

## **Students**

### **Suspension and Expulsion /Due Process**

#### **Procedures Governing In-School Suspension**

- A. In-School Suspension May Not:
1. Exceed ten (10) consecutive school days.
  2. Extend beyond the school year.
  3. Be imposed more than fifteen (15) times or a total of fifty (50) days in one school year, whichever is fewer.
- B. The principal or his/her designee may impose in-school suspension in cases where a student's conduct endangers persons or property, is seriously disruptive of the educational process, or violates publicized school rules.
- C. In-school suspension may not be imposed on a student without an informal hearing by the building principal or his/her designee at which time the student shall be informed of the reasons for the in-school suspension and given an opportunity to explain the situation.
- D. A parent or guardian of the student will be notified within 24 hours of the in-school suspension. Written notification to the parent or guardian will follow in a reasonable amount of time. The administration may request a conference with the parent or guardian.

#### **Procedures Governing Out-of-School Suspension**

- A. The principal of a school, or designee on the administrative staff of the school, shall have the right to suspend any student whose 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. Examples of conduct, which may result in suspension, are listed in this policy under the heading, "Actions Leading to Suspension and/or Expulsion." A suspension will not exceed ten (10) consecutive school days and will not extend beyond the end of the school year. In determining the length of a suspension period, the administration may receive and consider evidence of past disciplinary problems which resulted in removal from the classroom, suspension or expulsion of such student.

The following procedures will apply whenever a student is suspended.

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1. Unless an emergency situation exists requiring the student's immediate removal, no student shall be suspended prior to having an informal hearing before the principal or his/her 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. The principal or his/her designee shall attempt to immediately notify the parent or guardian of a minor student about the suspension and state the cause(s) leading to the suspension.
3. A parent or guardian of the student will be notified of the suspension within twenty-four (24) hours. Written notification to the parent or guardian will follow within a reasonable amount of time. A conference with the parent or guardian will be a condition for re-entry for serious infractions (i.e. substance abuse, fighting), but may be waived by the administration.
4. Notice of the suspension, including the reasons therefore, shall be transmitted by the principal or his/her designee, to the Superintendent of Schools within forty-eight (48) hours of the suspension.
5. Suspended students shall be given the opportunity to complete any classwork, including, but not limited to, examinations which such student missed during the period of suspension.
6. Whenever a student is suspended, notice of the suspension and the conduct for which the student was suspended shall be included in the student's cumulative record. Such notice shall be expunged from the record if the student graduates from high school.
7. The administration may shorten the length of or waive a suspension for any student who is suspended for the first time and who has never been expelled, provided that the student completes an administration-specified alternative program and meets any other administration-required conditions. Such alternative program will be at no expense to the student or his/her parents or guardian.

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8. When a student eligible for special education services has been suspended for ten (10) consecutive days or ten (10) days in the aggregate, the matter shall be referred to the planning and placement team (PPT), which will meet as soon as possible to review the student's program to determine whether the program and placement continue to be appropriate. Modifications in the IEP should include disciplinary goals and objectives.
  9. When a student who is not identified as eligible for special education services is suspended repeatedly (Section 10-76d-7, Connecticut Administrative Regulations) and when these offenses are serious, there should be a referral to a PPT. "Repeatedly" may be interpreted as the third suspension within one school year. The seriousness of the offense should be measured in terms of danger to the student and/or to others, as well as the degree of deviance from a normal range of behavior.
  10. The Superintendent of Schools shall report any unusually serious cases of student suspension to the Board at their first meeting following the suspension.
- B. In cases where the student has already been suspended, and an additional suspension will result in the student being suspended more than ten (10) times or a total of fifty (50) days in a school year, whichever results in fewer days of exclusion, the student shall, prior to suspension, be granted the opportunity for a formal hearing before the Board or its statutory designee, unless an emergency exists. If an emergency situation exists, such hearing shall be held as soon after the suspension as possible. The principal or his/her designee shall report such student to the Superintendent.

### Procedures Governing Expulsion

- A. A principal may consider recommendation for expulsion of a student in a case where he/she has cause to believe 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.

A recommendation for expulsion shall be required, however, whenever there is reason to believe that any pupil (A) on school grounds or at a school-sponsored activity, was in possession of a firearm, as defined in 18 USC 921, as amended from time to time, or deadly weapon, dangerous instrument or martial arts weapon, as defined in C.G.S. Section 53a -3, (B) off school grounds, did possess such a firearm in violation of C.G.S. Section 29-35 or did possess and use such a firearm, instrument or weapon in the commission of a crime under C.G.S. Chapter 952, or (C) on or off school grounds,

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offered for sale or distribution a controlled substance, as defined in subdivision (9) of C.G.S. Section 21a-240, 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 C.G.S. Sections 21a-277 or 21a-2278.

If it is found that the pupil did so possess or so possess and use, as appropriate, such firearm, instrument or weapon or did so offer for sale or distribution such a controlled substance, the pupil will be expelled for one (1) calendar year, provided the Board may modify the period of expulsion for a pupil on a case by case basis.

- B. Recommendations for expulsions are to be directed to the Board through the Superintendent.
- C. Upon receipt of notice that a student may have engaged in conduct described in paragraph A, the Superintendent shall conduct an inquiry as soon as possible.
- D. If after the inquiry the Superintendent determines that there is reason to believe that the student engaged in conduct described in paragraph A, he/she shall forward his/her recommendation for expulsion to the Board. The Board or its statutory designee will offer an opportunity for a formal hearing to the student prior to any expulsion unless an emergency exists. If an emergency exists, the hearing shall occur as soon after the expulsion as possible.
  - 1. The student must be given written notice of the opportunity for a hearing either by hand delivery or by certified mail, and if the student is a minor, notice shall also be given to the student's parent(s) or guardian(s).
  - 2. The notice shall contain:
    - a. The date, time, place, and the nature of the scheduled hearing;
    - b. The grounds for the proposed expulsion, including reference to the Board policy and/or law, if any, which the student is alleged to have violated;
    - c. A statement that the hearing is before the Board or its statutory designee and will comply with Connecticut General Statutes Section 10-233d.
    - d. A statement that the student may be represented by an attorney or other representative at the hearing.

If the student is between the ages of sixteen (16) and eighteen (18), a statement that the Board is not required to offer an alternative educational opportunity to any student who is found to have engaged in conduct which endangers persons if it is determined that such conduct involved (1) possession of a firearm, deadly weapon, dangerous

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instrument or martial arts weapon on school property or at a school-sponsored activity or (2) offering for sale or distribution on school or at a school-sponsored activity a controlled substance in violation of Connecticut General Statutes, Section 21a-277 or 21a-278.

At any such hearing, both the student and the administration shall have the right to testify and present argument on the issues involved, to produce witnesses and any other relevant evidence, to respond to and cross-examine each other and any witnesses presented, and to inspect and copy documents introduced as evidence. In exceptional circumstances, and provided the student's interest will not be substantially prejudiced, the Board may refuse to allow a witness to appear against the student, especially when the Board believes that fear on the part of the witness would prevent the giving of accurate testimony. In such cases, a verbatim statement of the witness's testimony, given under oath, must be given to the student. The Board will receive only relevant evidence, and will exclude irrelevant, immaterial and/or unduly repetitious evidence.

3. In determining the length of expulsion and the nature of the alternative educational opportunity to be offered, if any, the Board or its statutory designee may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, suspension, or expulsion of such student.
4. Whenever a student is being referred to the Board for consideration of expulsion, appropriate school staff shall review the student's record. If the student's record indicates that the student may have been eligible to receive special education services because of a disability before the behavior that precipitated the referral to the Board for expulsion, the student shall be referred for planning and placement team action prior to the commencement of expulsion proceedings. In the event the planning and placement team identifies the student as eligible to receive special education services, the procedures as set forth in policy number 5144.3, "Discipline of Students with Disabilities" shall apply. If, however, a review of the student's record does not indicate that the student may have been eligible to receive special education services because of a disability prior to the behavior that precipitated the referral to the Board for expulsion, or if the planning and placement team determines that the student is not eligible to receive special education services, the Board will continue with the expulsion proceedings. If the student and/or his parent(s) or guardian if a minor, request an evaluation to determine if the student is eligible for special education services on the behavior precipitating the referral for expulsion, the evaluation shall

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- be conducted in an expedited manner. However, until the evaluation is completed, the Board may proceed to conduct the hearing.
6. A student may be represented by a third party of his/her choice, including an attorney.
  7. A student is entitled to the services of a translator or interpreter to be provided by the Board, whenever the student's, and/or his/her parent's inability to understand and speak the English language would prevent meaningful participation in the hearing in the absence of such translator or interpreter.
  8. The Board shall keep a verbatim record of the hearing, not including the Board's deliberations; the student or his parent(s)/guardian(s) shall be entitled to a copy of that record at his/her own expense.
  9. A Board hearing to consider expulsion shall include at least three (3) Board members in attendance. A student may be expelled if a majority of the Board members sitting in an expulsion-hearing vote to expel and at least three (3) affirmative votes for expulsion are cast. In the alternative, the Board may establish an impartial hearing board of one or more persons. No member of the Board may be a member of the impartial hearing board. The impartial hearing board shall have the authority to conduct the expulsion hearing and render a final decision.
  10. The Board or its statutory designee shall report its final decision in writing to the student. If the student is a minor, also to the parent(s) or guardian(s), stating the Board's findings of fact and conclusions of law necessary to its decision, as well as the discipline to be imposed. Findings of fact shall be based solely on evidence in the record.
  11. Whenever an emergency exists, the hearing provided for above shall be held as soon as possible after the expulsion.
  12. Whenever a student is expelled, notice of the expulsion and the conduct for which the student is expelled shall be included on the student's cumulative educational record. Such notice, except for notice of an expulsion based on possession of a firearm or deadly weapon, shall be expunged from the cumulative educational record if the student graduates from high school.

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13. If 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 in the student's cumulative educational record and (2) the Board shall complete the expulsion hearing and render a decision.
- E. The Board shall submit to the State Department to Education such information on expulsions for the possession of weapons as required for purposes of the Gun-Free Schools Act of 1994, as amended from time to time. If a student is expelled for possession of a firearm or deadly weapon, the Board shall also 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.

An expelled pupil may apply for early re-admission to school. Except as provided in this subsection, early re-admission shall be at the discretion of the Board. The Board may delegate authority for readmission decisions 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.

At the beginning of each school year and at other times as it may deem appropriate, the Board shall delegate through administration an effective means of informing all students, parent(s), and/or guardian(s) of this policy governing suspension and expulsion.

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

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Legal References:     United States Codes  
                          18 U.S.C. 921 Definitions  
                          20 U.S.C. 921-22 Gun-free requirements

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