



# FAIRFIELD PUBLIC SCHOOLS

## Special Policy Committee Meeting

Monday, September 30, 2024

5:00 PM

501 Kings Highway East

Superintendent's Conference Room

To listen via your phone, call 1-929-436-2866,  
and use Meeting ID: 5012101002 Access code: 654321

### Agenda

- I. Call to Order
- II. Approval of September 16, 2024 Policy Committee meeting minutes
- III. Policy
  - a. 3515 – Community Use of School Facilities
  - b. 5114 – Suspension & Expulsion/Due Process
  - c. 4111-4211 – Recruitment & Selection
  - d. 5141.231 – Psychotropic Drug Use
  - e. 6141.313 – Homeless Students
  - f. 5118.1 – Homeless Children and Youth
  - g. 3516.3 – Accidents
  - h. 5143.2 – Accidents
  - i. 6151 – Class Size
- IV. Future Items
  - a. Bids and Quotations - 3323
  - b. Homeless Students – 6141.313 & 5118.1
  - c. Homework Policy – 6154
  - d. Bullying (School Climate) – 5131.911
  - e. Restorative Practices
  - f. Reading – 6142.2

- g. Bylaws Impact – (Policy 9000)
- h. Sustainability Policy
- i. Title IX Policies
- j. Artificial Intelligence
- k. Student Internet Use Policy – 6141.321
- l. Acceptable Use Guidelines & Agreement – 6141.321AR
- m. Reporting Student Progress -5124
- n. Grading Regulations

V. Open Discussion/Public Comment

VI. Adjournment

Future Meetings: October 14<sup>th</sup>, October 29<sup>th</sup>, November 18<sup>th</sup>, December 3<sup>rd</sup>.

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



# FAIRFIELD PUBLIC SCHOOLS

## **Policy Committee Meeting Minutes**

**Monday, September 16, 2024**

5:00 PM

501 Kings Highway East  
Superintendent's Conference Room

### **In Attendance:**

Ms. Jennifer Jacobsen, Ms. Jennifer Maxon Kennelly, Ms. Carol Guernsey, Dr. Zakia Parrish, Dr. James Zavodjancik, Ms. Jodi Shannon (FEA Representative), Ms. Kristen Hardiman

**Call to Order:** Ms. Maxon Kennelly called the meeting to order at 5:10pm.

**Approval of September 3, 2024 Policy Committee meeting minutes:** Approved with changes by a 3-0 vote.

### **Policy:**

#### 5114 – Suspension & Expulsion/Due Process

Dr. Zavodjancik stated he has nothing new to share with the committee about this policy. On Page 13, item V, item A, Ms. Guernsey questioned the language “administration of schools”. Ms. Guernsey stated previously the language in this section referred to the “principal of a school or designee”. Ms. Guernsey is concerned by changing that language to “administration of schools” that could now be someone far removed from the student. Dr. Zavodjancik stated even though the language changed, he believes the “administration” would be the same group of folks. Ms. Guernsey stated she prefers using the language in the current policy which states “principal” or “designee”. Dr. Zavodjancik gave an example of several years ago he was assigned to be the administrator at Dwight Elementary School because there was no principal nor a designee at that school. Dr. Zavodjancik explained in that example, the edited language in this policy would apply. Ms. Guernsey stated if the rest of the committee is okay with this language change, then she will accept it; however, it does make her uncomfortable. Ms. Maxon Kennelly stated she understands Ms. Guernsey’s concern, but she is comfortable with the edited language.

Ms. Maxon Kennelly questioned the formatting on Page 13, item V. Dr. Zavodjancik stated he will correct the formatting and wording in that section.

Ms. Jacobsen questioned the language on Page 14, item B, third paragraph. Ms. Jacobsen recommended using the word “District” instead of “board”. Dr. Zavodjancik acknowledged that language can be changed to “District”. Ms. Guernsey noted on Page 14, item E, the letter “g” in the word “governing” should be capitalized.

On Page 15, item #10, Ms. Jacobsen questioned the language in this sentence. Ms. Jacobsen asked if a student is not in school due to an out-of-school suspension, can that student attend a school event that evening? Dr. Zavodjancik stated this language allows the administrator to make the decision about the student attending the event. Ms. Jacobsen asked if this language is consistent with our other policies or practice. Ms. Jacobsen asked Dr. Zavodjancik and Dr. Parrish to look in the school handbooks to see if that language matches what is in this policy. Ms. Jacobsen stated she wants to be sure what is being changed in this policy does not impact the language in other policies or regulations. Ms. Jacobsen also stated she would like to get input from the principals about the exceptions allowed in item #10.

This policy will be reviewed again at the October 1<sup>st</sup> Policy Committee meeting.

#### 6172.4 – Title I Parent Involvement

Ms. Jacobsen questioned whether or not the “school-parent compact” is happening in the schools. Dr. Parrish acknowledged it is currently happening in the schools, although it was not referred to as a “school-parent compact”. Dr. Parrish stated the schools will now refer to it by that name.

This policy was approved by a 3-0 vote and will be presented to the Board on October 8<sup>th</sup> for a “first read”.

#### 6112 – School Day

Dr. Parrish explained the language in this policy was changed to coincide with the ED165 report. Ms. Guernsey asked about the elementary “what is needed” (aka WIN) time and instructional time. Dr. Parrish stated we cannot change the way the State calculates instructional time. Ms. Guernsey stated her concern is deeply rooted in what our “WIN” time is. Ms. Jacobsen questioned why this policy does not include PK. Dr. Parrish explained the ED165 report does not apply to PK because PK is reported on a separate report.

This policy was approved with changes by a 3-0 vote and will be presented to the Board on October 8<sup>th</sup> for a “first read”.

#### 6151 – Class Size

Ms. Maxon Kennelly explained she added her edits on a separate page for the committee to review. Ms. Maxon Kennelly stated she has been uncomfortable with this policy all along because of what happened last year at the beginning of the school year and having no flexibility. Ms. Maxon Kennelly stated she likes allowing the Superintendent to have discretion over the expansion of classes.

After further discussion by the committee, the committee agreed to edit the language in the second to last bullet point on Page 35. The blue language will be incorporated into the revised policy. The revised policy will be in all red and reviewed again at the next Policy Committee meeting on October 1<sup>st</sup>.

**Open Discussion/Public Comment:**

Ms. Guernsey recommended the committee look at the policy and regulations for 3515 Community Use of School Facilities. Ms. Guernsey believes there have been changes to the regulations and thus the policy may need to be revised. Ms. Guernsey will review the current policy and present an edited version of the policy at the next Policy Committee meeting on October 1, 2024.

**Adjournment:** Ms. Maxon Kennelly adjourned the meeting at 6:45pm.

*Please note duplicate policy under Community Relations: **Policy 1330 Community Use of School Facilities***

Fairfield Public Schools  
Board of Education  
Policy Guide

## **Business/Non-Instructional Operations**

### **COMMUNITY USE OF SCHOOL FACILITIES**

**3515**

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. *What does this mean?* The Reservation Office, 203-255-8374, may be contacted for a copy of the current regulations. *Is this process still accurate? AR is available online.*

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. *Maybe stronger language here?*

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.

The Board shall receive an annual report on Community Use of School Facilities and associated revenue.

Changes to the Administrative Regulations Rental Classifications and Rates must be approved by the Board.

#### **1. Definitions**

- A. Youth Organization** is defined as any group or organization with a mission focused on serving young people under the age of 21.
- B. Non-Profit Organization** is defined as tax-exempt organizations as described in Section 501(c)(3) of the Internal Revenue Code Section tax code.
- C. Fairfield Organization** is defined as an organization serving Fairfield residents, with at least 50% of membership and/or participants residing in Fairfield.
- D. Out-of-Town Organization** is defined as an organization with more than 50% of membership and/or participants residing outside of Fairfield.
- E. Staff Use** *This is a placeholder; not sure how to define or how to prioritize.*

## 2. Authorized Users / Order of Priority

When space is available and school operations are not affected, the scheduled use of Fairfield Public Schools facilities may be made available to the organizations listed below in priority order:

- A. Programs sponsored by the Fairfield Public Schools, including Board of Education meetings, summer programs, and PTA events;
- B. Programs sanctioned by the school district to provide before and after-school daycare for Fairfield students;
- C. Activities of school-related organizations, e.g., booster clubs, and parent support groups;
- D. Town bodies such as RTM, Board of Finance, and Board of Selectmen;
- E. Fairfield Parks and Recreation programs;
- F. Groups intended to serve youth under the age of 21 as listed in Title 36 of the U.S. Code; *Does Parks and Rec want to administer these groups?*
- G. Fairfield non-profit youth organizations, for uses not directly competitive with school-sponsored activities, summer school, etc.;
- H. Fairfield non-profit organizations that serve adults;
- I. Out-of-town non-profit organizations and for-profit organizations have last priority and must be approved by the Superintendent.

## 3. Fee Structure

With the understanding that rental fees are likely to be passed on to participants, the Board will make every effort to support a Rental Classifications and Rates structure that limits charges to Fairfield non-profit youth organizations. *(Not sure how to address AA or other non-profits with services critical to the health of our adult community.)*

All efforts will be made to give adequate notice to organizations regarding any changes to Rental Classifications and Rates.

*This section needs a lot of attention. Looking forward to a larger conversation before delving further into this, regarding how much of this we want to see in policy vs. regs. Sample text from Westport below (in blue) has some interesting concepts around usage and classification that can be a starting point for discussion:*

### C. USAGE TYPES:

Standard Use is defined as routine meetings, programs, classes, etc.

Major Use, which requires a surcharge, is defined as having one or more of the following characteristics:

- Creates significant wear and tear.
- Funds are raised through admission charges (including “voluntary” contributions), sale of merchandise, raffles, door prizes, etc.
- Event uses vendors’ or exhibitors’ booths.
- Event uses the Staples field house.
- Event at any school requires two major facilities: (gym, cafeteria, auditorium). Ten or more classrooms = major facility.
- Event involves more than 500 participants or attendees.

### D. CLASSIFICATION OF GROUPS FOR PAYMENT OF FEES AND RENT: (Identified groups

are examples; groups not listed will be classified by Superintendent or designee).

**CATEGORY I USERS: NO RENT FOR STANDARD USE\***

- a) School-Related: E.g., student organizations, PTAs, parent support groups affiliated with school teams, clubs, etc., recognized parent advocate groups such as CLASP, etc.
- b) Town Groups: Town boards, commissions, and committees; DPR, Senior Center, Health District, Library, Transit District, Levitt Pavilion, First Night, etc.
- c) Youth-Serving: Westport-based non-profit youth-serving groups, such as: Boy & Girl Scouts, Little League, PAL, Babe Ruth League, Westport Soccer Association
- d) Grandfathered Groups: Power Squadron, Red Cross, Westport Arts Center.
- e) Others: Superintendent or designee may waive or reduce fees for state/national professional or educational organizations; or for other groups serving the public interest; or for elected officials holding public meetings.

\* (When a Category I group makes major use of facilities for fund-raising programs involving commercial, entrepreneurial, profit-making organizations or activities, superintendent or designee may require basic rental fees.)

**CATEGORY II USERS: BASIC RENT: Westport-based Community Groups.**

- a) Westport agencies supported by the United Way, and non-profit service organizations that serve Westport , e.g., Rotary, Kiwanis, Masons, Westport Woman's Club, Westport Young Women's League, Veterans' groups, Nursing and Home Care, etc.
- b) Westport political, religious and ecumenical groups. (Depending on the nature of the activity, e.g., summer camps or on-going programs for which fees are charged, these groups may be classified as Category III for fee purposes.)
- c) Westport YMCA: for use of pool only, with special financial arrangements.

**CATEGORY III USERS: BASIC RENT DOUBLED: Westport-based Private, Non-profit, Educational, Recreational, Cultural, Social or Athletic Groups.**

Category III includes private schools, private nursery schools, dance academies, drama groups, music groups, children's activity programs, etc., at least 50% of whose members or participants are Westport residents.

**CATEGORY IV USERS: Non-Westport-based Private, Non-profit, Educational, Recreational, Cultural, Social or Athletic Groups.**

Category IV includes private schools, private nursery schools, dance academies, drama groups, music groups, children's activity programs, etc., at least 50% of whose members or participants are not Westport residents.

**OTHER USERS:** Under unusual circumstances, the Superintendent may permit one-time or occasional use of facilities to educational, civic, cultural, etc., organizations from neighboring towns, etc.; the Superintendent shall judge each request individually and determine rental category.

**ALL CATEGORIES:** Must pay custodial, kitchen workers' and other applicable fees, including fees for covering the gym and field house floors if necessary. All groups pay surcharge for major use. Superintendent may reduce surcharge by 50% for Categories I and II if event is a fund raiser benefiting the Westport schools or the public, or when the event itself is a public service.

**SPECIAL CONDITIONS:** Regardless of user's category, the Superintendent (or designee) may impose special conditions or may deny permission when it is judged that the requested use may produce undue wear and tear on facilities, would cause disruption to the regular school program,

be detrimental to the public image of the school system, impact negatively on the scheduled maintenance or cleaning of the schools or otherwise not be in the interest of the school system or the Town.

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)

CREF Policy 1330

Adopted 8/27/2004  
Revised and Adopted 6/7/2016  
Revised and Adopted X/X/2024

## Students

### SUSPENSION AND EXPULSION / DUE PROCESS

5114(a)

#### 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** 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.

Unless an emergency exists, no student shall be expelled without a formal hearing provided whenever such student is a minor, the notice shall also be given to the parents or guardians of the student at least five business days before such hearing, not including the day of such hearing. If an emergency exists, such hearing shall be held as soon after the expulsion as possible. The notice shall include information concerning the parent's or guardian's and the student's legal rights concerning legal services 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 parent or guardian of the student 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.

- 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
- G. **Seriously Disruptive of the Educational Process** means any conduct that markedly interrupts or severely impedes the day-to-day operation of a school.

## Students

### SUSPENSION AND EXPULSION / DUE PROCESS

5114(b)

~~H. — Suspension means the exclusion of a student from school privileges 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 An out-of-school suspension imposed for children in preschool through grade two shall not exceed five days. An out-of-school suspension for students in grades three through twelve shall not exceed ten days.~~

~~(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 ~~through~~ 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 or 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.

All suspensions shall be in-school unless the administration determines for any student in grades three through twelve 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 (grades three through twelve) 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 issues that have led to suspensions expulsion of the student and efforts by the administration to address such disciplinary issues through means other than out-of-school suspension or expulsion, including positive support strategies.

## Students

### SUSPENSION AND EXPULSION / DUE PROCESS

5114(c)

- 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~~ five 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.

### 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 device

## Students

### SUSPENSION AND EXPULSION / DUE PROCESS

5114(d)

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:

- A. Striking or assaulting a student, members of the school staff or other persons.
- B. Theft.
- C. The use of obscene or profane language or gestures.
- D. Violation of smoking, dress, transportation regulations, or other regulations and/or policies governing student conduct.
- E. Refusal to obey a member of the school staff, law enforcement authorities, or school volunteers, or disruptive classroom behavior.
- F. Any act of harassment based on an individual's sex, sexual orientation, race, color, religion, disability, national origin or ancestry.
- G. Refusal by a student to identify himself/herself to a staff member when asked, or misidentification of oneself to such person(s).
- H. A walk-out from or sit-in within a classroom or school building or school grounds.
- I. 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).
- J. 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.
- K. Unauthorized entrance into any school facility or portion of a school facility or aiding or abetting an unauthorized entrance.

## Students

### SUSPENSION AND EXPULSION / DUE PROCESS

5114(e)

- L. Possession or ignition of any fireworks or other explosive materials, or ignition of any material causing a fire.
- M. 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.
- N. 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.
- O. The destruction of real, personal or school property, such as, cutting, defacing or otherwise damaging property in any way.
- P. Accumulation of offenses such as school and class tardiness, class or study hall cutting, or failure to attend detention.
- Q. Trespassing on school grounds while on out-of-school suspension or expulsion.
- R. Making false bomb threats or other threats to the safety of students, staff members, and / or other persons.
- S. Defiance of school rules and the valid authority of teachers, supervisors, administrators, other staff members and/or law enforcement authorities.
- T. Throwing snowballs, rocks, sticks and/or similar objects, except as specifically authorized by school staff.
- U. Unauthorized and/or reckless and/or improper operation of a motor vehicle on school grounds or at any school-sponsored activity.
- V. Leaving school grounds, school transportation or a school-sponsored activity without authorization.
- W. Use of or copying of the academic work of another individual and presenting it as the student’s own work, without proper attribution.
- X. 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.
- Y. 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.

## Students

### SUSPENSION AND EXPULSION / DUE PROCESS

5114(f)

- Z.** Possession and/or use of a laser pointer.
- AA.** Hazing.
- BB.** 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 repeated against the same student over time.
- CC.** 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.
- DD.** 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.

#### 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.

## Students

### SUSPENSION AND EXPULSION / DUE PROCESS

5114(g)

~~C.D.~~ A school principal or other school administrator shall notify a parent or guardian of a student whose behavior has caused a serious disruption to the instruction of other students, caused self-harm, or caused physical harm to the teacher, another student, or other school employee no later than twenty-four hours after such behavior occurs. Such notice shall include, but not limited to, informing such parent or guardian that the teacher of record in the classroom in which such behavior occurred may request a behavior intervention meeting.

Any teacher of record in a classroom may request a behavior intervention meeting with the crisis intervention team for the school, for any student whose behavior has caused a serious disruption to the instruction of other students, or caused self-harm or physical harm to such teacher or another student or staff member in such teacher's classroom. The crisis intervention team shall, upon request of such teacher and notifying such student's parent or guardian, convene a behavior intervention meeting regarding such student. The participants of such behavior intervention meeting shall identify resources and support to address such student's social, emotional, and instructional needs. Not later than seven days after the behavior intervention meeting, the crisis intervention team shall submit to the parent or guardian of such student, in the dominant language of such parent or guardian, a written summary of such meeting, including, but not limited to, the resources and supports identified.

## 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.~~

All suspensions shall be in-school suspensions, except the Board of Education may authorize the administration of the school to impose an out-of-school suspension on any student:

1. In grades three through twelve, inclusive, if, resulting from a due process hearing:  
a. The administration determines that 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;

b. The administration determines that an out-of-school suspension is appropriate for such student based on evidence of:

## Students

### SUSPENSION AND EXPULSION / DUE PROCESS

5114(h)

- i. previous disciplinary problems that have led to suspension or expulsion of such student, and
  - ii. Efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies; or for grades preschool through two if during the due process hearing.
- 2. The administration determines that an out-of-school suspension is appropriate based on evidence that such student's conduct on school grounds is behavior that causes physical harm.
- B. An out-of-school suspension shall not exceed ten school days for students in grades three through twelve.

An out-of-school suspension shall not exceed five school days for children in preschool through grade two.

An in-school suspension may be served in the student's school or any other school building under the jurisdiction of the local or regional board of education, as determined by the District.
- C. Requires that such student receives services that are trauma-informed and developmentally appropriate and align with any behavior intervention plan, individualized education program, or plan pursuant to Section 504 of the Rehabilitation Act of 1973, as amended from time to time, for such student upon such student's return to school immediately following the out-of-school suspension; and
- D. Considers whether to convene a planning and placement team meeting for the purposes of conducting an evaluation to determine whether such student may require special education or related services.
- E. 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.
- F. A student in grades ~~PK~~-preschool 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.

## Students

### SUSPENSION AND EXPULSION / DUE PROCESS

5114(i)

#### G. District Practices and Protocols Governing Suspension

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.
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.

## Students

### SUSPENSION AND EXPULSION / DUE PROCESS

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#### 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.

- 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~~preschool 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.

## Students

### SUSPENSION AND EXPULSION / DUE PROCESS

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#### VII. Procedures Governing Expulsion Hearing

##### A. Emergency Exception:

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

##### B. Hearing Panel:

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

##### C. Hearing Notice:

1. Written notice of the expulsion hearing must be given to the student, and, if the student is a minor, to his/her parent(s) or guardian(s) within at least five business days prior to, but not including, the hearing date. ~~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

## Students

### SUSPENSION AND EXPULSION / DUE PROCESS

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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 and the official transcription, if any or if not transcribed, any record or stenographic record of the hearing will be included.
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.

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### SUSPENSION AND EXPULSION / DUE PROCESS

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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.
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.

The notice of the expulsion hearing shall be given at least five (5) business days before such hearing to the student and his/her parents or guardians, if said student is less than 18 years of age shall include information concerning the parent's/guardian's and the student's legal rights and concerning legal services that are provided free of charge or at a reduced rate that are available and how to access

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### SUSPENSION AND EXPULSION / DUE PROCESS

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such services. The notification shall reference the maximum number of suspension days before the expulsion days proceed. (5 consecutive days for students in preschool through grade two, 10 consecutive days for students in grades three through twelve), a statement that an attorney or other advocate may represent any student subject to expulsion proceedings. The parent/guardian of the student shall be notified of 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.

#### **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.

### **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

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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**

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 District specified program and/or met other conditions required by the District, the notice of expulsion shall be expunged from the cumulative educational record if the student graduates from high school or, if the District so chooses, at the time the student completes the District specified program and meets any other conditions required by the District.

**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.

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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.

#### **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

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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 PPT 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 PPT 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 PPT 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 PPT 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 PPT IEP team finds that the behavior was not a manifestation of the student's disability, the administration may proceed with the recommended expulsion or suspension that constitutes a change in placement.
5. During any period of expulsion, or suspension of greater than ten (10) days per school year, the administration shall provide the student with an alternative education program in accordance with the provisions of the IDEA.
6. The special education records and disciplinary records of the student must be transmitted to the individual(s) who will make the final determination regarding a recommendation for expulsion or a suspension that results in a change in placement.

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### SUSPENSION AND EXPULSION / DUE PROCESS

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#### 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 XII.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.

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### SUSPENSION AND EXPULSION / DUE PROCESS

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3. If the 504 team finds that the behavior is 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 and shall include the individual student's state-assigned student identifier (SASID).
- 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

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Legal Reference: Connecticut General Statutes

4-176e7 through 4-180a. Contested cases. Notice. Record, as amended 10-74j Alternative education (PA 15-133)

10-222d Safe school climate plans. Definitions. Safe school climate assessments.

10-233a through 10-233e Suspension 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, PA 16-147 and PA 17-220, and PA 19-91.

10-233l Expulsion and suspension of children in preschool programs 19a-342a Use of electronic nicotine delivery system or vapor product prohibited.

29-38 Weapons in vehicles

53-a-3 Definitions

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

53-344b Sale and delivery of electronic nicotine delivery system or vapor products to minors.

53-206 Carrying of dangerous weapons prohibited

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

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

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.

P. L. 108-446 The Individual with Disabilities Education Improvement Act of 2004, 20 U.S.C. 1400 et. Seq.

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.

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Legal Reference: Connecticut General Statutes (continued)

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”)

[18 U.S.C. § 91365\(h\)\(3\) – Identifying “serious bodily injury”](#)

[21 U.S.C. § 812\(c\) – Identifying “controlled substances”](#)

Gun-Free Schools Act, Pub. L. 107-110, Sec. 401, 115 Stat. 1762 (codified at 20 U.S.C. §715 1)

[Public Act 24-45 An Act Concerning Education Mandate Relief, School Discipline and Disconnected Youth, Sections 13-14](#)

[Public Act 24-93 An Act Concerning Various and Assorted Revisions to the Education Statutes, Section 11 and Section 12](#)

Adopted 11/9/2010

Revised and Adopted 5/15/2013

Revised and Adopted 9/23/2014

Revised and Adopted 5/17/2016

[Revised and Adopted X/X/2024](#)

**Personnel – Certified / Non-Certified**

**4111  
4211(a)**

**RECRUITMENT AND SELECTION**

~~The Board of Education is committed to the policy of recruiting and retaining the best, qualified staff within the limitations of the budget and the approved compensation.~~

~~Major criteria for selection shall be based on credentials, interviews, references, evaluation of previous performance, and personal qualities of the applicants. Personnel shall be considered on the basis of their effectiveness without discrimination as defined by law.~~

~~The recruitment and selection of all staff shall be based on the following:~~

- ~~• The Fairfield Board of Education in its employment practices shall not discriminate. It is an equal opportunity employer.~~
- ~~• Furthermore, the Fairfield Board of Education shall actively seek candidates among minority groups for filling vacancies existing for all certified and non-certified positions in the Fairfield Public Schools.~~
- ~~• The Fairfield Board of Education shall always choose the best qualified candidate to fill any vacancy while avoiding discriminatory practices as prohibited by Connecticut General Statutes.~~

~~The Board directs the Superintendent to develop and maintain a recruitment program designed to attract and retain the most effective personnel as defined by federal law in the District's schools. All District teachers must meet applicable state certification and licensure requirements, including any requirements for certification obtained through alternate routes to certification.~~

~~The Board of Education believes it is especially important to ensure recruitment, hiring and retention efforts result in increasing educator diversity.~~

~~The administration is directed to make a determined and substantial effort to ensure that the recruitment procedures of the district increase a diversity consistent with PA 23-167, Section 10.~~

~~The schools shall engage in fair and sound personnel practices in the appointment of all district employees. The administration shall be responsible for establishing recruitment, selection and appointment procedures.~~

~~The Superintendent shall insure that the District is in compliance with the provisions of Title I and the Every Student Succeeds Act. Manuals and handbooks shall comply with federal law as to the qualifications for instructional personnel. Parents/guardians of students in Title I schools shall be informed annually, at the beginning of each school year, of their right to request~~

**Personnel – Certified / Non-Certified**

**4111**  
**4211(b)**

**RECRUITMENT AND SELECTION**

information about whether their child's teacher has met state qualifications and licensing criteria for the grade levels and subject areas in which the teacher provides instruction; is teaching under emergency or other provisional status through which state qualifications or licensing criteria have been waived; and is teaching in the field of discipline of the certification of the teacher. The qualifications of services provided by paraprofessionals shall also be provided. Timely notices shall also be provided to parents/guardians that the student has been assigned or has been taught in a Title I school for four or more consecutive weeks by a teacher who does not meet applicable state certification or licensure requirements at the grade level and subject area in which the teacher has been assigned.

**Hiring of Retired Teachers**

A **retired** teacher receiving benefits from the Teachers Retirement Board (TRB) may be reemployed by the Board for up to one full school year in a position (1) designated by the Commissioner of Education as a subject shortage area, or (2) at a school located in a priority school district for the school year in which the teacher is being employed. Such employment may be for up to one full school year. Such reemployment may be extended for an additional school year, provided the Board (a) submits a written request for approval to the Teachers' Retirement Board, (b) certifies that no qualified candidates are available prior to the reemployment of such teacher and (c) indicates the type of assignment to be performed, the anticipated date of rehire and the expected duration of the assignment.

The forty-five percent limitation applies, as described below, if the retired teacher described in this paragraph, works in excess of two years in either a subject shortage area and/or in a school in a priority school district.

The salary of such teacher shall be fixed at an amount at least equal to that paid other teachers in the District with similar training and experience for the same type of service.

Except as indicated in the first paragraph in this section, a certified educator receiving retirement benefits from the Teachers Retirement Board (TRB) may not be employed in a certified position receiving compensation paid out of public money appropriated for school purposes except that such educator may be employed in such a position and receive no more than forty-five percent of the maximum salary level for the assigned position. Any certified educator who receives in excess of such amount shall reimburse the Board for the amount of such excess. Fringe benefits offered by the District, if taken by the employed retired individuals, are included in the maximum compensation. The individual can continue to pay TRB for health insurance as a

**Personnel – Certified / Non-Certified**

**4111**  
**4211(c)**

**RECRUITMENT AND SELECTION**

retired member in the same manner as prior to the post retirement employment. (Health insurance from the Board is not legally required to be offered.)

*Note: TRB has indicated that a six month break in service is required before a retired teacher, who has retired before age 62 or normal retirement (20 years of service and age 60 or 35 years of service) can be reemployed by any Connecticut school district.*

On the application form, an applicant for any position in the school district shall disclose any previous relationship with the Superintendent or any Board member. Previous relationships will include any business, financial, personal, political or family connections.

The Superintendent shall provide the Board with full disclosure of any prior knowledge or relationship with any candidate recommended for employment.

The Board of Education authorizes the Superintendent to employ teachers. (A Superintendent not authorized to employ teachers will submit to the Board of Education nominations for individuals to be hired by Board action. Boards shall accept or reject such nominations not later than thirty-five (35) calendar days from such submission.)

(cf. 4111.3 - Increasing Educator Diversity)  
(cf. 4115 - Evaluation)

Legal Reference: Connecticut General Statutes

~~10-151 Employment of teachers. Notice and hearing on termination of contract.~~

10-151 Employment of teachers. Notice and hearing on termination of contract (as amended by P.A. 12-116 An Act Concerning Educational Reform)

10-153 Discrimination on account of marital status.

~~10-183v Reemployment of teachers, as amended by PA 10-111, An Act Concerning Education Reform in Connecticut~~

10-183v Reemployment of teachers, as amended by P.A. 10-111, An Act Concerning Education Reform in Connecticut, P.A. 16-91, An Act Making Changes to the Teachers' Retirement System, and PA 17-173 An Act Concerning Minor Revisions and Additions to the Education Statutes and PA 18-42 An Act Concerning a Provision Concerning Reemployment of Certain Teachers.

**Personnel – Certified / Non-Certified**

**4111**  
**4211(d)**

**RECRUITMENT AND SELECTION**

10-220 Duties of Boards of Education (as amended by PA 98-252)

31-126 Unfair Employment Practices.

46a-60 Discriminatory employment practices prohibited.

~~20 U.S.C. Section 1119 N Child Left Behind Act  
34 C.F.R. 200.55 Federal Regulations  
Circular Letter C 6, Series 2004 2005, Determining “Highly Qualified”  
Teachers  
Circular Letter C 9, Series 2004 2005, “No Child Left Behind” and  
Districts’ High Objective Uniform State Standard of Evaluation  
(HOUSSE) Plans.~~

Title IV Equal Employment Opportunities.

34 C.F.R. 200.55 Federal Regulations.

P.L. 114-95 Every Student Succeeds Act, S.1177-55, 56

PA 23-167 An Act Concerning Transparency in Education Section 10

~~Circular Letter C 9, Series 2007 2008, “Discontinued Use of District’ High  
Objective Uniform State Standard of Evaluation (HOUSSE) Plans.  
Circular Letter C 13, Series 2007 2008, “Construction of HOUSSE Plans  
for Highly Qualifying Veteran Teachers”~~

Adopted ~~8/27/2004~~

Revised and Adopted X/X/2024

**Students**

**PSYCHOTROPIC DRUG USE**

**5141.231(a)**

In ~~conformity~~ accordance with ~~state statute~~ Conn. Gen. Stat. § 10-212b, the Fairfield Board of Education prohibits ~~all~~ school personnel from recommending the use of psychotropic drugs for any child student enrolled within the school system. ~~However~~ Moreover, personnel may not require that a child obtain a prescription for a controlled substance (as defined in the Controlled Substances Act, 21 U.S.C. § 801 et seq.) in order for the child to : 1) attend school; 2) receive an initial evaluation or reevaluation to determine a child’s eligibility for special education; or 3) receive special education and related services. Notwithstanding the foregoing, school health and mental health personnel <sup>+</sup> may recommend that a child student be evaluated by an appropriate medical practitioner. ~~Further, upon the consent of the student’s parent or guardian, and school personnel may consult with the medical such practitioner regarding such use with the consent of the parent(s) or guardian(s) of such child, in accordance with the procedures outlined below.;~~

~~The Board recognizes that the refusal of a parent or guardian or other person having control of a child to administer or consent to the administration of any psychotropic drug to the child shall not, in and of itself, constitute grounds for the Department of Children and Families (DCF) to take such child into custody or for any court of competent jurisdiction to order that such child be taken into custody by the department, unless such refusal causes such child to be neglected or abused, as defined in Connecticut General Statute 46b-120.~~

~~The Superintendent of Schools or designee shall promulgate this policy to district staff and parents or guardians of students annually and upon the registration of new students.~~

I. Definitions

For purposes of this policy, the following definitions apply:

- A. Psychotropic drugs mean prescription medications for behavioral or social-emotional concerns, such as attentional deficits, impulsivity, anxiety, depression and thought disorders, and includes, but is not limited to, stimulant medication and antidepressants.
- B. Recommend means to directly or indirectly suggest that a child should use psychotropic drugs.
- C. School health or mental health personnel means:
  - 1. school nurses or nurse practitioners appointed pursuant to Conn. Gen. Stat. § 10-212;

## Students

### PSYCHOTROPIC DRUG USE

5141.231**(b)**

2. school medical advisors appointed pursuant to Conn. Gen. Stat. § 10-205;
3. school psychologists;
4. school social workers;
5. school counselors;
6. school administrators
7. other school personnel (such as a teacher designated as a child's Case Manager) who have been identified by a Planning and Placement Team, Section 504 team, Student Assistance Team or similar group of district professionals as the person responsible for communication with a parent or guardian about a child's need for medical evaluation;
8. a school professional staff member designated by the Superintendent to communicate with a child's parent or guardian about a child's need for medical evaluation.

#### II. Procedures

- A. A school health or mental health personnel, as defined above, may communicate with other school personnel about a child who may require a recommendation for a medical evaluation, provided that 1) there is a legitimate educational interest in sharing such information; and 2) such communication shall remain confidential, to the extent required by law.
- B. A school health or mental health personnel, as defined above, may communicate a recommendation to a parent or guardian that a child be evaluated by a medical practitioner provided that 1) based on such person's professional experience, objective factors indicate that a medical evaluation may be necessary to address concerns relating to the child's education and overall mental health; and 2) any communication includes the basis for the recommendation.
- C. If a parent or guardian determines that it is necessary to share medical information, including results of any medical evaluation, with school personnel, he or she may do so at any time. School personnel who receive such information directly from a parent must maintain the confidentiality of such information, to the extent required by law.
- D. Any school personnel with a legitimate educational interest in obtaining information from a child's medical practitioner outside the school who is not a school employee must obtain prior, written consent from the child's parent or guardian to communicate with such outside medical practitioners. Any school health or mental health personnel, as defined above, may request written consent from the parent or guardian. To be valid, the written consent must: 1) be signed by the child's parent or guardian; 2) be dated; 3)

**Students**

**PSYCHOTROPIC DRUG USE**

**5141.231(c)**

provide the child’s name; 4) provide the name of the medical practitioner and relevant contact information, to the extent known; and 5) indicate the scope of the consent.

Nothing in this policy shall be construed to prevent school personnel from consulting with a medical practitioner who has information concerning a child, as long as the school district has obtained consent from the parent(s) or guardian(s) of the child, in accordance with Section II.D., above. Nothing in this policy shall prevent a Planning and Placement Team from recommending a medical evaluation as part of an initial evaluation or reevaluation, as needed to determine a child’s (i) eligibility for special education and related services, or (ii) education needs for an individualized education program.

Legal Reference: ~~Connecticut General Statutes  
PA 01-124 An Act Concerning Recommendations for and Refusals of the  
Use of Psychotropic Drugs by Children and Utilization Review  
Determinations Related to Mental and Nervous Conditions  
46b-120 Definitions~~

Conn. Gen. Stat. § 10-76d Duties and powers of boards of education to  
provide special education programs and  
services.

Conn. Gen. Stat. § 10-212b Policies prohibiting the recommendation of  
psychotropic drugs by school personnel.

34 C.F.R. § 300.174

Adopted 8/27/2004  
Revised and Adopted X/X/2024

## Instruction

### ~~HOMELESS STUDENTS~~

~~6141.313(a)~~

~~The Board shall make efforts to identify homeless children within the district, encourage their enrollment, and eliminate barriers to their education in compliance with all applicable federal and state laws.~~

~~Further, it is the policy of the Board of Education that no child or youth shall be discriminated against or stigmatized in this school district because of homelessness. Homeless students, as defined by federal and state statutes, residing within the district or residing in temporary shelters in the district are entitled to free school privileges.~~

~~Homeless students within the district remain the district's responsibility to provide continued educational services. Such services for the child may be:~~

- ~~• continued in the school ("school of origin") that the student attended when permanently housed or the school of last enrollment; or~~
- ~~• provided in the school that is attended by other students living in the same attendance area where the homeless child lives.~~

~~To the extent feasible, a homeless child will be kept in the school of origin, unless it is against the wishes of the parent or guardian.~~

~~Homeless children shall be provided educational services that are comparable to those provided to other students enrolled in the district, including but not limited to, Title I, transportation services, compensatory educational programs, gifted and talented, special education, ESL, health services, and food and nutrition programs.~~

~~The Superintendent of Schools or designee shall refer identified homeless children under the age of eighteen (18) who may reside within the school district, unless such children are emancipated minors, to the Connecticut Department of Children and Families.~~

~~The district administration shall attempt to remove existing barriers to school attendance by homeless emancipated minors and youth eighteen (18) years of age:~~

- ~~• The selected school for the homeless child shall enroll the child, even in the absence of records normally required for enrollment. The last school enrolled shall be contacted to obtain records.~~

## Instruction

### ~~HOMELESS STUDENTS (continued)~~

~~6141.313(b)~~

- ~~• Other enrollment requirements that may constitute a barrier to the education of the homeless child or youth may be waived at the discretion of the Superintendent or designee. If the district is unable to determine the student's grade level due to missing or incomplete records, the district shall administer tests or utilize other reasonable means to determine the appropriate grade level for the child.~~
- ~~• Fees and charges, which may represent a barrier to the enrollment or transfer of a homeless child or youth, may be waived at the discretion of the Superintendent or designee.~~
- ~~• Transportation services must be comparable to those provided other students in the selected school. Transportation shall be provided to the student's school of origin in compliance with the federal and state regulations.~~
- ~~• Official school records, policies, and regulations shall be waived at the discretion of the Superintendent or designee in compliance with federal statutes.~~
- ~~• The district shall make a reasonable effort to locate immunization records from information available. The district's liaison shall assist the parent or guardian in obtaining the necessary immunizations and records. The district shall arrange for students to receive immunizations through health agencies and at district expense if no other recourse is available. Immunizations may, however, be waived for homeless youth only in accordance with the provisions of Board of Education Policy 5512 Immunizations.~~
- ~~• Other barriers to school attendance by homeless children or youth may be waived at the discretion of the Superintendent of Schools or designee.~~

~~The district's educational liaison for homeless children shall be the Director of Special Education and Special Programs.~~

~~Students residing in a temporary shelter are entitled to free school privileges from the district in which the shelter is located or from the school district where they would otherwise reside if not for the placement in the temporary shelter. The district in which the temporary shelter is located shall notify the district where the student would otherwise be attending. The district so notified may choose to either:~~

- ~~• continue to provide educational services, including transportation between the temporary shelter and the school in the home district; or~~
- ~~• pay tuition to the district in which the temporary shelter is located.~~

**Instruction**

**HOMELESS STUDENTS** (continued)

**6141.313(e)**

~~The Superintendent or designee shall ensure compliance with applicable statutes in the implementation of this policy.~~

~~Legal Reference: Connecticut General Statutes~~

~~10-253(e) School privileges for children in certain placements, nonresident children and children in temporary shelters~~

~~17a-101 Protection of children from abuse. Reports required of certain professional persons. When child may be removed from surrounding without court order.~~

~~17a-102 Report of danger or abuse 17a-103 Reports by others~~

~~17a-106 Cooperation in relation to prevention, identification, and treatment of child abuse and neglect~~

~~46b-120 Definitions~~

~~McKinney-Vento Homeless Assistance Act (PL 107-110, Section 1032)~~

Adopted 8/27/2004

**Students**

**HOMELESS CHILDREN AND YOUTH**

**5118.1**

In accordance with federal law, it is the policy of the Fairfield Board of Education (the “Board”) to prohibit discrimination against, segregation of, or stigmatization of, homeless children and youth. The Board authorizes the Administration to establish regulations setting forth procedures necessary to implement the requirements of law with respect to homeless children and youth. In the event of conflict between federal and/or state law and these administrative regulations, the provisions of law shall control.

Legal Reference:

State Law:

Connecticut General Statutes

10-253(e) School privileges for children in certain placements, non-resident children and children in temporary shelters

Connecticut General Statutes § 10-186 Duties of local and regional boards of education re school attendance. Hearings. Appeals to state board. Establishment of hearing board. Readmission. Transfers

Federal Law:

The McKinney-Vento Homeless Education Assistance Act, 42 U.S.C. §§ 11431 et seq., as amended by Every Student Succeeds Act, Pub. L. 114-95.

Adopted 8/27/2004

Revised and Adopted 05/23/2023

Revised and Adopted X/X/2024

**Students Business and Non-Instructional Operations**

**ACCIDENTS**

**3516.3**

All accidents shall be reported to the Superintendent or designee on a prepared form giving details of the accident.

Adopted 8/27/2004  
Reviewed and Adopted X/X/2024

**Students**

**ACCIDENTS**

**5143.2**

~~All accidents shall be reported to the Superintendent or designee on a prepared form giving details of the accident.~~

~~Adopted 8/27/2004~~

## Instruction

### CLASS SIZE

**6151(a)**

~~Class size shall be consistent with the requirements for good instructional procedure and efficient use of teaching personnel.~~

- ~~• For normal class instruction, a class not exceeding twenty-five (25) students shall be considered desirable.~~
- ~~• A class size of fifteen (15) shall be considered a minimum for efficient utilization of the teaching staff.~~
- ~~• When class size in grades K-2 exceeds thirty (30), the class may be divided or a teacher aide and/or intern provided.~~
- ~~• When class size in grades 3-6 exceeds thirty-five (35), the class may be divided or a teacher aide and/or intern provided.~~
- ~~• Secondary (grades 7-12) class size shall not exceed thirty-five (35) for normal class operation.~~

The Board's goal is to create a culture of deliberate excellence through its commitment to nurture the potential in all students and support their access to curriculum and opportunities.

The Board recognizes the importance of opportunities for a wide range of courses that appeal to students with various interests, and that achievement and engagement in elementary and middle school are strong precursors to high school success.

The relationship between class size and student learning is complex and is affected by grade level, subject area, nature of the pupils, learning objectives, instructional methods and procedures, and physical environment. The goal of the class size policy is the establishment of appropriate class sizes for the pupils, the teacher, the subject matter, and the teaching methods of a particular grade, class, or course. Budgetary implications also factor into class size considerations.

At the elementary level:

- Class sizes shall not exceed 23 in regular classrooms, and 21 at McKinley, in grades K-2. The Superintendent shall make all decisions on expansion based on staff and space availability from the first day of classes to the seventh.
- Class sizes shall not exceed 25 in regular classrooms, and 23 at McKinley, in grades 3-5. The Superintendent shall make all decisions on expansion based on the staff and space availability from the first day of classes to the seventh.

## Instruction

### CLASS SIZE

**6151(b)**

- When any K-5 grade level is above the class size threshold before the first day of classes, a new class section will be created at that grade level.
- The District shall not collapse any K-5 section after the end of the day prior to the first day of classes, unless doing so on or before the first day of classes and through seven calendar days after the first day of classes, excluding any holidays, is in the Superintendent's discretion necessary to fulfill the expansion of another K-5 grade level section.
- Collapsing a section shall not result in any K-5 grade level class being above the class size threshold.
- No K-5 section shall be at or above the class size threshold when there is a seat in that schools' grade that would keep class sizes below the class size threshold.
- If enrollment increases above the elementary class size threshold in grades K-5 of any grade level from the first day of classes on and another section is not added, a full time 1.0 FTE paraeducator will be provided until a certified teacher is hired. Both the paraeducator and the certified teacher shall be primarily dedicated to the class that is above the class size threshold.
- K-5 homeroom and subject area full-size classrooms shall not be supplanted for non-instructional purposes or specialized programming when a full-size classroom is needed for a homeroom or subject area full-size classroom.

#### At the Middle and High School Levels (grades 6-12)

- For normal class instruction, a class not exceeding 25 shall be considered desirable.
- Secondary courses may be above 25 due to the physical environment (outdoors, auditorium, gym, larger spaces), instruction methodologies, and nature of the specific courses. (e.g. PE and performance-based music/chorus).
- Class sizes at the secondary level may be lower than 15 in the educational interest of providing student supports, in introducing and/or continuing a sequence of course work, in meeting the graduation requirements, and where the physical environment necessitates.

Adopted 8/27/2004

Revised and Adopted X/X/2024