

FAIRFIELD PUBLIC SCHOOLS

The Enclosures referred to in the Agenda are available for inspection at each of the three Public Libraries in Fairfield, Fairfield Public Schools' website <http://www.fairfieldschools.org/> and the Education Center, 501 Kings Highway East. The public is requested to silence all devices.

Board of Education Regular Meeting Agenda
Roger Ludlowe Middle School Auditorium, 689 Unquowa Road
May 17, 2016

Student Recognition Awards 7:00 PM

Regular Meeting 7:45 PM

1. Call to Order of the Regular Meeting of the Board of Education and Roll Call
2. Pledge of Allegiance
3. Student Reports
Fairfield Ludlowe High School: Mr. Mihir Nene, Ms. Isabella Frango
Fairfield Warde High School: Ms. Ashley Agrello, Ms. Brittany Shuster
4. Public Comment
During this period the Board will accept public comment on items pertaining to this meeting's agenda from any citizen present at the meeting (*per BOE By-Law, Article V, Section 6). Those wishing to videotape or take photographs must abide by CGS §1-226.*
5. Old Business
 - A. Approval of Social Studies Curricula (PK-12)
Recommended Motion: "that the Board of Education approve the Social Studies Curricula, K-12"
 - B. Approval of the Recommended Social Studies Textbooks, Grades 6-12
Recommended Motion: "that the Board of Education approve the recommended Social Studies Textbooks, Grades 6 -12, per the memo dated April 29, 2016"
 - C. Approval of Superintendent's Recommended Budget Adjustments
Recommended Motion: "that the Board of Education approve the Superintendent's recommended Budget Adjustments as enclosed"
(Enclosure No. 1)
 - D. Approval of the Recommended Elementary Math Textbook
Recommended Motion: "that the Board of Education approve Bridges 2nd Edition as the recommended Elementary Math textbook"
(Enclosure No. 2)
 - E. Approval of the Recommended World Language Textbooks
Recommended Motion: "that the Board of Education approve the recommended World Language textbooks per the memo dated April 29, 2016"
 - F. Approval of Policy 5131.7 – Students – Weapons and Dangerous Instruments
Recommended Motion: "that the Board of Education approve Policy 5131.7 – Students – Weapons and Dangerous Instruments"
(Enclosure No. 3)

- G. Approval of Policy 5114 – Students – Suspension and Expulsion/Due Process
Recommended Motion: “that the Board of Education approve Policy 5114 – Students – Suspension and Expulsion/Due Process”

(Enclosure No. 4)

6. New Business

- A. First Reading of Policy 5144.4 – Students – Discipline, Physical Exercise and Discipline of Students (Mandated Policy)

(Enclosure No. 5)

- B. First Reading of Policy 5145.511 – Students – Exploitation, Sexual Abuse Prevention and Education Program (Mandated Policy)

(Enclosure No. 6)

- C. First Reading of Policy 4400 (for DELETION) – Personnel – Reporting of Child Abuse and Neglect

(Enclosure No. 7)

- D. First Reading of Policy 6121 – Instruction – Nondiscrimination in the Instructional Program (Mandated Policy)

(Enclosure No. 8)

- E. First Reading of Policy 6171.2 – Instruction – Special Education, Preschool Education (Mandated Policy)

(Enclosure No. 9)

- F. First Reading of Policy 0521 – Mission – Goals – Objectives – Nondiscrimination

(Enclosure No. 10)

- G. First Reading of Policy 3515 – Business/Non-Instructional – Community Use of Facilities

(Enclosure No. 11)

7. Approval of Minutes

- A. Approval of Minutes of May 5, 2016 Special Meeting Minutes

Recommended Motion: “that the Board of Education approve the Minutes of the May 5, 2016 Special Meeting”

(Enclosure No. 12)

8. Superintendent’s Report

9. Committee/Liaison Reports

10. Open Board Comment

11. Adjournment

Recommended Motion: “that this Regular Meeting of the Board of Education adjourn”

CALENDAR OF EVENTS

Wednesday, May 25, 2016	Board of Education Special Meeting 8:00 pm	760 Stillson Road Osborn Hill School APR
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RELOCATION POLICY NOTICE

The Fairfield Public Schools System provides services to ensure students, parents and other persons have access to meetings, programs and activities. The School System will relocate programs in order to ensure accessibility of programs and activities to disabled persons. To make arrangements please contact Pupil & Special Education Services, 501 Kings Highway East, Fairfield, CT 06825, Telephone: (203) 255-8379

FAIRFIELD PUBLIC SCHOOLS
SUPERINTENDENT'S RECOMMENDED BUDGET ADJUSTMENTS - MAY 5, 2016
2016 - 2017

Department/Program	BOE Recommended Budget	FTE's	Superintendent's Recommended Budget Adjustments	Notes	Final Budget Appropriation
Personnel Services					
Supplemental Elementary Teachers		(7.00)	\$ (455,000)	As detailed on pg. 131 of budget book. BOS Cut	
Benefits					
Health Insurance			\$ (980,000)	1st Selectman Cut	
Health Insurance			\$ (800,000)	BOS Cut	
Health Insurance			\$ 250,000	BOF Addition	
Special Education					
Tuition			\$ 150,000	1st Selectman Addition	
Occupational Therapy			\$ 50,000	1st Selectman Addition	
Physical Therapy			\$ 50,000	1st Selectman Addition	
TOTAL	\$ 165,393,561	(7.00)	\$ (1,735,000)		\$ 163,658,561

May 17, 2016



501 Kings Highway East
Fairfield, Connecticut 06825

Phone (203) 255-8390
Fax (203) 255-8273

TO: Dr. Title

FROM: Walter Wakeman, PK-5 Math & Science Curriculum Leader

DATE: May 11, 2016

SUBJECT: K-5 Mathematics Text/Resource

Elementary Mathematics Bridges 2nd edition Quote

Fairfield Public Schools received a quote from the Math Learning Center for the elementary mathematics Bridges 2nd edition program.

Grade K	\$76,243.92
Grade 1	\$76,320.96
Grade 2	\$78,118.56
Grade 3	\$83,620.50
Grade 4	\$80,025.30
Grade 5	\$49,369.80
<u>MST</u>	<u>\$70,620.00</u>
Total	\$514,319.04

Prices include teacher guides, student books, *Number Corner* books for recursive practice with accompanying teacher guides, *Home Connection* books and access to the Bridges Educators site. Additionally, the Math Science Teachers will have a set of resources to support teachers and intervention resources to support Scientifically Research-Based Intervention (SRBI). The lower cost reflected in Grade 5 is due to the number of schools that departmentalize. Cost includes four days of professional development to be rolled-out as a train-the-trainer model beginning this June 2016 and continuing through the 2016-2017 school year. A 10% overage of student books is included in the cost to accommodate any new students who join us. A recurring consumable expense will be approximately \$90,000.

A mandated policy.

Students

Weapons and Dangerous Instruments

Possession, concealment, and/or use of a weapon by a student is detrimental to the welfare and safety of the students and school personnel within the district. Possession and/or use of any firearm, destructive device, deadly weapon or dangerous instrument, in any school building on school grounds, in any school vehicle, or at any school-sponsored activity is prohibited.

Such weapons include but are not limited to any pistol, revolver, rifle, shotgun, air gun or spring gun; slingshot; bludgeon; brass knuckles or artificial knuckles of any kind; knives having a blade of greater than two inches, any knife the blades of which can be opened by a flick of a button or pressure on the handle, or any pocketknife where the blade is carried in a partially opened position; martial arts weapon; destructive device.

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 ¼” in 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.

A **“martial arts weapon”** means a nunchalcu, kama, kasari-fundo, octagon sal, tonfa or chinese star.

A **“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.

A **“dangerous instrument”** means any instrument, article, substance or vehicle which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious injury.

Pursuant to federal law, the term firearm includes, but is not limited to, any weapon designed to or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, a muffler or silencer for such a weapon, or destructive device. A student who violates this policy will be reported to law enforcement authorities.

Students

Weapons and Dangerous Instruments (continued)

The possession or use of any such weapon or devices will require that the proceedings for the suspension and/or expulsion of the student involved will be initiated immediately by the principal. If the student is found to have possessed a firearm or other dangerous weapon as defined in Connecticut General Statutes 53a-3 in violation of 29-35 or 53-206, in or on the real property of a school or at any school activity as defined in Connecticut General Statutes 10-233a, he/she must be expelled for one calendar year. The Hearing Officer may modify the period of expulsion on a case by case basis. To comply with federal law, any finding of an exception shall be reduced to writing. All legal restrictions and requirements will be adhered to pertaining to special education students.

The District shall consider a student's conduct off school grounds that is seriously disruptive of the educational process or is violative of publicized policies of the Board as grounds for expulsion.

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.

(cf. 5114 - Suspension/Expulsion)

(cf. 5145.12 - Search and Seizure)

Legal Reference: Connecticut General Statutes
 10-221 Boards of education to prescribe rules.
 10-233a through 10-233f - Expulsion as amended by PA 95-304
 53a-3 Definitions.
 53a-217b - Possession of firearms and deadly weapons on school grounds
 53-206 Carrying and sale of dangerous weapons.
 PA 94-221 An Act Concerning School Discipline and Safety.
 Gun-Free School Zones Act of 1990, 18 U.S.C. §§ 921(a)(25)-(26), 922(q)
 (2006)
 GOALS 2000: Educate America Act
 18 U.S.C. 921 Definitions.
 USCA 7151 – No Child Left Behind Act
 Youth Handgun Safety Act, 18 U.S.C. §§ 922(x), 924(a)(6) (2006)
 Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-
 7117

Policy adopted:

FAIRFIELD PUBLIC SCHOOLS
 Fairfield, Connecticut

(Reviewed and approved by Policy Review Committee)

A mandated policy.

Students

Weapons and Dangerous Instruments

The Board of Education determines that possession, concealment, and/or use of a weapon by a student is detrimental to the welfare and safety of the students and school personnel within the district. Possession and/or use of any dangerous or deadly weapon, firearm, or destructive device in any school building on school grounds, in any school vehicle, or at any school-sponsored activity is prohibited.

Such weapons include but are not limited to any pistol, revolver, rifle, shotgun, air gun or spring gun; slingshot; bludgeon; brass knuckles or artificial knuckles of any kind; knives having a blade of greater than two inches, any knife the blades of which can be opened by a flick of a button or pressure on the handle, or any pocketknife where the blade is carried in a partially opened position; martial arts weapon; destructive device.

A “dangerous weapon” is any weapon, device, instrument, material or substance, which under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious injury. A “deadly weapon” is any instrument, article or substance specifically designed for and presently capable of causing death or serious injury.

Pursuant to federal law, the term firearm includes, but is not limited to, any weapon designed to or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, a muffler or silencer for such a weapon, or destructive device. A student who violates this policy will be reported to law enforcement authorities.

A “destructive device” is considered any device with an explosive, incendiary or poison gas component or any combination of parts either designed or intended for use in converting any device into any destructive device or from which a destructive device may be readily assembled. A destructive device does not include any device which is designed primarily for use as a signaling, pyrotechnic, line-throwing, safety or similar device.

The possession or use of any such weapon or devices will require that the proceedings for the suspension and/or expulsion of the student involved will be initiated immediately by the principal. If the student is found to have possessed a firearm or other dangerous weapon as defined in Connecticut General Statutes 53a-3 in violation of 29-35 or 53-206, in or on the real property of a school or at any school activity as defined in Connecticut General Statutes 10-233a, he/she must be expelled for one calendar year. The Hearing Officer may modify the period of expulsion on a case by case basis. To comply with federal law, any finding of an exception shall be reduced to writing. All legal restrictions and requirements will be adhered to pertaining to special education students.

The District shall consider a student's conduct off school grounds that is seriously disruptive of the educational process or is violative of publicized policies of the Board as grounds for expulsion.

Students

Weapons and Dangerous Instruments (continued)

(cf. 5114 - Suspension/Expulsion)

(cf. 5145.12 - Search and Seizure)

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 Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-
 7117

Policy adopted:

FAIRFIELD PUBLIC SCHOOLS
Fairfield, Connecticut

(Reviewed and approved by Policy Review Committee)

Students

Suspension and Expulsion/Due Process

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.~~ is defined as an exclusion from school privileges for any student in grades three through twelve, inclusive for more than ten (10) consecutive school days and shall be deemed to include, but not be limited to, exclusion from the school to which such student was assigned at the time such disciplinary action was taken, provided such exclusion shall not extend beyond a period of one (1) calendar year. Such period of exclusion may extend to the school year following the school year in which such exclusion was imposed.
- 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. All 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 student in grades three through twelve, inclusive being suspended poses such a danger to persons or property or such a disruption of the educational process that the student shall be excluded from school during the period of suspension, or

Students

Suspension and Expulsion/Due Process

I. Definitions (continued)

H. Suspension (continued)

(2) the administration determines that an out-of-school suspension is appropriate for such student based on evidence of (A) previous disciplinary problems that have led to suspensions or expulsion of such student, and (B) efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies. An in-school suspension may be served in the school that the student attends, or in any school building under the jurisdiction of the board of education.

A student in grades preschool to two, inclusive, may be given an out-of-school suspension if it is determined by the administration that such suspension is appropriate based on evidence that the student's conduct on school grounds is of a violent or sexual nature that endangers persons. In addition, a person's duty as a mandated reporter to report suspected child abuse or neglect is not limited by this provision.

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.

J. **In-School Suspension** is defined as an exclusion from regular classroom activity for not more than ten consecutive school days, but not an exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed. An in-school suspension may include reassignment to a regular classroom. Program in a different school in the school district; such reassignment shall not constitute a "suspension" or "expulsion" under this policy.

In-school suspensions shall be served in the school attended by the student.

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.

Students

Suspension and Expulsion/Due Process

II. Scope of the Student Discipline Policy (continued)

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.

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 devise 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.

Students

Suspension and Expulsion/Due Process

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

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.
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.

Students

Suspension and Expulsion/Due Process

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

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.
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~~ **repeated against the same student over time.**
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

Suspension and Expulsion/Due Process (continued)

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.
 - 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.

Students

Suspension and Expulsion/Due Process

V. Procedures Governing Suspension (continued)

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.
- C. A student is grades PK through two, inclusive, may be given an out-of-school suspension if the administration determines that such suspension is appropriate based on a determination by the administration that the student's conduct on school grounds is of a violent or sexual nature that endangers persons.

VI. Procedures Governing Expulsion Recommendation

The Board of Education may expel any student, grades three through twelve, inclusive, for one or more of the reasons stated in Sections II and III.

Students

Suspension and Expulsion/Due Process

VI. Procedures Governing Expulsion Recommendation (continued)

- A. A principal may consider recommendation of expulsion of a student, **in grades three through twelve inclusive**, 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 **in grades PK through twelve inclusive**, 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. For the definition of firearm, deadly weapon, dangerous instrument and martial arts weapon, see policy 5131.7.
- 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.

Students

Suspension and Expulsion/Due Process

VII. Procedures Governing Expulsion Hearing (continued)

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:
 - 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

Suspension and Expulsion/Due Process

VII. Procedures Governing Expulsion Hearing (continued)

D. Hearing Procedures (continued)

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.
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.

Students

Suspension and Expulsion/Due Process

VII. Procedures Governing Expulsion Hearing (continued)

D. Hearing Procedures (continued)

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.

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.

Students

Suspension and Expulsion/Due Process (continued)

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")

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.~~

If a student's expulsion is shortened or the expulsion period waived based upon the fact that the student was expelled for the first time, had never been suspended, and successfully completed a **Board District** specified program and/or met other conditions required by the **Board District**, the notice of expulsion shall be expunged from the cumulative educational record if the student graduates from high school or, if the **Board District** so chooses, at the time the student completes the **Board District** specified program and meets any other conditions required by the **Board District**.

Students

Suspension and Expulsion/Due Process (continued)

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.

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.

Students

Suspension and Expulsion/Due Process (continued)

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

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.
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.

Students

Suspension and Expulsion/Due Process (continued)

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

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.

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.
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.

Students

Suspension and Expulsion/Due Process

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

3. If the 504 team finds that the behavior 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.
- 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. No later than August 31st, the Superintendent shall, in Executive Session, provide the Board with a summary of any recommendation of expulsion and any expulsion hearings from the prior fiscal year ending June 30th. 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.

Students

Suspension and Expulsion/Due Process

Legal Reference: Connecticut General Statutes

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

10-233a through 10-233e Suspension and expulsion of students, **as amended.**

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 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).

8 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. §715 1)

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FAIRFIELD PUBLIC SCHOOLS
Fairfield, Connecticut

(Reviewed and approved by Policy Review Committee)

Previously 5119

Revised by CAGE + changes made by Policy Committee.

5114(a)

~~Existing policy, #5119 adopted 9/23/14, recodified and revised to be compliant with PA 15-96.~~

~~Another version also follows for comparison and consideration.~~

Students

Suspension and Expulsion/Due Process

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. is defined as an exclusion from school privileges for any student in grades three through twelve, inclusive for more than ten (10) consecutive school days and shall be deemed to include, but not be limited to, exclusion from the school to which such student was assigned at the time such disciplinary action was taken, provided such exclusion shall not extend beyond a period of one (1) calendar year. Such period of exclusion may extend to the school year following the school year in which such exclusion was imposed.
- 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. All 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 student in grades three through twelve, inclusive being suspended poses such a danger to persons or property or such a disruption of the educational process that the student shall be excluded from school during the period of suspension, or

Students

Suspension and Expulsion/Due Process

I. Definitions (continued)

H. Suspension (continued)

(2) the administration determines that an out-of-school suspension is appropriate for such student based on evidence of (A) previous disciplinary problems that have led to suspensions or expulsion of such student, and (B) efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies. An in-school suspension may be served in the school that the student attends, or in any school building under the jurisdiction of the board of education.

A student in grades preschool to two, inclusive, may be given an out-of-school suspension if it is determined by the administration that such suspension is appropriate based on evidence that the student's conduct on school grounds is of a violent or sexual nature that endangers persons. In addition, a person's duty as a mandated reporter to report suspected child abuse or neglect is not limited by this provision.

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.

J. **In-School Suspension** is defined as an exclusion from regular classroom activity for not more than ten consecutive school days, but not an exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed. An in-school suspension may include reassignment to a regular classroom program in a different school in the school district; such reassignment shall not constitute a "suspension" or "expulsion" under this policy.

In-school suspensions shall be served in the school attended by the student. ~~For in-school suspensions may be served in any school building under the jurisdiction of the Board. The Board has determined that in-school suspensions shall be served in the following District Schools:~~

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.

Students

Suspension and Expulsion/Due Process

II. Scope of the Student Discipline Policy (continued)

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.

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 devise 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.

Students

Suspension and Expulsion/Due Process

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

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.
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.

Students

Suspension and Expulsion/Due Process

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

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.
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 repeated against the same student over time.
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

Suspension and Expulsion/Due Process (continued)

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.
 - 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.

Students

Suspension and Expulsion/Due Process

V. Procedures Governing Suspension (continued)

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.
- C. A student in grades PK through two, inclusive, may be given an out-of-school suspension if the administration determines that such suspension is appropriate based on a determination by the administration that the student's conduct on school grounds is of a violent or sexual nature that endangers persons.

VI. Procedures Governing Expulsion Recommendation

The Board of Education may expel any student, grades three through twelve, inclusive, for one or more of the reasons stated in Sections II and III.

Students

Suspension and Expulsion/Due Process

VI. Procedures Governing Expulsion Recommendation (continued)

A. A principal may consider recommendation of expulsion of a student, in grades three through twelve inclusive, 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 in grades K through twelve inclusive, whom the administration has reason to believe: *PK*

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. *For the* ~~The following definitions shall be used in this section:~~ *of firearm, deadly weapon, dangerous instrument and martial arts weapon, see policy 5131.7.*

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 1/4” in 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.

*removed to
Ant. -
Included in
weapons policy*

Students

Suspension and Expulsion/Due Process

VI. Procedures Governing Expulsion Recommendation (continued)

- Included in weapons policy - see reference VI B 4*
- Moved to weapons policy 5131 add to end of 5131*
- 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 nunchalcu, kama, kasari-fundo, octagon sal, 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.

- 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.

Students

Suspension and Expulsion/Due Process

VII. Procedures Governing Expulsion Hearing (continued)

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:
 - 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

Suspension and Expulsion/Due Process

VII. Procedures Governing Expulsion Hearing (continued)

D. Hearing Procedures (continued)

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.
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.

Students

Suspension and Expulsion/Due Process

VII. Procedures Governing Expulsion Hearing (continued)

D. Hearing Procedures (continued)

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 bearing.

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.

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.

Students

Suspension and Expulsion/Due Process (continued)

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")

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.~~

If a student's expulsion is shortened or the expulsion period waived based upon the fact that the student was expelled for the first time, had never been suspended, and successfully completed a Board specified program and/or met other conditions required by the Board, the notice of expulsion shall be expunged from the cumulative educational record if the student graduates from high school or, if the Board so chooses, at the time the student completes the Board specified program and meets any other conditions required by the Board.

Students

Suspension and Expulsion/Due Process (continued)

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.

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.

Students

Suspension and Expulsion/Due Process (continued)

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

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.
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.

Students

Suspension and Expulsion/Due Process (continued)

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

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.

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.
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.

Students

Suspension and Expulsion/Due Process

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

3. If the 504 team finds that the behavior 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.
- 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. No later than August 31st, the Superintendent shall, in Executive Session, provide the Board with a summary of any recommendation of expulsion and any expulsion hearings from the prior fiscal year ending June 30th. 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.

Students

Suspension and Expulsion/Due Process

Legal Reference: Connecticut General Statutes

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

10-233a through 10-233e Suspension and expulsion of students, ~~as amended.~~

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 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).

8 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. §715 1)

Policy adopted: November 9, 2010
 Policy revised: May 15, 2013
 Policy revised: September 23, 2014
 Policy revised:

FAIRFIELD PUBLIC SCHOOLS
 Fairfield, Connecticut



A mandated policy to consider.

Students

Discipline

Physical Exercise and Discipline of Students

The Board of Education (Board) recognizes that a positive approach toward exercise and physical activity is important to the health and well-being of students. All aspects of the school experience should encourage students to have a healthy attitude toward exercise and promote the life-long enjoyment of physical activity. Therefore, when school employees impose disciplinary consequences for student misconduct during the regular day, the following restrictions shall apply:

1. Loss of Recess as Disciplinary Consequence

Except as provided below, school employees may NOT prevent a student in elementary school from participating in recess or in other sustained opportunities for physical activity during classroom learning as a form of discipline. Recess and other physically active learning opportunities may include movement-oriented learning activities in the academic environment, physical activity breaks, and regularly scheduled school wide routines and events that engage students in physical activity that is the time devoted each day (at least 20 minutes) to physical exercise in the District's elementary schools.

This restriction shall not apply to students who are receiving in-school suspension.

2. Physical Activity as Punishment

School employees may NOT require students enrolled in grades PreK-12, inclusive, to engage in physical activity as a form of discipline during the school day.

3. Physical Education and Health Education

School employees shall not prevent students from participating in physical exercise during physical education and health education as a form of discipline.

This restriction does not apply to brief periods of respite/time-outs, referrals to the building administrator, or for safety reasons.

At no time shall an entire class be prevented from participating in physical education and health education or physical exercise activity as a disciplinary consequence.

Students

Discipline

Physical Exercise and Discipline of Students (continued)

The Superintendent of Schools is authorized to develop guidelines to implement this policy.

Nothing in this policy shall prevent a school employee from acting in accordance with an Individualized Education Plan (IEP) developed by the student's Planning and Placement Team (PPT).

For the purpose of this policy, "school employee" means a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or working in a public elementary, middle or high school; or any other individual who, in the performance of his or her duties, has regular contact with students and who provides services to, or on behalf of students enrolled in a public elementary, middle or high school, pursuant to a contract with the Board.

(cf. 6142.10 – Health Education Program)

(cf. 6142.101 – Wellness)

(cf. 6142.61 – Physical Activity)

(cf. 6142.6 – Physical Education)

Legal Reference: Connecticut General Statutes

10-221o Lunch periods. Recess (as amended by P.A. 12-116, An Act Concerning Educational Reform, and P.A. 13-173, An Act Concerning Childhood Obesity and Physical Exercise in Schools)

Policy adopted:

cps 3/14

SEXUAL ABUSE PREVENTION AND EDUCATION PROGRAM (ERIN'S LAW)
(BACKGROUND INFORMATION FOR POLICY REVIEW COMMITTEE)

PAGE 1

The General Assembly in 2014 passed Public Act 14-196, "An Act Concerning a State-Wide Sexual Abuse and Assault Awareness Program," which was signed into law by Governor Malloy. This legislation made Connecticut one of fifteen states that have passed what is known as "Erin's Law." Similar legislation is being considered in another twenty-two states.

Erin's Law is the work of advocate and author Erin Merryn, a victim of sexual abuse beginning at the age of six and lasting until she was thirteen. Merryn has become the public face of the often silent childhood sexual abuse epidemic. Statistics point out the severity of the epidemic. One in four girls and one in six boys are sexually abused before the age of eighteen. The largest number of sexually abused children is between the ages of eight and eleven years old. Children with disabilities are four times more likely to be abused. In addition, once a child has been abused they are at an increased risk of being abused again.

In January 2010, she began the process of advocating for enactment of a law requiring sexual abuse education and awareness in her home state of Illinois. The measure was signed into law by Illinois Governor Pat Quinn in January 2013. Since that time, Merryn has been on a crusade to see Erin's Law adopted in all states.

Connecticut's legislation is part of the nationwide trend in the adoption of "Erin's Law," which strives to stop childhood sexual abuse through awareness. Erin's Law requires that all public schools implement a prevention-oriented child sexual abuse program which teaches:

1. students age-appropriate techniques to recognize child sexual abuse and to tell a trusted adult;
2. school personnel all about child sexual abuse; and
3. parents and guardians the warning signs of child sexual abuse, plus needed assistance, referral or resource information to support sexually abused children and their families.

Public Act 14-196 requires, by July 1, 2015, the Department of Children and Families (DCF), together with the Department of Education (SDE) and Connecticut Sexual Assault Crisis Services, Inc., or a similar organization, to identify or develop a statewide sexual abuse and assault awareness and prevention program for use by local boards of education. The school boards must implement the program by October 1, 2015. June 2015 Special Session Public Act 15-5 changed this date to October 1, 2016.

Under the Act, the program must include (1) instructional modules for teachers; (2) age-appropriate educational materials for students in grades kindergarten through twelve; and (3) a uniform child sexual abuse and assault response policy and reporting procedure.

The age-appropriate materials for students may include (1) skills in recognizing (a) child sexual abuse and assault, (b) boundary violations and unwanted forms of touching and contact, and (c) ways offenders groom or desensitize victims and (2) strategies to (a) promote disclosure, (b) reduce self-blame, and (c) mobilize bystanders.

SEXUAL ABUSE PREVENTION AND EDUCATION PROGRAM (ERIN'S LAW)
(BACKGROUND INFORMATION FOR POLICY REVIEW COMMITTEE)

PAGE 2

The response policy and reporting procedure may include (1) actions child victims may take to get help, (2) intervention and counseling options for child victims, (3) access to educational resources to help child victims succeed in school, and (4) uniform procedures for reporting instances of child sexual abuse and assault to school staff.

The legislation requires the program to include sexual abuse and assault prevention, as well as awareness. It also allows, rather than requires, the teachers' instructional modules to include certain training; and requires local and regional school boards, rather than the State Board of Education, to implement the program, and requires that it be implemented in each school district, rather than in each public school.

The Act allows students to opt out of the awareness program or any part of it if the student's parent or legal guardian so notifies the board of education in writing. School boards must provide exempt students with opportunities for study or schoolwork when the student would otherwise be participating in the program.

Policy Implications

The law became effective in Connecticut on July 1, 2014. The current 2014-2015 school year is viewed as a planning and development year, both in terms of program development and model policy development. DCF and its assisting agencies, as previously described, is responsible for the development of a statewide sexual abuse and assault awareness and prevention program by July 1, 2015. (changed to July 1, 2016 by June 2015 Special Session Public Act 15-5)

Local districts are required to implement such a program by October 1, 2015. The local boards of education are further required to adopt and implement a uniform sexual abuse and assault response policy containing the items listed above. (changed to October 1, 2016 by June 2015 Special Session Public Act 15-5)

The CAGE Policy Service has completed the research phase of developing a new model policy pertaining to this important issue. The purpose of a model policy is to provide districts with a blueprint for creating a comprehensive and effective response for a sexual abuse and assault awareness and prevention program.

The locally adopted policy should contain language pertaining to the district's intent to implement the statewide sexual abuse and assault awareness and prevention program for teachers and students by October 1, 2015. (changed to October 1, 2016 by June 2015 Special Session Public Act 15-5)

The new policy, codified as #5145.511, "Sexual Abuse Prevention and Education Program," and an accompanying administrative regulation and sample "Opt-Out" form follow for your consideration and use. The policy and administrative regulation utilizes the reporting procedure contained in policy #5141.4, "Reporting of Suspected Child Abuse," because it is believed that child sexual abuse or assault is a form of child abuse.

April 2015
Revised July 2015

P.A. 14-196 mandates a policy pertaining to this topic by October 1, 2016.

Students

Exploitation; Sexual Harassment

Sexual Abuse Prevention and Education Program

Definitions

Sexual abuse refers to coerced or forced sexual contact or activity that may be ongoing or occurs over time, often within a trusting relationship. Most victims know their perpetrators. Perpetrators are usually older than their victims and may trick or force them into gradually doing the sexual behavior. The sexual behavior may not be violent and may even be pleasurable to the child, who doesn't necessarily know it is wrong. Perpetrators of ongoing sexual abuse control the child/youth through secrecy, shame, or threats. Children cannot consent to sexual contact with adults or older youth, and sexual contact is considered abuse, regardless of whether it includes touching or not.

Sexual assault usually refers to forced or unwanted sexual contact or activity that occurs as a single incident, as opposed to ongoing sexual abuse that may continue over time. It may also involve verbal or visual behaviors, or any type of pressure designed to coerce or force someone to join in the unwanted sexual contact or activity. The assault may involve a similar range of behaviors that are attempted or perpetrated against a victim's will or when a victim cannot consent because of age, disability, or the influence of alcohol or drugs. Sexual assault may involve actual or threatened physical force, use of weapons, coercion, intimidation or pressure. The offender usually takes advantage of the victim's vulnerability. Anyone can perpetrate this type of abuse – a trusted friend or family member, a stranger, a casual acquaintance, or an intimate partner.

Program

The Fairfield Public Schools shall implement the Sexual Abuse and Assault Awareness and Prevention Program identified or developed, in compliance with P.A. 14-196, by the Department of Children and Families, in collaboration with the Department of Education and other assisting entities, with the goal of informing students and staff about child sexual abuse and assault awareness and available resources. The District's implementation of the Sexual Abuse and Assault Awareness and Prevention Program, per statute, shall be not later than October 1, 2016. The program shall include, but not be limited to:

1. Providing mandatory training to all District staff to ensure they are fully informed on:
 - a. the warning signs of sexual abuse and sexual misconduct involving a child, including recognizing and reporting child sexual abuse;
 - b. mandatory reporting requirements;
 - c. school district policies pertaining to sexual abuse and sexual misconduct;
 - d. establishing and maintaining professional relationships with students;
 - e. available resources for children affected by sexual abuse or misconduct; and

Students

Exploitation; Sexual Harassment

Sexual Abuse Prevention and Education Program

Program (continued)

- f. appropriate follow-up and care for abused students as they return to the classroom setting.
- 2. Providing students age-appropriate instructional and educational materials designed for children in grades kindergarten to twelve, inclusive, regarding child sexual abuse and assault awareness and prevention that may include, but not be limited to:
 - a. the skills to recognize:
 - i. child sexual abuse and assault;
 - ii. boundary violations and unwanted forms of touching and contact; and
 - iii. ways offenders groom or desensitize victims.
 - b. strategies to promote disclosure, reduce self-blame and mobilize bystanders;
 - c. actions that child victims of sexual abuse and assault may take to obtain assistance;
 - d. intervention and counseling options for child victims of sexual abuse and assault;
 - e. access to educational resources to enable child victims of sexual abuse and assault to succeed in school;
 - f. uniform procedures for reporting instances of child sexual abuse and assault to school staff members.

[Note: Above items a, b, c, d, e, and f are required per P.A. 14-196.]

The Board of Education directs the Superintendent to develop administrative regulations to address the issues of students obtaining assistance, intervention and counseling options, access to educational resources and procedures for reporting instances of child sexual abuse and assault.

A student shall be excused from participating in classroom instruction regarding sexual abuse and sexual assault upon receipt by the Principal of a written request from the student's parent or guardian.

Any student exempted from the sexual abuse and assault awareness and prevention program shall be provided, during the period of time in which the student would otherwise be participating in such program, an opportunity for other study or academic work.

Students

Exploitation; Sexual Harassment

Sexual Abuse Prevention and Education Program (continued)

Reporting Child Sexual Abuse and Assault

Students shall be encouraged to disclose abuse to a trusted adult member of the staff, including, but not limited to, teachers, administrators, nurses, coaches, and counselors. Child abuse reporting procedures will be followed for all acts of violence and sexual abuse against children as delineated in policy, “Reporting of Child Abuse and Neglect,” and its accompanying regulations.

Connecticut General Statutes §17a-101, as amended, requires all school employees including the Superintendent of Schools, school teachers, substitute teachers, administrators, school guidance counselors, school paraprofessionals, licensed nurses, physicians, psychologists, social workers, coaches of intramural or interscholastic athletics, or any other person, who in the performance of his/her duties, has regular contact with students and who provides services to District students, who have reasonable cause to suspect or believe that a child has been abused, neglected, or placed in imminent risk of serious harm to report such abuse and/or neglect in compliance with applicable state statutes.

An oral report by telephone or in person shall be made as soon as possible but no later than 12 hours to the Commissioner of Children and Families and to the Superintendent of Schools or his/her designee followed within 48 hours by a written report to the Department of Children and Families.

Reporting suspected abuse and/or neglect of children, in addition to the requirements pertaining to staff training, record keeping and dissemination of this policy, shall be in accordance with the procedures established and set forth in the Administrative Regulation in policy “Reporting of Child Abuse and Neglect.”

(cf. 5131.911 – Bullying)

(cf. 5141.4 – Reporting of Suspected Child Abuse)

(cf. 5145.5 – Sexual Harassment)

(cf. Professional Conduct)

Legal Reference: Connecticut General Statutes

17a-101q Statewide sexual abuse and assault awareness and prevention program (as amended by Section 415 of the June 2015 Special Session Public Act 15-5)

Policy adopted:

FAIRFIELD PUBLIC SCHOOLS
Fairfield, Connecticut

Personnel**REPORTING OF CHILD ABUSE AND NEGLECT****4400**

In compliance with Connecticut General Statutes, the Fairfield Board of Education recognizes all professional and paraprofessional school employees as mandated reporters in all suspected cases of child abuse and neglect in and out of school. In order to protect children from injury, abuse, and neglect any suspicion of such must be immediately reported by such an employee to his immediate supervisor, the agency designated by State Statutes, and to the Superintendent or designee.

Legal Reference: Connecticut General Statutes:
17a-101 Protection of children from abuse. Reports required of certain professional persons. When child may be removed from surroundings without court order (as amended by PA 96-246 and PA 00-220)
17a-101a Report of abuse or neglect by mandated reports
17a-106 Cooperation in relation to prevention, identification, and treatment of child abuse/neglect
10-151 Teacher Tenure Act

CREF 5517

Approved 8/27/04

Sample mandated policy to consider.

Instruction

Nondiscrimination in the Instructional Program

This school system pledges to avoid discriminatory actions and seeks to foster good human and educational relations which will help to attain:

1. equal rights and opportunities for students and staff members in the school community;
2. equal opportunity for all students to participate in the total school program of the schools;
3. continual study and development of curricula toward improving human relations and understanding and appreciating cultural differences;
4. training opportunities for improving staff ability and responsiveness to educational and social needs;
5. opportunities in educational programs which are broadly available to all students; and
6. an appropriate learning environment for students which includes (1) adequate instructional books, supplies, materials, equipment, staffing, facilities and technology, (2) equitable allocation of resources among district schools and (3) a safe school setting.

Each student, at the time s/he becomes eligible for participation, will be advised of his/her right to an equal opportunity to participate in school programs without discrimination of any kind.

Legal Reference: Connecticut General Statutes

10-15 Towns to maintain schools.

10-15c Discrimination in public school prohibited.

10-18a Contents of textbooks and other general instructional materials.

10-226a Pupils of racial minorities.

10-145a(b) Certificates of qualification for teachers; Intergroup relations programs.

10-220 Duties of boards of education, as amended by PA 97-290, An Act Enhancing Educational Choices and Opportunities.

Title IX of the Education Amendments of 1972, 20 U.S.C., 1681 et seq.
Section 504, U.S. Rehabilitation Act, 1973, 29 U.S.C. 791

Policy adopted:



6171.2(a)

Updated policy on preschool special education to consider.

Instruction

Special Education

Preschool Special Education

The Board of Education (Board) recognizes the value of special education and its responsibility in ensuring that all resident preschool children with disabilities have the opportunity to participate in special programs and services from which they may benefit. The Board shall maintain an early intervention program for preschool-aged children identified through the "Birth to Age Three" screening process under regulations imposed by the Individuals with Disabilities Act (IDEA) which identifies children with special education needs or developmental delays.

The District's program shall be based upon the "reverse mainstreaming model" which maintains a significant number of non-disabled (regular education) students who serve as role models for the students with identified special needs. The Director/Supervisor of Special Education is responsible to coordinate and evaluate the program annually to make recommendation to the Superintendent of Schools or his/her designee.

The Board authorizes the Superintendent of Schools to establish administrative practices and procedures to carry out this responsibility. Such administrative practices and procedures shall include:

1. Locating and identifying all preschool children, between the ages of three and five, with disabilities pursuant to the relevant provisions of the Individuals with Disabilities Act (IDEA). The register of children eligible to receive preschool special education services is to be maintained and revised annually by the Director/Supervisor of Special Education;
2. Ensuring that the parents of preschool age children with disabilities have received and understand the request for consent for evaluation of their child;
3. Developing an individualized education program (IEP) for each preschool age child with a disability requiring services;
4. Appointing and training appropriately qualified personnel;
5. Providing transportation to students enrolled in the program;
6. Maintaining lists as required by the State Education Department pertaining to the number of children with disabilities who are being served, as well as those identified disabled students not served; and
7. Reporting as required to the State Education Department; and
8. Ensuring the smooth transition from infant to preschool programs.

Instruction

Special Education

Preschool Special Education (continued)

The Planning and Placement Team's responsibilities will include the evaluation and recommendation for placement in appropriate approved programs and the provision of appropriate special education programs and services for each preschool child with a disability. Children recommended for an educational program may enter at various points throughout the school year.

It is ultimately the responsibility of the Board to provide the appropriate approved preschool program and services for the District children. Should the PPT's determination and recommendations differ from parent or guardian preference, placement may be appealed by a parent or guardian through the procedures outlined in IDEA.

The Board directs the Superintendent or his/her designee to ensure that the District considers that adequate and appropriate space and personnel are made available for such programs and services.

Tuition

Non-disabled (regular education) students enrolled in the "reverse mainstreaming" preschool program will be required to pay tuition for the program. Identified students or students who qualify for free or reduced lunch will not be charged for tuition. The Board will annually establish the tuition rate for the following school year. The Board, through the Superintendent or his/her designee, will establish a monthly payment plan. Failure to make such tuition payment may result in discontinuation of enrollment in the program.

Legal Reference: Connecticut General Statutes

10-76a Definitions.

10-76b State supervision of special education programs and services.

10-76c Receipt and use of money and personal property.

10-76d Duties and powers of boards of education to provide special education programs and services. (as amended by PA 97-114)

10-76e School construction grant for cooperative regional special education facilities.

10-76f Definition of terms used in formula for state aid for special education.

10-76g State aid for special education.

Instruction

Special Education

Preschool Special Education

Legal Reference: Connecticut General Statutes (continued)

10-76h Special education hearing and review procedure. Mediation of disputes.

10-76i Advisory council for special education.

10-76j Five-year plan for special education.

10-76k Development of experimental educational programs.

State Board of Education Regulations.

10-76m Auditing claims for special education assistance.

10-76a-1 et seq. Definitions.

10-76b-1 through 10-76b-4 Supervision and administration.

10-76d-1 through 10-76d-19 Conditions of instruction.

10-76h-1 through 10-76h-2 Due process.

10-76l-1 Program Evaluation.

10-145a-24 through 10-145a-31 Special Education (re teacher certification).

34 C.F.R. 3000 Assistance to States for Education for Handicapped Children.

American with Disabilities Act, 42 U.S.C. §12101 et seq.

Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq. as amended by P.L. 105-17.

Rehabilitation Act of 1973, Section 504, 29 U.S.C. §794.

Policy adopted:

cps 1/01
rev 4/15

Existing policy with required modifications.

Mission – Goals – Objectives

Nondiscrimination

The District shall promote nondiscrimination and an environment free of harassment based on an individual's race, color, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, disability, (including, but not limited to, intellectual disability, past or present history of mental disorder, physical disability or learning disability), marital status or age or because of the race, color, religion, sex, sexual orientation, national origin, disability, marital status or age of any other persons with whom the individual associates. The District provides equal access to the Boy Scouts and other designated youth groups.

In keeping with requirements of federal and state law, the District strives to remove any vestige of discrimination in employment, assignment and promotion of personnel; in educational opportunities and services offered to students; in student assignment to schools and classes; in student discipline; in location and use of facilities; in educational offerings and materials; and in accommodating the public at public meetings.

The Superintendent shall appoint and make known the individuals to contact on issues concerning the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1974, Title VI, Title VII, Title IX and other civil rights or discrimination issues. The Board will adopt and the District will publish grievance procedures providing for prompt and equitable resolution of student and employee complaints.

Federal civil rights laws prohibit discrimination against an individual because he/she has opposed any discrimination act or practice or because that person has filed a charge, testified, assisted or participated in an investigation, proceeding or hearing. ADA further prohibits anyone from coercing, intimidating, threatening or interfering with an individual for exercising the rights guaranteed under the Act.

Legal Reference: Title VII, Civil Rights Act, 42 U.S.C. 2000e, et seq.
 29 CFR 1604.11, EEOC Guidelines on Sex Discrimination.
 Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq.
 34 CFR Section 106.8(b), OCR Guidelines for Title IX.
 Definitions, OCR Guidelines on Sexual Harassment, Fed. Reg. Vol 62, #49, 29 CFR Sec. 1606.8 (a0 62 Fed Reg. 12033 (March 13, 1997) and 66 Fed. Reg. 5512 (January 19, 2001)
 20 U.S.C. 7905 (Boy Scouts of America Equal Access Act contained in No Child Left Behind Act of 2001)
Meritor Savings Bank. FSB v. Vinson, 477 U.S. 57 (1986)
Faragher v. City of Boca Raton, No. 97-282 (U.S. Supreme Court, June 26, 1998)
Gebbs v. Lago Vista Indiana School District, No. 99-1866, (U.S. Supreme Court, June 26, 1998)

Mission – Goals – Objectives

Nondiscrimination

Legal Reference: (continued)

Davis v. Monro County Board of Education, No. 97-843, (U.S. Supreme Court, May 24, 1999.)

The Vietnam Era Veterans' Readjustment Act of 1974, as amended, 38U.S.C. §4212

Title II of the Genetic Information Nondiscrimination Act of 2008

Connecticut General Statutes

46a-60 Discriminatory employment practices prohibited.

10-15c Discrimination in public schools prohibited. School attendance by five-year olds. (Amended by P.A. 97-247 to include "sexual orientation" and P.A. 11-55 to include "gender identity or expression")

10-153 Discrimination on account of marital status.

17a-101 Protection of children from abuse.

The Americans with Disabilities Act as amended by the ADA Amendments Act of 2008

Policy adopted: November 23, 2010
Policy revised:

FAIRFIELD PUBLIC SCHOOLS
Fairfield, Connecticut

Existing policy #3551, recodified as #3515 with the addition of required language and updated legal reference.

Business/Non-Instructional Operations

Community Use of School Facilities

Since school buildings and grounds are public property, the Board of Education may make them available for purposes other than education when they are not in use for school purposes.

School buildings and grounds shall be open for use by the public subject to such regulations as shall from time to time be established by the administration. The Reservation Office, 203-255-8374, may be contacted for a copy of the current regulations.

Such use shall not interfere with the educational program of the school, and representatives of the public using the school property shall ensure its reasonable use.

The Boy Scouts of America, Big Sisters of America, Boys and Girls Clubs of America, Future Farmers of America, Girl Scouts of America, Little League Baseball, Inc. and any other group intended to serve youth under the age of 21 listed in Title 36 of the U.S. Code may use school property upon payment of suitable fees and costs according to the Board approved fee schedule.

Legal Reference: Connecticut General Statutes

10-239 Use of school facilities for other purposes

Equal Access Act, 20 U.S.C. ss 4071-4074.

Good News Club v. Milford Central School, Sup. CT. 6-11-01

20 U.S.C. 7905 (Boy Scouts of America Equal Access Act contained in No Child Left Behind Act of 2001)

Policy adopted: August 27, 2004
Policy revised:

FAIRFIELD PUBLIC SCHOOLS
Fairfield, Connecticut

Board of Education Special Meeting Minutes
Thursday, May 5, 2016
6:30PM

Call to Order and Roll Call

Chairman Philip Dwyer called the meeting to order at 6:37PM. Members present were Donna Karnal (arrived 6:42PM), Jessica Gerber, Philip Dwyer, Anthony Calabrese, Trisha Pytko, Marc Patten (arrived 6:40PM), Jennifer Maxon-Kennelly and John Llewellyn. Eileen Liu-McCormack was not present.

Business Items

Discussion of Personnel Matters

Mr. Calabrese moved/Mrs. Gerber seconded the recommended motion, "that the Board of Education hereby moves to enter into Executive Session to discuss personnel matters in accordance with CGS 1-200(6)." Motion passed 6-0 (Ms. Karnal and Mr. Patten were not present at this time). The Board entered into Executive session at 6:37PM.

The Board came out of Executive Session at 7:31PM.

Adjournment

Mrs. Gerber moved/Mr. Patten seconded the recommended motion, "that this Special Meeting of the Board of Education adjourn". Motion passed 8-0. Meeting adjourned at 7:31PM