

**SCOTLAND BOARD OF EDUCATION  
Board Policy**

**Students**

**Suspension and Expulsion/Due Process**

**Suspension**

Either the Principal or the Superintendent may suspend a student from school privileges or from transportation services when the student's conduct on school grounds or at a school sponsored activity endangers persons or property or is seriously disruptive of the educational process, or whose conduct violates a publicized policy of the Board of Education. A student may also be suspended from school privileges when the student's conduct off school grounds is violative of Board policy and is seriously disruptive of the educational process.

In making a determination as to whether conduct is "seriously disruptive of the educational process," the Principal or the Superintendent, Board of Education or impartial hearing board may consider, but such consideration shall not be limited to : (1) whether the incident occurred within close proximity of the 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 29-39 and whether any injuries occurred, and (4) whether the conduct involved the use of alcohol.

For any one incident a student shall not be suspended for more than ten (10) consecutive school days. 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 the student is granted a formal hearing as specified in C.G.S. 4-176e – 4-180a. **All suspensions shall be in-school suspensions** unless the Principal or Superintendent determines for students in grades three to six, inclusive, that (1) the student 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 (2) that an out-of-school suspension is appropriate based on evidence of previous disciplinary problems that have led to suspensions or expulsion of the student and efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive support strategies. A student in grades preschool to grade two, may receive an out-of-school suspension if it is determined by the Principal or Superintendent that such out-of-school suspension is appropriate based on evidence that the student's conduct on school grounds is of a violent nature or sexual nature that endangers persons.

Students may not be suspended without an informal hearing before the Principal or Superintendent unless the Principal or Superintendent determines that an emergency situation exists.

**A suspended student must be given an opportunity to complete any classwork, including examinations, which were missed during the suspension.**

**Students (continued)****Suspension and Expulsion/Due Process (continued)**

For any student who is suspended for the first time and who has never been expelled, the Principal or the Superintendent may shorten the length of or waive the suspension period if the student successfully completes an administration-specified program and meets any other administration-required conditions. Such program/conditions shall be at no expense to the student or her/his parents/guardians.

At the discretion of the Principal or Superintendent, in-school suspensions not to exceed ten consecutive days may be given when deemed appropriate no more than fifteen (15) times or a total of fifty days in one school year, whichever results in fewer days of exclusion.

If it is necessary to suspend a student before an informal hearing is held, such hearing shall be held as soon after the suspension as possible.

A suspension shall not extend past the end of the school year.

A suspension shall be included in the student's record.

**Expulsion**

The Board of Education may expel any student, in grades three to six, inclusive, whose conduct on school grounds or at a school-sponsored activity endangers persons or property or is seriously disruptive of the educational process, or violates a published policy of the Board, provided that a formal hearing is held under C.G.S. 4-176e – 4-180a. The Board shall expel any student found to be in possession of a dangerous weapon in school, on school transportation, on school grounds, or at a school sponsored activity. Consideration may also be given to expelling a student whose conduct off school grounds is seriously disruptive of the educational process and is violative of a publicized policy of the Board.

1. Grounds for suspension/expulsion if occurring on school property, school transportation vehicles, or at any school-sponsored activity shall include, but not limited to:
  - Willfully striking or assaulting a student or any member of the school staff.
  - Theft.
  - The use of obscene or profane language or gestures to a member of the school staff.
  - Deliberate refusal to obey a member of the school staff.
  - A walkout from or a sit-in within a classroom or school building or class.
  - Blackmailing, harassing, threatening or intimidating school staff or another student.
  - Personal possession of a firearm, as defined in 18 U.S.C 921, deadly weapon, dangerous instrument, or martial arts weapon, as defined in Section 53a-3, such as a pistol, knife, blackjack, etc.
  - Unauthorized possession, distribution, selling or consumption of dangerous drugs, narcotics or alcoholic beverages (Dangerous drugs or narcotics shall mean any controlled drug as defined in C.G.S. 21a-240).
  - Willful destruction of school property or property of staff members or other students.

**Students (continued)****Suspension and Expulsion/Due Process (continued)**

- Creating a disturbance in the classroom.
  - Any violation of school policies or rules.
2. Grounds for expulsion if occurring off of school property or outside of school activities:
    - Conduct leading to a Class A misdemeanor or felony arrest if that conduct is determined to pose a danger to the student herself/himself, other students, school employee or school property.
    - Adjudication as a delinquent or a youthful offender as the result of a felony if the conduct leading to the adjudication is determined to pose a danger to the student herself/himself, other students, school employees or school property.
    - Knowingly possessing a firearm or deadly weapon. A firearm as defined by C.G.S 53a-3 includes any sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver, or other weapon whether loaded or unloaded from which a shot may be discharged, or a switchblade knife, a gravity knife, billy, blackjack, bludgeon or metal knuckles.
    - Knowingly possessing, or using a dangerous instrument, or martial arts weapon, 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 as defined in C.G.S. 53a-3.
    - Offering for sale or distribution a controlled substance as defined in Section 21a-240(a) of the Connecticut General Statutes.
  3. Special education student's disability shall be considered before making a decision to expel. An IEP team (PPT) meeting must be held for any suspension beyond 10 cumulative days in a school year which constitute a pattern or change of placement. The meeting shall determine whether the student's behavior or actions are violative of Board of Education standards set forth in policy which govern suspension and expulsion and are the result of the student's disability.
  4. If a student, PK through 6, inclusive is found to have possessed a firearm, dangerous instrument, deadly weapon or martial arts weapon on school property or at any school-sponsored activity or to have possessed off school property a firearm as defined in 18 U.S.C. 921 or used off school property, a deadly weapon, dangerous instrument or martial arts weapon in the commission of a crime, or on or off school property offered for sale or distribution a dangerous drug, she/he must be expelled for one calendar year. The Board may modify the expulsion period on a case-by-case basis.
  5. Any student under sixteen years of age who is expelled shall be offered an alternative educational opportunity which shall be equivalent to alternate education with an individualized learning plan during the period of expulsion according to the terms of the law.
  6. With regard to special education students, any special education student found to be in possession of a weapon on school property or at a school function or knowingly possessing, using of illegal drugs or selling or soliciting the sale of controlled substances at school or at a school function or has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function will be referred to the IEP team (PPT) for modification of the individualized education plan in order to prevent reoccurrence of such behavior and to

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SCOTLAND SCHOOL DISTRICT  
Scotland, Connecticut

**Students (continued)**  
**Suspension and Expulsion/Due Process (continued)**

ensure the safety of other children in the school. School personnel may remove a student to an interim alternate educational setting for up to 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability in the aforementioned circumstances. If the IEP team (PPT) determines that the special education student's inappropriate behavior or actions are deemed not to be the result of the student's disability, suspension or expulsion procedures shall be conducted in accordance with provisions of this policy for non-special education students. If the special education student is expelled, she/he must be offered an alternative educational opportunity consistent with her/his needs during the period of expulsion and with the student's IEP. The interim alternative placement shall be determined by the IEP team (PPT). In case of a due process hearing, the student shall remain in the interim placement until the Board and parents otherwise agree or the Board obtains a court order.

7. A period of exclusion may extend into the next school year.
8. A student may be expelled before the formal hearing provided that an emergency exists, but in this case the hearing shall be held as soon after the expulsion as possible.
9. The notice of formal hearing required by C.G.S 4-177 shall be given to the parents or guardians of the student as to the student if the student is a minor at least five business days before such hearing. The notice shall include information concerning legal services that are provided free of charge or at a reduced rate that are available locally and how to access such services. An attorney or other advocate may represent any student subject to expulsion proceedings. The student's parent/guardian shall have the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation, except that if an emergency exists, such hearing shall be held as soon after the expulsion as possible.
10. An expelled student may apply for early readmission to school. Such readmission shall be at the discretion of the Board of Education. Readmission shall not be subject to appeal to Superior Court. The Board may condition such readmission on specified criteria.
11. For any student expelled for the first time and who has never been suspended, except for a student who has been expelled based on possession of a firearm or deadly weapon, the Board of Education may shorten the length or waive the expulsion period if the student successfully completes a Board specified program and meets any other conditions required by the Board. Such a Board specified program shall not require the student or the parent/guardian of such student to pay for participation in the program.
12. 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 conditions required by the Board, the notice of expulsion shall be expunged, from the cumulative educational record 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 (continued)****Suspension and Expulsion/Due Process (continued)**

13. If a student in grades kindergarten to six, is expelled based on possession of a firearm or deadly weapon, the Board may expunge from the student's cumulative education record the notice of the expulsion and the conduct for which the student was expelled if the Board determines that the conduct and behavior of the student in the years following such expulsion warrants an expungement.

Under provisions of C.G.S. 10-233d, a student may be expelled at a meeting at which three or more members of the Board are present provided that at least a majority of those present at the expulsion hearing vote for expulsion, and provided that at least three affirmative votes for expulsion are cast.

**Readmission of Student from a Residential Placement**

A Scotland Elementary School student who has committed an expellable offense who seeks to return to the school, after participating in a diversionary program or having been detained in a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement, for one year or more, in lieu of expulsion from the Scotland Elementary School, shall be permitted to return to the school setting. Further, the Scotland Elementary School shall not expel the student for any additional time for the offense(s).

Students and parents shall be notified of this policy annually.

Legal Reference: Connecticut General Statutes

4-176e through 4-180a. Contested Cases. Notice. Record, as amended  
10-233a through 10-233f Suspension, removal and expulsion of students,  
as amended by PA 95-304, PA 96-244, PA 98-139, PA 07-66, PA 07-122,  
PA 08-160, PA 09-82, PA 09-6 (September Special Session), PA 10-111,  
PA 11-126, PA 14-229, PA 15-96 and PA 16-147.

53a-3 Definitions.

53a-217b Possession of Firearms and Deadly Weapons on School Grounds.

PA 94-221 An Act Concerning School discipline and Safety.

PA 15-96 An Act Prohibiting Out-Of-School suspensions and Expulsions  
for Students in Preschool and Grades Kindergarten to Two.

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

18 U.S.C. 921 Definitions.

Title III – Amendments to the Individuals with Disabilities Education Act.

Sec. 314 (Local Control Over Violence)

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

P.L. 105-17 The Individuals with disabilities Act, Amendments of 1997.

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

20 U.S.C. Section 7114, No Child Left Behind Act

P.L. 108-446 The Individuals with Disabilities Education Improvement Act  
Of 2004.

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