

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, distribution, 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, electronic nicotine delivery systems (e.g., e-cigarettes), vapor products, 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 which 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, or his/her designee, 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, or his/her designee, will not impose an in-school suspension on a student without giving the student an informal hearing.
 1. At the informal hearing, the Principal, or his/her designee 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, or his/her designee 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, or his/her designee, may impose an out-of-school suspension if during the informal hearing in accordance with subsection (B) of this section:
 - 1. For a student in grades preschool to two, inclusive, the principal or his/her 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.
 - 2. For a student in grades three to twelve, inclusive, the Principal or his/her designee determines:
 - a. 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, or
 - b. 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.
- D. The Principal, or his/her designee, 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, or his/her designee, will notify the parents or guardians immediately by telephone about the suspension and the causes for the suspension.
- F. The Principal, or his/her designee, 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, or his/her designee, 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, or his/her designee, 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.

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- 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, or his/her designee, 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 unless the principal, or his/her designee, specifically authorizes the student to enter school property for a specified purpose or to participate in a particular school-sponsored activity. During the period of in-school suspension, the student will not attend or participate in any school activities, during or after the school day, unless specifically authorized by the principal, or his/her designee.
 - M. The Principal, or his/her designee, will inform the Superintendent of Schools or his/her designee in writing of all suspensions.
- V. Procedures Governing Expulsion**
- A. A Principal, or his/her designee, who has cause to believe that a student in grades three to twelve, inclusive, has engaged in conduct described in Sections II and III of this policy may consider recommending the expulsion of the student.
 - B. The Principal, or his/her designee, 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

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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 will 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.

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.

A. 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.

B. 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.

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3. The written notice of the expulsion hearing shall inform the parent/guardian and 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 or his/her representative 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 or his/her representative 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.

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C. 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.

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9. After the Administration has presented its case, the student or his/her representative 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.

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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.

E. 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

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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. If the Board rejects the Joint Stipulation of Facts, a full expulsion hearing shall be held pursuant to the procedures outlined herein.

VII. 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.

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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.

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VIII. 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.
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.

IX. 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.

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

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.”

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 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 casual 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.)

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

5. In the event that the Avon Board of Education recommends expulsion for a student identified under IDEA, the student’s PPT shall 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. The Administration shall provide the student with an alternative education program in accordance with the provisions of the IDEA.
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
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.

X. 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.

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- X. Procedures Governing Expulsions for Students Identified as Eligible for Educational Accommodations under Section 504 of the Rehabilitation Act of 1973 (“Section 504”) (continued)

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.

- XI. 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.

- XII. Legal Consequences

In addition to potential disciplinary consequences at the school level, misconduct that also violates the law may lead to legal consequences including, but not limited to: referral to law enforcement and/or the Juvenile Review Board; referral to court and/or arrest; and may affect immigration status.

- XIII 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.

- XIV Compliance with Reporting Requirements

- A. The Avon Board of Education shall include on all disciplinary reports the individual student’s state-assigned student identifier (SASID).
- B. The Avon Board of Education will report all suspensions and expulsions to the State Department of Education.
- C. 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.
- D. 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.

Students

Discipline

Legal References:

State Law and Guidance

Public Act 18-31, “An Act Concerning the Recommendations of the Juvenile Justice Policy and Oversight Committee and Concerning the Transfer of Juvenile Services from the Department of Children and Families to the Court Support Services Division of the Judicial Branch”

Sections 4-176e through 4-180a and §4-181a Uniform Administrative Procedures Act
Section 10-222d Safe school climate plans. Definitions. Safe school climate assessments

Sections 10-233a through 10-233e Suspension and expulsion of students as-
Section 10-233f In-school suspension of students.

Section 10-233l Expulsion and suspension of children in preschool programs

Section 19a-342a Use of electronic nicotine delivery system or vapor product prohibited

Sections 21a-408a through 408p Palliative Use of Marijuana

Section 29-38 Weapons in vehicles.

Section 53a-3 Definitions

Section 53-206 Carrying of dangerous weapons prohibited

Section 53-344b Sale and delivery of electronic nicotine delivery system or vapor products to minors

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

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)

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

Students

Discipline

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