

BOARD OF EDUCATION
FAIRFIELD PUBLIC SCHOOLS
FAIRFIELD, CT

Policy Committee Meeting

Monday, August 25, 2014
Education Center
501 Kings Highway East
Superintendent's Conference Room
4:15 p.m.

Agenda

- I. Call to Order
- II. Approval of June 24, 2014, Minutes
- III. Policy
 - Policy #5519 Students – Students Discipline
 - Policy #5516 Students – Management of Food Allergies in Schools
- IV. Open Discussion/Public Comment
- V. Adjournment
- VI. Future Items:
 - Policy #5510 Students – Health Assessments
 - Policy #5225 Students – Requirements for Graduation
 - Policy #4240 Personnel – Electronic Mail
 - New policy request for Monthly Financial Reporting to BOE

Future Mtg. Dates and Times: **TUESDAY, September 2 (Monday is Labor Day);**
Monday, September 15; Monday, October 13; Monday, November 17; Monday,
December 1, 2014.

All meetings will be held at 501 Kings Highway East, Superintendent's Conference Room unless otherwise noted.

BOARD OF EDUCATION
FAIRFIELD PUBLIC SCHOOLS
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Policy Committee Meeting

Monday, June 24, 2014

Minutes

- I. Call to Order – The meeting was called to order at 5:19 by Jennifer Maxon-Kennelly. Committee members present were John Convertito, Donna Karnal. Karen Parks and Andrea Leonardi were in attendance representing the administration. Attorney Michelle Laubin was present at the request of the committee members to ensure compliance with ESEA and 504 Eligibility. Several parents were also in attendance.
- II. Approval of June 2, 2014, Minutes – 3:0:0
- III. Policy
 - Policy #5516 Students – Management of Food Allergies in Schools; review of Shipman Goodwin sample policy

There were many new changes suggested to the Shipman Goodwin Policy as shared by CAFE as well as changes and deletions to the past additions made to this policy. Those changes can be seen on the newly revised policy attached. In addition, there was a recommendation that the name of the policy be changed to include “life threatening allergies” to encompass those other than food and to include glycogen storage disease.

Several questions were posed by committee members, such as can we prevent students from eating in the classroom? Do we have evidence of problems with students who are bringing in snack that are noncompliant with a nut free environment? As a result of non-compliance have we encountered students going into anaphylactic shock? Andrea Leonardi indicated that we do not have evidence of anaphylactic shock in school as a result of noncompliance. Some parents indicated that some students have arrived home with evidence of allergic reactions that result in students not being able to attend school.

- IV. Open Discussion/Public Comment - various parents spoke and shared the following information:
 - Education of children is primary; children want to comply but confidentiality a problem;
 - Some parents have been told that their child’s classroom is nut free and find later that it is not; worrisome for their child if allergic to nuts;
 - Mandating 504 plans for students with life threatening food allergies seems to be strong language; building a plan should be a co-venture between family and school; seems to be a disconnect between the schools and the town nursing staff;

- Need better enforcement of protected environments; 4 years ago a student went into anaphylactic shock in a special education classroom; need better follow through on Individual Health Care Plans; principals need to enforce the allergen free zones so that parents do not have to “rat out” teachers;
- Too much food already occurs in the classrooms and we do not even follow our own Wellness Policy; CSDE has good guidelines for safe classrooms which we should follow as a minimum;
- My experience is that this community has very low tolerance for children with life threatening food allergies; children with diabetes are different because they must put things into their bodies to remain healthy; my children must avoid allergens to remain alive; administrators who violate this policy must be addressed; bullying students with food allergies must be addressed; a student who holds a granola bar out to one of my children is like holding a loaded gun to my child; up to 50% of students with food allergies have been bullied in school; confidentiality needs to be considered – we walk a fine line as to whether we want to “out” ourselves; food allergy problems may not cause anaphylactic shock but may send children to the hospital

V. Adjournment – Meeting adjourned at 7:44 pm.

VI. Future Mtg. Dates and Times: **Monday, August 25**; *TUESDAY, September 2 (Monday is Labor Day)*; *Monday, September 15*; *Monday, October 13*; *Monday, November 17*; *Monday, December 1, 2014*.

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Students

STUDENT DISCIPLINE - SUSPENSION/EXPULSION

5119

I. Definitions

- A. **Emergency** means a situation in which the continued presence of the student 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 student as possible.
- B. **Exclusion** means any denial of public school privileges to a student for disciplinary purposes.
- C. **Expulsion** means the exclusion of a student from school privileges for more than ten (10) consecutive school days. The expulsion period may not extend beyond one calendar year.
- D. **Removal** is the exclusion of a student for a class period of ninety (90) minutes or less.
- E. **School Days** shall mean days when school is in session for students.
- F. **School-Sponsored Activity** means any activity sponsored, recognized or authorized by the Board and includes activities conducted on or off school property.
- G. **Seriously Disruptive of the Educational Process** means any conduct that markedly interrupts or severely impedes the day-to-day operation of a school.
- H. **Suspension** means the exclusion of a student from school and/or transportation services for not more than ten (10) consecutive school days, provided such suspension shall not extend beyond the end of the school year in which such suspension is imposed; and further provided 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 such student is granted a formal hearing as provided below. Suspensions pursuant to this Policy shall be in-school suspensions unless during the hearing held pursuant to Section V of this Policy, (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

Students

STUDENT DISCIPLINE - SUSPENSION/EXPULSION (continued)

5119

suspension or expulsion, including positive behavioral support strategies. An in-school suspension may be served in the school that the pupil attends, or in any school building under the jurisdiction of the board of education.

- I. Notwithstanding the foregoing, the reassignment of a student from one regular education classroom program in the district to another regular education classroom program in the district shall not constitute a suspension or expulsion.

II. Scope of the Student Discipline Policy

A. *Conduct on School Grounds or at a School-Sponsored Activity:*

Students may be disciplined for conduct on school grounds or at any school-sponsored activity that endangers persons or property, is seriously disruptive of the educational process, or that violates a publicized policy of the Board.

B. *Conduct off School Grounds:*

1. Students may be disciplined for conduct off school grounds if such conduct is seriously disruptive of the educational process and violative of a publicized policy of the Board. In making a determination as to whether such conduct is seriously disruptive of the educational process, the

Administration and the Board of Education may consider, but such consideration shall not be limited to, the following factors: (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 section Conn. Gen. Stat. § 29-38, and whether any injuries occurred; and (4) whether the conduct involved the use of alcohol.

In making a determination as to whether such conduct is seriously disruptive of the educational process, the Administration and/or the Board of Education may also consider whether such off-campus conduct involved the use of drugs.

Students

STUDENT DISCIPLINE - SUSPENSION/EXPULSION (continued)

5119

2. When considering whether conduct off school grounds is seriously disruptive of the educational process, the term "weapon" means any pistol or revolver, any dirk knife or switch knife, any knife having an automatic spring release device by which a blade is released from the handle, having a blade of over one and one-half inches in length, and any other dangerous or deadly weapon or instrument, including any BB gun, sling shot, blackjack, sand bag, metal or brass knuckles, stiletto, knife, the edged portion of the blade of which is four inches and over in length, or any martial arts weapon as defined below at section VI.B.

III. Actions Leading to Disciplinary Action, including Removal from Class, Suspension and/or Expulsion

Conduct which may lead to disciplinary action (including, but not limited to, suspension and/or expulsion) includes conduct on school grounds or at a school-sponsored activity, and conduct off school grounds, as set forth above. Such conduct includes, but is not limited to, the following:

1. Striking or assaulting a student, members of the school staff or other persons.
2. Theft.
3. The use of obscene or profane language or gestures.
4. Violation of smoking, dress, transportation regulations, or other regulations and/or policies governing student conduct.
5. Refusal to obey a member of the school staff, law enforcement authorities, or school volunteers, or disruptive classroom behavior.
6. Any act of harassment based on an individual's sex, sexual orientation, race, color, religion, disability, national origin or ancestry.
7. Refusal by a student to identify himself/herself to a staff member when asked, or misidentification of oneself to such person(s).
8. A walk-out from or sit-in within a classroom or school building or school grounds.

Students

STUDENT DISCIPLINE - SUSPENSION/EXPULSION (continued)

5119

9. Blackmailing, threatening or intimidating school staff or students (or acting in a manner that could be construed to constitute blackmail, a threat, or intimidation, regardless of whether intended as a joke).
10. Possession of any weapon, weapon facsimile, deadly weapon, pistol, knife, blackjack, bludgeon, box cutter, metal knuckles, pellet gun, explosive device, firearm, whether loaded or unloaded, whether functional or not, or any other dangerous object.
11. Unauthorized entrance into any school facility or portion of a school facility or aiding or abetting an unauthorized entrance.
12. Possession or ignition of any fireworks or other explosive materials, or ignition of any material causing a fire.
13. Unauthorized possession, sale, distribution, use or consumption of tobacco, drugs, narcotics or alcoholic beverages (or any facsimile of tobacco, drugs, narcotics or alcoholic beverages, or any item represented to be tobacco, drugs or alcoholic beverages). For the purposes of this Paragraph 13, the term "drugs" shall include, but shall not be limited to, any medicinal preparation (prescription and non-prescription) and any controlled substance whose possession, sale, distribution, use or consumption is illegal under state and/or federal law.
14. Possession of paraphernalia used or designed to be used in the consumption, sale or distribution of drugs, alcohol or tobacco, as described in subparagraph (13) above.
15. The destruction of real, personal or school property, such as, cutting, defacing or otherwise damaging property in any way.
16. Accumulation of offenses such as school and class tardiness, class or study hall cutting, or failure to attend detention.
17. Trespassing on school grounds while on out-of-school suspension or expulsion.
18. Making false bomb threats or other threats to the safety of students, staff members, and/or other persons.
19. Defiance of school rules and the valid authority of teachers, supervisors, administrators, other staff members and/or law enforcement authorities.

Students

STUDENT DISCIPLINE - SUSPENSION/EXPULSION (continued)

5119

20. Throwing snowballs, rocks, sticks and/or similar objects, except as specifically authorized by school staff.
21. Unauthorized and/or reckless and/or improper operation of a motor vehicle on school grounds or at any school-sponsored activity.
22. Leaving school grounds, school transportation or a school-sponsored activity without authorization.
23. Use of or copying of the academic work of another individual and presenting it as the student's own work, without proper attribution.
24. Possession and/or use of a radio, walkman, beeper, paging device, cellular telephone, walkie talkie or similar electronic device on school grounds or at a school-sponsored activity without the written permission of the principal or his/her designee.
25. Unauthorized use of any school computer, computer system, computer software, Internet connection or similar school property or system, or the use of such property or system for unauthorized purposes.
26. Possession and/or use of a laser pointer.
27. Hazing.
28. Bullying is defined under Sec. 10-222d. as amended by PA 08-160 as: 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 committed more than once against any student during the school year.
29. Any other violation of school rules or regulations or a series of violations which makes the presence of the student in school seriously disruptive of the educational process and/or a danger to persons or property.
30. Any action prohibited by any Federal or State law which would indicate that the student presents a danger to any person in the school community or school property.

Students

STUDENT DISCIPLINE - SUSPENSION/EXPULSION (continued)

5119

IV. Procedures Governing Removal From Class

- A. A student may be removed from class by a teacher or administrator if he/she deliberately causes a serious disruption of the educational process. When a student is removed, the teacher must send him/her to a designated area and notify the principal or his/her designee at once.
- B. A student may not be removed from class more than six (6) times in one school year nor more than twice in one week unless the student is referred to the building principal or designee and granted an informal hearing at which the student should be informed of the reasons for the disciplinary action and given an opportunity to explain the situation.
- C. The parents or guardian of any minor student removed from class shall be given notice of such disciplinary action within twenty-four (24) hours of the time of the institution of such removal from class.

V. Procedures Governing Suspension

- A. The principal of a school, or designee on the administrative staff of the school, shall have the right to suspend any student for breach of conduct as noted in Section II and/or Section III of this policy for not more than ten (10) consecutive school days. In such cases, the following procedures shall be followed.
 - 1. Unless an emergency situation exists, no student shall be suspended prior to having an informal hearing before the principal or designee at which, the student is informed of the charges and given an opportunity to respond. In the event of an emergency, the informal hearing shall be held as soon after the suspension as possible.
 - 2. Evidence of past disciplinary problems which have led to removal from a classroom, suspension, or expulsion of a student who is the subject of an informal hearing may be received by the principal or designee, and considered in the determination of the length of suspensions and/or whether the suspension is an in-school or out-of-school suspension.
 - 3. By telephone, the principal or designee shall make reasonable attempts to immediately notify the parent or guardian of a minor student following the suspension and to state the cause(s) leading to the suspension.

Students

STUDENT DISCIPLINE - SUSPENSION/EXPULSION (continued)

5119

4. Whether or not telephone contact is made with the parent or guardian of such minor student, the principal or designee shall forward a letter promptly to such parent or guardian to the last address reported on school records (or to a newer address if known by the principal or designee), offering the parent or guardian an opportunity for a conference to discuss same.
 5. In all cases, the parent or guardian of any minor student who has been suspended shall be given notice of such suspension within twenty-four (24) hours of the time of the institution of the suspension.
 6. Notice of the original suspension shall be transmitted by the principal or designee to the superintendent of schools or designee by the close of the school day following the commencement of the suspension.
 7. The student shall be allowed to complete any class work, including examinations, without penalty, which he or she missed while under suspension.
 8. Notice of the suspension shall be recorded in the student's cumulative educational record. Such notice shall be expunged from the cumulative educational record if the student graduates from high school.
 9. The decision of the principal or designee with regard to disciplinary actions up to and including suspensions shall be final.
 10. During the period of suspension, the student shall not be permitted to be on school property (except in the case of an in-school suspension), and shall not be permitted to attend or participate in any school-sponsored activities, unless the principal specifically authorizes the student to participate in a particular school-sponsored activity.
- B. In cases where the student has previously been suspended, or where such suspension will result in the student's being suspended more than ten (10) times or for fifty (50) days in a school year, whichever results in fewer days of exclusion, the student shall, prior to suspension, be granted a formal hearing. The principal or designee shall report the student to the Superintendent or designee and request a formal hearing.

Students

STUDENT DISCIPLINE - SUSPENSION/EXPULSION (continued)

5119

VI. Procedures Governing Expulsion Recommendation

- A. A principal may consider recommendation of expulsion of a student in a case where he/she has reason to believe the student has engaged in conduct described at sections II and/or III, above.
- B. A principal must recommend expulsion proceedings in all cases against any student whom the administration has reason to believe:
 - 1. was in possession on school grounds or at a school-sponsored activity of a deadly weapon, dangerous instrument, martial arts weapon, or firearm as defined in 18 U.S.C. § 921 as amended from time to time; or
 - 2. off school grounds, possessed a firearm as defined in 18 U.S.C. § 921, in violation of Conn. Gen. Stat. § 29-35, or possessed and used a firearm as defined in 18 U.S.C. § 921, a deadly weapon, a dangerous instrument or a martial arts weapon in the commission of a crime under chapter 952 of the Connecticut General Statutes; or
 - 3. was engaged on or off school grounds in offering for sale or distribution a controlled substance (as defined in Conn. Gen. Stat. § 21a-240(9)), whose manufacturing, distribution, sale, prescription, dispensing, transporting, or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under Conn. Gen. Stat. §§21a-277 and 21a-278.
 - 4. The following definitions shall be used in this section:
 - a. A "firearm" as defined in 18 U.S.C § 921 means (a) any weapon that will, is designed to, or may be readily converted to expel a projectile by the action of an explosive, (b) the frame or receiver of any such weapon, (c) a firearm muffler or silencer, or (d) any destructive device. As used in this definition, a "destructive device" includes any explosive, incendiary, or poisonous gas device, including a bomb, a grenade, a rocket having a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, or a similar device; or any weapon (other than a shotgun or shotgun shell particularly suited for sporting purposes) that will or may be converted to expel a projectile by explosive or other propellant having a barrel with a bore of more than ½" in

Students

STUDENT DISCIPLINE - SUSPENSION/EXPULSION (continued)

5119

diameter. The term "destructive device" also includes any combination of parts either designed or intended for use in converting any device into any destructive device or any device from which a destructive device may be readily assembled. A "destructive device" does not include: an antique firearm; a rifle intended to be used by the owner solely for sporting, recreational, or cultural purposes; or any device which is neither designed nor redesigned for use as a weapon.

- b. "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.
- c. "Dangerous instrument" means any instrument, article or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury, and includes a "vehicle".
- d. "Martial arts weapon" means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or chinese star.
- e. When considering whether conduct off school grounds is seriously disruptive of the educational process, the term "weapon" means any pistol or revolver, any dirk knife or switch knife, any knife having an automatic spring release device by which a blade is released from the handle and having a blade of over one and one-half inches in length, and any other dangerous or deadly weapon or instrument, including any BB gun, sling shot, blackjack, sand bag, metal or brass knuckles, stiletto, knife, the edged portion of the blade of which is four inches and over in length, or any martial arts weapon as defined above.

Students

STUDENT DISCIPLINE - SUSPENSION/EXPULSION (continued)

5119

- C. Upon receipt of an expulsion recommendation, the Superintendent may conduct an inquiry concerning the expulsion recommendation.

If the Superintendent or his/her designee determines that a student should or must be expelled, he or she shall forward his/her recommendation to an impartial hearing officer to hear and decide the expulsion matter.

VII. Procedures Governing Expulsion Hearing

- A. Emergency Exception:

Except in an emergency situation, the Board of Education shall, prior to expelling any student, conduct a hearing to be governed by the procedures outlined herein. Whenever an emergency exists, the hearing provided for herein shall be held as soon as possible after the expulsion.

- B. Hearing Panel:

The Superintendent is hereby authorized to retain a hearing officer to conduct the hearing.

- C. Hearing Notice:

1. Written notice of the expulsion hearing must be given to the student, and, if the student is a minor, to his/her parent(s) or guardian(s) within a reasonable time prior to the time of the hearing.
2. A copy of this Board policy on student discipline shall also be given to the student, and if the student is a minor, to his/her parent(s) or guardian(s), at the time the notice is sent that an expulsion hearing will be convened.
3. The written notice of the expulsion hearing shall inform the student of the following:

Students

STUDENT DISCIPLINE - SUSPENSION/EXPULSION (continued)

5119

- a. The date, time, and location of the hearing.
- b. A short, plain description of the conduct alleged by the administration.
- c. The student may present as evidence, testimony and documents concerning the conduct alleged and the appropriate length and conditions of expulsion, as well as notice that the expulsion hearing will be the student's sole opportunity to present such evidence.
- d. The student may cross-examine witnesses called by the administration.
- e. The student may be represented by any third party of his/her choice, including an attorney, at his/her expense or at the expense of his/her parents.
- f. A student is entitled to the services of a translator or interpreter, to be provided by the Board of Education, whenever the student or his/her parent(s) or guardian(s) do(es) not speak the English language or is handicapped.
- g. The conditions under which the Board is not legally required to give the student an alternative educational opportunity (if applicable).

D. Hearing Procedures:

- 1. The hearing will be conducted by a hearing officer, who will call the meeting to order, introduce the parties, and counsel, briefly explain the hearing procedures, and swear in any witnesses called by the administration or the student.
- 2. The hearing will be conducted in executive session. A verbatim record of the hearing will be made, either by tape recording or by a stenographer.

Students

STUDENT DISCIPLINE - SUSPENSION/EXPULSION (continued)

5119

3. Formal rules of evidence will not be followed. The hearing officer has the right to accept hearsay and other evidence if it deems that evidence relevant or material to its determination. The hearing officer will rule on testimony or evidence as to it being immaterial or irrelevant.
4. The hearing will be conducted in two parts. In the first part of the hearing, the hearing officer will receive and consider evidence regarding the conduct alleged by the administration.
5. In the first part of the hearing, the charges will be introduced into the record by the Superintendent or his/her designee.
6. Each witness for the administration will be called and sworn. After a witness has finished testifying, he/she will be subject to cross-examination by the opposite party or his/her legal counsel and by the hearing officer.
7. After the administration has presented its case, the student will be asked if he/she has any witnesses or evidence to present. If so, the witnesses will be sworn, will testify, and will be subject to cross examination and to questioning by the hearing officer. The student may also choose to make a statement at this time. If the student chooses to make a statement, he or she will be sworn and subject to cross examination and questioning by the hearing officer. Concluding statements will be made by the administration and then by the student and/or his or her representative.
8. In cases where the student has denied the allegation, the hearing officer must determine whether the student committed the offense(s) as alleged by the Superintendent.
9. If the hearing officer determines that the student has committed the conduct as alleged, then the hearing officer shall proceed with the second portion of the hearing, during which the hearing officer will receive and consider evidence regarding the length and conditions of expulsion.
10. When considering the length and conditions of expulsion, the hearing officer may review the student's attendance, academic and past disciplinary records. The hearing officer may ask the Superintendent for a recommendation as to the discipline to be imposed.

Students

STUDENT DISCIPLINE - SUSPENSION/EXPULSION (continued)

5119

11. Evidence of past disciplinary problems which have led to removal from a classroom, suspension or expulsion of a student being considered for expulsion may be considered only during the second portion of the hearing, during which the hearing officer is considering length and conditions of expulsion and nature of alternative educational opportunity to be offered.
12. Where administrative staff presented evidence in support of the allegations against the student, such administrative staff shall not be present during the deliberations of the hearing officer either on questions of evidence or on the final length and conditions of expulsion to be imposed. The Superintendent may, after reviewing the incident with administrators, and reviewing the student's records, make a recommendation to the hearing officer as to the appropriate length and conditions of expulsion to be imposed.
13. The hearing officer shall make findings as to the truth of the allegations, if the student has denied them, and, in all cases, the length and conditions of expulsion, if any, to be imposed. The hearing officer shall report its final decision in writing to the student, or if such student is a minor, also to the parent(s) or guardian(s), stating the reasons on which the decision is based, and the length and conditions of expulsion to be imposed. Said decision shall be based solely on evidence presented at the hearing.

E. Expulsion Notice:

The parents or guardian or any minor student who has been expelled shall be given notice of such length and conditions of expulsion within twenty-four (24) hours of the time of the institution of the period of the expulsion.

F. Presence on School Grounds and Participation in School-sponsored Activities During Expulsion.

During the period of expulsion, the student shall not be permitted to be on school property and shall not be permitted to attend or participate in any school-sponsored activities, except for the student's participation in any alternative educational program provided by the district in accordance with this policy, unless the Superintendent specifically authorizes the student to participate in a particular school-sponsored activity.

Students

STUDENT DISCIPLINE - SUSPENSION/EXPULSION (continued)

5119

VIII. Board Policy Regarding Mandatory Expulsions

In keeping with Conn. Gen. Stat. § 10-233d and the Gun-Free Schools Act, it shall be the policy of the Board to expel a student for one full calendar year for: the conduct described in Section VI(B)(1), (2) and (3) of this policy. The hearing officer may modify the term of expulsion on a case-by-case basis.

IX. Alternative Educational Programs for Expelled Students

A. *Students under sixteen (16) years of age:*

Whenever a student under sixteen years of age is expelled, any such student shall be offered an alternative educational program.

B. *Students sixteen (16) to eighteen (18) years of age:*

The Board of Education will provide an alternative education to a sixteen to eighteen year old student expelled for the first time if he/she requests it and if he/she agrees to the conditions set by the Board of Education, acting through the Superintendent, except as follows: The Board of Education is not required to offer an alternative program to any student between the ages of sixteen and eighteen who is expelled for the second time, or if it is determined at the hearing that (1) the student possessed a dangerous instrument, deadly weapon, firearm or martial arts weapon on school property or at a school-sponsored activity, or (2) the student offered a controlled substance for sale or distribution on school property or at a school-sponsored activity.

C. *Students eighteen (18) years of age or older:*

The Board of Education is not required to offer an alternative educational program to expelled students eighteen years of age or older.

D. *Students identified as eligible for services under the Individuals with Disabilities Education Act ("IDEA"):*

Students

STUDENT DISCIPLINE - SUSPENSION/EXPULSION (continued)

5119

Notwithstanding Sections IX.A. through C. above, if an expelled student has been identified as eligible for services under the Individuals with Disabilities Education Act ("IDEA"), the expelled student shall be offered an alternative educational program in accordance with the requirements of IDEA, as it may be amended from time to time.

X. Notice of Student Expulsion on Cumulative Record

Notice of 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 by the Board if the student graduates from high school.

XI. Change of Residence During Expulsion Proceedings

A. *Student moving into the school district:*

1. If a student enrolls in the district while an expulsion hearing is pending in another district, such student shall not be excluded from school pending completion of the out of district expulsion hearing unless an emergency exists, as defined above. The hearing officer shall have the authority to suspend the student or to conduct its own expulsion hearing.
2. Where a student enrolls in the district during the period of expulsion from another public school district, the hearing officer may adopt the decision of the student expulsion hearing conducted by such other school district. The hearing officer shall make its determination based upon a hearing held by the hearing officer, which shall be limited to a determination of whether the conduct which was the basis of the previous public school district's expulsion would also warrant expulsion by the Board.

B. *Student moving out of the school district:*

Where a student withdraws from school after having been notified that an expulsion hearing is pending, but before a decision has been rendered by the hearing officer, the notice of the pending expulsion hearing shall be included on the student's cumulative record and the hearing officer shall complete the expulsion hearing and render a decision. If the hearing officer subsequently renders a decision to expel the student, a notice of the expulsion shall be included on the student's cumulative record.

Students

STUDENT DISCIPLINE - SUSPENSION/EXPULSION (continued)

5119

XII. Procedures Governing Suspension and Expulsion of Students Identified as Eligible for Services under the Individuals with Disabilities Education Act ("IDEA")

A. *Suspension of students who are eligible for services under IDEA:*

Notwithstanding the foregoing, if the administration suspends a student identified as eligible for services under the IDEA (a "student with a disability") who has violated any rule or code of conduct of the school district that applies to all students, the following procedures shall apply:

1. The administration shall make reasonable attempts to immediately notify the parents of the student of the decision to suspend on the date on which the decision to suspend was made, and a copy of the special education procedural safeguards must either be hand-delivered or sent by mail to the parents on the date that the decision to suspend was made.
2. During the period of suspension, the school district is not required to provide any educational services to the student with a disability beyond that which is provided to all students suspended by the school district.

B. *Expulsion and Suspensions that Constitute Changes in Placement for students with disabilities:*

Notwithstanding any provision to the contrary, if the administration recommends for expulsion a student with a disability who has violated any rule or code of conduct of the school district that applies to all students, the procedures described in this section shall apply. The procedures described in this section shall also apply for students whom the administration has suspended in a manner that is considered under the IDEA, as it may be amended from time to time, to be a change in placement:

1. The parents of the student must be notified of the decision to suspend on the date on which the decision to suspend was made, and a copy of the special education procedural safeguards must either be hand-delivered or sent by mail to the parents on the date that the decision to suspend was made.

Students

STUDENT DISCIPLINE - SUSPENSION/EXPULSION (continued)

5119

2. The school district shall immediately convene the IEP team, but in no case later than ten (10) school days after the recommendation for expulsion or the suspension that constitutes a change in placement was made. The student's IEP team shall consider whether the student's disability caused or had a direct and substantial relationship to the behavior that led to the recommendation for expulsion or the suspension which constitutes a change in placement, and whether the behavior was a direct result of the failure to implement the student's IEP in order to determine whether the student's behavior was a manifestation of his/her disability.
3. If the IEP team finds that the behavior was a manifestation of the student's disability, the administration shall not proceed with the recommendation for expulsion. The IEP team shall consider the student's misconduct and revise the IEP to prevent a recurrence of the misconduct and to provide for the safety of other students and staff.
4. If the IEP team finds that the behavior was not a manifestation of the student's disability, the administration may proceed with the recommended expulsion or suspension that constitutes a change in placement.
5. During any period of expulsion, or suspension of greater than ten (10) days per school year, the administration shall provide the student with an alternative education program in accordance with the provisions of the IDEA.
6. The special education records and disciplinary records of the student must be transmitted to the individual(s) who will make the final determination regarding a recommendation for expulsion or a suspension that results in a change in placement.

Students

STUDENT DISCIPLINE - SUSPENSION/EXPULSION (continued)

5119

C. Transfer of students with disabilities for Certain Offenses:

School personnel may transfer an IDEA student to an appropriate interim alternative educational setting for not more than forty-five (45) school days if the student:

1. Was in possession of a dangerous weapon, as defined in 18 U.S.C. 930(g)(2), as amended from time to time, on school grounds or at a school-sponsored activity, or
2. Knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance while at school or at a school-sponsored activity.
3. Has inflicted serious bodily injury on another person at school, on school grounds or at a school sponsored activity.

As used in this subsection XIII.C., the term “dangerous weapon” means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2.5 inches in length. The term “serious bodily injury” means bodily injury which involves substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

XIII. Procedures Governing Expulsions for Students Identified as Eligible for Educational Accommodations under Section 504 of the Rehabilitation Act of 1973

Notwithstanding any provision to the contrary, if the administration recommends for expulsion a student identified as eligible for educational accommodations under Section 504 of the Rehabilitation Act of 1973 (a “Student with disabilities under 504”) who has violated any rule or code of conduct of the school district that applies to all students, the following procedures shall apply:

1. The parents of the student must be notified of the decision to recommend the student for expulsion.

Students

STUDENT DISCIPLINE - SUSPENSION/EXPULSION (continued)

5119

2. The district shall immediately convene the student's Section 504 team ("504 team") for the purpose of reviewing the relationship between the student's disability and the behavior that led to the recommendation for expulsion. The 504 team will determine whether the student's behavior was a manifestation of his/her disability.
3. If the 504 team finds that the behavior was a manifestation of the student's disability, the administration shall not proceed with the recommended expulsion. The 504 team shall consider the student's misconduct and revise the 504 plan to prevent a recurrence of the misconduct and to provide for the safety of other students and staff.
4. If the 504 team finds that the behavior was not a manifestation of the student's disability, the administration may proceed with the recommended expulsion.

XIV. Early Readmission to School

An expelled student may apply for early readmission to school. The Board delegates the authority to make decisions on readmission requests to the Superintendent. Students desiring readmission to school shall direct such readmission requests to the Superintendent. The Superintendent has the discretion to approve or deny such readmission requests, and may condition readmission on specified criteria.

XV. Dissemination of Policy

The Board of Education shall, at the beginning of each school year and at such other times as it may deem appropriate, provide for an effective means of informing all students, parent(s) and/or guardian(s) of this policy.

XVI. Compliance with Reporting Requirements

- A. The Board of Education shall report all suspensions and expulsions to the State Department of Education.
- B. If a student is expelled for sale or distribution of a controlled substance, the Board shall refer such student to an appropriate state or local agency for rehabilitation, intervention or job training and inform the agency of its action.

Students

STUDENT DISCIPLINE - SUSPENSION/EXPULSION (continued)

5119

- C. If a student is expelled for possession of a deadly weapon or firearm, as defined in Conn. Gen. Stat. § 53a-3, the violation shall be reported to the local police.
- D. At least once every year, no later than ~~May 1st~~; **August 31st**, the Superintendent shall, in Executive Session, provide the Board with a summary of any recommendation of expulsion and any expulsion hearings. The summary shall include conduct alleged by the administration, the findings of the hearing officer and the length and conditions of expulsion imposed, if any.

Legal References:

Connecticut General Statutes:

§§ 4-177 through 4-180 / Contested cases. Notice. Record.

§§ 10-233a through 10-233e Suspension and expulsion of students.

§ 10-233f as amended by PA 07-66 and PA 08-160

In-school suspension of students.

Packer v. Board of Educ. of the Town of Thomaston, 246 Conn. 89 (1998).

Federal law:

Honig v. Doe, 484 U.S. 305 (1988)

Individuals with Disabilities Act, 20 U.S.C. 1400 et seq., as amended by the
Individuals with Disabilities Education Act Amendments of 1997, Pub. L. 105-17.
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794(a).

18 U.S.C. § 921 (definition of “firearm”)

18 U.S.C. § 930(g)(2) (definition of “dangerous weapon”)

Gun-Free Schools Act, Pub. L. 107-110, Sec. 401, 115 Stat. 1762 (codified at 20
U.S.C. § 7151)

Policy Approved: 11/9/2010

Revised and Approved: 5/15/2012

Students

Students with Special Health Care Needs

5516

Life Threatening Food Allergies and Glycogen Storage Disease Management Plan Policy and Guidelines

The Fairfield Public Schools recognize that food allergies may be life threatening. For this reason, the District is committed to developing strategies and practices to minimize the risk of accidental exposure to life threatening food allergens and **to assist in the management of** glycogen storage disease and to ensure prompt and effective medical response should a child suffer an allergic reaction while at school. The district further recognizes the importance of collaborating with parents and appropriate medical staff in developing such practices and encourages strategies to enable the student to become increasingly proactive in the care and management of his/her food allergy(ies), or glycogen storage disease as developmentally appropriate. To this end, the Fairfield Public Schools adopt the following guidelines related to the management of life threatening food allergies for students enrolled in district schools.

I. Identifying Students with Life-Threatening Food Allergies

- A. Early identification of students with life-threatening food allergies is **vital to the effective implementation of this policy**. The district therefore **requests** parents/guardians of children with life-threatening food allergy(ies) to **promptly** notify the school **in writing** of the allergy(ies), ~~providing as much information about the extent and nature of the food allergy(ies) as is known.~~
- B. ~~When a parent/guardian reports~~ **Upon receipt of parent written notification** that their child has diagnosed with food allergy(ies) or other life threatening allergy(ies), the school shall request the parent/guardian to provide the following:
 - 1. Written authorization to obtain detailed medical information on the child's condition from the physician;
 - 2. Written consent to administer or self-administer medications during the school day, as applicable in accordance with in the **District's** Administration of Medication Policy;
 - 3. An Emergency **Care** Plan and Treatment Authorization ("**Emergency Care Plan**") completed and signed by their child's licensed health care provider and signed by the parent;
 - 4. Any medications necessary to prevent or treat allergic reactions along with relevant prescription and dosage information. Replace medications after use or expiration;
 - 5. A description of the student's past allergic reactions, including triggers and warning signs;
 - 6. Current emergency contact information and prompt notice of any updates;
 - 7. A description of the student's emotional response to the condition and the need for intervention; and
 - 8. Recommendations on age-appropriate ways to include the student in planning or care.

Life Threatening Food Allergies and Glycogen Storage Disease Management Plan Policy and Guidelines

I. Identifying Students with Life-Threatening Food Allergies (continued)

- C. **Suspected Allergies:** In the event the School Nurse or other principal-designated personnel suspects that a student has a food allergy or other life threatening allergy(ies) the school shall provide the parent/guardian written notification and request for the student to be evaluated.
- D. **Non-Cooperation:** If the parent/guardian of a student with known or suspected food allergy(ies) or other life threatening allergy(ies) fails or refuses to cooperate with the school for an evaluation or implementation of an appropriate Individualized Health Care Plan (IHCP) and Emergency Care Plan (ECP), the school shall implement an Emergency Care Plan stating to call 911 immediately upon recognition of symptoms along with sending written notification to the parent/guardian of the students ECP.

II. Individualized Health Care Plans and Emergency Care Plans

- A. If the District is notified pursuant to Section I of this policy that child has life-threatening food allergy(ies), the district shall develop an individualized health care plan (IHCP) for the child. Each IHCP shall contain information relevant to the child's participation in school activities, and should attempt to strike a balance between individual, school and community needs, while fostering normal development of the child.
- B. The IHCP shall be developed by the parents/guardians and appropriate school personnel. Such personnel may include, but are not limited to, the school nurse, school or food service administrator(s); classroom teacher(s); and the student, if appropriate. The school may also consult with the school's medical advisor, as needed.
- In addition to the IHCP, the district shall also develop an Emergency Care Plan (ECP) for each child identified as having a life threatening food allergy. The ECP is part of the IHCP and describes the specific directions about what to do in a medical emergency. The ECP should include the following information, as appropriate:
1. The child's name and other identifying information, such as date of birth, grade and photo;
 2. The child's specific allergy(ies);
 3. The child's signs and symptoms of an allergic reaction;
 4. The medication, if any, or other treatment to be administered in the event of exposure;
 5. The location and storage of the medication;
 6. Who will administer the medication (including self-administration options, as appropriate);

Life Threatening Food Allergies and Glycogen Storage Disease Management Plan Policy and Guidelines

II. Individualized Health Care Plans and Emergency Care Plans (continued)

7. Other emergency procedures, such as calling 911, contacting the school nurse, and/or calling the parents or physician;
 8. Recommendations for what to do if the child continues to experience symptoms after the administration of medication; and
 9. Emergency contact information for the parents/family and medical provider.
- C. IHCPs are developed for students with special health needs or whose health needs require daily interventions. The IHCP describes how to meet the child's health and safety needs within the school environment and should address the student's needs across school settings. Information to be contained in an IHCP should include a description of the functional health issues (diagnoses); student objectives for promoting self care and age appropriate independence; and the responsibilities of parents, school nurse and other school personnel. The IHCP may also include strategies to minimize the student's risk for exposure, such as considerations regarding:
1. classroom environment, including allergy free considerations;
 2. cafeteria safety;
 3. participation in school nutrition programs;
 4. snacks, birthdays and other celebrations;
 5. alternatives to food rewards or incentives;
 6. hand-washing;
 7. location of emergency medication;
 8. risk management during lunch and recess times;
 9. special events;
 10. field trips;
 11. extracurricular activities;
 12. school transportation;
 13. staff notification; and
 14. transitions to new classrooms, grades and/or buildings.
- D. The IHCP shall be updated annually, or upon newly diagnosed allergens or new medical response instructions for known allergens.

Life Threatening Food Allergies and Glycogen Storage Disease Management Plan Policy and Guidelines

II. Individualized Health Care Plans and Emergency Care Plans (continued)

- E. An individualized health care plan and glycogen storage disease action plan shall also be developed for any student with glycogen storage disease. Such plan shall include, but is not limited to, the provision of food or dietary supplements by the school nurse or by an employee approved by the school nurse to a student with glycogen storage disease. Such plan may not prohibit a parent/guardian or a person they so designate, ~~for~~from providing food or dietary supplements to the affected student on school grounds during the school day.
- F. The IHCP and ECP shall be disseminated to all school staff who supervise the student during the school day and at school sponsored activities or are responsible for the provision of food to the student. Plan distribution includes, but not limited to, the students teachers, classroom assistants, food service staff, coaches, transportation staff, school health professionals, school case managers, custodial staff, student aides and the parents/guardians of the student.

III. Referral to Section 504 and IDEA

In addition to having and IHCP, a student with a life-threatening allergy or glycogen storage disease (GSD) may also be eligible under Section 504 of the Rehabilitation Act if the student has a disability that substantially limits a major life activity or the Individuals with Disabilities Education Act (IDEA) if the student has a qualifying disability that adversely impacts the student's education and causes the student to need specialized instruction. The team responsible for the IHCP shall refer the student under Section 504 or the IDEA as appropriate. Eligibility under either Section 504 or IDEA must be considered on a case-by-case basis given each student's unique situation.

IV. Training/Education

1. All school personnel will be educated on how to recognize symptoms of allergic reactions, preventative strategies to minimize a child's risk of exposure to life-threatening allergies, and what to do in the event of an emergency. Staff ~~training and~~ education will be coordinated by the principal and school nurse. Any such training regarding the administration of medication shall be done in accordance with District Policy and State Law.

Life Threatening Food Allergies and Glycogen Storage Disease Management Plan Policy and Guidelines

2. The District shall ~~provide appropriate education and offer training for all school personnel regarding the management of students with life threatening food allergies and glycogen storage disease. Such training shall include, as appropriate for each~~ school (and depending on the specific needs of the individual students at the school) consistent with District Policy # 5515 Protocol for Administration of Emergency Medications by Non-nursing Personnel.
3. The District shall provide each school with **consistent and** age-appropriate information to students about food allergies, how to recognize symptoms of an allergic reaction and the importance of adhering to the school's policies regarding food and/_snacks, **as well as the development of empathy, understanding, and tolerance for individuals with life threatening allergies and glycogen storage disease.**

V. Prevention

~~Each school will develop appropriate practices to minimize the risk of exposure to life threatening allergens. Practices which may be considered may include, but are not limited to:~~

- ~~1. Encouraging hand washing;~~
- ~~2. Discouraging students from swapping food at lunch or other snack/meal times;~~
- ~~3. Encouraging the use of non-food items as incentives, rewards or in connection with celebrations.~~

- A. The District shall develop a plan for the management of life-threatening allergies, including food allergies, aligned to the CSDE Guidelines for Managing Life-threatening Food Allergies **in** Connecticut Schools.
- B. The District will create a district-wide, multidisciplinary team to develop and annually review the District's allergy and ~~glucose~~ glycogen storage disease management plan and guidelines.

Life Threatening Food Allergies and Glycogen Storage Disease Management Plan Policy and Guidelines

VI. Communication

- A. As described above, the school nurse shall be responsible for coordinating the communication between parents, a student's individual health care provider and the school regarding a student's life threatening allergic condition. School staff responsible for implementing a student's IHCP will be notified of their responsibilities and provided with appropriate information as to how to minimize risk of exposure and how to respond in the event of an emergency.
- B. The school administrative staff and school nurse shall communicate annually to all school personnel the availability of training regarding the management of students with life-threatening food allergies and glycogen storage disease.
- C. Each school will ensure that there are appropriate communication systems available within each school (i.e. telephones, cell phones, walkie-talkies) and for off-site activities (i.e. field trips) to ensure that school personnel are able to effectively respond in case of emergency.
- D. The District shall develop standard letters to be sent home to parents, whenever appropriate, to alert them to food restrictions within their child's classroom or school.
- E. The District shall annually provide notice to parents of the Plan for the Management of Severe and Life-Threatening Allergies, Including Food Allergies, and
 - make the plan available on the District's Website and/or the websites of each school under the District's jurisdiction;
 - provide notice of such plan in conjunction with the annual written statement provided to parents and guardians as required by subsection (b) of section 10-231c of the Connecticut General Statutes.

VI. Monitoring the District's Plan and Procedures

The District should conduct periodic assessments of its Food Allergy Management Plan and Procedures. Such assessments should occur at least annually and after each emergency event involving the administration of medication to determine the effectiveness of the process, why the incident occurred, what worked and what did not work.

Life Threatening Food Allergies and Glycogen Storage Disease Management Plan Policy and Guidelines

Legal Reference: Connecticut General Statutes

- 10-15b Access of parent or guardian to student's records.
- 10-154a Professional communications between teacher or nurse and student.
- 10-207 Duties of medical advisors.
- 10-212a Administrations of medications in schools
- 10-212c Life threatening food allergies; Guidelines; district plans
- 10-212a(d) Administration of medications in schools by a paraprofessional.
- 10-212c Life threatening food allergies; Guidelines; district plans, as amended by P.A. 12-198)
- 10-220i Transportation of students carrying cartridge injectors
- 10-231c Pesticide application at schools
- 19a-900 Use of cartridge injectors by staff members of before or after school programs, day camp or day care facility.
- 52-557b Good Samaritan Law. Immunity from liability for emergency medical assistance, first aid or medication by injection
- The Regulations of Connecticut State Agencies section 10-212a through 10-212a-7, Administration of Medication by School Personnel.
- Guidelines for Managing Life-Threatening Food Allergies in Connecticut Schools, Connecticut State Department of Education (2006)
- Federal Legislation
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794 § 504; 34 C.F.R. § 104 et seq.)
- Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. §12101 et seq.; 29C.F.R. §1630 et seq.
- The Family Education Rights and Privacy Act of 1974 (FERPA)
- Land v. Baptist Medical Center*, 164F3d423 (8th Cir. 1999)
- The Individuals with Disabilities Education Act of 1976 (IDEA) (20 U.S.C. § 1400 et seq.); 34 C.F.R. § 300 et seq.
- FCS Instruction783-2, Revision 2, Meal substitution for medical or other special dietary reasons.
- P.A. 09-155 An Act Concerning the Use of Asthmatic Inhalers and Epinephrine Auto-Injectors While at School.

Policy adopted: cps 8/09, rev 5/12