

NORTH BRANFORD BOARD OF EDUCATION

SERIES 1000: STUDENTS

P1120

SUSPENSION/EXPULSION: DUE PROCESS

All employees in the school system shall have an obligation to monitor the behavior of students and to report student misbehavior in accordance with the terms of this policy.

SECTION I - DEFINITIONS

- A. "Exclusion" is any denial of public school privileges to a student for disciplinary purposes.
- B. "Removal" is the exclusion from a classroom for all or part of a single class period, provided the exclusion does not extend beyond ninety (90) minutes.
- C. "In-School Suspension" is the exclusion from regular classroom activity for no more than five (5) consecutive school days, but not exclusion from school, provided the exclusion does not extend beyond the end of the school year in which the in-school suspension was imposed.
- D. "Suspension" is the exclusion from school privileges, or from transportation services only, for no more than ten (10) consecutive school days, provided the exclusion does not extend beyond the end of the school year in which the suspension was imposed.
- E. "Expulsion" is the exclusion from school privileges for more than ten (10) consecutive school days, and is deemed to include, but not be limited to, exclusion from the school to which the student was assigned at the time the disciplinary action was taken, provided the exclusion, does not extend beyond a period of one calendar year.
- F. "Emergency" is a situation under which the continued presence of the student in school poses such a danger to persons or property or such a disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of the student as possible.
- G. "Firearm" is any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, or any ammunition for such a device, any firearm muffler or firearm silencer, or any explosive, incendiary, or poison gas such as a bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine or any similar device, and excluding an antique firearm, as defined in 18 U.S.C. 921, as amended.

- H. "Deadly weapon" is any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles, as defined in C.G.S. §53a-3(6).
- I. "Dangerous instrument" is any instrument, article, substance or device which is capable of causing death or serious physical injury, or which poses a serious threat to school personnel, students or property, including by way of example, but not limited to any knife with a metal blade or a razor, utility knife, box cutter, or 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 to persons or property.
- J. For purposes of determining the availability of an alternative educational opportunity, or a statutorily mandated expulsion, 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, including a vehicle, as defined in C.G.S. § 53a-3(7).
- K. "Martial arts weapon" is a nunchaku, kama, kasari-fundo, octagon sai, tonfa or Chinese star, as defined in C.G.S. §53a-3(21).
- L. The term "seriously disruptive of the educational process" means a marked interruption or severe impediment of the day to day operation of the school. In making such a determination the administrator may consider, but shall not be limited to: whether the incident occurred within close proximity of a school; whether other students from the school were involved, or whether there was any gang involvement; whether the conduct involved violence, threats of violence, or the unlawful use of a weapon, as defined in C.G.S. §29-38, and whether any injuries occurred; and whether the conduct involved the use of alcohol or drugs. This definition of "seriously disruptive of the educational process" shall apply to all portions of this Policy.
- M. "Bullying" is defined as repeated and systematic harassment and attacks on others, perpetrated by individuals or groups. Bullying takes many forms and can include many different behaviors, as:
1. physical violence and attacks,
 2. verbal taunts, name-calling and insults, including ethnically-based verbal abuse and gender-based insults,
 3. threats and intimidation, extortion or stealing of money and possessions.

SECTION II - REMOVAL OF STUDENTS FROM CLASS

- A. All teachers are authorized to remove a student from class when the student deliberately causes a serious disruption of the educational process within the classroom.
- B. Whenever a teacher removes a student from the classroom, the teacher shall send the student to a designated area and shall immediately inform the building principal or his/her designee of the name of the student and the reason for the removal.
- C. No student shall be removed from class more than six (6) times in any school year nor more than twice in one (1) week unless the student is referred to the building principal or his/her designee and granted an informal hearing by the administration.

SECTION III - IN-SCHOOL SUSPENSION OF STUDENTS: REASSIGNMENT

- A. All members of the administrative staff are authorized to impose an in-school suspension on any student whose conduct endangers persons or property, is seriously disruptive of the educational process, or is violative of a publicized policy of the Board of Education, including the standards set forth in this policy.
- B. No student shall be given an in-school suspension without an informal hearing before the building principal or his/her designee at which the student shall be informed of the reasons for the disciplinary action and given an opportunity to explain the situation.
- C. No student shall be given an 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.
- D. A student may be reassigned to a regular classroom program in a different school in the School District and such reassignment shall not constitute a suspension or an expulsion.

SECTION IV - SUSPENSION OF STUDENTS

- A. All members of the administrative staff are authorized to suspend from school privileges any student whose conduct on school grounds or at a school-sponsored activity endangers persons or property, is seriously disruptive of the educational process, or is violative of a publicized policy of the Board of Education, including the standards set forth in this policy.

- B. All members of the administrative staff are authorized to suspend from school privileges any student whose conduct off school grounds is seriously disruptive of the educational process and is violative of a publicized policy of the Board of Education, including the standards set forth in this policy.
- C. All members of the administrative staff are authorized to suspend transportation services for any student whose conduct while awaiting or receiving transportation to and from school or a school sponsored activity endangers persons or property or is violative of a publicized policy of the Board of Education, including the standards set forth in this policy.
- D. Unless an emergency exists, no student shall be suspended without an informal hearing by the administration, at which the student shall be informed of the reasons for the disciplinary action and given an opportunity to explain the situation.
- E. No student shall be suspended more than ten (10) times or a total of fifty (50) days in one (1) school year, whichever results in fewer days of exclusion, unless the student is granted a formal hearing pursuant to C.G.S. §§4-176e to 4-180a, inclusive, and §4-181a. If an emergency exists, a hearing shall be held as soon after the suspension as possible.
- F. In determining the length of a suspension, the administration may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, suspension or expulsion of the student and any other information relevant to such a determination.
- G. Whenever a member of the administrative staff suspends a student, the administrator shall inform the superintendent or his/her designee and the student's parents/guardians both orally and in writing of the name of the student and the reason(s) for the disciplinary action. Such parental notice shall be issued as soon as possible, but in no case shall such notice be sent more than 24 hours after commencement of such suspension.
- H. A suspended student shall be given an opportunity to complete any class work including, but not limited to, examinations which were missed during the suspension period.
- I. Whenever a student is suspended, notice of the suspension and the conduct for which the student was suspended shall be included on the student's cumulative educational record. Such notice shall be expunged from the cumulative educational record by the Board of Education upon graduation of the student from high school.

SECTION V - EXPULSION OF STUDENTS

A. Procedure

1. The Board of Education or a subcommittee of the Board which shall consist of three or more Board members, may expel any student whose conduct **on school grounds or at a school-sponsored activity** endangers persons or property, is seriously disruptive of the educational process, or is violative of a publicized policy of the Board of Education, including the standards set forth in this policy.
2. The Board of Education or such a subcommittee of the Board may expel any student whose conduct **off school grounds** is seriously disruptive of the educational process and is violative of a publicized policy of the Board of Education, including the standards set forth in this policy.
3. Three (3) members of the Board of Education shall constitute a quorum for an expulsion hearing. A student may only be expelled at a meeting at which three or more members of the Board are present, provided a majority of the Board members sitting in the expulsion hearing vote to expel and at least three affirmative votes for expulsion are cast.
4. Unless an emergency exists, no student will be expelled without a formal hearing held pursuant to C.G.S. §§4-176e to 4-180a, inclusive, and §4-181a, provided whenever the student is a minor, notice shall also be given to the parent/guardian of the student. If an emergency exists, a hearing shall be held as soon after the expulsion as possible.
5. The procedures for a formal hearing shall include the right of the student to:
 - (a) Reasonable advance notice which shall include a statement of the time, place and nature of the hearing; a statement of the legal jurisdiction under which the hearing is to be held; a reference to the particular section of the statutes involved; a short and plain statement of the matters asserted; and, in the case of notice to a student between the ages of sixteen and eighteen, a statement that the Board is not required to offer an alternative educational opportunity to such student who was previously expelled or who is found to have engaged in conduct endangering persons which involved possession of a firearm, deadly weapon, dangerous instrument or martial arts weapon, or offering for sale or distribution a controlled substance, on school grounds or at a school sponsored activity, or upon a second expulsion;

- (b) The opportunity to be heard in his/her own defense;
 - (c) The opportunity to present witnesses and evidence in his/her defense;
 - (d) The opportunity to cross-examine adverse witnesses;
 - (e) The opportunity to be represented by counsel at his/her own expense;
 - (f) Oral notice of the decision of the Board of Education within twenty-four (24) hours, followed promptly by written notice of the decision, including Findings of Fact and Conclusions of Law, if adverse to the student concerned.
6. In determining the length of an expulsion and the nature of the alternative educational opportunity to be offered, the Board of Education may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, suspension or expulsion of the student and any other information relevant to making such a determination.
7. If a student is expelled for possession of a firearm or deadly weapon the Board of Education shall report the violation to the local police department. If a student is expelled for the sale or distribution of such a controlled substance, the Board of Education shall report the violation to the local police department and shall refer the student to an appropriate state or local agency for rehabilitation, intervention or job training, or any combination thereof, and inform the agency of its action.
8. The Board of Education shall report annually to the Commissioner of Education, as prescribed by the Gun-Free Schools Act of 1994, information on expulsions for the possession of firearms.

B. Alternative Educational Opportunity

1. Any student under sixteen years of age who is expelled shall be offered an alternative educational opportunity during that portion of the expulsion in which the student remains under sixteen years of age, provided the parent/guardian of the student who does not choose to have his/her child enrolled in the alternative program shall not be subject to the provisions of C.G.S. §10-184. Any student between the ages of sixteen and eighteen who is expelled for the first time and who wishes to continue his/her education shall be offered an alternative educational opportunity if he/she complies with conditions established by the Board of Education. Such alternative may include the placement of a student who is at least sixteen years of age in an adult education program. The Board of Education

shall count the expulsion of such student when he/she was under sixteen years of age for purposes of determining whether an alternative educational opportunity is required for the student.

2. Notwithstanding the provision of Subsection B.1. hereof concerning the provision of an alternative educational opportunity for students who are between the ages of sixteen and eighteen during any portion of their expulsion, the Board of Education shall not be required to offer such alternative to any student between the ages of sixteen and eighteen (a) who was previously expelled, or (b) who is expelled for conduct endangering persons which involved (1) possession of a firearm, deadly weapon, dangerous instrument or martial arts weapon on school property or at a school-sponsored activity or (2) offering for sale or distribution on school property or at a school-sponsored activity a controlled substance, as defined in C.G.S. §21a-240(9), whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with intent to sell or dispense, offering, or administering is subject to criminal penalties under C.G.S. §§21a-277 and 21a-278.
3. Any student who attains the age of eighteen years during any portion of his/her expulsion may be denied an alternative educational opportunity, regardless of the reason for the expulsion (subject to any applicable special education requirements).

C. Special Education

1. School personnel may unilaterally order, without Board action, a change in the placement of a student requiring special education and related services to an appropriate interim alternative educational setting determined by the planning and placement team, for the same amount of time that a student without a disability would be subject to discipline but for not more than forty-five (45) days. Such order may only be made if the student (a) carried a weapon to school or to a school sponsored activity, or (b) knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance on school grounds or at a school sponsored activity. Such change in placement may be made regardless of the outcome of a manifestation determination review. For this purpose, a 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 such term does not include a pocket knife with a blade of less than 2½ inches in length.
2. Prior to conducting an expulsion hearing for a student requiring special education and related services, a planning and placement team (P.P.T.) shall convene to review the relationship between the student's disability and the misconduct and to determine whether the misconduct was caused by the student's disability.

3. If it is determined that the misconduct was caused by the student's disability, the student shall not be expelled. The planning and placement team shall reevaluate the student for the purpose of modifying the student's individualized education program (I.E.P.) to address the misconduct and to ensure the safety of other students and staff in the school.
4. If it is determined that the misconduct was not caused by the student's disability, the student may be expelled. If a student requiring such special education and related services is expelled, an alternative educational opportunity consistent with such student's educational needs shall be provided during the period of expulsion.

D. Student Records, Transfers and Withdrawals

1. Whenever a student is expelled, notice of the expulsion and the conduct for which the student was expelled shall be included on the student's cumulative educational record. Such notice, except for notice of an expulsion based on possession of a firearm or deadly weapon, shall be expunged from the cumulative educational record upon the student's graduation from high school.
2. The Board of Education may adopt a decision of a student expulsion hearing conducted by another school district provided the Board of Education holds a hearing limited to a determination of whether the conduct which was the basis for the expulsion would also warrant exclusion under the policies of the Board. The student shall be excluded from school pending such hearing and shall be offered an alternative educational opportunity in accordance with the provisions of Subsections B.1. and 2. hereof.
3. Whenever a student against whom an expulsion hearing is pending withdraws from school after notification of such hearing but before the hearing is completed and a decision rendered, notice of the pending expulsion hearing shall be included on the student's cumulative educational record, and the Board of Education shall complete the expulsion hearing and render a decision.
4. If a student against whom an expulsion hearing is pending in another school district withdraws from that school district and enrolls in the North Branford Public Schools, such student shall not be excluded from school pending completion of the expulsion hearing unless an emergency exists, but the Board of Education may suspend the student or conduct its own expulsion hearing.

E. Readmission

1. An expelled student may apply for early readmission to school. Such readmission shall be at the discretion of the Board of Education, who may delegate such authority to the Superintendent of Schools, and may be conditioned on specified criteria.
2. Readmission decisions shall not be subject to appeal to the Board of Education or to Superior Court.

SECTION VI - STANDARDS GOVERNING SUSPENSION AND EXPULSION**A. Statutorily Required Expulsion Proceedings**

The Board of Education shall expel a student for one calendar year if the Board finds that the student:

1. On school grounds or at a school sponsored activity, was in possession of a firearm, as defined in 18 U.S.C. 921, or deadly weapon, dangerous instrument or martial arts weapon, as defined in C.G.S. §53a-3,
2. Off school grounds, did possess such a firearm in violation of C.G.S. § 29-35, or did possess and use such a firearm, deadly weapon, dangerous instrument or martial arts weapon in the commission of a crime under chapter 952, or
3. On or off school grounds, offered for sale or distribution a controlled substance, as defined in C.G.S. §21a-240(9), whose manufacture, distribution, sale, prescription, dispensing, transporting, or possessing with intent to sell or dispense, offering, or administering is subject to criminal penalties under C.G.S. §§21a-277 and 21a-278.

However, the Board of Education may modify the period of expulsion for a student on a case by case basis.

B. Administratively Required Expulsion Proceedings

The administration shall request that an expulsion hearing be conducted by the Board of Education, and the Board of Education may expel a student, for the following actions which take place on school grounds or at school sponsored activities, or which take place off school grounds and which seriously disrupt the educational process in the North Branford Public Schools.

1. Possession of a firearm, deadly weapon, dangerous instrument or martial arts weapon on school grounds or at a school-sponsored activity.
2. Illegal possession of a firearm or the possession or use of such a firearm, deadly weapon, dangerous instrument or martial arts weapon in the commission of a crime off school grounds.
3. Offering for sale or distribution a controlled substance, as defined in C.G.S. §21a-240, including but not limited to, marijuana, cocaine and heroin.
4. Any willful physical assault resulting in serious injury occurring on school grounds or at a school-sponsored activity.
5. The unauthorized possession, consumption or being under the influence of dangerous drugs, narcotics, mind altering substances or alcoholic beverages on school grounds or at a school-sponsored activity.
6. Multiple suspensions, as defined by C.G.S. §10-233c and §10-233a(d).
7. Any offense described in paragraph A of this Section.

C. Discretionary Proceedings for Suspension and/or Expulsion

Actions which may lead to in-school or out-of-school suspension and/or expulsion shall include, but not be limited to:

1. Conduct threatening or endangering the physical safety and well-being of the student, other students, and/or members of the school staff on or off school grounds.
2. The unauthorized possession, consumption or being under the influence of dangerous drugs, narcotics, mind altering substances or alcoholic beverages on school grounds or at a school-sponsored activity.
3. Willful physical assault of a student or member of the school staff.
4. Taking or attempted taking of school property, personal property or money from the possession or presence of a student or a member of the school staff without consent, or the willful receipt and/or possession of any such property.

5. Willful destruction or defacing of school property. The cost of repairing or replacing any damaged school property shall be paid to the Board of Education by the student or his/her parents or guardians.
6. Participation in or intentional incitement of a walk out from or sit in within any part of any school building or school premises.
7. Using or copying academic work of another and presenting it as his/her own without proper attribution.
8. Possession or use of smoking and/or chewing tobacco products on school grounds or at a school-sponsored activity.
9. Offering alcohol for sale or distribution on or off school grounds.
10. Use of obscene or profane language or gestures on school grounds or at a school-sponsored activity.
11. Deliberate refusal to obey the directions or orders of a member of the school staff.
12. Blackmail, threat, or intimidation of a member of the school staff or other students.
13. Presence in an unauthorized area on school grounds or at a school sponsored activity.
14. Repeated unauthorized absence from school.
15. Intentional and successful incitement of truancy by other students.
16. Conduct leading to the arrest of a student for a Class A misdemeanor or felony.
17. Sexual harassment or any other form of harassment of other students or a member of the school staff on school grounds or at a school sponsored activity.
18. Any violation of school policies or rules.
19. Any conduct on or off school grounds by a student which endangers other students, members of the school staff, or property, or which is seriously disruptive of the educational process.
20. Verbal taunts, ethnically or gender based verbal abuse.

- 21. Bullying.
 - 22. Possession, distribution or display of offensive or sexually explicit material on school grounds or at a school sponsored activity.
- D. For students in grades K through 5, the Superintendent of Schools, or his/her designee, shall evaluate the administrator's request to determine whether or not the matter will be referred to the Board of Education or be disposed of through a Superintendent's Conference except as expulsion may be mandated by applicable statute.

SECTION V11 - NOTICE OF DISCIPLINARY POLICIES AND ACTION

- A. At the beginning of each school year and at other appropriate times during the year, the School Administration shall inform all students and their parents/guardians of the policies governing student conduct and school discipline.
- B. The Board of Education or its designee shall notify the parents/guardians of a minor student against whom disciplinary action has been taken, either orally or in writing, within twenty four (24) hours.

SECTION VIII - STATUTORY MODIFICATION

Should any portion of this policy be rendered unlawful or should any additional substantive or procedural requirement be imposed by a change in State or Federal law following adoption of this Policy, the Board of Education is authorized to interpret this Policy in such a way as to conform to any such change in State or Federal law.

Statutory References:

C.G.S. §10-233a -Definitions
 C.G.S. §10-233b -Removal
 C.G.S. §10-233c -Suspension
 C.G.S. §10-233d - Expulsion
 C.G.S. §10-233e -Notice as to Policy and Action
 C.G.S. §10-233f - In-School Suspension
 C.G.S. §10-233h -Arrested Students
 C.G.S. §§4-176e-4-180a, 4-181a - Administrative Procedures Act
 C.G.S. §§21a-240, 21a-277, 21a-278 - Controlled Substance
 C.G.S. §29-35 - Pistol or Revolver
 C.G.S. §53a-3 - Penal Code Definitions
 C.G.S. §10-76a - Special Education
 C.G.S. Chapter 952

18 U.S.C. 921
20 U.S.C. 8921 et. seq. - Gun-Free Schools Act of 1994
Honig v. Doe, 484 U.S. 305

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