

## Students

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

#### Section I – Definitions

1. **“Exclusion”** shall be defined as any denial of public school privileges to a student for disciplinary purposes.
2. **“Removal”** shall be defined as an exclusion from a classroom for all or a part of a single class period, provided such exclusion shall not extend beyond 90 minutes.
3. **“In-school Suspension”** shall be defined as an exclusion from regular classroom activity for no more than five (5) consecutive school days, but not excluded from school, provided such exclusion does not extend beyond the end of the school year in which such in-school suspension was imposed.
4. **“Suspension”** shall be defined as an exclusion from school privileges for no 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.
5. **“Expulsion”** shall be 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 such exclusion shall not exceed one hundred eighty (183) consecutive school days.
6. **“Emergency”** shall be 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.
7. **“Days”** shall mean days when school is in session.

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### **In-School Suspension, Suspension, and Expulsion (continued)**

#### **Section II – Removal from Class**

1. 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 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 Principal or his/her designee/s and granted an informal hearing in accordance with the provisions of Section IV(c) of this policy.
2. Whenever any teacher removes a student from the classroom, such teacher shall send him/her to the office with supervision and shall immediately inform the Principal or his/her designee/s as to the name of the student against whom such disciplinary action was taken and the reason therefor.

#### **Section III – Standard Governing In-School Suspension, Suspension, and Expulsion**

No student may be given in-school suspension, suspended, or expelled but for one or more of the following reasons:

1. Conduct which endangers persons or property or is seriously disruptive of the educational process. Included within such prohibited conduct are the following acts:
  - a. Conduct causing a threat of danger to the physical well-being of himself/herself or other people;
  - b. Physical assault on another person or on school premises or buses which is not reasonably necessary for self-defense;
  - c. Intentionally causing or attempting to cause damage to school property or material belonging to staff (private property);
  - d. Stealing or attempting to steal private or school property or taking or attempting to take personal property or money from any other person;
  - e. Knowingly possessing or transmitting any firearms, knife, explosive, or other dangerous object of no reasonable use to the student at school;
  - f. Harassment and/or hazing/bullying on the basis of that person's race, religion, ethnic background, gender or sexual orientation;

The school administration, as it interprets this policy, shall keep in mind the rights of students to express a point of view when such expression or belief is not disruptive of the educational process.

## **Students**

### **In-School Suspension, Suspension, and Expulsion (continued)**

#### **Section III – Standard Governing In-School Suspension, Suspension, and Expulsion (continued)**

2. Open defiance of the authority of any teacher or person having authority over the student, including verbal abuse.
3. Repeated unauthorized absence from school.
4. Intentional and successful incitement of truancy by other students.
5. Using, possessing, distributing or selling alcohol or drugs.
6. Knowingly using or copying the academic work of another and presenting it as his/her own without proper attribution.
7. Other misconduct determined by the School Board through a policy change.

#### **Section IV – Suspension Procedure**

1. The Principal or his/her designee/s in each school building shall have the authority to invoke in-school suspension or suspension, for a period of up to ten days, of any student for one or more of the reasons stated in Section III above, in accordance with the procedure outlined in Paragraph 3 of this Section, provided however, the Principal or his/her designee/s or the Superintendent of Schools or his/her designee shall have the authority to immediately suspend from school any student when an emergency exists, as defined in Section I, above. If an emergency situation exists, the hearing outlined in Paragraph 3 of this Section shall be held as soon after the suspension as possible.

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.

2. In the case of in-school suspension or suspension, the Principal or his/her designee/s shall notify the Superintendent of Schools as soon as possible, but in any case within twenty-four (24) hours of the in-school suspension or suspension the name of the student who has been suspended and the reason therefore. Any student who is given in-school suspension or suspended shall be given an opportunity to complete any class work, including, but not limited to, examinations which such student missed during the period of his/her removal from classes.

## **Students**

### **In-School Suspension, Suspension, and Expulsion (continued)**

#### **Section IV – Suspension Procedure (continued)**

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 Principal or his/her designee/s and to deny the charges against him/her prior to beginning any period of in-school suspension or suspension. If at such meeting the student denies the charges against him/her, he/she may at that time present his/her version of the incident(s) upon which the proposed in-school suspension or suspension is based. The Principal or his/her designee/s shall then determine whether or not, in his/her judgment, in-school suspension or suspension is warranted.
4. No student shall be suspended more than ten times or a total of fifty days in one school year, whichever results in fewer days of exclusion unless a hearing as provided in Section IV (3) is first granted.
5. No student shall be placed in in-school suspension more than ten (10) times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion.
6. A student's special education 504 status must be considered.

#### **Section V – Expulsion Procedure**

1. The Superintendent of Schools or his/her designee may recommend to the Board of Education the expulsion of any student for one or more of the reasons stated in Section III if, in his/her judgment, such disciplinary action is in the best interest of the school system. The procedures outlined in paragraphs 2 and 3 below, for a hearing, shall be provided prior to any expulsion unless an "emergency" as defined in Section I, above, exists. If an emergency situation does exist, such a hearing shall be held as soon after the expulsion as possible.
2. Upon recommendation of expulsion by the Superintendent or his/her designee, the Board of Education shall notify the student concerned and his/her parents, or the student if he/she has attained the age of 18, that expulsion from school is under consideration, and appropriate notice shall be given to the student, and his/her parents, in accordance with current statutes, of the Board of Education hearing. The Board of Education shall hold a hearing in accordance with the "hearing procedure" as set forth in Paragraph 3 below. The date for such hearing may be extended by agreement of the parties or because of unavoidable emergencies.

## Students

### In-School Suspension, Suspension, and Expulsion (continued)

#### Section V – Expulsion Procedure (continued)

3. The procedure for any hearing conducted under this Section shall be in accordance with current statutes and as determined by the hearing officer or Board of Education chairman, as appropriate, but shall at least include the right of the student to:
  - a. Notice of the proposed hearing which shall include a statement of the time, place, and nature of the hearing, and a statement of the legal authority and jurisdiction under which the hearing is to be held;
  - b. 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. Thereafter, upon request from a student concerned, a more definite and detailed statement of the issues shall be furnished;
  - c. A list of names of accusing witnesses, if any, at least five days prior to the hearing;
  - d. The opportunity to be heard in his/her own defense;
  - e. The opportunity to present witnesses and evidence in his/her defense;
  - f. The opportunity to cross-examine adverse witnesses;
  - g. The opportunity to be represented by counsel; and
  - h. The 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 and considered by the Board of Education;
  - b. Questions and offers of proof, objections, and rulings on such objections;
  - c. The decision of the Board of Education 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, and a statement of the notice of hearing.

## Students

### In-School Suspension, Suspension, and Expulsion (continued)

#### Section V – Expulsion Procedure (continued)

5. Rules of evidence at expulsion hearings shall include the following:
  - a. Any oral or documentary evidence may be received by the Board of Education but, as a matter of policy, irrelevant, immaterial or unduly repetitious evidence may be excluded;
  - b. The Board of Education shall give effect to the rules of privilege 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;
  - e. A party to an expulsion hearing may conduct cross-examination of witnesses where examination is required for a full and true disclosure of the facts;
  - f. The Board of Education may take notice of judicially cognizable facts in addition to facts within the Board of Education'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 noticed;
  - g. A stenographic record of any oral proceedings before the Board of Education at an expulsion hearing shall be made provided, however, that a transcript of such proceeding shall be provided only upon request of a party with the cost of such transcript to be paid by the requesting party. Findings of fact made by the Board of Education after an expulsion hearing shall be based exclusively upon evidence adduced at the hearing.
6. Any student who is expelled shall be offered an alternative educational opportunity during the period of expulsion, provided any parent or guardian of such student who does not choose to have his or her child enrolled in an alternative program shall not be subject to the provisions of CGS 10-184. Such alternative 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 such student has been excluded.

## Students

### In-School Suspension, Suspension, and Expulsion (continued)

#### Section VI – Notification to Parents or Guardian

The parents or guardian of any minor student either given in-school suspension, expelled, or suspended shall be given notice of such disciplinary action as soon as possible but in any case within twenty-four (24) hours of the time of the institution of the period of in-school suspension, expulsion, or suspension.

#### Section VII – Annual Student Notification of Board of Education Regulations

The school Principal shall, at least annually, provide a copy of Board of Education policies governing student conduct to each student and his/her parents.

Legal Reference:      Connecticut General Statutes  
                                  4-176e through 4-180a. Contested Cases. Notice. Record, as amended.  
                                  10-233a through 10-233f. Suspension, removal and expulsion of students,  
                                  as amended by PA 95-304, PA 96-244, PA 98-139, PA 07-66, PA 07-122  
                                  and PA 08-160.  
                                  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  
                                  P.L. 108-446 Individuals with Disabilities Education Improvement Act of  
                                  2004  
                                  *State v. Hardy*, 896 A.2d 755, 278 Conn 113 (2006)

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ANDOVER PUBLIC SCHOOLS  
 Andover, Connecticut

## **Students**

### **Student Handbooks**

The administration shall publish and annually revise a handbook containing information about the school and the rules and regulations with which students are expected to conform. The administration is responsible to ensure that the handbook does not conflict with any district policies or state or federal law. The handbook shall be distributed to all students the first week of each school year and to new students when they enroll.

The administration shall have the handbook and any revisions reviewed by legal counsel.