

Discipline

All North Canaan employees share responsibility for supervising the behavior of students to help them meet standards of conduct established by the Board of Education (Board) or the school administration.

In working with the students, emphasis shall be placed upon developing effective self-discipline as the most effective disciplinary approach. The Board believes that each student can reasonably be expected to be responsible for his/her own behavior.

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 part of a single class period, provided such exclusion shall not extend beyond ninety (90) minutes.
3. **“In-School Suspension”** shall be defined as an exclusion from regular classroom activity for no more than ten consecutive school days, but not exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed. Students who are on in-school suspension are not allowed to participate in extracurricular activities.
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 suspension was imposed. All suspensions shall be in-school suspensions unless the administration determines, for any student enrolled in grades three through twelve inclusive that (1) 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 or (2) that an out-of-school suspension is appropriate based on evidence of previous disciplinary problems that have led to suspensions or expulsion of the student and efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive support strategies. The administration is expected to use the guidelines developed and promulgated by the Commissioner of Education to help determine whether a student should receive an in-school or out-of-school suspension.

A student in grades preschool to two, inclusive, may be given an out-of-school suspension if it is determined by the administration that such suspension is appropriate based on evidence that the student’s conduct on school grounds is of a violent or sexual nature that endangers persons. In addition, a person’s duty as a mandated reporter to report suspected child abuse or neglect is not limited by this provision.

5. **“Expulsion”** means the exclusion from school privileges for any student in grades three through twelve inclusive 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 extend beyond a period of one calendar year.

Definitions (continued)

6. **“Emergency”** means a situation under which the continued presence of the student in school poses a danger to persons or property or a disruption of the educational process. A hearing will be held as soon after the exclusion of such student as is possible/reasonable.
7. **“Days”** shall mean days when school is in session.
8. **“School-sponsored activity”** means any activity sponsored, recognized or authorized by the Board of Education and includes activities conducted on or off school property.
9. **“Alternate education”** means a school or program maintained and operated by the Board of Education that is offered to students in a nontraditional setting and addresses their social, emotional, behavioral and academic needs. Such program must conform to State Board of Education guidelines and conform to C.G.S. 10-15 and 16 (180 days/900 hours).

Progressive Discipline

Depending upon the nature of the violation, it is the desire of the Board of Education that student discipline be progressive. The degree of discipline imposed will be in proportion to the severity of the behavior leading to the discipline and will take into account the previous discipline history of the student and other relevant factors, while ensuring that each student receives the due process mandated by federal and state law.

Progressive discipline uses incremental interventions, whenever possible, to address inappropriate behavior with the ultimate goal of teaching pro-social behavior. The Board views progressive discipline as part of a whole-school approach that involves a continuum of prevention programs, strategies for fostering and reinforcing positive behavior and helping students make good choices, and age-appropriate interventions, supports and consequences to address inappropriate student behavior. Disciplinary measures used in response to inappropriate behavior shall be applied within a framework that shifts the focus from one that is solely punitive to one that is both corrective and supportive.

It is also the Board’s desire that staff members imposing such penalty take into account all other relevant factors in determining the appropriate penalty.

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that is viewed as fair and impartial by the student. Before seeking outside assistance, teachers will first strive to create a change of behavior in the classroom. Disciplinary action when necessary will be firm, fair and consistent in order to be most effective in changing behavior.

Standards Governing In-school Suspension, Suspension and Expulsion

A student may be given in-school suspension (PK through grade 12), suspension (grade 3 to 12 inclusive), or expelled (grade 3 to 12 inclusive), for one or more of the following behaviors or actions on school property or at school activities, including but not limited to:

1. Conduct which endangers persons or property or is seriously disruptive of the educational process. Included in such prohibited behavior are the following:
 - A. Conduct causing a threat of danger to the physical well-being of himself/herself or other people;
 - B. Physical assault on another person which is not reasonably necessary for self-defense;
 - C. Taking, or attempting to take, personal property or money;
 - D. Willfully causing, or attempting to cause, substantial damage to school or personal property;
 - E.*. Knowingly possessing a firearm or deadly weapon, in violation of C.G.S. 29-35 or 53-206, or on the real property comprising any public school or at any school activity as defined in Section 10-233a. A firearm, as currently defined by Section 10-53a-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. A deadly weapon, as currently defined by Section 10-53a-3, is any weapon, whether loaded or unloaded from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles. It may also include pellet guns and/or airsoft pistols. (grades PK through 12)
 - F.*. Knowingly possessing or using a dangerous instrument in or on the real property comprising any public school or at any school activity as defined in Section 10-233a. A dangerous instrument, as currently defined by Section 10-53a-3 includes any instrument, article, or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury and includes a vehicle as defined in subdivision (8) of 10-53a-3. (grades PK through 12)
 - G. Participation in or intentional incitement which results in an unauthorized occupancy of any part of a school or school premises or other school district building, and failure to leave promptly after having been directed to do so by the principal or other person then in charge of such building or facility; participation in, or intentional incitement to participate in any form of disruptive demonstration. The school administration shall recognize student's rights to express points of view as long as such expression is not disruptive of the educational process.
 - H. Possession, use, transmission or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind;
 - I. Knowingly being in the presence of those who are in possession or using, transmitting, or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind;

- J. 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;
 - K. Violation of any other Board policy, dealing with student conduct, including conduct on school buses, a copy of which is incorporated in the student handbook.
2. Open defiance, including verbal abuse, obscene or profane language or gestures, of the authority of any teacher or person having authority over the student.
 3. Repeated unauthorized absence from school.
 4. Intentional and successful incitement of truancy by other students.
 5. Possessing and/or using tobacco.
 6. Knowingly using or copying the academic work of another and presenting it as his/her own without proper attribution.
 7. Falsification of school records.
 8. Other serious misconduct determined by the school principal.
- * **The Board of Education shall expel a student for one full calendar year for possessing a firearm, deadly weapon or dangerous instrument as indicated in items E and F. The Board may modify the term of a mandatory expulsion on a case-by-case basis.**

A student may be given in-school suspension, suspended, or expelled for one or more of the following behaviors or actions off school property or outside of school activities:

1. Conduct leading to a felony or Class A misdemeanor arrest if that conduct is determined to pose a danger to the student himself/herself, other students, school employees or school property.
2. 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.

In-school Suspension/Suspension Procedures

1. The principal or his/her designee shall have the authority to invoke in-school suspension for students in grades PK through 12, or out-of-school suspension for students in grades three through twelve, for one or more of the reasons stated in the section "Reasons Leading to In-school Suspension, Suspension or Expulsion From School," in accordance with the procedure outlines in number 3 below. However, the administrator or the Superintendent of Schools or designee shall have the authority to immediately suspend a student from school when an "emergency" exists, and under those conditions, the hearing outlined in number 3 of this section shall be held as soon after the suspension as possible.

All suspensions shall be in-school suspensions unless the administration determines that (1) the student, in grades three through twelve, inclusive, 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 or (2) that an out-of-school suspension is appropriate based on evidence of previous disciplinary problems that have led to suspensions or expulsion of the student and efforts by the administration to address such disciplinary problems through means other than

out-of-school suspension or expulsion, including positive support strategies. In addition, as previously indicated, guidelines from the Commissioner of Education shall also be used to determine whether a suspension shall be in-school or out-of-school.

2. In the case of in-school suspension or suspension, the principal or designee shall notify the Superintendent of Schools as soon as possible, but in any case not later than twenty-four (24) hours of the in-school suspension or suspension as to the name of the student who has been suspended and the reason therefore. A suspended student shall have an opportunity to complete any class work, including, but not limited to examinations, missed during the period of his/her removal from classes.
3. Except in the case of an “Emergency,” a student shall be afforded an opportunity to meet with the principal or designee(s) to discuss 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, the student may at that time present his/her version of the incident(s) upon which the in-school suspension or suspension is based. The principal or designee(s) shall then determine, in his/her judgment, whether in-school suspension or suspension is warranted. In determining the length of a suspension period, the administration may consider past disciplinary problems which have led to removal from a classroom, suspension or expulsion of the student.

Whenever a student is suspended, notice of the suspension and the conduct for which the student was suspended shall be included on his/her cumulative educational record. Such notice shall be expunged from the cumulative record by the Board if the student graduates from high school or is not expelled or suspended again one or more times during the two-year period commencing on the date of his/her return to school from such a suspension.

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 number 3 of the “Expulsion” section of this policy is first granted. (C.G.S. 4-176e -- 4-180a)
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.

Expulsion

1. The Superintendent of Schools may recommend to the Board of Education the expulsion of any student enrolled in grades three through twelve, inclusive, for one or more of the reasons stated in “Reasons Leading to Suspension or Expulsion from School” if, in the Superintendent’s judgment such disciplinary action is in the best interest of the school system. In order to be expelled, the conduct of a student must be found to be both (1) violative of a Board policy and (2) either seriously disruptive of the educational process or endangering persons or property. The Superintendent shall recommend an expulsion hearing if there is reason to believe a student, in grades PK through twelve, possessed a firearm or other dangerous weapon in or on the real property comprising any public

school or at any school activity as defined in Section 10-233a.

Unless an emergency exists, the procedures outlined in numbers 2 and 3 below shall be followed prior to expulsion. If an emergency situation exists, such hearing shall be held as soon after the expulsion date as possible.

2. Upon recommendation of expulsion by the Superintendent, the Board of Education shall notify at least five business days before any expulsion hearing, the student concerned and his/her parents or guardians, or the student if he/she has attained the age of eighteen (18), and in accordance with current statutes appropriate notice shall be given, of any board hearing, to the student and his/her parent/guardian. The Board of Education at a meeting at which three or more members of the Board are present, or if the Board of Education so chooses, an impartial hearing board (appointed by the Board of Education) consisting of one or more persons none whom are members of the Board of Education shall hold a hearing in accordance with the hearing procedure as set forth in paragraph number 3 below. The date for such hearing may be extended by agreement of the parties or because of unavoidable emergencies.
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 Chairperson as appropriate, but shall at least include the right of the student to the following:
 - 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 may be limited to a statement of 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 (5) 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. In exceptional circumstances the Board or impartial hearing panel may refuse to allow a witness against the accused student to appear, when the Board or panel believes that fear on the part of the witness would prevent accurate testimony. In such cases, a verbatim statement of the witness's testimony must be given to the student.

A witness's unsubstantiated desire to remain anonymous is not an exceptional circumstance and shall not justify dispensing with direct testimony and cross-examination.
 - G. The opportunity to be represented by counsel or other representation of the student's choice. An attorney or other advocate may represent any student subject to expulsion proceedings. The student's parent/guardian 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.

- H. Information concerning legal services provided free of charge or at a reduced rate that are available locally and how to access such services.
 - I. The prompt notification of the decision of the Board of Education or hearing board which decision shall be in writing.
 - J. A statement which points out that under provisions C.G.S. 10-233 (e) in certain circumstances the Board does not have to offer an alternative educational opportunity to students between the ages of 16-18.
 - K. The services of a translator, to be provided by the Board of Education, whenever the student or his/her parent or guardian do not speak the English language.
 - L. At his/her own expense, a copy of the verbatim record of the hearing.
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 ruling on such objections.
 - C. The decision of the Board of Education rendered after such hearing. If the student is found to have possessed a firearm or other dangerous weapon in or on the real property of a school or at any school activity as defined in Section 10-233a, he or she must be expelled.
 - 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.
5. Rules of evidence at expulsion hearing 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 part 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 appropriate facts in addition to facts within the Board's specialized knowledge provided; however, the parties

shall be notified either before or during the hearing of material noticed including a staff memoranda or data, and an opportunity shall be afforded to any party to contest the materials so noticed.

- G. A record of any oral proceedings before the Board of Education at an expulsion hearing shall be made, provided, however, that a transcript of such proceedings 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 after an expulsion hearing shall be based exclusively upon the evidence adduced at the hearing.
6. Any student under sixteen years of age expelled from school shall be offered an alternative educational opportunity which shall be (1) alternative education, as defined, by C.G.S. 10-74j, with an individualized learning plan if the Board provides such alternative education, or (2) in accordance with the standards adopted by the State Board of Education, which includes the kind of instruction and number of hours to be provided, during the period of expulsion, except that such alternative education is the Board of Education's option if the student is between the ages of sixteen and eighteen, and was not previously expelled.

When a student is expelled for the sale or distribution of a controlled substance, the Board of Education shall refer the student to an appropriate state or local agency for rehabilitation, intervention or job training, or any combination thereof, and shall inform the agency of its action. Further, the Board shall give the name of the student, and a summary of the Board's action in referring a student, to the Commissioner of Education within thirty (30) days after the student is expelled.

7. Subsequent to a hearing, before three (3) or more members of the Board of Education or an impartial hearing panel, to determine whether the grounds for expulsion in the previous district would also warrant expulsion under the policies of the Board, the Board may adopt the decision of a student expulsion hearing conducted by another school district.

Whenever a student withdraws from school while involved in an expulsion hearing before a decision is rendered, (1) notice of the pending expulsion hearing shall be included on the student's cumulative educational record and (2) the Board shall complete the expulsion hearing and render a decision. The receiving district may also conduct its own expulsion hearing on the student actions in his/her previous district.

Whenever a student is expelled, 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 the notice of an expulsion of a student in grades 9 through 12 inclusive, based on possession of a firearm or deadly weapon, may be expunged from the cumulative educational record by the Board if the Board determines that the conduct and behavior of the student in the years following the expulsion warrants an expungement. Such notice shall be expunged from the cumulative educational record by the Board if the student graduates from high school.

8. 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, had never been suspended, and successfully completed a Board specified program and/or met other conditions required

by the Board, the notice of expulsion shall be expunged from the cumulative educational record if the student graduates from high school or, if the Board so chooses, at the time the student completes the Board specified program and meets any other conditions required by the Board.

9. 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, had never been suspended, and successfully completed a Board specified program and/or met other conditions required by the Board, the notice of expulsion shall be expunged from the cumulative educational record if the student graduates from high school or, if the Board so chooses, at the time the student completes the Board specified program and meets any other conditions required by the Board.
10. In the case of a student in grades kindergarten to grade eight inclusive expelled for the possession of a firearm or deadly weapon, the Board may expunge from the student's cumulative educational record the notice of the conduct for which the student was expelled if the Board determines that the conduct and behavior of the student is the years following the expulsion warrants an expungement.

Notification to Parents or Guardian

The parents or guardian of any minor student either given in-school suspension, suspension or expelled shall be given notice of such disciplinary action as soon as possible by telephone, but in any case written notice must be mailed within twenty-four (24) hours of the decision to institute in-school suspension, suspension or expulsion.

Students with Disabilities

Notwithstanding the foregoing, the following procedures shall apply to students who have been identified as having one or more disabilities under the IDEA and/or Section 504 of the Rehabilitation Act (a "student with disabilities"):

1. If a student with disabilities engages in conduct that would lead to a recommendation for expulsion, the district shall promptly convene an IEP team (PPT) meeting to determine whether the misconduct was directly caused by the student's disability. A student may be suspended for up to ten days pending the IEP team (PPT) determination.
2. If the IEP team (PPT) finds that the misconduct was not caused by the disability, the Superintendent may proceed with a recommendation for expulsion. During any period of expulsion, a student with disabilities under the IDEA shall receive an alternative educational plan consistent with the student's educational needs as determined by the IEP team (PPT) in light of such expulsion. The services must continue to the extent determined necessary to enable the disabled student to appropriately advance in the general education curriculum and to advance toward achieving the goals of his/her IEP.
3. If the IEP team (PPT) finds that the misconduct was caused by the disability, the Superintendent shall not proceed with the recommendation for expulsion. The IEP team (PPT) shall consider the student's misconduct and revise the IEP to prevent a recurrence of such misconduct and to provide for the safety of the other students and staff.

4. Should a parent of a student with disabilities who is eligible for services under the IDEA (or the student himself/herself if eighteen years of age or older) file a request for a due process hearing under C.G.S. 10-76h to contest an expulsion under subparagraph (2) above or a proposed change in placement under subparagraph (3), unless the parents (or student if eighteen years of age or older) and the Board otherwise agree, the child shall remain in the alternative educational setting until the appeal is resolved or until the expiration of the suspension, whichever occurs first in said due process hearing and any subsequent judicial review proceedings.
5. Notwithstanding the provisions of the preceding subparagraph (4), a student with disabilities may be assigned to an interim alternative educational setting for not more than forty-five (45) school days if the student brings a weapon to school or to a school function or knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or at a school function, or has inflicted serious bodily injury upon another person while at school, or school premises, or at a school function. For purposes of this paragraph, "weapon" means a device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, but excludes a pocket knife with a blade of less than 2½ inches in length. "Serious bodily injury" for the purposes of IDEA, is defined as bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ, or mental faculty. The interim alternative placement shall be determined by the IEP team (PPT). If a due process hearing is requested, the student shall remain in said interim alternative placement pending a decision in the due process hearing, unless the Board and the parents otherwise agree, or the Board obtains a court order.
6. In order for the district to unilaterally obtain a 45-day change in placement from a federal judge of Connecticut hearing officer, it must prove by substantial evidence that maintaining the current placement of the student is substantially likely to result in injury to the child or other. The school must also prove that it has made reasonable efforts to minimize the risk of harm the student presents in the current placement.

Legal Reference: Connecticut General Statutes
 4-177 through 4-180. Contested Cases. Notice. Record, as amended.
 10-74j Alternative education
 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, PA 08-160, PA 09-82, PA 09-6 (September Special Session), PA 10-111, PA 14-229, PA 15-96, PA 16-147, PA 17-220 and PA 19-91.
 21a-240(9) Definitions.
 53a-3 Definitions.
 GOALS 2000: Educate America Act, Pub. L. 103-227.
 18 U.S.C. 921 Definitions.
 Title III - Amendments to the Individuals with Disabilities Act Sec. 314
 Elementary and Secondary Schools Act of 1968, as amended by the Gun Free Schools Act of 1994

PL 105-17 The Individuals with Disabilities Act, Amendments of 1997

P.L. 108-446 Individuals with Disabilities Education Improvement Act of 2004

State v. Hardy, 896 A.2d 755, 278 Conn 113 (2006)

Adopted: January 12, 2021

NORTH CANAAN BOARD OF EDUCATION

North Canaan, Connecticut

Provision of an Alternative Educational Opportunity for Eligible Expelled Students

The following procedures shall be followed, in concert with policy #5144 by District personnel pertaining to the required provision of an alternative educational opportunity for expelled students eligible for such a program.

Options for Alternative Educational Opportunity

The District shall provide an alternative educational opportunity for eligible expelled students by exercising one of the following two permissible options.

1. Enroll the student in an alternative education program which is compliant with requirements for such programs, including the length of school year and number of hours, with an individualized learning plan IF the district provides such alternative education, *(use of this option requires the alternative education program to comply with C.G.S. 10-74j which requires adherence to C.G.S. 10-15 and 10-6 requiring a minimum of 180 days and 900 hours of actual school work per year)* and the program is appropriate for the student. **OR**
2. Provide the student with an alternative educational opportunity in accordance with the State Board of Education (SBOE) adopted standards, including through an alternative education program offered by another school district or operator. *(A standard program for its alternative educational opportunity providing such program meets the other requirements of the Standards, including the individualized learning plan.)*

State Department of Education (SDE) Positions to Consider

1. In order to properly implement the provision of an alternative educational opportunity to expelled students, whether the District implements option #1 or #2 above, the District must comply with the SBOE adopted (1/3/18) Standards.
2. SDE “expects that, in most cases, school districts will determine that enrollment in an alternative education program...is the appropriate alternative educational opportunity” for an expelled student. Such an alternative education program could be operated by the local district or another provider.
3. There may be “unusual cases” where placement in an alternative education program may not be appropriate or available.
4. The alternative educational opportunity must be “full-time” and “comprehensive,” and such opportunity for learning is comparable to a regular school setting. *(This provides the district that does not provide placement for the expelled student in alternative educational program some flexibility in developing an alternative educational opportunity that provides comparable learning opportunities for the expelled student without dictating a certain number of minimum instructional hours, but, per the Standards, must be “full-time” and “comprehensive.”)*
5. Assignment to homebound instruction will not satisfy the “Guiding Principles” of the Standards.

Guiding Principles

Consistent with the *Guidelines for Alternative Education Settings*, these standards are grounded in the conviction that alternative educational opportunities for students who have been expelled should exhibit the following characteristics:

- whole student approach that addresses the personal, social, emotional, intellectual, work skills, safety, and security needs of all students in addition to academic content (including the Connecticut Core Standards);
- full time, comprehensive experience, where the learning is comparable to what the student would experience in a regular school environment;
- instruction that is based on a curriculum aligned to the Connecticut Core Standards unless modified as indicated by goals and objectives of an Individualized Education Program (IEP);
- high expectations that are consistent with LEA goals and Connecticut state standards including the belief that all students are capable and can be successful regardless of their discipline history; and
- research/evidence-based practices with student success in mind including the engagement of parents/guardians and families as well as community partners, as appropriate.

These principles are unlikely to be satisfied by assignment to homebound instruction.

Requirements of Standards for Alternative Educational Opportunities for Students Who Have Been Expelled

The SBOE adopted Standards for Alternative Educational Opportunities require the District to:

1. Provide a full time, comprehensive alternative educational opportunity, with a focus on an opportunity for learning that is comparable to those in a regular school setting.
2. Notify parents/students at the time of expulsion of the right to apply for early readmission, which can be granted at the discretion of the Board of Education or the Superintendent, if the Board delegates this authority to the Superintendent (C.G.S. 10-233(j)). *(The criteria for early readmission should be recorded in the individualized learning plan (ILP)).*
3. Meet with parents/guardians prior to placement to provide information about potential alternative educational opportunities and a placement meeting to finalize such placement. *(Such meeting can take place directly after the expulsion hearing.)*
4. Consult with relevant school personnel knowledgeable about the student's academic, social and behavioral history to help in the determination of an appropriate alternative educational opportunity.
5. Involve the PPT for expelled special education students who are determined to have educational programming and placement during the period of expulsion in accordance with the Individuals with Disabilities Act (IDEA).
6. Develop an Individualized Learning Plan (ILP) to address:

- Information pertaining to the student’s academic and behavioral needs and appropriate academic and behavioral goals and interventions including the core classes and current placement or progress in the curriculum of those classes at the time of expulsion.
 - Benchmarks to measure progress towards the goals and progress towards graduation. *(This will include monitoring attendance, work completion, and progress toward meeting the coursework’s academic standards.)*
 - Reviewing the student’s progress and communicating that progress to parent/guardian or student. *(What would be done for students generally.)*
 - Transfer of records to/from the alternative educational provider and the school from which the student was expelled.
 - Language pertaining to the possibility of early readmission to the school from which the student was expelled.
7. Monitor progress of student performance and placement. *(This must be done and documented at least once per marking period, review of the student’s ILP and make any needed adjustments.)*
8. Adopt procedures to address a student’s transition from an alternate educational opportunity to the student’s regular school. *(The criterion for readmission is the completion of the expulsion period.)*

Procedural Steps to be taken by District following the Expulsion of a Student to Provide the Required Alternative Educational Opportunity

The Superintendent or his/her designee is responsible for the fulfillment of the following:

1. Determine the eligibility of the expelled student for an alternative education opportunity.
 - a. The student is under the age of sixteen (16) and must be offered an alternative educational opportunity.
 - b. The student is between the ages of sixteen (16) and eighteen (18) and has not been previously expelled and wishes to continue his or her education shall be offered such an alternative educational opportunity. *(The District is not obligated to provide an alternative educational opportunity to students in this age bracket who have been previously expelled, even if the prior expulsion occurred before the student was sixteen years of age.)*
 - c. The student is eighteen years of age or older and the Board of Education is not obligated to provide an alternative educational opportunity.
 - d. Other considerations:
 - i. Any parent/guardian of an expelled student who does not choose to have his or her child enrolled in an alternative educational opportunity shall not be subject to the provision of Section 10-184 of the Connecticut General Statutes regarding school attendance.
 - ii. A student seventeen (17) years of age or older may be assigned to an adult

education program and not be required to withdraw from school per C.G.S. 10-184.

- iii. The student may be placed in a regular classroom program of a school other than the one from which the student has been excluded.
 - iv. A student expelled for the sale or distribution of a controlled substance, shall be referred to an appropriate state or local agency for rehabilitation, intervention or job training, or any combination thereof.
 - v. A student expelled for possession of a firearm, deadly weapon, dangerous instruments (those that can be used to cause death or serious injury) or martial arts weapons shall be reported to the local police department.
 - vi. An expelled special education student's alternative educational opportunity shall be established by the IEP team (PPT).
2. Determine the appropriate option for the alternative educational opportunity option to be offered to the expelled student.
 - a. Enroll the student in an alternative education program operated by the District which is compliant with requirements for such programs, (hours, length of school year and number of hours) with an individualized learning plan IF the district provides such alternative education.
 - b. Provide the student with an alternative educational opportunity in accordance with the SBOE adopted standards, including through an alternative education program offered by another school district or operator. (A standard program for its alternative educational opportunity providing such program meets the other requirements of the Standards, including the individualized learning plan.)
 3. Consult with relevant school personnel knowledgeable about the student to obtain information regarding the student's academic, social and behavioral history that will help inform the decision concerning an appropriate alternative educational opportunity. The input shared by school personnel may be gathered via written reports.
 4. Meet with the student's parent(s)/guardian(s) prior to placement to provide information concerning the potentially appropriate alternative educational opportunities for the student.

Hold a placement meeting after parents/guardians have been informed and the appropriate school personnel have shared information regarding the student.

- a. Explore all alternative educational opportunities at this meeting.
- b. The placement decision should be made at this meeting.
- c. Other considerations:
 - i. Parents/students, at the time of expulsion, should be informed of the right to apply for early readmission, which can be granted at the discretion of the Board of Education or Superintendent (*if the BOE delegates this authority to the Superintendent under C.G.S. Section 10-233d(j)*).
 - ii. Any criteria for early readmission to the school from which the student has been

expelled should be recorded in the Individualized Learning Plan (ILP).

5. Development of an Individualized Learning Plan (ILP) to inform and direct the student's learning goals and activities for the duration of the expulsion.
 - a. After placement in the alternative education opportunity, an ILP must be developed to govern the student's programming during the period of the expulsion.
 - b. Develop the ILP through collaboration among school personnel, the student and the parent/guardian.
 - c. Reference student records with information relevant to the alternative educational opportunity. (*student success plan, Individualized Education Program (IEP) under special education, Section 504 Plan, Individualized Health Plan, and/or other academic and behavioral data.*)
 - d. The student's ILP is to contain:
 - i. The student's academic and behavioral needs and appropriate academic and behavioral goals and interventions;
 - ii. The student's core classes at the time of expulsion;
 - iii. The student's current placement or progress in the curriculum of those classes so that the student has an opportunity to continue to progress in the LEA's academic program and earn graduation credits, if applicable;
 - iv. Benchmarks to measure progress towards the goals and ultimately, progress towards graduation;
 - v. Timing and method for reviewing the student's progress and for communicating that progress to the parent/guardian or student; (*For most students, monitoring and reviewing the student's progress will include monitoring the student's attendance, work completion and progress toward meeting the relevant academic standards for particular coursework, and thus progressing toward graduation, if applicable.*)
 - The progress monitoring of student performance and placement must be done and documented at least once per marking period, including a review of the ILP and the making of any necessary adjustments.
 - vi. Such progress to be communicated to the parent/guardian and/or student with the same frequency as similar progress for students in the regular school environment is reported and communicated to parents/guardians or students;
 - vii. Provision for the timely transfer of the student's records both from the student's school to the alternative educational opportunity provider, and also from the alternative educational opportunity provider to the student's school; and
 - viii. The possibility of early readmission to the school from which the student was expelled and the early readmission criteria.
 - ix. A process for transition planning based upon the following considerations:
 - Efforts to readmit students at semester start points at the high school level to facilitate re-entry;
 - A plan to transfer the student's credits and record back to the school from which the student was expelled;
 - The student's needs for academic and other supports upon return to the home school environment; and

- Efforts to connect returning students with opportunities to participate in extracurricular activities to support student engagement and general health and development.
6. If a determination is made that placement in the current alternative educational opportunity is no longer beneficial to an expelled student but it is also inappropriate to have the student return to the school from which the student was expelled, a plan for different alternative educational opportunities should be developed, following the procedure outlined above.
 7. Students who have a student success plan as mandated by state law, such plan may inform the ILP but does not replace the ILP.

Procedures for Alternative Educational Opportunities for Expelled Students

Applicability of these Administrative Regulations

These procedures apply in cases when, pursuant to state law, a District student school is entitled to an alternative educational opportunity during an expulsion.

Responsible Personnel

The building principal or his/her designee of the school from which the student has been expelled, is responsible for compliance with these procedures relative to the student who is being provided with the alternative educational opportunity.

Student Placement Procedures

- A. After a student has been expelled, and unless extraordinary circumstances exist, the building principal, or his/her designee(s), will take the following steps:
 - a. Meet with the expelled student's parent(s)/guardian(s) prior to the student's placement in an alternative educational setting to provide information concerning the potentially appropriate alternative educational opportunities for the student and to inform the parent(s)/guardian(s) and student of the right to apply for early readmission to school in accordance with Conn. Gen. Stat. Section 10-233d(j).
 - b. Consult with relevant school personnel from the school from which the student was expelled, who are knowledgeable about the student, to obtain information regarding the student's academic, social, and behavioral history that will help inform the decision concerning an appropriate alternative educational opportunity. Such information may be gathered by written reports.
 - c. After placement options have been shared with the parent(s)/guardian(s), a placement meeting is to be convened to explore all alternative educational opportunities and a placement decision is made.
- B. The educational programming and placement for expelled students who are eligible to receive special education and related services under the Individuals with Disabilities Education Act ("IDEA") shall be determined by the student's

Planning and Placement Team (“PPT”). In such case, the above procedural steps (Section “A” shall not apply.)

Individualized Learning Plan

A. Development of the Individualized Learning Plan

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

B. Contents of the Individualized Learning Plan

a. The ILP will reference student records with information relevant to the provision of an alternative educational opportunity. These records may include:

- i. Student success plan (for students who have a student success plan as mandated by state law, the student success plan may inform the ILP but does not replace the ILP);
- ii. Individualized education program (“IEP”);
- iii. Section 504 Plan;
- iv. Individualized health care plan or emergency care plan; and/or
- v. Other relevant academic and behavioral data.

b. The ILP will address the following:

- i. The student’s academic and behavioral needs and appropriate academic and behavioral goals and interventions, including the student’s core classes at the time of expulsion and the student’s current placement or progress in the curriculum for those classes so that the student has an opportunity to continue to progress in the Board’s academic program and earn graduation credits, if applicable;
- ii. Benchmarks to measure progress towards the goals and ultimately, progress towards graduation;
- iii. Provision for the timing and method for reviewing the student’s progress in the alternative educational opportunity and for communicating that progress to the parent/guardian or student. For most students, monitoring and reviewing the student’s progress will include monitoring the student’s attendance, work completion and progress toward meeting the relevant academic standards for particular coursework, and thus progressing toward graduation, if applicable. The student’s progress and grades will be communicated to the parents/guardians or student with the same frequency as similar progress for students in the regular school environment is reported and communicated to parents/guardians or students. The student’s progress and grades will also be reported to the school from which the student was expelled;

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

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

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

Transition Plan for Readmission

- A. Before a student is readmitted to the school from which the student was expelled, relevant staff should provide an opportunity to meet with the parents/guardians and student to discuss the student's readmission. As part of the readmission process and the student's ILP, the principal, or his/her designee, should consider:
 - a. A plan to transfer the student's credits and records back to the school from which the student was expelled:
 - i. The District will provide an expelled student transferring to a new school district a progress summary of all work completed during the course of the student's expulsion, and will indicate the course credit earned by the student for that work.
 - b. The student's need for academic and other supports upon returning to his/her school; and
 - c. Efforts to connect the returning student with opportunities to participate in extracurricular activities.
- B. In the event the principal, or his/her designee, determines that a student's alternative educational opportunity is no longer beneficial to the student, but it remains inappropriate to return the student to the school from which the student was expelled, a plan for a different alternative educational opportunity may be developed in accordance with these procedures.

Legal References: Connecticut General Statutes:
10-233d Expulsion of pupils

Federal law:

Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, as amended by the Individuals with Disabilities Education Improvement Act of 2004, Pub. L. 108-446.

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794(a).

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

Adopted: January 12, 2021

NORTH CANAAN BOARD OF EDUCATION

North Canaan, Connecticut