

## Students

### Removal/Suspension/Expulsion

It is the goal of the Board of Education to ensure the safety and welfare of all students in attendance, and to maintain an atmosphere conducive to learning. In keeping with this goal, students are expected to comply with school rules and regulations, as well as Board policies. 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. Students may be disciplined for conduct off school grounds if such conduct is seriously disruptive of the educational process and violates a publicized policy of the Board. The principal may consider a student's prior disciplinary history as a criteria for determining whether an out-of-school suspension is warranted.

In working with students, emphasis shall be placed upon developing effective self-discipline as the most effective disciplinary approach.

#### I. Definitions

- A. **“Exclusion”** is defined as any denial of public school privileges to a student for disciplinary purposes.
- B. **“Removal”** is defined as an exclusion from a classroom for all or part of a single class period, provided such exclusion shall not extend beyond 90 minutes.
- C. **“Suspension”** is defined as an exclusion from school privileges and/or from transportation services for not more than ten (10) consecutive school days, provided such exclusion shall not extend beyond the end of the school year in which such suspension was imposed. Effective July 1, 2008, suspensions may be in-school suspensions unless the administration determines that the student being suspended poses such a danger to persons or property or such a disruption of the educational process that the student shall be excluded from school during the period of suspension.
- D. **“In-school suspension”** is defined as an exclusion from regular classroom activity for not more than ten consecutive school days, but not an exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed. An in-school suspension may include reassignment to a regular classroom program in a different school in the school district; such reassignment shall not constitute a “suspension” or “expulsion” under this policy and it may not roll over to the next year.
- E. **“Expulsion”** is defined as an exclusion 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 student was assigned at the time such disciplinary action was taken, provided that assignment to a regular classroom program in a different school in the district shall not constitute a suspension or an expulsion. Such period of exclusion may extend to the school year following the school year in which such exclusion was imposed, up to one calendar year.

**I. Definitions** (continued)

- F. **“Emergency”** is defined as a situation under which the continued presence of the student in the school imposes 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.
- G. **“Days”** is defined as days when school is in session.
- H. **“School sponsored activity”** is defined as any activity sponsored, recognized or authorized by the Board of Education and includes activities conducted on or off school property.
- I. **“Possess”** means to have physical possession or otherwise to exercise dominion or control over tangible property.
- J. **“Deadly weapon”** means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, boxcutter, billy club, blackjack, bludgeon, or metal knuckles.
- K. **“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 motor vehicle and a dog that has been commanded to attack either verbally or by motion.
- L. **“Firearm”** means 1) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; 2) the frame or receiver of any such weapon; 3) any firearm muffler or firearm silencer; or 4) any destructive device. Firearm does not include any antique firearm. For purposes of this definition “destructive device” means any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than 4 ounces, missile having an explosive or incendiary charge of more than 1/4 ounce, mine, or device similar to any of the weapons described herein.
- M. **“Vehicle”** means a “motor vehicle” as defined as Section 14-1 of the Connecticut General Statutes, snow mobile, any aircraft, or any vessel equipped for propulsion by mechanical means or sail.
- N. **“Martial arts weapon”** means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or Chinese star.
- O. **“Dangerous Substances and Narcotics”** is defined as any controlled substance in accordance with Connecticut General Statutes §21a-240.

## **II. Removal from Class**

- A. Each teacher shall have the authority to remove a student from class when such student deliberately causes a serious disruption of the educational process within the classroom, provided that no student shall be removed from class more than six times in any year, nor more than twice in one week unless such student is referred to the building Principal, or his/her designee, and granted an informal hearing as set forth in section VII 3 of this policy.
- B. Whenever any teacher removes a student from the classroom, such teacher shall send the student to a designated area and shall immediately inform the building Principal or his or her designee as to the name of the student against whom such disciplinary action was taken and the reason therefore.

## **III. Exclusion from Co-Curricular and Extra-Curricular Activities**

Participation in co-curricular and extra-curricular activities is a privilege and not an entitlement. Students involved in such programs are expected to follow all school rules and demonstrate good citizenship. Failure to do so may result in partial or complete exclusion from said activities and programs. Activities include, but are not limited to, athletic programs, musical or drama productions, clubs, field trips, and school trips out-of-state and abroad.

## **IV. Standards Governing Suspension and Expulsion**

A student may be suspended or expelled for conduct on school property or at a school-sponsored activity that endangers persons or property, is violative of a publicized policy of the Board, or is seriously disruptive of the educational process, including but not limited to one or more of the following reasons:

- A. Conduct on school grounds or at a school sponsored activity which:
  - 1. Is violative of publicized policy of the Board, or
  - 2. Is seriously disruptive of the educational process, or
  - 3. Endangers persons or property shall be considered cause for suspension and/or expulsion
- B. Conduct off school grounds which is:
  - 1. Violative of a publicized policy of the Board, and
  - 2. Seriously disruptive, of the educational process shall be considered cause for suspension and/or expulsion.

#### **IV. Standards Governing Suspension and Expulsion (continued)**

C. The following conduct is prohibited and shall be cause for suspension and/or expulsion:

1. Threatening in any manner, including orally or in writing, a member of the school community, including any teacher, member of the school administration, any other employee, or a fellow student;
2. Use of physical force against another person which is not reasonably necessary for self defense;
3. Theft of personal or school property, or taking or attempting to take personal property or money from another person, or from his/her presence, by means of force or fear;
4. Willfully causing, or attempting to cause, damage to school property;
5. Participation in an unauthorized occupancy of any part of any school or school premises or other building owned by any school district, and failure to leave such school premises or other facility promptly after having been directed to do so by the Principal or other person then in charge of such building or facility;
6. Possession, transmission, distribution, selling, use or consumption or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any facsimile of a dangerous drug, alcoholic beverage or intoxicant of any kind;
7. Intentionally and knowingly being in the presence of those who are in possession of, using, transmitting, or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind;
8. Possession or transmission of any firearm, knife, explosive, deadly weapon, martial arts weapon or other dangerous instrument or facsimile thereof;
9. Possessing or consuming tobacco products if other than a high school student, or consuming such products in an unauthorized area if a high school student;
10. Open defiance of the authority of any teacher or person having authority over the student, including verbal abuse;
11. Intentional and successful incitement of truancy by other students;

#### **IV. Standards Governing Suspension and Expulsion (continued)**

12. Violation of any other Board policy or rule dealing with student conduct, including that dealing with conduct on school buses.
13. Harassment and/or hazing/bullying whether or not on the basis of that person's race, religion, ethnic background, gender or sexual orientation;
14. Participation in any walkout from a classroom or school building by any group of students and refusing to immediately return to said classroom or school building after having been directed to do so by the Principal or other person then in charge of said classroom or school building;
15. Intentional incitement which results in an unauthorized occupation of, or walkout from, any school building, school premises, facility or classroom by any group of students or other persons;
16. The use or copying of the academic work of another and the presenting of it as one's own without proper attribution;
17. Unauthorized leaving of school or school-sponsored activities;
18. Blackmailing a member of the school community, including any teacher, member of the school administration or any other employee or fellow student;
19. Violation of any federal or state law which would indicate that the violator presents a danger to any person in the school community or to school property;
20. Sexting (as defined in PA 10-191)

#### **V. Suspension for Conduct Off School Grounds**

1. Students are subject to suspension for conduct off school property and outside of school-sponsored activities in accordance with law, for conduct that violates a publicized policy of the Board and is seriously disruptive of the educational process, including but not limited to the following:
  - a. Conduct leading to a violation of any federal or state law if that conduct is determined to pose a danger to the student himself/herself, other students, school employees or school property.
  - b. Adjudication as a delinquent or a youthful offender as the result of a felony if the conduct leading to the adjudication is determined to pose a danger to the student himself/herself, other students, school employees or school property.

### **Suspension for Conduct Off School Grounds (continued)**

2. In making a determination as to whether conduct is “seriously disruptive of the educational process,” the administration, Board of Education or impartial hearing board may consider, but such consideration shall not be limited to; (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 29-38 and whether any injuries occurred, and (4) whether the conduct involved the use of alcohol, narcotic drug, hallucinogenic drug, amphetamine, barbiturate or marijuana.

### **VI. Mandatory Expulsion**

It shall be the policy of the Board to expel a student for one full calendar year if:

1. The student, on grounds or at a school-sponsored activity, was in possession of a firearm, as defined in 18 U.S.C. 921\*, as amended from time to time, or deadly weapon, dangerous instrument or martial arts weapon, as defined in C.G.S. 53A-3; or the student, off school grounds, did possess such firearm in violation of C.G.S. 29-35 or did possess and use such a firearm, instrument or weapon in the commission of a crime; or the student, on or off school grounds offered for sale or distribution a controlled substance, as defined in subdivision (9) of C.G.S. 21a-240, whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under C.G.S. 21-277 and 21a-278.
2. Such a student shall be expelled for one calendar year if the Board’s Impartial Hearing Officer finds that the student did so possess or so possess and use, as appropriate, such a weapon or firearm, instrument or weapon or did so offer for sale or distribution such a controlled substance.
3. The Impartial Hearing Officer may modify the period of a mandatory expulsion on a case-by-case basis.
4. A firearm, as defined by C.G.S. 53a-3 includes any sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver, or other weapon, whether loaded or unloaded from which a shot may be discharged, or a switchblade knife, a gravity knife, boxcutter, billy club, black jack, bludgeon or metal knuckles.

\* A firearm, currently defined by 18 U.S.C. 921, is any weapon that can expel a projectile by an explosive action and includes explosive devices, incendiaries, poison gases, and firearm frames, receivers, mufflers or silencers.

## VII. Suspension Procedure

1. The administration of each school is authorized to invoke suspension for a period of up to ten (10) days, or to invoke in-school suspension for a period of up to ten (10) days effective July 1, 2008, of any student for one or more of the reasons stated in section IV, above, in accordance with the procedure outlined in Paragraph 3 of this section. Effective July 1, 2008, Suspensions shall be in-school suspensions unless the administration determines that the student being suspended poses such a danger to persons or property or such a disruption of the educational process that the student shall be excluded from school during the period of suspension.

Moreover, the administration is authorized to suspend a student from transportation services whose conduct while receiving transportation violates the standards set forth in section IV, above. The administration is authorized to immediately suspend any student when there is an emergency as defined in section I above.

If an emergency exists, the hearing outlined in Paragraph 3 of this section shall be held as soon as possible after the suspension.

2. In the case of suspension, the administration shall notify the student's parents and the Superintendent of Schools not later than twenty-four (24) hours of the suspension as to the name of the student who has been suspended and the reason for suspension. Any student who is suspended shall be given an opportunity to complete any class work including, but not limited to, examinations missed during the period of his or her suspension.
3. Except in the case of an emergency as defined in section I, above, a student shall be afforded the opportunity to meet with: the administration and to respond to the stated charges prior to the effectuation of any period of suspension or in-school suspension. If at such a meeting the student denies the stated charges he or she may at that time present his or her version of the incident(s) upon which the proposed suspension is based. The administration shall then determine whether or not suspension or in-school suspension is warranted. In determining the length of a suspension period, the administration may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, in-school suspension, suspension or expulsion.
4. For any student who is suspended for the first time and who has never been expelled, the school administration may shorten the length of or waive the suspension period if the student successfully completes an administration-specified program and meets any other administration-required conditions. Such program shall be at no expense to the student or his/her parents/guardians.
5. 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 a hearing as provided in section VIII 1. of this policy is first granted.

## **VII. Suspension Procedures (continued)**

6. No student shall be placed on in-school suspension more than fifteen (15) times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion, unless a hearing as provided in section VIII 3 of this policy is first granted.
7. Whenever a student is suspended, notice of the suspension and the conduct for which the student was suspended shall be included on the student's cumulative educational record. Such notice shall be expunged from the cumulative educational record if the student graduates from high school.

## **VIII. Expulsion Procedures**

1. The Superintendent of Schools may recommend to the Board of Education's Impartial Hearing Officer the expulsion of any student for one or more of the reasons stated in Section IV if, in the Superintendent's judgment, such disciplinary action is in the best interests of the school system. The procedures outlined in Paragraphs 2 and 3, below, shall be followed prior to the effectuation of any expulsion unless an "emergency" as defined in section I, above, exists. If an emergency exists, such a hearing shall be held as soon after the expulsion as possible.
2. The Superintendent of Schools shall notify the student concerned and his and her parents, or the student if he or she has attained the age of eighteen (18), that expulsion is under consideration. Such notice shall contain the information required under Paragraph B of this section.
  - a. Expulsion proceedings pursuant to this section shall be required whenever there is reason to believe that any student 1) was in possession of a firearm, deadly weapon, dangerous instrument or martial arts weapon, on school grounds or at a school-sponsored activity; 2) off school grounds, did possess a firearm or did possess and use such a firearm, dangerous instrument, deadly weapon or martial arts weapon in the commission of a crime; or 3) on or off school grounds, offered for sale or distribution a controlled substance as defined in Connecticut General Statutes, §21a-240(9), whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under §21a-277 and §21a-278. A student shall be expelled if the Board's Impartial Hearing Officer finds that the student did so possess or so possess and use, as appropriate, such a firearm, instrument or weapon or did so offer for sale or distribution such a controlled substance for a period of one calendar year, provided the period of expulsion may be modified on a case-by-case basis.



### VIII. Expulsion Procedures (continued)

3. The procedure for any hearing conducted under this section shall be determined by the Superintendent of Schools but shall include the right to:
  - a. Notice prior to the date of the proposed hearing which shall include:
    - i. A statement of the time, place, and nature of the hearing;
    - ii. A statement of the legal authority and jurisdiction under which the hearing is to be held;
    - iii. Reference to the particular sections of the Connecticut General Statutes or school policies involved;
    - iv. Information containing legal services that are provided free of charge or at a reduced rate that are available locally and how to access such services.
    - v. The opportunity to have the services of a translator, to be provided by the Board of Education, whenever the student or his/her parent or legal guardian do not speak the English language.
    - vi. A short and plain statement of the matters asserted, if such matters have not already been provided in a statement of reasons requested by the student; the statement so provided may be limited to a statement of the issues involved if it is not possible to state the issues in detail at the time such notice is served. Upon request from the student concerned a more definite and detailed statement of the issues shall be furnished; and
    - vii. A statement, where appropriate, that the Board is not required to offer an alternative educational opportunity to any student between the ages of sixteen and eighteen who (1) has been expelled previously or (2) is found to have engaged in conduct which endangered persons and involved (a) possession on school property or at a school-sponsored activity a firearm, deadly weapon, dangerous instrument or martial arts weapon, or (b) offering for sale or distribution on school property or at a school sponsored activity a controlled substance as defined by law. (See section X on Alternative Educational Opportunity);
    - viii. The opportunity to be heard in the student's own defense;
    - ix. The opportunity to present witnesses and evidence in the student's defense;

**VIII. Expulsion Procedures (continued)**

- x. The opportunity to cross-examine adverse witnesses;
  - xi. The opportunity to be represented by counsel at the parent's/student's own expense; and
  - xii. Prompt notification of the decision of the Board of Education which decision shall be in writing if adverse to the student concerned.
4. The record of any hearing held in an expulsion case shall include the following:
- a. All evidence received or considered by the Board's Impartial Hearing Officer, including a copy of the initial letter of notice of proposed expulsion, if any, and a copy of all notices of hearing;
  - b. Questions and offers of proof, objections and rulings on such objections;
  - c. The decision of the Board's Impartial Hearing Officer rendered after such hearing; and
  - d. A copy of the initial letter of notice of proposed expulsion, a copy of any statement of reasons provided upon request, a statement of the notice of hearing and the official transcript, if any, of proceedings relating to the case, or, if not transcribed, any recording or stenographic record of the proceeding.
5. Rules of evidence at expulsion hearings shall include the following:
- a. Any oral or documentary evidence may be received by the Board's Impartial Hearing Officer, but as a matter of policy irrelevant, immaterial or unduly repetitious evidence shall be excluded;
  - b. The Board of Education shall give effect to the rules of privilege recognized by law;
  - c. In order to expedite a hearing; evidence may be received in written form, provided the interest of any party is not substantially prejudiced thereby;
  - d. Documentary evidence may be received in the form of copies or excerpts if the original is not readily available provided, however, that any party to a hearing shall be given an opportunity to compare the copy with the original;

### VIII. Expulsion Procedures (continued)

- e. A party to an expulsion hearing may conduct cross-examination of witnesses where examination is required for a full and accurate disclosure of the facts;
- f. The Board's Impartial Hearing Officer may take notice of judicially cognizable facts in addition to facts within the Impartial Hearing Officer's specialized knowledge provided, however, the parties shall be notified either before or during the hearing of material noticed, including any staff memoranda or data, and an opportunity shall be afforded to any party to contest the material so noted;
- g. In determining the length of an expulsion, the Impartial Hearing Officer may receive and consider evidence of past disciplinary problems, which have led to removal from a classroom, in-school suspension, suspension or expulsion; and
- h. A record of any oral proceedings before the Impartial Hearing Officer at an expulsion hearing shall be made provided, however, that a transcript of such proceedings shall be furnished upon request of a party with the cost of such transcript to be paid by the requesting party.
- i. Decisions shall be in writing if adverse to the student and shall include findings of fact and conclusion necessary for the decision. Findings of fact made by the Impartial Hearing Officer after an expulsion hearing shall be based exclusively upon the evidence adduced at the hearing.
- j. Any student who is expelled shall be offered an alternative educational opportunity consistent with the requirements of state law as set forth in Section X of this policy.
- k. For any student expelled for the first time and who has never been suspended, the Impartial Hearing Officer may shorten the length of or waive the expulsion period if the student successfully completes a specified program and meets any other conditions required by the Impartial Hearing Officer. Such specified program shall not require the student or the parent/guardian of such student to pay for participation in the program.
- l. Whenever a student is expelled pursuant to the provisions of this policy, notice of the expulsion and the conduct for which the student was expelled shall be included on the student's cumulative educational record. Such notice, except for notice of an expulsion based upon possession of a firearm or deadly weapon, shall be expunged from the cumulative educational record if the student graduates from high school.

### **VIII. Expulsion Procedures (continued)**

- m. Whenever a student against whom an expulsion hearing is pending withdraws from school after notification of such hearing but before the hearing is completed and a decision rendered, (1) notice of the pending expulsion hearing shall be included on the student's cumulative educational record and (2) the Board's Impartial Hearing Officer shall complete the expulsion hearing and render a decision.
- n. If a student's expulsion is shortened or the expulsion period waived based upon the fact that the student was expelled for the first time, and never been suspended, and successfully completed a specified program delineated in the expulsion decision and met other conditions required by the Impartial Hearing Officer, the notice of expulsion shall be expunged from the cumulative educational record if the student graduates from high school, or if the Superintendent so chooses, at the time the student completes the specified program and meets any other conditions required in the expulsion decision by the Impartial Hearing Officer.
- o. The Board's Impartial Hearing Officer may adopt the decision of a student expulsion hearing conducted by another school district, provided that the Superintendent of Schools schedules a hearing to be held pursuant to this policy which shall be limited to a determination of whether the conduct which was the basis for the expulsion would also warrant expulsion under the policies of the New London Board of Education. The student shall be excluded from school pending such a hearing. The excluded student shall be offered an alternative educational opportunity in accordance with statutory requirements and Section X of this policy.
- p. Whenever a student requiring special education services is found to have: (1) been in possession of a firearm, deadly weapon, dangerous instrument or martial arts weapon, on school grounds or at school sponsored activity; (2) off school grounds, possessed a fire arm or possessed and used such a firearm, dangerous instrument, deadly weapon or martial arts weapon in the commission of a crime; or (3) on off school grounds offered for sale or distribution a controlled substance as defined in Connecticut General Statutes §21a-240(9), whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under Sections 21 a-277 and 21a-278, said student shall be referred to a planning and placement team for a determination of whether the above behavior is a manifestation of the student's disability and, if so, for modification of his or her individualized educational plan in order to prevent the reoccurrence of such behavior and to ensure the safety of other children in the school.

#### **6. Notification to Parents or Guardians**

- 1. All students and parents within the jurisdiction of the Board of Education shall be informed, annually, of Board Policy governing student conduct by the delivery to each said student of a written copy of said Board Policy via student handbooks.

### **VIII. Expulsion Procedures (continued)**

2. The parents or guardian of any minor student either expelled or suspended shall be given notice of such disciplinary action no later than twenty-four (24) hours of the time of the institution of the period of expulsion or suspension.
3. The notice of an expulsion hearing to the student and his/her parents or guardians, if said student is less than 18 years of age shall include information concerning legal services that are provided free of charge or at a reduced rate that are available and how to access such service.

### **IX. Special Education Students**

Students requiring special education and related services shall be subject to discipline consistent with state and federal law.

### **X. Alternative Educational Opportunity**

The Board of Education recognizes its obligation to offer any student under the age of sixteen (16) who is expelled an alternative educational opportunity during the period of expulsion. Any parent or guardian of such a student who does not choose to have his or her child enrolled in an alternative program shall not be subject to the provisions of section 10-184 of the General Statutes. Any expelled student who is between the ages of sixteen (16) and eighteen (18) not previously expelled and who wishes to continue his or her education shall be offered an alternative educational opportunity if he or she complies with conditions established by the Impartial Hearing Officer. Such alternative educational opportunity may include, but shall not be limited to, the placement of such student in a regular classroom program of a school other than the one from which the student has been excluded and, for students at least sixteen (16) years of age, placement in an adult education program. In determining the nature of the alternative educational opportunity to be offered under this section the Impartial Hearing Officer may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, suspension, or expulsion.

The Board of Education is not obligated to provide such alternative educational opportunity to any student eighteen years of age or older. The Board of Education is not required to offer such alternative educational opportunity to any student between the ages of sixteen and eighteen who is expelled because of conduct which endangers person, if it was determined at the expulsion hearing that the conduct for which the student was expelled involved (a) carrying on or introducing onto school property a firearm, deadly weapon or dangerous instrument as defined in C.G.S. 53a-3 or (b) offering for sale or distribution on school property or at a school sponsored activity a controlled substance, as defined in subdivision (8) of C.G.S. 21a-240, whose manufacture, distribution, sale, prescription, dispensing, transporting, or possessing with the intent to sell or dispense, offering, or administration is subject to criminal penalties under C.G.S. 21a-277 and 21a-278. If the Impartial Hearing Officer expels a student for the sale or distribution of such a controlled substance, the Superintendent shall refer the student to an appropriate state or local

## **X. Alternative Educational Opportunities (continued)**

agency for rehabilitation, intervention or job training, or any combination thereof, and inform the agency of its action. If a student is expelled for possession of a firearm or deadly weapon, the Superintendent shall report the violation to the local police department.

This provision shall not apply to students requiring special education who are described in subdivision (1) of sub-section (e) of C.G.S. 10-76a. The alternative educational opportunity for any such student shall be established by the IEP team (PPT) in accordance with the procedures described above.

Whenever the Superintendent notifies a student between the ages of sixteen and eighteen or the parents/guardians of such student, that an expulsion hearing will be held, the notification shall include a statement that the Board of Education is not required to offer an alternative educational opportunity to any student who is found to have engaged in conduct including possession of a martial arts weapon, firearms, deadly weapons or dangerous instruments on school property or at a school function.

State statutes do not require the Board to offer an alternative educational opportunity to a student between the ages of sixteen (16) and eighteen (18) who has been expelled previously or who is expelled because of conduct which endangers persons and it was determined at the expulsion hearing that the conduct for which the student was expelled involved (a) possession on school property or a school-sponsored activity of a firearm, deadly weapon, dangerous instrument, or martial arts weapon or (b) offering for sale or distribution on school property or at a school sponsored activity a controlled substance as defined in subdivision (9) of C.G.S. §21a-240, whose manufacture, distribution, sale, prescription, dispensing, transporting, or possessing with the intent to sell or dispense, offering, or administration is subject to criminal penalties under C.G.S. §21a-277 and §21a-278. If the Board expels a student for the sale or distribution of such a controlled substance the Board shall refer the student to an appropriate state or local agency for rehabilitation intervention or job training, or any combination thereof, and inform the agency of its action. If the Board expels a student for possession of a firearm or deadly weapon, the Board shall report the violation to the local police department. The Board shall give the name of the student and a summary of the Board's action in so referring the student, to the Commissioner of Education within thirty (30) days after the student is expelled.

The provisions of this section shall not apply to students requiring special education who are described in subdivision(1) of subsection(e) of Connecticut General Statutes §10-76a.

## **XI. Gun Free Schools Act**

The Board of Education shall submit to the Commissioner of Education such information on expulsions for the possession of weapons as is required for purposes of the Gun Free Schools Act of 1994, 20 U.S.C. §8921, et seq.

## **XII. Readmission of Student from Residential Placement**

A district student who has committed an expellable offense who seeks to return to a district school, after having been in a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement, for one year or more, in lieu of expulsion from the district, shall be permitted to return to the appropriate school setting within the district. Further, the district shall not expel the student for any additional time for the offense(s).

Legal Reference: Connecticut General Statutes

4-176e through 4-180a. Contested Cases. Notice. Record.

10-233a through 10-233f. Suspension, removal and expulsion of students, as amended by PA 95-304, PA 96-244, and PA 98-139, PA 07-66, PA 07.122, PA 08-160 and PA 09-92

53a-3 Definitions.

53a-217b Possession of Firearms and Deadly Weapons on School Grounds.

PA 94-221 An Act Concerning School Discipline and Safety.

GOALS 2000: Educate America Act, Pub. L. 103-227.

18 U.S.C. 921 Definitions.

Title III - Amendments to the Individuals with Disabilities Education Act.

Sec. 314 (Local Control Over Violence)

Elementary and Secondary Act of 1965 as amended by the Gun Free Schools Act of 1994.

P.L. 105-17 The Individuals with Disabilities Act, Amendment of 1997.

*Kyle P. Packer PPA Jane Packer v. Thomaston Board of Education.*

20 U.S.C. Section 7114, No Child Left Behind Act

New London High School Student Handbook, 2004-05, pp. 15-16.

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NEW LONDON PUBLIC SCHOOLS  
New London, Connecticut