

REGULATIONS

SUSPENSION AND EXPULSION POLICY #7-230.2

I. DEFINITIONS

Weapons and Dangerous Instruments:

1. **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 instrument or deadly weapon or instrument, unless permitted by law under section 29-38 of the Connecticut General Statutes.
2. **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.
3. **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 deadly weapon is one which is designed for violence and which is capable of inflicting death or serious bodily harm and may include pellet guns and/or air soft pistols.
4. **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.
5. **Firearm**, as defined in 18 U.S.C 921, means (a) any weapon 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. 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 shot gun 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 1/2’ 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 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.

6. **Martial Arts Weapon** means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or Chinese star.

Student Discipline

7. **Exclusion** means the exclusion of a student from school privileges for more than ten (10) consecutive school days. The expulsion period may not extend beyond one (1) calendar year.
8. **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.
9. **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 students is granted a formal hearing as provided below.
10. **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 (50) days in one (1) school year, whichever results in fewer days of exclusion.
11. **Expulsion** means the exclusion of a student from school privileges for more than ten (10) consecutive school days. The expulsion period may not extend beyond one (1) calendar year.
12. **School-Sponsored Activity** means any activity sponsored, recognized or authorized by the Board and includes activities conducted on or off school property.
13. **Seriously Disruptive of the Educational Process**, as applied to off-campus conduct, means any conduct that markedly interrupts or severely impeded the day-to-day operation of a school.

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. ACTIONS LEADING TO SUSPENSION AND/OR EXPULSION

Students may be suspended or expelled for conduct on or off school property, on school transportation, or at any school-sponsored activity that endangers persons or property, is seriously disruptive of the educational process, or that violated a publicized policy of the Board. Such conduct includes, but is not limited to, the following:

1. Willfully striking or assaulting a student, members of the school staff or others.
2. Theft- including possession of stolen goods.
3. The use of obscene or profane language or gestures to a member of the school staff.
4. Violation of smoking, dress or transportation regulations.
5. Deliberate refusal to obey a member of the school staff, or disruptive classroom behavior.
6. Deliberate refusal by a student to identify himself/herself to a staff member when asked.
7. A walk-out from or sit-in within a classroom or school building.
8. Blackmailing, threatening, or intimidating school staff or students.
9. Possession of any weapon, deadly weapon, pistol, knife, blackjack, bludgeon, metal knuckles, pellet gun, explosive device, firearm, whether loaded or unloaded, whether functional or not, or any other dangerous object.
10. Unauthorized entrance into any school building or aiding or abetting an unauthorized entrance.
11. Explosive/Fire- Possession or ignition of any fireworks or other explosive materials, or ignition of any material causing a fire.
12. Unauthorized possession, selling or consumption of dangerous drugs, narcotics, or alcoholic beverages. Dangerous drugs or narcotics shall mean any illegal or controlled substance including but not limited to amphetamine-type, barbiturate-type, cannabis-type, cocaine-type, hallucinogenic, morphine-type, and other stimulant and depressant drugs, and, in addition, those substances known as Methaqualone. Unauthorized use or possession of such substances shall mean use or possession without a valid prescription.
13. Possession of paraphernalia used or designed to be used in the consumption, sale or distribution of dangerous drugs or narcotics, as defined in sub-paragraph (12) above.
14. The willful destruction of real, personal or school property, such as cutting, defacing or otherwise injuring property in any way.
15. Accumulation of minor offenses such as school and class tardiness, class or study hall cutting, or failure to attend detention.
16. Deliberate trespassing on school grounds while on out-of-school suspension or expulsion.

17. Making false “Bomb Threat” calls to the public schools or to the police.
18. Repeated and/or intentional defiance of school rules and the valid authority of teachers, supervisors or administrators.
19. Repeated and/or intentional defiance of student transportation rules.
20. Class truancy and leaving school without permission.
21. 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.

III. PROCEDURES GOVERNING SUSPENSION

- A. The Principal of a school, or designee on the administrative staff of the school, shall have the right to suspend any student for breach of conduct as noted in section II of this policy for not more than ten (10) consecutive school days. In such cases, 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 designees 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. Evidence of past disciplinary problems which have led to removal from a classroom, suspension, or expulsion of a pupil who is the subject of an informal hearing may be received by the Principal, but only considered in the determination of the length of suspensions.
 3. By telephone, the Principal or designee shall make reasonable attempts to immediately notify the parent or guardian of a minor student about the suspension and state the cause(s) leading to the suspension.
 4. Whether or not telephone contact is made with the parent or guardian of such minor student, the Principal or designee shall forward a letter 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) within one school day of the suspension action and offering the parent or guardian an opportunity for a conference to discuss same.
 5. Notice of the original suspension shall be transmitted by the Principal or designee to the Superintendent of schools or designee by the close of the school day following the commencement of the suspension.
 6. The student shall be allowed to complete any classwork, including examinations, without penalty, which he or she missed while under suspension.

7. Notices of the suspension shall be recorded in the student's cumulative educational record. Such notice shall be expunged from the cumulative educational record by the Board if the pupil (1) graduates from high school or (2) is not suspended or expelled again during the two year period commencing on the date of his/her return to school from suspension.
- B. In cases where the student has already been suspended, or such suspension will result in the student's being suspended, more than ten (10) times out of school or fifteen (15) times in school or fifty (50) days in a school year, whichever results in fewer days of exclusion, the student shall, prior to suspension, be granted a formal hearing before the Board of Education. A total of more than 15 incidents of in or out of school suspensions, shall warrant a hearing before the Board. The Principal or designee shall report the student to the Superintendent or designee and request a formal Board hearing.
 - C. Textbooks and homework are to be provided to each pupil for the duration of the work suspension period. The student shall be allowed to complete required classwork, including examinations, without penalty, which he or she missed while under suspension. Conn. Gen. Stat. 10-233c(d). Days missed due to suspension shall not be counted toward the allowable maximum as stated within the school's attendance policy.

IV. OFF-CAMPUS CONDUCT

This policy may be implemented when the Superintendent is notified by police authorities that a student has been arrested for an off-campus incident.

Suspension or expulsion of students may result whether the incident was initiated in the school or on school grounds, or if the incident occurred or was initiated off school grounds and on non-school time. Examples of the type of such off-school misconduct that may result in such discipline include but are not limited to: use, possession, sale, or distribution of dangerous weapons; use, possession, sale or distribution of illegal drugs; or violent conduct

This policy applies when any such activity has led to an arrest and/or there is the reasonable likelihood of disrupting the educational process and /or threatening the health, safety, or welfare of school property or persons thereon.

The Board of Education is required to provide an alternate education program for students expelled for off-campus misconduct up to the age of 18.

V. PROCEDURES GOVERNING IN-SCHOOL SUSPENSION

- A. The Principal of designee may impose in-school suspension in cases where a pupil’s conduct endangers persons or property, 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. Parents notification shall be in accordance with procedures followed for out-of-school suspension as outlined above.

VI. PROCEDURES GOVERNING EXPULSION

- A. A principal may consider recommendation of expulsion of a pupil in a case where he/she has cause to believe the student has engaged in conduct which endangers persons or property, is seriously disruptive of the educational process or is violative of a publicized Board policy. The Principal must recommend expulsion proceedings in all cases against any student whom the Administration reasonably believes:
 - 1. was in possession of a deadly weapon or firearm in violation of §53-206 or §29-35 of the Connecticut General Statutes. A student is in violation of one or both of these statutes if he/she possesses a deadly weapon or firearm without the proper permit. As used in this paragraph, a “firearm” means any sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver or other weapon, whether loaded or unloaded, from which a shot may be discharged, and a “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; or
 - 2. brought a “weapon” to school. As used in this paragraph, a “weapon” is defined to mean:
 - a. any weapon 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 muffler or silencer, or
 - d. any destructive device (any explosive, incendiary, poisonous gas, bomb, rocket, missile, mine, grenade or similar device, or any weapon (other than a shotgun or shotgun shell particularly suited for sporting purposes) that will or may be converted to expel a projective by explosive or other propellant having a barrel with a bore of more than ½’ in diameter).

- B. In all cases, requests for expulsion shall be processed in accordance with the following procedure:
1. Upon receipt of an expulsion recommendation, the Superintendent shall review the recommendation, and any other materials he deems relevant, as soon as practicable.
 2. If after his review 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 of Education can consider and act upon this recommendation. The Superintendent shall recommend expulsion in all cases in which he reasonably believes that a pupil engaged in the conduct described in section V(A) 1 or 2 above.

C. Procedures For Expulsion Hearings Conducted By the Board of Education

1. Except in an emergency situation, the Board of Education shall, prior to expelling the student, conduct a hearing to be governed by the procedures outlined below. Whenever an emergency exists, the hearing provided for above shall be held as soon as possible after the expulsion.
2. 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 affirmative votes to expel are cast.
3. In accordance with Board Policy, written notice of the special meeting must be given to the student, and if the student is a minor, to his/her parent(s) or guardian(s) a reasonable time prior to the time of the meeting.
4. A student may be represented by any third party of his choice, including an attorney, at his/her expense or at the expense of his/her parents.
5. 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 parent(s) or guardian(s) do(es) not speak the English language or is handicapped.
6. The hearing will be conducted by the Presiding Officer, who will call the meeting to order, introduce the parties, Board members and counsel, and swear in any witnesses called by the Administration or the student.
7. 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.
8. The hearing will proceed. 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.

9. 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 and by Board members.
10. After the Administration has presented its case, the student will be asked if he/she has any witnesses or evidence to present. If so, the witnesses will be sworn, will testify, and will be subject to cross examination and to questioning 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 Board. Concluding statement will be made by the Administration and then by the student and/or his or her representative.
11. In cases where the respondent has denied the allegation, the Board must determine whether the respondent is guilty or not guilty of the asserted charges.
12. The Board must also deliberate on the penalty to be imposed upon the student. The Board may review the student's attendance record or academic record during its deliberations on this issue. 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 at disciplinary hearing may be received, but may only be considered in the determination of length of expulsion and nature of alternative educational opportunity 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 penalty to be imposed. Said decision shall be based solely on evidence presented at the hearing.
16. In keeping with Conn. Gen. Stat. §10-233a(a) and the Gun Free Schools Act, it shall be the policy of the Board to expel a student for one full calendar year for: (1) possessing a deadly weapon of firearm in violation of §53-206 or §25-39 of the Connecticut General Statutes, as set forth in Section VI(A) (1) of these policies; or (2) bringing a weapon to school, as

set forth in Section VI(A) (2) of these policies. The Board may modify the term of expulsion on a case-by-case basis.

17. Notwithstanding the foregoing, the following procedures shall apply to students who have previously been identified as having one or more disabilities under the IDEA and/or Section 504 of the Rehabilitation Act (a “student with disabilities”):

- a) If a student with disabilities engages in conduct that would lead to a recommendation for expulsion, the District shall promptly convene a Planning and Placement team (PPT) meeting to determine whether the misconduct is causally related to the student’s disability. A student may be suspended for up to ten days pending a PPT determination.
 - 1) If the PPT finds that the misconduct is not causally related to the disability, the Superintendent may proceed with a recommendation for expulsion. During any period of expulsion, a student with disabilities under the IDEA shall receive an alternative educational plan in accordance with the IEP as modified by the PPT in light of such expulsion. Prior to implementing any expulsion of a student with disabilities, the District shall comply with the procedures set forth in subparagraph (b) below.
 - 2) If the PPT finds that the misconduct is causally related to the disability, the Superintendent shall not proceed with the recommendation for expulsion. The PPT shall consider the student’s misconduct and revise the IEP to prevent a recurrence of such misconduct and to provide for the safety of the other students.
- b) Should a parent of a student with disabilities who is eligible for services under the IDEA 9or the student him or herself if eighteen years of age or older) file a request of a due process hearing under Conn. Gen. Stat. §10-76h to contest an expulsion under subparagraph (1) above or a proposed change in placement under subparagraph (2), the child shall stay in his or her then current placement pending decision in said due process hearing and any subsequent judicial review proceedings. This “stay put” requirement shall not apply when modified by a court order.
- c) Notwithstanding any provision to the contrary, a student with disabilities may be assigned to an interim alternative educational setting for not more than forty-five (45) school days if the student violates the Gun Free Schools Act, as described Section VI(A) (2)

above. The interim alternative placement shall be determined by the PPT. If a due process hearing is requested, the student shall remain in said interim alternative placement pending a decision in the due process hearing, unless the Board and the parents otherwise agreed, or the Board obtains a court order.

18. Whenever the Board of Education expels a student, it shall offer any such student under sixteen years of age an alternative education program. The Board of Education will provide an alternative education to a sixteen to eighteen 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, except as follows. The Board of Education is not required to offer an alternative program to any pupil between the ages of sixteen and eighteen who is expelled if it is determined at the hearing that (1) the student possessed a dangerous instrument, deadly weapon or firearm on school property or at a school-sponsored activity, or (2) the student offered a controlled substance for sale or distribution on school property or at a school-sponsored activity.

Board of Education expels a student for sale or distribution of a controlled substance, 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. If the Board of Education expels a student for possession of a deadly weapon or firearm, as defined in Conn. Gen. Stat. §53a-3, the violation shall be reported to the local police.

The parent(s) or guardian(s) of such student has the legal right to reject such a program without being subject to the truancy law. Such a program, for expelled students between the ages of sixteen (16) and eighteen (18), is conditioned upon requirements established by the Board.

The Board of Education is not required to offer an alternative education program for students sixteen years and above who have been previously expelled from school for on or off campus misconduct.

19. Notice of expulsion and the conduct for which the student expelled shall be included on the student's cumulative educational record. Such notice, except for notice of an expulsion based upon possession of a firearm or deadly weapon in violation of Conn. Gen. Stat. §29-35 or §53-206, shall be expunged from the cumulative educational record by the Board if the

student (1) graduates from school or (2) is not expelled again or suspended one or more times during the two-year period commencing on the date of his/her return to school from such an expulsion.

20. Where a student enrolls in the Danbury Public Schools during the period of expulsion from another school district, the Board may adopt the decision of the pupil expulsion hearing conducted by such other school district. The Board shall make its determination based upon a hearing held by the Board which shall be limited to a determination of whether the conduct which was the basis of the expulsion would also warrant expulsion by the Board.
21. 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.
22. If a pupil enrolls in the Danbury Public Schools while an expulsion hearing is pending in another school district, such student shall not be excluded from school pending completion of such expulsion hearing unless an emergency exists, as defined above. The Board shall retain the authority to suspend the pupil or to conduct its own expulsion hearing.

VII. 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 governing suspension and expulsion.

Legal Reference:

Connecticut General Statutes:

4-177-4-180 Contested cases. Notice. Record.

10-233a-10-233e Suspension and expulsion of students.

100233f In-school suspension of pupils.

Honig v. Doe, (United States Supreme Court 1988)

SUSPENSION POLICY NO. 7-230.2, Originally Adopted 1/19/77, Revised 8/24/95

EXPULSION POLICY NO. 7-230.3, Originally Adopted 1/19/77, Revised 6/21/95

NOTE: THE TWO POLICIES ABOVE WERE COMBINED AND ARE NOW INCLUDED IN POLICY NO. 7-230.2, Adopted by the Board of Education 9/13/95

Board of Education Meeting- Revised 11/8/95