

Students

Student Discipline and Due Process

Definitions of Removal, In-School Suspension, Out-of School Suspension and Expulsion

- A. "Exclusion" means any denial of school privileges to a student for disciplinary purposes.
- B. "Removal" means an exclusion of a student from a classroom for all or part of a single class period, but not for more than ninety (90) minutes. No student will be removed from class more than six (6) times in any school year or more than two (2) times in one week unless such student is referred to the building principal or such principal's designee and, unless an emergency exists, granted an informal hearing prior to the removal wherein the student will be informed of the reasons for the removal and be given an opportunity to explain the situation. If an emergency situation exists, such hearing shall be held as soon after the removal as possible.

Any teacher may remove a student from class when the student deliberately causes a serious disruption of the educational process within the classroom.

Whenever a teacher removes a student from the classroom, the teacher will send such student to a designated area and shall immediately inform the building principal or such building principal's designee of the name of the student removed and the reason for such removal. Any time a minor student is removed, the administrator so informed shall cause the parents or guardian of such minor student to be notified of such action within twenty-four hours.

- C. "In-school suspension" means an exclusion from regular classroom activities 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 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.

The administration may impose an in-school suspension if the administration finds that the student's conduct violates a publicized Board policy, is seriously disruptive of the educational process, or endangers persons or property.

- D. "Out-of-School Suspension" means exclusion from school privileges or from transportation services for not more than ten (10) consecutive school days, provided such out-of-school suspension shall not extend beyond the end of the school year in which such out-of-school suspension is imposed. 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

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of exclusion, unless such pupil is granted the opportunity for a formal hearing pursuant to Sections 4-176e to 4-180a, inclusive, and Section 4-181a of the Connecticut General Statutes. If an emergency situation exists, such hearing shall be offered as soon after the out-of-school suspension as possible.

The administration may suspend a student from school if the administration finds that the student's conduct on or off school grounds or at a school-sponsored activity is violative of a publicized Board policy and is seriously disruptive of the educational process or endangers persons or property. Transportation services may be suspended for any student whose conduct while awaiting or receiving transportation to and from school endangers persons or property or is violative of a publicized Board policy.

In making a determination as to whether conduct is seriously disruptive of the educational process, the administration may consider, but such consideration shall not be limited to: (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 Connecticut General Statutes, Section 29-38, and whether any injuries occurred; and (4) whether the conduct involved the use of alcohol and/or controlled substances.

- E. "Expulsion" means the exclusion by the Board 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 student was assigned at the time such disciplinary action was taken. The expulsion period may not extend beyond one (1) calendar year, but it may extend into the next school year.
1. The Board, or its statutory designee, may expel a student from school if it finds that the student's conduct on school grounds or at a school-sponsored activity is violative of a publicized Board policy or is seriously disruptive of the educational process or endangers persons or property or whose conduct off school grounds is violative of such policy and is seriously disruptive of the educational process.
 2. An expelled pupil may apply for early re-admission to school. Except as provided in this subsection, such re-admission shall be at the discretion of the Board. The Board may delegate authority for the re-admission decision to the Superintendent. If the Board delegates such authority, re-admission shall be at the discretion of the Superintendent. Re-admission decisions shall not be subject to appeal to superior court. The Board or Superintendent, as appropriate, may condition such re-admission on specified criteria.

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3. In making a determination as to whether conduct is seriously disruptive of the educational process, the Board or impartial hearing board may consider, but such consideration shall not be limited to: (a) whether the incident occurred within close proximity of a school; (b) whether other students from the school were involved or whether there was any gang involvement; (c) whether the conduct involved violence, threats of violence or the unlawful use of a weapon, as defined in section 29-38 of the Connecticut General Statutes, and whether any injuries occurred; and (d) whether the conduct involved the use of alcohol and/or controlled substances. (See policy 5131.6 Drugs and Alcohol, Glossary of Terms #3.7).
4. An expulsion hearing shall be offered whenever there is reason to believe a student (A) on school grounds or at a school-sponsored activity, was in possession of a firearm, as defined in 18 U.S.C. 921, as amended, or deadly weapon, dangerous instrument or martial arts weapon, as defined in Connecticut General Statutes section 53a-3, (B) off school grounds, did possess such a firearm in violation of Connecticut General Statutes Section 29-35, or did possess and use such a firearm, instrument or weapon in the commission of a crime under chapter 952 of the Connecticut General Statutes, or (C) on or off school grounds, offered for sale or distribution a controlled substance as defined in Section 21(a)-240(9) of the Connecticut General Statutes whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with the intent to sell or dispense, offering, or administering is subject to criminal penalties under Connecticut General Statutes Section 21a-277 or 21a-278.

If a student is found by the Board, or its statutory designee, to have committed the conduct described above, he or she must be expelled for one calendar year. The Board or its statutory designee may modify the expulsion period on a case-by-case basis.

5. Any student expelled who is under sixteen (16) years of age shall be offered an alternative education program during the period of expulsion, provided any parent or guardian of such student who does not choose to have his or her child enrolled in an alternative educational program shall not be subject to Connecticut General Statutes, Section 10-184. An alternative educational opportunity shall be offered to any expelled students between the ages of sixteen (16) and eighteen (18), who wishes to continue his/her education and who complies with conditions established by the Board. However, the Board is not required to offer such opportunities to any student between the ages of sixteen (16) and eighteen (18) who was previously expelled, or who is expelled because of conduct which endangers persons if it is determined at the expulsion hearing that the

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- conduct for which the student is expelled involved (1) possession on school property or at a school-sponsored activity of a firearm, as defined in 18 U.S.C. 921, as amended, or deadly weapon, dangerous instrument or martial arts weapon, as defined by Connecticut General Statutes, Section § 53a-3, or (2) offering for sale or distribution, on school property or at a school-sponsored activity, a controlled substance, as defined in Connecticut General Statutes, Section 21a-240(9) 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 Connecticut General Statutes §§ Section 21a-277 or 21a-278. The age restrictions and other limitations on the provision of an alternative educational opportunity shall not apply to pupils requiring special education.
6. If a student is expelled for possession of a firearm, dangerous instrument, martial arts weapon or deadly weapon, the Board shall report the violation to the local police department. If a student is expelled for the sale or distribution of a controlled substance, the Board 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.
 7. The Board may adopt the decision of a student expulsion hearing conducted by another school district provided that the Board or its statutory designee shall hold a hearing prior to adopting the decision. Such hearing shall be limited to a determination of whether the conduct, which was the basis for the expulsion, would also warrant expulsion under the policies of this Board. The student shall be excluded from school pending such hearing. The excluded student shall be offered an alternative education opportunity in accordance with the provisions of paragraph number 5 above. If a student attempts to enroll in this district after having been noticed for an expulsion hearing by another district, but before that hearing is completed and a decision rendered, such student may be suspended prior to admission or subject to an expulsion hearing by the Board, at the Board's option. Absent such decision by the Board or the existence of an emergency, the student will not be excluded from attendance by the Board pending completion of the expulsion hearing in the other district.
 8. Whenever a student against whom an expulsion hearing is pending withdraws from school after notification of such hearing but before the hearing is completed and a decision 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.

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- F. "Emergency" means a situation under 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.
- G. "School-sponsored activity" means any activity sponsored, recognized or authorized by the board and includes activities conducted on or off school property.

Actions Leading to In-School Suspension, Out-of-School Suspension and/or Expulsion

The following examples of breaches of conduct on or off school property, on school transportation, or at any school-sponsored activity may lead to discipline, including in-school suspension, out-of-school suspension and/or expulsion. The conduct listed below is provided for informational purposes only; the list may not include all of the behavior that may result in discipline.

1. Conduct causing danger to the physical well-being of himself/herself or other people, including willfully striking or assaulting others.
2. Theft of property of the school, cafeteria, staff, a student or others.
3. The use of obscene or profane language or gestures, either spoken or written on clothing.
4. Violation of smoking, dress or transportation regulations.
5. Refusal to obey a member of the school staff or disruptive classroom behavior.
6. Refusal by a student when asked to identify himself/herself to a staff member.
7. A "walk-out" from, or "sit-in" within, a classroom or school building or during a school-sponsored activity.
8. Blackmailing, threatening, or intimidating behavior in any manner, including orally, in writing or via electronic communication, including electronic devices and the internet.
9. Possessing on school property, on school transportation, or at a school-sponsored activity, any kind of weapon, firearm, realistic replica of a firearm or dangerous instrument of any kind; unlawfully possessing a weapon, firearm, realistic replica of a firearm or dangerous instrument of any kind in violation of the law, on or off school property. Weapons, firearms and dangerous instruments include, but are not limited to, weapons as defined in

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Connecticut General Statutes Section 29-38, firearms and destructive devices as defined in 18 U.S.C. 921, pistols, revolvers, rifles, shotguns, machine guns, deadly weapons, dangerous instruments or martial arts weapons as defined in Connecticut General Statutes Section 53a-3, or any other instrument, article or substance which under the circumstances in which it is used, or attempted or threatened to be used, is capable of causing physical injury. This can include, but is not limited to, motor vehicles, fire crackers, fireworks of any kind or other items not commonly thought of as weapons. Realistic replicas of firearms include, but are not limited to, any nonfunctional imitation of an original firearm, provided such imitation could reasonably be perceived to be a real firearm.

10. Unauthorized entrance onto or occupancy in school property, or aiding and abetting an unauthorized entrance onto school property.
11. Explosive/Fire - Possession or ignition of any bombs, fireworks or other explosive materials, or ignition of material causing a fire.
12. Unlawful possession, manufacture, sale, distribution, prescription, transportation or consumption on or off school grounds, or at a school-sponsored activity or contest, of any drug including alcohol and/or controlled substances, a controlled substance, as defined in subdivision (9) of Connecticut General Statutes, Section 21a-240, a harmful or illegal substance, or a prescribed medication for which the student does not have a prescription from a licensed physician on file in the school office. This includes but is not limited to alcohol, marijuana, cocaine, LSD, inhalants, barbiturates, stimulants, "look-alike drugs", hallucinogens, and anabolic steroids.
13. The destruction or threat of destruction of real or personal property, i.e., cutting, defacing, or otherwise injuring property in any way.
14. Accumulation of minor offenses such as school and class tardiness, cutting class or study hall, failure to attend detention, truancy, or other chronic misconduct.
15. Extended absenteeism from school or class without proper authorization.
16. Creating a disturbance that interferes with the educational process.
17. Any harassment, including but not limited to, sexual harassment of any individual, hazing or bullying of an individual.
18. Trespassing on school grounds while on out-of-school suspension or expulsion.

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19. Making "Bomb Threats".
20. Defiance of school rules or the authority of teachers, supervisors, or administrators, including refusal to attend in-school suspension or other programs.
21. The use or copying of academic work of another and presenting of it as one's own without proper attribution.
22. Defiance of or failure to abide by student transportation rules.
23. Any violation of a published school policy, regulation or rule.
24. Any other actions not listed above that may have a negative impact upon the school, that are violative of a publicized Board policy, or that are disruptive of the educational process.

Legal Reference: Connecticut General Statutes

4-176e - 4-180a and 4-181a. Formal Hearing Procedure
10-233a - 10-233g. Student Discipline
Honig v. Doe, United States Supreme Court (1988)
29-35 Carrying of pistol or revolver prohibited
29-38 Weapons in vehicles
53-206c Facsimile firearms
53a-3 Definitions
Chapter 952 Penal Code
21a-240 Definitions
21a-277 Drug penalties
21a-278 Drug penalties
53a-217b Possession of weapons on school grounds

United States Code

18 U.S.C. 921 Definitions
20 U.S.C. 921-22 Gun-free requirements

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EASTON PUBLIC SCHOOLS