

BOARD OF EDUCATION  
FAIRFIELD PUBLIC SCHOOLS  
FAIRFIELD, CT

**Policy Committee Meeting**  
**AGENDA**

**Monday, March 28, 2016**

**4:30 p.m.**

501 Kings Highway East  
Superintendent's Conference Room

- I. Call to Order
- II. Approval of March 7, 2015 Meeting Minutes
- III. Policy
  - ♦ Policy 5131.7 Students – Weapons and Dangerous Instruments  
**Mandated Policy Recommended by CABE**  
*Continued Discussion*
  - ♦ Policy 5114 Students – Suspension and Expulsion/Due Process  
*Included with policy is a document entitled "P.A. 15-96 An Act Prohibiting Out-of-School Suspensions and Expulsions for Students in Preschool and Grades Kindergarten to Two"*
  - ♦ Policy #5144.4 Students – Discipline, Physical Exercise and Discipline of Students,  
**Mandated Policy Recommended by CABE**  
*Included with policy is a document entitled "Time Devoted to Physical Education" to provide background information for legislation and policy*
- IV. Open Discussion/Public Comment
- V. Adjournment
- VI. Future Items

Future Mtg. Dates and Times: *All meetings will be on Mondays, starting at 4:30 unless otherwise noted; April 18, May 2, May 9, May 23, June 13, August 29, September 12, September 26, October 10, November 7, December 5, 2016.*

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

BOARD OF EDUCATION  
FAIRFIELD PUBLIC SCHOOLS  
FAIRFIELD, CT

**Policy Committee Minutes**  
**Monday, March 7, 2016, 4:30 PM**  
501 Kings Highway East  
Superintendent's Conference Room

- 1) Chairman Maxon-Kennelly called the meeting to order at 4:35pm. Policy Committee members Ms. Karnal and Mrs. Maxon-Kennelly were in attendance. Dr. Title also attended.
- 2) Approval of February 22, 2015 Meeting Minutes. **Approved: 2-0**
- 3) *Policy #5125.11 Students – Health/Medical Records, Mandated Policy Recommended by CABE*

The policy requires the naming of a HIPAA Privacy Officer. Dr. Title recommended the Director of Special Education and Special Programs be named in the policy as the HIPAA Privacy Officer and Mrs. Maxon-Kennelly and Ms. Karnal agreed.

The district must have HIPAA-compliant forms to give to doctors' offices. Once HIPAA information is received in the district, such as Medicaid information, FERPA rules apply. Follow-up questions regarding the student records policy (5220) and the HIPAA/FERPA crosswalk, will be emailed to Dr. Title.

Mrs. Maxon-Kennelly moved, Ms. Karnal seconded to move Policy 5125.11 to a First Reading at the March 15 BOE Meeting. **Approved: 2-0**

*Policy #5131.7 Students – Weapons and Dangerous Instruments, Mandated Policy Recommended by CABE*

Language from this policy is contained within discipline policy 5119, but different definitions exist in each. Dr. Title will check on the definitions with CABE to ensure consistency in both policies; both policies, 5119 and 5131.7 will be addressed at the next Policy Committee Meeting. Ms. Karnal asked if equipment for archery and fencing was considered.

Ms. Karnal and Mrs. Maxon-Kennelly agreed to:

- a. Add in the alternate language (as provided) on the first page
- b. In the second to the last paragraph beginning with "The possession.." replace the "Board of Education or hearing board.." with "**Hearing Officer**"
- c. In the last paragraph, first sentence, replace "Board" with "**District**"
- d. Additional optional language on the second page will not be considered.

- 4) Open Discussion/Public Comment: None
- 5) Mrs. Maxon-Kennelly moved, Ms. Karnal seconded to adjourn the meeting.  
**Approved: 2-0** Meeting adjourned 5:35 PM.

*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)

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)



**P.A. 15-96 An Act Prohibiting Out-of-School Suspensions and  
Expulsions for Students in Preschool and Grades Kindergarten to Two**

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***(Background Information for Policy Review Committee)***

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This Act, which modifies C.G.S. 10-233c and 10-233d, with certain exceptions, prohibits boards of education from imposing out-of-school suspensions and expulsion on students in grades preschool through two. The exceptions are:

1. out-of-school suspensions for board of education preschool through grade two students whose conduct is of a violent or sexual nature that endangers others;
2. expulsions for board of education kindergarten through grade two students who (a) possess firearms or certain other weapons or (b) sell or distribute controlled substances; and
3. expulsions for preschool students who possess a firearm on or off school grounds or at school-sponsored activities at preschool programs offered by local and regional boards of education, state and local charter schools, and interdistrict magnet schools (i.e., “preschool program providers”), in accordance with federal law.

The Act prohibits preschool program providers from imposing out-of-school suspensions for their preschool students and establishes expulsion hearing procedures for their preschool students.

Additionally, the Act requires school-based primary mental health programs administered by boards of education to include a component for systematic early detection and screening to identify children experiencing behavioral or disciplinary problems. (Existing law requires the identification of children experiencing early school adjustment problems only.) It also requires the (1) programs to include services to address those problems and (2) Education Commissioner to consider, as an additional factor when awarding school-based primary mental health program grants to boards of education, the number of children enrolled in grades kindergarten to two who experience behavioral, disciplinary, or early school adjustment problems.

**Out-of-School Suspensions**

**Preschool through Grade Two Programs Administered by Boards of Education**

The legislation prohibits boards of education from authorizing out-of-school suspensions for students enrolled in preschool through grade two unless the school administration determines during a disciplinary hearing that there is evidence of conduct on school grounds of a violent or sexual nature that endangers others. Under current law, kindergarten through grade two students may receive an out-of-school suspension for the same reasons as students in grades three through twelve (e.g., posing a danger to persons or property, disrupting the educational process). The Act also reiterates that mandated reporter duties for suspected child abuse or neglect under existing law remain applicable in light of such student conduct.

However, the Act also prohibits boards of education from authorizing any suspensions for preschool students other than in-school suspensions.

**Preschool Programs Administered by Charter or Magnet Schools**

The Act prohibits state or local charter schools or interdistrict magnet schools from authorizing out-of-school suspensions for preschool students. It allows them to authorize only in-school suspensions for such students.

**P.A. 15-96 An Act Prohibiting Out-of-School Suspensions and  
Expulsions for Students in Preschool and Grades Kindergarten to Two**  
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**Kindergarten through Grade Two Expulsions**

The Act prohibits boards of education from expelling a student enrolled in kindergarten through grade two, unless the student:

1. possessed a firearm, deadly weapon, dangerous instrument, or martial arts weapon on school grounds or at a school-sponsored activity;
2. possessed such a firearm, instrument, or weapon in the commission of a crime off school grounds; or
3. offered on or off school grounds, a controlled substance for sale or distribution whose manufacture, distribution, sale, prescription, dispensing, transporting, or possessing with intent to sell, dispense, offer, or administer is subject to criminal penalties under state law.

As under existing law, such students are subject to expulsion for one calendar year, which the board may reduce on a case-by-case basis for specified reasons. Under current law, kindergarten through grade two students may be expelled for the same reasons as students in grades three through twelve.

**Preschool Expulsions**

The Act conforms state law to federal law by requiring boards of education to expel preschool students for one calendar year when the school administration determines during a disciplinary hearing that there is reason to believe that the student possessed a firearm on or off school grounds or at a school-sponsored event. Existing law requires this for students in grades kindergarten through twelve. The new legislation also subjects preschool students enrolled in a state or local charter school or interdistrict magnet school preschool program to the same mandatory expulsion requirement.

The Act allows boards of education, state or local charter schools, and interdistrict magnet schools that offer preschool programs to modify this mandatory expulsion period on a case-by-case basis. It does not establish criteria for modifying the one-year period.

**Preschool Expulsion Hearing Procedures**

The Act requires preschool expulsion hearings for firearm possession to be conducted by the local or regional board of education, state or local charter school, or interdistrict magnet school providing the preschool program, except that it also allows hearings to be conducted by:

1. the local or regional board of education if a regional education service center or a state or local charter school is the program provider, and such providers have an agreement with the board to do so, or
2. an impartial hearing board established by the local or regional board of education, state or local charter school, or interdistrict magnet school providing the preschool program.

The Act generally conforms preschool expulsion hearing requirements to the requirements in existing law for kindergarten through grade twelve expulsion hearings.



# **P.A. 15-96 An Act Prohibiting Out-of-School Suspensions and Expulsions for Students in Preschool and Grades Kindergarten to Two**

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The Act prohibits preschool program provider employees from serving as members of impartial expulsion hearing boards but appears to permit local or regional board of education members to serve on an impartial preschool hearing expulsion board. Under existing law for kindergarten through grade twelve students, board of education members cannot be members of an impartial expulsion hearing board.

Existing law also requires, for a kindergarten through grade twelve expulsion hearing conducted by a board of education, at least three affirmative votes for expulsion before a student can be expelled.

## **Firearms Requiring Expulsion**

The federal Gun Free Schools Act describes the following weapons as firearms that require one calendar year of mandatory expulsion:

1. any weapon that can expel a projectile by the action of an explosive;
2. a firearm frame, receiver, muffler, or silencer; or
3. any destructive device, which includes explosives, incendiaries, and poison gases (but not rifles intended for sporting, recreational, or cultural purposes or knives) (18 USC §921(a)(3)-(4)).

State law currently complies with this mandatory expulsion requirement for grades kindergarten through twelve (CGS §10-233d(a)(2)).

## **Conflicting Preschool Suspension Provisions**

The Act both (1) prohibits boards of education from authorizing any suspensions for preschool students other than in-school suspensions and (2) permits them to authorize out-of-school suspensions when the school administration determines during a disciplinary hearing that there is evidence of conduct on school grounds of a violent or sexual nature that endangers others.

The effective date of this Act is July 1, 2015.

## **Policy Implications**

This legislation impacts three policies. They are:

1. Policy #5114 – Suspension and Expulsion/Due Process
2. Policy #5131 – Student Conduct
3. Policy #5144 – Discipline

State statute requires that boards of education adopt a policy pertaining to discipline. Any one of these three can fulfill that obligation.

*August 2015*

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

## 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 serviced in the school attended by the student. *(or: 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 is grades PK through two, inclusive, may be given an out-of-school suspension if the administrative 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:
  1. was in possession on school grounds or at a school-sponsored activity of a deadly weapon, dangerous instrument, martial arts weapon, or firearm as defined in 18 U.S.C. §921 as amended from time to time; or
  2. off school grounds, possessed a firearm as defined in 18 U.S.C. § 921, in violation of Conn. Gen. Stat. § 29-35, or possessed and used a firearm as defined in 18 U.S.C. § 921, a deadly weapon, a dangerous instrument or a martial arts weapon in the commission of a crime under chapter 952 of the Connecticut General Statutes; or
  3. was engaged on or off school grounds in offering for sale or distribution a controlled substance (as defined in Conn. Gen. Stat. §21a-240(9)), whose manufacturing, distribution, sale, prescription, dispensing, transporting, or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under Conn. Gen. Stat. §§21a-277 and 21a-278.
  4. The following definitions shall be used in this section:
    - a. A “**firearm**” as defined in 18 U.S.C §921 means (a) any weapon that will, is designed to, or may be readily converted to expel a projectile by the action of an explosive, (b) the frame or receiver of any such weapon, (c) a firearm muffler or silencer, or (d) any destructive device. As used in this definition, a “destructive device” includes any explosive, incendiary, or poisonous gas device, including a bomb, a grenade, a rocket having a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, or a similar device; or any weapon (other than a shotgun or shotgun shell particularly suited for sporting purposes) that will or may be converted to expel a projectile by explosive or other propellant having a barrel with a bore of more than 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.

## Students

### Suspension and Expulsion/Due Process

#### VI. Procedures Governing Expulsion Recommendation (continued)

- 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 nunchalco, 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 31<sup>st</sup>, 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 30<sup>th</sup>. 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



# TIME DEVOTED TO PHYSICAL EDUCATION

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*(Background information for Policy Committee)*

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April 2014

Recently passed legislation (Section 2 of P.A. 13-173) amended C.G.S. 10-221o which requires that boards of education must provide time devoted to physical education for students in elementary school of not less than 20 minutes in total for each regular school day. Previously the statute required 20 minutes of physical exercise to students enrolled in grades K-5. In addition, P.A. 13-173 also required boards of education to adopt a policy concerning the issues of (1) any school employee preventing a student from participating in the entire time devoted to physical exercise during the regular school day as required in elementary schools and (2) any school employee involved in requiring any students enrolled in grades K-12, inclusive, to engage in physical activity as a form of discipline during the school day.

The Commissioner of Education, in his memo pertaining to this subject, advised school districts to ensure a daily period of physical exercise for all elementary children, including kindergarten and pre-kindergarten students regardless of whether their regular school day is a full day or a half day. Further, if an elementary school includes grades PK-8, the school must provide opportunity for physical exercise for all students, including those in grades 7 and 8 as well as pre-kindergarten. The Commissioner indicated that opportunities for physical exercise may be (1) recess, (2) other sustained opportunities for physical activity during classroom learning in addition to regularly scheduled physical education, or (3) some combination of (1) and (2). He also indicated that transitions between classes should not be considered time devoted to physical exercise. The provision of 20 minutes of physical exercise during recess or during classroom learning does not replace physical education classes which are based upon sequential instruction.

Physically active learning opportunities can include movement-oriented learning activities in the academic environment, physical activity breaks, and regularly scheduled school wide routines and events that engage students and staff in physical activity. Students with special physical and cognitive needs should also have the required physical activity opportunities with appropriate assistance and services. Recess provides unstructured play opportunities permitting students to engage in physical activity.

## **Policy Implications**

As previously indicated, districts should not permit withholding recess or using exercise as punishment. Further, opportunities for physical exercise should not be withheld as a consequence of incomplete school assignments.

The legislation required boards of education, by October 1, 2013, to adopt policies it deems appropriate concerning any school employee being involved, during the regular school day, in (1) preventing, as a form of discipline, an elementary school student from participating in the required period of physical exercise or (2) requiring any student in grade kindergarten through twelve to engage in physical activity as a form of discipline.

# TIME DEVOTED TO PHYSICAL EDUCATION

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April 2014

With regard to the policies the boards of education must adopt, the Act defines a school employee as a (1) teacher, substitute teacher, school administrator, school superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional, or coach employed by a local or regional board of education or working in a public elementary, middle, or high school; or (2) a person who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students in public, elementary, or high school under a contract with the local or regional board of education.

Policy #6142.10, "Health Education Program," and Policy #6142.61, "Physical Activity" pertain to this topic. They were revised to include the requirements of the legislation and were published in the July 15, 2013 edition of the *Policy Update Service* publication. Copies are available upon request.

In addition, a new policy, #5144.4, "Physical Exercise and Discipline of Students," has been added to the samples to be considered. It follows for your consideration. This new policy or any of the aforementioned previously published policies fulfill the requirement for the mandated policy language.

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## **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.

Loss of recess or other physically active learning opportunities as a form of discipline may be permitted on a case-by-case basis if approved in writing by the building administration prior to the imposition of the discipline. Such approval may be granted for safety reasons, as a last resort before in-school suspension, or in extraordinary situations when alternative strategies to address student misconduct have been ineffective.

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 K-12, inclusive, to engage in physical activity as a form of discipline during the school day.

##### **3. Wellness Instruction**

School employees shall not prevent students from participating in physical exercise during wellness instruction 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 wellness instruction 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