

NEW MILFORD BOARD OF EDUCATION
New Milford Public Schools
50 East Street
New Milford, Connecticut 06776

POLICY SUB-COMMITTEE
MEETING NOTICE

DATE: April 5, 2022
TIME: 6:45 P.M.
PLACE: Sarah Noble Intermediate School Library Media Center

AGENDA

New Milford Public Schools Mission Statement

The mission of the New Milford Public Schools, a collaborative partnership of students, educators, family, and community, is to prepare each and every student to compete and excel in an ever-changing world, embrace challenges with vigor, respect and appreciate the worth of every human being, and contribute to society by providing effective instruction and dynamic curriculum, offering a wide range of valuable experiences, and inspiring students to pursue their dreams and aspirations.

- 1. Call to Order**
- 2. Public Comment**

An individual may address the Board concerning any item on the agenda for the meeting subject to the following provisions:

- A. A three-minute time limit may be allocated to each speaker with a maximum of twenty minutes being set aside per meeting. The Board may, by a majority vote, cancel or adjust these time limits.
- B. If a member of the public comments about the performance of an employee or a Board member, whether positive, negative, or neutral, and whether named or not, the Board shall not respond to such comments unless the topic is an explicit item on the agenda and the employee or the Board member has been provided with the requisite notice and due process required by law. Similarly, in accordance with federal law pertaining to student confidentiality, the Board shall not respond to or otherwise discuss any comments that might be made pertaining to students.

3. Discussion and Possible Action

- A. Policies/Regulations for Deletion/Approval:
 1. 3321 Requesting Goods and Services (Requisitions)
 2. 3324.1 Contracts - Regulation
 3. 3432/3433 Budget & Expense Report/Annual Financial Statement
- B. Policy for Second Review:
 1. 5121.2 Eligibility for Honor Rolls
- C. Policies for First Review:
 1. 3440 Inventories
 2. 3450 Monies in School Buildings
 3. 3451 Petty Cash Funds

4. Discussion

- A. Policy Review Update:
 1. 5132 Dress and Grooming
- B. Policies for Discussion:
 1. 5114 Removal/Suspension/Expulsion
 2. 5131 Student Conduct

RECEIVED
TOWN CLERK

2022 APR - 1 A 8: 06

NEW MILFORD, CT

5. Public Comment

An individual may address the Board concerning any item on the agenda for the meeting subject to the following provisions:

- A. A three-minute time limit may be allocated to each speaker with a maximum of twenty minutes being set aside per meeting. The Board may, by a majority vote, cancel or adjust these time limits.
- B. If a member of the public comments about the performance of an employee or a Board member, whether positive, negative, or neutral, and whether named or not, the Board shall not respond to such comments unless the topic is an explicit item on the agenda and the employee or the Board member has been provided with the requisite notice and due process required by law. Similarly, in accordance with federal law pertaining to student confidentiality, the Board shall not respond to or otherwise discuss any comments that might be made pertaining to students.

6. Adjourn

**Sub-Committee Members: Olga I. Rella, Chairperson
Tammy McInerney
Leslie Sarich
Keith A. Swanhall, Jr.**

**Alternates: Brian McCauley
Eric Hansell**

FOR DELETION

COMMENTARY: This policy is not legally mandated and can be deleted since the District has an established budgetary process and the Superintendent has the authority to direct District staff in connection with that process.

3321

Business/Non-Instructional Operations

Requesting Goods and Services (Requisitions)

Requisitions for budgeted items shall originate from the personnel directly responsible for their use. The Superintendent of Schools or designee shall arrange appropriate administrative review channels in which all requisitions will be examined and approved prior to purchase.

The Superintendent or designee shall receive and process requisitions in a manner most beneficial to the overall purposes of the school.

Policy adopted: June 11, 2002
Policy revised: June 10, 2008
Policy reviewed: February 25, 2014

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

Business/Non-Instructional Operations

Contracts

COMMENTARY: This document is listed as a regulation rather than a policy although it takes the form of a policy so the designation as a regulation may be incorrect. In any event, whether as a policy or regulation the document is not legally mandated. The Board may want to consider adopting the document as a policy with the suggested changes below simply as a useful reminder that all contracts that the District enters into with other entities must comply with legal requirements.

The suggested revisions in the first section are for clarity. In the second section, the reference to affirmative action contracting obligations has been replaced by a Non-Discrimination section. This change is recommended because Connecticut General Statutes § 4a-60 and 4a-60a only directly apply to “municipal works projects” and the Board ordinarily would not enter into such contracts since items like school construction and remediation projects are typically governed by school construction committees which are deemed town rather than board of education bodies. The added section on Non-Discrimination achieves the same objective and reflects state and federal non-discrimination statutes.

Follow up from Legal re question asked at full BOE meeting of February 15, 2022 regarding word “alienage”: The term “alien” means any person not a citizen or national of the United States. “Alienage” is a protected-class under Connecticut law along with the other statuses listed in the policy such as religion, national origin, color, race, etc. Since the policy lists these other protected-classes Legal decided to add it although there is no legal mandate to do so in connection with this policy so if the Board did not want to list alienage in this policy it would be free to do so and also does not need to have the policy at all if it chooses not to.

More specifically, discrimination on the basis of “alienage” is generally understood as discrimination targeting citizenship or immigration status, and arises when there are restrictions or requirements that result in a preference for citizens over non-citizens. Alienage discrimination has been interpreted to encompass discrimination based on:

- how (birth, marriage, death, etc.) or when citizenship was obtained,*
- immigration status (legal residents, refugees, DACA recipients, asylum seekers, undocumented immigrants, those eligible for citizenship but have not applied, etc.)*
- naturalization status*
- sponsorship, or lack thereof*
- and duration or permanency of residency.*

At the federal level, discrimination based on alienage is illegal when it has “the purpose or effect of discriminating against a national origin group.” Under the Immigration Reform and Control Act (IRCA), asking a job applicant if they are a United States citizen or questions about immigration status before making an employment offer may raise the inference that the employer is discriminating on the basis of immigration status. Employers are also prohibited

Business/Non-Instructional Operations

Contracts

from discriminating against refugees, individuals granted asylum, individuals with temporary visas, or undocumented workers. Employers may not refuse to accept lawful documentation that establishes the employment eligibility of an employee, or demand additional documentation beyond what is legally required based on the employee's national origin or citizenship status.

All contracts between the district and outside agencies parties including private entities, non-profit organizations and governmental bodies and organizations shall conform to prescribed standards as required by law.

All contracts between the district and outside agencies parties shall be prepared under the supervision of the Superintendent or designee, and where appropriate, be reviewed by the legal adviser to the district.

Affirmative Action

Non-Discrimination

The District shall not contract with any vendor that it knows or has reason to believe discriminates against any person on account of such person's religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, blindness, mental disability, physical disability or status as a veteran.

~~The school district shall require contractors to agree and warrant that they will not unlawfully discriminate on the basis of race, color, national origin, ancestry, sex, marital status, age, disability, religion, sexual orientation, gender identity or expression, veteran status, or genetic information either in employment practices or in the provision of benefits or services to students or employees.~~

Legal Reference: Title VII, Civil Rights Act, 42 U.S.C. 2000e et seq. as amended by Title IX, Equal Employment Opportunity Act

Title IX of the Education Amendments of 1972; 42 U.S.C. 1134n et seq. (Higher Education Act)

Connecticut General Statutes

~~4a-60 Nondiscrimination and affirmative action provisions in contracts of the state and political subdivisions other than municipalities~~

3324.1(c)

Business/Non-Instructional Operations

Contracts

~~4a-60a Contracts of the state and political subdivisions, other than municipalities, to contain provisions re nondiscrimination on the basis of sexual orientation~~

Regulation approved: June 11, 2002
Regulation revised: June 10, 2008
Regulation revised: February 25, 2014

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

FOR APPROVAL

COMMENTARY: This policy is not legally mandated however the Board may wish to maintain such policy to clearly define the District's internal monthly budget reporting process. If the Board wishes to change its internal accounting/reporting practices it could do so via changes to the policy. FOLLOW UP to February 1, 2022 Policy discussion: Legal states that it is fine to delete 3433, since dual numbering is when the same policy applies to multiple series and that is not the case here. Legal also approved Board suggested language added in green since it reflects current practice and the intent of the Board going forward. The change is also in line with Bylaw 9132 with respect to the responsibilities of the Operations subcommittee.

3432
3433

Business/Non-Instructional Operations

Budget & Expense Report/Annual Financial Statement

The Superintendent of Schools shall submit to the Board of Education a monthly report of disbursements and budget balances at the regular meeting each month, **and at any scheduled Operations subcommittee meeting**, and shall submit an annual report covering the preceding school year.

Legal Reference: Connecticut General Statutes
10-222 Appropriations and budget.

Policy adopted: June 11, 2002
Policy reviewed: June 10, 2008
Policy reviewed: February 25, 2014

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

FOR SECOND REVIEW

COMMENTARY: The PowerSchool conversion requires adjustments to how the SMS Highest Honors are determined. After discussion at the March 1, 2022 Policy subcommittee meeting, the Committee suggests the revisions below to bring consistency between the two schools.

5121.2

Students

Eligibility For Honor Rolls

To recognize outstanding scholastic achievement, motivate students to do well in their studies, and teach students the importance of meeting all their responsibilities, the Board of Education hereby establishes the following categories of honors and the criteria for eligibility for said honors.

High School (9-12)

Highest Honors with Distinction: All grades 90 or better in all subjects.

High Honors: An average of 90 or better in all subjects. ~~No grade below 70.~~

Honors: An average of 85 or better in all subjects. ~~No grade below 70.~~

Middle School (6-8)

Highest Honors with Distinction: All grades 90 or better in all ~~major~~ subjects.

High Honors: An average of 90 or better in all ~~major~~ subjects. ~~No grade below 70 in minor subjects.~~

Honors: An average of 85 or better in all ~~major~~ subjects. ~~No grade below 70 in minor subjects.~~

~~A middle school “major subject” includes English, mathematics, science, social studies, and world language. All other subjects are considered minor subjects.~~

Policy adopted: June 12, 2001
Policy revised: June 11, 2002
Policy revised: June 12, 2007
Policy revised: June 14, 2011
Policy revised: June 9, 2015

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

FOR FIRST REVIEW

COMMENTARY: This policy is not legally mandated although it may be advisable for the Board and Administration to address this topic through policy and regulations. Legal has not been able to locate any SDE form or guidance addressing State Board of Education requirements for inventories so that reference may be outdated, although the Administration may be aware of reporting or other requirements. Finally, the Board may wish to consult with Town auditors to see if they have any recommendations for inventories that could be incorporated into this policy.

The added legal reference is to Conn. Gen. Stat. § 7-392 which requires municipalities to provide for the auditing of the financial statements of the school district.

3440

Business/Non-Instructional Operations

Inventories

Equipment

An inventory of equipment shall be maintained in a manner authorized by the State Board of Education **and consistent with any recommendations of Town auditors**. All items whose current value exceeds \$300 shall be included in the inventory, with the exception of equipment permanently fixed in a building such as heaters or lockers. The equipment inventory shall serve both the functions of control and conservation. The inventory shall include at least the description, name, date of acquisition, identification numbers, original cost, and location of use of all items. A record of the date and mode of disposal of all equipment removed from the inventory shall also be kept.

Unless otherwise required by the State Board of Education, the Superintendent or his or her designee shall conduct a physical inventory every seven years.

The inventory system shall be under the supervision of the Superintendent or designee.

Legal Reference: **Connecticut General Statutes**

7-392 Making of audits and filing of statements

Policy adopted: June 11, 2002
Policy revised: June 10, 2008
Policy reviewed: February 25, 2014

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

FOR FIRST REVIEW

COMMENTARY: This policy is not legally mandated although it may be advisable for the Board and Administration to address this topic through policy and regulations. The Board may wish to consult with Town auditors to see if they have any recommendations for cash handling protocols that could be incorporated into this policy.

The added legal references are to Conn. Gen. Stat. § 7-392 which requires municipalities to provide for the auditing of the financial statements of the school district and to Conn. Gen. Stat. § 10-237 which generally addresses school activity funds. That statute does not specifically address cash handling procedures in connection to school activity funds.

3450

Business/Non-Instructional Operations

Monies in School Buildings

Monies collected by school district employees and by student treasurers shall be handled with good and prudent business procedures **and consistent with any recommendations of Town auditors. Such practices shall be utilized** both to demonstrate the ability of school system employees to operate in that fashion, and to teach such procedures to students.

All monies collected shall be receipted and accounted for and directed without delay to the proper person or location for deposit.

In no case shall monies be left overnight in schools except in safes provided for safekeeping of valuables, and even then no more than a few dollars should be kept, except for petty cash authorized under Board of Education Policy #3451. All school banks shall provide for making bank deposits after regular banking hours to avoid leaving money in school overnight.

Legal Reference: Connecticut General Statutes

7-392 Making of audits and filing of statements
10-237 School activity funds

(cf. 3451 – Petty Cash Funds)

Policy adopted: June 11, 2002
Policy revised: June 10, 2008
Policy reviewed: February 25, 2014

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

FOR FIRST REVIEW

COMMENTARY: This policy is not legally mandated although it may be advisable for the Board and Administration to address this topic through policy and regulations. The Board may wish to consult with Town auditors to see if they have any recommendations for petty cash protocols that could be incorporated into this policy.

The added legal references are to Conn. Gen. Stat. § 7-392 which requires municipalities to provide for the auditing of the financial statements of the school district and to Conn. Gen. Stat. § 10-237 which generally addresses school activity funds. That statute does not specifically address petty cash protocols in connection to school activity funds.

3451

Business and Non-Instructional Operations

Petty Cash Funds

In order to facilitate minor purchases, the Superintendent shall establish a small, petty cash fund not to exceed \$250.00 in each school as well as for the central administrative office. Expenditures against the fund must be carefully itemized by the Principals. After a budget item is exhausted, no expenditures against this item may be made even from the petty cash fund, unless a line-item transfer is authorized under Board of Education policy #3160.

Legal Reference: Connecticut General Statutes

7-392 Making of audits and filing of statements

10-237 School activity funds

(cf. 3160 – Budget and Transfer of Funds)

(cf. 3451 – Petty Cash Funds)

Policy adopted: June 11, 2002
Policy revised: June 10, 2008
Policy revised: March 8, 2011
Policy reviewed: February 25, 2014

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

Students

Dress and Grooming

1. In order to promote a positive learning environment the Board of Education supports these standards for safe and appropriate student dress; nothing in this policy shall be intended to infringe upon students' freedom of expression or their religious beliefs.
 - a. Headwear: All headwear shall be removed prior to entering school and must be placed in the students' locker or where outer garments are stowed, for the entire school day.
 - b. Blouses/Shirts: Blouses/shirts should be constructed so that the tops of the shoulders are covered. Blouses/shirts will not allow exposure of any portion of the waist, hips, midriff or exposure of the chest.
 - c. Skirts/Shorts/Dresses/Pants: Skirts, shorts and dresses should have hemlines that are mid-thigh. With safety as our primary concern, pants should be worn to stay close to the waist; undergarments shall be completely covered.
 - d. Outdoor Garments: All outdoor garments will be placed in the students' locker immediately upon entering the school and will remain there for the entire school day.
 - e. Shoes: Safe footwear must be worn at all times.
 - f. Attire: Attire that displays indecent language, pictures or symbols that contain sexual references, or that advertise or encourage the use of drugs, tobacco products, alcoholic beverages are prohibited. Messages of violence or gang allegiance are prohibited. Pajamas, slippers and other lounging attire are not allowed.
 - g. Accessories: Students may not wear accessories that could cause injury to others or that are substantially or materially disruptive of the education process.
2. The school administration and faculty are responsible for the implementation of this policy. Exceptions to the above dress standards will be considered for medical reasons, special events and cultural beliefs or to promote school spirit as determined by the school principal or his/her designee.
3. When the above stated standards have not been met, any or all of the following will occur:
 - a. individual counseling;
 - b. sending the student home to change and return to school;
 - c. parental conferences;
 - d. suspension for insubordination (refusal to change and/or follow the directions of the administration/designee).

Legal Reference: Connecticut General Statute § 10-233 et seq.
10-221f School Uniforms

Policy adopted: June 12, 2001
Policy revised: June 24, 2004
Policy revised: June 13, 2006
Policy revised: June 12, 2007
Policy revised: March 12, 2013

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

NEW MILFORD PUBLIC SCHOOLS
Office of the Assistant Superintendent
50 East Street
New Milford, Connecticut 06776
(860) 354-3235 FAX (860) 210-2643



Holly Hollander
Assistant Superintendent of Schools

TO: Alisha DiCorpo, Superintendent
FROM: Holly Hollander, Assistant Superintendent
DATE: March 30, 2022
RE: Dress Code Working Group Update

New Milford High School and Schaghticoke Middle School, parents, students, and staff have been working to produce recommendations for review and consideration regarding potential revisions to the Dress and Grooming Policy 5132. The school-based group reviewed other SWC and DRG D dress and grooming policies and compared them to our current policy. The school-based group identified common emergent themes and focused on safety, and reduced lost instructional time due to dress code violations.

Finally, the group is working on a side-by-side table focusing on the recommendations and illustrating if other SWC schools address the identified common themes in their respective policies.

The group worked to address follow up questions that were provided, including:

- The reasons behind each recommendation
- Explaining the makeup and balance of the school-based group
- How decisions were made and what guiding materials were used
- Identifying data to inform our work
- A side-by-side comparison of NMPS Policy 5132 compared to other SWC 5232 policies

This working group is expanding its participation to be more inclusive of faculty and students and will be ready to share its findings for the Policy committee's consideration at the May meeting.

FOR DISCUSSION

5114(a)

Students

Removal/Suspension/Expulsion

SECTION I DEFINITIONS

- A. **"Bullying"** is defined an act that is direct or indirect and severe, persistent or pervasive, which (A) causes physical or emotional harm to an individual, (B) places an individual in reasonable fear of physical or emotional harm, or (C) infringes on the rights or opportunities of an individual at school. Bullying shall include but not be limited to a written, oral or electronic communication or physical act or gesture based on any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socio-economic status, academic status, physical appearance, or mental, physical developmental or sensory disability or by association with an individual or group who has or is perceived to have one or more of such characteristics.
- B. **"Cyberbullying"** is defined as any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices or any electronic communications.
- C. **"Dangerous instrument"** means 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 motor vehicle and a dog that has been commanded to attack.
- D. **"Days"** is defined as days when school is in session.
- E. **"Deadly weapon"** means 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.
- F. **"Emergency"** is defined as a situation under which the continued presence of the student in the school imposes such a danger to persons or property or such a disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of such student as possible.
- G. **"Exclusion"** is defined as any denial of public school privileges to a student for disciplinary purposes.

Students

Removal/Suspension/Expulsion

- H. **"Expulsion"** is defined as an exclusion from school privileges 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 (1) calendar year. Such period of exclusion may extend to the school year following the school year in which such exclusion was imposed.
- I. **"Firearm"** means 1) any weapon (including a starter gun) which will or is designed to or may readily be convened to expel a projectile by the action of an explosive; 2) the frame or receiver of any such weapon; 3) any firearm muffler or firearm silencer; or 4) any destructive device. Firearm does not include any antique firearm. For purposes of this definition "destructive device" means any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than 4 ounces, missile having an explosive or incendiary charge of more than 1/4 ounce, mine, or device similar to any of the weapons described herein.
- J. **"In-school suspension"** is defined as an exclusion from regular classroom activity for not more than ten (10) consecutive school days, but not an exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed. An in-school suspension may be served in the school that the pupil attends, or in any school building under the jurisdiction of the Board. An in-school suspension may include reassignment to a regular classroom program in a different school in the school district; such reassignment shall not constitute a "suspension" or "expulsion" under this policy.
- K. **"Martial arts weapon"** means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or chinese star.
- L. **"Possess"** means to have physical possession or otherwise to exercise dominion or control over tangible property.
- M. **"Removal"** is defined as an exclusion from a classroom for all or part of a single class period, provided such exclusion shall not extend beyond 90 minutes.
- N. **"School sponsored activity"** is defined as any activity sponsored, recognized or authorized by the Board and includes activities conducted on or off school property.
- O. **"Suspension"** is defined as an exclusion from school privileges and/or from transportation services for not more than ten (10) consecutive school days, provided such exclusion shall not extend beyond the end of the school year in which the suspension was imposed.

Students

Removal/Suspension/Expulsion

Suspensions shall be in-school suspensions except the Board of Education may authorize the administration of schools under its direction to impose an out-of-school suspension on any pupil in (1) grades three to twelve, inclusive, if, during the suspension hearing, (A) the administration determines that the pupil being suspended poses such a danger to persons or property or such a disruption of the educational process that the pupil shall be excluded from school during the period of suspension, or (B) the administration determines that an out-of-school suspension is appropriate for such pupil based on evidence of (i) previous disciplinary problems that have led to suspensions or expulsion of such pupil, and (ii) efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies; or (2) grades preschool to two, inclusive, if during the hearing, the administration determines that an out-of-school suspension is appropriate for such pupil based on evidence that such pupil's conduct on school grounds is of a violent or sexual nature that endangers persons.

- P. **"Vehicle"** means a "motor vehicle" as defined in Section 14-1 of the Connecticut General Statutes, snow mobile, any aircraft, or any vessel equipped for propulsion by mechanical means or sail.

SECTION II REMOVAL FROM CLASS

- A. Each teacher shall have the authority to remove a student from class when such student deliberately causes a serious disruption of the educational process within the classroom, provided that no student shall be removed from class more than six times in any year, nor more than twice in one week unless such student is referred to the building principal, or his/her designee, and granted an informal hearing as set forth in section IV C of this policy.
- B. Whenever any teacher removes a student from the classroom, such teacher shall send the student to a designated area and shall immediately inform the building principal or his/her designee as to the name of the student against whom such disciplinary action was taken and the reason therefore.

SECTION III STANDARDS GOVERNING SUSPENSION AND EXPULSION

- A. Conduct on school grounds or at a school sponsored activity may be cause for suspension when such conduct:
1. Violates a publicized policy; or
 2. Seriously disrupts the educational process; or

Students

Removal/Suspension/Expulsion

3. Endangers persons or property.
- B.** Conduct off school grounds below may be cause for suspension when such conduct:
1. Violates a publicized policy of the Board and;
 2. Seriously disrupts the educational process.
- C.** Conduct on school grounds or at a school sponsored activity may be cause for expulsion when such conduct:
1. Violates a publicized policy; and
 2. Seriously disrupts the educational process; or
 3. Endangers persons or property.
- D.** Conduct off school grounds may be cause for expulsion when such conduct:
1. Violates a publicized policy; and
 2. Seriously disrupts the educational process.
- E.** The following conduct is prohibited and will be considered cause for suspension and/or expulsion:
1. Threatening, harassing or intimidating another member of the school community in any manner, including orally, in writing, via electronic communication, or by gestures or other physical behavior such as stalking. Members of the school community include any school employee, fellow student, consultant, volunteer, or visitor to a school;
 2. Use of physical force against another person which is not reasonably necessary for self-defense;
 3. Theft of personal or school property, or taking or attempting to take personal property or money from another person, or from his/her presence, by means of force or fear;
 4. Willfully causing, or attempting to cause, damage to school property;

Students

Removal/Suspension/Expulsion

5. Possession, use, transmission or being under the influence of any narcotic drug, hallucinogenic drug, performance enhancing drug, amphetamine, barbiturate, marijuana, cocaine, alcoholic beverage, or intoxicant of any kind including inhalants, prescription drugs for which the possessor, user or transmitter has no legal prescription, or drug paraphernalia;
6. Possession or transmission of a facsimile of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, or marijuana;
7. Knowingly being in the presence of those who are in possession of, using, transmitting, or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind;
8. Possession or transmission of any weapon, including but not limited to any firearm, deadly weapon, dangerous instrument, martial arts weapon, knife, box cutter, razor, blade, chemical sprays, electroshock weapons or facsimile of any weapon or instrument;
9. Using or copying the academic work of another and presenting it as his/her own without proper attribution;
10. Possessing, smoking or consuming tobacco products or using vapor products and electronic devices that simulate smoking by delivering nicotine or other substances by the inhalation of a vapor on school grounds;
11. Open defiance of the authority of any teacher or person having authority over the student, including verbal abuse;
12. Intentional and successful incitement of truancy by other students;
13. Bullying or cyberbullying, including such conduct that may occur outside of the school setting if such bullying (1) creates a hostile environment at school for the victim; (2) infringes on the rights of the victim at school; or (3) substantially disrupts the education process or the orderly operation of a school;
14. Any violation of the Boards policies prohibiting sexual, racial and other unlawful harassment including any act of harassment based on an individual's race, color, national origin, sex, age, disability, sexual orientation, gender identity or expression or religion;
15. Intentional incitement which results in an unauthorized occupation of any part of a school or other facility owned by any school district;

Students

Removal/Suspension/Expulsion

16. Participation in an unauthorized occupancy of any part of any school or school premises or other building owned by any school district and failure to leave such school premises or other facility promptly after having been directed to do so by the principal or other person in charge of such building or facility;
 17. Making false bomb threats or other threats to the safety of students, staff members and/or other persons;
 18. Unauthorized use of any school computer, computer system, computer software, Internet connection or similar school property system or the use of such property or system for unauthorized or non-school related purposes;
 19. Creating, using, accessing, uploading, downloading, possessing, transmitting or distributing pornographic, obscene, sexually explicit, harassing, threatening or illegal material or communications including but not limited to electronic data and communications;
 20. Violation of any other Board policy, rule, agreement, or directive dealing with student conduct, including that dealing with conduct on school buses and the use of school district equipment and;
 21. 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.
- F. Expulsion proceedings pursuant to section V, shall be required whenever there is reason to believe that any student 1) was in possession of a firearm, deadly weapon, dangerous instrument or martial arts weapon, on school grounds or at a school-sponsored activity; 2) off school grounds, did possess a firearm in violation of Connecticut General Statutes §29-35, or did possess and use such a firearm, dangerous instrument, deadly weapon or martial arts weapon in the commission of a crime; or 3) on or off school grounds, offered for sale or distribution a controlled substance as defined in Connecticut General Statutes, §21a-240(9), whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under Connecticut General Statutes §§21a-277 and 21a-278. A student shall be expelled for a period of one calendar year if the Board of Education finds that the student engaged in any of the conduct described herein, provided the period of expulsion may be modified on a case-by-case basis.

Students

Removal/Suspension/Expulsion

In the event it is determined by the Superintendent that a student issued a threat against a member of the school community as described in paragraph C.1., above, the matter shall be referred to law enforcement officials for possible criminal prosecution and the Superintendent shall take all available measures to ensure the safety of persons in the school community in the event of the student's return to school.

- G. Students in kindergarten, first and second grade may not be expelled except for mandatory reasons as described in the previous paragraph and in section V below.

SECTION IV SUSPENSION PROCEDURE

- A. The administration of each school is authorized to invoke suspension for a period of up to ten (10) days, or to invoke in-school suspension for a period of up to ten (10) days, of any student for one or more of the reasons stated in section III, above, in accordance with the procedure outlined in Paragraph C of this section. Moreover, the administration is authorized to suspend a student from transportation services whose conduct while receiving transportation violates the standards set forth in section III, above. The school administration is authorized to immediately suspend any student when there is an emergency as defined in section I, above.

Suspensions shall be in-school suspensions, except an out-of-school suspension may be imposed if (A):

GRADES K to 2:

the administration determines that an out-of-school suspension is appropriate for such pupil based on evidence that such pupil's conduct on school grounds is of a violent or sexual nature that endangers persons.

GRADES 3-12:

the administration determines that the pupil being suspended poses such a danger to persons or property or such a disruption of the educational process that the pupil shall be excluded from school during the period of suspension, or (B) the administration determines that an out-of-school suspension is appropriate for such pupil based on evidence of (i) previous disciplinary problems that have led to suspensions or expulsion of such pupil, and (ii) efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies.

Students

Removal/Suspension/Expulsion

- B.** In the case of suspension, the school administration shall notify the Superintendent within twenty-four (24) hours of the suspension as to the name of the student who has been suspended and the reason for suspension. Any student who is suspended shall be given an opportunity to complete any class work including but not limited to examinations missed during the period of his/her suspension.
- C.** Except in the case of an emergency as defined in section I, above, a student shall be afforded the opportunity to meet with a member of the administration and to discuss the stated charges prior to the effectuation of any period of suspension or in-school suspension. If at such a meeting the student denies the stated charges he/she may at that time present his/her version of the incident(s) upon which the proposed suspension is based. The school administration shall then determine whether or not suspension or in-school suspension is warranted. In determining the length of a suspension period, the school administration may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, in-school suspension, suspension or expulsion.
- D.** 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 section V(B) of this policy is first granted.
- E.** 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, unless a hearing as provided in section V(B) of this policy is first granted.
- F.** Whenever a student is suspended, notice of the suspension and the conduct for which the student was suspended shall be included on the student's cumulative educational record. Such notice shall be expunged from the cumulative educational record if the student graduates from high school.
- G.** The administration may shorten or waive the suspension period of a student who is suspended for the first time and who has never been expelled if the student successfully completes a program and any other conditions specified by the administration. Any such program shall be at no expense to the student or his/her parents/guardians. For a student whose suspension period is shortened or waived, the notice of the disciplinary action must be expunged from the cumulative education record if the student graduates from high school or, if the administration chooses, at the time the student completes the specified program and any other conditions required by the administration, whichever is earlier.

Students

Removal/Suspension/Expulsion

SECTION V EXPULSION PROCEDURES

The Board of Education may expel any student in grades three to twelve, inclusive, for one or more of the reasons stated in section III if, in the Superintendent's judgment, such disciplinary action is in the best interests of the school system. An expulsion hearing is required in any instance in which the Superintendent has reason to believe a student in grades kindergarten to twelve, inclusive has engaged in the conduct described in section III (F). The procedures outlined in Paragraphs A and B, below, shall be followed prior to the effectuation of any expulsion unless an "emergency" as defined in section I, above, exists. If an emergency exists, such a hearing shall be held as soon after the expulsion as possible.

- A. The Board of Education shall notify the student concerned and his/her parents, or the student if he/she has attained the age of eighteen (18), that expulsion is under consideration. Such notice shall contain the information required under Paragraph B of this section, and shall be given at least five (5) business days before the hearing. Three members of the Board of Education shall constitute a quorum for an expulsion hearing. A student may be expelled if a sitting in the expulsion hearing vote to expel, except that when only three Board members are presiding at the hearing, a unanimous vote shall be required for expulsion.
- B. The procedure for any hearing conducted under this section shall be determined by the hearing officer or Board chairperson, as appropriate, but shall include the right to:
 1. Notice of the proposed hearing which shall include:
 - a. a statement of the time, place, and nature of the hearing;
 - b. a statement of the legal authority and jurisdiction under which the hearing is to be held;
 - c. reference to the particular sections of the Connecticut General Statutes or school policies involved;
 - d. 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 so provided may be limited to a statement of the issues involved if it is not possible to state the issues in detail at the time such notice is served. Upon request from the student concerned a more definite and detailed statement of the issues shall be furnished;

Students

Removal/Suspension/Expulsion

- e. a statement, where appropriate, that the Board is not required to offer an alternative educational opportunity to any student between the ages of sixteen and eighteen who has been expelled previously or;
 - f. information concerning the parent's or guardian's and the student's legal rights and legal services provided free of charge or at a reduced rate that are available locally and how to access such services;
2. The opportunity to be heard;
 3. The opportunity to present witnesses and introduce documentary evidence;
 4. The opportunity to cross-examine adverse witnesses and challenge the introduction of documentary evidence;
 5. The opportunity to be represented by an attorney or other advocate; the parent or guardian of the pupil shall 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; and
 6. Prompt notification of the decision of the Board of Education which decision shall be in writing if adverse to the student concerned.
- C. The record of any hearing held in an expulsion case shall include the following:
1. All evidence received or considered by the Board of Education, including a copy of the initial letter of notice of proposed expulsion, if any, and a copy of all notices of hearing;
 2. Questions and offers of proof, objections and rulings on such objections;
 3. The decision of the Board of Education rendered after such hearing; and
 4. The official transcript, if any, of proceedings relating to the case or, if these are not transcribed, any recording or stenographic record of the proceedings.
- D. Rules of evidence at expulsion hearings shall include the following:
1. 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 shall be excluded;

Students

Removal/Suspension/Expulsion

2. The Board of Education shall give effect to the rules of privilege recognized by law;
 3. In order to expedite a hearing, evidence may be received in written form, provided the interest of any party is not substantially prejudiced thereby;
 4. 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;
 5. A party to an expulsion hearing may conduct cross-examination of witnesses where examination is required for a full and accurate disclosure of the facts;
 6. The Board of Education may take notice of judicially cognizable 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 any staff memoranda or data, and an opportunity shall be afforded to any party to contest the material so noted;
 7. A record of any oral proceedings before the Board of Education at an expulsion hearing shall be made. A transcript of such proceedings shall be furnished upon request of a party with the cost of such transcript to be paid by the requesting party.
- E.** In determining the length of an expulsion, the Board of Education may receive and consider evidence of past disciplinary problems, which have led to removal from a classroom, in-school suspension, suspension, or expulsion.
- F.** Decisions shall be in writing if adverse to the student and shall include findings of fact and conclusions necessary for the decision. Findings of fact made by the Board after an expulsion hearing shall be based exclusively upon the evidence adduced at the hearing.
- G.** Except as provided for in Section VII, any student who is expelled shall be offered an alternative educational opportunity consistent with the requirements of state law.

Students

Removal/Suspension/Expulsion

- H. Whenever a student is expelled pursuant to the provisions of this policy, 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 shall not be expunged at any time if the expulsion was based upon possession of a firearm or deadly weapon and the student was in grade nine through twelve. Such notice shall be expunged from the cumulative educational record if the student graduates from high school. The expulsion notice may be expunged from the student's record prior to graduation if the student has demonstrated to the Board that his/her conduct and behavior in the years following the expulsion warrants expungement.
- I. Whenever a student against whom an expulsion hearing is pending withdraws from school after notification of such hearing but before the hearing is completed and a decision rendered, notice of the pending expulsion hearing shall be included on the student's cumulative educational record and the Board shall complete the expulsion hearing and render a decision.
- J. Except in cases where an expulsion is based upon the possession of a firearm or deadly weapon, the Board of Education may shorten the length of or waive the expulsion period of a student who is expelled for the first time and who has never been suspended if the student successfully completes a program and any other conditions specified by the Board. Any such program shall be at no expense to the student or his/her parents/guardians. For a student whose expulsion period is shortened or waived, the notice of the disciplinary action must be expunged from the cumulative education record if the student graduates from high school or, if the Board chooses, at the time the student completes the specified program and any other conditions required by the administration, whichever is earlier. Nothing herein shall be deemed to restrict the ability of the Board to shorten or waive the expulsion period, based upon completion of any program or meeting of conditions, for students who have been previously suspended or expelled, as may be permitted by law and as provided in Subsection L, below.
- K. The Board of Education may adopt the decision of a student expulsion hearing conducted by another school district, provided that the Board shall hold a hearing pursuant to this policy which shall be limited to a determination of whether the conduct which was the basis for the expulsion would also warrant expulsion under the policies of the Board. The student shall be excluded from school pending such hearing. The excluded student shall be offered an alternative educational opportunity in accordance with statutory requirements and this policy.

Students

Removal/Suspension/Expulsion

L. In addition to such rights specified in Section J, above, an expelled pupil may apply for early readmission to school. Such readmission shall be at the discretion of the Board of Education; however, the Board may delegate authority for readmission decisions to the Superintendent. If the Board delegates such authority, readmission shall be at the discretion of the Superintendent. The Board or Superintendent, as appropriate, may condition such readmission on specified criteria.

M. A student requiring special education and related services as described in Connecticut General Statutes §10-76a(5)(A) shall not be referred to an expulsion hearing until a planning and placement team is convened to determine whether the misconduct was caused by the student's disability. If it is determined that the misconduct was caused by the child's disability, the child shall not be referred to an expulsion hearing and shall not be expelled.

The planning and placement team shall reevaluate the child for the purpose of modifying the child's individualized education program to address the misconduct and to ensure the safety of other children and staff in the school. If it is determined that the misconduct was not caused by the student's disability, the student may be expelled in accordance with the provisions of this section applicable to children who do not require special education and related services. Notwithstanding the provisions of Section VII, below, whenever a student requiring such special education and related services is expelled, an alternative educational opportunity, consistent with such child's educational needs shall be provided during the period of expulsion.

N. Any student who commits an expellable offense and is subsequently committed to a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement for such offense may be expelled using the procedures of this policy. The period of expulsion shall run concurrent with the period of commitment. If a student who committed an expellable offense seeks to return to the school district after participating in a diversionary program or having been detained in a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement and the student has not been expelled for such offense, the district shall allow such student to return and may not expel the student for additional time for such offense.

O. A student who has been identified as eligible for school accommodations pursuant to Section 504 of the Rehabilitation Act, shall not be referred to an expulsion hearing until the student's Section 504 Team is convened to determine whether the misconduct was caused by the student's disability. If it is determined that the misconduct was caused by the child's disability, the child shall not be referred to an expulsion hearing and shall not be expelled. Where appropriate, the Section 504 Team shall modify and otherwise review the student's accommodations plan to address the misconduct and to ensure the safety of other children and staff in the school. If it is determined that the misconduct was not caused by

Students

Removal/Suspension/Expulsion

the student's disability, the student may be expelled in accordance with the provisions of this section applicable to non-disabled students.

SECTION VI NOTIFICATION TO PARENTS OR GUARDIAN

The parents or guardians of any minor student against whom disciplinary action is taken under this policy shall be given notice of such disciplinary action within twenty-four (24) hours of the time the student was excluded.

SECTION VII ALTERNATIVE EDUCATIONAL OPPORTUNITY

The Board of Education recognizes its obligation to offer any student under the age of sixteen (16) who is expelled an alternative educational opportunity during the period of expulsion, in accordance with the law and applicable State guidelines. Any parent or guardian of such a student who does not choose to have his or her child enrolled in an alternative program shall not be subject to the provisions of section 10-184 of the General Statutes. Any expelled student expelled for the first time who is between the ages of sixteen (16) and eighteen (18) and who wishes to continue his or her education shall be offered an alternative educational opportunity if he or she complies with conditions established by the Board of Education. Such alternative may include, but shall not be limited to, the placement of such student in a regular classroom program of a school other than the one from which the student has been excluded and, for students at least sixteen (16) years of age, placement in an adult education program. Any student participating in an adult education program during a period of expulsion shall not be required to withdraw from school. In determining the nature of the alternative educational opportunity to be offered under this section the Board of Education may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, suspension, or expulsion.

State statutes do not require the Board of Education to offer an alternative educational opportunity to a student between the ages of sixteen (16) and eighteen (18) who has been expelled previously. If the Board expels a student for the sale or distribution of such a controlled substance as defined in Connecticut General Statutes § 21a-240(9), whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under Connecticut General Statutes §§ 21a-277 and 21a-278, the Board shall refer the student to an appropriate state or local agency for rehabilitation, intervention or job training, or any combination thereof; and inform the agency of its action. If the Board expels a student for possession of a firearm, the Board shall report the violation to the local police department. The Board shall give the name of the student, and a summary of the Board's action in so referring the student, to the Commissioner of Education within thirty (30) days after the student is expelled. The provisions of this section shall not apply to students requiring special education who are described in subdivision (1) of subsection (e) of Connecticut General Statutes §10-76a.

Students

Removal/Suspension/Expulsion

SECTION VIII GUN FREE SCHOOLS ACT

The Board of Education shall submit to the Commissioner of Education such information on expulsions for the possession of weapons as is required for purposes of the Gun Free Schools Act of 1994, 20 U.S.C. §7151, et seq.

SECTION IX PRE-SCHOOL PROGRAMS

- A.** As used in this section, "preschool program provider" means a local or regional board of education, state or local charter school or interdistrict magnet school that offers a preschool program. No preschool program provider shall expel any child enrolled in such provider's preschool program, except an expulsion hearing shall be conducted, in accordance with the provisions of subsection B, below, whenever there is reason to believe that any child enrolled in such preschool program was in possession of a firearm, on or off school grounds or at a preschool program-sponsored event. Such child shall be expelled for one calendar year if, at the expulsion hearing it is determined, that the child did so possess such a firearm. A preschool program provider may modify the period of expulsion for a child on a case-by-case basis.
- B.** An expulsion hearing required under this subsection shall be conducted by (1) the program provider, as set forth above, or (2) the board of education, in accordance with section V above, if (a) the preschool program provider is the board of education, or (b) the preschool program provider is a regional educational service center or a state or local charter school pursuant to an agreement between such preschool program provider and the board of education. Unless an emergency exists, as set forth in section I, above, no child shall be expelled under this subsection without a formal hearing held pursuant to section V. If an emergency exists, such hearing shall be held as soon after the expulsion as possible.
- C.** No preschool program provider may authorize a suspension of a child enrolled in such provider's preschool program, unless the suspension is an in-school suspension. Except that an out-of-school suspension may be imposed if the administration determines that an out-of-school suspension is appropriate for such pupil based on evidence that such pupil's conduct on school grounds is of a violent or sexual nature that endangers persons.

Students

Removal/Suspension/Expuls

Legal references:	18 U.S.C. §921 Definitions	
	20 U.S.C. §7151, et seq., Gun Free Schools Act	
	20 U.S.C. §1415 Individuals with Disabilities Education Act	
Connecticut General Statutes	4-176e	through 4-180a, 4-181a Administrative Procedures Act
	10-76a	Definitions
	10-76d	Duties and powers of boards of education to provide special education programs and services
	10-222d	Safe school climate plans. Definitions. School climate assessments
	10-233a	Definitions
	10-233b	Removal of pupils from class
	10-233c	Suspension of pupils
	10-233d	Expulsion of pupils
	10-233e	Notice as to disciplinary policies and action
	10-233f	In-school suspension of pupils. Reassignment
	10-233g	Reports of principals to police authority concerning physical assaults upon school employees by students
	10-233h	Arrested students
	21a-240	Definitions
	21a-277	Penalty for illegal manufacture, distribution, sale, prescription, dispensing
	21a-278	Penalty for illegal manufacture, distribution, sale, prescription or administration by non-drug-dependent person
	53a-3	Definitions
	53-206	Carrying of dangerous weapons prohibited
	53a-217b	Possession of a weapon on school grounds: Class D felony
Policy adopted:	June 12, 2001	NEW MILFORD PUBLIC SCHOOLS
Policy revised:	June 24, 2004	New Milford, Connecticut
Policy revised:	June 12, 2007	
Policy revised:	November 13, 2007	
Policy revised:	November 18, 2008	
Policy revised:	December 14, 2010	
Policy revised:	October 11, 2011	
Policy revised:	June 11, 2013	
Policy revised:	October 14, 2014	
Policy revised:	October 13, 2015	
Policy revised:	February 27, 2018	
Policy revised:	September 17, 2019	
Policy revised:	August 17, 2021	

Students

Student Conduct

I. Philosophy of Discipline

Discipline begins in the home with the responsibility of parents to develop a positive attitude towards study and behavior. No code established or action taken by school officials can be effective without parental acceptance of this primary responsibility. Discipline continues in the classroom with the relationship between the teacher and the student.

The school district is unequivocally committed to the principle that disorderly and disruptive behavior should not be permitted to interfere with the right of other students to pursue an education. While most discipline problems should be handled by the teacher, student and parent, the Administration and the Board of Education have the responsibility to support and maintain the enforcement of discipline within the building.

All students shall be required to conduct themselves at all times in accordance with established codes of student conduct. Every reasonable effort will be made to keep students within the school's sphere of influence, using suspension and/or expulsion only where appropriate according to established school policy. In this connection, students are reminded that:

1. The exercise of any of the student's rights must be weighed against the rights of another individual or group.
2. No student has the right to disrupt the educational process within a school.
3. All students will have the right to due process procedures in matters of suspension, transfer, and expulsion.

II. Areas of Responsibility

A. Board of Education

The Board of Education holds the certified personnel responsible for the implementation of these rules with respect to students who are legally under the supervision and jurisdiction of the school and charges the Superintendent to see that such responsibility is effectively carried out.

B. Principal

The Principal shall implement immediate and necessary procedures and rules to render effective the policies of the Board of Education relating to standards of student behavior. The Principal may involve representatives of all areas of school personnel, students, parents and citizens of the community to this end.

Students

Student Conduct

II. Areas of Responsibility (continued)

C. Teachers

Teachers shall be responsible for the instruction of students in rules and regulations of proper conduct, as well as be responsible for assisting in the implementation of these rules and regulations. The responsibility and authority of any teacher extends to all students of the school district under the assigned supervision of the teacher and to other students so situated with respect to the teacher as to be subject to the teacher's control.

D. Parents

Parents shall be expected to cooperate with school authorities regarding the behavior of their children. Parents shall be held responsible for the willful misbehavior of their children.

E. Students

Each student is expected to act in accordance with the school behavior code, which emphasizes respect, cooperation, honesty, caring and responsibility. In doing so, students will develop life-long social and decision-making skills.

III. Student Behavior

Students shall be properly instructed in rules and regulations of acceptable conduct; they shall then be responsible for understanding and complying with the standards of behavior described therein. Any student who fails to comply with these laws and rules concerning student behavior is liable to suspension, exclusion or expulsion. Physical endangerment of another student or person shall be treated with especial strictness.

(cf. 5114 - Suspension and Expulsion)

Legal Reference: Connecticut General Statutes

52-572 Parental Liability for torts of minors. Damage defined.

Policy adopted: June 12, 2001

Policy revised: June 12, 2007

NEW MILFORD PUBLIC SCHOOLS

New Milford, Connecticut