

## Students

### Discipline

#### Suspension and Expulsion/Due Process

The Avon Board of Education establishes a policy of student discipline to provide an orderly and safe school environment that fosters learning and teaching.

#### I. Scope of the Student Discipline Policy

##### A. Conduct On School Grounds, During School Hours and School Activities

Students may be disciplined for conduct on school grounds during school hours and during school activities that endangers themselves, other people or property; is seriously disruptive of the educational process; or violates a policy of the Avon Board of Education.

##### B. Conduct Off School Grounds Outside of School Hours and School Activities

Students may be suspended or expelled for conduct off school grounds outside of school hours and outside of school activities if their conduct is seriously disruptive of the educational process or violates a policy of the Avon Board of Education. In determining whether the conduct is seriously disruptive of the educational process, the administrator and the Board may consider, but will 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 C.G.S. Section 29-38, and whether any injuries occurred. The term "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 or 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 Sections 29-38 of the Connecticut General Statutes.
4. Whether the conduct involved the use, sale, or possession of alcohol or drugs.

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#### II. Conduct Leading to Disciplinary Action, Including Suspension and/or Expulsion

Conduct on and off school grounds and at school activities that may lead to disciplinary action, including removal from class, suspension and/or expulsion, includes the following:

1. Violation of smoking, dress, transportation or other regulations and policies governing student conduct.
2. Accumulation of minor offenses, such as school and class tardiness, class or study hall cutting, or failure to attend detention.
3. Leaving school grounds, school transportation or a school activity without authorization.
4. Use or copying of the academic work of another individual and presenting it as the student's own work, without proper attribution.
5. Unauthorized and/or reckless and/or improper operation of a motor vehicle on school grounds or at any school sponsored activity.
6. Unauthorized or illegal possession, sale, or use of tobacco, drugs, controlled drugs or substances, or alcoholic beverages (or any facsimile), including being under the influence of any such substances. Unauthorized use or possession of these substances means use or possession without a valid prescription.
7. Striking or assaulting a student, members of the school staff or others.
8. The use of obscene or profane language or gestures, the possession or display of obscenity or pornographic images, or the unauthorized possession or display of images, pictures or photographs depicting nudity.
9. Blackmailing, threatening or intimidating school staff or students or acting in a manner that others could construe to constitute blackmail, a threat, or intimidation, regardless of whether the action was intended as a joke.
10. Possession or sale of any weapon, deadly weapon, pistol, knife, box cutter, blackjack, bludgeon, metal knuckles, pellet gun, explosive or incendiary device, firearm, whether loaded or unloaded, whether functional or not, or any other dangerous object or substance.
11. Possession, sale or ignition of any fireworks, other explosive materials or incendiary devices, or ignition of any material causing a fire.

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#### II. Conduct Leading to Disciplinary Action, Including Suspension and/or Expulsion (continued)

12. Possession, sale or use of drug paraphernalia.
13. Making threats of violence, even if the threat is false or made in a casual or joking manner.
14. Throwing snowballs, rocks, sticks and similar objects, except as specifically authorized by school staff.
15. Making bomb threats or any threats to the safety of students, staff members, or other persons, even if the threat is false or made in a casual or joking manner.
16. Possession and/or use of a laser pointer unless authorized by school staff.
17. Unauthorized use of any school computer, computer system, computer software, Internet connection or similar school property or system, or the use of the property or system for unauthorized or non-school related purposes.
18. Hazing.
19. Bullying shall include, but not be limited to, a written, verbal or electronic communication or physical act or gesture based on any actual or perceived differentiating characteristics, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and 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.
20. Acting in any manner that creates a health or safety hazard for staff members, students, or the public, regardless of whether the conduct is intended as a joke.
21. Commission or attempt to commit a felony during school hours or school activities.
22. Theft.
23. Unauthorized entrance into any school facility or portion of a school facility or aiding or abetting an unauthorized entrance.
24. The destruction of real, personal or school property, such as cutting, defacing or otherwise damaging property in any way.
25. Refusal to obey a member of the school staff, law enforcement authorities, school volunteers, or disruptive classroom behavior.
26. Refusal by a student to provide identification to a staff member when asked, or misidentification.

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#### **II. Conduct Leading to Disciplinary Action, Including Suspension and/or Expulsion (continued)**

27. A walkout from or sit-in within a classroom or school building.
28. Trespassing on school grounds while on out-of-school suspension or expulsion.
29. Defiance of school rules or the valid authority of teachers, supervisors or administrators.
30. Use of electronic devices without authorization.

#### **III. Procedures Governing Removal from Class**

- A. A teacher or administrator may remove a student from class if the student causes a serious disruption of the educational process. The teacher must send the student to a designated area and notify the administration at once.
- B. A teacher may not remove a student from class more than six times in one school year or more than twice in one week unless the teacher refers the student to the administration for an informal hearing. The administration will inform the student of the reasons for the disciplinary action and give the student an opportunity to explain the situation.
- C. The teacher or administrator will inform the parents or guardian of any minor student removed from class about the disciplinary action within 24 hours of the student's removal from class.

#### **IV. Procedures Governing In-School Suspension and Out of School Suspension**

- A. The Principal may impose in-school suspension in cases where a student's conduct endangers other people or property, seriously disrupts the educational process or violates Avon Board of Education policies.
- B. Unless an emergency exists, the Principal will not impose an in-school suspension on a student without giving the student an informal hearing.
  1. At the informal hearing, the Principal will inform the student of the reasons for the suspension and give the student an opportunity to respond. In the event of an emergency, the informal hearing will be held as soon after the suspension as possible.
  2. During the informal hearing, the Principal may consider past disciplinary problems that have led to a student's removal from a classroom, suspension or expulsion in determining the length of suspensions.

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#### IV. Procedures Governing In-School Suspension and Out of School Suspension (continued)

- C. The Principal may impose an out-of-school suspension if during the informal hearing in accordance with subsection (B) of this section, the Principal determines that the student being suspended and/or the conduct for which the student is being suspended poses a danger to persons or property or a serious disruption of the educational process.
- D. The Principal will not place any student on in-school suspension more than 15 times or for a total of 50 days in one school year, whichever results in fewer days of exclusion. The Principal will not place any student on out-of-school suspension more than 10 times or for a total of 50 days in one school year, whichever results in fewer days of exclusion.
- E. After suspending a minor student, the Principal will notify the parents or guardians immediately by telephone about the suspension and the causes for the suspension.
- F. The Principal will also send a letter to the student's parents or guardians at the last address on the student's school records within one school day of the suspension and offer the parents or guardians an opportunity for a meeting to discuss the suspension.
- G. In all cases, the Principal will inform the parents or guardians of any minor student who has been suspended within 24 hours of the time of the suspension.
- H. The Principal will inform the Superintendent of Schools or his/her designee in writing about the suspension by the close of the school day following the suspension.
- I. The student will be allowed to complete any class work, including examinations, missed while under suspension without penalty.
- J. Notice of the suspension will be recorded in the student's cumulative educational record. The notice will be expunged from the cumulative educational record by the Board when the student graduates from high school.
- K. The decision of the Principal with regard to disciplinary actions up to and including suspensions shall be final.
- L. During the period of out-of-school suspension, the student will not be permitted to be on school property or to attend or participate in any school activities. During the period of in-school suspension, the student will not attend or participate in any school activities.
- M. If a student already has 10 suspensions or suspensions totaling 50 days in a school year, the Principal will inform the Superintendent of Schools or his/her designee and request a formal hearing for the student before the Avon Board of Education.

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#### Suspension and Expulsion/Due Process (continued)

##### V. Procedures Governing Expulsion

- A. A Principal who has cause to believe that a student has engaged in conduct described in Sections II and III of this policy may consider recommending the expulsion of the student.
- B. The 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 activity of a deadly weapon, dangerous instrument, martial arts weapon, or firearm as defined in 18 USC 921 as amended from time to time; or
  - 2. Off school grounds, possessed and used a firearm as defined in 18 USC 921 or in violation of C.G.S. Sections 29-35, or possessed and used a firearm as defined in 18 USC 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 C.G.S. Sections 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 C.G.S. Sections 21a-277 and 21a-278.
- C. Upon receipt of an expulsion recommendation, the Superintendent of Schools or his/her designee may conduct an inquiry concerning the expulsion recommendation. If the Superintendent of Schools or his/her designee determines that a student should or must be expelled, the Superintendent of Schools or his/her designee will forward this recommendation to the Avon Board of Education for consideration and action.

##### VI. Procedures for Expulsion Hearings Conducted By the Board of Education.

Procedures for expulsion hearings will be conducted in accordance with Avon Board of Education's hearing procedure Policy #9350

##### VII. Change of Residence during the 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, the student will not be excluded from school pending completion of the expulsion hearing unless an emergency exists. The Avon Board of Education will retain the authority to suspend the student or to conduct its own expulsion hearing.

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##### **VII. Change of Residence during the Expulsion Proceedings (continued)**

2. When a student enrolls in the Avon Public Schools while under expulsion from another school district, the Avon Board of Education may adopt the expulsion decision of the other school district. The Avon Board of Education will make its decision by holding a hearing that will be limited to determining whether the conduct that was the basis of the expulsion would also warrant expulsion by the Avon Board of Education.

##### **B. Student Moving Out of the School District**

When a student withdraws from school after receiving a notification of a pending expulsion hearing, but before the Avon Board of Education has made a decision, the notice of the pending expulsion hearing will be included on the student's cumulative record and the Avon Board of Education will complete the expulsion hearing and render a decision. If the Avon Board of Education subsequently renders a decision to expel the student, a notice of the expulsion will be included on the student's cumulative record.

##### **VIII. Procedures Concerning Students Who Have Previously Been Identified as Having One or More Disabilities Under the Individual with Disabilities Act ("IDEA")**

##### **A. Suspension of IDEA Students**

When a student is identified as eligible for services under the IDEA (an "IDEA student") is suspended, the following procedures will apply:

1. The administration will 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 will 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 it provides to all students suspended by the school district.

##### **B. Expulsion and Suspensions that Constitute Changes in Placement for IDEA Students:**

When a student identified with disabilities under IDEA engages in an act that warrants consideration for expulsion, the procedures in this section will apply. These procedures will also apply to those students identified with disabilities under IDEA, whose suspension results in a "change of placement."

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#### Suspension and Expulsion/Due Process

#### **VIII. Procedures Concerning Students Who Have Previously Been Identified as Having One or More Disabilities Under the Individual with Disabilities Act (“IDEA”)** (continued)

1. The parents/guardians of the student must be notified on the date that the incident, likely to result in a recommendation for expulsion, the procedures in this section will apply. These procedures will also apply to those students, identified with disabilities under IDEA, whose suspension results in a “change of placement.”
2. The school district shall convene the Planning and Placement Team (PPT) no later than ten days from the date the incident occurred or the date in which a change in placement has occurred. The PPT will determine, based upon a review of the student’s record and the incident details, whether or not the behavior in question has a causal relationship to the student’s disability and, thereby, is a manifestation of the disability.
3. If the PPT finds that the behavior was a manifestation of the student’s disability, the administrator will not proceed with the recommendation for expulsion (or suspension that constitutes a change in placement.) This does not preclude, however, the PPT from revising the student’s individualized education program to address the behavior(s) under review.
4. If the PPT finds that the behavior was not a manifestation of the student’s disability, the administrator may proceed with the recommendation for expulsion (or suspension that constitutes a change of placement.)
5. In the event that the Avon Board of Education recommends expulsion for a student identified under IDEA, it is the responsibility of the student’s PPT to reconvene and recommend an appropriate alternate provision of education for the duration of the expulsion to insure the student’s access to his individualized educational program.
6. The special education and disciplinary records of the student must be transmitted to the individuals who will make the final determination regarding the recommendation for expulsion (or a suspension resulting in a change of placement.)

#### **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 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 activity, or

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#### **VIII. Procedures Concerning Students Who Have Previously Been Identified as Having One or More Disabilities Under the Individual with Disabilities Act (“IDEA”)** (continued)

2. Knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance while at school or at a school activity, or
3. Has inflicted serious bodily injury upon another person during school hours or school activities.

#### **IX. Procedures Governing Expulsions for Students Identified as Eligible for Educational Accommodations under Section 504 of the Rehabilitation Act of 1973 (“Section 504”)**

When the administration recommends a student identified as eligible for educational accommodations under Section 504 for expulsion, the following procedures will apply:

1. The parents of the student must be notified of the decision to recommend the student for expulsion.
2. The district will 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 disability.
3. If the 504 team finds that the behavior was a manifestation of the student’s disability, the administration will not proceed with the recommended expulsion.

#### **X. Early Readmission to School**

An expelled student may apply for early readmission to school. The Avon Board of Education delegates the authority to make decisions on readmission requests to the Superintendent of Schools or his/her designee. Students desiring readmission to school will direct readmission requests to the Superintendent of Schools or his/her designee. The Superintendent of Schools or his/her designee has the discretion to approve or deny any readmission requests and may grant readmission with specified conditions.

#### **XI. Dissemination of Policy**

At the beginning of each school year and at other times as appropriate, the Superintendent of Schools or his/her designee will provide for an effective means of informing all students, parents and guardians of this policy.

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#### **XII. Compliance with Reporting Requirements**

- A. The Avon Board of Education will report all suspensions and expulsions to the State Department of Education.
- B. If the Avon Board of Education expels a student for sale or distribution of a controlled substance, the Avon Board of Education will refer the student to an appropriate state or local agency for rehabilitation, intervention or job training and inform the agency of its action.
- C. If the Avon Board of Education expels a student for possession of a deadly weapon or firearm, as defined in C.G.S. Section 53a-3, the violation will be reported to the local police.

Legal References: Connecticut General Statutes  
 Sections 4-176e through 4-180a and §4-181a Uniform Administrative Procedures Act  
 Sections 10-233a through 10-233e Suspension and expulsion of students as amended by PA 07-66, PA 07-122, PA 08-160, PA 09-82, Pa 09-6, PA 10-111 and PA 11-126.  
 Section 10-233f In-school suspension of students.  
 Section 29-38 Weapons in vehicles.  
 Section 53a-3 Definitions  
 Packer v. Board of Education. Of the Town of Thomaston. 246 Conn.89(1998).

#### 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”); 930(g)(2) (definition of “dangerous weapon”)  
 21 U.S.C. § 812 (c)(identifying “controlled substances” and “illegal drugs”)  
 21 U.S.C. § 1354(h)(3) (identifying “serious bodily injury”)  
 20 U.S.C. § 7151 (Gun-Free Schools Act)

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Legal References: Federal Law (continued)  
PA 94-221 An Act Concerning School Discipline and Safety.  
GOALS 2000: Educate America Act, Pub. L. 103-227.  
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, Amendments of 1997.  
*Kyle P. Packer PPA Jane Packer v. Thomaston Board of Education.*  
20 U.S.C. section 7114, No Child Left Behind Act.