

## Students

### Discipline

All school district employees share responsibility for supervising the behavior of students to help them meet standards of conduct established by the Board of Education or the school administration.

In working with the students, emphasis shall be placed upon developing effective self discipline as the most effective disciplinary approach.

### Definitions

1. **"Exclusion"** shall be defined as any denial of public school privileges to a student for disciplinary purposes.
2. **"Removal"** shall be defined as an exclusion from a classroom for all or part of a single class period, provided such exclusion shall not extend beyond ninety (90) minutes.
3. **"In-School Suspension"** shall be defined as an exclusion from regular classroom activity for no more than five (5) (ten days effective July 1, 2008) 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. Class attendance not permitted except to take a test or review for a test at a teacher's request. Students who are on in-school suspension are not allowed to participate in extracurricular activities. Students will be given at least a 1-day notice prior to the in-school suspension.
4. **"Suspension"** shall be defined as an exclusion from school privileges for no more than ten (10) consecutive school days, provided such exclusion shall not extend beyond the end of the school year in which suspension was imposed. (Effective July 1, 2008: Suspensions shall be in-school suspensions unless the administration determines that the student being suspended poses such a danger to persons or property or such a disruption of the educational process that the student shall be excluded from school during the period of suspension.)
5. **"Expulsion"** means the exclusion from school privileges for more than ten (10) consecutive school days and shall be deemed to include, but not be limited to, exclusion from the school to which such student was assigned at the time such disciplinary action was taken, provided such exclusion shall not extend beyond a period of one calendar year.
6. **"Emergency"** means a situation under which the continued presence of the student in school poses a danger to persons or property or a disruption of the educational process. A hearing will be held as soon after the exclusion of such student as is possible/reasonable.
7. **"Days"** shall mean days when school is in session.

## **Students**

### **Discipline (continued)**

### **Definitions (continued)**

8. **"School-sponsored activity"** means any activity sponsored, recognized or authorized by the Board of Education and includes activities conducted on or off school property.

### **Removal from Class**

Each teacher shall have the authority to remove a student from class when such student deliberately causes a serious disruption of the educational process within the classroom.

Whenever any teacher removes a student from the classroom, such teacher shall send the student to the main office and shall immediately inform the principal or his/her designee(s) giving the name of the student against whom such disciplinary action was taken and the reason therefore.

### **Standards Governing In-school Suspension, Suspension and Expulsion**

A student may be given in-school suspension, suspension, or expelled for one or more of the following behaviors or actions on school property or at school activities, including but not limited to:

1. Conduct which endangers persons or property or is seriously disruptive of the educational process. Included in such prohibited behavior are the following:
  - A. Conduct causing a threat of danger to the physical well-being of himself/herself or other people;
  - B. Physical assault on another person which is not reasonably necessary for self-defense;
  - C. Taking, or attempting to take, personal property or money;
  - D. Willfully causing, or attempting to cause, substantial damage to school or personal property;

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### Discipline

#### Definitions (continued)

#### Standards Governing In-school Suspension, Suspension and Expulsion (continued)

- E.\* Knowingly possessing a firearm or deadly weapon, in violation of C.G.S. 29-35 or 53-206, or on the real property comprising any public school or at any school activity as defined in Section 10-233a. A firearm, as currently defined by Section 10-53a-3, includes any sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver, or other weapon whether loaded or unloaded from which a shot may be discharged. A deadly weapon, as currently defined by Section 10-53a-3, is 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. It may also include pellet guns and/or air soft pistols.
- F.\* Knowingly possessing or using a dangerous instrument in or on the real property comprising any public school or at any school activity as defined in Section 10-233a. A dangerous instrument, as currently defined by Section 10-53a-3 includes any instrument, article, or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable or causing death or serious physical injury and includes a vehicle as defined in subdivision (8) of 10-53a-3.
- G. Participation in or intentional incitement which results in an unauthorized occupancy of any part of a school or school premises or other school district building, and failure to leave promptly after having been directed to do so by the principal or other person then in charge of such building or facility; participation in, or intentional incitement to participate in any form of disruptive demonstration. The school administration shall recognize student's rights to express points of view as long as such expression is not disruptive of the educational process.
- H. Possession, use, transmission or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind;
- I. Knowingly being in the presence of those who are in possession or using, transmitting, or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind;
- J. Violation of any Federal or State law which would indicate that the violator presents a danger to any person in the school community or to school property;

\* The Board of Education shall expel a student for one full calendar year for possessing a firearm, deadly weapon or dangerous instrument as indicated in items E and F. The Board may modify the term of a mandatory expulsion on a case-by-case basis.

## Students

### Discipline (continued)

#### Standards Governing In-school Suspension, Suspension and Expulsion (continued)

- K. Violation of any other Board policy, dealing with student conduct, including conduct on school buses, a copy of which is incorporated in the student handbook.
- 2. Open defiance, including verbal abuse, obscene or profane language or gestures, of the authority of any teacher or person having authority over the student.
- 3. Repeated unauthorized absence from school.
- 4. Intentional and successful incitement of truancy by other students.
- 5. Possessing and/or using tobacco.
- 6. Knowingly using or copying the academic work of another and presenting it as his/her own without proper attribution.
- 7. Falsification of school records.
- 8. Other serious misconduct determined by the school principal.

A student may be given in-school suspension, suspended, or expelled for one or more of the following behaviors or actions off school property or outside of school activities:

- 1. Conduct leading to a felony or Class A misdemeanor arrest if that conduct is determined to pose a danger to the student himself/herself, other students, school employees or school property.
- 2. Adjudication as a delinquent or a youthful offender as the result of a felony if the conduct leading to the adjudication is determined to pose a danger to the student himself/herself, other students, school employees or school property.
- 3. Any action that is considered to be disruptive of the educational process.

#### In-school Suspension/Suspension Procedures

- 1. Each principal or his/her designee shall have the authority to invoke in-school suspension or suspension, for one or more of the reasons stated in the section "Reasons Leading to In-school Suspension, Suspension or Expulsion From School," in accordance with the procedure outlines in number 3 below. However, the administrator or the Superintendent of Schools or designee shall have the authority to immediately suspend a student from school when an "emergency" exists, and under those conditions, the hearing outlined in number 3 of this section shall be held as soon after the suspension as possible.

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### Discipline (continued)

#### In-school Suspension/Suspension Procedures (continued)

(Effective July 1, 2008: Suspensions shall be in-school suspensions unless the administration determines that the student being suspended poses such a danger to persons or property or such a disruption of the educational process that the student shall be excluded from school during the period of suspension.)

2. Suspended student shall have an opportunity to complete any class work, including, but not limited to examinations, missed during the period of his/her removal from classes.
3. Except in the case of an "Emergency," a student shall be afforded an opportunity to meet with the principal or designee(s) to discuss the charges against him/her prior to beginning any period of in-school suspension or suspension. If at such meeting the student denies the charges, the student may at that time present his/her version of the incident(s) upon which the in-school suspension or suspension is based. The principal or designee(s) shall then determine, in his/her judgment, whether in-school suspension or suspension is warranted. In determining the length of a suspension period, the administration may consider past disciplinary problems which have led to removal from a classroom, suspension or expulsion of the student.

Whenever a student is suspension, notice of the suspension and the conduct for which the student was suspended shall be included on his/her cumulative educational record. Such notice shall be expunged from the cumulative record by the Board if the student graduates from high school or is not expelled or suspended again one or more times during the two-year period commencing on the date of his/her return to school from such a suspension.

4. For any student who is suspended for the first time and who has never been expelled, the school administration may shorten the length of or waive the suspension period if the student successfully completes an administration-specified program and meets any other administration-required conditions. Such program shall be at no expense to the student or his/her parents/guardians
5. 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 a hearing as provided in number 3 of the "Expulsion" section of this policy is first granted. (C.G.S. 4-176e -- 4-180a)
6. No student shall be placed on in-school suspension more than fifteen (15) times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion.

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### Discipline (continued)

#### Expulsion

1. The Superintendent of Schools may recommend to the Board of Education the expulsion of any student for one or more of the reasons stated in "Reasons Leading to Suspension or Expulsion from School" if, in the Superintendent's judgment such disciplinary action is in the best interest of the school system. The Superintendent shall recommend an expulsion hearing if there is reason to believe a student possessed a firearm or other dangerous weapon in or on the real property comprising any public school or at any school activity as defined in Section 10-233a.

Unless an emergency exists, the procedures outlined in numbers 2 and 3 below shall be followed prior to expulsion. If an emergency situation exists, such hearing shall be held as soon after the expulsion date as possible.

2. Upon recommendation of expulsion by the Superintendent, the Board of Education shall notify the student concerned and his/her parents or guardians, or the student if he/she has attained the age of eighteen (18), and in accordance with current statutes appropriate notice shall be given, of any board hearing, to the student and his/her parent/guardian. The Board of Education at a meeting at which three or more members of the Board are present, or if the Board of Education so chooses, an impartial hearing board (appointed by the Board of Education) consisting of one or more persons none whom are members of the Board of Education shall hold a hearing in accordance with the hearing procedure as set forth in paragraph number 3 below. The date for such hearing may be extended by agreement of the parties or because of unavoidable emergencies.
3. The procedure for any hearing conducted under this section shall be in accordance with current statutes and as determined by the hearing officer or Board Chairperson as appropriate, but shall at least include the right of the student to the following:
  - A. Notice of the proposed hearing which shall include a statement of the time, place, and nature of the hearing, and a statement of the legal authority and jurisdiction under which the hearing is to be held.
  - B. A short and plain statement of the matters asserted, if such matters have not already been provided in a statement of reasons requested by the student. The statement may be limited to a statement of the issues in detail at the time such notice is served. Thereafter, upon request from a student concerned, a more definite and detailed statement of the issues shall be furnished.

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- C. A list of names of accusing witnesses, if any, at least five (5) days prior to the hearing.
- D. The opportunity to be heard in his/her own defense.
- E. The opportunity to present witnesses and evidence in his/her defense.
- F. The opportunity to cross-examine adverse witnesses. In exceptional circumstances the Board or impartial hearing panel may refuse to allow a witness against the accused student to appear, when the Board or panel believes that fear on the part of the witness would prevent accurate testimony. In such cases, a verbatim statement of the witness's testimony must be given to the student.  
  
A witness's unsubstantiated desire to remain anonymous is not an exceptional circumstance and shall not justify dispensing with direct testimony and cross-examination.
- G. The opportunity to be represented by counsel or other representation of the student's choice.
- H. Information concerning legal services provided free of charge or at a reduced rate that are available locally and how to access such services.
- I. The prompt notification of the decision of the Board of Education or hearing board which decision shall be in writing.
- J. A statement which points out that under provisions C.G.S. 10-233 (e) in certain circumstances the Board does not have to offer an alternative educational opportunity to students between the ages of 16-18.
- K. The services of a translator, to be provided by the Board of Education, whenever the student or his/her parent or guardian do not speak the English language.
- L. At his/her own expense, a copy of the verbatim record of the hearing.

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### Discipline (continued)

### Expulsion (continued)

4. The record of any hearing held in an expulsion case shall include the following:
  - A. All evidence received and considered by the Board of Education.
  - B. Questions and offers of proof, objections, and ruling on such objections.
  - C. The decision of the Board of Education rendered after such hearing. If the student is found to have possessed a firearm or other dangerous weapon in or on the real property of a school or at any school activity as defined in Section 10-233a, he or she must be expelled.
  - D. A copy of the initial letter of notice of proposed expulsion, a copy of any statement of reasons provided upon request, and a statement of the notice of hearing.
  
5. Rules of evidence at expulsion hearing shall include the following:
  - A. Any oral or documentary evidence may be received by the Board of Education but, as a matter of policy, irrelevant, immaterial or unduly repetitious evidence may be excluded.
  - B. The Board of Education shall give effect to the rules of privilege by law.
  - C. In order to expedite a hearing, evidence may be received in written form, provided the interest of any part is not substantially prejudiced thereby.
  - D. Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available provided, however, that any party to a hearing shall be given an opportunity to compare the copy with the original.
  - E. A party to an expulsion hearing may conduct cross-examination of witnesses where examination is required for a full and true disclosure of the facts.
  - F. The Board of Education may take notice of judicially appropriate facts in addition to facts within the Board's specialized knowledge provided; however, the parties shall be notified either before or during the hearing of material noticed including an staff memoranda or data, and an opportunity shall be afforded to any party to contest the materials so noticed.



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### Discipline (continued)

### Expulsion (continued)

- G. A record of any oral proceedings before the Board of Education at an expulsion hearing shall be made, provided, however, that a transcript of such proceedings shall be provided only upon request of a party with the cost of such transcript to be paid by the requesting party. Findings of fact made by the Board after an expulsion hearing shall be based exclusively upon the evidence adduced at the hearing.
6. Any student expelled from school shall be offered an alternative educational opportunity during the period of expulsion, except that such alternative education is the Board of Education's option if the student is between the ages of sixteen and eighteen, was not previously expelled and is found to: (1) have possessed a firearm or other dangerous instrument or weapon in or on the real property of a school or at a school-sponsored activity, as defined in Section 10-233a or (2) is found to have offered for sale or distribution on school property or at a school-sponsored activity a controlled substance (*as defined in Subdivision (9) of Section 21a-240 as amended by Section 9 of Public Act 93-381*) whose manufacture, distribution, sale, prescription, dispensing, transporting, or possessing with the intent to sell or dispense, offering, or administration is subject to criminal penalties under Sections 21a-277 and 21a-278.

When a student is expelled for the sale or distribution of a controlled substance, the Board of Education shall refer the student to an appropriate state or local agency for rehabilitation, intervention or job training, or any combination thereof, and shall inform the agency of its action. Further, the Board shall give the name of the student, and a summary of the Board's action in referring a student, to the Commissioner of Education within thirty (30) days after the student is expelled.

7. Subsequent to a hearing, before three (3) or more members of the Board of Education or an impartial hearing panel, to determine whether the grounds for expulsion in the previous district would also warrant expulsion under the policies of the Board, the Board may adopt the decision of a student expulsion hearing conducted by another school district.

Whenever a student withdraws from school while involved in an expulsion hearing before a decision is rendered, (1) notice of the pending expulsion hearing shall be included on the student's cumulative educational record and (2) the Board shall completed the expulsion hearing and render a decision. The receiving district may also conduct its own expulsion hearing on the student actions in his/her previous district.

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### **Discipline (continued)**

### **Expulsion (continued)**

Whenever a student is expelled, notice of the expulsion and the conduct for which the student was expelled shall be included on the student's cumulative educational record. Such notice shall be expunged from the cumulative educational record by the Board if the student graduates from high school, unless the expulsion notice is based on possession of a firearm or deadly weapon.

8. For any student expelled for the first time and who has never been suspended, the Board of Education may shorten the length of or waive the expulsion period if the student successfully completes a Board specified program and meets any other conditions required by the Board. Such a Board specified program shall not require the student or the parent/guardian of such student to pay for participation in the program.
9. If a student's expulsion is shortened or the expulsion period waived based upon the fact that the student was expelled for the first time, had never been suspended, and successfully completed a Board specified program and/or met other conditions required by the Board, the notice of expulsion shall be expunged from the cumulative educational record if the student graduates from high school or, if the Board so chooses, at the time the student completes the Board specified program and meets any other conditions required by the Board.

### **Notification to Parents or Guardian**

The parents or guardian of any minor student either given in-school suspension, suspension or expelled shall be given notice of such disciplinary action as soon as possible by telephone, but in any case written notice must be mailed within twenty-four (24) hours of the decision to institute in-school suspension, suspension or expulsion.

### **Annual Student Notification of Board of Education Policies and Regulations**

The Principal shall, within thirty (30) days of school opening each year and at other times deem necessary, provide a copy of Board policies and regulations governing student conduct to students and their parents or guardians.

## Students

### Discipline (continued)

#### Students with Disabilities

Notwithstanding the foregoing, the following procedures shall apply to students who have been identified as having one or more disabilities under the IDEA and/or Section 504 of the Rehabilitation Act (a "student with disabilities"):

1. If a student with disabilities engages in conduct that would lead to a recommendation for expulsion, the district shall promptly convene an IEP team (PPT) meeting to determine whether the misconduct was directly caused by the student's disability. A student may be suspended for up to ten days pending the IEP team (PPT) determination.
2. If the IEP team (PPT) finds that the misconduct was not caused by the disability, the Superintendent may proceed with a recommendation for expulsion. During any period of expulsion, a student with disabilities under the IDEA shall receive an alternative educational plan consistent with the student's educational needs as determined by the IEP team (PPT) in light of such expulsion. The services must continue to the extent determined necessary to enable the disabled student to appropriately advance in the general education curriculum and to advance toward achieving the goals of his/her IEP.
3. If the IEP team (PPT) finds that the misconduct was caused by the disability, the Superintendent shall not proceed with the recommendation for expulsion. The IEP team (PPT) shall consider the student's misconduct and revise the IEP to prevent a recurrence of such misconduct and to provide for the safety of the other students and staff.
4. Should a parent of a student with disabilities who is eligible for services under the IDEA (or the student himself/herself if eighteen years of age or older) file a request for a due process hearing under C.G.S. 10-76h to contest an expulsion under subparagraph (2) above or a proposed change in placement under subparagraph (3), unless the parents (or student if eighteen years of age or older) and the Board otherwise agree, the child shall remain in the alternative educational setting until the appeal is resolved or until the expiration of the suspension, whichever occurs first in said due process hearing and any subsequent judicial review proceedings.

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### Discipline

#### Students with Disabilities (continued)

5. Notwithstanding the provisions of the preceding subparagraph (4), a student with disabilities may be assigned to an interim alternative educational setting for not more than forty-five (45) school days if the student brings a weapon to school or to a school function or knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or at a school function, or has inflicted serious bodily injury upon another person while at school, or school premises, or at a school function. For purposes of this paragraph, "weapon" means a device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, but excludes a pocket knife with a blade of less than 2½ inches in length. "Serious bodily injury" for the purposes of IDEA, is defined as bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ, or mental faculty. The interim alternative placement shall be determined by the IEP team (PPT). If a due process hearing is requested, the student shall remain in said interim alternative placement pending a decision in the due process hearing, unless the Board and the parents otherwise agree, or the Board obtains a court order.
  
6. In order for the district to unilaterally obtain a 45 day change in placement from a federal judge of Connecticut hearing officer, it must prove by substantial evidence, that maintaining the current placement of the student is substantially likely to result in injury to the child or other. The school must also prove that it has made reasonable efforts to minimize the risk of harm the student presents in the current placement.

Legal Reference: Connecticut General Statutes

4-177 through 4-180. Contested Cases. Notice. Record, as amended.

10-233a through 10-233f. Suspension, removal and expulsion of students, as amended by PA 95-304, PA 96-244, PA 98-139, PA 07-66 and PA 07-122

21a-240(9) Definitions.

53a-3 Definitions.

PA 94-221 An Act Concerning School Discipline and Security.

PA 95-304 An Act Concerning, School Safety

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#### **Students with Disabilities** (continued)

Legal Reference: Connecticut General Statutes (continued)

GOALS 2000: Educate America Act, Pub. L. 103-227.

18 U.S.C. 921 Definitions.

Title III - Amendments to the Individuals with Disabilities Act Sec. 314

Elementary and Secondary Schools Act of 1968, as amended by the Gun Free Schools Act of 1994

PL 105-17 The Individuals with Disabilities Act, Amendments of 1997

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

P.L. 108-446 Individuals with Disabilities Education Improvement Act of 2004

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

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THOMASTON PUBLIC SCHOOLS  
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