

Students

Out-of-School Misconduct

Students are subject to discipline, up to and including suspension and expulsion, for misconduct that occurs off school property, even when it is outside the school day, if the misconduct constitutes a violation of a publicized Board policy and is seriously disruptive of the educational process. Disciplinary action may result, whether (1) the incident was initiated on school property, or (2) was initiated off-school property, whether during school time, or not.

The Board considers conduct which is "severely disruptive of the educational process" to be conduct that "markedly interrupts or severely impedes the day-to-day operations of a school." In making the determination as to whether conduct is "seriously disruptive of the educational process," the administration may consider, but shall not be limited to, the following factors: (1) whether the incident occurred within close proximity of a school; (2) whether other students were involved, whether gang related or otherwise; (3) whether the conduct involved violence, threats of violence or the unlawful use of a weapon, as defined in Section 29-38 of the Connecticut General Statutes, and whether any injuries occurred; and (4) whether the conduct involved the use of alcohol or illegal drugs.

Examples of out-of-school misconduct that may result in discipline, up to and including suspension and expulsion, include but are not limited to:

1. A bomb threat;
2. A threat to cause death or physical injury to an administrator, teacher, school employee, student, or other member of the community;
3. Use, possession, sale, or distribution of firearms, deadly weapons, dangerous weapons or dangerous instruments, as defined in Connecticut General Statutes Sections 29-35, 53-206 and 53a-3, for which expulsion is not otherwise mandatory;
4. Use, possession, sale or distribution of alcohol;
5. Use or possession of illegal drugs, including medications for which the student does not possess a valid prescription;
6. Violent conduct;
7. A pattern of conduct that constitutes bullying, harassment, or stalking of another student;

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Out of School Misconduct (continued)

Mandatory Expulsions for Out-of-School Misconduct

Students shall be referred to an expulsion hearing and shall be expelled for one calendar year, provided that the Board may modify the period of expulsion on a case-by-case basis, if it is found that:

1. The student, off school grounds, did possess a firearm in violation of Connecticut General Statutes Section 29-35, or did possess and use such a firearm, instrument or weapon in the commission of a crime under Chapter 952 of the Connecticut General Statutes, Sections 53a-24, *et seq.*
2. The student, off school grounds, offered for sale or distribution a controlled substance, as defined Connecticut General Statutes Section 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 Sections 21a-277 and 21a-278.

(cf 5114 Suspension/Expulsion; Student Due Process)
(cf 5131.21 Violent or Aggressive Behavior)
(cf 5131.7 Weapons and Dangerous Instruments)

Legal Reference: Connecticut General Statutes
4- 176e through 4- 185 Uniform Administrative Procedure Act.
10-233a through 10-233f re in-school suspension, suspension, expulsion. (as amended by PA 98-139)
29-35 Carrying of pistol or revolver without permit prohibited.
29-38 Weapons in vehicles.
53a-3 Firearms and deadly weapons.
53-206 Carrying and sale of dangerous weapons.

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Legal Reference (continued)

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

18 U.S.C. 921 Definitions.

Kyle P. Packer PPA Jane Packer v. Thomaston Board of Education, 246 Conn. 89 (1998).

20 U.S.C. § 7151 Gun Free Schools Act

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NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut