



CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

Board Policy Statement **5131.00 – Student Discipline Code** Approved on October 7, 2013

All students have a fundamental right to attend school in a safe and orderly environment in which they can learn and be free from fear. All students have a responsibility to foster a positive educational environment.

Good student behavior in a school is extremely important in creating the kind of educational environment in which pupils will be able to realize their greatest opportunities for growth. Good discipline habits include respect for the rights and privileges of others, cooperation with all personnel in the school community and basic respect for one's own self as well as respect for real and personal property.

The development of good discipline practices is the concern of all persons involved in the education of youth. To this end, thoughtful and patient effort is required to help students and guide them in achieving self-discipline.

Students whose conduct violates the school district's rules and regulations shall be subject to appropriate discipline by school authorities in a manner which reflects consideration of both the Board's commitment to maintaining a safe, orderly and productive educational environment and the human qualities of all individuals involved. Students whose conduct disrupts the educational process pursuant to the student discipline code, as detailed in administrative procedures for Policy 3-3, may be subject to removal or suspension, in the reasonable discretion of the building administrator or designee, or expulsion by the Board in a hearing as provided below. Whatever measure is employed must always be fair, dignified and appropriate. Corporal punishment is not allowed as part of the disciplinary procedure.

No student shall be suspended, excluded, or otherwise disciplined on account of age, gender, race, color, ancestry, national origin, citizenship status, mental or physical disability, religion, marital status, sexual orientation, financial status, pregnancy, parental status or any other proscribed reason.

Legal References/Citations

Conn. Gen. Stat. 10-233a through 10-233g and 10-184

Conn. Gen. Stat. 53a-3; 53a-217b

Conn. Gen. Stat. 53a-217b

Goals 2000: Educate America Act, P. L. 103-227

18 U.S.C. 921

Title III - Amendments to the IDEA sec. 314

Elementary and Secondary Act of 1965 as amended by the Gun Free Schools Act of 1994

Connecticut's Uniform Administrative Procedure Act, Conn. Gen. Stat.

4-166 et seq



CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

Administrative Procedure **5131.00 – Student Discipline Code** Approved on October 7, 2013

The following procedures are available to school authorities in order to maintain a desirable educational atmosphere under Board Policy 5131.00:

I. Definitions

- A. "Exclusion" means any denial of public school privileges to a pupil for disciplinary purposes.
- B. "Removal" means an exclusion from a classroom for all or part of a single class period, provided such exclusion should not extend beyond ninety minutes.
- C. Suspension may be "in-school", "out-of-school" and "from transportation." "In-school" suspension means an exclusion from regular classroom activity for no more than five consecutive days, but not exclusion from school, provided such exclusion should not extend beyond the end of the school year in which such in-school suspension was imposed. "Out-of-school" suspension means an exclusion from school privileges for no more than ten consecutive school days, provided such exclusion should not extend beyond the end of the school year in which such suspension was imposed. "From transportation" means an exclusion from transportation services for no more than ten consecutive school days, provided such exclusion should not extend beyond the end of the school year in which such suspension was imposed.
- D. "Expulsion" means an exclusion from school privileges (including transportation) for more than ten consecutive school days, provided such exclusion should be deemed to include, but not be limited to, exclusion from the school to which such pupil was assigned at the time such disciplinary action was taken. An expulsion period may not extend beyond one calendar year.
- E. "School-sponsored activity" means any activity sponsored, recognized or authorized by the Board of Education and includes activities conducted on or off school property.
- F. "Emergency" means a situation under which the Superintendent or designee finds that the continued presence of the pupil in school poses 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 a pupil is possible.
- G. "Weapon" means any instrument, article or substance which is capable of causing death or physical injury and includes, but is not limited to the following: a pistol, gun, facsimile firearm or other weapon, knife, blackjack, metal knuckles, or any instrument which will or is designed to or may readily be converted to

expel a projectile by the action of an explosive and as defined in Section 921 of Title 18 of the United States Code.

- H. "Gang" means a group of juveniles or youth who, acting in concert with each other, or with adults, engage in illegal activities.
- I. "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.
- J. "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.
- K. "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 $\frac{1}{4}$ ounce, mine, or device similar to any of the weapons described herein.
- L. "Martial arts weapon" means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or Chinese star.

II. Procedures Governing Removal from the Classroom

- A. Students may be removed from a classroom by a teacher whenever they deliberately cause a serious disruption of the educational process. Teachers are encouraged to try classroom interventions prior to removing a student to the office.
- B. Teachers shall send any student removed to the building principal or his/her designee for further disciplinary action. The teacher shall inform the principal or his/her designee, in writing, of the name of the pupil against whom such disciplinary action should be taken and the reason therefore. Students who exhibit violent or unusual behavior should be escorted to the office by an adult.
- C. Each principal shall determine the location of an alternative educational setting within his/her building.
- D. Each period of removal should not extend beyond 90 minutes.
- E. Prior to removal from class more than six times in any year or more than twice in any week, such pupil shall be referred to the school principal and be granted an informal hearing.
- F. The principal or his/her designee shall notify the parents or guardian of any such removal within 24 hours and document all such attempts to notify.
- G. Teachers should schedule student and parental conferences to address the problem(s) that led to the removal. In addition, teachers should consult with the principal to consider other measures such as:
 - a. Referrals to guidance or other pupil services personnel.
 - b. Extended day detentions.

- c. School service project.
- d. Exclusion from privileges to participate in activities.

III. Disciplinary Violations that May Lead to Suspension or Expulsion

- A. The following individual or group conduct may lead to suspension or expulsion:
- B. Conduct on school grounds or at a school-sponsored activity that (a) is in violation of a publicized policy of the Board; (b) is seriously disruptive of the educational process; or (c) endangers persons or property.
- C. Conduct off school grounds that is in violation of a Board Policy and is seriously disruptive of the educational process.
- D. In making a determination as to whether conduct is seriously disruptive of the educational process, the Board or impartial hearing officer may consider, but such consideration shall not be limited to: (1) whether the incident occurred within close proximity of a school; (2) whether other students from the school were involved or whether there was any gang involvement; (3) whether the conduct involved violence, threats of violence or the unlawful use of a weapon as defined in Conn. Gen. Stat. §29-38, and whether any injuries occurred; and (4) whether the conduct involved the use of alcohol. Students who engage in gang-related conduct may be held individually accountable for acts of gang members which violate this policy.
- E. The following types of conduct are considered to be seriously disruptive of the educational process, and/or endangering of persons or property:
 - a. Willfully striking or assaulting another student, any school employee, or school transportation personnel. See Section VI.
 - b. Theft or knowingly possessing stolen goods.
 - c. The use of obscene, profane or abusive language or gestures to another student, any school employee, or school transportation personnel.
 - d. Refusal to obey, or identify oneself to, a school employee or school transportation personnel.
 - e. Threatening, intimidating or harassing another student, any school employee, or school transportation personnel. See Section VI.
 - f. Possessing any kind of weapon, firearm (as defined in 18 U.S.C. § 921), or a deadly weapon, dangerous instrument or martial arts weapon (as defined in Conn. Gen. Stat. § 53a-3). See Section D below.
 - g. Unauthorized possession, selling or consumption of dangerous drugs, narcotics or alcoholic beverages as defined in Board Policy 3-22, or in violation of federal or state law or; the conspiracy to sell dangerous drugs, narcotics or alcoholic beverages as defined in Board Policy 3-22, or in violation of federal or state law. See Section D below.
 - h. Defacing or destroying school property, or the property of another student, any school employee, or school transportation personnel. Note: Under Board Policy 11-3, parents/guardians of the student are responsible for the cost of repair or replacement.

- i. Smoking
- j. Blackmail, extortion, or coercion to obtain money, goods or favors from another student, any school employee, or school transportation personnel.
- k. Tampering with fire-related equipment.
- l. Illegal gambling or betting.
- m. Appearing on school grounds or school transportation, or at a school-sponsored activity while on suspension or during a period of expulsion.
- n. Aiding or abetting unauthorized entrance into any school.
- o. Violating any school rules
- p. Commission of a felony or other serious crime or misdemeanor.
- q. Repeated misconduct.

Note: The above list is not exhaustive with regard to conduct that may lead to suspension or expulsion.

- F. Expulsion proceedings shall be required whenever there is reason to believe that any student: (1) was in possession of a firearm (as defined in 18 U.S.C. 921) or deadly weapon, dangerous instrument or martial arts weapon (as defined in Conn. Gen. Stat. § 53a-3) on school grounds or at a school-sponsored activity; (2) off-school grounds, did possess a firearm 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, 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 if the Board of Education finds that the student did so possess or so possess and use, as appropriate, such a firearm, instrument or weapon or did so offer for sale or distribution such a controlled substance for a period of one calendar year, provided that the period of expulsion may be modified on a case-by-case basis. Nothing herein shall be deemed to eliminate the discretionary authority of the school to suspend or expel students for conduct that is not described in this section, i.e., possession of a weapon that does not meet the definition of firearm, dangerous instrument, deadly weapon or martial arts weapon.

IV. Procedures Governing Suspensions

A. In-School Suspensions

- a. When it is believed a student's behavior may warrant in-house suspension, the student shall be brought to the principal's office by an adult. The principal (or designee) shall make the determination whether suspension is warranted and the duration. Prior to placing a student on in-house suspension, the student is entitled to an informal hearing before the principal at which the student shall be informed of the reasons for the disciplinary action and given an opportunity to explain the situation.

- b. Each period of in-house suspension from classroom activity shall be for no more than five consecutive school days and may not extend beyond the school year. In any event, a student cannot be placed on in-house suspension for more than fifteen times or a total of fifty days in accordance with state law. Any student approaching or exceeding ten suspensions or a total of thirty days in one school year shall be referred to the building planning and placement team.
- c. The principal or designee shall attempt to notify the parents or guardian of any such in-house suspension within 24 hours and document all such attempts to notify. In any event, a follow-up letter will be sent.

B. Out-of-School Suspensions

Except in cases where a student is to be suspended more than ten times during one school year or for a period which will make the total time of the student's suspension for one school year exceed fifty school days, the principal or his/her designee shall observe the procedures below. Note: When such exception exists, a student cannot be suspended further without being afforded hearing rights in accordance with procedures which are in effect for expulsions.

- a. Unless an emergency situation requiring the pupil's immediate suspension exists, no student shall be suspended prior to having an informal hearing before the principal or his/her designee at which time the student is informed as to the charges and given the opportunity to respond. In the event of an emergency, the informal hearing shall be held as soon after the suspension as possible.
- b. By telephone, the principal or designee shall attempt to notify promptly the parents or guardian of the student about the suspension and state the cause leading to the suspension and document all such attempts to notify.
- c. Whether or not telephone contact is made with the parent or guardian, the principal or designee shall forward a letter to such parent or guardian to the last address reported on school records (or to a new address if known by the principal or designee) within one school day of the suspension action and offering the parent or guardian an opportunity for a conference to discuss same.
- d. Notice of the original out-of-school suspension shall be sent by the principal or designee to the Superintendent of Schools within 24 hours. Such notice shall include the name of the pupil against whom such disciplinary action was taken and the reason therefore.
- e. Any pupil who is suspended shall be given an opportunity to complete any class work including, but not limited to, examinations which such pupil missed during the period of suspension.
- f. The principal or designee may review previous disciplinary problems of removal, suspension or expulsion which the school has had with the student in determining the length of suspension.
- g. Any student suspended for the second time may be reviewed by the building support teams for the purpose of addressing the issues leading to suspension. Any student suspended for three or more times should be referred to the early intervention or pass team (New Britain High School). Students suspended for the tenth time or for a total of 30 days (whichever comes first) will be referred to the building's planning and placement team. Special education students cannot be suspended beyond ten days successively or during one school year without convening a Planning and Placement Team (PPT). Any special education student suspended for a period of ten days will

be referred to the building planning and placement team in accordance with Section 10 of these procedures.

- h. If a student is eighteen years of age or older, any notice required by this policy shall be given to the student.

V. Procedures Governing Suspensions

- A. A principal may request expulsion of a student in a case where the principal has cause to believe that a student's conduct on school grounds or at a school sponsored activity is in violation of this policy or any other publicized Board Policy.
- B. The principal must inform the Superintendent in writing and commence an investigation within two school days of the conduct that gave rise to the requested expulsion.
 - a. The investigator should interview persons (staff, students, visitors, etc.) who may have witnessed, been involved with, or are able to provide information about the incident underlying the expulsion request. All evidence should be gathered and stored for safekeeping (see below special rules for weapons and drugs). Please also see Board Policy 5-2 for more details concerning searches of students and seizure of property.
 - b. This investigation should include an interview with the student and his/her parent/guardian or if such an interview did not take place, documentation of all attempts to reach the student and parent/guardian. In addition, signed witness statements may be obtained.
 - c. Upon conclusion of the investigation, the administrator charged with responsibility for the expulsion matter should submit a written report to the Superintendent detailing the findings and conclusions of the investigation. The memo should note any social service agency or police activity associated with the expulsion request. This report should also include a recommendation for or against expulsion, and if an expulsion is recommended, the length of the expulsion and whether an alternative educational program is recommended.
- C. If, after the inquiry, the Superintendent or designee determines that a student ought to be expelled, the Superintendent should forward such request to the Board of Education within five days of the request from the principal.
- D. Except in an emergency situation requiring the student's immediate removal, the Board of Education or an impartial hearing panel should, prior to expelling the student, conduct a hearing to be governed by the following procedures:
 - a. The student and parent(s) or guardian(s) shall be given written notice (via certified mail, registered mail or verified personal delivery), at least three calendar days prior to the date of the hearing. The notice shall contain:
 - i. The date, time and place of the scheduled hearing.
 - ii. A statement of the issue to be determined at the hearing as well as the Board's jurisdiction to hear the matter.

- iii. A short and plain statement of the matters asserted, with reference to the particular sections of the General Statutes or Board policies that have been violated; upon request from the student, a more definite and detailed statement of the issues will be furnished.
 - 1. A copy of Policy 5131.00 (Student Discipline Code) and accompanying procedures.
 - 2. A statement, where applicable, that the board is not responsible to provide an alternative education opportunity if the student is expelled for the acts alleged.
- E. An expulsion hearing is conducted in accordance with applicable provisions of Connecticut's Uniform Administrative Procedure Act and Connecticut statutes governing student discipline. At the hearing the student should have the right to testify, to produce witnesses and other evidence and to cross-examine the Board's witnesses in his or her defense. The student should have the right to demand that any witnesses against him or her appear in person to answer his or her questions, subject to the provisions below.
- F. Where deemed appropriate by the Superintendent or designee, because of reasonable concern regarding danger to or retaliation against a student, the identity of student witnesses may be withheld. In such case, the determination concerning the admissibility of anonymous testimony or statements should be made by the Board panel at the expulsion hearing. In camera testimony and evidence may be taken in making this determination. A witness' unsubstantiated desire to remain anonymous will not justify a refusal to testify.
- G. A student may be represented by any third party of the student's, his or her parents', or guardian's choice, including an attorney. Such representation shall be at the student's or parents' expense.
- H. A student is entitled to the services of a translator, to be provided by the Board of Education, whenever the student or his or her parent(s) or guardian(s) cannot speak the English language. The student or parent/guardian must make a request to the Superintendent for a translator at least 24 hours prior to the hearing.
- I. The Board or panel should keep a verbatim record (tape or script) of the hearing, and the student or such student's parent(s) or guardian(s) should be entitled to a copy of that record at his or her own expense.
- J. The Board of Education, at a meeting in which three or more members of such Board are present, or an impartial hearing panel as described below, may expel any pupil consistent with this policy, provided that a majority of the Board members sitting in the expulsion hearing votes to expel and that at least three affirmative votes for expulsion are cast. Unless an emergency exists, no pupil may be expelled without a formal hearing.
- K. For purposes of conducting expulsion hearings, the Board of Education may establish an impartial hearing board of one or more persons. No members of any such Board should be a member of the hearing board. The hearing board shall have the authority to conduct the expulsion hearing and render a final decision in accordance with the law.
- L. The Board or panel shall report its final decision in writing to the student and parent/guardian, stating the reasons on which the decision is based, the alternative educational program and the penalty to be imposed within twenty-four hours after reaching its decision. Said decision shall be based solely on evidence produced at the hearing. The Board shall issue its written decision within 30 days of the close of the hearing.

- M. In determining the length of the expulsion and nature of alternative education, if any, the Board or the panel may receive and consider evidence of the student's past disciplinary problems which have led to removal from classroom, suspension or expulsion.
- N. "Expelled" status and the nature of conduct for which the student is expelled will be noted on the student's cumulative record. Such notice shall be expunged from the cumulative educational record by the Board of Education if a pupil graduates from high school unless the expulsion notice is based on possession of a firearm or deadly weapon.

VI. Alternative Educational Opportunity

Any pupil under sixteen years of age who is expelled shall be offered an alternative educational opportunity during the period of expulsion, provided any parent or guardian of such pupil 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. Any pupil expelled for the first time who is between the ages of sixteen and eighteen 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 his or her local or regional board of education. Such alternative may include, but shall not be limited to, the placement of a pupil who is at least sixteen years of age in an adult education program pursuant to Section 10-69. The Board of Education shall count the expulsion of a pupil when he or she was under sixteen years of age for purposes of determining whether an alternative educational opportunity is required for such pupil when he or she is between the ages of sixteen and eighteen. The Board of Education may offer an alternative educational opportunity to a pupil for whom such alternative educational opportunity is not required pursuant to this section. The age limitation for the provision of alternate educational opportunity does not apply to pupils requiring special education.

The Board of Education is not required to offer an alternative educational opportunity to any pupil between the ages of sixteen and eighteen who is expelled because of conduct which endangers persons if it is determined at the expulsion hearing that the conduct for which the pupil is expelled involved (1) possession of a firearm, as defined in 18 U.S.C. 921, or deadly weapon, dangerous instrument or martial arts weapon, as defined in Section 53a-3, on school property or at a school-sponsored activity or (2) offering for sale or distribution on school property or at a school-sponsored activity a controlled substance, as defined in subdivision (9) of Section 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 Sections 21a-277 and 21a-278. If a pupil is expelled pursuant to this section for possession of a firearm or deadly weapon, the Board of Education shall report the violation to the local Police Department. If a pupil is expelled pursuant to this section for the sale or distribution of such a controlled substance, the Board of Education shall refer the pupil to an appropriate state or local agency for rehabilitation, intervention or job training, or any combination thereof, and inform the agency of its action. The notice of the hearing to the student and parent should state that the Board is not required to offer an educational opportunity under these circumstances.

Note: This section does not apply to special education students.

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 days after the student is arrested. In addition, the Board of Education shall submit to the Commissioner of Education such information on the 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. The Board shall notify the Commissioner of Education within thirty days of any expulsion from school when it is determined that a student over sixteen years of age was involved in the sale or distribution of a controlled substance. The Board should refer the pupil to an appropriate state or local agency for

rehabilitation, intervention, or job training, or any combination thereof, and inform the Department of Education that the student has been so referred. In its notice, the Board should give the name of the pupil and a summary of the Board's action in so referring a pupil to a service. It is not required that notice be sent to the Commissioner when students are expelled for other reasons.

The Board may adopt the decision of a student expulsion hearing conducted by another school district provided the Board of Education shall first hold a hearing pursuant to the provisions of Connecticut law to determine whether the conduct which was the basis for the expulsion in the other district would also warrant expulsion here. The pupil may be excluded from school pending such hearing. The excluded student shall be offered an alternative education opportunity in accordance with this policy and the law.

Each school year, the Pupil Services Department should prepare a report for the Superintendent listing the names of all expelled students, the reasons for their expulsion, the length of the expulsion, the alternative education offered (if any) and the current status of the students.

An expelled pupil may apply for readmission. Readmission may be granted at the discretion of the Board and may be conditioned upon specified criteria including but not limited to, rehabilitation activities, special conduct rules, and restitution undertaken at the student's expense. The Board may delegate to the Superintendent the authority to make readmission decisions at his discretion.

VII. Assaults/Threats

It is the responsibility of all employees to promote the health and safety of all students. Staff should make all reasonable efforts to diffuse a situation prior to any physical confrontation and to prevent escalation of a confrontation which has already commenced. If a situation arises in which a staff member reasonably believes physical force is appropriate, such force should be utilized in accordance with Board Policy 3-23. All assaults on staff are to be reported immediately by the building principal or designee on the official threat and assault form to the police for prosecution with a copy of the report to the Superintendent if the perpetrator is a pupil. All staff members, both certified and non-certified, should cooperate with police and prosecution authorities in prosecuting the perpetrator to the full extent of the law. Whenever an emergency exists, the hearing provided above should be held as soon possible after the expulsion.

In the event that a student has issued a threat against another student, any school employee, or school transportation personnel, 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 the schools, students and employees.

VIII. Weapons/Drug Incidents

Any employee who has reason to suspect that a student possesses a weapon or is in possession of drugs in violation of Board policy 3-22 or the law shall immediately communicate that suspicion to an administrator or to another adult who immediately contacts an administrator. All searches of a student's person or property shall be done in accordance with Policy 5-2, Search and Seizure. However, the Board shall not disclose any professional communications regarding drug or alcohol abuse, consistent with Connecticut General Statutes §10-154a. Principals should immediately report all weapons/drug incidents to the Superintendent.

The principal shall obtain written statements from any person who provided information on the weapon or drugs. Documentation regarding the chain of custody of the evidence must be provided. The administrator will contact the police, submit the weapon/drugs to police and request a signed affidavit from police for its receipt.

IX. Transportation

Pupils who are out of school due to suspension or expulsion may not utilize school transportation services, as provided in Board Policy 3-12.

X. Discipline Policy for Pupils with Disabilities

Except as otherwise provided in a student's Individualized Education Plan (IEP), the school district should apply the same standards of conduct to special education students as are applied to regular education students as outlined in Section 2 of these procedures, consistent with state and federal law.

A. Suspensions Up to Ten School Days

- a. In general, the school district may suspend a special education student for up to ten days (a single event or a series of events) as a disciplinary measure without resorting to the PPT process regardless of whether or not the student's misconduct was related to his/her disability. Such discipline does not amount to a change in the student's placement and therefore there is no need for a PPT team meeting or evaluation under these circumstances. Teachers may use time out rooms, study carrels, in-house or outside suspension, etc.
- b. However, any serious incident, pattern of misbehavior or unusual behavior may raise concern as to whether the student's placement continues to be appropriate. In such cases, the special education teacher should recommend that a PPT be held.

B. Suspensions Over Ten Days or Expulsions

- a. Exclusion from school in excess of ten days in succession or a series of suspensions resulting in excess of ten days in the aggregate without an intervening PPT does constitute a significant change of placement for students eligible for services under the Individuals With Disabilities Education Act (I.D.E.A.) or Section 504. Where such an action is considered, the school district is required to comply with all applicable requirements under I.D.E.A., particularly with regard to convening a PPT.
- b. Administrators are to look at the length of each suspension, the proximity of the suspensions to each other, the nature of the behavior and the total amount of time the student has been out of school in determining whether or not a series of suspensions warrants a significant change in the student's placement.
- c. A PPT should be held and the student's program should be re-evaluated to determine whether or not the misconduct was caused by the student's disability or the result of an inappropriate placement. This re-evaluation should include a review of past disciplinary action, the reasons for those actions and the total number of suspension days. The student's academic record and any changes in the student's family situation should be reviewed as well. This PPT may, where recommended by the team, request additional formal or informal assessments.
- d. Determining whether or not a student's conduct is related to his/her disability is a complex issue. For this reason, the Director of Pupil Services (or designee) should be notified of any PPT's held for this purpose.

C. Conduct Related to the Student's Disability

- a. If the student's misconduct is caused by a disability or is the result of an inappropriate placement, the student may not be suspended in excess of ten consecutive school days or expelled and the IEP should be adjusted to help control the student's behavior. Unless specifically stated otherwise

by the student's PPT, it should be expressly noted in the IEP that the student will be expected to adhere to the school's disciplinary code (Policy 3-3 and procedures) as well as other pertinent school rules.

- b. It may be appropriate to include a behavior management program (including specific consequences up to and including suspension) in the IEP. Once an IEP contains such a plan, the district is to implement the disciplinary measures under the behavior management plan in the IEP in accordance with the state law and these procedures.
- c. If a student engages in dangerous behavior posing a threat to the safety of others and the school district desires to immediately remove the student from the schools, the district may change the student's placement as permitted by law. The student may have the right to stay in his/her current placement pending resolution of all proceedings.

D. Conduct Not Related to the Student's Disability

- a. If the student's misconduct was not caused by a disability as determined by a PPT, the student may be suspended or expelled from school in the same manner as similarly situated regular education children. However, special education services are to be continued during the period of expulsion.
- b. As stated above, it should be expressly noted in the IEP records that the student will be expected to adhere to the school's disciplinary code (Policy 3-3 and procedures) as well as other pertinent school rules.
- c. If a parent or guardian disagrees with the determination regarding the relatedness of the misconduct to the student's handicapping condition or with a subsequent placement, they may request a due process hearing

E. Drugs and Alcohol

- a. There is one major exception to the rules stated above for special education students. If a student is handicapped solely by virtue of an addiction to drugs or alcohol, and the student violates the district's policies or the law regarding alcohol and drugs, the student may be disciplined (up to and including expulsion) in the same manner as regular education students. If however, the student has handicapping conditions in addition to the addiction, the due process rights normally accorded special education students are to be followed.

F. Record Keeping

- a. All disciplinary action taken against a special education student should be recorded in the student's folder and be available for the next subsequent PPT to review.

XI. Dissemination

Policy 5131.00 and these procedures shall be distributed annually to parents of New Britain students and to school staff.

Appendix A - Suspension Code

The following violations may subject the student to suspension up to ten days or possible expulsion.

01	*Assault Adm	Assaulting an administrator
02	*Assault Staff	Assaulting a staff member
03	*Assault Stu	Assaulting a student
04	Dan Weap-Ins	Assault with a dangerous weapon or 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 physical injury.
05	Fighting	Physical altercation with another student
06	Alcohol	Possession or consumption of
07	Drugs	Possession/Consumption/Selling
(06 and 07 administer in accordance with Board Policy 3-22)		
08	Weapon Poss	Possession of a dangerous weapon
09	Threat Staff	Expresses an intent to cause harm
10	Threat Stu	Expresses an intent to cause harm
11	Dis Behav	Disruption of the educational process
12	Def of Auth	Refusal to obey a reasonable request of staff member
13	Cutting	Not attending an assigned class/classes
14	Pro Lan/Gest	Use of obscene/profane gestures to a staff member
15	Smoking	Repeated smoking/in hall/lavatory, classroom/grounds
16	Theft	Stealing of school, staff, student property
17	Fail Fol Rul	Continues to disobey school rules after warning/detentions
18	Prop Dam	Destruction/defacing of property on school grounds
19	Lv School	Leaving school without permission
20	Other	Rules & regulations not listed

21	Com Viol	Community behavior off campus which evokes or may evoke retaliatory responses on school property or threatens welfare of employees or students or disrupts or may disrupt the educational process.
22	Extortion	Extorting money or goods/favors blackmailing or intimidating staff or students.
23		Tampering with fire related equipment
24		Gambling
25		Trespassing on school grounds while on suspension
26		Aiding or abetting unauthorized entrance into any N.B. school
27		Behavior that poses a risk of danger or harm to the student or others.
28		Behavior that seriously disrupts or threatens to seriously disrupt the educational process.

*Assault means any willful attempt or threat to inflict injury upon the person of another, when coupled with an apparent ability to do so, and any intentional display of force such as would give the victim reason to fear or expect bodily harm.

Appendix B – Preparation of File for Expulsion Hearing

STUDENT NAME: _____

CASE # _____

ALLEGED OFFENSE: _____

SCHOOL: _____

DATE OF BIRTH: _____

	<u>Check</u>	<u>Date</u>
1. Suspension report	_____	
2. Emergency suspension letter to parent with notice of suspension	_____	
3. Principal's Case Incident Report (including principal's letter to Superintendent recommending expulsion proceedings)	_____	
4. Central administrators Case Incident Report (including letter recommending expulsion proceedings)	_____	
5. Statement from witnesses (typed and signed)	_____	
6. Evidence (knife, gun, photograph, etc.)	_____	
7. Police report(s) (legible)	_____	
8. Police receipt for weapon/drugs, etc.	_____	
9. Student Progress Reports	_____	
10. Student Profile and prior discipline records	_____	
11. Grades	_____	
12. Superintendent's letter to Board recommending expulsion	_____	
13. Superintendent's letter to parent and student - send certified and registered mail (with all attachments)	_____	

REMINDER: All copies should be sharp and capable of being duplicated.