

NEW MILFORD BOARD OF EDUCATION

New Milford Public Schools
50 East Street
New Milford, Connecticut 06776
(860) 355-8406

**POLICY SUB-COMMITTEE
MEETING NOTICE**

DATE: September 21, 2010
TIME: 6:30 P.M.
PLACE: Lillis Administration Building, Rm. 2

AGENDA

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

The Board welcomes Public Participation and asks that speakers please limit their comments to three minutes. Speakers may offer objective comments of school operations and programs that concern them. The Board will not permit any expression of personal complaints or defamatory comments about Board of Education personnel and students, nor against any person connected with the New Milford Public School System.

3. **Discussion and Possible Action Items**

- A. Policy 5114 Removal/Suspension/Expulsion
- B. Policy 5141.27 First Aid/Emergency Medical Care
- C. Policy 5145.123 Use of Metal Detectors
- D. Multi-Year Policy Update

4. **Items of Information**

- A. 5114 Revision of Regulation – Removal/Suspension/Expulsion
- B. 6172.3 Revision of Regulation – Home Schooling

5. **Adjourn**

GEORGE C. BUCKBERG
TOWN CLERK

gm

2010 SEP 17 A 9:46

NEW MILFORD, CT

Sub-Committee Members: Mrs. Nancy Tarascio-Latour, Chair
Mrs. Lynette Celli Rigdon
Mr. David A. Lawson
Mrs. Alexandra Thomas

Alternates: Mr. Daniel W. Nichols
Mr. Bill Wellman

RECOMMENDED FOR REVISION
Bold Italicized language constitutes an addition
~~Stricken~~ language constitutes a deletion

09-14-2010

Commentary: The following revisions (in bold and italic) include: (1) changes in the law over the past few years regarding suspensions, expulsions and bullying; (2) improvement in clarity of language; (3) expansion of list of conduct for which suspension/expulsion may be used; (4) updated listing of references. Please note optional element in Section III (C)(13). Other additions to the listing of prohibited conduct in Section III(C) are also optional, but recommended.

5114(a)

Students

Removal/Suspension/Expulsion

SECTION I DEFINITIONS

- A. **"Exclusion"** is defined as any denial of public school privileges to a student for disciplinary purposes.
- B. **"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.
- C. **"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. ~~Effective July 1, 2009, suspensions shall be in-school suspensions unless during the suspension hearing, the administration determines that the student facing suspension poses such a danger to persons or property or such a disruption of the educational process that the student must receive an out-of-school suspension.~~ ***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.***
- D. **"In-school suspension"** is defined as an exclusion from regular classroom activity for not more than ~~five (ten, effective July 1, 2009)~~ ***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 ~~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.~~ ***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 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.

- E. **“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.
- 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. **“Days”** is defined as days when school is in session.
- H. **“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.
- I. **“Possess”** means to have physical possession or otherwise to exercise dominion or control over tangible property.
- J. **“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.
- K. **“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.
- L. **“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.
- M. **“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.
- N. **“Martial arts weapon”** means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or chinese star.

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 as set forth in Section C, herein, or that violates any other Board policy or that violates any code of student conduct in effect in the schools that:~~

- ~~1. Seriously disrupts the educational process, or~~
- ~~2. Endangers persons or property will be cause for suspension and/or expulsion.~~

~~B. Conduct off school grounds as described in paragraph A, above, that:~~

- ~~1. Violates Board policy *and*~~
- ~~2. Seriously disrupts the educational process will be cause for suspension and/or 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***
- 3. *Seriously disrupts the educational process***

C. The following conduct is prohibited and will be considered cause for suspension and/or expulsion:

1. Threatening in any manner, including orally, in writing, or via electronic communication, injury to a member of the school community, including any teacher, member of the school administration or any other employee, or a fellow student;
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, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind;~~ ***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 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 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 or consuming tobacco products 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, which includes any overt acts by a student or a group of students directed against another student with the intent to ridicule, humiliate or intimidate the other student while on school grounds or at a school sponsored activity which acts are repeated against the same student over time;~~ ***Bullying, which includes any overt acts by a student or a group of students directed against another student with the intent to ridicule, humiliate, harass or intimidate the other***

*student while on school grounds or at a school-sponsored activity which acts are committed more than once against any student during the school year. **OPTIONAL: Bullying also includes conduct outside of the school setting if it has a direct and negative impact on a student's academic performance or safety in school;***

14. ~~Harassment of a staff member or fellow student based upon the victim's race, color, religious creed, age, sex, marital status, national origin, ancestry, present or past history of mental disability, mental retardation, learning disability, physical disability or sexual orientation. 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, 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;*
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. 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;
20. 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.

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 §§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.

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*** ~~five (5) days (ten days, effective July 1, 2009)~~, 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. ~~Effective July 1, 2009, suspensions shall be in-school suspensions unless during the suspension hearing, the administration determines that the student facing suspension poses such a danger to persons or property or such a disruption of the educational process that the student must receive an out-of-school suspension.~~ ***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 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 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 IIID. 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. 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);
- 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;
- 4. 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;
 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, except for notice of an expulsion based upon possession of a firearm or deadly weapon, shall be expunged from the cumulative educational record if the student graduates from high school.
- 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.** *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 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.*
- J. 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.*
- K. 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.* ~~Where appropriate, the planning and placement team shall conduct a functional behavioral assessment and provide a behavioral intervention plan and otherwise modify the student'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. *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 for one year or more, the district shall allow such student to return and may not expel the student for additional time for such offense.*

L. 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.

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. 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.

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. §8921, *et seq.*

Legal references: ~~20 U.S.C. §8921 *et seq.*~~

~~_____ 20 U.S.C. §1415~~

~~_____ 29 U.S.C. §794~~

~~_____ 34 C.F.R. §104.36~~

~~_____ Connecticut General Statutes~~

~~_____ §§4-176c through 4-180a~~

~~_____ §4-181a~~

~~_____ §10-76a~~

~~_____ §10-222d~~

~~_____ §§10-233a through 10-233g, as amended by Public Act 07-66,
Public Act 07-122, Public Act 07-03 (June Special Session)
and Public Act 08-160.~~

~~_____ §21a-240~~

~~_____ §21a-277~~

20 U.S.C. §8921 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

10-233a 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

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:

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

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~~Stricken~~ language constitutes a deletion

09-14-2010

COMMENTARY: The following revision of the AED policy addresses the question of when the district is expected to have trained personnel accessible. The new law, which went into effect last year, requires the district to make the AEDs and trained personnel accessible not only during normal hours of operation, but also “during school-sponsored athletic practices and athletic events taking place on school grounds and during school sponsored events not occurring during the normal operational hours of the school.” The law does not define the word “event,” therefore, it is helpful to give notice via the policy of the limits of the term as viewed by the district. The proposed definition of the term “event,” is intended to give the word its most logical meaning in the context of the purpose of this policy. You may choose to expand the definition of the word “event,” if you so desire, recognizing that there may be additional staffing issues to address with a broader definition of the word. Legal references have been updated.

5141.27(a)

Students

First Aid/Emergency Medical Care

Illness

Use of Automatic External Defibrillators (AEDs)

In order to assist individuals who may experience cardiac arrest on school property, the New Milford Board of Education has acquired external defibrillators for use in school buildings. It is the policy of the New Milford Board of Education to support the use of these automatic external defibrillators (AED) by school personnel trained in the operation of such AED and the use of cardiopulmonary resuscitation. Such trained personnel and AEDs shall be accessible during the school’s normal operational hours, during school-sponsored athletic practices and athletic events taking place on school grounds and during school sponsored events not occurring during the normal operational hours of the school. ***The word “events,” as used in this policy means school sponsored performances, competitions, assemblies and other large gatherings where members of the public are invited to attend.*** The District’s continued use of AEDs and training of personnel is subject to available federal, state or private funding.

~~By July 1, 2010,~~ **e** Each school shall develop an emergency action response plan that addresses the appropriate use of school personnel to respond to incidents involving an individual experiencing sudden cardiac arrest or a similar life-threatening emergency while on school grounds. For each school with an athletic department or organized athletic program the emergency action response plan must also address the appropriate use of school personnel to respond to incidents involving an individual experiencing sudden cardiac arrest or a similar life-

threatening emergency while attending or participating in an athletic practice or event while on school grounds.

An Automatic External Defibrillator (AED) is a device that: (A) is used to administer an electric shock through the chest wall to the heart; (B) contains internal decision-making electronics, microcomputers or special software that allows it to interpret physiological signals, make medical diagnosis, and, if necessary, apply therapy; (C) guides the user through the process of using the device by audible or visual prompts; and (D) does not require the user to employ any discretion or judgment in its use.

Only personnel who are CPR and AED certified in accordance with the standards set forth by the American Red Cross or American Heart Association and has a copy of his/her current certification on record with the school system shall be authorized to use AEDs maintained by the school system. Such personnel who use an external defibrillator to provide emergency treatment do so voluntarily, and are afforded the protection from liability provided under C.G.S. § 52-557b ("Good samaritan law").

This policy and accompanying regulations shall be disseminated to personnel authorized to use AEDs upon hiring and, at the discretion of the school administration, periodically thereafter. Personnel authorized the use AEDs acquired by the school system shall acknowledge receipt of

school policy and accompanying regulations and shall be responsible for adhering to such policy and regulations. Certifications (and recertifications) of CPR and AED training shall be kept current and copies of such certifications shall be provided to school administration and retained in school administration files.

The Superintendent or his/her designee shall be responsible for developing administrative regulations in furtherance of the Automatic External Defibrillator (AED) policy, in conformity with the provisions of applicable statutes and regulations.

Legal Reference: Connecticut General Statutes
***10-212d Availability of automatic external defibrillators in schools.
Emergency action response plans for life-threatening emergencies***
10-221 Boards of education to prescribe rules.
19a-175 Definitions
52-557b "Good Samaritan law."
~~P.A. 09-94 "An Act Concerning the Availability of Automatic External
Defibrillators in Schools."~~

Policy adopted: May 9, 2006
Policy reviewed: June 12, 2007
Policy revised: October 13, 2009
Policy revised:

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

RECOMMENDED FOR REVISION
Bold Italicized language constitutes an addition
~~Stricken~~ language constitutes a deletion

09-14-2010

*Commentary: Subject to the comments which follow, the original policy is fine with the only suggested revision being “student's ~~failure~~ **refusal** to permit” as indicated in the fourth paragraph below.*

That being said, if you have never had a pattern of violence or presence of weapons in your schools to justify this policy or if you have never had cause to implement the policy since it was adopted 9 years ago, you may want to consider revising as indicated below. One of the main concerns with regard to the use of metal detectors is the justification for the policy—in other words, the phrase “escalating presence of weapons in our schools” ought to imply the specific circumstances of the schools in New Milford, not the general experience of schools in our state or nation.

5145.123

Students

Search and Seizure

Use of Metal Detectors

In view of the escalating presence of weapons in our schools, the Board authorizes the use of ***mobile or stationary*** ~~hand-held or walk-through~~ metal detectors to check a student's person or personal effects as follows:

- ~~¶~~ ***When*** a school official or a law enforcement officer has reasonable suspicion to believe that a particular student is in possession of an illegal or unauthorized metal-containing object or weapon, he or she may conduct a metal detector check of the student's person and/or personal effects.

- ***When a school experiences a pattern of violence involving weapons or the discovery of weapons on school grounds or at school sponsored events or other circumstances indicating a likelihood of the presence of weapons at school, the administration shall be authorized to use metal detectors to conduct random checks for weapons.*** School officials or law enforcement officers may conduct metal detector checks of groups of individuals if the checks are done in a minimally-intrusive, nondiscriminatory manner (e.g., on all students in a randomly selected class; on every third individual entering an athletic event). Metal detector checks of groups of individuals may not be used to single out a particular individual or category of individuals.

A student's ~~failure~~ **refusal** to permit a metal detector check as provided in this policy will be considered grounds for disciplinary action.

Notice

Prior to instituting the initial use of metal detectors at any school, the administration shall notify students, parents and guardians of the intent to implement the use of metal detectors. Thereafter, upon enrollment and at the beginning of each school year, students and parents/guardians shall receive notice that the district uses metal detector checks as part of its program to promote safety and deter the presence of weapons. Signs shall be posted at all schools to explain that anyone may be scanned by metal detector for guns, knives or other illegal weapons when on campus or attending athletic or extracurricular events.

(cf. 5145.12 - Search and Seizure)

Legal Reference: Connecticut General Statutes
54-33n Search of School Lockers and Property
10-221 Boards of education to prescribe rules.
New Jersey v T.L.O., 53 U.S.L.W. 4083 (1985)

Policy adopted: June 12, 2001
Policy revised: June 24, 2004
Policy revised:
NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

MULTI YEAR POLICY UPDATE PLAN
September 21, 2010

	<u>Fall 2010</u>	<u>Spring 2010</u>	<u>2011 - 2012</u>
Policy Review Process	5114	4000	0000
	5141.27		1000
	5145.123		2000
	3000		

All mandated changes as needed

Continuous Review of Instruction and Student Related Policies

FOR YOUR INFORMATION

09-14-2010

Commentary: Administrative regulations need not repeat the language of the original policy, hence the recommendation below to eliminate much of the language about expulsions, with the exception of some information which may be helpful to administrators.

The section entitled "Regulations," should be revised to reflect current practice or current guiding principles. There are no explicit legal requirements with regard to the topics in this section, so you have discretion to establish procedures that are tailored to your district's needs. It is highly recommended in light of a recent New Milford mediation agreement (MM, July 6, 2010) that you include a section about referral to special education (see suggestion below).

5114(a)

Students

Suspension and Expulsion/Due Process

All school district employees share responsibility for supervising the behavior of students to help them meet standards of conduct established by the Board of Education or the school administration.

In working with students, emphasis shall be placed upon developing effective self-discipline as the most effective disciplinary approach.

Suspension

*Suspensions shall be in-school suspensions unless ~~Effective July 1, 2009, the administration is authorized to impose out-of-school suspensions on a student only when~~ during the **informal** suspension hearing the administration determines that the student facing suspension poses such a danger to persons or property or such disruption of the educational process that the student must receive an out-of-school suspension **or the administration determines that an out-of-school suspension is appropriate for such student based on evidence of (A) previous disciplinary problems that have led to suspensions or expulsion, 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.***

An in-school suspension may be served in the school that the student attends, or in any school building under the jurisdiction of the board of education. 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."

When the Principal or other responsible administrator has determined that there is cause for suspension of a student, unless an emergency exists, the following procedures shall be observed:

1. The student shall be given an *informal* hearing before the Principal or his/her designee, at which time the charges against the student will be stated and the student will be given an opportunity to respond to the charge. This hearing must be granted except when an emergency situation exists, in which case the hearing must be held as soon after the suspension as possible.
2. The Principal or his/her designee shall make every possible attempt to reach the parent or guardian of the student, stating the charges against the student and the terms and conditions of the suspension.
3. Whether the telephone contact is made or not, the Principal or his/her designee shall forward a letter to the parent or legal guardian at the last known address according to school records (unless a newer address is determined) within one school day of the suspension, stating the charges and the terms and conditions of the suspension, and offering the parent or legal guardian the opportunity for a conference to discuss the suspension.
4. Notice of the suspension shall be transmitted by the Principal to the Superintendent of Schools by the close of the school day following the commencement of the suspension.
5. If a student is eighteen or older, any notice required by Board policy and this regulation shall be given to the student.
6. Textbooks and homework are to be provided each student for the duration of the suspension period and the student shall be allowed to complete any class work, including examinations, without penalty, which were missed during the suspension.
7. The Superintendent shall report any unusually serious cases of student suspension to the Board of Education at the first meeting following such action.
8. 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. *In addition, such notice may be expunged at the discretion of the administration in cases where the suspension period is shortened or waived due to the student's successful completion of a program or conditions specified by the administration.*

The foregoing procedure will be followed unless the student has had a total of ten

suspensions during the current school year, or has been suspended for a total of fifty days during the current school year. If the student's proposed suspension would exceed either figure, the suspension shall not take effect until so ordered by the Board of Education after a formal hearing such as that required for expulsion.

Regulations

The disciplinary regulations are designed and implemented to ensure the successful operation of the educational program and to instill the prevailing societal values of responsibility and respect for regulations for all students.

I. The most common types of student offenses:

- a. Tardies to class (homeroom)
- b. Cuts
- c. Disrupting class
- d. Loitering
- e. Smoking
- f. Fighting
- g. Insubordination

II. Forms of staff disciplinary action:

- a. Verbal warnings
- b. Parental conference (letter, telephone, interview)
- c. Referral to the Assistant Principal;
Student notification of the infraction

III. Supportive agencies utilized to resolve disciplinary problems:

- a. Guidance Department
- b. *Special Education Department***
- b. Police Department's Youth Liaison Officer
- c. Community Youth Officer
- d. Community Liaison Officer
- e. Wesleyan University's Upward Bound Program, etc.

IV. Procedures

- a. After two referrals, a letter may be sent to the home informing the parents of the infractions and requesting a parental conference.
- b. The parent and/or student are responsible for clarifying any questions relating to any referral listed on the letter of notification.
- c. A third referral places the student in jeopardy of being suspended for a three-day period.
- d. There are four terms within a school year.
- e. The Principal/Assistant Principal is responsible for administering disciplinary policy.

V. Alternatives

State law requires that prompt referrals be made to the special education Planning

and Placement Team for students who have been suspended repeatedly or whose behavior, attendance or progress in school is considered unsatisfactory.

Expulsion

Any Principal or other responsible administrator of the school system may recommend expulsion of a student *pursuant to Board Policy No. 5114. All administrators shall review Board Policy No. 5114 annually and ensure that students are made aware of conduct that may result in suspension and/or expulsion.* ~~and the Board of Education may expel such student, if the student's conduct is believed to endanger persons or property, or is seriously disruptive of the educational process, or is violative of a publicized Board policy.~~

The procedures leading to expulsion are as follows:

1. Requests for expulsion are to be directed to the Board of Education through the Superintendent of Schools.
2. *If the student receives special education and related services, the Director of Special Education must be immediately notified of a request for expulsion. Prior to any expulsion hearing, the Planning and Placement Team must meet to determine whether the conduct in question was a manifestation of the student's disability.*
2. Upon receipt of an expulsion request the Superintendent will conduct an inquiry.
3. If after the inquiry the Superintendent or designee determines that the student ought to be expelled, the Superintendent shall forward such request to the Board of Education promptly after the inquiry.
4. A student is entitled to the services of a translator, to be provided by the Board of Education, whenever the student or his/her parent or legal guardian do not speak the English language. *Administrators requesting expulsion shall notify the Superintendent of any need for translation services for the student or the student's parent.*
5. Whenever a student against whom a expulsion hearing is pending withdraws from school and after notification of such hearing but before the hearing is completed and a decision rendered, (1) notice of the pending expulsion hearing shall be included on the student's cumulative educational record and (2) the Board shall completed the expulsion hearing and render a decision.
4. 6. Except in an emergency situation requiring the student's immediate removal, the Board shall conduct a hearing to be governed by the *procedures established by Board Policy 5114.* ~~following procedures:~~
 - a. ~~The student and his/her parent or legal guardian must be given reasonable~~

~~notice prior to the date of the hearing.~~

~~b. The notice shall contain:~~

- ~~• the date, time and place of the scheduled hearing;~~
- ~~• a statement that such hearing is to be conducted pursuant to Conn. Gen. Stat. 10-233d and this Policy 5114;~~
- ~~• a short and plain statement of the basis for the recommendations that the student be expelled;~~
- ~~• a copy of Board Policy and Administrative Regulation 5114; and~~
- ~~• a statement of the student's rights.~~
- ~~• a statement that the Board is not required to offer an alternative educational opportunity to any student between 16 and 18 who was previously expelled or who is found to have engaged in the conduct described in C.G.S. 10-233d(e). (This provision does not apply to special education students as described in C.G.S. 10-76a(1e).) This includes possession of a martial arts weapon, firearms, deadly weapons or dangerous instrument on school property or at a school function.~~

~~c. At the hearing the student shall have the right to testify and produce witnesses and other evidence in his/her defense, and shall have the right to demand that any witnesses against him/her appear in person to answer questions.~~

~~In exceptional circumstances the Board may refuse to allow a witness against the accused student to appear, when the board believes that fear on the part of the witness would prevent the giving of accurate testimony. In such cases a verbatim statement of the witness's testimony must be given to the student. A witness's unsubstantiated desire to remain anonymous is not such an exceptional circumstance as to justify dispensing with confrontation and questioning by the student.~~

~~d. A student may be represented by any third party of his/her choice, including an attorney.~~

~~e.~~

~~f. The Board or impartial hearing panel shall keep a verbatim record of the hearing and the student or his/her parent or legal guardian shall be entitled to a copy of that record at his/her own expense.~~

~~g. The Board or impartial hearing panel shall report its final decision in writing to the student, stating the reasons on which the decision is based, and the penalty to be imposed. Said decisions shall be based on evidence produced and derived at the hearing.~~

- ~~h. Except under unusual circumstances the parents or legal guardian of a minor student shall be notified of the Board action within twenty-four hours.~~
 - ~~i. The Board of Education shall mail a copy of its decision to the State Board of Education within five days of the effective date of such action, if a student is expelled for the sale or distribution of a controlled substance, or for the possession of a firearm or deadly weapon.~~
 - ~~j. Whenever an emergency exists the hearing provided for the above procedure shall be held as soon as possible after the expulsion.~~
 - ~~k. In all matters of school discipline, (suspensions, expulsions, etc.) any evidence that unacceptable student behavior is related to a disability will be given full and proper consideration. If after a review of the evidence and consultation with parents and special education personnel, it is determined that a student's unacceptable behavior was directly caused by a disability, the student's individual education program will be appropriately modified to accommodate this problem.~~
- ~~5. Whenever the Board of Education or impartial hearing panel expels a student it shall offer an alternative education program to students under the age of sixteen. The parent or guardian of such student has the legal right to reject such a program without being subject to the truancy law. The Board of Education shall make provisions for an alternative educational opportunity to expelled students between the ages of sixteen and eighteen, conditional upon the desire of the student to continue his/her education and compliance with conditions established by the Board. A student age 16 or older may be placed in an adult education program as an alternative educational opportunity. However, the Board is not required to offer such alternative to any student between the ages of sixteen and eighteen 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 carrying on or introducing on to school property, on school transportation, or at a school sponsored activity, firearms, martial arts weapons, a dangerous instrument or weapon or offering for sale or distribution on school property or at a school sponsored activity a controlled substance, as defined in Section 21a-240(9) of the Connecticut General Statutes. Any special education student expelled for a misconduct not caused by the student's disability must be offered an alternative educational opportunity consistent with the student's needs during the period of expulsion.~~
- ~~6. If the Board expels a student for the sale or distribution of 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 shall inform the agency of its action.~~

- ~~7. — 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 be expunged from the cumulative educational record by the Board if the student graduates from high school unless the expulsion notice is based on possession of a firearm or deadly weapon.~~
- ~~8. — The Board may adopt the decision of a student expulsion hearing conducted by another school district provided such Board of Education held a hearing pursuant to C.G.S. 10-233d(a). Adoption of such a decision 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 this Board. The student shall be excluded from school pending such hearing. The excluded student shall be offered an alternative education opportunity in accordance with the provisions of 5 and 6 above.~~
- ~~9.~~
- ~~10. The Superintendent shall recommend an expulsion hearing if there is reason to believe a student possessed a firearm, martial arts weapon, or other dangerous instrument in or on real property, encompassing any public school or at any school activity as defined in C.G.S. 10-233a or in conduct displayed off school grounds.~~
- ~~11. — If a student is found to have possessed a firearm, martial arts weapon or other dangerous weapon in or on the real property or a school or at any school function as defined in Section 10-233a, or if a student, on or off school grounds offered for sale or distribution a controlled substance, as defined in subdivision (9) of C.G.S. 21a-240, whose manufacture, distribution, sale, prescription, dispensing, transportation or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under C.G.S. 21-277 and 21a-278, he or she must be expelled for one calendar year. The expulsion period may be modified on a case by case basis by the Board of Education or hearing board.~~
- ~~12. — A student expelled for possession of a firearm, martial arts weapon or deadly weapon shall have the violation reported to the local police department or State Police if the student is enrolled in a regional vocational technical school.~~
- ~~13. — An expelled student may apply for early readmission to school based upon conditions established by the Board of Education at the expulsion hearing. Readmission will be pending a decision by the Board, based upon a recommendation of the Superintendent.~~

In-School Suspension

~~The administration is authorized by the Board to impose an in school suspension on any student whose conduct endangers persons or property or is seriously disruptive of the educational process, or is violative of a publicized policy of the Board.~~

~~In-school suspension means an exclusion from regular classroom activity for no more than five (5) (ten (10) effective July 1, 2009) consecutive school days, but not exclusion from school, provided that such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed.~~

~~No student shall be placed in in-school suspension without an informal hearing before the building Principal or designee at which such student shall be informed of the reasons for the disciplinary action and given an opportunity to explain the situation. No student shall be placed in 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.~~

~~Prior Annual Notice~~

~~The Superintendent shall provide for an effective means of informing all students and their parents and guardians of the Board's policy and this regulation at the beginning of each school year, or when the student enrolls or transfers during the school year.~~

~~Legal Reference: Connecticut General Statutes~~

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

~~10-233a through 10-233f Suspension and expulsion of students (as amended)~~

~~53a-3 Firearm and deadly weapons~~

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

~~PA 94-221 An Act Concerning School Discipline and Security.~~

~~GOALS 2000: Educate America Act, Pub. L. 103-227.~~

~~18 U.S.C. 921 Definitions.~~

~~Title III Amendments to the Individuals with Disabilities Education Act. Sec. 314 (Local Control Over Violence)~~

~~Elementary and Secondary, Education Act of 1965 as amended by the Gun-Free Schools Act of 1994.~~

~~*Kyle P. Packer PPA Jane Packer v. Thomaston Board of Education*~~

Regulation approved:

June 12, 2001

NEW MILFORD PUBLIC SCHOOLS

Regulation revised:

November 18, 2008

New Milford, Connecticut

Instruction

Home Schooling

Pursuant to guidance provided by the Connecticut State Department of Education, the New Milford Public Schools shall utilize the following procedures when the parents or other persons having control of a child between the ages of seven and eighteen withdraws their child from school or declines to enroll their child in school in favor of home schooling:

Full-Time Home Schooling

1. The parents should file, with the Superintendent of Schools, a State Department of Education Notice of Intent form which outlines basic information about the program to be provided to their child. A Notice of Intent will be effective for up to one school year.
2. It is preferable that filing of the Notice of Intent occur at least 10 days before the start of the home schooling program.
3. When the school receives a Notice of Intent, it will be checked for completeness and kept as part of the District's permanent records. A complete form provides basic program information including the name of the teacher, subjects to be taught, days of instruction, and the teacher's method of assessment.
4. A parent, by filing a Notice of Intent, acknowledges full responsibility for the education of their child in accordance with the requirements of state law. Receipt of a Notice of Intent in no way constitutes approval by the school district of the content or effectiveness of a program of home schooling.
5. If a parent fails to file a Notice of Intent or files an incomplete form, a certified letter shall be sent to the parent requesting compliance within ten days. The certified letter shall request the parent to provide the school district with written notice that the child is elsewhere receiving equivalent instruction in the studies taught in the public schools in accordance with Connecticut General Statutes §10-184.
6. An annual portfolio review will be held with the parents and school officials to determine if instruction in the required courses has been given.
7. Any continued refusal by the parent to comply with the reasonable request of the school district for completion and filing of the Notice of Intent or to participate in an annual portfolio review may cause the child to be considered truant.

Instruction

Home Schooling

Full-Time Home Schooling (continued)

8. The school district shall not accept or require a Notice of Intent for any child younger than seven years or older than eighteen years of age.

Partial Enrollment of Home Schoolers in New Milford Schools

In addition to all of the above cited guidelines home-schooling parents who wish their child to participate in selected academic programs offered by the New Milford Public Schools shall adhere to the following guidelines:

1. Home-schooled children who seek partial enrollment shall enroll in the New Milford Public Schools only for the purposes of participating in a designated curricular program and for use in creating class lists, reporting addresses, and emergency contact information. Enrollments shall not be reported to the State Department of Education unless and until their participation exceeds four hours daily or its equivalent.
2. Prior to partial enrollment, all home-schooled students shall present evidence to the school nurse of compliance with all relevant state regulations and Board of Education policy regarding immunization and completion of physical examination.
3. No home-schooled student shall be admitted for partial enrollment unless that student has previously participated in one semester, or its equivalent, of full-time home-schooled enrollment.
4. Home-schooled students who are accepted for partial enrollment shall be transported to and from school at their parent's expense. It is the responsibility of the parents and the student to adhere to a daily admission and dismissal procedure as outline, in writing, by the school's Principal.
5. Home-schooled students shall be assigned to classes for which they enrolled on a space-available basis. Teacher selection is to be the responsibility of the school's administration.
6. Home-schooled students who seek partial enrollment in the New Milford Public Schools shall be enrolled for a minimum of two hours daily or its equivalent, unless a waiver of this requirement is granted by the Superintendent. Participation in field trips shall be permitted only when such trips are integral to completion of a course in which the student is enrolled.

Instruction

Home Schooling

Partial Enrollment of Home Schoolers in New Milford Schools (continued)

7. It is the responsibility of the home-schooled student to adhere to the schedule of classes in which he/she is enrolled. Adherence to adjustments of the class or school schedule by the school authorities is the responsibility of the student and/or his parents.
8. Home-schooled students shall receive an assessment of their work at the conclusion of each regularly-scheduled marking period. A copy of this record will be made part of the school's permanent record.
9. Home-schooled students who are accepted for partial enrollment are subject to ~~the discipline and attendance regulations~~ **all policies** established and published by the school, **including student conduct and discipline. The attendance policy of the school shall be applied within the context of the partial enrollment.** It is the responsibility of the Principal to distribute a copy of all school regulations to all home-schooled students.
10. Home-schooled students who seek partial enrollment in the New Milford Public Schools shall be covered for injury or liability under the existing coverage only during the period of their participation in a program supervised by the New Milford Public Schools.
11. Home-schooled students who are partially enrolled in the New Milford Public Schools may participate in extra-curricular activities only when their participation adheres to the regulations established by the Connecticut Interscholastic Athletic Conference.

Legal References: Connecticut General Statutes

10-184 Duties of parents. School attendance age requirements

10-220 Duties of boards of education

10-249 Enumeration of children of compulsory school age in school districts and by state departments having jurisdiction over such children.

10-250 Report showing number of children

10-251 Penalty for refusing to give age of child

Connecticut State Department of Education Circular Letter C-14, Series 1994-1995, "Revised Procedures Concerning Requests from Parents to Education Their Child at Home." (July 15, 1994)

Regulation approved: June 10, 2003

Regulation revised: June 8, 2010

NEW MILFORD PUBLIC SCHOOLS

New Milford, Connecticut

**New Milford Board of Education
 Policy Subcommittee Minutes
 September 21, 2010
 Lillis Administration Building, Rm. 2**

GEORGE C. BUCKBEY
 TOWN CLERK

2010 SEP 24 A 10: 28

NEW MILFORD, CT

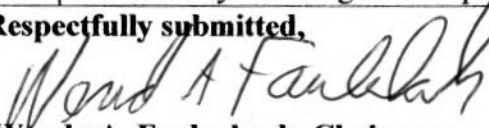
Present:	Mrs. Wendy Faulenbach, Board Chairperson Mrs. Alexandra Thomas Mrs. Lynette Celli Rigdon
Absent:	Mrs. Nancy Tarascio-Latour Mr. David Lawson
Also Present:	Dr. JeanAnn C. Paddyfote, Superintendent of Schools Ms. Adele Johnson, Director of Pupil Personnel Services

1.	Call to Order The meeting of the New Milford Board of Education Policy Subcommittee was called to order at 6:30 pm.	Call to Order
2.	Public Comment <ul style="list-style-type: none"> There was none. 	Public Comment
3. A.	Discussion and Possible Action Items Policy 5114 Removal/Suspension/Expulsion <ul style="list-style-type: none"> Dr. Paddyfote explained this was recommended for revision because the law had recently changed. She said a student can be suspended out of school, but with some stipulations. She also said she was supporting an optional item on the proposed changes which was the bullying outside of the school setting. Mrs. Thomas noted that the definition of suspension was used in several places and wondered if the Board needed to be so explicit in the definition since the language was also in the procedures. Dr. Paddyfote said the law requires the notice procedurally. Mrs. Thomas asked with the expulsion section, if a student was expelled from Hill & Plain, for instance, could they then try to go to one of the other elementary schools. Dr. Paddyfote said they could not be on school grounds or school property but they would then come to the alternative program at East Street. Mrs. Thomas asked if the central office moves from East Street would this affect the policy and Dr. Paddyfote said that will be an issue. Mrs. Thomas asked if in section 3, part C, item number 17, if a "false" bomb threat should really be any bomb threat. Dr. Paddyfote said that is consistent with a "facsimile" of a weapon. Mrs. Thomas asked if the Board includes some kind of program in a removal decision, is the Board responsible for paying for it. Dr Paddyfote said the law states the Board must pay for a program if they require it. Mrs. Thomas asked for consistency with the words children and students throughout the policy. 	Discussion and Possible Action Items Policy 5114 Removal/Suspension/Expulsion

<p>B.</p>	<ul style="list-style-type: none"> • Mrs. Rigdon was unsure how section 3, part C, item number 10 was to be read on consuming tobacco. Mrs. Thomas said high school students can possess tobacco but cannot consume it, other students can neither possess or consume. <p>Policy 5141.27 First Aid/Emergency Medical Care</p> <ul style="list-style-type: none"> • Mrs. Thomas asked if the Board would be in trouble if AEDs were at the school but no one was trained because there was insufficient funding provided. Dr. Paddyfote said that was an untested area. She said the schools do not provide training and are required at special events to have someone trained in their use at the event. She said it is the teachers' and advisors' responsibility to make sure trained personnel are available at an event. • Mrs. Thomas asked who was responsible for maintaining the AEDs and Ms. Johnson said it is the Board's responsibility. • Dr. Paddyfote said the law has been expanded because the district was never responsible for people at school - sponsored events before. • Mrs. Rigdon asked how many AEDs there were and Dr. Paddyfote said there were at last three at the high school, two at Schaghticoke, and three at Sarah Noble. • Mrs. Faulenbach asked if Board meetings and subcommittee meetings are considered gatherings under the law. Dr. Paddyfote said there is no AED at East Street and so the Board is not supporting that. • Mrs. Thomas asked if each school had an emergency response plan and Ms. Johnson said that plans were in place and the staff is trained. 	<p>Policy 5141.27 First Aid/Emergency Medical Care</p>
<p>C.</p>	<p>Policy 5145.123 Use of Metal Detectors</p> <ul style="list-style-type: none"> • Dr. Paddyfote said this authorizes the district to use metal detectors. <p>Mrs. Rigdon moved to bring policies 5114 Removal/Suspension/Expulsion; 5141.27 First Aid/Emergency Medical Care; and 5145.123 Use of Metal Detectors to the full Board for revision, seconded by Mrs. Thomas and passed unanimously.</p>	<p>Policy 5145.123 Use of Metal Detectors</p> <p>Motion made and approved to bring policies 5114 Removal/Suspension/Expulsion; 5141.27 First Aid/Emergency Medical Care; and 5145.123 Use of Metal Detectors to the full Board for revision</p>
<p>D.</p>	<p>Multi-Year Policy Update</p> <ul style="list-style-type: none"> • Dr. Paddyfote proposed that the subcommittee always looks at the 5000 and 6000 series as needed, but that in October and November the 3000 series be reviewed; in February and March the 4000 series be reviewed; the 	<p>Multi-Year Policy Update</p>

	Board will see the first revision in April, second revision in May with approval proposed in June.	
4.	Items of Information	Items of Information
A.	5114 Revision of Regulation – Removal/Suspension/Expulsion	5114 Revision of Regulation – Removal/Suspension/ Expulsion
B.	6172.3 Revision of Regulation – Home Schooling	6172.3 Revision of Regulation – Home Schooling
	<ul style="list-style-type: none"> • Dr. Paddyfote noted that at the Board meeting Bill Wellman had asked how home schooling and the truancy policy meshed together. She said the Board does not have a policy on Home Schooling, rather there is a regulation which allows partial enrollment. This is a controversial issue in Connecticut and the Board may wish to discuss this. She said when a home schooled child takes part in an enrichment activity, the district has no information on them such as medical information. Typically, a student that is home schooled would take a class such as art or band, or a higher level class such as an AP course. • Mrs. Faulenbach said since this is a regulation, the Board does not have to approve it and Dr. Paddyfote said she just wanted to be up front with the discussion. • Mrs. Thomas asked how many students are currently home schooled and asking for partial enrollment. Dr. Paddyfote said she could get the number but felt it was growing. • Dr. Paddyfote noted that most school districts have gotten away from partial enrollment because often they are seeking the higher level AP classes which have limited space and sometimes a full time student gets bumped to allow the home schooled student in. • Mrs. Thomas said it was good to begin the conversation and to give families plenty of time to discuss options. • Mrs. Faulenbach said the public will have an opportunity to know in advance that this regulation might change and this will be on the committee's agenda again. 	
5.	Adjourn	Adjourn
	Mrs. Thomas moved to adjourn the meeting at 7:07 pm, seconded by Mrs. Rigdon and passed unanimously.	Motion made and approved to adjourn the meeting at 7:07 pm.

Respectfully submitted,



**Wendy A. Faulenbach, Chairman
 New Milford Board of Education**