

STUDENTS

5131.8(a)

Out-of-School Misconduct

Students are subject to discipline, up to and including suspension and expulsion for misconduct, even if such misconduct occurs off-school property and during non-school time.

In compliance with judicial decisions, North Canaan Elementary School considers conduct that is "severely disruptive of the educational process" to mean conduct that "markedly interrupts or severely impedes the day-to-day operations of a school" in addition to such conduct also being violative of publicized school policy. Such conduct includes, but is not limited to, phoning in a bomb threat, or making a threat, off school grounds, to kill or hurt a teacher or student.

In addition, in making the determination as to whether conduct is "seriously disruptive of the educational process," the administration may consider, but such consideration shall not be limited to (1) whether the incident occurred within close proximity of a school; (2) whether other students from the school were involved or whether there was any gang involvement; (3) whether the conduct involved violence, threats of violence or the unlawful use of a weapon, as defined in section 29-38 and whether any injuries occurred; and (4) whether the conduct involved the use of alcohol. The conduct can also be the use of inappropriate electronic messages. The Board of Education or impartial hearing board, in matters of expulsion for out-of-school misconduct, in making a determination as to whether conduct is "seriously disruptive of the educational process," may consider, but consideration is not limited to the same items listed previously.

Such discipline may result whether 1) the incident was initiated in the school or on school grounds, or 2) even if the incident occurred or was initiated off-school grounds and non-school time, if after the occurrence there was a reasonable likelihood that return of the student would contribute to a disruptive effect on the school education or its process by threatening:

1. The school's orderly operations;
2. The safety of the school property; or
3. The welfare of the persons who work or study there.

Examples of the type of such off-school misconduct that may result in such discipline include but are not limited to

1. Use, possession, sale, or distribution of dangerous weapons (as defined C.G.S. 53a-3, 53-206, and 29-35);
2. Use, possession, sale, or distribution of illegal drugs;
3. Violent conduct;
4. Making of a bomb threat; or

5. Threatening to harm or kill another student or member of the staff.

where any such activity has the reasonable likelihood of threatening the health, safety, or welfare of school property, individuals thereon, and/or the educational process.

For example, if it is determined that a student's use, possession, or sale of drugs in the community has a reasonable likelihood of endangering the safety of students or employees because of the possibility of such sales in the school or if violent conduct in the community presents a reasonable likelihood of repeating itself in the school environment, or if any similar type of misconduct in the community has a reasonable likelihood of being continued or repeated in school or of bringing retaliation or revenge into the school for such off-school misconduct, the Board may impose discipline up to and including suspension and/or expulsion.

A student who possessed and used a firearm, deadly weapon, dangerous instrument or martial arts weapon in the commission of a crime off-campus shall be expelled for one calendar year unless said expulsion is modified on an individual case basis.

Legal Reference: Connecticut General Statutes

4- 176e through 4- 185 Uniform Administrative Procedure Act.

10-233a through 10-233f re in-school suspension, suspension, expulsion.

29-35 Carrying of pistol or revolver without permit prohibited.

29-38 Weapons in vehicles.

53a-3 Firearms and deadly weapons.

53-206 Carrying and sale of dangerous weapons.

53a-217b Possession of firearms and deadly weapons on school grounds.

18 U.S.C. 921 Definitions.

PL 103-382 Elementary and Secondary Education Act. (Sec. 14601 - Gun Free Requirements: Gun Free School Act of 1994)

Kyle P. Packer PPA Jane Packer v. Thomaston Board of Education. (SC 15862)

Adopted: December 8, 1994

Revised: December 8, 2020

NORTH CANAAN BOARD OF EDUCATION
North Canaan, Connecticut