

Students

Discipline: Suspension/Expulsion; Due Process

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. Physical force may not be used as a disciplinary measure.

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) 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 is 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.
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.
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 exceed one calendar year. Such period of exclusion may extend to the school year following the school year in which the exclusion was imposed.
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.

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Definitions (continued)

7. "Days" shall mean days when school is in session.
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. The teacher shall immediately inform the principal or designee upon removal of a student and shall give the name of the student and the reason for such removal. No student shall be removed from class more than six (6) times in any year nor more than twice in one week unless such student is referred to the principal or his/her designee(s) and granted an informal hearing in accordance with the provisions specified in number 3 of the "In-School Suspension/Suspension Procedures" of this policy.

Standard 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 within 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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- E. Knowingly possessing a firearm or deadly weapon in 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.
- 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 of 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 pupils' 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;

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- K. Violation of any other Board policy, dealing with student conduct, including conduct on school buses. Students receive a copy of the Administrative Procedures Handbook and the Transportation Handbook at the beginning of each school year.
- 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. Intentional and successful incitement of truancy by other students.
- 4. Possessing and/or using tobacco.
- 5. Knowingly using or copying the academic work of another and presenting it as his/her own without proper attribution.
- 6. Falsification of school records.
- 7. Other serious misconduct determined by the school principal.

Students are subject to discipline, up to and including suspension and expulsion for misconduct, even if such misconduct occurs off-school property and during non-school time. Such discipline may result whether: 1) the incident was initiated in the school or on school grounds, or 2) even if the incident occurred or was initiated off-school grounds and non-school time; if after the occurrence there was a reasonable likelihood that return of the student would contribute to a disruptive effect on the school education or its process by threatening:

- 1. The school's orderly operations;
- 2. The safety of the school property; or
- 3. The welfare of the persons who work or study there.

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

- 1. Use, possession, sale, or distribution of dangerous weapons;
- 2. Use, possession, sale, or distribution of illegal drugs; or
- 3. Violent conduct,

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

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Reasons Leading to Suspension or Expulsion From School (continued)

For example, if it is determined that a student's use, possession, or sale of drugs in the community has a reasonable likelihood of endangering the safety of students or employees because of the possibility of such sales in the school; or if violent conduct in the community presents a reasonable likelihood of repeating itself in the school environment; or if any similar type of misconduct in the community has a reasonable likelihood of being continued or repeated in school or of bringing retaliation or revenge into the school for such off-school misconduct, the Board may impose discipline up to and including suspension and/or expulsion.

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.
2. In the case of in-school suspension or suspension, the principal or designee shall notify the Superintendent of Schools or designee as soon as possible, but in any case within twenty-four (24) hours of the in-school suspension or suspension as to the name of the student who has been suspended and the reason therefore. 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.

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In-school Suspension/Suspension Procedures (continued)

Whenever a student is suspended, 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. 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) Suspension form 5135 shall be filled out and sent to central office.
5. No student shall be placed in 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. Form 5135 shall be filled out and sent to central office.

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 judgement, 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 fire-arm 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.

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Expulsion Procedure (continued)

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.
 - 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.

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Expulsion Procedure (continued)

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. The prompt notification of the decision of the Board of Education or hearing board which decision shall be in writing.
 - I. 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.
 - J. 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.
 - K. At his/her own expense, a copy of the verbatim record of the hearing.
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.

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Expulsion Procedure (continued)

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 any staff memoranda or data, and an opportunity shall be afforded to any party to contest the materials so noticed.
 - 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 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

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Expulsion Procedure (continued)

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 complete the expulsion hearing and render a decision. The receiving district may not exclude the student from school pending completion of the expulsion hearing in the sending district unless an emergency exists. The receiving district may also conduct its own expulsion hearing on the student actions in his/her previous district.

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 or is not suspended or expelled again during the two-year period from the date of his/her return to school from the expulsion.

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Special Education Students

1. If a PPT determines that the special education student's inappropriate behavior or actions are deemed not to be the result of the student's handicapping condition, suspension or expulsion procedures shall be conducted in accordance with the provisions of this policy for non-special education students.
2. If such behavior are actions deemed to be caused by the student's handicapping condition, no suspension or expulsion shall ensue. Instead, the PPT will attempt to modify the student educational program to prevent recurrence of the undesirable behavior or actions for the protection of other students or the special education student.

However, if a situation exists in the judgment of the Director of pupil personnel services, the principal, and the Superintendent of Schools under which the continued presence of the student in the school imposes such a danger to persons or property that a temporary suspension is necessary, for the safety of other district students or other special education students, to allow the district adequate time for developing an alternative program and/or placement for the special education student, such special education student may be excluded until such alternative program and/or placement is determined. Homebound instruction shall be offered for the student until an alternative program and/or placement is effected.

Reasonable Physical Force to Control A Situation

Reasonable physical force may be used, to the extent that a teacher or other person entrusted with the care and supervision of a minor for school purposes believes it necessary to:

- A. Protect him/herself or others from immediate physical injury.
- B. Obtain possession of a dangerous instrument or controlled substance, upon or within the control of such student.
- C. Protect property from physical damage.
- D. Restrain student or remove student to another area to maintain order.

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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 student and their parents or guardians.

Legal Reference: Connecticut General Statutes
4-177 through 4-180. Contested Cases. Notice. Record.
10-233a through 10-233f. Suspension, removal and expulsion of students.
21a-240(9) Definitions.
53a-3 Definitions.
53a-18 Use of reasonable physical force or deadly physical force generally; defense by teachers and certain other persons.
PA 94-221 An Act Concerning School Discipline and Security.
GOALS 2000: Educate America Act, Pub. L. 103-227.
18 U.S.C. 921 Definitions.

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NEW HAVEN PUBLIC SCHOOLS
New Haven, Connecticut