

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

POLICY SUB-COMMITTEE  
SPECIAL MEETING NOTICE

RECEIVED  
TOWN CLERK

2015 MAY 22 P 1:06

MHP  
NEW MILFORD, CT

**DATE:** May 26, 2015  
**TIME:** 6:45 P.M.  
**PLACE:** Lillis Administration Building, Rm. 2

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 Recommended for Revision and Approval at Initial Board Presentation in accordance with Board Bylaw 9311:

- 1. 5121 Examination/Grading/Rating
- 2. 5121.2 Eligibility for Honor Rolls
- 3. 5123 Promotion/Acceleration/Retention

B. Policies Recommended for Revision:

- 1. 5113.1 Work Permits
- 2. 5114 Removal/Suspension/Expulsion

**4. Public Comment**

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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.

**5. Adjourn**

**Sub-Committee Members:** David A. Lawson, Chairperson  
Robert Coppola  
Daniele Shook  
John W. Spatola

**Alternates:** Wendy Faulenbach  
Theresa Volinski

**RECOMMENDED FOR REVISION AND  
APPROVAL AT INITIAL BOARD PRESENTATION**

*Bold Italicized* language constitutes an addition

**5121(a)**

## **Students**

### **Examination/Grading/Rating**

The Board of Education seeks, through performance objectives in its instructional program, to make achievement both recognizable and possible for students.

The issuance of grades on a regular basis serves to promote a process of continuous evaluation of student performance, to inform the student, the student's parents and counselor of his/her progress, and to provide a basis for bringing about change in student performance, if such change seems necessary.

Evaluation of student progress is a primary responsibility of the teacher. Every teacher shall maintain an evaluation record for each student in the teacher's classroom.

Each student enrolled in grades *three to eight inclusive and ten or eleven shall take a mastery examination in reading, writing and mathematics* 3 through 8 and 10 shall take a standardized, statewide examination provided by and administered under the supervision of the State Board of Education intended to assess student mastery or proficiency. *Each student in grade five, eight, ten or eleven in any public school shall take a statewide mastery examination in science.* Achievement of a satisfactory score on the mastery or proficiency test shall not be required as the sole criterion for *promotion or* graduation.

(cf. 5124 - Reporting to the Parents)

(cf. 5125 - Student Records)

(cf. 6146 – Graduation Requirements)

(cf. 6146.2) – Statewide Proficiency/Mastery Examinations)

(cf. 6180 – Evaluation of the Instructional Program)

Legal Reference: Connecticut General Statutes

10-14m Development and submission of educational evaluation and remedial assistance plans. Contents of plan.

10-14n Statewide mastery examination.

10-14o Compensatory education grant. Financial statement of expenditures.

10-14q Exceptions. (Students to whom provisions do not apply.)

10-15b Access of parent or guardians to student's records.

10-154a Professional communications between teacher or nurse & student.

## Students

### Examination/Grading/Rating

Legal Reference (continued): Connecticut General Statutes

10-209 Records not to be public.

10-221a High school graduation requirements.

11-8a Retention, destruction and transfer of documents

11-8b Transfer or disposal of public records. State Library Board to adopt regulations.

46b-56 (e) Access to Records of Minors.

Connecticut Public Records Administration Schedule V - Disposition of Education Records (Revised 1983).

Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Provisions Act, as amended, added by section 513 of P.L. 93-568, codified at 20 U.S.C.1232g.).

Dept. of Educ. 34 C.F.R. Part 99 (May 9, 1980 45 FR 30802) regs. implementing FERPA enacted as part of 438 of General Educ. provisions act (20 U.S.C. 1232g)-parent and student privacy and other rights with respect to educational records, as amended 11/21/96.

Falvo v. Owasso Ind. Sch. Dist. 99-5130 (10<sup>th</sup> Circuit-2000)

Policy adopted: June 10, 2003  
Policy revised: June 12, 2007  
Policy revised: June 8, 2010

NEW MILFORD PUBLIC SCHOOLS  
New Milford, Connecticut

**RECOMMENDED FOR REVISION AND  
APPROVAL AT INITIAL BOARD PRESENTATION**

*Bold Italicized* language constitutes an addition

**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:** 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 ~~(7-8)~~ (6-8)**

- Highest Honors:** 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

NEW MILFORD PUBLIC SCHOOLS  
New Milford, Connecticut

**RECOMMENDED FOR REVISION AND  
APPROVAL AT INITIAL BOARD PRESENTATION**

*Bold Italicized language constitutes an addition*

**5123(a)**

## **Students**

### **Promotion/Acceleration/Retention**

It is the policy of the Board of Education that all students should be placed in instructional programs in which they can achieve academically, emotionally, and socially. The Board is dedicated to minimizing the incidence of social promotion and ensuring that students are promoted from grade to grade based upon objective criteria that recognize the individual needs of the student. The decision to promote a student to the next grade level shall be based upon successful completion of grade-level requirements, with appropriate consideration being given to the mental, physical, emotional and social maturity of the student. When high academic achievement is evident, the Superintendent or designee may approve a student for acceleration into a higher grade level. The student's social and emotional growth shall be taken into consideration in making a determination to accelerate a student.

It is expected that the vast majority of students will progress satisfactorily through their elementary and secondary school programs with similarly-aged peers. Some students may require individual attention and supplemental services to realize their potential. Schools shall identify students in danger of failing and being at risk for retention. This identification shall also include those students who fail to meet the remedial standards of the ~~CMT and CAPT statewide standardized or mastery assessments, programs.~~ Prior to deciding on retention for a student not mastering the appropriate skills, the district shall provide and may require the student to attend one or more alternatives for remedial assistance. Students who have substantial academic deficiencies may be required to attend after school tutorial programs, Saturday tutorial programs, summer school, instruction during school vacations or during week-end programs, cross-age tutoring, student mentoring or any other programs offered by the school district that are designed to assist students in remedying such deficiencies. In certain situations, it may be in the best interests of the student to spend an additional year at a particular grade level.

The following criteria shall be used to determine the appropriateness of a student's promotion to the next grade level:

1. Academic achievement in all subject areas, especially the basic skill areas of reading, writing, and mathematics as revealed by tests and teacher assessment
2. Emotional maturity
3. Social maturity
4. Relative chronological age
5. Relative physical size
6. Learning ability as determined by tests and teacher assessment
7. Work and study habits
8. Attendance record
9. Teaching situations into which the student will be placed

## Students

### Promotion/Acceleration/Retention (continued)

10. Placement of siblings
11. Parent or guardian opinion toward retention or promotion
12. Other relevant factors that impact the student's school experience and ability to progress satisfactorily

The Superintendent of Schools shall ensure that teachers, parents and students are made aware of the criteria that the school district uses in making decisions about student promotion and retention. The Superintendent shall also ensure that each school has a reliable system of informing parents and guardians in a timely manner of a student's risk of retention. The parent/guardian is to be fully involved and informed throughout the promotion/retention decision making process. Parents will be notified as early as possible that retention is being considered and, except in very unusual circumstances, no later than March 15. Grade placement shall be the Principal's responsibility. In the event that a parent/guardian is in disagreement with the Principal's decision, the parent/guardian may request a review of the decision by the Superintendent or Superintendent's designee. The decision of the Superintendent or designee shall be final.

Legal reference: Connecticut General Statutes

10-221 Boards of education to prescribe rules, policies and procedures.

10-223a Promotion and graduation policies. Basic skills necessary for graduation, assessment process

Policy adopted: June 12, 2001  
 Policy revised: June 12, 2007  
 Policy revised: June 8, 2010

NEW MILFORD PUBLIC SCHOOLS  
 New Milford, Connecticut

## RECOMMENDED FOR REVISION

*Commentary: May 2015 – Sections highlighted in gray should be reviewed for accuracy. If the school district no longer offers such programs, then these sections may be deleted. Consider whether the work-study student employment section may still be active for certain populations (such as students receiving special education).*

*Revisions to the section on working permits are consistent with Conn. Gen. Stat. 10-193 and State Department of Education guidance. The state manual regarding working papers may be accessed at: <http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Career/WB/WP.pdf>*

**5113.1(a)**

### **Students**

#### **Work Permits**

##### **Employment of Students**

The Board of Education supports the employment of students as an educational experience in the world of work. Such experience includes (1) general employment of students inside or outside of school in which students obtain their own employment or are aided by placement services of the Guidance Department and the Department of Vocational Education; and (2) specific employment of students in state-approved training stations as part of funded work-study or vocational-study related programs as an extension of the cooperative work educational classroom activities.

##### **School Employment**

Whenever feasible, the school system shall provide a program of part-time employment opportunities for high school students ages 15 and older to work within the schools under the supervision of qualified staff personnel. Such part-time employment shall be open to all students in keeping with their individual abilities and with the particular needs of the school(s) for student help. Employed students shall be paid for services rendered at least the minimum hourly wage rate. Student eligibility for employment shall be based upon full-time school attendance, good academic standing, and reliable work performance in assigned duties. In cases where it may be deemed essential, students may be scheduled for early school release to report to their designated training stations.

##### **Student After-School Employment**

If a student wants to work while attending school, guidance personnel shall make efforts to help them obtain employment. However, the student shall be cautioned against assuming work commitments that will interfere with studies and achievements in school.

##### **Work-Study Student Employment**

In cooperation with various local and area business and industries, the school system shall establish and maintain work-study programs for juniors and seniors in the high school. Such



## Students

### Work Permits

#### Work-Study Student Employment (continued)

cooperative work-study programs are defined as programs of vocational education approved by the State Board of Education and the Commissioner of Labor for students, who, through a cooperative arrangement between the school and employers, receive instruction, including required academic courses and related vocational instruction by alternation of study in school with a job in any occupational field, provided these experiences are planned and supervised by the school and employers so that each contributes significantly to the student's education and to his/her employability.

Insofar as feasible, each of those work experience programs shall be tailored to meet the vocational needs of the individual students by his/her guidance counselor and teacher/coordinator, the first in guiding him/her in the choice of appropriate academic subjects as early as possible in his/her school career and the latter in the proper placement in the most relevant employment training station in his/her senior year.

Students enrolled in work-study programs such as diversified occupations, business and office occupations, marketing education, allied health, occupational food services, automobile mechanics, appliance repair, graphic arts, trade and industry occupations, etc., may earn a total of two Carnegie units per year (one for classroom, one for on-the-job training) toward graduation per year for their successful work experience and may be scheduled for early release time from school to report to their work experience assignments.

All work-study programs shall be conducted by the school system in accordance with state/federal education and labor department guidelines and regulations.

#### Working Papers for Minors

*Statement of Age Forms are used as a verification of a minor's legal age for employment purposes. This employment certification is also commonly referred to as "working papers." Working papers are required for minors 16 and 17 years of age who desire nonhazardous jobs in any manufacturing, mechanical, service recreation, amusement, restaurant or mercantile establishment; minors 15 years of age who desire nonhazardous jobs in any mercantile establishment; and minors over 14 years of age who wish to work as a caddie or in a pro shop at any municipal or private golf course.*

**Minors age 14 to 18 (15-18) receive employment certificates from the Superintendent of Schools or his/her designated agent. in the town or city in which they live.** The High School Principal is the designated agent in the district. Working papers are processed after school hours during school days and from 8:00 a.m. 12:00 noon during the summer and school vacations. The high school issues working papers only to resident students in the town.

## Students

### Work Permits

#### Working Papers for Minors (continued)

If a Connecticut resident secures employment in another state, that state issues the papers. *A minor who is an out-of-state resident may apply to the Superintendent or designee for working papers if the prospective employment is located in New Milford.* ~~If a resident of another state work in Connecticut, that person may obtain the Connecticut certificate with the "promise to work" paper and proof of residency.~~

#### Evidence of Age

Applicants must appear in person, have evidence of age, and a written promise of employment. Satisfactory evidence of age can be shown by: Birth Certificate, Driver's License, Baptismal Certificates, Service ID's and (as a last resort) Information on School District Cumulative Records.

#### Written Promise of Employment

The written promise of employment is issued by the employer and must state exactly and specifically what the job is and must be signed by an officer of the employer. This form should be examined very carefully and if any changes or alternations appear, they should be verified with the employer. A state "promise of employment" form is generally used, but a written promise of employment on letterhead paper or regular stationery from an employer is acceptable.

#### Working Papers

Working papers are made out in triplicate -- one copy for the minor, one copy for the employer, and the original for school files. It should be signed, not typed, in the appropriate place by issuing officer. Records may be destroyed when the minor reaches 18 years of age.

Legal Reference: Connecticut General Statutes  
 10-193 Certificate of age of minors in certain occupations  
 10-194 Penalty  
 10-195 Evidence of age  
 10-197 Penalty for employment under fourteen  
 10-198 False statement as to age  
*Working Papers Manual – State Department of Education 2009*

Policy adopted:	June 12, 2001	NEW MILFORD PUBLIC SCHOOLS
Policy reviewed:	June 12, 2007	New Milford, Connecticut

## RECOMMENDED FOR REVISION

*Commentary May 2015: Suggested changes include:*

1. *Clarification regarding the description of prohibited conduct in Section III (C), subsections 1 and 10.*
2. *Correction of a few typographical and format errors, capitalization of the word "Board" and phrase "Board of Education" throughout.*
3. *Additional legal references added.*

**5114(a)**

### **Students**

### **Removal/Suspension/Expulsion**

#### **SECTION I DEFINITIONS**

- A. **"Bullying"** is defined as (A) the repeated use by one or more students of a written, oral or electronic communication directed at or referring to another student in the school district; or (B) a physical act or gesture by one or more students repeatedly directed at another student in the school district that (1) causes physical or emotional harm to such student or damage to the student's property; (2) places such student in reasonable fear of harm to himself/herself or of damage to his/her property; (3) creates a hostile environment at school for such student; (4) infringes on the rights of such student at school; or (5) substantially disrupts the educational process or the orderly operation of the 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.

## Students

### Removal/Suspension/Expulsion

#### SECTION I DEFINITIONS (continued)

- 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.
- 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 converted 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 of Education, as determined by ~~such~~ *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.

## Students

### Removal/Suspension/Expulsion

#### SECTION I DEFINITIONS (continued)

- 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 of Education 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 such suspension was imposed. Suspensions shall be in-school suspensions unless during the suspension hearing, (1) 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 (2) the administration determines that an out-of-school suspension is appropriate for such pupil based on evidence of (A) previous disciplinary problems that have led to suspensions or expulsion of such pupil, and (B) efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies.
- 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.

## Students

### Removal/Suspension/Expulsion

#### SECTION III STANDARDS GOVERNING SUSPENSION AND EXPULSION

- A. Conduct on school grounds or at a school sponsored activity as set forth in Section C below will be cause for suspension and/or expulsion when such conduct:
1. Violates a publicized policy or code of student conduct in effect in the schools; or
  2. Seriously disrupts the educational process; or
  3. Endangers persons or property
- B. Conduct off school grounds as described in paragraph C below will be cause for suspension and/or expulsion when such conduct:
1. Violates a publicized policy of the Board and
  2. Seriously disrupts the educational process
- C. 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;
  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;

## Students

### Removal/Suspension/Expulsion

#### SECTION III STANDARDS GOVERNING SUSPENSION AND EXPULSION (continued)

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;* ~~if other than a high school student, or consuming such products if a high school student;~~
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 Board's policies prohibiting sexual, racial and other unlawful harassment including any act of harassment based on an individuals' 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

#### SECTION III STANDARDS GOVERNING SUSPENSION AND EXPULSION (continued)

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. *Create, use, access, upload, download, possess, transmit or distribute profane, 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.

**D. 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

#### SECTION III STANDARDS GOVERNING SUSPENSION AND EXPULSION (continued)

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.

#### 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 unless during the suspension hearing, (1) 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 (2) the administration determines that an out-of-school suspension is appropriate for such pupil based on evidence of (A) previous disciplinary problems that have led to suspensions or expulsion of such pupil, and (B) efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies. If an emergency exists, the hearing outlined in Paragraph C of this section shall be held as soon as possible after the suspension.

- B. In the case of suspension, the school administration shall notify the Superintendent of Schools 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 ~~the~~ 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

## Students

### Removal/Suspension/Expulsion

#### SECTION IV SUSPENSION PROCEDURE (continued)

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.

#### SECTION V EXPULSION PROCEDURES

The Board of Education may expel any student 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 has engaged in the conduct described in Section III (D). 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.

## Students

### Removal/Suspension/Expulsion

#### SECTION V EXPULSION PROCEDURES (continued)

- 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. Three members of the Board of Education shall constitute a quorum for an expulsion hearing. A student may be expelled if a majority of the Board members 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;
    - 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 (1) has been expelled previously or (2) is found to have engaged in conduct which endangered persons and involved (a) possession on school property or at a school-sponsored activity of a firearm, deadly weapon, dangerous instrument or martial arts weapon, or (b) offering for sale or distribution on school property or at a school sponsored activity a controlled substance as defined by law. (See section VII on Alternative Educational Opportunity);

## Students

### Removal/Suspension/Expulsion

#### SECTION V EXPULSION PROCEDURES (continued)

- f. information concerning 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 counsel; 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;
  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;

## Students

### Removal/Suspension/Expulsion

#### SECTION V EXPULSION PROCEDURES (continued)

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.
- 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.

## Students

### Removal/Suspension/Expulsion

#### SECTION V EXPULSION PROCEDURES (continued)

- 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 of Education 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 of Education. 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.
- 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.

## Students

### Removal/Suspension/Expulsion

#### SECTION V EXPULSION PROCEDURES (continued)

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

## Students

### Removal/Suspension/Expulsion

#### SECTION VI NOTIFICATION TO PARENTS OR GUARDIAN

The parents or guardian 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. 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 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 or who is expelled because of conduct which endangers persons and it was determined at the expulsion hearing that the conduct for which the student was expelled involved (a) possession on school property or a school-sponsored activity of a firearm, deadly weapon, dangerous instrument, or martial arts weapon or (b) offering for sale or distribution on school property or at a school sponsored activity a controlled substance as defined in subdivision (9) of C.G.S. §21a-240, whose manufacture, distribution, sale, prescription, dispensing, transporting, or possessing with the intent to sell or dispense, offering, or administration is subject to criminal penalties under C.G.S. §§21a-277 and 21a-278.

If the Board expels a student for the sale or distribution of such a controlled substance 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 or deadly weapon, 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.



## Students

### Removal/Suspension/Expulsion

#### SECTION VII ALTERNATIVE EDUCATIONAL OPPORTUNITY (continued)

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.

#### 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.

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
<b><i>10-222d</i></b>		<b><i>Safe school climate plans. Definitions. School climate assessments</i></b>
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
<b><i>53a-3</i></b>		<b><i>Definitions</i></b>
<b><i>53-206</i></b>		<b><i>Carrying of dangerous weapons prohibited</i></b>
<b><i>53a-217b</i></b>		<b><i>Possession of a weapon on school grounds: Class D felony</i></b>

Policy adopted: June 12, 2001  
Policy revised: June 24, 2004  
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

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