

**WESTPORT BOARD OF EDUCATION**  
**POLICY COMMITTEE**  
**NOTICE OF SPECIAL MEETING**  
**AGENDA**

(Agenda Subject to Modification in Accordance with Law)

**SPECIAL NOTICE ABOUT PROCEDURES FOR THIS ELECTRONIC MEETING:**

Pursuant to the Governor's Executive Order No. 7B, there will not be a physical location for this meeting. This meeting will be held electronically and live streamed on westportps.org and shown on Optimum Government Access Channel 78 and Frontier Channel 6021. Emails to BOE members can be sent to BOE@westportps.org. Comments to be read during the public comment period must be submitted to the meeting's Googledoc during the submission period. Please see the following link for instructions and guidelines: [https://www.westportps.org/uploaded/Procedures\\_and\\_Guidelines\\_for\\_Public\\_Participation\\_in\\_Remote\\_Board\\_Meetings.pdf](https://www.westportps.org/uploaded/Procedures_and_Guidelines_for_Public_Participation_in_Remote_Board_Meetings.pdf). We will use our best efforts to read public comments if they are received during the public comment period and if they state your full name and address. Meeting materials will be available at westportps.org along with the meeting notice posted on the Meeting Agenda page.

**WORK SESSION:**

9:00 a.m. Held Remotely Via Zoom Pursuant to Executive Order 7B

**DISCUSSION/ACTION:**

1. Minutes: May 26, 2020, *page 1-2*

**DISCUSSION:**

1. First Reading of the Following Policies:
  - "Temporary Policies and Regulations" Shipman and Goodwin Model Policy (new), *pages 3-4*
  - Policy 5141.8, "Face Masks and Coverings" CABA Model Policy (new), *pages 5-8*
  - Policy 1250, "Policy Regarding Visitors and Observations in Schools" (revise existing Westport policy), *pages 9-11*
  - "School Volunteers, Student Interns, and Other Non-Employees" Shipman and Goodwin Model Policy (new), *pages 12-13*
  - Policy 1330, "Use of School Facilities" (revise existing Westport policy), *pages 14-20*
  - Policy 5141.22, "Student Communicable and Infectious Diseases" CABA Model Policy (new), *page 21*
  - Policy 5114, "Student Discipline" (revise existing Westport policy), *pages 22-66*
  - "Transportation" Shipman and Goodwin Model Policy (new), *pages 67-73*
  - Policy 5113.2, "Student Attendance, Truancy, and Chronic Absenteeism" (revise existing Westport policy), *pages 74-76*
2. Any Other Policy Matters

**ADJOURNMENT**

The meeting can also be viewed on Cablevision on channel 78; Frontier channel 6021 and by video stream @www.westportps.org  
PUBLIC PARTICIPATION WELCOME USING THE FOLLOWING GUIDELINES:

- Public comment will be accepted via a Google doc and the comments will be read aloud at the meeting. A link will be provided on Monday, prior to the meeting.

- There will be no in-person public comment due to public health concerns.
- A maximum of 15 minutes will be provided for public comments.
- Comments on agenda items are limited to 1 minute each.

*It is the policy of the Town of Westport that all Town-sponsored public meetings and events are accessible to people with disabilities. If you need assistance in participating in a meeting or event due to a disability as defined under the Americans with Disabilities Act, please contact Westport's ADA Coordinator at 203-341-1043 or [eflug@westportct.gov](mailto:eflug@westportct.gov) at least three (3) business days prior to the scheduled meeting or event to request an accommodation.*

**WESTPORT BOARD OF EDUCATION  
POLICY COMMITTEE WORK SESSION MINUTES**

**Board Members Present:**

Karen Kleine      Committee Chair  
Youn Su Chao

**Administrators Present**

Anthony Buono      Assistant Superintendent for Teaching and Learning  
John Bayers      Director of Human Resources  
Natalie Carrignan      Director of Technology

**PUBLIC SESSION:** 8:35 a.m., Held Remotely Via Zoom Pursuant to Executive Order 7B

**DISCUSSION/ACTION**

**MINUTES:** May 5, 2020

Karen Kleine moved to approve the minutes of May 5, 2020; seconded by Youn Su Chao and approved unanimously (2-0-0).

**DISCUSSION**

Reading of Policy 6162.51 Surveys of Students

First Reading of the Following Policies:

- 6172.6 Distance Learning (new policy)
- 5131.81 Use of Electronic Devices (new policy)
- 6141.321 Computers: Acceptable Use
- 3514 Equipment
- 3514.1 Computer Loan
- 6114.8, Emergencies and Disaster Preparedness: Pandemic/Epidemic (new policy)

**DISCUSSION/ACTION**

Second Reading of the Following:

- Policy and Regulation 4138/4238 Non-School Employment
- Policy 4151.5/4215.5 Legal and Civic Duties
- Policy 4118.24 Staff/Student Relations/Non-Fraternization
- 4118.5/4218.5 Acceptable Computer Use

- 4118.55 Social Networking

Thee following policies were recommended to go before the full Board for a first reading:

- Policy and Regulation 4138/4238 Non-School Employment
- Policy 4151.5/4215.5 Legal and Civic Duties
- Policy 4118.24 Staff/Student Relations/Non-Fraternization

## **ADJOURNMENT**

Meeting adjourned at 10:40 a.m.

Respectfully submitted,

Jennifer Caputo

**Series C-19  
COVID-19 Policies and Regulations**

**POLICY CONCERNING TEMPORARY POLICIES AND REGULATIONS  
RELATED TO THE COVID-19 PANDEMIC (NEW)**

The \_\_\_\_\_ Board of Education (the “Board”) recognizes that the COVID-19 pandemic (the “COVID-19 Pandemic”) has prompted changes in laws, rules, and guidance affecting Board policy and school district operation, and requiring the Board and the administration of the \_\_\_\_\_ Public Schools (the “Administration”) to implement certain changes consistent with such laws, rules, and guidance. The Board further recognizes that the circumstances surrounding the COVID-19 Pandemic are continually changing, and that the Board and the Administration must be prepared to adapt and evolve as appropriate and/or required. In all circumstances, the Board prioritizes safeguarding the health and safety of students and staff while continuing to educate students in accordance with state law.

In light of these circumstances, it is the policy of the Board to provide for temporary amendments to certain existing Board policies and administrative regulations, and to enact or authorize Board policies and administrative regulations on new topics, to the extent appropriate and/or required by applicable laws, rules, and guidance regarding the COVID-19 Pandemic (the “COVID-19 Policies and Regulations”). Such amendments and additions are guided by the need to (1) safeguard the health and safety of students and staff while continuing to educate students in accordance with state law; (2) adhere to all applicable laws, rules, and guidance; and (3) preserve flexibility for the Board and the Administration to account for further changes related to the COVID-19 Pandemic.

All COVID-19 Policies and Regulations shall be identified as such in the header of the Policy or Regulation with an indication that such policy or regulation is part of Series C19 (COVID-19 Policies and Regulations). COVID-19 Policies and Regulations that are amendments to existing policies or regulations shall have the identifier “C19” added after the applicable series number. In addition, all amendments to existing Board policies and administrative regulations shall be identified as such through the use of yellow highlighting and either bolded italicized text (for additions) or strikethrough text (for deletions). All Board policies and administrative regulations on new topics shall be identified as such in the title of the Policy or Regulation with the notation, “(NEW).” To the extent any conflict exists between a COVID-19 Policy and Regulation and an existing Board policy or administrative regulation, the COVID-19 Policy and Regulation shall control during any period in which the COVID-19 Policy and Regulation is in effect.



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The COVID-19 Policies and Regulations shall remain in effect up to and including June 30, 2021, unless otherwise noted in the individual policy or unless the Board or the Administration (as appropriate) shortens or extends the term of any COVID-19 Policy and Regulation through appropriate Board or administrative action. Absent any further Board or administrative action (as appropriate), effective July 1, 2021, the COVID-19 Policies and Regulations shall be repealed automatically and the Board's policies and administrative regulations in effect prior to the enactment of the COVID-19 Policies and Regulations shall be reinstated.

The Board and/or the Administration (as appropriate) shall provide for further amendments to existing Board policies and administrative regulations, further additions to Board policies and administrative regulations, and revisions to any previously adopted COVID-19 Policies and Regulations to the extent appropriate, required, and/or warranted. In addition, the Board and the Administration shall have the authority to follow all applicable laws, rules, and guidance to the extent any such laws, rules, and guidance are not incorporated into any existing Board policy and/or administrative regulation. To the extent any conflict exists between any such laws, rules, and/or guidance and an existing Board policy or administrative regulation, the law, rule, and/or guidance shall control during any period in which the Board and the Administration exercise their authority to follow such law, rule, and/or guidance.

**Legal References:**

Connecticut General Statutes § 10-221

Adapt, Advance, Achieve: Connecticut's Plan to Learn and Grow Together, Connecticut State Department of Education (June 29, 2020)

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_

*Temporary Policy Rev. 7/7/2020*

## Students

### Personnel - Certified and Non Certified

### Face Masks/Coverings

This policy pertains to students, faculty, staff, and visitors. It has been developed to fulfill the guiding principles contained in the *Framework for Connecticut Schools*, specifically to safeguard the health and safety of students and staff and to allow all students the opportunity to return into classrooms full time.

The Board of Education (Board) is implementing this masking requirement to promote the safest possible learning, teaching and work environment for students, faculty, staff and visitors during the COVID-19 pandemic. The first priority of the Board is the health and well-being of students and staff as the District prepares for and implements the safe reopening of schools.

The Center for Disease Control (CDC) and the Connecticut Department of Health (DPH) and the Connecticut State Department of Education, as outlined in *Adapt, Advance, Achieve: Connecticut's Plan to Learn and Grow Together* requires the wearing of face coverings for all students and staff when they are inside school buildings and while riding school transportation vehicles, with certain exceptions.

### Definitions

**Face covering/mask** - a cloth, paper, or disposable face covering that covers the nose and mouth. It may or may not be medical grade. (Evidence shows that the proper wearing of facial masks or coverings helps stop the spread of the virus, which is currently by droplets when an individual coughs, sneezes or talks.)

**Face shield** - a clear, plastic shield that covers the forehead, extends below the chin and wraps around the sides of the face, protecting the eyes, nose and mouth from contamination from respiratory droplets, along with masks or respirators.

**Clear plastic barrier** - a clear plastic or solid surface that can be cleaned and sanitized often.

### Transportation

Student passengers are required to wear a face mask or cloth face covering that completely covers the nose and mouth during transit. The student's face covering must be in place prior to boarding the bus, van or other vehicles and must be kept in place until they are completely off the bus or van. The Board shall provide back-up masks if students do not have face coverings when boarding a school bus or van. The face mask or cloth face covering is also applicable to the drivers of the vehicle.

The Board may consider the option of assigning a temporary monitor on student transportation at the beginning of the school year to facilitate compliance with this new face mask protocol.

### School Buildings and Grounds

All students, staff, and visitors are required to use face coverings, that completely covers the nose and mouth, when they are inside the school building or on school grounds, even when social distancing is maintained. An individual shall be excused from this requirement for the following listed reasons, per CDC guidance.

The individual:

1. has trouble breathing;
2. is unconscious;
3. is incapacitated; or
4. cannot remove the mask or face covering without assistance.

In addition, masks or face coverings shall not be required for anyone who has a medical reason making it unsafe to wear a face mask or face covering. A written notification from a physician is required in order for the Board to permit a medical exemption. The note should state the medical reason for the requested exemption, such as, but not limited to, difficulty breathing.

Parents/guardians may not excuse their child from this face mask requirement, by signing a waiver, because such wearing is a mandated requirement that the Office of the Governor, the Connecticut State Department of Education, and/or the Connecticut State Department of Public Health have defined as necessary for school districts to comply with in order to open schools from the COVID-19 caused closure.

In addition to the wearing of face masks, the District will maximize social distancing between student's workstations and desks, achieving six feet when feasible. Space between the teacher and students is to be maximized to reduce the risk of increased droplets from teachers during instruction. A teacher is permitted to remove a face covering or mask during instruction. If the teacher removes the face covering or mask during instruction, spacing shall be increased beyond six feet. A teacher who remains seated during instruction requires the use of a physical barrier.

Transparent (clear) masks should be considered as an option for teachers and students in classes for deaf and hard of hearing students. Pre-K and special education teachers should consider wearing clear masks.

Face shields may be an option for those students with medical, behavioral or other challenges who are unable to wear face masks or coverings. The Board recognizes that face shields are not as effective for source control and should be used only when other methods are not available or appropriate. Therefore, the use of face shields for those with medical conditions is done with the understanding of their limitations and a heightened need for strict adherence to social distancing.

The Board shall provide to any student, staff member or visitor a face mask if such individual does not have one. Training shall be provided as necessary regarding the proper use of face coverings. Information shall be provided to staff, students and students' families regarding the proper use, removal and washing of cloth face coverings.

### **Limited Exceptions to Use of Face Coverings**

When other and appropriate mitigating practices are in place, such as social distancing, students will not be required to wear face masks or coverings while eating, drinking, during physical education classes, or when students are outside and effectively practicing social distancing and any other possible mitigants. Exceptions may also be necessary for certain special education students or other special populations.

Teachers and staff may be excused from wearing a face mask or covering while teaching provided they are properly socially distancing or remaining static behind a physical barrier. Face shields may be useful in situations where it is important for students to see how a teacher pronounces words (e.g. English Learners, early childhood, foreign language, etc.) and social distancing is maintained. However, face shields alone are not a sufficient alternate to the wearing of face mask for source control.

### **Mask Breaks**

Breaks from wearing masks shall be scheduled throughout the school day, by the teacher, provided that strict social distancing requirements are maintained and limitations are enforced regarding student and staff mobility.

During time of eating, face masks or coverings may be removed. Masks are required in all dining areas while entering and leaving or getting food and drinks. They may be removed at appropriately socially distanced tables in order to eat but must be replaced after eating.

A recess period may be used as a break from wearing masks when no more than one class is outside at a time and social distancing requirements are maintained to the greatest degree feasible.

### **Violations of this Policy**

Violations of this policy, whether by students or staff, shall be handled in the same manner as other violations of applicable Board policy.

If a student refuses to wear a face mask or covering and does not fulfill any of the exemptions allowed by this policy, such student shall be sent to the school's isolation room. The parent/guardian shall be contacted to rectify the situation, school

personnel to explain the options available regarding schooling and for the possible removal of the child from the school setting.

If a visitor refuses to wear a face covering, for non-medical reasons, entry to the school/district facility may be denied.

Teachers or schools may provide incentives for compliance with the face mask requirement.

## **Community Outreach**

The District shall engage in community education programs including signage, mass and targeted communication, and positive reinforcement that will actively promote mask use consistent with CDC, DDH, CSDE and OSHA guidance. Community members will be reminded that mask use does not replace the need for social distancing, washing of hands and other preventative practices recommended by all appropriate authorities.

## **Other Considerations**

- The District shall maintain in each school a supply of disposable face coverings in the event that a staff member, student or visitor does not have one for use.
- Special attention must be given to putting on and removing face coverings for purposes such as eating. After use, the front of the face covering is considered contaminated and should not be touched during removal or replacement. Hand hygiene should be performed immediately after removing and after replacing the face covering.
- When medically appropriate, nurses shall substitute use of metered dose inhalers and spacers for students with respiratory issues.
- Face shields with face masks may be used by staff who support students with special healthcare needs such as those who are unable to wear masks and who may need assistance with activities of daily living, such as toileting and eating.
- Mask use will not be required by employees when they are alone in private offices. However, they are required to mask when anyone enters a private office space and required to wear a mask if their office space is physically shared with others and does not allow for 6 feet of physical distancing or if the work area is frequented by others (such as a reception area).

Until further notice the Board will require the wearing of masks as prescribed in this policy. The Board reserves the right to interpret the provisions of this policy and to modify any or all matters contained in this policy at any time, subject to applicable law.

- (cf. [5141.22](#) - Communicable/Infectious Diseases)
- (cf. [5141.6](#) - Crisis Management Plan)
- (cf. [6114](#) - Emergencies and Disaster Preparedness)
- (cf. [6114.6](#) - Emergency Closings)
- (cf. [6114.8](#) - Pandemic/Epidemic Emergencies)
- (cf. [6114.81](#) - Emergency Suspension of Policy During Pandemic)

Legal Reference: Connecticut General Statutes

10-154a Professional communications between teacher or nurse and student.

10-207 Duties of medical advisors.

10 221 Boards of education to prescribe rules.

19a-221 Quarantine of certain persons.

52-557b Immunity from liability for emergency medical assistance, first aid or medication by injection. School personnel not required to administer or render.

The Family Educational Rights and Privacy Act of 1974, (FERPA), 20 U.S.C. 1232g, 45 C.F.R. 99

Adapt, Advance, Achieve: Connecticut's Plan to Learn and Grow Together

Connecticut LEA School Reopening Template

CDC Considerations for Schools

CDC Symptoms of Coronavirus

CDC Quarantine & Isolation

CDC Use of Cloth Face Coverings to Help Slow the Spread of COVID-19

CDC Interim Guidance for Administrators of US K-12 Schools and Child Care Programs

CDC Schools Decision Tree for Schools Reopening

Policy adopted:

## Community Relations

### **POLICY REGARDING VISITORS AND OBSERVATIONS IN SCHOOLS**

In order to promote a safe and productive educational environment for all students and staff, the Board requires all visitors to receive prior approval from the school Principal or his/her designee before being permitted to visit any school building during the school day. The Board, through the administration, reserves the right to grant access to school buildings in accordance with the school's prescribed procedure for scheduling, as applicable, and administrative regulations.

The Board further desires to work collaboratively with parents with an educational nexus with the district, its educational programs or the student being observed, to observe their students in their current classrooms or observe proposed educational placements in the Board's schools. The Board, through the administration, reserves the right to limit observations of current and proposed educational placements in accordance with administrative regulations and the Board's Guidelines for Independent Educational Evaluations.

Upon arrival, all visitors and observers must comply with any and all applicable building security procedures, including but not limited to utilizing security buzzers for access, complying with requests for photo identification, reporting directly to and signing in and out at the visitors' reception area of the school office, prominently displaying visitors' badges or other identification required for visitors to the school buildings, limiting access to those areas of the buildings and grounds for which the visitors/observers have authorized access, and complying with directives of school officials at all times.

#### Legal References:

"Guidelines Regarding Independent Educational Evaluations at Public Expense and In-School Observations," Connecticut State Department of Education (Mar. 28, 2018).

**Policy adopted: November 5, 2018**

WESTPORT PUBLIC SCHOOLS

Westport, Connecticut

Series 1000 - **C-19**  
Community/Board Operation

**POLICY REGARDING VISITORS AND OBSERVATIONS IN SCHOOLS**

***Temporary amendments related to the COVID-19 pandemic have been made to this policy and to the section 10 of the regulations. All temporary revisions appear in highlighted bold italics or strikethrough text.***

The \_\_\_\_\_ Board of Education (the “Board”) encourages visits by citizens, taxpayers, and parents to all school buildings. In order to promote a safe and productive educational environment for all students and staff, the Board requires all visitors to receive prior approval from the school Principal or his/her designee before being permitted to visit any school building. The Board, through the administration, reserves the right to limit visits in accordance with administrative regulations.

The Board further desires to work collaboratively with parents with an educational nexus with the district, its educational programs or the student being observed, to observe their students in their current classrooms or observe proposed educational placements in the Board’s schools. The Board, through the administration, reserves the right to limit observations of current and proposed educational placements in accordance with administrative regulations and the Board’s Guidelines for Independent Educational Evaluations.

Upon arrival, all visitors and observers must comply with any and all applicable building security procedures, including but not limited to utilizing security buzzers for access, complying with requests for photo identification, reporting directly to and signing in and out at the visitors’ reception area of the school office, prominently displaying visitors’ badges or other identification required for visitors to the school buildings, limiting access to those areas of the buildings and grounds for which the visitors/observers have authorized access, and complying with directives of school officials at all times. ***All visitors and observers permitted into school buildings or on school grounds must comply with all school health and safety protocols in place at the time, including any health screening protocols. Due to the COVID-19 pandemic, the Board may limit or restrict visitors based on the guidance of federal, state, and local health authorities.***

Legal References:

“Guidelines Regarding Independent Educational Evaluations at Public Expense and In-School Observations,” Connecticut State Department of Education (Mar. 28, 2018).

***“Adapt, Advance, Achieve: Connecticut’s Plan to Learn and Grow Together,” Connecticut State Department of Education (June 29, 2020), available at <https://portal.ct.gov/-/media/SDE/COVID-19/CTReopeningSchools.pdf>.***

ADOPTED: \_\_\_\_\_  
REVISED: \_\_\_\_\_

8/12/18

***Temporary Revisions 7/6/20***

Series 1000 - **CI9**  
Community/Board Operation

***Temporary amendments related to the COVID-19 pandemic have been made to this policy and to the regulations. All temporary revisions appear in highlighted bold italics or strikethrough text.***

**SCHOOL VOLUNTEERS, STUDENT INTERNS AND  
OTHER NON-EMPLOYEES**

The Board of Education recognizes the importance of school volunteers at all levels of schooling. Volunteers can enhance collaboration between the school and community, broaden the school's educational environment and ultimately enrich students' school experience. The Board further acknowledges that it may, from time to time, be asked to provide learning experiences for student interns within the school environments. In recognition of the benefit of having volunteers, interns and other such non-employees providing services within the schools, the Board supports the involvement of these individuals in accordance with suitable regulations and safeguards to be developed by the Administration.

Volunteers, interns and other such non-employees working within the schools ("volunteers") must work under the supervision of \_\_\_\_\_ Public Schools staff. Volunteers are held to the same standards of conduct as school staff and must observe all Board of Education policies, including applicable policies on the confidentiality of student information.

Volunteers may be required to submit to state and federal criminal record checks and a record check of the Department of Children and Families ("DCF") Child Abuse and Neglect Registry. No person who is required to register as a sex offender under state or federal law, or whose name is currently listed on the DCF registry, may volunteer in the \_\_\_\_\_ Public Schools.

***All volunteers must comply with all school health and safety protocols in place at the time, including any health screening protocols. Due to the COVID-19 pandemic, the Board may limit or restrict volunteers based on the guidance of federal, state, and local health authorities.***

No employee of the \_\_\_\_\_ Public Schools shall serve as a volunteer in any capacity, except as may be approved by the Superintendent or his/her designee based on the specific situation.

Persons interested in volunteering their services should contact the school principal.

Legal References:

- Connecticut General Statutes § 10-4g
- Connecticut General Statutes § 10-220
- Connecticut General Statutes § 10-235
- Connecticut General Statutes § 54-250 et seq.

***“Adapt, Advance, Achieve: Connecticut’s Plan to Learn and Grow Together,” Connecticut State Department of Education (June 29, 2020), available at <https://portal.ct.gov/-/media/SDE/COVID-19/CTReopeningSchools.pdf>.***

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_

April 2014

***Temporary Revisions 7/6/20***

## Community Relations/Business/Non-Instructional Operation

### Use of School Facilities

#### A. Authorized Users/Order Of Priority

1. The Westport public school program has 1st priority in the use of all school facilities.
2. The Westport Continuing Education (WCE) program (including Adult Education and Summer School) has next priority after the regular program.
3. The Westport Department of Parks & Recreation (DPR) has 3rd priority for use of facilities.
4. Activities of school-related organizations, e.g., PTA, booster clubs and parent support groups shall have 4th priority for use of school facilities.
5. When not being used by the above groups, school facilities may be made available to other users, limited to agencies of the Town of Westport, and Westport-based, private non-profit groups, at least 50% of whose membership and/or participants must be Westport residents, for uses not directly competitive with school-sponsored activities, e.g., adult education, summer school, etc.
6. Use by the media or individual photographers, filmmakers, etc., wishing to photograph, televise or film school facilities or activities, is governed by the media access policy.

#### B. Requirements and Application Procedures

1. Written permission from the Superintendent or designee is required for all outsiders' use of buildings and equipment, use of grounds for any purpose involving 25 or more people (including participants and spectators), or use of parking lots on a weekend or after school hours by Westport residents for guest parking for a wedding or other private (non-commercial) event. Non compliance with this stipulation will constitute trespassing.
2. Applicants shall file a complete application with the facilities manager in the maintenance office.
3. All users not covered by the Westport Town/Board of Education insurance policy must provide a liability insurance certificate of no less than \$5 million, naming the Westport Board of Education/Town of Westport as additional named insureds. Insurance limits will be reviewed and updated periodically by the Assistant Superintendent for Business.
4. Police and/or fire department protection may be required at the users' expense. This condition is to be determined by the supervisor of buildings, in consultation with the relevant departments.

#### C. Usage Types:

**Standard Use** is defined as routine meetings, programs, classes, etc.

**Major Use** which requires a surcharge, is defined as having one or more of the following characteristics:

- Creates significant wear and tear.
- Funds are raised through admission charges (including “voluntary” contributions), sale of merchandise, raffles, door prizes, etc.
- Event uses vendors' or exhibitors' booths.
- Event uses the Staples field house.
- Event at any school requires two major facilities: (gym, cafeteria, auditorium). Ten or more classrooms for major facility.

- Event involves more than 500 participants or attendees.

## **D. Classification Of Groups For Payment Of Fees And Rent**

(Identified groups are examples; groups not listed will be classified by Superintendent or designee).

### **\*Category I Users No Rent For Standard Use**

#### **Category I includes:**

- a) School-Related:** e.g., student organizations, PTAs, parent support groups affiliated with school teams, clubs, etc., recognized parent advocate groups such as CLASP, etc.
- b) Town Groups:** Town boards, commissions, and committees; DPR, Senior Center, Health District, Library, Transit District, Levitt Pavilion, First Night, etc.
- c) Youth-Serving:** Westport-based non-profit youth-serving groups, such as: Boy & Girl Scouts, Little League, PAL, Babe Ruth League, Westport Soccer Association.
- d) Grandfathered Groups:** Power Squadron, Red Cross, Westport Arts Center.
- e) Others:** Superintendent or designee may waive or reduce fees for state/national professional or educational organizations; or for other groups serving the public interest; or for elected officials holding public meetings.

### **\*Category II Users Basic Rent: Westport-Based Community Groups**

#### **Category II includes:**

- a) Westport agencies supported by the United Way, and non-profit service organizations that serve Westport, e.g., Rotary, Kiwanis, Masons, Westport Woman's Club, Westport Young Woman's League, Veterans' groups, Nursing and Home Care, etc.
- b) Westport political, religious and ecumenical groups. (Depending on the nature of the activity, e.g., summer camps or on-going programs for which fees are charged, these groups may be classified as Category III for rental fee purposes.)
- c) Westport YMCA: for use of pool only, with special financial arrangements.

### **\*Category III Users Basic Rent Doubled: Westport-Based Private, Non-profit, Educational, Recreational, Cultural, Social or Athletic Groups**

**Category III includes:** private schools, private nursery schools, dance academies, drama groups, music groups, children's activity programs, etc., at least 50% of whose members or participants are Westport residents.

### **\*Category I, II And III Users: Additional Charges For Major Use**

When a Category II or III group makes major use of facilities for fund-raising programs involving commercial, entrepreneurial, profit-making organizations or activities, Superintendent or designee may require a contribution to the school's student activity fund, amount to be determined by Superintendent, but no less than \$1000.)

**Other Users:** Under unusual circumstances, the Superintendent may permit one-time or occasional use of facilities to educational, civic, cultural, etc., organizations from neighboring towns, etc.; the Superintendent shall judge requests individually and determine rental category.

**All Categories:** Must pay custodial, kitchen workers' and other applicable fees, including fees for covering the gym and field house floors if necessary. All groups pay surcharge for major use. Superintendent may reduce surcharge by 50% for Categories I and II if event is a fund raiser benefiting the Westport schools or the public, or when the event itself is a public service. Rental fees, administrative fee and surcharge required in advance. Personnel charges are billed.

**Special Conditions:** Regardless of user's category, the Superintendent (or designee) may impose special conditions, or may deny permission when it is judged that the requested use may produce undue wear and tear on facilities, would cause

disruption to the regular school program, be detrimental to the public image of the school system, impact negatively on the scheduled maintenance or cleaning of the schools or otherwise not be in the interest of the school system or the Town.

#### **E. Restrictions On Use Of School Facilities**

1. Illegal activities will not be tolerated.
2. School facilities may not be rented by individuals, businesses or trade organizations or used for private purposes.
3. No school facility may be used by individual entrepreneurs, either Westport Board of Education employees or others, to give private instruction for a fee to individuals or groups.
4. School facilities may not be used for the promotion of any commercial interest or private or corporate gain except in conjunction with a fund-raising activity by a permitted, non-profit user. In such cases, regardless of category, users may be required to make a donation to the student activity fund of the school of a minimum of \$1,000 in addition to paying custodial costs and applicable rental fees. The decision about whether to require a donation, and the amount of the donation, will be made by the Superintendent or designee, in consultation with the sponsor of the program.
5. Use or possession of tobacco, alcoholic beverages or unauthorized controlled substances shall not be permitted on school property.
6. Advertising, decorations or other materials that promote the use of illegal drugs, tobacco products or alcoholic beverages shall not be permitted.
7. Obscene advertising, decorations or materials shall not be permitted on school property.
8. Users must comply with all administrative regulations governing use of school facilities. Non-compliance may result in revocation of privileges.

**All exceptions to this policy require approval of the Superintendent, whose decision on all aspects is final.**

Legal Reference: Connecticut General Statutes

[10-239](#) Use of School Facilities for Other Purposes

**Policy adopted: July 29, 2004**

**Revised: November 19, 2019**

WESTPORT PUBLIC SCHOOLS

Westport, Connecticut

Series 1000 - **C-19**  
Community/Board Operation

**USE OF SCHOOL FACILITIES**

***Temporary amendments to this policy related to the COVID-19 pandemic have been made to sections A and F. All temporary revisions appear in highlighted bold italics or strikethrough text.***

**A. Application Procedures**

In accordance with Conn. Gen. Stat. § 10-239, the Board of Education may permit the use of any school facility for nonprofit educational or community purposes whether or not school is in session. The Board of Education may also grant the temporary use of any school facility for public, educational or other purposes, including the holding of political discussion, at such time the facility is not in use for school purposes. In addition, the Board shall grant such use for any purpose of voting under the provisions of Title 9 of the Connecticut General Statutes whether or not school is in session. In accordance with 20 U.S.C. § 7905, the Board of Education shall not deny equal access to or a fair opportunity to meet, or otherwise discriminate, against any group officially affiliated with the Boy Scouts of America (or any other youth group listed as a patriotic society in Title 36 of the United States Code) that wishes to conduct a meeting using school facilities pursuant to this policy. Such uses shall be governed by the following rules and procedures, and shall be subject to such restrictions as the Superintendent or his/her designee considers expedient.

Consistent with this policy, the Superintendent shall develop and promulgate Administrative Regulations and associated forms governing use of school buildings and facilities by community and other groups. Since the primary purpose of school facilities is for educational activities, such activities will have priority over all other requested uses. ***Due to the COVID-19 pandemic, the Superintendent may limit or restrict the use of school facilities by community and other groups based on the guidance of federal, state, and local health authorities and consistent with applicable law.***

Applications for use of facilities shall be submitted to the following individuals, in accordance with the Administrative Regulations:

<b><u>Facility</u></b>	<b><u>Application Submitted To</u></b>
For use of school buildings	Building Principal
For use of athletic fields and facilities	Athletic Director
For use of other school facilities	Superintendent of Schools

Groups requesting use of school buildings and facilities must identify the specific facilities desired, and approval will be for those specific facilities only. All school equipment on the premises shall remain in the charge and control of the building principal or responsible administrator, and shall not be used without the express written permission of the administrator.

Principals and other responsible administrators shall submit copies of each building use form with a notation of whether such uses have been approved. Approval of school facilities by the principal or other responsible party may be revoked at any time by the Superintendent or his/her designee.

## **B. Eligible Organizations and Priority of Use**

Administrators responsible for approving/disapproving requests for use of school district facilities will use the following guidelines regarding priority of usage of such facilities:

### Order of priority:

1. School-sponsored programs and activities.
2. Activities of school-related organizations (*e.g.* PTO, Booster Clubs, After Graduation Committees and similar organizations).
3. Town department or agency activities.
4. Activities of non-profit organizations operating within the Town, other than school-related organizations covered by category #2 above.
5. Activities of for-profit organizations operating within the Town.
6. Out-of-town organizations.

## **C. Restrictions on Use of School Facilities**

The following restrictions shall apply to the use of school facilities:

1. Illegal activities will not be tolerated.
2. Use or possession of tobacco, alcoholic beverages or unauthorized controlled substances shall not be permitted on school property.
3. Refreshments may not be prepared, served or consumed without the prior approval of the responsible administrator. Notwithstanding, only those beverages permitted by state law may be sold during the school day. The

responsible administrator may permit other beverages to be sold at the location of events occurring after the end of the regular school day or on the weekend as long as they are not sold from a vending machine or at a school store. Upon approval by the administrator, refreshments may be prepared, served and consumed only in areas designated by the responsible administrator.

4. Obscene advertising, decorations or materials shall not be permitted on school property.
5. Advertising, decorations or other materials that promote the use of illegal drugs, tobacco products, or alcoholic beverages shall not be permitted.
6. Activities that are disruptive of the school environment are not permitted.

Any violation of this Policy or any applicable Administrative Regulations may result in permanent revocation of the privilege to use school facilities against the organization and/or individuals involved.

#### **D. Fees and Other Costs**

Users of school facilities shall be responsible for the fees and costs set out in a fee schedule established by the Superintendent with the approval of the Board of Education. The following guidelines shall be incorporated into such fee schedule:

<u>Category</u>	<u>Fee</u>
1. School-sponsored programs and activities.	No rental fee or associated costs.
2. Activities of school-related organizations (e.g. PTO, Booster Clubs, After Graduation Committees and similar organizations).	No rental fee or associated costs.
3. Town department or agency activities.	Associated costs.
4. Activities of non-profit organizations operating within the Town, other than school-related organizations covered by category #2 above.	Associated costs.
5. Activities of for-profit organizations operating within the Town.	Rental fee and associated costs.
6. Out-of-town organizations.	Rental fee and associated costs.

“Associated costs” shall include, but shall not be limited to, fees for the services of any custodial personnel, food service personnel, security personnel or other personnel deemed by the responsible administrator to be necessary in connection with the use of a school district facility. Such costs shall be at the rates set forth in the fee schedule. Rental fees and/or associated costs otherwise applicable may be waived by the Superintendent or his/her designee if such waiver is deemed by the Superintendent or his/her designee to be in the best interest of the school system and/or the Town.

**E. Responsibility for Damage to Property or Loss of Property**

In order to use school district facilities, any organization or individual requesting such use must agree to assume responsibility for any damage to and/or theft or loss of any school district property arising out of the use of the facilities.

**F. Health and Safety Protocols**

*In order to use school district facilities, any organization or individual requesting such use must agree to abide by all health and safety protocols in place by the school district at the time of use, including but not limited to protocols relating to cleaning of the facilities, signage, and health screenings of individuals requesting access to the facilities.*

**Legal References:**

Conn. Gen. Stat. § 10-239  
Conn. Gen. Stat. § 10-215f  
Conn. Gen. Stat. § 10-221q  
Conn. Gen. Stat. Title 9

Boy Scouts of America Equal Access Act, 20 U.S.C. § 7905  
Patriotic and National Organizations, 36 U.S.C § 10101 et seq.

*“Adapt, Advance, Achieve: Connecticut’s Plan to Learn and Grow Together,” Connecticut State Department of Education (June 29, 2020), available at <https://portal.ct.gov/-/media/SDE/COVID-19/CTReopeningSchools.pdf>*

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_

8/3/16

**Temporary Revisions 7/6/20**

## Students

### Communicable and Infectious Diseases

The Board of Education recognizes that all children have a constitutional right to a free, suitable program of educational experiences. The Board of Education has established reasonable health requirements as prerequisites to admission or attendance, including the requirement that students undergo physical examination prior to admission.

Where it can be medically established that a student suffers from a serious infectious disease and there is a significant risk of transmission of the disease to others because of the nature of the disease or the personal characteristics of the student carrier, it may be appropriate to exclude the student from the regular classroom. The determination of exclusion of any student will be made on a case by case basis with appropriate procedural due process safeguards. However, where the risk of transmission is relatively low or appropriate procedures can be adopted to reduce the risk of transmission, exclusion is not warranted.

A child with an infectious disease may be considered handicapped, if the condition presents such physical impairment that limits one or more major life activities. Therefore, Section 504 of the Rehabilitation Act, the "Education of all Handicapped Children Act" may apply. The parent, guardian or the school administration may make a referral for determination whether the student is handicapped and entitled to protection under Section 504. The Planning and Placement Team will determine whether the student is handicapped or is "otherwise qualified" within the meaning of Section 504. All students should be educated in the least restrictive environment.

The District will include as part of its emergency procedure plan a description of the actions to be taken by District personnel in case of pandemic flu outbreak or other catastrophe that disrupts District operations.

(cf. [5111](#) Admission)

(cf. [5142](#) Student Safety)

(cf. 5141 Student Health Services)

(cf. 6162 Individualized Education Program/Special Education Program)

Legal Reference: "Education for Children with Disabilities", 20 U.S.C. 1400, et seq.

Section 505 of the Rehabilitation Act of 1973, 29 U.S.C. 706(7)(b)

"Americans with Disabilities Act"

The Family Educational Rights and Privacy Act of 1974, (FERPA), 20 U.S.C. 1232g, 45 C.F.R. 99

Connecticut General Statutes

[10-76\(d\)\(15\)](#) Duties and powers of Boards of education to provide special education programs and services.

[10-154a](#) Professional communications between teacher or nurse and student

[10-207](#) Duties of medical advisors

[10-209](#) Records not to be public

[10-210](#) Quarantine of certain persons

[19a-581-585](#) AIDS testing and medical information

## Students

### Student Discipline

#### I. Definitions

A. 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.

B. 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. spring v. CO2 cartridge) and potential for serious bodily harm or death.

C. 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.

D. 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.

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

F. 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 was assigned at the time such disciplinary action was taken. The expulsion period may not extend beyond one (1) calendar year.

G. 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 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 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.

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.

I. 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.

J. Martial Arts Weapon means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or chinese staff.

K. 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.

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

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

N. 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.

O. 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.

P. 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 devise 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.

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

## **II. Scope of the Student Discipline Policy**

### **A. Conduct on School Grounds 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.

### **B. Conduct off School Grounds:**

1. Students may be disciplined for conduct off school grounds if such conduct is seriously disruptive of the educational process and violative of a publicized policy of the Board. 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 Conn. Gen. Stat. § [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 whether such off-campus conduct involved the illegal use of drugs.

## **III. Actions Leading to Disciplinary Action, including Removal from Class, Suspension and/or Expulsion**

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:

1. Striking or assaulting a student, members of the school staff or other persons.
2. Theft.

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.

4. Violation of smoking, dress, transportation regulations, or other regulations and/or policies governing student conduct.

5. Refusal to obey a member of the school staff, law enforcement authorities, or school volunteers, or disruptive classroom behavior.

6. Any act of 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.

7. Refusal by a student to identify himself/herself to a staff member when asked, misidentification of oneself to such person(s), lying to school officials or otherwise engaging in dishonest behavior.

8. Inappropriate displays of public affection of a sexual nature and/or sexual activity on school grounds or at a school-sponsored activity.

9. A walk-out from or sit-in within a classroom or school building or school grounds.

10. 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.

11. 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.

12. Possession of any ammunition for any weapon described above in paragraph 11.

13. Unauthorized entrance into any school facility or portion of a school facility or aiding or abetting an unauthorized entrance.

14. 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.

15. Unlawful possession, sale, distribution, use, or consumption of tobacco, electronic nicotine delivery systems (e.g. e-cigarettes), vapor products, 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 substance 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. 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, 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.

16. 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.

17. Unlawful possession of paraphernalia used or designed to be used in the consumption, sale or distribution of drugs, alcohol or tobacco, as described in subparagraph (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 growing,

harvesting, manufacturing, producing, preparing, packaging, 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.

18. The destruction of real, personal or school property, such as, cutting, defacing or otherwise damaging property in any way.
19. Accumulation of offenses such as school and class tardiness, class or study hall cutting, or failure to attend detention.
20. Trespassing on school grounds while on out-of-school suspension or expulsion.
21. Making false threats (e.g. bomb, fire, gun violence) to the safety of students, staff members, and/or other persons.
22. Defiance of school rules and the valid authority of teachers, supervisors, administrators, other staff members and/or law enforcement authorities.
23. Throwing snowballs, rocks, sticks and/or similar objects, except as specifically authorized by school staff.
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. Use of or copying of the academic work of another individual and presenting it as the student's own work, without proper attribution; or any other form of academic dishonesty, cheating or plagiarism.
27. Possession and/or use of a cellular telephone, radio, portable audio player, CD player, blackberry, personal data assistant, walkie talkie, Smartphone, mobile or handheld device, or similar electronic device, on school grounds or at a school-sponsored activity in violation of Board policy and/or administrative regulations regulating the use of such devices.
28. Possession and/or use of a beeper or paging device on school grounds or at a school-sponsored activity without the written permission of the principal or his/her designee.
29. 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.
30. 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.
31. Hazing.
32. Bullying, defined as 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 property;
  - b. places such student in reasonable fear of harm to himself or herself, or of damage to his or her property;
  - c. creates a hostile environment at school for such student;
  - d. infringes on the rights of such student at school; or
  - e. substantially disrupts the education process or the orderly operation of a school.

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.

33. 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.

34. Acting in any manner that creates a health and/or safety hazard for staff members, students, or the public, regardless of whether the conduct is intended as a joke.

35. Engaging in a plan to stage or create a violent situation for the purposes of recording it by photographing, audio, or video; or recording by photographic, audio, or video acts of violence for purposes of later publication.

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.

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

40. Any action prohibited by any Federal or State law.

41. 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 principal may consider recommendation of expulsion of a student in grades three to twelve, inclusive, in a case where he/she has reason to believe the student has engaged in conduct described at Sections II.A. or II.B., above.

B. A principal must recommend expulsion proceedings in all cases against any student in grades kindergarten to twelve, inclusive, whom the Administration has reason to believe:

1. was in possession on school grounds 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 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](#).

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 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 shall forward his/her recommendation to an Impartial Hearing 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 deliberately causes a serious disruption of the educational process. When a student is removed, the teacher must send him/her to a designated area and notify the principal or his/her 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 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 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 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 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 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 or she should be excluded from school during the period of suspension; or (ii) the 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 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 principal or designee determines that an out-of-school suspension is appropriate for such pupil based on evidence that such pupil's conduct on school grounds 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 principal or designee, but only considered in the determination of the length of suspensions.

4. By telephone, the 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 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 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 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 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.

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.

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 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 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 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 principal or designee shall report the student to the Superintendent or designee and request a formal 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 principal or designee may impose in-school suspension in cases where a student's conduct endangers persons or property, violates school policy, seriously disrupts the educational process or in other appropriate circumstances as determined by the principal or designee.

B. In-school suspension may not be imposed on a student without an informal hearing by the building principal or designee.

C. In-school suspension may be served in the school 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:**

1. The Board delegates the authority to conduct 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 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.

### **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 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 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.
  - 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.
  - 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 Administration.
  - f. The student may be represented by an attorney or other advocate of his/her choice at his/her expense or at the expense of his/her 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 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 counsel present, briefly explain the hearing procedures, and swear in any witnesses called by the Administration or the student.

2. The hearing will be conducted in executive session. A verbatim record of the hearing will be made, either by tape 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 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 Impartial Hearing 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.

5. The hearing will be conducted in two (2) parts. In the first part of the hearing, the Impartial Hearing Board (or the 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 Administration will be called and sworn. After a witness has finished testifying, he/she will be subject to cross-examination by the opposite party or his/her legal counsel, by the Presiding Officer and by Board members, where applicable.

8. The student shall not be compelled to testify at the hearing.

9. After the Administration has presented its case, the student will be asked if he/she 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 Presiding Officer (and/or by the Board, where applicable). The student may also choose to make a statement at this time. If the student chooses to make a statement, he or she will be sworn and subject to cross examination and questioning by the Presiding Officer (and/or by the Board, where applicable). Concluding statements will be made by the Administration and then by the student and/or his or her representative.

10. In cases where the student has denied the allegation, the Impartial Hearing Board (or the Board, where applicable) must determine whether the student committed the offense(s) as charged by the Superintendent.

11. If the Impartial Hearing Board (or the Board, where applicable) determines that the student has committed the conduct as alleged, then the Impartial Hearing Board (or the Board, where applicable) shall proceed with the second portion of the hearing, during which the Impartial Hearing Board (or the 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 Board, where applicable) may review the student's attendance, academic and past disciplinary records. The Impartial Hearing Board (or the 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 Board, where applicable) may ask the Superintendent for a recommendation as to the discipline to be imposed.

13. Evidence of past disciplinary problems which 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, 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, such administrative staff shall not be present during the deliberations of the Impartial Hearing Board (or the Board, where applicable) either on questions of evidence or on the final discipline to be imposed. The Superintendent may, after reviewing the incident with administrators, and reviewing the student's records, make a recommendation to the Impartial Hearing Board (or the Board, where applicable) as to the appropriate discipline to be applied.

15. The Impartial Hearing Board (or the 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 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, 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 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, 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 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.

#### **E. Presence on School Grounds and Participation in School-Sponsored Activities During Expulsion:**

During the period of expulsion, 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, except for the student's participation in any alternative educational opportunity provided by the district in accordance with this policy, unless the Superintendent specifically authorizes the student to enter school property 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 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 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 own behalf.

If the parties agree on the facts, but not on the disciplinary recommendation, the 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 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. 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 requests it and if he/she agrees to the conditions set by the Board of Education. Such alternative educational opportunity may include, but shall not be limited to, the placement of a pupil who is at least sixteen years of age in an adult education program. Any pupil 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 when he/she was under sixteen (16) years of age for purposes of determining whether an alternative educational opportunity is required for such pupil when he/she is between the ages of sixteen and eighteen.

D. 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.

E. Students identified as eligible for services under the Individuals with Disabilities Education Act ("IDEA"):

Notwithstanding Sections IX.B. 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.

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

The Board of Education may offer an alternative educational opportunity to a pupil 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 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), 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).

If a student's period of expulsion was not shortened or waived, 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.

If the student has not previously been suspended or expelled, and the Impartial Hearing Board (or the Board, where applicable) 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 district:**

1. If a student enrolls in the district while an expulsion hearing is pending in another 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.
2. Where a student enrolls in the 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 shall make its determination based upon a hearing held by the Impartial Hearing Board (or the 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.

### **B. Student moving out of the school 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 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 district that applies to all students, the following procedures shall apply:

1. The Administration 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 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 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 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 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 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 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 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 or at a school-sponsored activity; or
  - c. Has inflicted serious bodily injury upon another person while at school, 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 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 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 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 a Juvenile Detention Center**

A. Any student who commits an expellable offense and is subsequently committed to 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 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 school district after having been 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 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 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 shall include on all disciplinary reports the individual student's state-assigned student identifier (SASID).

B. The Board of Education 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 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 shall report the violation to the local police.

#### Legal References:

##### Connecticut General Statutes:

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

§ [10-233i](#) Expulsion and suspension of children in preschool programs

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

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

§ [29-38](#) Weapons in vehicles

§ [53a-3](#) Definitions

§ [53-344b](#) Sale and delivery of electronic nicotine delivery system or vapor products to minors

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

Packer v. Board of Educ. of the Town of Thomaston, 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. LEXIS 445 (Sept. 16, 2008).

##### 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")

**Policy adopted: December 16, 2002**

**Revised: April 2, 2018**

WESTPORT PUBLIC SCHOOLS

Westport, Connecticut

## STUDENT DISCIPLINE

*Temporary amendments to this policy related to the COVID-19 pandemic have been made to sections I, III, IV and VIII of this policy. All temporary revisions appear in highlighted bold italics or strikethrough text.*

### I. Definitions

- A. **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.
- B. **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. spring v. CO2 cartridge) and potential for serious bodily harm or death.
- C. **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.
- D. **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.
- E. **Exclusion** means any denial of public school privileges to a student for disciplinary purposes.

- F. **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 was assigned at the time such disciplinary action was taken. The expulsion period may not extend beyond one (1) calendar year.
- G. **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 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.
- H. **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.
- I. **Martial Arts Weapon** means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or chinese star.
- J. **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.
- K. **School Days** shall mean days when school is in session for students.

- L. **School-Sponsored Activity** means any activity sponsored, recognized or authorized by the Board and includes activities conducted on or off school property.
- M. **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.
- N. **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.
- O. **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 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.
- P. Notwithstanding the foregoing definitions, the reassignment of a student from one regular education classroom program in the district to another regular education classroom program in the district shall not constitute a suspension or expulsion.
- Q. *For purposes of this policy, references to “school” and “classroom” shall include physical educational environments, as well as virtual educational environments, whether synchronous or asynchronous, which occur on Internet-based platforms that allow students to engage in remote learning.*

II. Scope of the Student Discipline Policy

- A. **Conduct on School Grounds or at a School-Sponsored Activity:**
  - 1. Suspension. Students may be **suspended** for conduct on school grounds 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 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:*

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.**

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 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 Conn. Gen. Stat. § 29-38, and whether any injuries occurred; and (4) whether the conduct involved the use of alcohol.** The Administration and/or the Board of Education may also consider **(5) whether the off-campus conduct involved the illegal use of drugs.**

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 of Education includes the offenses described below. Any such conduct may lead to disciplinary action (including, but not limited to, removal from class, suspension and/or expulsion in accordance with this policy):

1. Striking or assaulting a student, members of the school staff or other persons.
2. Theft.
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.

4. Violation of smoking, dress, transportation regulations, or other regulations and/or policies governing student conduct.
5. Refusal to obey a member of the school staff, law enforcement authorities, or school volunteers, or disruptive classroom behavior.
6. Any act of 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.
7. Refusal by a student to identify himself/herself to a staff member when asked, misidentification of oneself to such person(s), lying to school officials or otherwise engaging in dishonest behavior.
8. Inappropriate displays of public affection of a sexual nature and/or sexual activity on school grounds or at a school-sponsored activity.
9. A walk-out from or sit-in within a classroom or school building or school grounds.
10. 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).
11. 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.
12. Possession of any ammunition for any weapon described above in paragraph 11.
13. Unauthorized entrance into any school facility or portion of a school facility or aiding or abetting an unauthorized entrance.
14. 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.

15. Possession, sale, distribution, use, or consumption of tobacco, electronic nicotine delivery systems (e.g. e-cigarettes), 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 used 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 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 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.
16. 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.
17. Possession of paraphernalia used or designed to be used in the consumption, sale or distribution of drugs, alcohol or tobacco, as described in subparagraph (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.

18. The destruction of real, personal or school property, such as, cutting, defacing or otherwise damaging property in any way.
19. Accumulation of offenses such as school and class tardiness, class or study hall cutting, or failure to attend detention.
20. Trespassing on school grounds while on out-of-school suspension or expulsion.
21. Making false bomb threats or other threats to the safety of students, staff members, and/or other persons.
22. Defiance of school rules and the valid authority of teachers, supervisors, administrators, other staff members and/or law enforcement authorities.
23. Throwing snowballs, rocks, sticks and/or similar objects, except as specifically authorized by school staff.
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. Use of or copying of the academic work of another individual and presenting it as the student's own work, without proper attribution; or any other form of academic dishonesty, cheating or plagiarism.
27. Possession and/or use of a cellular telephone, radio, portable audio player, CD player, blackberry, personal data assistant, walkie talkie, Smartphone, mobile or handheld device, or similar electronic device, on school grounds or at a school-sponsored activity in violation of Board policy and/or administrative regulations regulating the use of such devices.
28. Possession and/or use of a beeper or paging device on school grounds or at a school-sponsored activity without the written permission of the principal or his/her designee.
29. 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.

30. 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.
31. Hazing.
32. Bullying, defined as 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 property;
  - b. places such student in reasonable fear of harm to himself or herself, or of damage to his or her property;
  - c. creates a hostile environment at school for such student;
  - d. infringes on the rights of such student at school; or
  - e. substantially disrupts the education process or the orderly operation of a school.

Bullying includes, but is not limited to, repeated 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.

33. 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.

34. Acting in any manner that creates a health and/or safety hazard for staff members, students, 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 developed in connection with the COVID-19 pandemic, such as, but not limited to, physical distancing and mask-wearing requirements.**
35. Engaging in a plan to stage or create a violent situation for the purposes of recording it by electronic means; or recording by electronic means acts of violence for purposes of later publication.
36. Engaging in a plan to stage sexual activity for the purposes of recording it by electronic means; or recording by electronic means sexual acts for purposes of later publication.
37. Using computer systems, including email, **distance learning platforms**, instant messaging, text messaging, blogging, or the use of social networking websites, 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 the unauthorized recording (photographic or audio) of another individual without permission of the individual or a school staff member.
39. Engaging in teen dating violence, defined as any act of physical, emotional or sexual abuse, including stalking, harassing and threatening, that occurs between two students who are currently in or who have recently been in a dating relationship.
40. Any action prohibited by any Federal or State law.
41. 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.

#### IV. Discretionary and Mandatory Expulsions

- A. A principal may consider recommendation of expulsion of a student in **grades three to twelve, inclusive**, in a case where he/she has reason to believe the student has engaged in conduct described at Sections II.A. or II.B., above.

- B. A principal must recommend expulsion proceedings in all cases against any student in **grades kindergarten to twelve, inclusive**, whom the Administration has reason to believe:
1. was in **possession on school grounds** 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 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.

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 the Board of Education in accordance with Section VIII of this policy whenever the Administration has reason to believe that 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 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 shall forward his/her recommendation to the Board of Education so that the Board 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, the Board 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 deliberately causes a serious disruption of the educational process. When a student is removed, the teacher must send him/her to a designated area and notify the principal or his/her 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 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 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 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 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 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 or she should be excluded from school during the period of suspension; or (ii) the 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 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 principal or designee determines that an out-of-school suspension is appropriate for such pupil based on evidence that such pupil's conduct on school grounds 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 principal or designee, but only considered in the determination of the length of suspensions.
4. By telephone, the 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 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 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 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 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.
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.
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 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 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 the Board of Education. The 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 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 as determined by the principal or designee.
- B. In-school suspension may not be imposed on a student without an informal hearing by the building principal or designee.
- C. In-school suspension may be served in the school 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 Panel:***

1. Expulsion hearings 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 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 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.
  - 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 Administration.

- f. The student may be represented by an attorney or other advocate of his/her choice at his/her expense or at the expense of his/her 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 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 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, who will call the meeting to order, introduce the parties, Board members and counsel, briefly explain the hearing procedures, and swear in any witnesses called by the Administration or the student.
- 2. The hearing will be conducted in executive session. A verbatim record of the hearing will be made, either by tape 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 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 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.

5. The hearing will be conducted in two (2) parts. In the first part of the hearing, the Board 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 Administration will be called and sworn. After a witness has finished testifying, he/she will be subject to cross-examination by the opposite party or his/her legal counsel, by the Presiding Officer and by Board members.
8. The student shall not be compelled to testify at the hearing.
9. After the Administration has presented its case, the student will be asked if he/she 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 Presiding Officer and/or by the 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 be sworn and subject to cross examination and questioning by the Presiding Officer and/or by the Board. Concluding statements will be made by the Administration and then by the student and/or his or her representative.
10. In cases where the student has denied the allegation, the Board must determine whether the student committed the offense(s) as charged by the Superintendent.
11. If the Board determines that the student has committed the conduct as alleged, then the Board shall proceed with the second portion of the hearing, during which the Board will receive and consider relevant evidence regarding the length and conditions of expulsion.
12. When considering the length and conditions of expulsion, the Board may review the student's attendance, academic and past disciplinary records. The Board 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 Board may ask the Superintendent for a recommendation as to the discipline to be imposed.

13. Evidence of past disciplinary problems which 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 Board is considering length of expulsion and nature of alternative educational opportunity to be offered.
14. Where administrators presented the case in support of the charges against the student, such administrative staff shall not be present during the deliberations of the Board either on questions of evidence or on the final discipline to be imposed. The Superintendent may, after reviewing the incident with administrators, and reviewing the student's records, make a recommendation to the Board as to the appropriate discipline to be applied.
15. The Board 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, 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 Board 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 and meets any other conditions required by the Board. The Board-specified program shall not require the student and/or the student's parents to pay for participation in the program.
17. The Board 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, in the event school buildings are closed to students or individuals are provided limited access to school buildings as a result of the COVID-19 pandemic. Any***

***virtual hearing must provide the student the due process rights identified in this Subsection D.***

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

During the period of expulsion, 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, except for the student's participation in any alternative educational opportunity provided by the district in accordance with this policy, unless the Superintendent specifically authorizes the student to enter school property 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 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 Board 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 Board, in its discretion, has the right to accept or reject the Joint Stipulation of Facts and Recommendation. If the Board 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 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 own behalf.

If the parties agree on the facts, but not on the disciplinary recommendation, the 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 Board in lieu of holding the first part of the hearing, as described above. Such Joint Stipulation shall include language indicating that the parents understand their right to have a hearing to determine whether the student engaged in the alleged misconduct and that the Board, in its discretion, has the right to accept or reject the Joint Stipulation of Facts. If the Board 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. ***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.

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 requests it and if he/she agrees to the conditions set by the Board of Education. Such alternative educational opportunity may include, but shall not be limited to, the placement of a pupil who is at least seventeen years of age in an adult education program. Any pupil 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 when he/she was under sixteen (16) years of age for purposes of determining whether an alternative educational opportunity is required for such pupil when he/she is between the ages of sixteen and eighteen.

C. ***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 State Board of Education, 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 State Board of Education.

2. The Superintendent, or his/her designee, shall develop administrative regulations concerning alternative educational opportunities, which administrative regulations shall be in compliance with the standards adopted by the State Board of Education. Such administrative regulations shall include, but 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.A. 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 State Board of Education.

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

The Board of Education may offer an alternative educational opportunity to a pupil for whom such alternative educational opportunity is not required by law or as described in this policy. In such cases, the Board, or if delegated by the Board, the Administration, shall determine the components, including 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 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), above, the Board 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 Board.

If a student's period of expulsion was not shortened or waived, the Board may choose to expunge the expulsion notice from the student's cumulative record prior to graduation if such student has demonstrated to the Board 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 may receive and consider evidence of any subsequent disciplinary problems that have led to removal from a classroom, suspension or expulsion of the student.

If the student has not previously been suspended or expelled, and the 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 district:*

1. If a student enrolls in the district while an expulsion hearing is pending in another 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.
2. Where a student enrolls in the 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 shall make its determination based upon a hearing held by the Board, 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.

B. *Student moving out of the school 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 Board, the notice of the pending expulsion hearing shall be included on the student's cumulative record and the Board shall complete the expulsion hearing and render a decision. If the Board 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 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 district that applies to all students, the following procedures shall apply:

1. The Administration 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 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 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 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 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 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 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 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 or at a school-sponsored activity; or
  - c. Has inflicted serious bodily injury upon another person while at school, 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 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 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 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 Placed in a Juvenile Detention Center

- A. Any student who commits an expellable offense and is subsequently placed in a juvenile detention center 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 placement in a juvenile detention center or other residential placement.
- B. If a student who committed an expellable offense seeks to return to a school district after participating in a diversionary program or having been placed in a juvenile detention center or any other residential placement and such student has not been expelled by the 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. Students desiring readmission to school shall direct such

readmission requests to the Superintendent. The Superintendent 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 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 shall include on all disciplinary reports the individual student's state-assigned student identifier (SASID).
- B. The Board of Education 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 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 shall report the violation to the local police.

Legal References:

Connecticut General Statutes:

Public Act 19-91, "An Act Concerning Various Revisions and Additions to the Education Statutes."

Public Act 19-13, "An Act Prohibiting the Sale of Cigarettes, Tobacco Products, Electronic Nicotine Delivery Systems and Vapor Products to Persons Under Age Twenty-One."

§ 10-16 Length of school year

- §§ 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.
- § 21a-240 Definitions
- § 19a-342a Use of electronic nicotine delivery system or vapor product prohibited
- §§ 21a-408a through 408p Palliative Use of Marijuana
- § 29-38 Weapons in vehicles
- § 53a-3 Definitions
- § 53-344b Sale and delivery of electronic nicotine delivery system or vapor products to minors
- § 53-206 Carrying of dangerous weapons prohibited.

*Packer v. Board of Educ. of the Town of Thomaston*, 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. 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)

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_

12/23/2019

*Temporary revisions 7/5/2020*

Series 5000 - **C-19**  
Students

**TRANSPORTATION**

***Temporary amendments to this policy related to the COVID-19 pandemic have been made to sections III and IV. All temporary revisions appear in highlighted bold italics or strikethrough text.***

I. Statement of Policy

The Board of Education will provide transportation for students under provisions of state law and regulations. In determining the provision of transportation, the superintendent of schools shall consider the guidelines contained in this policy and shall administer the operation so as to:

1. provide for the safety of students, including consideration of hazardous conditions whether or not described in this policy;
2. provide for appropriate supervision for students while on school transportation, consistent with the Board's student discipline policy; and
3. assist disabled students by providing appropriate specialized transportation when required by law.

II. Definitions

1. "School transportation" means the procedure, program, or implemented plan by which a pupil is transported to and/or from school from his/her residence or the assigned bus stop at public expense, whether by use of publicly owned equipment or by contract. Such transportation shall be over public roads approved and maintained by the municipality or the state of Connecticut, or private roads approved pursuant to C.G.S. Section 10-220c.
2. "Walking distance" means the linear measure of a prescribed or authorized pedestrian route between the pupil's residence and his/her school from a point at the curb or edge of a public or private road nearest the pupil's residence to a point at the entrance of the school, or a safe entrance to the school grounds located within one hundred feet of the school building entrance or the bus pick-up area, or the route

from the point on the public thoroughfare nearest the residence to the school bus or vehicle embarkation point established by the [ ] Board of Education.

3. "One mile walking distance" means a reasonable measurement of a route to be traversed extending from the point of measurement at least 5,280 feet, but not more than 5,380 feet.
4. "Grade K" means kindergarten, or a school program appropriate to a beginning pupil.
5. "Hazard" means a thing or condition, as prescribed in this policy under "Hazardous Conditions" that affects the safety of pupils walking to or from school and/or to or from a designated bus pick-up area.
6. "Sidewalk" means a portion of the landscape right of way approximately three feet wide, usually parallel to the traffic lanes which may be paved or unpaved, and marked by curbing, drainage ditch, grass area or fencing; apart from and independent of any white line safety markings along the street pavement.
7. "Raised walk area" means a portion of the landscape right of way approximately three feet wide, usually parallel to the traffic lanes which may be paved or unpaved, distinguished by some elevation above the street pavement level and marked by curbing, drainage ditch, grass area or fencing; apart from and independent of any painted safety markings along the street pavement.
8. "Walking route" means the route that the student is expected to travel between his/her residence to and from school and/or an assigned bus stop.
9. "Bus stop" shall be defined as a geographical location designated by the Board of Education, school administration or their designee where students can safely wait for purposes of embarking or disembarking a school bus.
10. "Pupil" means any individual of school age enrolled in a public or nonprofit private school located within the school district or contiguous school district as the case may be.

### III. Provision of Transportation

Transportation by private carrier may be provided whenever such practice is more economical than using school district-owned/leased facilities. ~~If parents volunteer, and the administration permits, parents may be reimbursed for transportation of eligible students whenever such practice is more economical or convenient for the school district.~~ ***The Board will request that parents volunteer to transport eligible students, without reimbursement, in order to reduce the number of students transported on buses to protect the health and safety of students and staff.***

In determining the provision of transportation for resident public and eligible private school students, the following guidelines regarding walking distances will be considered. Distance measurements will be based on the most direct route from the student's home beginning at a point at the curb or edge of a public road or highway nearest the home to the edge of the school property or bus pickup areas.

<u>Grade</u>	<u>Limit</u>
K	1 mile
1-3	1 mile
4-8	1 1/2 miles
9-12	2 miles

Students living within the stated distance limits will receive transportation when, in the opinion of the Superintendent of Schools, it is in the best interests of the district to provide transportation.

#### IV. Access to Bus Stops/Transportation

Parents and/or guardians are responsible for ensuring the safety of their children up until the point when students board the school bus or other school provided transportation, and after students get off the bus after school. This responsibility includes the selection of walking routes to/from any bus stop and/or the school building, **compliance with COVID-19 related safety precautions at the bus stop and along walking routes**, and the provision of supervision that is appropriate to the student's age, maturity and conditions along the walking route and/or at the bus stop at all times.

Given that bus pick up times may vary, the Board expects that parents and/or guardians will ensure that their children arrive at the bus stop in advance of any scheduled pick up time. **Bus pick up/drop off times and routes may change during the school year in connection with the COVID-19 pandemic and changing public health conditions. The Board will notify all parents and guardians in advance of such changes.**

#### V. Hazardous Conditions

The administration shall consider the following guidelines for hazardous conditions when making decisions regarding the transportation of children:

1. Except as provided in Paragraph 7 of this Section, a street or road, along a designated walking route to or from school and/or to or from a designated bus pick-up area, having an adjacent or parallel sidewalk or raised walk area shall be deemed hazardous when any one of the following conditions exist:
  - a) For pupils under age ten, or enrolled in grades K through 3:
    - (i) the absence of a pedestrian crossing light or crossing guard where three or more streets intersect, and a pupil is expected to cross the street; OR

- (ii) street crossings where there are no stop signs or crossing guards and the traffic count during the time that pupils are walking to or from school exceeds sixty vehicles per hour at the intersection, and a pupil is expected to cross the street.
  - b) For pupils over age ten, or enrolled in grades 4 through 12, the absence of a traffic light or stop signs or crossing guard at an intersection where three or more streets intersect which has a traffic count which exceeds ninety vehicles per hour during the time that pupils are walking to or from school, and such pupils are expected to cross the street;
  - c) For all pupils:
    - (i) any street, road, or highway with speed limits in excess of forty miles per hour which does not have pedestrian crossing lights or crossing guards or other safety provisions at points where pupils must cross when going to or from school or the bus stop; OR
    - (ii) the usual or frequent presence of any nuisance such as open man-holes, construction, snow plowed or piled on the walk area making walkways unusable, loading zones where delivery trucks are permitted to park on walkways, commercial entrances and exits where cars are crossing walking areas at speeds in excess of five miles per hour, and the like, including such nuisances which are hazardous or attractive to children.
2. Any street, road, or highway, along a designated walking route to or from school and/or to or from a designated bus pick-up area, that has no sidewalks or raised walk areas shall be deemed hazardous if any one of the following conditions exist:
- a) For pupils under age ten, or enrolled in grade K through 3:
    - (i) any street, road, or highway possessing a traffic count of sixty or more vehicles per hour at the time that pupils are walking to or from school; OR
    - (ii) any street, road, or highway possessing a speed limit in excess of thirty miles per hour.
  - b) For all pupils:
    - (i) the presence of man-made hazards including attractive nuisances, as stated in 1(c)(ii) above; OR
    - (ii) any roadway available to vehicles that does not have a minimum width of approximately twenty-two feet; OR
    - (iii) any roadway available to vehicles that, when plowed free of snow accumulations, does not have a minimum width of approximately twenty feet; OR

- (iv) any street, road, or highway where the line-of-sight visibility together with posted speed limits do not permit vehicular braking/stopping in accordance with the Connecticut Drivers Manual or Department of Transportation, Division of Design Standard, or other reasonable standard.
- 3. Any walkway, path, or bridge, along a designated walking route to or from school and/or to or from a designated bus pick-up area, in an area adjacent or parallel to railroad tracks shall be considered hazardous unless a suitable physical barrier along the entire pedestrian route is present and fixed between pupils and the track; and any crossing of railroad tracks carrying moving trains during hours that pupils are walking to or from school or to and from a designated bus pick-up area shall be deemed hazardous unless:
  - a) a crossing guard is present; OR
  - b) for pupil under age ten, an automatic control bar is present at crossings; OR
  - c) for pupils over age ten, a bar or red flashing signal light is operational.
- 4. For pupils in grades K through 4, the following conditions shall be deemed hazardous:
  - a) a lake, pond, stream, culvert, water-way, or bridge shall be deemed a hazard in the absence of a fence or other suitable barrier fixed between the pupil and the water; OR
  - b) any area adjacent to a roadway, sidewalk, or bridge, along a designated walking route to or from school and/or to or from a designated bus pick-up area, having a drop of three or more feet per four feet of travel length on either side of the established lanes, in the absence of a fence or other suitable barrier.
- 5. For pupils in grades K through 8, walking to or from school or the bus stop at any time prior to one-half hour before sunrise or any time one-half hour after sunset shall be deemed hazardous.
- 6. For all students, walking along any street, road, walkway, sidewalk, or path designated as a walking route which passes through an area which has a history of aggressive acts of molestation resulting in actual or threatened physical harm or moral degradation during the hours when pupils ordinarily walk to or from school shall be deemed hazardous.
- 7. It shall not be a “hazard” or “hazardous condition” for a pupil whose residence abuts a public street, road or highway to (1) wait for the bus on the private property

where the pupil resides for the school bus, until the school bus's flashing red lights are activated to stop traffic so that the student can enter onto or cross the public street, road or highway to get on a school bus; or (2) exit a school bus that is stopped on the public street, road or highway, when the bus's flashing red lights are activated to stop traffic so that the pupil can enter onto or cross such street, road or highway to access the private property where the pupil resides.

VI. Applicability and Exceptions

1. This policy is applicable to public roads approved and maintained by the municipality or state of Connecticut, or private roads approved for passage of school transportation vehicles in accordance with C.G.S. Section 10-220c.
2. Special Education pupils and pupils eligible for accommodations under Section 504 of the Rehabilitation Act shall be judged on an individual basis, and appropriate transportation provided.
3. The Superintendent of Schools may grant an exception to any guideline set forth in this policy where a peculiar condition or combination of conditions renders such condition(s) a hazard based upon reasonable judgment; or where under the circumstances, other conditions exist under which the safety of students necessitates a variance with the guidelines within this policy.

VII. Complaint Procedure

VII. Complaint Procedure

All complaints concerning school transportation safety shall be made in writing to the Superintendent of Schools or designee. The Superintendent or designee shall maintain a written record of all such complaints, and shall conduct appropriate investigations of the allegations in a timely manner. The investigation shall include 1) the review of the complaint raised with appropriate personnel responsible for transportation of students and 2) the opportunity for the parent or other person making the complaint to meet with the Superintendent to discuss the complaint and any possible resolution thereof. If a complaint covered by Section 10-186 of the Connecticut General Statutes, and is not resolved by the Superintendent, the Superintendent shall inform parent or guardian, or an emancipated minor or a pupil eighteen years of age or older, of his or her right to request a hearing regarding the complaint. Such hearing, if requested, shall be held in accordance with Section 10-186 of the Connecticut General Statutes, as it may be amended from time to time.

Legal Reference: Connecticut General Statutes

- 10-186 Duties of local and regional boards of education re: school attendance. Hearings. Appeals to state board. Establishment of hearing board. Readmission. Transfers.
- 10-187 Appeal from finding of hearing board.

- 10-220 Duties of boards of education.
- 10-220c Transportation of children over private roads. Immunity from Liability.
- 10-221c Development of policy for reporting complaints regarding school transportation safety.
- 10-273a Reimbursement for transportation to and from elementary and secondary schools.
- 10-280a Transportation for students in non-profit private schools outside school district.
- 10-281 Transportation for pupils in nonprofit private schools within school district.
- 14-275 Equipment and color of school buses.
- 14-275b Transportation of mobility impaired students.
- 14-275c Regulations re: school buses and motor vehicles used to transport special education students.

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_

6/24/2020

***Temporary revisions 7/6/2020***

## Students

### Attendance, Truancy, and Chronic Absenteeism

Regular and punctual student attendance in school is essential to the educational process. Connecticut state law places responsibility for assuring that students attend school with the parent or other person having control of the child. To assist parents and other persons in meeting this responsibility, the Board of Education (the “Board”), through its Superintendent, will adopt and maintain procedures to implement this policy.

In addition, the Board takes seriously the issue of chronic absenteeism. To address this issue, the Board, through its Superintendent, will adopt and maintain procedures regarding chronic absenteeism in accordance with state law.

Legal References: Connecticut General Statutes §[10-220](#)

Connecticut General Statutes §[10-184](#)

Connecticut General Statutes §[10-186](#)

Connecticut General Statutes §[10-198a](#)

Connecticut General Statutes § [10-198b](#)

Connecticut General Statutes § [10-198c](#)

Connecticut General Statutes § [10-198d](#)

Connecticut General Statutes § [10-198e](#)

Guidelines for Reporting Student Attendance in the Public School Information System (Connecticut State Department of Education, January 2008)

Connecticut State Board of Education Memorandum, *Definitions of Excused and Unexcused Absences* (June 27, 2012)

Connecticut State Department of Education, *Guidelines for Implementation of the Definitions of Excused and Unexcused Absences and Best Practices for Absence Prevention and Intervention* (April 2013)

Connecticut State Department of Education, *Reducing Chronic Absence in Connecticut's Schools: A Prevention and Intervention Guide for Schools and Districts* (April 2017)

Connecticut State Department of Education Memorandum, *Youth Service Bureau Referral for Truancy and Defiance of School Rules* (February 22, 2018)

Connecticut State Department of Education, *Youth Service Bureau Referral Guide* (February 2018)

**Policy adopted: October 22, 2007**

**Amended: December 16, 2019**

WESTPORT PUBLIC SCHOOLS

Westport, Connecticut

**Series 5000 C-19  
Students**

***Temporary amendments related to the COVID-19 pandemic have been made to this policy and to sections I.B and IV of the regulations. All temporary revisions appear in highlighted bold italics or strikethrough text.***

***Additional changes to this policy may be necessary when additional guidance from the State Department of Education is released. Boards of education are encourage to review and update as necessary any policies regarding student course credit linked to class attendance.***

**STUDENT ATTENDANCE, TRUANCY AND CHRONIC ABSENTEEISM**

Regular and punctual student attendance in school is essential to the educational process. Connecticut state law places responsibility for assuring that students attend school with the parent or other person having control of the child. To assist parents and other persons in meeting this responsibility, the Board of Education (the “Board”), through its Superintendent, will adopt and maintain procedures to implement this policy.

In addition, the Board takes seriously the issue of chronic absenteeism. To address this issue, the Board, through its Superintendent, will adopt and maintain procedures regarding chronic absenteeism in accordance with state law.

Legal References:

Connecticut General Statutes § 10-220

Connecticut General Statutes § 10-184

Connecticut General Statutes § 10-186

Connecticut General Statutes § 10-198a

Connecticut General Statutes § 10-198b

Connecticut General Statutes § 10-198c

Connecticut General Statutes § 10-198d

Connecticut General Statutes § 10-198e

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Connecticut State Department of Education, *Youth Service Bureau Referral Guide* (February 2018)

**Connecticut State Department of Education, *Adapt, Advance, Achieve: Connecticut's Plan to Learn and Grow Together* (June 29, 2020), available at <https://portal.ct.gov/-/media/SDE/COVID-19/CTReopeningSchools.pdf>**

ADOPTED \_\_\_\_\_  
REVISED: \_\_\_\_\_

8/12/18

**Temporary Revisions 7/6/20**