

**ADMINISTRATIVE REGULATIONS REGARDING ALTERNATIVE
EDUCATIONAL OPPORTUNITIES FOR EXPELLED STUDENTS**

I. Applicability of these Administrative Regulations

These administrative regulations shall apply in cases when, pursuant to state law, a student in the New Milford Public Schools (the “District”) is entitled to an alternative educational opportunity during a period of expulsion.

II. Responsible Personnel

The building principal of the school from which the student has been expelled, or designee(s), shall maintain responsibility for compliance with these administrative regulations relative to the individual student who is being provided with the alternative educational opportunity.

III. Student Placement Procedures

A. After a student has been expelled, and unless extraordinary circumstances exist, the building principal, or designee(s), will take the following steps:

1. 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).
2. 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.
3. After placement options have been shared with the parent(s)/guardian(s), convene a placement meeting at which all alternative educational opportunities are explored 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, Subsection A above shall not apply.

IV. Individualized Learning Plan

A. Development of the Individualized Learning Plan

After the student has been accepted into an alternative educational placement, the principal, or 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 designee, will collaborate with school personnel from the school from which the student was expelled, the student and the parent/guardian, and will review all relevant student records.

B. Contents of the Individualized Learning Plan

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

- a. 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);
- b. Individualized education program ("IEP");
- c. Section 504 Plan;
- d. Individualized health care plan or emergency care plan; and/or
- e. Other relevant academic and behavioral data.

2. The ILP will address the following:

- a. 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;
- b. Benchmarks to measure progress towards the goals and ultimately, progress towards graduation;

- c. 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;
- d. 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
- e. 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.

V. 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:
 - 1. 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
 - 2. Consideration of opportunities for early readmission as set forth in the ILP, as established by the Board of Education or Superintendent, as applicable.

VI. 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 designee, should consider:

1. Efforts to readmit the student at a semester starting point (at the high school level);
 2. A plan to transfer the student's credits and records back to the school from which the student was expelled:
 - a. The District will award an expelled high school student appropriate high school credit for work satisfactorily completed during the period the student participates in the alternative educational opportunity and will transfer relevant records back to the school from which the student was expelled;
 - b. 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.
 3. The student's need for academic and other supports upon returning to school; and
 4. Efforts to connect the returning student with opportunities to participate in extracurricular activities.
- B. In the event the principal, or 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 the procedures outlines in these Administrative Regulations.

Legal References:

Connecticut General Statutes:

Conn. Gen. Stat. § 10-233d

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).

Regulation approved:
SCHOOLS

NEW MILFORD PUBLIC

Regulation revised:
CT

New Milford,

[BOE LETTERHEAD]

(Date)

CERTIFIED MAIL - RETURN RECEIPT REQUESTED & U.S. MAIL

(Parent) (If the Student is aged 18 or older, this notice should be sent directly to the student, with copies to the parent(s)).

(Parent's/Student's Address)

(Non-custodial Parent, if applicable)

(Parent's Address)

Re: Expulsion Hearing Concerning Student Name; D.O.B.; State-Assigned Student Identifier (SASID)

Dear *(Parent/Guardian)*:

In accordance with the New Milford Board of Education Policy 5131—Student Discipline, I am writing to advise you that the New Milford Board of Education (the “Board”) will hold a formal hearing concerning your child, *(name of student)* to consider the recommendation of *(name of administrator)* that your child be expelled from school. *[In cases where the district uses a hearing officer, add the following: Please be advised that the Board has appointed Attorney [Name], to serve as an impartial hearing officer in this matter.]* This hearing is being held pursuant to Section 10-233d *[In cases where a preschool student is recommended for expulsion, add the following: and Section 10-233l]* and Sections 4-176e to 4-180a, inclusive, and Section 4-181a of the Connecticut General Statutes and the New Milford Board of Education Policy 5131—Student Discipline, a copy of which is enclosed. The Board *(OR the hearing officer)* intends to conduct the hearing in executive session, due to the confidential nature of this hearing.

The hearing will address the allegations that your child *(for on or off-campus conduct: violated Board Policy cite Student Discipline Policy number and any other specific policy number on date and seriously disrupted the educational process) (and/or, for on-campus conduct: endangered persons or property)* by engaging in the following conduct:

(The law governing these hearings requires a short, plain statement of the facts to be included within this notice letter, and should be inserted here.

Example: carrying a knife on the school bus on a specified date and brandishing it at other students on the bus).

(If the student has admitted to this conduct, note the admission here).

The hearing has been scheduled for (*date, time, place [note: unless an emergency exists, the this notice must be given to the student/parent/guardian at least five (5) business days before the hearing]*). (*If a manifestation determination must be held prior to the expulsion hearing, add the following language: Prior to the expulsion hearing, your child's [planning and placement (PPT) team OR Section 504 team] will determine if your child's conduct constitutes a manifestation of the child's disability. The expulsion hearing will be canceled if the [PPT OR Section 504 team] determines that the conduct was a manifestation of your child's disability; otherwise, the hearing will proceed as scheduled.* You and your child are asked to attend this hearing. Your child has the right to be represented by an attorney or other advocate at your expense, has the right to cross-examine administration witnesses, and may present relevant evidence, both documentary and testimonial, concerning the allegations. The hearing will be the parties' sole opportunity to present such evidence. The Board (***OR the hearing officer***) may also question witnesses. An opportunity will also be given for the administration and your child or your child's representatives to present argument concerning the evidence presented at the hearing. If you need the services of a translator or an interpreter for this hearing, please let me know as soon as possible.

Unless the administration has determined that an emergency exists, you have the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation. If you would like to request a postponement, please let me know as soon as possible.

The administration may recommend expulsion from school for up to one calendar year. The Board (***OR the hearing officer***) has discretion to adopt any period of expulsion up to one calendar year.

As mentioned above, your child has a right to be represented, at your own expense, by an attorney or other advocate at the expulsion hearing. Obtaining an attorney or other advocate is the responsibility of the family. Very low income families may be able to obtain free or reduced rate advice or legal representation through Statewide Legal Services, Inc. ("SLS"). To apply for such assistance, those families should contact SLS immediately at 1-800-453-3320.

In the event your child is expelled as a result of the scheduled hearing, and your child is under sixteen (16) years of age, the Board will offer your child an alternative educational opportunity during any period of exclusion from school as determined by the Administration in accordance with applicable law and Board policy. If your child is between sixteen (16) and eighteen (18) and has not been expelled before, the Board shall also offer to your child an alternative educational opportunity if your child wishes to continue their education. Please know however, that the Board is not required to offer an alternative educational opportunity to any student between sixteen (16) and

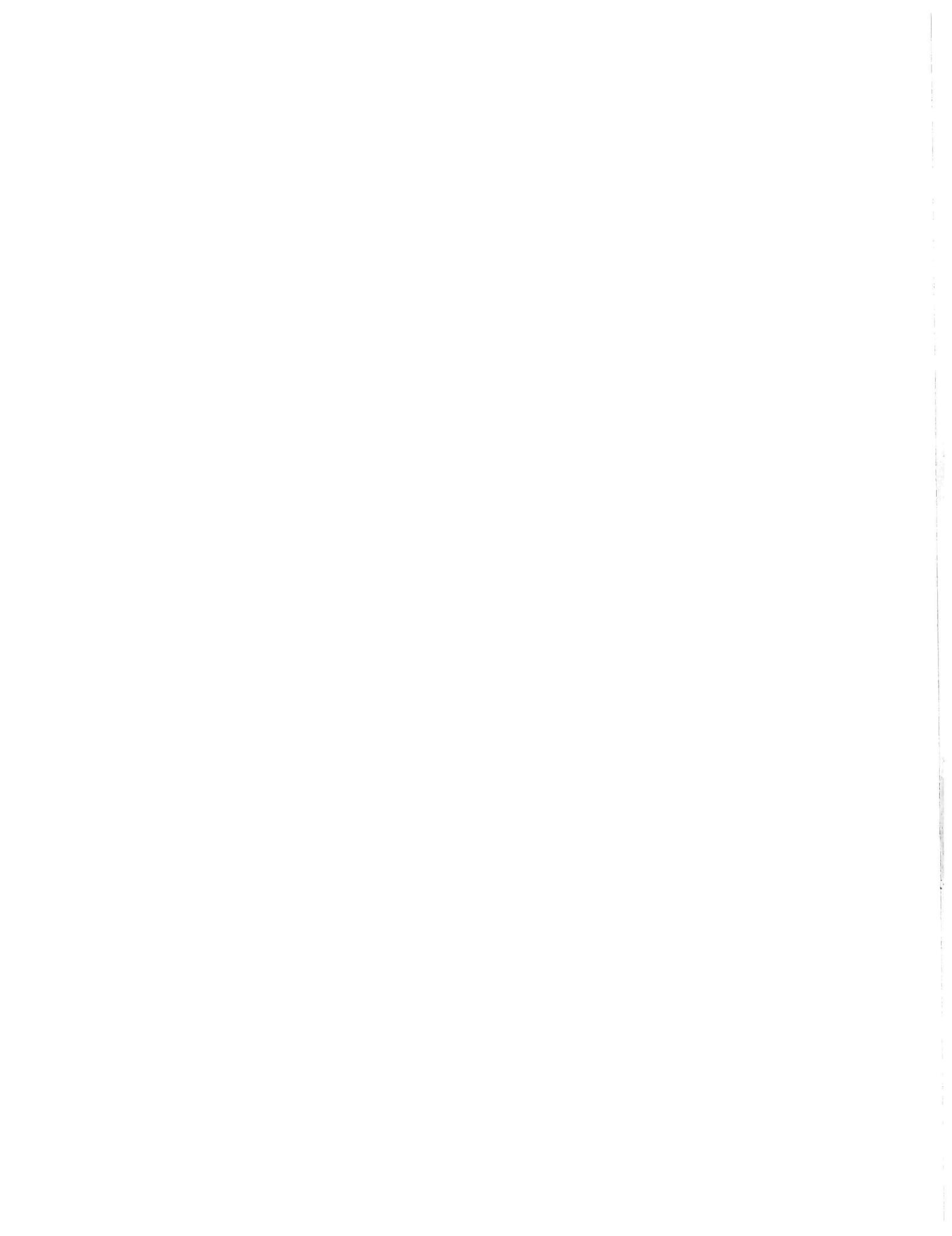
eighteen (18) years of age who have previously been expelled or to students who are eighteen (18) years of age or older.

If you have any questions, please call my office at *(number)*.

Sincerely,

(Name of Superintendent)
(Name of District) Public Schools

Cc: *(Name of District)*, Chairman, *(Name of District)* Board of Education
(Name of Special Education Director, where applicable)
(Name of Principal at school that student attends)
(Name of Board of Education Attorney, where applicable)
(Name of Administration's Attorney, where applicable)



AGREEMENT

NAME OF SUPERINTENDENT, (Superintendent of Schools for NAME OF DISTRICT), NAME OF STUDENT and NAME(S) OF PARENT(S)/GUARDIAN(S) (the parent(s)/guardian(s) of NAME OF STUDENT) agree as follows with respect to the Superintendent's request that NAME OF STUDENT be expelled from _____ School:

1. NAME OF STUDENT (D.O.B. _____; SASID _____) is currently enrolled as a _____ grade student at _____ School.
2. NAME OF STUDENT admits having engaged in the following conduct (*insert a short, plain statement of the conduct*) on or about _____, 20__.
3. NAME OF STUDENT's conduct, as described above, violates _____ Board of Education Policy _____ (Student Discipline) (*Cite other policies here as appropriate*), and is considered by the district administration to be seriously disruptive of the educational process. (*For conduct that occurs on school grounds, on school transportation, or at a school-sponsored activity, you may alternatively or additionally state whether such conduct is considered to endanger persons or property*). (*If the student has admitted to this conduct, note the admission here*).
4. Students are notified of applicable Board policies regarding prohibited conduct by publication in the student handbook.
5. (*Optional Section for students with disabilities*): A manifestation determination was made on (*date*) concerning this conduct and it was determined that the conduct was not a manifestation of the student's disability.
6. Students are notified of applicable Board policies regarding prohibited conduct by publication in the student handbook.
7. Subject to the approval of the _____ Board of Education (the "Board"), NAME OF STUDENT shall be expelled, effective _____, 20__ and continuing through _____, 20__, under the following conditions:
 - a) During the period of expulsion, the Board will provide NAME OF STUDENT with an alternative education opportunity deemed appropriate by the Administration in accordance with applicable law and Board policy.

(Optional alternative language if the parties agree to an alternative educational opportunity other than that required by the state standards:

The NAME OF PARENT(S) and NAME OF STUDENT understand and acknowledge that, pursuant to Section 10-233d of the Connecticut General Statutes, NAME OF STUDENT is entitled to an alternative educational opportunity during the Expulsion Period which shall be (1) alternative education, as defined by Section 10-74j of the Connecticut General Statutes, 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, pursuant to section 3 of public act 17-220 (a "Statutory

Alternative Educational Opportunity”). The NAME OF PARENT(S) and NAME OF STUDENT hereby waive NAME OF STUDENT’s right to a Statutory Alternative Educational Opportunity and accordingly waive the application of the *Standards of Educational Opportunities for Students Who Have Been Expelled*, adopted by the Connecticut State Board of Education, and the Board’s Administrative Regulations concerning the implementation of said standards. In lieu of a Statutory Alternative Educational Opportunity, the NAME OF PARENT(S) and NAME OF STUDENT agree that during the Expulsion Period, the Board will provide NAME OF STUDENT with an alternative educational opportunity as follows:

[Describe alternative educational opportunity agreed to by parties.]

If NAME OF STUDENT becomes ineligible to attend the New Milford Public Schools pursuant to Board Policy and/or if the Parents withdraw NAME OF STUDENT from enrollment as a student at [name of school], the Board will have no obligation to provide NAME OF STUDENT with the alternative educational opportunity described herein.

- b) During the period of expulsion, NAME OF STUDENT will not be permitted to be on school grounds or school transportation, and will not be permitted to attend or participate in any school-sponsored activities, except as authorized in writing in advance by the Superintendent of Schools.

(Optional Sections regarding early readmission):

- c) Prior to _____, the Superintendent will review NAME OF STUDENT’s conduct, attendance and effort level in the alternative educational opportunity [list other conditions as applicable], for the purpose of determining, in the Superintendent’s sole discretion, whether NAME OF STUDENT should be readmitted to school on or about _____.
- d) If the Superintendent determines that NAME OF STUDENT should be readmitted to school early in accordance with the preceding section, and if NAME OF STUDENT subsequently commits any offense that would warrant suspension and/or expulsion under the policies of the Board, the Superintendent may reinstate NAME OF STUDENT’s expulsion for the remainder of the expulsion period, through *(date)*, without the need for any further proceedings before the Board.

(Optional Section for expungement if the expulsion is the student’s first expulsion):

- e) Prior to *(date)*, the Superintendent will review NAME OF STUDENT’s conduct, attendance and effort level since the expulsion, for the purpose of determining, in the Superintendent’s sole discretion, whether the expulsion hearing record of NAME OF STUDENT should be expunged from NAME OF STUDENT’s educational record as of *(date)*.
8. All parties to this Agreement request that this Agreement be presented to the Board for the Board’s consideration, in lieu of the submission of any other evidence by the Superintendent and/or NAME OF STUDENT or NAME OF STUDENT’s parents, and they agree that this Agreement is sufficient for the Board to expel NAME OF STUDENT from school.

9. NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) understand and acknowledge that, pursuant to Section 10-233d of the Connecticut General Statutes and Board Policy, NAME OF STUDENT is entitled to an expulsion hearing before the New Milford Board of Education to contest NAME OF STUDENT's proposed expulsion from the New Milford Public Schools. NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) further understands and acknowledges that at such hearing NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) would have the right to call witnesses and to introduce documentary evidence, to cross examine witnesses called by the Administration, and to be represented by an attorney or other advocate at their own expense. Accordingly, NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) waive NAME OF STUDENT's right to an expulsion hearing pursuant to Section 10-233d of the Connecticut General Statutes.

10. The Superintendent, NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) understand that this Agreement is subject to the approval of the Board. In the event that the Board does not approve this Agreement, the Superintendent, NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) agree that the expulsion hearing concerning NAME OF STUDENT shall be rescheduled to a mutually agreeable date for the purposes of conducting an evidentiary hearing before the Board concerning the Superintendent's expulsion request. NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) agree that NAME OF STUDENT will remain out of school until the evidentiary hearing has been completed. NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) also agree that the Board's consideration of this proposed Agreement will not disqualify any member of the Board from serving as a Board member in the evidentiary hearing, and they hereby waive any right to make such a claim in any proceeding in any forum.

11. NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) enter into this Agreement voluntarily and with a full understanding of the provisions of this Agreement.

NAME OF SUPERINTENDENT
Superintendent of Schools

Date: _____

NAME OF STUDENT
Student

Date: _____

NAME OF PARENT/GUARDIAN
OF STUDENT

Date: _____

NAME OF PARENT/GUARDIAN
OF STUDENT

Date: _____

- Student's cumulative file
- The Student's receiving school or alternative educational placement
- Student's parent/guardian

[Note: Districts should insert or delete locations where this record may be kept in accordance with their student records policies and practices]

Student's Classes Prior to Expulsion	
Core Class	Placement/Progress in Class at Time of Expulsion <i>(e.g. current grade, current unit, etc.)</i>

Note: If the student receives special education and related services, the alternative educational opportunity provider must also refer to the student's IEP.

NEEDS

Academic Needs	
<input type="checkbox"/> See IEP <i>(if applicable)</i>	
<input type="checkbox"/> Other:	

Behavioral Needs	
<input type="checkbox"/> See IEP <i>(if applicable)</i>	
<input type="checkbox"/> Other:	

GOALS

Academic Goals		
<input type="checkbox"/> See IEP <i>(if applicable)</i>	<input type="checkbox"/> Satisfactory work completion	<input type="checkbox"/> Satisfactory progress in coursework and toward meeting relevant academic standards
<input type="checkbox"/> Other:		

Benchmarks to Measure Progress Toward Academic Goals		
<input type="checkbox"/> See IEP (<i>if applicable</i>)	<input type="checkbox"/> Passing grades on midterm progress reports	<input type="checkbox"/> Passing grades on report card
<input type="checkbox"/> Other:		
Progress monitoring <i>mm/dd/yy</i> :		

Behavioral Goals		
<input type="checkbox"/> See IEP (<i>if applicable</i>)	<input type="checkbox"/> Satisfactory attendance	<input type="checkbox"/> Satisfactory compliance with behavioral expectations and disciplinary policies
<input type="checkbox"/> Other:		

Benchmarks to Measure Progress Toward Behavioral Goals		
<input type="checkbox"/> See IEP (<i>if applicable</i>)	<input type="checkbox"/> Fewer than _____ teacher referrals to administration for disciplinary matters	<input type="checkbox"/> Fewer than _____ contacts to parents/guardians for disciplinary matters
<input type="checkbox"/> Attends alternative program _____% or more of scheduled days/sessions.	<input type="checkbox"/> Other:	
Progress monitoring <i>mm/dd/yy</i> :		

INTERVENTIONS

Academic Interventions

<input type="checkbox"/> See IEP (<i>if applicable</i>)	<input type="checkbox"/> See Section 504 Plan (<i>if applicable</i>)
<input type="checkbox"/> Tier 1 _____ <input type="checkbox"/> Tier 2 _____	
<input type="checkbox"/> Tier 3 _____	
<input type="checkbox"/> Other:	

Behavioral Interventions

<input type="checkbox"/> See IEP (<i>if applicable</i>)	<input type="checkbox"/> See Section 504 Plan (<i>if applicable</i>)
<input type="checkbox"/> Tier 1 _____ <input type="checkbox"/> Tier 2 _____	
<input type="checkbox"/> Tier 3 _____	
<input type="checkbox"/> Other:	

Review and Communication of Progress to Parents/Guardians or Student

Method of monitoring and review: *(for most students, monitoring and reviewing 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)*

- Monitoring attendance
- Monitoring work completion
- Monitor progress toward meeting relevant academic standards
- Review and monitor progress in accordance with IEP and/or BIP (if applicable)
- Other: _____

Timing for communication of progress to parents/guardians or student: *(Progress must be communicated to the parent/guardian 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)*

- Each marking period
- Other: _____

Early Readmission

The expulsion decision contains the following early readmission criteria:

- The student may apply to the Board of Education for early readmission and such readmission shall be at the discretion of the Board of Education.
 - The student applied to the Board of Education for early readmission on _____ and the Board of Education granted the request and has conditioned such early readmission on the following criteria:
 - The student applied to the Board of Education for early readmission on _____ and early readmission was not granted.
- The student may apply to the Superintendent for early readmission and such readmission shall be at the discretion of the Superintendent.
 - The student applied to the Superintendent for early readmission on _____ and the Superintendent granted the request and has conditioned such early readmission on the following criteria:

- The student applied to the Superintendent for early readmission on _____ and early readmission was not granted.

Review of Placement and ILP:

A review of the appropriateness of the placement must occur at least once per marking period. Such review must include:

- 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.
- Consideration of opportunities for early readmission as set forth in the ILP (see Early Readmission section)

Transition Plan for Readmission:

The following has been considered and, where appropriate, addressed:

- Efforts to readmit the student at a semester starting point (at the high school level)
- A plan to transfer the student's credits and record back to the student's school
- The student's need for academic and other supports upon returning to school
- Efforts to connect the student with opportunities to participate in extracurricular activities

ADMINISTRATIVE REGULATION REGARDING SEARCH AND SEIZURE

1. Search of a Student and the Student's Effects
 - A. All searches of students shall be conducted or directed by an authorized school administrator, i.e., the principal or vice principal, in the presence of a witness.
 - B. A search of a student's handbag, gym bag, cellular telephone, personal electronic device or similar personal property carried by a student may be conducted if there are reasonable grounds for suspecting that the search will produce evidence that the student has violated or is violating either the law or the rules of the school. A student's other effects are also subject to the same rule. Effects may include motor vehicles located on school property.
 - C. A search of a student's person may be conducted only if there are reasonable grounds at the inception of the search for suspecting that the search will reveal evidence that the student has violated or is violating either the law or the rules of the school. Moreover, the scope of the search shall be reasonably related to the objectives of the search and shall not be excessively intrusive in light of the age and sex of the student and the nature of the infraction. Metal detectors, breathalyzers and/or drug sniffing dogs may be used to detect the presence of contraband, including weapons, drugs or alcohol, in furtherance of this policy and to the extent authorized by law.
 - D. Strip searches are prohibited except when there are reasonable grounds for suspecting that such a search will produce evidence of conduct which places students, staff or school property in immediate danger. Such searches may be conducted at the request of the school principal, generally by a member of the police department. During such searches, a member of the school staff shall be present at all times as a witness, and both the police officer conducting the search and the witness shall be of the same sex as the student searched.
 - E. Any evidence of illegal conduct or conduct violative of the rules of the school produced as a result of searches according to these regulations shall be subject to seizure. Where required by law and otherwise at the option of the building principal, such evidence shall be submitted to the police department for proper disposition. Evidence not submitted to the

police department shall be disposed of as directed by the building principal.

2. Search of a Locker, Desk and Other Storage Area
 - A. The Board of Education (the “Board”) provides lockers, desks, gym baskets and other storage areas in which students may keep and store personal belongings and materials provided by the Board. Such storage areas are the property of the Board.
 - B. No student shall keep or store personal belongings or materials provided by the Board in any storage area other than one provided by the Board and designated for the student’s use by the school administration.
 - C. Each student shall be responsible for maintaining any storage area assigned to the student for the student’s use in an orderly and sanitary condition.
 - D. No student shall keep or store in a storage area assigned to the student for the student’s use any item the possession of which is illegal or in violation of school regulations or that endangers the health, safety or welfare of self or others (such as matches, chemicals, ammunition, weapons, drugs, tobacco, alcoholic beverages, etc.).
 - E. The use of lockers and other storage areas by students is a privilege. At all times such storage areas remain the property of the Board. If the school administration reasonably suspects that a student is not maintaining a storage area assigned to the student in a sanitary condition, or that the locker contains items the possession of which is illegal or in violation of school regulations or that endangers the health, safety or welfare of the student or others, it has the right to open and examine the storage area and to seize any such items that are found. The school administration may authorize law enforcement officials to search lockers/storage areas in accordance with Board Policy 5145.12s Section 2(A).
 - F. When required by law and otherwise at the option of the building principal, items that have been seized shall be submitted to the police department for proper disposition. Items not submitted to the police department shall be disposed of as directed by the building principal.

Legal References:

Conn. Gen. Stat. § 10-221, Board of education to prescribes rules, policies and procedures

Conn. Gen. Stat. § 54-33n, Search of school locker and property

New Jersey v. T.L.O., 469 U.S. 325 (1985)

Regulation approved:

NEW MILFORD PUBLIC SCHOOLS

Regulation revised:

New Milford, CT

**ADMINISTRATIVE REGULATION REGARDING SEARCH AND SEIZURE
ADDENDUM REGARDING USE OF DOGS ON SCHOOL PROPERTY**

The Board of Education (the “Board”) shall permit the administration to invite law enforcement agencies or other qualified agencies or individuals to search school property with dogs specially trained when necessary to protect the health and safety of students, employees or property of the New Milford Public Schools (the “District”), and for the purpose of detecting the presence of illegal substances or contraband, including alcohol and/or drugs.

The use of trained detection dogs is subject to the following:

1. The administration shall authorize the search and the principal or his/her designee shall be present while the search is taking place.
2. All school property such as lockers, classrooms, parking areas and storage areas may be searched.
3. Dogs shall not be used in rooms occupied by persons except as part of a program designed to inform students/parents of the capabilities of the dogs. Individual(s) shall not be subjected to a search by dogs.
4. Parents and students shall be notified of the Board’s policy concerning search and seizure and this regulation, which shall be publicized to students. Specific dates of planned searches need not be released
5. When conducting a search of an individual or his/her effects based upon a dog’s signal, the principal or his/her designee shall conform to the requirements of the Board’s policy and regulation pertaining to searches of a student, his/her effects and/or locker searches.
6. The administration of the District shall have sole authority for determining internal disciplinary action in regard to illegal substances or contraband on school property.
7. Although detection dogs may be under the control of law enforcement agencies, the administration of the District shall have sole determination as to when a sweep of school property will be conducted.
8. When detection dogs are employed, the school should follow standard protocol for a lockdown procedure prior to the dogs and their handlers entering the building.

**ADMINISTRATIVE REGULATION REGARDING SEARCH AND SEIZURE
ADDENDUM REGARDING USE OF BREATHALYZERS ON SCHOOL
PROPERTY**

The Board of Education (the “Board”) supports the use of both passive alcohol screening (“PAS”) devices and breathalyzers during the school day or at school-sponsored events, on or off campus, to deter the use of alcohol by students in the New Milford Public Schools (the “District”) and to promote the health and safety of all students.

This regulation provides the basic structure for the use of passive alcohol sensors and breathalyzers in this District to detect/confirm alcohol consumption by students. Such instruments shall be used by the District to 1) to confirm a reasonable suspicion that a particular student has used or is under the influence of alcohol at school during the school day, or at a voluntary, extracurricular school-sponsored event; and/or 2) systematically screen students attending extracurricular/voluntary school-sponsored events for possible alcohol use.

The passive alcohol sensor (“PAS”) device is a non-invasive high-speed breath alcohol-screening instrument which can be used as a “sniffer” for overt or covert alcohol detection. This device may be used to sample a student’s breath in order to detect alcohol use, with results reported as either “positive” or “negative.” A breathalyzer is a device that detects and measures alcohol in expired air so as to determine the concentration of alcohol in a person's blood.

Only designated school personnel will be trained in the use of the PAS device and/or breathalyzer test. All testing instruments shall be properly calibrated and will be checked for accuracy and for full calibration in accordance with the manufacturer’s standards. Testing of students using these devices will be conducted in a separate area, to the extent practicable, to maintain student privacy.

Results from a PAS device or breathalyzer will be maintained in a confidential manner, and released in accordance with District policy and state and federal law.

A. Testing to Confirm Reasonable Suspicion of Alcohol Use

If there is reasonable suspicion that a student is under the influence of alcohol at school or at a school-sponsored event, the student shall be removed to a separate area for observation and questioning concerning alcohol consumption. The student will be informed as to how the PAS device operates and will be asked to breathe across the intake part of the device. Testing will be conducted by trained personnel, in a separate area whenever possible, to maintain student privacy. Any student who tests positive will be asked to submit to a second test using a breathalyzer. If the student tests positive for a second time, the school will contact the student’s parents. If necessary,

the student will be brought to the school nurse for medical treatment and emergency medical protocols shall be followed.

If the student tests positive on either test, or if the student refuses to take the test when there is reasonable suspicion of alcohol use, the student may be subject to appropriate disciplinary action consistent with District policies and procedures.

Reasonable suspicion shall include, but not be limited to, any of the following:

1. Observed use or possession of alcohol;
2. Alcohol odor or the presence of an alcohol container;
3. Slurred speech, unsteady gait, lack of coordination, bloodshot or glazed eyes; or
4. Marked changes in personal behavior not attributable to other factors.

B. Extracurricular/Voluntary School-Sponsored Events

The Board also allows for the use of PAS devices and breathalyzers in connection with students' participation in extracurricular/voluntary school-sponsored events and activities without the need for school personnel to first have reasonable suspicion of alcohol use. Such suspicionless testing will occur only if students are notified prior to the event or school-sponsored activity that a PAS or breathalyzer may be used, and that they may be denied entry and/or removed from the event or activity for either refusing to submit to such testing or for testing positive for alcohol use. Students will be notified through a variety of means, including orientation programs, student handbooks and/or electronic publication.

When PAS devices and/or a breathalyzer will be used at a voluntary school-sponsored event (i.e. school dances, proms, etc.), such devices shall be administered as follows:

1. All students participating in the activity or school-sponsored event will be asked to submit to a PAS screening. Students will be asked to breathe across the intake part of the device.
2. If the PAS device detects alcohol, the student shall be removed to a separate area for observation and questioning concerning alcohol consumption. After fifteen (15) minutes, the student will be asked to submit to a breathalyzer test to confirm the presence of alcohol.
3. Should the student test positive after the second test, school personnel will contact the student's parents and the student shall be removed/denied entry to the activity or school-sponsored event.

4. Any student who refuses to breathe into the PAS device, or who refuses to submit to the breathalyzer test, may be excluded or removed from the activity or school-sponsored event and may face additional disciplinary actions.
5. The District retains the right to contact local law enforcement officials at any time, as deemed appropriate, consistent with District practice and policy.

