

**Special Darien Board of Education**

**Policy Committee Meeting**

**Friday, October 23, 2020**

**8:30 a.m.**

**Darien Public Schools' Administrative Offices**

**35 Leroy Avenue**

**Board of Education Meeting Room**

**AGENDA**

1. Policy C-19 "Policy Concerning Health And Safety Protocols Relating To The Covid-19 Pandemic"
2. Policy 5300 C-19 "Policy Relating To Student Use Of The District's Computer Systems And Electronic Communications"
3. Revisions to Policy 5130-C-19 "Student Attendance, Truancy, and Chronic Absenteeism"
4. Revisions to Policy 1250-C-19 "School Volunteers, Student Interns and Other Non-Employees"
5. Revisions to Policy 1225 "Visitors"
6. Revisions to Policy 1200 "Use of School Facilities"
7. Current Policy 5220 "Student Discipline"
8. Proposed Revised Policy 5220 "Student Discipline"
9. Public Comment\*
10. Adjournment

Due to the current COVID-19 regulations and restrictions pertaining to public indoor gatherings, the Board of Education meeting will be available to the public via Zoom.

Those members of the community wishing to view only, should do so through the Darien Youtube link: <https://www.youtube.com/channel/UCUnnvYKBfFrTWQRuoB6OZA>

Those members of the community wishing to participate in public comment should join the meeting via Zoom:

<https://darienps.zoom.us/j/93829423164>

In order to reduce audio interference, members of the community are requested not to simultaneously view by Youtube while participating on Zoom.

# Memorandum

To: Policy Committee

From: Michael Burke  
Marge Cion

Date: October 23, 2020

Re: New Policy C-19-02, Temporary Revisions to Policies 5300-C19, 5130-C19, 1250-C19, 1225-C19, and 1200-C19 and Repeal and Replace Policy 5220

At this meeting, we are asking the Committee to consider one new policy, to recommend revisions to five policies and to repeal and replace the policy relating to student discipline.

We are asking the Committee to recommend the adoption of Policy C-19-02, "Policy Concerning Health and Safety Protocols Relating to the COVID-19 Pandemic," which authorizes the district administration to develop health and safety protocols related to the COVID-19 pandemic while school is in session.

Policy 5300-C19 relates to Students' Use of the District's Computer Systems. While some of the revisions suggested by Shipman and Goodwin are technical in nature, the policy now makes clear that the Board's policy on acceptable use of our computers applies whether the Students are physically present in school or whether they are engaged in remote learning.

The changes to Policy 5130-C19, Student Attendance, Truancy and Chronic Absenteeism, codifies the right of the District to require that student absences be documented with a doctor's note with specific enough detail to allow the district to monitor the spread of COVID-19. The State issued additional guidance on attendance after Shipman released this model policy. Since it appears that the guidance on attendance will be evolving, the last paragraph of the regulations provides that the District will comply with any future guidance on attendance issued by the State Department of Education.

Policy 1250-C19, "School Volunteers, Interns and Other Non-Employees" codifies that all volunteers must comply with the Board's health and safety protocols during the COVID-19 pandemic. It also gives the Board the authority to limit or restrict the number of volunteers in any building. Proposed revisions to Policy 1225, "Visitors," make the same protocols and limitations applicable to visitors to the District.

Proposed revisions to Policy 1200, "Use of School Facilities," has been updated, in general, to reflect current practice. Additional revisions to the Policy reflect the Superintendent's ability to limit or restrict the use of school facilities during the pandemic.

Finally, we are asking the Committee to recommend the repeal of old Board Policy 5220, "Student Discipline" and to adopt a new Policy 5220, which includes several revisions to reflect changes in the law as well as temporary COVID-related revisions that make it clear that the definitions of "school" and "classroom" include both physical educational environments and virtual education environments whether synchronous or asynchronous, which occur on platforms that allow students to engage in remote learning. The revisions also provide that students may be disciplined for acting in a manner that creates a health or safety hazard, including violating the District's health and safety protocols.

Policy 5220 has also been revised to reflect the following changes in the law. These changes are necessary to reflect current legal requirements.

- Lawful use and possession of marijuana (i.e. medical marijuana): while this is not permissible on school grounds, policy language was added to clarify the issue;
- Prohibition of discrimination against individuals based on gender identity or expression;
- Prohibition on the use on school property of e-cigarettes and vapor products;
- Revised definition of bullying and addition of a definition of and intervention/preventions strategies for teen dating violence;
- Limitation on the suspension and expulsion of students in preK through second grade;
- Revised expulsion procedures;
- Revised alternative educational opportunity obligations;
- Provision of alternative education to students ages 16-18;
- New procedures relative to the expulsion of students committed to a juvenile detention facility;
- Requirement to include SASID numbers on student discipline records; and
- Revisions to Section 504 as it applies to the use and/or possession of controlled substances.

We will be bringing a revision to Policy 5125 "Section 504 of the Rehabilitation Act of 1973" to the Policy Committee in November.

# **DARIEN BOARD OF EDUCATION**

**Darien, CT**

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**Series C-19**

**COVID-19 Policies and Regulations**

## **POLICY CONCERNING HEALTH AND SAFETY PROTOCOLS RELATED TO THE COVID-19 PANDEMIC (NEW)**

The Darien Board of Education (the “Board”) recognizes the importance of developing health and safety protocols to protect the health and safety of students, staff, and the community during the COVID-19 pandemic. The Board thus directs the administration of the Darien Public Schools (the “Administration”) to develop health and safety protocols consistent with applicable laws, rules, regulations and requirements, and to consider current guidance in the development of such protocols.

Compliance with such health and safety protocols shall be mandatory for all individuals while on school property or participating in a school-sponsored activity, unless a legally recognized exemption or exception applies. Failure to comply with such health and safety protocols may lead to disciplinary action for students and staff, and exclusion from school property or the school-sponsored activity for members of the community, in accordance with applicable laws, rules, regulations, and/or Board policies.

The Administration shall provide appropriate notice of such health and safety protocols. Notice may be provided by way of electronic mail, regular mail, website posting, student handbooks, employee handbooks, and/or any other appropriate methods.

### **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: \_\_\_\_\_

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**Darien, Connecticut**

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**SERIES 5000: STUDENTS**  
**POLICY 5300 C19**

**STUDENT USE OF THE DISTRICT'S COMPUTER SYSTEMS  
AND ELECTRONIC COMMUNICATIONS**

Computers, computer networks, electronic devices, Internet access, and e-mail are effective and important technological resources. The Board of Education ~~provides~~ has installed computers, ~~and~~ a computer network, including Internet access and an e-mail system on Board premises and may provide, as well as other electronic devices that can access the network such as wireless and/or portable electronic hand-held equipment that can be used for word processing, wireless Internet access, image capture and recording, sound recording, information transmitting and/or receiving, storing etc. (including, but not limited to, laptops, Kindles, radios, I-Pads or other tablet computers). The Board's computers, computer network, electronic devices, Internet access and email are, referred to collectively as "the computer systems", and are provided in order to enhance both the educational opportunities for our students and the business operations of the district.

These computer systems are business and educational tools. As such, they are made available to students in the district for education- related uses. The Administration shall develop regulations setting forth procedures to be used by the Administration in an effort to ensure that such computer systems are used by students solely for education- related purposes. The Board will educate minor students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyber-bullying awareness and response. Additionally, the Board will implement a technology protection measure to block or filter Internet access to visual depictions that contain ~~obscene~~ material that is obscene or obscene as to minors or contains, contain child pornography, ~~or are harmful to minors~~ and ensure that such filtering technology is operative during computer use by minor students to the extent practicable when such students are using Board-owned computers or devices and Board-provided Internet access.

As the owner of the computer systems, the Board reserves the right to monitor the use of the district's computers and computer systems.

**Legal References:**

Children's Internet Protection Act, Pub. L. 106-554, codified at 47 U.S.C. § 254(h)  
Conn. Gen. Stat. §§ 53a-182b; 53a-183; 53a-250  
Electronic Communication Privacy Act, 18 U.S.C. §§ 2510 through 2520  
No Child Left Behind Act of 2001, Pub. L. 107-110, codified at 20 U.S.C. § 6777  
Protecting Children in the 21st Century Act, Pub. Law 110-385, codified at 47 U.S.C. § 254(h)(5)(B)(iii).

ADOPTED BY THE BOARD OF EDUCATION: June 9, 2009

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**Darien, Connecticut**

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REVISED BY THE BOARD OF EDUCATION: February 24, 2015, (Effective July 1, 2015)

**SERIES 5000: STUDENTS**  
**POLICY R-5300 C19**

**STUDENT USE OF THE DISTRICT'S COMPUTER SYSTEMS  
AND ELECTRONIC COMMUNICATIONS**  
**(Administrative Regulations)**

**Introduction**

The Darien Board of Education provides its students and staff access to a multitude of technology resources for educational purposes. These resources provide opportunities to enhance learning and improve communication within our community and with the global community beyond our campus. The advantages of having access to these resources are far greater than any potential downside. However, with the privilege of access is the responsibility of students, teachers, staff and the public to exercise appropriate personal responsibility in their use of these resources. These Administrative Regulations are intended to promote the most effective, safe, productive, and instructionally sound uses of networked information and communication tools to support 21<sup>st</sup> century learning in our schools.

The Board and the Administration value freedom of expression and an open exchange of ideas and information. The Board provides students with access to a wide range of information and electronic services, including the use of computers, computer networks (i.e. the Internet), access to a public wifi network, and electronic communication (i.e. electronic mail, telephone). These computer systems are expensive to purchase, install and maintain. As the property of the district these computer systems must be carefully handled and their integrity preserved for the benefit of all. Therefore, *access to the computer systems is a privilege, and not a right*. Students will be required to adhere to a set of policies and procedures, as set forth in detail below. Violations may lead to withdrawal of the access privilege and/or disciplinary measures in accordance with the Board's student discipline policy.

**Access to District Computer Systems When Students are Physically Present on School Property**

When students are physically present on school property, the Board is ~~We are~~ pleased to offer students access to the district's computers and computer networks, including access to electronic mail (e-mail) and the Internet, as well as electronic devices, (all of which will be referred to collectively as "computer systems".) Access to the school's computer systems will enable students to explore libraries, databases, websites, and bulletin boards while exchanging information with others. Such access is provided solely for education-related purposes. Use of

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the district's computer systems will be allowed only for students who act in a considerate and responsible manner in using such systems.

**Access to the District's Computer Systems When Students are Engaged in Remote Learning**

During the COVID-19 pandemic, the Board and the Administration recognize that technology is integral to the delivery of instruction if the district implements any form of digital or remote learning. The district may therefore provide students with remote access to some or all of the district's computer systems so that students may access the district's virtual learning environment. Such access, if granted, is provided solely for education-related purposes. Use of the district's computer systems will be allowed only for students who comply with district policies and procedures concerning computer system use, and demonstrate the ability to use the computer systems in a considerate and responsible manner.

These computer systems are expensive to purchase, install and maintain. As the property of the district, these computer systems must be carefully handled and their integrity preserved for the benefit of all. Therefore, students will be required to adhere to a set of policies and procedures, as set forth in detail below. Violations may lead to withdrawal of the access privilege and/or disciplinary measures in accordance with the Board's student discipline policy.

**Definitions**

Obscene – means any material or performance if, a) taken as a whole, it predominantly appeals to the prurient interest, b) it depicts or describes in a patently offensive way a prohibited sexsexual act and c) taken as a whole, does not have it lacks serious literary, artistic, educational, political or scientific value. For the purposes of this section, "prohibited sex act" means erotic fondling, nude performance, sexual excitement, sado-masochistic abuse, masturbation or sexual intercourse.

Obscene as to minors - means any material or performance if it depicts a prohibited sexual act and, taken as a whole, it is harmful to minors.

For purposes of this section, "harmful to minors" means that quality of any description or representation, in whatever form, of a prohibited sexual act, when a) it predominantly appeals to the prurient, shameful or morbid interest of minors, b) it is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors, and c) taken as a whole, it lacks serious literary, artistic, educational, political or scientific value for minors.

For the purposes of this section, "prohibited sexual act" means erotic fondling, nude performance, sexual excitement, sado-masochistic abuse, masturbation or sexual intercourse.

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Child pornography –means any visual depiction, including any photograph, film, video, picture, ~~cartoon~~, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where -

- (a) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;
- (b) such visual depiction is ~~, or appears to be, of a minor engaging in sexually explicit conduct; a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or,~~
- (c) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

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“Darien Electronic environment” is defined as all materials used within the Darien network including such items as computers, computer hardware, software, and the campus-wide computer network, communication devices and lines, the School District voice-mail system, fax machines, etc.

“Darien Network” is defined as any electronic device or service managed by the Darien Public School District.

“Devices” refer to district owned/leased electronic equipment, including computers, mobile web enabled devices, iPads, MP3 players, portable memory storage devices, calculators with interfacing capability, cellphones or ECDs (electronic communication devices), digital cameras and any other electronic equipment provided to students for educational purposes.

“Educational use” is defined as a use that supports communication, research, and learning within the school environment.

~~“Harmful to minors” any picture, image, graphic image file, or other visual depiction that:~~

- ~~— (a) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;~~
- ~~— (b) depicts, describes or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and~~
- ~~— (c) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.~~



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“Information technology” is defined as Internet access, blogging, podcasting, email, published and non-published documents, and various forms of multimedia technology.

~~Obscene means any material or performance if, a) taken as a whole, it predominantly appeals to the prurient interest, b) it depicts or describes in a patently offensive way a prohibited sex act and c) taken as a whole, does not have serious literary, artistic, political or scientific value. For the purposes of this section, "prohibited sex act" means erotic fondling, nude performance, sexual excitement, sado-masochistic abuse, masturbation or sexual intercourse.~~

“Technology devices, digital resources, and network infrastructure” is defined as the Darien Public Schools network, the Internet, Google Apps for Education, email, hardware, software, printers, peripheral devices, individual computer devices, and web enabled devices.

#### **Purpose**

The District acknowledges that there is a delicate balance between freedom of expression and respect for the rights of fellow members of the school community. The District provides access to a wide range of information technology to support learning and communicating with others. Information technology will be used to increase communication, enhance student engagement, and assist staff and students in acquiring new skills. The technology devices, digital resources, and network infrastructure will also be utilized to provide relevant school information to a global community.

These Administrative Regulations require all users to maintain reasonable standards of personal respect and courtesy. Students are provided with broad access to the Darien electronic environment. Despite the unique attributes of the electronic environment, all federal and state laws, and Board of Education policies and regulations -- including the terms of all handbooks and catalogues provided to students -- apply in full force to use of the electronic environment. These policies and regulations include, but are not limited to, all Board of Education harassment and discrimination policies, the Board of Education Bullying Policy and Safe School Climate Plan, and the Board of Education Student Discipline Policy. Further, applicable laws include, but are not limited to, the Family Educational Rights and Privacy Act (FERPA), and the Children’s Online Privacy Protection Act (COPPA).

The purpose of these Administrative Regulations is to address those aspects of the electronic environment that are specific to computer use, electronic communication, and computer networks. These Administrative Regulations apply equally to users who access the system. The purpose of these regulations is to assure that the electronic resources are used in a manner that:

1. is consistent with their educational purposes,
2. will assure the safety and privacy of students and staff,
3. will protect users from exposure to inappropriate and offensive material, and
4. will assure that the privilege of electronic resource access is not abused.

#### **User Access**

Access to information technology through the Darien electronic environment is a privilege, not a right. Eligible Students, as explained below, and parents shall be required to read the

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Board's Student Use of the District's Computer Systems and Internet Safety Policy, as well as these associated Administrative Regulations, and submit online their acceptance of the User Agreement annually.

**Eligibility to use Computer Facilities**

Students will be granted general computer access in grades K-5 with the use of a classroom account. Individual User Accounts will be issued to all students grades 6 through 12. All accounts are issued upon acceptance of the user agreement contract (see appendix A). All student accounts are valid for the duration of the student's academic tenure.

**Privacy**

Network and Internet access is provided as a tool for your education. The District reserves the right to monitor, inspect, copy, review and store at any time and without prior notice any and all usage of the computer network and Internet access and any and all information transmitted or received in connection with such usage. All such information files shall be and remain the property of the District and no user shall have any expectation of privacy regarding such materials or when using the District network. The District reserves the right to disclose any electronic messages to law enforcement officials or third parties as may be required by law. The district intends to monitor and review in a limited fashion, but will do so as needed to ensure that the systems are being used for district-related educational purposes.

As part of the monitoring and reviewing process, the district will retain the capacity to bypass any individual password of a student or other user. *The system's security aspects, such as personal passwords and the message delete function for e-mail, can be bypassed for these purposes.* The district's ability to monitor and review is not restricted or neutralized by these devices. The monitoring and reviewing process also includes, but is not limited to; oversight of Internet site access, the right to review emails sent and received, the right to track students' access to blogs, electronic bulletin boards and chat rooms, and the right to review a student's document downloading and printing.

**Unacceptable Use**

Students are responsible for their use of the Darien electronic environment, including computer hardware, accounts and user-ids. Users must take all reasonable precautions, including password maintenance and file protection measures, to prevent use of accounts by unauthorized persons or use of accounts in an unauthorized manner. The primary purpose of the Darien electronic environment is to provide authorized users with resources that facilitate the student's learning and academic growth. The following uses of the Darien electronic environment are expressly prohibited:

1. Using computer systems for any personal purpose, or in a manner that interferes with the district's educational programs.
2. Transmitting any material that includes confidential student information in violation of the Board of Education's Confidentiality and Access to Student Records Policy.
3. Improper Access: Gaining, or attempting to gain, improper access to the Darien electronic environment, or the files or accounts of another user, including but not limited to improperly modifying or deleting the files/data of another user.

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4. Destructive Behavior: Any action that might be harmful to or interfere with the Darien electronic environment, the network, or the data stored on or transported by them or other devices connected to them.
5. Offensive Behaviors/Harassment: Sending any form of slanderous, harassing, threatening, or intimidating message, including messages with obscene language, at any time, to any person (such communications may also be a crime);.
6. Theft of devices, computer systems, or computer networks.
7. Accessing dangerous information that, if acted upon, could cause damage or danger to others.
8. Giving your username or password to any other student, or using the username or password of someone else to access any part of the system.
9. Accessing or attempting to access any material that is obscene, obscene as to minors or contains child pornography, or is harmful to minors, as defined above;
10. Gaining or attempting to gain unauthorized access to computer and/or telecommunications networks and resources.
11. Cyberbullying, posting of private or personal information about another person without their consent, or spamming of the school email system.
12. Accessing or attempting to access social networking sites (e.g. Facebook, Twitter, MySpace, etc.) without a legitimate educational purpose.
13. Violating any federal or state law, or Darien Board of Education policy or regulation.
14. Violating copyright laws.

**Termination of Access and Accounts**

All Darien accounts will expire and access will end with the termination of a user's relationship with the School District.

**Network**

The District network includes wired and wireless computers, servers housed on site and in the cloud, and peripheral equipment, files and storage, e-mail and Internet content (blogs, web sites, web mail, groups, wikis, etc.). The District reserves the right to prioritize the use of, and access to, the network. All use of the network must support student instruction, research and professional learning consistent with the mission of the District. The District provides access to its computer networks and the Internet for educational purposes only.

**Use of Personal Electronic Devices**

Connection of any personal electronic device to any network on school grounds is subject to all regulations and guidelines in this document. Students are permitted to connect to the district network via the secure wireless connection provided by the school system, but all access must be in accordance with these Administrative Regulations. Students are NOT permitted to use their own computing devices to access the Internet via personal Wi-Fi accounts or by any manner other than connecting through the secure wireless connection provided by the school system.

*Each user is responsible for his/her personal device and should use it responsibly and appropriately. Darien Public Schools takes no responsibility for stolen, lost, or damaged*

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*devices, including lost or corrupted data on those devices.* It is the responsibility of each individual to secure their device when not in use.

Please refer to the Darien Board of Education's Use of Private Technology Devices by Students Policy.

**Internet Safety and Content Filtering**

Filtering software is used to block or filter access to visual depictions that are obscene and all child pornography and other objectionable material, which includes pornography, obscene material, and other material that may be harmful to minors, in accordance with the Children's Internet Protection Act (CIPA). The District may also block or filter other content lacking educational value or benefit or that poses a threat to the network, and will take measures to prohibit unauthorized disclosure, use, and dissemination of personally identifiable information regarding students. Students shall not use any website, application, or methods to bypass filtering of the network or perform any other unlawful activities. In addition to the District's use of filtering software, every user must take responsibility for his or her use of the network and Internet and avoid these sites. The Administration will educate minor students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyber-bullying awareness and response. Students should report accidental or inappropriate computer or Internet access to a teacher or administrator for blocking. Students are also strongly urged to immediately report *any* harassing, threatening, intimidating or other improper message received through the Darien electronic environment. Internet usage is logged and monitored for use consistent with Board policy.

**Enforcement and Discipline**

The use of Darien's electronic environment is a privilege. Any student who violates the Board's Student Use of the District's Computer Systems and Internet Safety Policy, or these associated Administrative Regulations, may have his or her access privileges terminated. Additionally, such misconduct may subject the violator to disciplinary action under the Board's Student Discipline Policy, and may be subject to criminal prosecution. Any use of the Darien electronic environment that violates applicable copyright laws is subject to appropriate disciplinary action as well as those civil remedies and criminal penalties provided by federal law.

**Acknowledgment**

By use of the Darien electronic environment, students and parents acknowledge that there is no guarantee that the Darien electronic environment is virus-free, or that all hardware and/or software used to access the electronic environment will be compatible with the Darien electronic environment. Students and parents acknowledge that the District is not responsible for any damages a user suffers, including loss of data resulting from delays, non-deliveries, mis-deliveries or service interruptions of any kind. Students and parents further acknowledge that use and/or access to Darien's electronic environment does not entitle the user to seek indirect, consequential, special, punitive, peremptory, or like damages from the District in connection with such use and access.

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**Revisions**

These Administrative Regulations are subject to change. Any changes will be communicated to users via Aspen's Information Portal. All users are responsible for keeping abreast of any updates to these Administrative Regulations.

Appendix A: Student Electronic Environment User Agreement

REVIEWED BY BOARD OF EDUCATION: February 24, 2015, (Effective July 1, 2015)

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**DARIEN PUBLIC SCHOOLS**  
**Darien, Connecticut**

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**Series 5000: STUDENTS**  
**Policy 5130 C-19**

**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, through its Superintendent, will adopt and maintain procedures to implement this policy.

In addition, the Board of Education takes seriously the issue of chronic absenteeism. To address this issue, the Board of Education, 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

Public Act 16-147, “An Act Concerning the Recommendations of the Juvenile Justice Policy and Oversight Committee”

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

Connecticut State Department of Education Circular Letter C-2, *Utilizing Local Support Resources Prior to Referral of Students for Family with Service Needs* (August 4, 2009)

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)

Darien board of Education Policy 6940: Home Instruction

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>

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ADOPTED BY THE BOARD OF EDUCATION: March 28, 2017  
REVISED: June 12, 2018

**ADMINISTRATIVE REGULATIONS REGARDING  
ATTENDANCE, TRUANCY AND CHRONIC ABSENTEEISM**

**I. Attendance and Truancy**

A. Definitions for Section I

1. "Absence" - any day during which a student is not considered "in attendance" at his/her assigned school, or on a school sponsored activity (e.g. field trip), for at least one half of the school day.
2. "Disciplinary absence" - Any absence as a result of school or district disciplinary action. Any student serving an out-of-school suspension or expulsion should be considered absent. Such absence is not considered excused or unexcused for attendance and truancy purposes.
3. "Educational evaluation" - for purposes of this policy, an educational evaluation is an assessment of a student's educational development, which, based upon the student's presenting characteristics, would assess (as appropriate) the following areas: health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities.
4. "Excused absence" - a student is considered excused from school if the school has received written documentation describing the reason for the absence within ten (10) school days of the student's return to school, or if the child has been excluded from school in accordance with section 10-210 of the Connecticut General Statutes (regarding communicable diseases), and the following criteria are met:
  - a. Any absence before the student's tenth (10<sup>th</sup>) absence is considered excused when the student's parent/guardian approves such absence and submits appropriate written documentation in accordance with this regulation.
  - b. For the student's tenth (10<sup>th</sup>) absence and all absences thereafter, a student's absences from school are, with appropriate documentation in accordance with this



regulation, considered excused only for the following reasons:

- i. student illness (verified by an appropriately licensed medical professional);
  - ii. religious holidays;
  - iii. mandated court appearances (documentation required);
  - iv. funeral or death in the family, or other emergency beyond the control of the student's family;
  - v. extraordinary educational opportunities pre-approved by the district administrators and in accordance with Connecticut State Department of Education guidance and this regulation;
  - vi. lack of transportation that is normally provided by a district other than the one the student attends.
- c. A student, age five (5) to eighteen (18), whose parent or legal guardian is an active duty member of the armed forces who has been called for duty, is on leave from or has immediately returned from deployment to a combat zone or combat support posting, shall be granted ten (10) days of excused absences in any school year, and, in the discretion of the administration, additional excused absences to visit such student's parent or legal guardian with respect to the parent's leave or deployment. In the case of such excused absences, the student and parent or legal guardian are responsible for obtaining assignments from the student's teacher prior to any period of excused absence, and for ensuring that such assignments are completed by the student prior to his or her return to school.
5. "In Attendance" - Any day during which a student is present at the student's assigned school, or an activity sponsored by the school, for at least half of the regular school day.
  6. "Student" - a student enrolled in the Darien Public Schools.
  7. "Truant" - any student **five (5) to eighteen (18)** years of age, inclusive, who has **four (4)** unexcused absences from school in any

one month or **ten (10)** unexcused absences from school in any school year.

8. "Unexcused absence" - any absence from a regularly scheduled school day for at least one half of the school day, which is not excused or considered a disciplinary absence.

The determination of whether an absence is excused will be made by the building principal or his/her designee. Parents or other persons having control of the child may appeal that decision to the Superintendent or his/her designee, whose decision shall be final.

B. Written Documentation Requirements for Absences

1. Written documentation must be submitted for each incidence of absence within ten (10) school days of the student's return to school. Consecutive days of absence are considered one incidence of absence. (For example, if a student is absent for eight (8) consecutive days of school due to illness, only one signed doctor's note will be required to document those eight days. However, the student would be charged with eight days of absences.)
2. The first nine (9) days of absence will be excused upon receipt of a signed note from the student's parent/guardian, a signed note from a school official that spoke with the parent/guardian regarding the absence, or a note confirming the absence by the school nurse or by a licensed medical professional, as appropriate. For any absence due to student illness, the signed note must include the specific symptom(s) exhibited by the student so that the District can monitor trends that would suggest the spread of COVID-19.
3. For the student's tenth (10<sup>th</sup>) absence, and all absences thereafter, documentation of the absence must be submitted in accordance with paragraphs 1 and 2 above, and must also include the reason for the absence and the following additional information:

a. student illness:

- i. a signed note from a medical professional, who may be the school nurse, who has evaluated the student confirming the absence and giving an expected return date and including the specific symptom(s) exhibited by the student so that the District can monitor trends that would suggest the spread of COVID-19; or

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- ii. a signed note from school nurse who has spoken with the student's medical professional and confirmed the absence, including the date and location of the consultation and including the specific symptom(s) exhibited by the student so that the District can monitor trends that would suggest the spread of COVID-19.

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- b. religious holidays: none.
- c. mandated court appearances:
  - i. a police summons;
  - ii. a subpoena;
  - iii. a notice to appear;
  - iv. a signed note from a court official; or
  - v. any other official, written documentation of the legal requirement to appear in court.
- d. funeral or death in the family, or other emergency beyond the control of the student's family: a written document explaining the nature of the emergency.
- e. extraordinary educational opportunity pre-approved by the district administrators and in accordance with Connecticut State Department of Education guidance and this policy: written pre-approval from the administration, in accordance with this regulation.
- f. lack of transportation that is normally provided by a district other than the one the student attends: none.

- 4. Text messages shall not serve to satisfy the requirement of written documentation.
- 5. The Darien Public Schools reserves the right to randomly audit written documentation received, through telephone and other methods of communication, to determine its authenticity.

6. Any absence that is not documented in accordance with this regulation within ten (10) school days after the incidence of absence will be recorded as unexcused. If documentation is provided within ten (10) school days, but is incomplete, the building principal may, at his/her own discretion, grant up to a five (5) school day extension for provision of the completed documentation.

C. Extraordinary Educational Opportunities

1. To qualify as an extraordinary educational opportunity, the opportunity must:
  - a. be educational in nature and must have a learning objective related to the student's course work or plan of study;
  - b. be an opportunity not ordinarily available to the student;
  - c. be grade and developmentally appropriate; and
  - d. include content that is highly relevant to the student; while some opportunities will be relevant to all students, others will contain very specific content that would limit their relevance to a smaller group of students.
2. Family vacations do not qualify as extraordinary educational opportunities.
3. No student enrolled in the Darien Public Schools can be enrolled in another public or private school or program during Darien school hours. Such dual enrollment will not be considered an extraordinary educational opportunity.
4. All requests for approval of extraordinary educational opportunities must:
  - a. be submitted to the building principal in writing prior to the opportunity, but no later than ten (10) school days prior to the opportunity except in exceptional circumstances at the discretion of the building administrator;
  - b. contain the signatures of both the parent/guardian and the student;

- c. include an outline of the learning objective of the opportunity and include detail as to how the objective is linked to the student's coursework or plan of study; and
  - d. include additional documentation, where available, about the opportunity.
5. The building principal shall provide a response in writing and include the following:
- a. either approval or denial of the request;
  - b. brief reason for any denial;
  - c. any requirements placed upon the student as a condition of approval;
  - d. the specific days approved as excused absences for the opportunity;
  - e. the understanding that the building administrator may withdraw its approval if the opportunity is canceled or the student fails to meet the agreed-upon requirements of the approval.
6. All decisions of the building principal relating to extraordinary educational opportunities shall be final.
7. Students who are granted excusal from school to participate in extraordinary educational opportunities are expected to share their experiences with other students and/or school staff when they return.
8. Approval for an extraordinary educational opportunity is determined on a case-by-case basis and the analysis of individualized factors. An opportunity approved for one student may not be approved for another.

D. Truancy Exceptions:

1. A student **five (5) or six (6) years of age** shall not be considered truant if the parent or person having control over such student has appeared personally at the school district office and exercised the option of not sending the child to school at five (5) or six (6) years of age.

2. A student **seventeen (17) years of age** shall not be considered truant if the parent or person having control over such student consents to such student's withdrawal from school. Such parent or person shall personally appear at the school district office and sign a withdrawal form indicating such consent. Such withdrawal form must include an attestation from a guidance counselor or school administrator from the school that the district provided the parent (or person having control of the child) with information on the educational options available in the school system and community.
3. If a parent or guardian of an expelled student chooses not to enroll the student in an alternative program, the student shall not be considered to be "truant."

E. Readmission to School Following Voluntary Withdrawal

1. Except as noted in paragraph 2 below, if a student voluntarily withdraws from school (in accordance with Section D.2, above) and subsequently seeks readmission, the Board may deny school accommodations to the student for up to ninety (90) school days from the date of the student's withdrawal from school.
2. If a student who has voluntarily withdrawn from school (in accordance with Section D.2, above) seeks readmission within ten (10) school days of his/her withdrawal, the Board shall provide school accommodations to the student not later than three (3) school days after the student requests readmission.

F. Determinations of Whether a Student is "In Attendance":

1. A student serving an out of school suspension or expulsion shall be reported as absent unless he or she receives an alternative educational program for at least one half of the regular school day. In any event, the absence is considered a disciplinary absence, and will not be designated as excused or unexcused.
2. On early dismissal days and days shortened due to inclement weather, the regular school day for attendance purposes is considered to be the amount of instructional time offered to students on that day. For example, if school is open for four hours on a shortened day scheduled, a student must be present for a minimum of two hours in order to be considered "in attendance."
3. Students placed on homebound instruction due to illness or injury in accordance with applicable regulations and requirements are counted as being "in attendance" for every day that they receive

instruction from an appropriately certified teacher for an amount of time deemed adequate in accordance with applicable law.

G. Procedures for students in grades K-8\*

1. Notification

- a. Annually at the beginning of the school year and upon the enrollment of any child during the school year, the administration shall notify the parent or other person having control of the student enrolled in grades K - 8 in writing of the obligations pursuant to Conn. Gen. Stat. § 10-184 to ensure that such a student attends school regularly or to show that the child is elsewhere receiving equivalent instruction in the studies taught in the Darien Public Schools.
- b. Annually at the beginning of the school year and upon the enrollment of any child during the school year, the administration shall obtain from the parent or other person having control of the student in grades K-8 a telephone number or other means of contacting such parent or other person during the school day.

2. Monitoring

Each school shall implement a system of monitoring individual unexcused absences of students in grades K-8. Whenever such a student fails to report to school on a regularly scheduled school day, school personnel under the direction of the building principal [or his/her designee] shall make a reasonable effort to notify the parent or other person having control of such student by telephone and by mail of the student's absence, unless school personnel have received an indication that the parent or other person is aware of the student's absence. **[Reasonable efforts shall include two (2) attempts to reach the parent or other person at the telephone number provided by the parent or other person. Such attempts shall be recorded on a form provided by the Superintendent.]** Mailed notice of the student's absence shall include a warning that two unexcused absences from school in a month or five unexcused absences in a school year may result in a complaint filed with the Superior Court pursuant to section 46b-149 of the Connecticut General Statutes alleging the belief that the acts or omissions of the child are such that the child's family is a family with service needs. Any person who, in good faith, gives or fails to give such notice shall be immune from liability, civil or criminal, which might otherwise be incurred or imposed and shall

have the same immunity with respect to any judicial proceeding which results from such notice or failure to give notice.

*[\*Note: State law mandates notification and monitoring only with regard to students in grades K-8. Boards of Education are free, however, to extend the application of monitoring and intervention procedures to students at all grade levels.]*

H. Procedures applicable to students ages five (5) to eighteen (18)

1. Intervention

- a. When a student is truant, the building principal or his/her designee shall schedule a meeting with the parent (or other person having control of such student) and appropriate school personnel to review and evaluate the reasons for the student's truancy. This meeting shall be held no later than **ten (10) days** after the student becomes truant. The district shall document the meeting, and if parent or other person declines to attend the meeting, or is otherwise is non responsive, that fact shall also be documented and the meeting shall proceed with school personnel in attendance.
- b. When a student is truant, the Superintendent or his/her designee shall coordinate services with and referrals of students to community agencies providing child and family services, as appropriate. The district shall document efforts to contact and include families and to provide early intervention in truancy matters.
- c. If the parent or other person having control of a student who is truant fails to attend the meeting held pursuant to subsection H.1.a., above, or otherwise fails to cooperate with the school in attempting to solve the truancy problem, the Superintendent shall file, within fifteen (15) calendar days of such failure to attend the meeting or other failure to cooperate with the school in attempting to solve the truancy problem, for such truant a written complaint with the Superior Court pursuant to Conn. Gen. Stat. § 46b-149 alleging the belief that the acts or omissions of the truant are such that his/her family is a family with service needs.
- d. In addition to the procedures specified in subsections a through c above, a regular education student who is experiencing attendance problems should be referred to the building Child Study Team **[or other appropriate school based team]** to



consider the need for additional interventions and/or assistance. The Team will also consider whether the student should be referred to a planning and placement team (“PPT”) meeting to review the student's need and eligibility for special education. A special education student who is experiencing attendance problems should be referred to a PPT meeting for program review.

- e. If a family with service needs petition is filed and the court orders an educational evaluation of the student, the district shall conduct an appropriate educational evaluation if no such evaluation has been performed within the preceding year.
  - i. For a regular education student, the educational evaluation will be conducted or arranged for by appropriate school personnel and coordinated through the Child Study Team **[or other appropriate school based team]**. Upon completion of the evaluation of a regular education student, the Child Study Team **[or other appropriate school based team]** shall review the evaluations and make appropriate recommendations for alternative procedures, programs or interventions. Such recommendations may include a referral of the student for further evaluation and/or consideration for special education eligibility.
  - ii. In the case of a student who requires or may require special education and related services, the district shall convene a PPT to determine what evaluations may be appropriate to assess any specific areas of concern. The PPT shall reconvene to review the evaluations and make appropriate recommendations regarding the student’s need for special education services and the need, if any, to write and/or revise the student’s individualized education program (“IEP”).

#### I. Attendance Records

All attendance records developed by the Board shall include the individual student’s state-assigned student identifier (SASID).

### II. **Chronic Absenteeism**

#### A. Definitions for Section II

- 1. “Chronically absent child” - a child who is enrolled in a school under the jurisdiction of the Darien Board of Education and whose

total number of absences at any time during a school year is equal to or greater than ten percent (10%) of the total number of days that such student has been enrolled at such school during such school year;

2. “Absence” - (a) an excused absence, unexcused absence or disciplinary absence, as those terms are defined by the State Board of Education pursuant to section 10-198b of the general statutes and these administrative regulations, or (b) an in-school suspension, as defined in section 10-233a of the general statutes, that is greater than or equal to one-half of a school day;
3. “District chronic absenteeism rate” - the total number of chronically absent children under the jurisdiction of the Darien Board of Education in the previous school year divided by the total number of children under the jurisdiction of the Board of Education for such school year; and
4. “School chronic absenteeism rate” - the total number of chronically absent children for a school in the previous school year divided by the total number of children enrolled in such school for such school year.

B. Establishment of Attendance Review Teams

If the Darien Board of Education has a district chronic absenteeism rate of ten percent (10%) or higher, it shall establish an attendance review team for the school district.

If a school under the jurisdiction of the Darien Board of Education has a school chronic absenteeism rate of fifteen percent (15%) or higher, it shall establish an attendance review team for that school.

If the Darien Board of Education has more than one school with a school chronic absenteeism rate of fifteen percent (15%) or higher, it shall establish an attendance review team for the school district or at each such school.

If the Darien Board of Education has a district chronic absenteeism rate of ten percent (10%) or higher and one or more schools with a school chronic absenteeism rate of fifteen percent (15%) or higher, it shall establish an attendance review team for the school district or at each such school.

C. Composition and Role of Attendance Review Teams

Any attendance review team established under these regulations may include school administrators, guidance counselors, school social workers, teachers, representatives from community-based programs who address issues related to student attendance by providing programs and services to truants, as defined under I.A.7, and chronically absent children and their parents or guardians.

Each attendance review team shall be responsible for reviewing the cases of truants and chronically absent children, discussing school interventions and community referrals for such truants and chronically absent children and making any additional recommendations for such truants and chronically absent children and their parents or guardians. Each attendance review team shall meet at least monthly.

D. State Chronic Absenteeism Prevention and Intervention Plan

The Darien Board of Education and its attendance review teams, if any, will consider any chronic absenteeism prevention and intervention plan developed by the State Department of Education.

III. **Reports to the State Regarding Truancy Data**

Annually, each local and regional board of education shall include information regarding the number of truants and chronically absent children in the strategic school profile report for each school under its jurisdiction and for the school district as a whole submitted to the Commissioner of Education. Measures of truancy include the type of data that is required to be collected by the Department of Education regarding attendance and unexcused absences in order for the department to comply with federal reporting requirements and the actions taken by the board of education to reduce truancy in the school district.

IV. Evolving State Department of Education Guidance

The Board will comply with any and all guidance issued by the State Department of Education regarding attendance requirements, including during periods of blended learning, and regarding attendance requirements of students who choose not to participate.

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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

Public Act 16-147, “An Act Concerning the Recommendations of the Juvenile Justice Policy and Oversight Committee”

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

Connecticut State Department of Education Circular Letter C-2, *Utilizing Local Support Resources Prior to Referral of Students for Family with Service Needs* (August 4, 2009)

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)

Darien board of Education Policy 6940: Home Instruction

[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](https://portal.ct.gov/-/media/SDE/COVID-19/CTReopeningSchools.pdf)

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APPROVED BY THE BOARD OF EDUCATION: March 28, 2017

REVISED: June 12, 2018

REVISED:

**DARIEN PUBLIC SCHOOLS**  
**Darien, Connecticut**

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**SERIES 1000: COMMUNITY/BOARD OPERATION**  
**POLICY 1250 C-19**

**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 the Darien 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 Darien Public Schools.

No employee of the Darien 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.

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.

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

**DARIEN PUBLIC SCHOOLS**  
**Darien, Connecticut**

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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.](https://portal.ct.gov/-/media/SDE/COVID-19/CTReopeningSchools.pdf)

APPROVED BY THE BOARD OF EDUCATION: February 10, 2015

REVISED:

**DARIEN PUBLIC SCHOOLS**  
**Darien, Connecticut**

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**SERIES 1000: COMMUNITY/BOARD OPERATION**  
**POLICY R-1250**

**SCHOOL VOLUNTEERS, INTERNS AND OTHER NON-EMPLOYEES**  
**(Administrative Regulations)**

**Screening Procedure**

The following procedure has been established for screening volunteers, interns and other non-employees ("volunteers") within the Darien Public Schools. For the purpose of this procedure, volunteers are defined as those individuals who volunteer their time to assist in schools for the benefit of the student body with the express knowledge, consent and direction of a Darien Public Schools employee. Student interns are defined as individuals currently enrolled in a post-secondary program for which an authorized internship is required or for which the student may be granted credit as part of an approved course of study. As with other volunteers, all student interns must be approved in advance by the building administrator or his/her designee and must be under the direction of a Board employee.

This procedure identifies those situations in which an individual 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 within 10 days of application and/or request to volunteer within the Darien Public Schools. All results must be received by the Human Resources Office before the volunteer may commence his or her services. No person who is a 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 Darien Public Schools.

**Screening Procedure Definitions**

The District has identified two classifications of volunteers: Group I and Group II.

**Group I**

Volunteers will be classified in Group I when they assist school staff members with school activities in the presence of a Darien Public Schools employee. Background checks will not be required of Group I volunteers. Group I volunteers are those who assist school staff members with school activities such as those listed below:

- a. assisting in a classroom, cafeteria, or library when a staff member is present; or
- b. accompanying a class on a field trip during the school day with a staff member; or
- c. helping in the school office during regular school hours; or
- d. assisting in the cafeteria or library during regular school hours; or
- e. assisting during extracurricular events, i.e., dances, fairs, open house, sporting events, etc.

**DARIEN PUBLIC SCHOOLS**  
**Darien, Connecticut**

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**Group II**

Volunteers will be classified in Group II when they provide services to students when not in the direct presence of a Darien Public Schools employee. Group II volunteers will be required to complete a consent form regarding the release of information concerning any prior or pending criminal offenses, and such volunteers will be required to submit to a record check of the Department of Children and Families (DCF) Abuse and Neglect Registry. Group II volunteers are those who engage in activities such as those listed below:

- a. accompanying a class on a field trip in which the plans include that students be divided into small groups supervised solely by the volunteer chaperone for any length of time; or
- b. chaperoning an overnight field trip; or
- c. working in direct contact with students without the direct presence of a Darien Public Schools employee;
- d. working as a student intern; or
- e. coaching.

Upon receipt of DCF Abuse and Neglect Registry results indicating that the volunteer is involved in an abuse or neglect investigation or that the volunteer is listed as a perpetrator of abuse or neglect on the Registry, the Superintendent or his or her designee will notify the volunteer of the results of the Registry check and will provide an opportunity for the volunteer to respond to the results of the Registry check. No person who is a required to register as a sex offender under state or federal law, or whose name is currently listed on the DCF registry, may be approved to volunteer within the Darien Public Schools.

When a criminal record check of a volunteer reveals a criminal conviction, whether disclosed or undisclosed on the volunteer's consent form, the Superintendent will make a case-by-case determination as to whether to allow the individual to volunteer in the Darien Public Schools. Prior to any such decision by the Superintendent or designee, the Superintendent or designee shall inform the volunteer and shall provide an opportunity for the volunteer to respond. Notwithstanding the foregoing, the falsification or omission of any information on a volunteer consent form, including, but not limited to, information concerning criminal convictions or pending criminal charges, may be grounds for the Superintendent or designee to prohibit the individual from becoming a volunteer.

**Prior Approval Required**

All school volunteers (including student interns or other non-employee working in the schools) must be approved in advance by the building principal or other administrative designee. The school district, acting through the appropriate building administrator or his/her designee, reserves the right to discontinue or disallow the services of any volunteer at any time at the discretion of the administration. Due to the COVID-19 pandemic, the school district may limit or restrict volunteers based on the guidance of the federal, state, and local health authorities.



**DARIEN PUBLIC SCHOOLS**  
**Darien, Connecticut**

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**Sign-in Procedure**

All volunteers must report to the school office upon arrival to sign in and must report to the office prior to departure to sign out. A sign-in/sign-out log will be maintained in each school office. Volunteers must indicate the purpose of their visit and include any other information (i.e. destination; provide proof of identification etc.) as may be required by the log. Additionally, volunteers will be provided with identification badges, which must be displayed during each visit. . All volunteers must comply with all school health and safety protocols in place at the time, including any health screening protocols.

**Legal Reference:**

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>.

REVIEWED BY THE BOARD OF EDUCATION: February 10, 2015

REVISED:

**DARIEN PUBLIC SCHOOLS**  
**Darien, Connecticut**

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**SERIES 1000: COMMUNITY/BOARD RELATION**  
**POLICY 1225**

**VISITORS**

The Board of Education 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 of Education 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 of Education, through the administration, reserves the right to limit visits in accordance with administrative regulations.

Upon arrival, all visitors 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 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:

"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>

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APPROVED BY THE BOARD OF EDUCATION: February 25, 2003

REVISED BY THE BOARD OF EDUCATION: February 24, 2015, (Effective July 1, 2015)

**DARIEN PUBLIC SCHOOLS**  
**Darien, Connecticut**

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**SERIES 1000: COMMUNITY/BOARD RELATION**  
**POLICY R-1225**

**VISITORS**  
**(Administrative Regulations)**

1. Any person wishing to visit a school building, and/or observe any student program, must obtain prior approval from the Principal or responsible administrator of the respective school building or program.
2. A visitor to any school building or program must be able to articulate a legitimate reason for his/her proposed visit and/or observation. Where the visitation involves direct contact with district students, or observation of an identified student or student program, the visitor must have a sufficient educational nexus with the district, its educational programs or the student to support such request.
3. All visits must be reasonable in length and conducted in a manner designed to minimize disruption to the district's educational programs.
4. When determining whether to approve a request to visit and/or observe student programs, the building Principal or responsible administrator shall consider the following factors:
  - a. the frequency of visits;
  - b. the duration of the visit;
  - c. the number of visitors involved;
  - d. the effect of the visit on a particular class or activity;
  - e. the age of the students;
  - f. the nature of the class or program;
  - g. the potential for disclosure of confidential personally identifiable student information;
  - h. whether the visitor/observer has a legitimate educational interest in visiting the school;
  - i. whether the visitor/observer has professional ethical obligations not to disclose any personally identifiable student information; and

**DARIEN PUBLIC SCHOOLS**  
**Darien, Connecticut**

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- j. any safety risk to students and school staff.
- 5. The building Principal or responsible administrator has the discretion to limit, or refuse, requests for visits and/or observations of student programs in light of the above criteria.
- 6. If a building Principal or responsible administrator approves a request to visit a school building and/or observe a student program, arrangements must be made in advance to ensure that the visit will not disrupt educational programs. The length and scope of any visit shall be determined by the building Principal or responsible administrator in accordance with these regulations and accompanying Board policy.
- 7. Upon arrival, all visitors 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 have authorized access, and complying with directives of school officials at all times.
- 8. The district has an obligation to maintain the confidentiality of personally identifiable student information. All visitors and observers must restrict their visits and observations to the purpose identified in the request to visit or observe and are strictly prohibited from observing or collecting information on other students within the school. If the visitor/observer views, accesses or otherwise obtains personally identifiable student information concerning another student, the visitor/observer must notify the building Principal or responsible administrator as soon as possible.
- 9. All visitors and observers permitted inside 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.
- ~~8-10.~~ A refusal to comply with any of the Board's policy provisions and/or regulation concerning visitors shall constitute grounds for denial of the visitor's privileges, as determined appropriate by the building Principal or designee. Such refusal may also result in a referral to law enforcement personnel, as determined appropriate by the building Principal or designee.

Legal References:

**DARIEN PUBLIC SCHOOLS**  
**Darien, Connecticut**

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“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>.

REVIEWED BY THE BOARD OF EDUCATION: February 25, 2003

REVISED BY THE BOARD OF EDUCATION: February 24, 2015, (Effective July 1, 2015)

DRAFT

**DARIEN PUBLIC SCHOOLS**  
**Darien, Connecticut**

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**SERIES 1000: COMMUNITY/BOARD OPERATION**  
**POLICY 1200**

**USE OF SCHOOL FACILITIES**

**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 and rentals during school hours will not be allowed without written permission from the Superintendent or his/her designee.

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 the use of facilities related to school-based athletics shall be submitted, in accordance with the Administrative Regulations, to the Director of Athletics at Darien High School, 80 High School Lane, Darien CT 06820. All other applications for the use of facilities should be submitted, in accordance with the Administrative Regulations, to the Director of Facilities, Board of Education Offices, 35 Leroy Avenue, Darien, CT 06820.

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

**DARIEN PUBLIC SCHOOLS**  
**Darien, Connecticut**

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principal or responsible administrator, and shall not be used without the express written permission of the administrator.

~~Copies of all applications shall be maintained in the Athletics Office or Facilities Office.~~ Approval of school facilities usage may be revoked at any time by the Superintendent of 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 curricular programs and activities
2. School-sponsored extracurricular programs and activities
3. Activities of school-related organizations (e.g. PTO, Booster Clubs, After Graduation Committees, and similar organizations)
4. Town department or agency activities
5. Darien YMCA programs and activities, as per contractual arrangement with the Board of Education
6. Activities of non-profit organizations operating within the Town, other than school-related organizations covered by category #3 above
7. Activities of for-profit organizations operating within the Town
8. Out-of-Town organizations (first priority to non-profit institutions)

**NOTE:** *To be considered a Local Non-Profit or Local Youth Sports group, the following criteria apply:*

- *The group must have 501-C-3 certification*
- *The group must be based in Darien*
- *66% or more of the participants must be Darien residents*
- *Roster must be submitted to the Facilities Department*

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

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

**DARIEN PUBLIC SCHOOLS**  
**Darien, Connecticut**

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1. Illegal activities will not be tolerated.
2. Use or possession of tobacco, e-cigarettes, 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, e-cigarette 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 fee schedule, including associated costs, is reviewed annually and shall be available in the office of the Director of Finance-Facilities and on the district's website.

"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.



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**Darien, Connecticut**

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**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:**

Connecticut General Statutes §10-239	Use of School Facilities for Other Purposes
Connecticut General Statutes 10-215f	Certification that food meets nutrition standards
Connecticut General Statutes §10-221q	Sale of beverages
Connecticut General Statutes Title 9	Elections
20 U.S.C. § 7905	Equal Access to Public School for the Boy Scouts of America
26 U.S.C § 101 et seq.	Patriotic and National Organizations

“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>

APPROVED BY THE BOARD OF EDUCATION ON: September 19, 1999

REVISED BY THE BOARD OF EDUCATION ON: February 24, 2015, (Effective July 1, 2015)

**DARIEN PUBLIC SCHOOLS**  
Darien, Connecticut

**SERIES 1000: COMMUNITY/BOARD OPERATION**  
**POLICY R-1200**

**USE OF SCHOOL FACILITIES**  
**(Administrative Regulations)**

**Application for Building Use**

**Organization Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_

**Contact Person:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Activity to be  
conducted and  
location:**

\_\_\_\_\_

**Note:** Activities that are not considered "school sponsored" shall be charged based on the attached fee schedule.

**Date(s) Requested:** \_\_\_\_\_ **Time: From** \_\_\_\_\_ **To** \_\_\_\_\_

The authorized agent for the organization above, and whose signature appears below, agrees that his/her organization will abide by the rules and regulations pertaining to the use of school facilities as prescribed by the Board of Education. The organization further agrees that any damage whatsoever to the building or any part thereof shall be repaired at the expense of the organization using the facilities.

**Signatures:**

\_\_\_\_\_  
**Person Responsible for the Organization**

\_\_\_\_\_  
**Board of Education**

\_\_\_\_\_  
**Printed Name**

\_\_\_\_\_  
**Printed Name**

**DARIEN PUBLIC SCHOOLS**  
**Darien, Connecticut**

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**Use of School Facilities**

The priority list for allocating use of school facilities shall be as follows:

1. School-sponsored curricular programs and activities
2. School-sponsored extracurricular programs and activities
3. Activities of school-related organizations (e.g. PTO, Booster Clubs, After Graduation Committees, and similar organizations)
4. Town department or agency activities
5. Darien YMCA programs and activities, as per contractual arrangement with the Board of Education
6. Activities of non-profit organizations operating within the Town, other than School-related organizations covered by category #3 above
7. Activities of for-profit organizations operating within the Town
8. Out of Town organizations.

**Facilities Available** (please select facility desired)

**School/Location:** \_\_\_\_\_

- ☐ 1. Gymnasium
- ☐ 2. Auditorium
- ☐ 3. Kitchen / Cafeteria
- ☐ 4. Classrooms
- ☐ 5. School Grounds
- ☐ 6. Other — Discuss with the administrator/supervisor responsible for facilities use

**Services and/or  
Equipment  
Needed:**

February 2015

Attachment: 2014-15 Facilities Usage Fee Schedule (Memorandum from Michael Feeney, Director of Finance and Operations, September 10, 2014). Includes Certificate of Liability Insurance Form.

**DARIEN PUBLIC SCHOOLS**  
Darien, Connecticut

**SERIES 1000: COMMUNITY/BOARD OPERATION  
POLICY R-1200**

**FACILITY USE APPLICATION**  
**Darien Public Schools**

School Requested: \_\_\_\_\_

Organization: \_\_\_\_\_

Nonprofit or For Profit (Please circle one)

Name of the Event: \_\_\_\_\_

Area Within School \_\_\_\_\_

Or

Field (s) Requested \_\_\_\_\_

Date of Use \_\_\_\_\_ Hours of Use \_\_\_\_\_

Date of Use \_\_\_\_\_ Hours of Use \_\_\_\_\_

Date of Use \_\_\_\_\_ Hours of Use \_\_\_\_\_

Approx. # Users \_\_\_\_\_

**Individual in Charge**

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone (h) \_\_\_\_\_ (cell) \_\_\_\_\_

Email address \_\_\_\_\_

Police required    Yes    No    Fire watch required    Yes    No

Sound/Lighting Manager required    Yes    No

**FOR DARIEN BOARD OF EDUCATION USE ONLY:**

Approved by:

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**DARIEN PUBLIC SCHOOLS**  
Darien, Connecticut

**School Principal**

**Facilities Dept.**

**Comments/Special Instructions:**

**INSURANCE REC'D**

**POLICE ORDERED**

**CHARGE**

**GUIDELINES for School Events & Rentals – Please read**

- MAJOR school functions take priority (i.e., fairs, concerts, etc.) All outside requests for DHS, are not available until **90 days** prior to the event.
- Notify the school principal of the proposed activity and obtain verbal approval.
- Call the Facilities Department (656-7417) at least 72 hours in advance to tentatively schedule activity.
- Complete application and submit to Facilities Department after obtaining Principal's signature.
- Custodial services may be required for all weekday elementary school functions after 4:30 p.m. and for all weekday secondary school functions after 6:00 p.m. as well as all school functions on weekends and holidays. Police and fire services may be required and will be scheduled by the Facilities Department. **CANCELLATION OF POLICE DUE TO ACTIVITY CANCEL IS RESPONSIBILITY OF EVENT CHAIRPERSON. EIGHT (8) HOUR PRIOR NOTICE MUST BE GIVEN OTHERWISE POLICE WILL CHARGE SCHEDULED FEE.**
- For student activities where an admission fee is charged, there will be no fee for the use of the facility; but there will be a fee charged for each custodian as well as the actual cost of fire and police required.
- Notification of cancellation of the activity must be received by the Facilities Department 24 hours in advance of the scheduled event.
- Faculty and students must provide work crews to set up, take down, clean up and return all borrowed items such as chairs and tables to their original locations at the end of every scheduled event.
- Any damage to school property as a result of this event must be reported to the Director of Facilities and through the building principal as soon as possible.

**DARIEN PUBLIC SCHOOLS**  
Darien, Connecticut

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- **OUTSIDE RENTALS-** *Please submit this form to Sheila Flinn to [sflinn@darienps.org](mailto:sflinn@darienps.org). Once your event has been approved by the Administrators, you will receive a Contract and Cost Estimate. You will be required to submit a Certificate of Liability Insurance and deposit.*

**PLEASE NOTE ANY TABLES/CHAIRS NEEDED IN ADDITION TO WHAT IS AVAILABLE FOR USE ON SCHOOL PREMISES NEED TO BE RENTED AND IS THE RESPONSIBILITY OF THE EVENT COORDINATORS**

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**DARIEN PUBLIC SCHOOLS**  
**Darien, Connecticut**

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**USE OF SCHOOL FACILITIES**  
**(Administrative Regulations)**

**INDEMNIFICATION AND RELEASE**

This form is valid for a period of one calendar year from the date signed for each application of usage which is made.

In consideration of the permission granted to it by the Board of Education to use the school building, grounds, facilities, and/or equipment, the undersigned, does hereby indemnify and hold harmless the Board of Education and the Town of Darien, their employees, agents, contractors and assigns against any and all loss or expense, including attorneys fees, court costs, damages, liability and any other amounts for any and all bodily injuries, including death, and/or for any and all property damage sustained accidentally or otherwise sustained by any person arising out of or connected with the undersigned's use of the school building, grounds, facilities, and/or equipment.

The undersigned further waives the right to initiate and/or pursue in any manner any and all lawsuits and any other claims in any forum against the Board of Education or the Town of Darien, its individual Board members, officers, employees, agents, contractors and assigns for any injury or harm connected to the undersigned's use of the Board's facilities, including but not limited to claims for negligent acts or omissions and/or claims for death and/or serious bodily injury and/or claims for property damage.

The undersigned assumes responsibility for any damage to and/or theft or loss of any school district property arising out of the use of the buildings, grounds, facilities, and/or equipment.

The undersigned has read and agrees to abide by the terms of the Board of Education policies pertaining to use of Board buildings, grounds, facilities, and/or equipment.

IN WITNESS WHEREOF, I hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

February 2015

REVISED:

**Darien Public Schools  
Darien, Connecticut**

**POLICY**

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**Series 5200  
Rights and Responsibilities**

**Policy 5220**

**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 deadly weapon is a weapon from which a shot may be discharged, which weapon is designed for violence and is capable of inflicting death or serious bodily harm and may include pellet guns and/or air soft pistols.
- C. **Electronic Defense Weapon** means a weapon that 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. 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 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 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 that 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 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.
- 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.

## 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 suspended or expelled 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 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 the Board of Education may also consider whether such off-campus conduct involved the use of drugs.

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

Conduct that may lead to disciplinary action (including, but not limited to, removal from class, suspension and/or expulsion) includes conduct on school grounds or at a school-sponsored activity, 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 or ancestry.
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, including but not limited to smoke bombs and stink bombs, or other explosive materials, or ignition of any material causing a fire.
15. Unauthorized possession, sale, distribution, use, consumption, or aiding in the procurement of tobacco, 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. 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 that 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 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.
27. Possession and/or unauthorized use of a cellular telephone, radio, walkman, CD player, blackberry, personal data assistant, walkie talkie 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 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 any overt acts by a student or group of students directed against another student with the intent to ridicule, harass, humiliate, or intimidate the other student while on school grounds, on a school bus, or at a school-sponsored activity, which acts are committed more than once against any student during the school year.
33. Cyberbullying, defined as use of computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to commit acts of bullying.
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 electronic means, or recording by electronic means acts of violence for purposes of later publication to persons other than school officials.
36. Engaging in a plan to stage sexual activity for the purposes recording it by electronic means or recording by electronic means sexual acts for purposes of later publication.
37. Any action prohibited by any Federal or State law.
38. Any other violation of school rules or regulations or a series of violations that make 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 a case where he/she has reason to believe the student has engaged in conduct described at sections II.A. and II.B., above.
- B. A principal must recommend expulsion proceedings in all cases against any student 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. 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.

- D. 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 for one (1) full calendar year for: the conduct described in Section IV(B)(1), (2) and (3) of this policy. 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 any 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. 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.
  - 3. 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.
  - 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 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.

5. 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.
6. 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.
7. The student shall be allowed to complete any classwork, including examinations, without penalty, which he or she missed while under suspension.
8. 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.
9. 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(8), 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.
10. 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.

11. The decision of the principal or designee with regard to disciplinary actions up to and including suspensions shall be final.
  12. 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, 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. 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.
- D. 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 and 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:

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) within a reasonable time prior to the time of the 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 any third party of his/her choice, including an attorney, at his/her expense or at the expense of his/her parents.
- 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 about free or reduced-rate legal services and how to access such services.

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. 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.
- 4. 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.

5. In the first part of the hearing, the charges will be introduced into the record by the Superintendent or his/her designee.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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 (8), (9), (10), above, and Section X, below. The Board may ask the Superintendent for a recommendation as to the discipline to be imposed.
11. 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.
12. 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.

13. 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.
14. 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.
15. 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 of 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 program 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 parents (or legal guardians) 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 parents (or legal guardians) 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 Programs 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 program.

B. *Students sixteen (16) to eighteen (18) years of age:*

The Board of Education shall provide an alternative education 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, except as follows. The Board of Education is not required to offer an alternative program to any student between the ages of sixteen (16) and eighteen (18) who is expelled for the second time, or if it is determined at the hearing that (1) the student possessed a dangerous instrument, deadly weapon, firearm or martial arts weapon 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.

C. *Students eighteen (18) years of age or older:*

The Board of Education is not required to offer an alternative educational program to expelled students eighteen (18) years of age or older.

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

Notwithstanding Sections IX.A. through C. 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 program to such student in accordance with the requirements of IDEA, as it may be amended from time to time.

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 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 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 placement:

1. The parents of the student must be notified of the decision to recommend for expulsion (or to suspend if a change in placement) 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 recommend for expulsion (or to suspend if a change in placement) was made.
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 that 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. *Transfer of IDEA students for Certain Offenses:*

School personnel may transfer an IDEA student to an appropriate interim alternative educational setting for not more than forty-five (45) school days if the student:

1. 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
2. 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
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

The following definitions shall be used for this subsection XII.C.:

1. **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.
2. **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).
3. **Illegal drug** means a controlled substance but does not include a substance that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.

4. **Serious bodily injury** means a bodily injury that 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 for Educational Accommodations under Section 504 of the Rehabilitation Act of 1973 (“Section 504”)

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.

XIV. 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.

XV. 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.

XVI. Compliance with Reporting Requirements

1. The Board of Education shall report all suspensions and expulsions to the State Department of Education.
2. If the 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.
3. 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.

Legal References:

Connecticut General Statutes:

§§ 4-176e through 4-180a and § 4-181a      Uniform Administrative  
Procedures Act.

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

§ 10-233f      In-school suspension of students.

§29-38      Weapons in vehicles

§53a-3      Definitions

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).

Public Act 07-3      An Act Implementing the Provisions of the  
Budget Concerning Education

Public Act 07-122      An Act Concerning Suspensions and  
Expulsions by Local and Regional Boards of  
Education

Public Act No. 08-160      An Act Concerning School Learning  
Environment

Federal law:

Honig v. Doe, 484 U.S. 305 (1988)

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” and “illegal  
drugs”)  
Gun-Free Schools Act, Pub. L. 107-110, Sec. 401, 115 Stat. 1762  
(codified at 20 U.S.C. § 7151)

ADOPTED: June 9, 2009

REVISED:

# DARIEN PUBLIC SCHOOLS

## Darien, CT

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Students - Series 5000 - **C-19**  
Policy 5220

### 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 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 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)

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12/23/2019

*Temporary revisions 7/5/2020*

**DARIEN PUBLIC SCHOOLS**  
**Darien, CT**

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**Series 5000**  
**Students**

**ADMINISTRATIVE REGULATIONS REGARDING ALTERNATIVE EDUCATIONAL  
OPPORTUNITIES FOR EXPELLED STUDENTS**

**I. Applicability of these Administrative Regulations**

These administrative regulations shall apply in cases when, pursuant to state law, a student in the Darien Public Schools (the “District”) is entitled to an alternative educational opportunity during a period of expulsion.

**II. Responsible Personnel**

The building principal of the school from which the student has been expelled, or his/her designee(s), shall maintain responsibility for compliance with these administrative regulations relative to the individual student who is being provided with the alternative educational opportunity.

**III. Student Placement Procedures**

**A. After a student has been expelled, and unless extraordinary circumstances exist, the building principal, or his/her designee(s), will take the following steps:**

1. Meet with the expelled student’s parent(s)/guardian(s) prior to the student’s placement in an alternative educational setting to provide information concerning the potentially appropriate alternative educational opportunities for the student and to inform the parent(s)/guardian(s) and student of the right to apply for early readmission to school in accordance with Conn. Gen. Stat. Section 10-233d(j).
2. Consult with relevant school personnel from the school from which the student was expelled, who are knowledgeable about the student, to obtain information regarding the student’s academic, social, and behavioral history that will help inform the decision concerning an appropriate alternative educational opportunity. Such information may be gathered by written reports.
3. After placement options have been shared with the parent(s)/guardian(s), convene a placement meeting at which all alternative educational opportunities are explored and a placement decision is made.

**B. The educational programming and placement for expelled students who are eligible to receive special education and related services under the Individuals with Disabilities Education Act (“IDEA”) shall be determined by the student’s Planning and Placement Team (“PPT”). In such case, Subsection A above shall not apply.**

**IV. Individualized Learning Plan**

A. Development of the Individualized Learning Plan

After the student has been accepted into an alternative educational placement, the principal, or his/her designee, will develop an Individualized Learning Plan (“ILP”) that will govern the programming for the student for the period of expulsion. To develop the ILP, the principal, or his/her designee, will collaborate with school personnel from the school from which the student was expelled, the student and the parent/guardian, and will review all relevant student records.

B. Contents of the Individualized Learning Plan

1. The ILP will reference student records with information relevant to the provision of an alternative educational opportunity. These records may include:
  - a. Student success plan (for students who have a student success plan as mandated by state law, the student success plan may inform the ILP but does not replace the ILP);
  - b. Individualized education program (“IEP”);
  - c. Section 504 Plan;
  - d. Individualized health care plan or emergency care plan; and/or
  - e. Other relevant academic and behavioral data.
2. The ILP will address the following:
  - a. The student’s academic and behavioral needs and appropriate academic and behavioral goals and interventions, including the student’s core classes at the time of expulsion and the student’s current placement or progress in the curriculum for those classes so that the student has an opportunity to continue to progress in the Board’s academic program and earn graduation credits, if applicable;
  - b. Benchmarks to measure progress towards the goals and ultimately, progress towards graduation;
  - c. Provision for the timing and method for reviewing the student’s progress in the alternative educational opportunity and for communicating that progress to the parent/guardian or student. For most students, monitoring and reviewing the student’s progress will include monitoring the student’s attendance, work completion and progress toward meeting the relevant academic standards for particular coursework, and thus progressing toward graduation, if applicable. The student’s progress and grades will be communicated to the parents/guardians or student with the same frequency as similar progress for students in the regular school environment is reported and communicated to parents/guardians or students. The student’s progress and grades will also be reported to the school from which the student was expelled;

- d. Provision for the timely transfer of the student's records both from the student's school to the alternative educational opportunity provider, and also from the alternative educational opportunity provider to the student's school; and
- e. The possibility of early readmission to the school from which the student was expelled and the early readmission criteria, if any, established by the Board of Education or Superintendent, as applicable.

V. Review of Student's Placement in Alternative Educational Opportunity and Individualized Learning Plan

- A. A review of the appropriateness of the placement must occur at least once per marking period.
- B. The placement review must include:
  - 1. Review of the ILP to (1) assess progress and make adjustments as necessary and (2) determine its alignment with the goals of the student's IEP, where applicable; and
  - 2. Consideration of opportunities for early readmission as set forth in the ILP, as established by the Board of Education or Superintendent, as applicable.

VI. Transition Plan for Readmission

- A. Before a student is readmitted to the school from which the student was expelled, relevant staff should provide an opportunity to meet with the parents/guardians and student to discuss the student's readmission. As part of the readmission process and the student's ILP, the principal, or his/her designee, should consider:
  - 1. Efforts to readmit the student at a semester starting point (at the high school level);
  - 2. A plan to transfer the student's credits and records back to the school from which the student was expelled:
    - a. The District will award an expelled high school student appropriate high school credit for work satisfactorily completed during the period the student participates in the alternative educational opportunity and will transfer relevant records back to the school from which the student was expelled;
    - b. The District will provide an expelled student transferring to a new school district a progress summary of all work completed during the course of the student's expulsion, and will indicate the course credit earned by the student for that work.
  - 3. The student's need for academic and other supports upon returning to his/her school; and
  - 4. Efforts to connect the returning student with opportunities to participate in extracurricular activities.
- B. In the event the principal, or his/her designee, determines that a student's alternative educational opportunity is no longer beneficial to the student, but it remains inappropriate to return the

student to the school from which the student was expelled, a plan for a different alternative educational opportunity may be developed in accordance with the procedures outlines in these Administrative Regulations.

Legal References:

Connecticut General Statutes:

Conn. Gen. Stat. § 10-233d

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).

Connecticut State Department of Education, *Standards for Educational Opportunities for Students Who Have Been Expelled* (January 3, 2018).

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