dress, transportation regulations or policies, or other regulations and/or policies governing student conduct.~~
- ~~6. 5. Refusal to obey a member of the school staff, law enforcement authorities, or school volunteers, or disruptive classroom behavior.~~
- ~~7. 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..harassment based on an individual's sex, sexual orientation, race, color, religion, disability, national origin, ancestry, gender identity or expression or any other characteristic protected by law. Protected Class Harassment may include, but is not limited to: objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership); other words or phrases commonly considered demeaning or degrading on the basis of Protected Class membership; display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class; graphic, written or electronic communications that are harmful, or humiliating based on Protected Class membership; bigoted conduct or communications; or physical, written, electronic or verbal threats based on Protected Class membership. (Note this list is taken from the newly approved policy, not the Code of Conduct, which states: the use of language, verbal or written, that is considered a discriminatory slur or hate speech; drawing or displaying insignia or using body language that is considered a discriminatory slur or hate speech).~~
- ~~8. Any act of Hate-Based Conduct or reprisal or retaliation against any individual for reporting in good faith incidents of Hate-Based Conduct, or who participate in the investigation of such reports. (Add definition of Hate-Based Conduct to definitions, as follows: Hate-Based Conduct means conduct that attacks, threatens, intimidates, degrades, or otherwise infringes on the rights of an individual based on such individual's race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression, or veteran status. Such conduct includes, but is not limited to, the use of a written, oral, or electronic communication or a physical act or gesture that: causes physical or emotional harm to an individual or damage to such individual's property; places an individual in reasonable fear of harm to themselves, or of damage to their property; creates a hostile environment for such individual at school or during a school-sponsored activity; infringes on the rights of an individual at school or during a school-sponsored activity; and/or substantially disrupts the educational process or the orderly operation of a school.)~~

~~9.7. Refusal by a student to respond to a staff member's request for the student to provide the student's name/identify himself/herself to a staff member when asked, misidentification of oneself to such person(s), lying to school officials/staff members or otherwise engaging in dishonest behavior, including but not limited to forgery.~~

~~810. Inappropriate displays of public affection of a sexual nature and/or sexual activity on school grounds, on school transportation, or at a school sponsored activity.~~

~~11. Lewd exposure, such as "mooning" on school grounds, on school transportation, or at a school sponsored activity.~~

~~912. A walk-out from or sit-in within a classroom or school building or school grounds; creating a public disruption; and/or promoting an unsafe environment.~~

~~1013. 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), or making an untrue statement of fact about a staff member with malice or reckless disregard for the truth, including the use of AI to engage in such conduct.~~

~~14. Gambling.~~

~~1115. Possession of any weapon, weapon facsimile, deadly weapon, martial arts weapon, electronic defense weapon, pistol, knife, blackjack, bludgeon, box cutter, metal knuckles, pellet gun, air pistol, explosive device, firearm, whether loaded or unloaded, whether functional or not, or any other dangerous object or instrument. The possession and/or use of any object or device that has been converted or modified for use as a weapon.~~

~~1216. Possession of any ammunition for any weapon described above in Paragraph 11.~~

~~1317. Being in an Unauthorized area of entrance into any school facility, including but not limited to locker rooms, storage rooms, and/or utilizing unisex restrooms for any reason other than their intended purpose; or school grounds, including but not limited to the parking lot; portion of a school facility or aiding or abetting an unauthorized entrance.~~

~~1418. Possession or ignition of any fireworks, combustible or other explosive materials, or ignition of any material causing a fire. Possession of any materials designed to be used in the ignition of combustible materials, including matches and lighters except with prior written permission from the principal or his/her designee and consistent with applicable law.~~

~~1519. Unlawful pPossession, sale, distribution, use, or consumption of tobacco, electronic nicotine delivery systems (e.g., e-cigarettes), electronic cannabis delivery system, 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, or any item represented to be tobacco, drugs or alcoholic beverages), including being under the influence of any such substances or aiding in the procurement of any such substances. For the purposes of this Paragraph 15, the term "electronic nicotine delivery system" shall mean an electronic device that may be used to simulate smoking in the delivery of nicotine or other substances to a person inhaling from the device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device, including, but not limited to, electronic cigarette liquid. For purposes of Paragraph 15, the term "electronic cannabis~~

~~delivery system” shall mean an electronic device that may be used to simulate smoking in the delivery of cannabis to a person inhaling the device and includes, but is not limited to, a vaporizer, electronic pipe, electronic hookah and any related device and any cartridge or other component of such device. For the purposes of Paragraph 15, the term “vapor product” shall mean any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may or may not include nicotine, and 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, including cannabis.~~

~~1620. 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.~~

~~1721. Unlawful possession of paraphernalia used or designed to be used in the consumption, sale or distribution of drugs, alcohol or tobacco, as described in subpParagraph (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 planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, 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, including cannabis.~~

~~1822. The destruction of real, personal or school property, such as, cutting, defacing, vandalizing, or otherwise damaging property in any way.~~

~~1923. Accumulation of offenses such as school and class tardiness, class or study hall cutting, or failure to attend detention or monitored study, unauthorized leaving of a classroom, and/or unauthorized absences from school.~~

~~2024. Trespassing on school grounds while on out-of-school suspension or expulsion.~~

~~2125. Making false bomb threats or other threats (e.g. bomb, fire, gun violence) to the safety of students, staff memberemployees, and/or other persons.~~

~~26. Initiating a false fire alarm or lockdown alarm and/or tampering with alarm or safety devices.~~

~~27. Defiance of school rules and the valid authority of teachers, supervisors, administrators, other staff memberemployees and/or law enforcement authorities.~~

~~2328. Throwing snowballs, rocks, sticks and/or similar objects, except as specifically authorized by school employees responsible for student supervisionstaff.~~

~~29. Throwing garbage and/or food items in the cafeteria or elsewhere in school buildings or on school grounds; initiating a food fight.~~

~~2430. Unauthorized and/or reckless and/or improper operation of a motor vehicle on school grounds or at any school-sponsored activity.~~

~~2531. Leaving school grounds, school transportation or a school-sponsored activity without authorization.~~

~~2632. Use of or copying of the academic work of another individual and presenting it as the student's own work, without proper attribution; the unauthorized use of AI for the completion of class assignments; or any other form of academic dishonesty, cheating or plagiarism.~~

~~2733. Possession and/or use of a cellular telephone, radio, portable audio player, CD player, blackberry, tablet, personal data assistant, walkie talkie, Smartphone, mobile or handheld device, or similar electronic device, on school grounds, on school transportation, or at a school-sponsored activity in violation of Board policy and/or administrative regulations regulating the use of such devices.~~

~~2834. Possession and/or use of a beeper or paging device on school grounds, on school transportation, or at a school-sponsored activity without the written permission of the principal or his/her designee.~~

~~2935. 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, including using AI in a manner that disrupts or undermines the effective operation of the school district or is otherwise seriously disruptive to the educational process.~~

~~3036. 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.~~

~~3137. Hazing.~~

~~3238. Bullying, defined as an act that is direct or indirect and severe, persistent or pervasive 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 propertyan individual;~~

~~b. places such studentan individual in reasonable fear of physical harm to himself or herself, or of damage to his or her propertyor emotional harm; or~~

~~c. creates a hostile environment at school for such student;~~

~~d. infringes on the rights or opportunities of such studentan individual at school; or~~

~~e. substantially disrupts the education process or the orderly operation of a school.~~

~~Bullying shall include, but is need not be limited to, repeated a 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.~~

~~3339. Cyberbullying, defined as any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices or any electronic communications.~~

~~3440. Acting in any manner that creates a health and/or safety hazard for staff membersemployees, students, third parties on school property 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.~~

~~41. 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 employee.~~

~~42. Using computer systems, including email, remote learning platforms, instant messaging, text messaging, blogging or the use of social networking websites, AI, or other forms of electronic communications, to engage in any conduct prohibited by this policy.~~

~~3543. Engaging in a plan to stage or create a violent and/or sexual activity situation for the purposes of recording it by electronic meansphotographing, audio, or video; and/or recording such activity by electronic means photographic, audio, or video acts of violence, for purposes of later publication(other than to school officials).~~

~~44. The unauthorized publication or dissemination, including but not limited to publication or dissemination via social media platforms, of a recording (photographic or audio) of another individual without permission of the individual or a school employee. Reporting recordings to school officials may warrant exceptions from disciplinary action in certain circumstances.~~

~~36. Engaging in a plan to stage sexual activity for the purposes of recording it by photographing, audio, or video; or recording by photographing, audio, or video sexual acts for purposes of later publication.~~

~~37. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social media, or other forms of electronic communications, to engage in any conduct prohibited by this policy.~~

~~38. Use of a privately owned electronic or technological device in violation of school rules, including, without limitation, the unauthorized photographic, audio, and/or video recording of another individual without permission of the individual or a school staff member.~~

~~45. Publication or dissemination, including but not limited to publication or dissemination via social media platforms, of libelous or defamatory materials or literature.~~

~~3946. Engaging in teen dating violence, defined as any act of physical, emotional or sexual abuse, including stalking, harassing and threatening, that which occurs between two students who are currently in or who have recently been in a dating relationship.~~

~~4047. Any action prohibited by any Federal or State law.~~

~~4148. 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.~~

~~42. Violation of the district's "Acceptable Use Agreement: Intranet/Internet" for the applicable grade level.~~

IV. Discretionary and Mandatory Expulsions

- A. A-n administrator responsible for a school program ("responsible administrator") ~~principal~~ may consider recommendation of expulsion of a student in **grades three to twelve, inclusive**, in a case where ~~he/she~~ the responsible administrator has reason to believe the student has engaged in conduct described at Sections II.A. or II.B., above.
- B. A ~~principal~~ responsible administrator must recommend expulsion proceedings in all cases against any student in **grades kindergarten to twelve, inclusive**, whom the District Administration has reason to believe:
1. was in **possession on school grounds, on school transportation**, 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 or school transportation** 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 ~~of Education~~ or provided by a regional educational service center or a state or local charter school pursuant to an agreement with the Board ~~of Education~~, no **student enrolled in such a preschool program** shall be expelled from such preschool program, except an expulsion hearing shall be conducted by ~~an Impartial Hearing Board or~~ the Board ~~of Education~~ in accordance with Section VIII of this policy whenever the Administration has reason to believe that a student enrolled in such 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, on school transportation, 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~~ the Superintendent or designee shall forward ~~his/hersuch~~ recommendation to ~~an Impartial Hearing~~ the Board ~~(or the Board of Education, where applicable)~~ so that the ~~Impartial Hearing~~ Board ~~(or the Board, where applicable)~~ 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 IV.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, ~~an Impartial Hearing Board~~ ~~(or the Board, where applicable)~~ 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~~ the student deliberately causes a serious disruption of the educational process. When a student is removed, ~~the~~ by a teacher, the teacher must send ~~him/her~~ the student to a designated area and notify the ~~principal or his/her~~ 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 ~~building principal 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 ~~principal of a school, or~~ designee ~~on the administrative staff of the school,~~ shall have the right to suspend a student for breach of conduct as noted in Section II of this policy for not more than ten (10) consecutive school days. 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 ~~principal 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 suspended, such suspension shall be an in-school suspension, except the responsible administrator or the administrator's ~~principal or~~ designee may impose an out-of-school suspension on any pupil:
 - a. in grades three to twelve, inclusive, if, during the informal hearing, (i) the responsible administrator or the administrator's ~~principal or~~ designee determines that the student poses such a danger to persons or property or such a disruption of the educational process that ~~he~~ the student ~~or~~ should be excluded from school

during the period of suspension; or (ii) the [responsible administrator or the administrator's principal](#) or designee determines that an out-of-school suspension is appropriate based on evidence of (A) the student's previous disciplinary problems that have led to suspensions or expulsion of such student, and (B) previous efforts by the [District 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 principal](#) or designee determines that an out-of-school suspension is appropriate for such ~~pupil~~ [student](#) based on evidence that such ~~pupil's~~ [student's](#) conduct on school grounds [or on school transportation](#) 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 principal](#) or designee, but only considered in the determination of the length of suspensions.
4. By telephone, ~~the~~ [responsible administrator or the administrator's principal](#) or 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, ~~the~~ [responsible administrator or the administrator's principal](#) 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 [responsible administrator or the administrator's 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, the [responsible administrator or the administrator's principal](#) or 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~~ [the student](#) 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 Administration-specified program shall not require the student and/or the student's parents to pay for participation in the program. [The Superintendent may delegate this authority to building or program level administrators.](#)
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 VI.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. The Superintendent may delegate this authority to building or program level administrators.

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 the responsible administrator or the administrator's principal or designee with regard to disciplinary actions up to and including suspensions shall be final.

13. During any period of suspension served out of school, the student shall not be permitted to be on school property and shall not be permitted to attend or participate in any school-sponsored activities, unless the responsible administrator or the administrator's designee principal 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 an Impartial Hearing the Board. Notwithstanding the foregoing, the Board reserves the right to conduct formal suspension hearings itself, in which case such hearings will be conducted by any three or more Board members.—The responsible administrator or the administrator's principal or 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 principal or designee may impose in-school suspension in cases where a student's conduct endangers persons or property, violates school policy, or seriously disrupts the educational process ~~or in other appropriate circumstances~~ as determined by the responsible administrator or the administrator's principal or designee.
- B. In-school suspension may not be imposed on a student without an informal hearing by the building responsible administrator or the administrator's principal or designee.
- C. In-school suspension may be served in the school or program that the student regularly attends or in any other school building within the jurisdiction of the Board.
- 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

A. *Emergency Exception:*

Except in an emergency situation, the Board ~~of Education~~ 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 or Conn. Gen. Stat. § 10-233l, if applicable, as well as 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 ~~Board~~Panel:*

1. ~~The Board delegates the authority to conduct e~~Expulsion hearings ~~and render a final decision on expulsion matters to an Impartial Hearing Board.~~

~~2. Notwithstanding Section VIII.B.1 of this policy, the Board reserves the right to conduct expulsion hearings itself, in which case such hearings will be~~ 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~~the student's 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~~the student's 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, including if the hearing will be held virtually, via video conference.
 - 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.
 - c. A short, plain description of the conduct alleged by the ~~Administration~~ Superintendent or designee.

- 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 [Superintendent or designee](#)~~Administration~~.
- f. The student may be represented by an attorney or other advocate of ~~his/her~~[the student's](#) choice at ~~his/her~~[the student's](#) expense or at the expense of ~~his/her~~[the student's](#) parent(s) or guardian(s).
- g. A student is entitled to the services of a translator or interpreter, to be provided by the Board ~~of Education~~, whenever the [student or the student's](#) ~~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 and ~~concerning~~ 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 ~~of the Impartial Hearing Board (or the Board, where applicable)~~, who will call the meeting to order, introduce the parties, ~~introduce any~~ Board members and [others participating in the hearing \(if applicable\)](#)~~counsel present~~, briefly explain the hearing procedures, and swear in any witnesses called by the [Superintendent/designee](#)~~Administration~~ or the student. [If an impartial board or more than one person has been appointed, the impartial board shall appoint a Presiding Officer.](#)
2. The hearing will be conducted in executive session. A verbatim record of the hearing will be made, either by tape [or digital](#) recording or 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 [Superintendent or designee](#)~~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 \(or the Impartial Hearing Board-board\)](#) ~~(or the Board, where applicable)~~ 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 ~~Impartial Hearing~~ Board (or the ~~Board~~impartial board, ~~where applicable~~) 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 Superintendent or designee~~Administration~~ will be called and sworn. After a witness has finished testifying, ~~he/she~~the witness will be subject to cross-examination by the opposite party or ~~his/her~~the witness' legal counsel, by the Presiding Officer and by Board members (or the impartial board), ~~where applicable~~.
8. The student shall not be compelled to testify at the hearing.
9. After the Superintendent or designee~~Administration~~ has presented ~~its~~ the Administration's case, the student will be asked if ~~he/she~~the student 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 Superintendent or designee, the Presiding Officer (~~and/or by the Board, where applicable~~(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~~the student will be sworn and subject to cross examination and questioning by the Superintendent or designee, the Presiding Officer (~~and/or by the Board, where applicable~~(or the impartial board)). Concluding statements will be made by the Superintendent or designee~~Administration~~ and then by the student and/or ~~his or her~~the student's representative.
10. In cases where the student has denied the allegation, the ~~Impartial Hearing~~ Board (or the ~~Board~~impartial board, ~~where applicable~~) must determine whether the student committed the offense(s) as charged by the Superintendent or designee.
11. If the ~~Impartial Hearing~~ Board (or the impartial B~~board, where applicable~~) determines that the student has committed the conduct as alleged, then the ~~Impartial Hearing~~ Board (or the impartial B~~board, where applicable~~) shall proceed with the second portion of the hearing, during which the ~~Impartial Hearing~~ Board (or the impartial B~~board, where applicable~~) will receive and consider relevant evidence regarding the length and conditions of expulsion.
12. When considering the length and conditions of expulsion, the ~~Impartial Hearing~~ Board (or the impartial B~~board, where applicable~~) may review the student's attendance, academic and past disciplinary records. The ~~Impartial Hearing~~ Board (or the impartial B~~board, where applicable~~) 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 VI.A (9), (10), (11), above, and Section X, below. The ~~Impartial Hearing~~ Board (or the impartial B~~board, where applicable~~) may ask the Superintendent or designee for a recommendation as to the discipline to be imposed.
13. Evidence of past disciplinary problems ~~which~~ that 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 ~~Impartial Hearing~~ Board (or the ~~Board~~impartial board, ~~where applicable~~) is

considering length of expulsion and nature of ~~the~~ 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 ~~Impartial Hearing~~ Board (or the ~~Board~~~~impartial board, where applicable~~) 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 ~~Impartial Hearing~~ Board (or the ~~impartial Bpanel~~~~board, where applicable~~) as to the appropriate discipline to be applied.
15. The ~~Impartial Hearing~~ Board (or the ~~Board~~~~impartial board, where applicable~~) 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 is conducted in executive session, ~~any Board~~~~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 ~~Impartial Hearing~~ Board (or the ~~Board~~~~impartial board, where applicable~~) 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 ~~specified by the Impartial Hearing Board or the Board, where applicable (a "Board-specified program")~~, and meets any other conditions required by the ~~Impartial Hearing~~ Board (or the ~~Board~~~~impartial board, where applicable~~). The Board-specified program shall not require the student and/or the student's parents to pay for participation in the program.
17. The ~~Impartial Hearing~~ Board (or the ~~Bimpartial~~ ~~board, where applicable~~) 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.
18. The hearing may be conducted virtually, via video conference, at the direction of the Board (or the impartial board), in the event school buildings are closed to students or individuals are provided limited access to school buildings due to a serious health or other emergency. Any virtual hearing must provide the student the due process rights identified in this Subsection D.

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

During the period of expulsion, the student shall not be permitted to be on school property or on school transportation, 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~~ District in accordance with this policy, unless the Superintendent ~~authorizes~~ or designee specifically authorizes ~~provides written permission~~

for the student to enter school property or school transportation 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 Superintendent or designee~~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 ~~Impartial Hearing Board (or the Board, where applicable)~~ 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 ~~Impartial Hearing Board (or the Board, where applicable)~~, in its discretion, has the right to accept or reject the Joint Stipulation of Facts and Recommendation. If the ~~Impartial Hearing Board (or the Board, where applicable)~~ 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~~ 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~~ the student's own behalf.

If the parties agree on the facts, but not on the disciplinary recommendation, the Superintendent or designee~~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 ~~Impartial Hearing Board (or the Board, where applicable)~~ in lieu of holding the first part of the hearing, 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 have a hearing to determine whether the student engaged in the alleged misconduct and that the ~~Impartial Hearing Board (or the Board, where applicable)~~, in its discretion, has the right to accept or reject the Joint Stipulation of Facts. If the ~~Impartial Hearing Board (or the Board, where applicable)~~ 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. ~~For the purposes of this Section, 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, 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.~~

~~B.~~ Students under sixteen (16) years of age:

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

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

1. The Board ~~of Education~~ shall provide an alternative educational opportunity to a sixteen (16) to eighteen (18) year-old student expelled for the first time if ~~he/she~~ the student requests it and if ~~he/she~~ the student agrees to the conditions set by the Board ~~of Education (or the impartial board)~~. Such alternative educational opportunity may include, but shall not be limited to, the placement of a ~~pupil~~ student who is at least ~~seven~~ ixteen

years of age in an adult education program. Any ~~pupil~~-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 ~~of Education~~ 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 ~~of Education~~ shall count the expulsion of a ~~pupil~~-student when ~~he/she~~ the student was under sixteen (16) years of age for purposes of determining whether an alternative educational opportunity is required for such ~~pupil~~-student when ~~he/she~~ the student is between the ages of sixteen and eighteen.

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

The Board ~~of Education~~ 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*

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 (“CSBE”), 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 CSBE.

2. The Superintendent, or designee, shall develop administrative regulations concerning alternative educational opportunities, which administrative regulations shall be in compliance with the standards adopted by the CSBE. Such administrative regulations shall include, but are 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.BA. through D. above, if the Board ~~of Education~~ expels a student who has been identified as eligible for services under the Individuals with Disabilities Education Act (“IDEA”), it shall 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 CSBE.

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

The Board ~~of Education~~ may offer an alternative educational opportunity to a ~~pupil~~ student for whom such alternative educational opportunity is not required by law or as described in this policy. In such cases, the ~~Impartial Hearing Board (or the Board, where applicable),~~ or if delegated by the ~~Impartial Hearing Board (or the Board, where~~

~~applicable~~), the Administration, shall determine the components, including ~~the~~ 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 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~~ District 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~~16), above, the ~~Impartial Hearing Board (or the Board, where applicable)~~ 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 ~~Impartial Hearing Board (or the Board, where applicable)~~. Except as may be specified by the Board in an expulsion hearing decision, the Board delegates the authority to make decisions pertaining to expungement to the Superintendent.

If a student's period of expulsion was not shortened or waived, ~~in accordance with Section VIII.D(16), above,~~ the ~~Impartial Hearing Board (or the Board, where applicable)~~ may choose to expunge the expulsion notice from the student's cumulative record prior to graduation if such student has demonstrated to the Board ~~or Board designee~~ 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 ~~or Board designee~~ may receive and consider evidence of any subsequent disciplinary problems that have led to removal from a classroom, suspension or expulsion of the student. Except as may be specified by the Board in an expulsion hearing decision, the Board delegates the authority to make decisions pertaining to expungement to the Superintendent.

If the student has not previously been suspended or expelled, and the ~~Impartial Hearing Board (or the Board, where applicable)~~ 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 ~~school-d~~District:*

1. If a student enrolls in the ~~district~~ 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. The procedures outlined above in Section VIII and consistent with the requirements of Conn. Gen. Stat. § 10-233d or Conn. Gen. Stat. § 10-233i, if applicable, as well as the applicable provisions of the Uniform Administrative Procedures Act, Conn. Gen. Stat. §§ 4-176e to 4-180a, and § 4-181a shall be utilized for any hearing conducted under this section.
2. Where a student enrolls in the ~~district~~ 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 ~~Impartial Hearing~~ Board (or the ~~Board~~impartial board, ~~where applicable~~), which hearing shall be limited to a determination of whether the conduct which was the basis of the previous public school district's expulsion would also warrant expulsion by the Board. The procedures outlined above in Section VIII and consistent with the requirements of Conn. Gen. Stat. § 10-233d or Conn. Gen. Stat. § 10-233l, if applicable, as well as the applicable provisions of the Uniform Administrative Procedures Act, Conn. Gen. Stat. §§ 4-176e to 4-180a, and § 4-181a shall be utilized for any hearing conducted under this section.

B. *Student moving out of the ~~school district~~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 ~~Impartial Hearing~~ Board (~~or the Board, where applicable~~), the notice of the pending expulsion hearing shall be included on the student's cumulative record and the ~~Impartial Hearing~~ Board (~~or the Board, where applicable~~) shall complete the expulsion hearing and render a decision. If the ~~Impartial Hearing~~ Board (~~or the Board, where applicable~~) 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 a responsible administrator ~~the Administration~~ suspends a student identified as eligible for services under the IDEA (an "IDEA student") who has violated any rule or code of conduct of the ~~school-d~~District that applies to all students, the following procedures shall apply:

1. The ~~Administration~~responsible administrator 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 ~~school-d~~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-d~~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 the ~~school-d~~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 parents(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 ~~school~~ District shall immediately convene the student's planning and placement team ("PPT"), but in no case later than ten (10) school days after the recommendation for expulsion or the suspension that constitutes a change in placement was made. The student's PPT shall consider the relationship between the student's disability and the behavior that led to the recommendation for expulsion or the suspension which constitutes a change in placement, in order to determine whether the student's behavior was a manifestation of ~~his/her~~ the student's disability.

3. If the student's PPT finds that the behavior was a manifestation of the student's disability, the Administration shall not proceed with the recommendation for expulsion or the suspension that constitutes a change in placement.

4. If the student's PPT finds that the behavior was not a manifestation of the student's disability, the Administration may proceed with the recommended expulsion or suspension that constitutes a change in placement.

5. During any period of expulsion, or suspension of greater than ten (10) days per school year, the Administration shall provide the student with an alternative education program in accordance with the provisions of the IDEA.

6. When determining whether to recommend an expulsion or a suspension that constitutes a change in placement, the building responsible administrator (or ~~his or her~~ 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:

1. ~~School personnel~~ 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, on school transportation, 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, on school transportation, or at a school-sponsored activity; or

c. Has inflicted serious bodily injury upon another person while at school, on school premises, on school transportation, on school premises, or at a school function.

2. The following definitions shall be used for this subsection XII.C.:

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 pocket knife 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 the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.

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.

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

A. Except as provided in subsection B below, notwithstanding any provision to the contrary, if the Administration recommends for expulsion a student identified as eligible for educational accommodations under Section 504 who has violated any rule or code of conduct of the ~~school-d~~District that applies to all students, the following procedures shall apply:

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

2. The ~~district~~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~~the student’s disability.

3. If the 504 team finds that the behavior was a manifestation of the student’s disability, the Administration shall not proceed with the recommended expulsion.

4. If the 504 team finds that the behavior was not a manifestation of the student’s disability, the Administration may proceed with the recommended expulsion.

B. The Board may take disciplinary action for violations pertaining to the use or possession of illegal drugs or alcohol against any student with a disability who currently is engaging in the illegal use of drugs or alcohol to the same extent that such disciplinary action is taken against nondisabled students. Thus, when a student with a disability is recommended for expulsion based solely on the illegal use or possession of drugs or alcohol, the 504 team *shall not be required to meet* to review the relationship between the student’s disability and the behavior that led to the recommendation for expulsion.

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

A. Any student who commits an expellable offense and is subsequently ~~committed to~~placed ~~in~~ a juvenile detention center; ~~the Connecticut Juvenile Training School~~ or any other residential placement for such offense may be expelled by the Board in accordance with the provisions of this section. The period of expulsion shall run concurrently with the period of ~~commitment to~~placement in a juvenile detention center; ~~the Connecticut Juvenile Training School~~ or ~~any~~ other residential placement.

- B. ~~If a student who committed an expellable offense seeks to return to a~~ the school ~~and~~ District after participating in a diversionary program or having been placed in a juvenile detention center, ~~the Connecticut Juvenile Training School~~ or any other residential placement and such student has not been expelled by the ~~board~~ 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. ~~Notwithstanding the foregoing, the Board reserves the right to make decisions on readmission requests itself, in which case hearings regarding any such requests will be conducted by any three or more Board members.~~ Students desiring readmission to school shall direct such readmission requests to the Superintendent ~~(or the Board, where applicable).~~ The Superintendent ~~(or the Board, where applicable)~~ has the discretion to approve or deny such readmission requests, and may condition readmission on specified criteria.

XVI. Dissemination of Policy

The ~~Board of Education~~ 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 ~~Board of Education~~ District shall include on all disciplinary reports the individual student's state-assigned student identifier (SASID).
- B. The ~~Board of Education~~ District shall report all suspensions and expulsions to the State Department of Education.
- C. If the Board ~~of Education~~ expels a student for sale or distribution of a controlled substance, 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 ~~Board~~ 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 ~~of Education~~ expels a student for possession of a firearm, as defined in 18 U.S.C. § 921, or deadly weapon, dangerous instrument or martial arts weapon, as defined in Conn. Gen. Stat. § 53a-3, the ~~Board~~ District shall report the violation to the local police.

Legal References:

Connecticut General Statutes:

[§ 10-16](#) [Length of school year](#)

[§ 10-74j](#) [Alternative education](#)

~~Public Act 17-237, An Act Concerning Education Mandate Relief~~

~~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

[§ 10-253 School privileges for children in certain placements, nonresident children, children in temporary shelters, homeless children and children in juvenile detention facilities. Liaison to facilitate transitions between school districts and juvenile and criminal justice systems.](#)

§ [19a-342a](#) Use of electronic nicotine delivery system or vapor product prohibited. [Exceptions. Signage required. Penalties](#)

[§ 21a-240 Definitions](#)

[§ 21a-277 Penalty for illegal manufacture, distribution, sale, prescription, dispensing](#)

[§ 21a-278 Penalty for illegal manufacture, distribution, sale, prescription, or administration by non-drug-dependent person](#)

§§ [21a-408a](#) through [408p](#) Palliative Use of Marijuana

[§ 29-35 Carrying of pistol or revolver without permit prohibited. Exceptions](#)

§ [29-38](#) Weapons in vehicles

§ [53a-3](#) Definitions

[§ 53-206 Carrying of dangerous weapons prohibited.](#)

[§ 53-344 Sale or delivery of cigarettes or tobacco products to _____ persons under twenty-one.](#)

§ [53-344b](#) Sale and delivery of electronic nicotine delivery system or vapor products to ~~minors~~[persons under twenty-one years or age](#)

~~§ 53-206 Carrying of dangerous weapons prohibited.~~ [Public Act No. 21-46, “An Act Concerning Social Equity and the Health, Safety and Education of Children.”](#)

Packer v. Board of Educ. of the Town of Thomaston, [717 A.2d 117](#) (~~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. Ct. ~~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

Honig v. Doe, 484 U.S. 305 (1988)

[U.S. Department of Education Office for Civil Rights, U.S. Department of Justice Civil Rights Division, Resource on Confronting Racial Discrimination in Student Discipline \(May 2023\)](#)

Policy adopted: December 16, 2002

Revised: April 2, 2018

Revised:

WESTPORT PUBLIC SCHOOLS

Westport, Connecticut

R 5114

Students

ADMINISTRATIVE REGULATIONS REGARDING ALTERNATIVE EDUCATIONAL OPPORTUNITIES FOR EXPELLED STUDENTS

I. Applicability of these Administrative Regulations

These administrative regulations shall apply in cases when, pursuant to state law, a student in the Westport Public Schools (the “District”) is entitled to an alternative educational opportunity during a period of expulsion.

II. Responsible Personnel

The administrator responsible for a school program (“responsible administrator”) from which the student has been expelled, or designee(s), shall maintain responsibility for compliance with these

administrative regulations relative to the individual student who is being provided with the alternative educational opportunity.

III. Student Placement Procedures

A. After a student has been expelled, and unless extraordinary circumstances exist, the responsible administrator, or designee(s), will take the following steps:

1. Meet with the expelled student's parent(s)/guardian(s) prior to the student's placement in an alternative educational setting to provide information concerning the potentially appropriate alternative educational opportunities for the student and to inform the parent(s)/guardian(s) and student of the right to apply for early readmission to school in accordance with Conn. Gen. Stat. Section 10-233d(j).
2. Consult with relevant school personnel from the school from which the student was expelled, who are knowledgeable about the student, to obtain information regarding the student's academic, social, and behavioral history that will help inform the decision concerning an appropriate alternative educational opportunity. Such information may be gathered by written reports.
3. After placement options have been shared with the parent(s)/guardian(s), convene a placement meeting at which all alternative educational opportunities are explored and a placement decision is made.

B. The educational programming and placement for expelled students who are eligible to receive special education and related services under the Individuals with Disabilities Education Act ("IDEA") shall be determined by the student's Planning and Placement Team ("PPT"). In such case, Subsection A above shall not apply.

IV. Individualized Learning Plan

A. Development of the Individualized Learning Plan

After the student has been accepted into an alternative educational placement, the responsible administrator, or designee, will develop an Individualized Learning Plan ("ILP") that will govern the programming for the student for the period of expulsion. To develop the ILP, the responsible administrator, or designee, will collaborate with school personnel from the school or program from which the student was expelled, the student and the parent/guardian, and will review all relevant student records.

B. Contents of the Individualized Learning Plan

1. The ILP will reference student records with information relevant to the provision of an alternative educational opportunity. These records may include:

- a. Student success plan (for students who have a student success plan as mandated by state law, the student success plan may inform the ILP but does not replace the ILP);
- b. Individualized education program (“IEP”);
- c. Section 504 Plan;
- d. Individualized health care plan or emergency care plan; and/or
- e. Other relevant academic and behavioral data.

2. The ILP will address the following:

- a. The student’s academic and behavioral needs and appropriate academic and behavioral goals and interventions, including the student’s core classes at the time of expulsion and the student’s current placement or progress in the curriculum for those classes so that the student has an opportunity to continue to progress in the Board’s academic program and earn graduation credits, if applicable;
- b. Benchmarks to measure progress towards the goals and ultimately, progress towards graduation;
- c. Provision for the timing and method for reviewing the student’s progress in the alternative educational opportunity and for communicating that progress to the parent/guardian or student. For most students, monitoring and reviewing the student’s progress will include monitoring the student’s attendance, work completion and progress toward meeting the relevant academic standards for particular coursework, and thus progressing toward graduation, if applicable. The student’s progress and grades will be communicated to the parents/guardians or student with the same frequency as similar progress for students in the regular school environment is reported and communicated to parents/guardians or students. The student’s progress and grades will also be reported to the school or program from which the student was expelled;
- d. Provision for the timely transfer of the student’s records both from the student’s school or program to the alternative educational opportunity provider, and also from the alternative educational opportunity provider to the student’s school or program; and
- e. The possibility of early readmission to the school or program from which the student was expelled and the early readmission criteria, if any, established by the Board or Superintendent, as applicable.

V. Review of Student’s Placement in Alternative Educational Opportunity and Individualized Learning Plan

- A. A review of the appropriateness of the placement must occur at least once per marking period.
- B. The placement review must include:
 - 1. Review of the ILP to (1) assess progress and make adjustments as necessary and (2) determine its alignment with the goals of the student's IEP, where applicable; and
 - 2. Consideration of opportunities for early readmission as set forth in the ILP, as established by the Board or Superintendent, as applicable.

VI. Transition Plan for Readmission

- A. Before a student is readmitted to the school or program from which the student was expelled, relevant staff should provide an opportunity to meet with the parents/guardians and student to discuss the student's readmission. As part of the readmission process and the student's ILP, the responsible administrator, or designee, should consider:
 - 1. Efforts to readmit the student at a semester starting point (at the high school level);
 - 2. A plan to transfer the student's credits and records back to the school or program from which the student was expelled:
 - a. The District will award an expelled high school student appropriate high school credit for work satisfactorily completed during the period the student participates in the alternative educational opportunity and will transfer relevant records back to the school or program from which the student was expelled;
 - b. The District will provide an expelled student transferring to a new school district a progress summary of all work completed during the course of the student's expulsion, and will indicate the course credit earned by the student for that work.
 - 3. The student's need for academic and other supports upon returning to school; and
 - 4. Efforts to connect the returning student with opportunities to participate in extracurricular activities.
- B. In the event the responsible administrator, or designee, determines that a student's alternative educational opportunity is no longer beneficial to the student, but it remains inappropriate to return the student to the school or program from which the student was expelled, a plan for a different alternative educational opportunity may be developed in accordance with the procedures outlines in these Administrative Regulations.

Legal References:

Connecticut General Statutes:

Conn. Gen. Stat. § 10-233d

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).

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

ADOPTED: