

Student Discipline

5130.

By the order of the Meriden Board of Education (the "Board") to Public Schools (the "District") that certain acts and/or behavior of a student or a school employee constitute a violation of the Code of Conduct provisions regarding the same, and any substance, code of conduct, and/or policy of the District, which is intended to encourage and reinforce positive conduct provisions regarding the same, and any substance, code of conduct, and/or policy of the

I. Definitions

1. **Bullying** means unwanted and aggressive behavior among children in grades kindergarten to twelve, inclusive, that involves a real or perceived power imbalance.
1. **Cannabis** means marijuana, as defined by Conn. Gen. Stat. § 21a-240.
1. **Challenging Behavior** means behavior that negatively impacts school climate or interferes, or is at risk of interfering, with the learning or safety of a student or the safety of a school employee.
1. **Dangerous Instrument** means any instrument, article or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury, and includes a "vehicle" or a dog that has been commanded to attack.
1. **Deadly Weapon** means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon or metal knuckles. A weapon such as a pellet gun and/or air soft pistol may constitute a deadly weapon if such weapon is designed for violence and is capable of inflicting death or serious bodily harm. In making such determination, the following factors should be considered: design of weapon; how weapon is typically used (e.g., hunting); type of projectile; force and velocity of discharge; method of discharge (e.g., spring v. CO2 cartridge) and potential for serious bodily harm or death.
1. **Electronic Defense Weapon** means a weapon which by electronic impulse or current is capable of immobilizing a person temporarily, but is not capable of inflicting death or serious physical injury, including a stun gun or other conductive energy device.
1. **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.
1. **Exclusion** means any denial of public school privileges to a student for disciplinary purposes.
1. **Expulsion** means the exclusion of a student from school privileges 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. The expulsion period may not extend beyond one (1) calendar year.
1. **Firearm**, as defined in 18 U.S.C § 921, means (a) any weapon (including a starter gun) that will,

is designed to, or may be readily converted to expel a projectile by the action of an explosive, (b) the frame or receiver of any such weapon, (c) a firearm muffler or silencer, or (d) any destructive device. The term firearm does not include an antique firearm. As used in this definition, a "**destructive device**" includes any explosive, incendiary, or poisonous gas device, including a bomb, a grenade, a rocket having a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, or any other similar device; or any weapon (other than a shotgun or shotgun shell which the Attorney General finds is generally recognized as particularly suited for sporting purposes) that will, or may be readily converted to, expel a projectile by explosive or other propellant, and which has a barrel with a bore of more than ½" in diameter. The term "destructive device" also includes any combination of parts either designed or intended for use in converting any device into any destructive device and from which a destructive device may be readily assembled. A "destructive device" does not include: an antique firearm; a rifle intended to be used by the owner solely for sporting, recreational, or cultural purposes; or any device which is neither designed nor redesigned for use as a weapon.

- 1. Generative Artificial Intelligence ("AI")** refers to a technology system, including but not limited to ChatGPT, capable of learning patterns and relationships from data, enabling it to create content, including but not limited to text, images, audio, or video, when prompted by a user.
- 1. Protected Class Harassment** is a form of discrimination on the basis of any protected characteristic (or protected class) including race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression, veteran status, status as a victim of domestic violence, status as a victim of sexual assault or status as a victim of trafficking in persons, or any other basis prohibited by state or federal law ("Protected Class"). Harassment constitutes unlawful discrimination when it creates a hostile environment, which occurs when the harassment is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student's ability to participate in or benefit from the services, activities, or opportunities offered by a school. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Harassment against any individual on the basis of that individual's association with someone in a Protected Class may be a form of Protected Class harassment.
- 1. In-School Suspension** means an exclusion from regular classroom activity for no more than five (5) consecutive school days, but not exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed. No student shall be placed on in-school suspension more than fifteen (15) times or a total of fifty (50) days in one (1) school year, whichever results in fewer days of exclusion.
- 1. Martial Arts Weapon** means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or chinese star.
- 1. Removal** is the exclusion of a student from a classroom for all or part of a single class period,

provided such exclusion shall not extend beyond ninety (90) minutes.

1. **School Days** shall mean days when school is in session for students.

1. **School-Sponsored Activity** means any activity sponsored, recognized or authorized by the Board and includes activities conducted on or off school property.

1. **Seriously Disruptive of the Educational Process**, as applied to off-campus conduct, means any conduct that markedly interrupts or severely impedes the day-to-day operation of a school.

1. **Suspension** means the exclusion of a student from school and/or transportation services only, 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.

1. **Synthetically created image** means any photograph, film, videotape or other image of a person that (A) is (i) not wholly recorded by a camera, or (ii) either partially or wholly generated by a computer system, and (B) depicts, and is virtually indistinguishable from what a reasonable person would believe is the actual depiction of, an identifiable person.

1. **Weapon** means any BB gun, any blackjack, any metal or brass knuckles, any police baton or nightstick, any dirk knife or switch knife, any knife having an automatic spring release device by which a blade is released from the handle, having a blade of over one and one-half inches in length, any stiletto, any knife the edged portion of the blade of which is four inches and over in length, any martial arts weapon or electronic defense weapon, or any other dangerous or deadly weapon or instrument, unless permitted by law under Section 29-38 of the Connecticut General Statutes.

1. Notwithstanding the foregoing definitions, 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.

1. For purposes of this policy, references to “school”, “school grounds” and “classroom” shall include physical educational environments, including on school transportation, as well as environments in which students are engaged in remote learning, which means instruction by means of one or more Internet-based software platforms as part of a remote learning model.

II. Scope of the Student Discipline Policy

~~Sp~~**Conduct on School Grounds, on School Transportation, or at a School-**

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

1. Expulsion. Students may be **expelled** for conduct on school grounds, on school transportation, or at any school-sponsored activity that either **(1) violates a publicized policy of the Board and is seriously disruptive of the educational process, or (2) endangers persons or property.**

B. *Conduct off School Grounds:*

~~Discipline of Students may be disciplined, including on transportation or~~
~~educational process, the Board grounds seriously disruptive of the~~

C. *Seriously Disruptive of the Educational Process:*

~~It is the policy of the Board to determine whether off-campus conduct, if a student may~~
~~engage in such conduct, is disruptive of the educational process or the illegal use of~~

D. Misconduct Involving Cannabis:

~~A student shall not have greater discipline, punishment, or sanction for the use or~~
~~possession of cannabis than for the use or possession of other property, except as otherwise~~

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

~~Conduct that is considered to violate a publicized policy of the Board includes the following,~~
~~and may result in removal from class, suspension, and/or expulsion, according to the~~

1. Striking or assaulting a student, member of the school staff or other person(s).
1. Theft.
1. The use of obscene or profane language or gestures.
1. The possession, display and/or dissemination of obscenity or pornographic images or the unauthorized or inappropriate possession, display and/or dissemination of images, pictures or photographs depicting nudity, including intimate synthetically created images.
1. Violation of smoking, dress, transportation regulations, or other regulations and/or policies governing student conduct.
1. Refusal to obey a member of the school staff, law enforcement authorities, or school volunteers, or disruptive classroom behavior.
1. The use of one or more of the following: objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership, including but not limited to epithets relating to sex, sexual orientation, and/or gender identity or expression); other words or phrases commonly considered demeaning or degrading on the basis of Protected Class membership; display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class; graphic, written or electronic communications that are harmful, or humiliating based on Protected Class membership; bigoted conduct or communications; and/or physical, written, electronic or verbal threats based on Protected Class membership.
1. Any act of Protected Class Harassment or reprisal or retaliation against any individual for reporting in good faith incidents of Protected Class Harassment, or who participate in the investigation of such reports.

1. Refusal by a student to respond to a staff member's request for the student to provide the student's name to a staff member when asked, misidentification of oneself to such person(s), lying to school staff members or otherwise engaging in dishonest behavior.
1. Inappropriate displays of public affection of a sexual nature and/or sexual activity on school grounds, on school transportation, or at a school-sponsored activity.
1. A walk-out from or sit-in within a classroom or school building or school grounds.
1. 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), including the use of AI to engage in such conduct.
1. Possession and/or use of any weapon, weapon facsimile, deadly weapon, martial arts weapon, electronic defense weapon, pistol, knife, blackjack, bludgeon, box cutter, metal knuckles, pellet gun, air pistol, explosive device, firearm, whether loaded or unloaded, whether functional or not, or any other dangerous object or instrument. The possession and/or use of any object or device that has been converted or modified for use as a weapon.
1. Possession of any ammunition for any weapon described above in Paragraph 13.
1. Unauthorized entrance into any school facility or portion of a school facility or aiding or abetting an unauthorized entrance.
1. Possession or ignition of any fireworks, combustible or other explosive materials, or ignition of any material causing a fire. Possession of any materials designed to be used in the ignition of combustible materials, including matches and lighters.
1. Possession, sale, distribution, use, or consumption of tobacco, electronic nicotine delivery systems (e.g., e-cigarettes), electronic cannabis delivery system, or vapor products, or the unlawful possession, sale, distribution, use or consumption of 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), including being under the influence of any such substances or aiding in the procurement of any such substances. For the purposes of this Paragraph 17, the term "electronic nicotine delivery system" shall mean an electronic device used in the delivery of nicotine or other substances to a person inhaling from the device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device, including, but not limited to, electronic cigarette liquid. For purposes of Paragraph 17, the term "electronic cannabis delivery system" shall mean an electronic device that may be used to simulate smoking in the delivery of cannabis to a person inhaling the device and includes, but is not limited to, a vaporizer, electronic pipe, electronic hookah and any related device and any cartridge or other component of such device. For the purposes of Paragraph 17, the term "vapor product" shall mean any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless

of shape or size, to produce a vapor that may or may not include nicotine and is inhaled by the user of such product. For the purposes of this Paragraph 17, 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, including cannabis.

1. Sale, distribution, or consumption of substances contained in household items; including, but not limited to glue, paint, accelerants/propellants for aerosol canisters, and/or items such as the aerators for whipped cream; if sold, distributed or consumed for the purpose of inducing a stimulant, depressant, hallucinogenic or mind-altering effect.
1. Possession of paraphernalia used or designed to be used in the consumption, sale or distribution of drugs, alcohol or tobacco, as described in Paragraph 17 above. For purposes of this policy, drug paraphernalia includes any equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing or concealing, or injecting, ingesting, inhaling or otherwise introducing controlled drugs or controlled substances into the human body, including but not limited to items such as "bongs," pipes, "roach clips," vials, tobacco rolling papers, and any object or container used, intended or designed for use in storing, concealing, possessing, distributing or selling controlled drugs or controlled substances, including cannabis.
1. The destruction of real, personal or school property, such as, cutting, defacing or otherwise damaging property in any way.
1. Accumulation of offenses such as school and class tardiness, class or study hall cutting, or failure to attend detention.
1. Trespassing on school grounds while on out-of-school suspension or expulsion.
1. Making false bomb threats or other threats to the safety of students, employees, and/or other persons.
1. Defiance of school rules and the valid authority of teachers, supervisors, administrators, other employees and/or law enforcement authorities.
1. Throwing snowballs, rocks, sticks and/or similar objects, except as specifically authorized by school employees responsible for student supervision.
1. Unauthorized and/or reckless and/or improper operation of a motor vehicle on school grounds or at any school-sponsored activity.
1. Leaving school grounds, school transportation or a school-sponsored activity without authorization.

1. Use of or copying of the academic work of another individual and presenting it as the student's own work, without proper attribution; the unauthorized use of AI for the completion of class assignments; or any other form of academic dishonesty, cheating or plagiarism.
1. Possession and/or use of a cellular telephone, radio, portable audio player, CD player, blackberry, tablet, personal data assistant, walkie talkie, Smartphone, mobile or handheld device, or similar electronic device, on school grounds, on school transportation, or at a school-sponsored activity in violation of Board policy and/or administrative regulations regulating the use of such devices.
1. Possession and/or use of a beeper or paging device on school grounds, on school transportation, or at a school-sponsored activity without the written permission of the principal or designee.
1. Unauthorized use of or tampering with any school computer, computer system, computer software, Internet connection or similar school property or system, or the use of such property or system for inappropriate purposes, including using AI in a manner that disrupts or undermines the effective operation of the school district or is otherwise seriously disruptive to the educational process.
1. Possession and/or use of a laser pointer, unless the student possesses the laser pointer temporarily for an educational purpose while under the direct supervision of a responsible adult.
1. Hazing.
 1. Challenging behavior, including, but not limited to, bullying, as defined in the Board's School Climate Policy and above.
 1. Cyberbullying, defined as any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices or any electronic communications.
 1. Acting in any manner that creates a health and/or safety hazard for employees, students, third parties on school property or the public, regardless of whether the conduct is intended as a joke, including but not limited to violating school or District health and safety protocols.
 1. Engaging in a plan to stage or create a violent and/or sexual situation or activity for the purposes of recording it by electronic means and/or recording such situation or activity by electronic means. Reporting recordings to school officials may warrant exceptions from disciplinary action in certain circumstances.
 1. The unauthorized publication or dissemination of a recording (photographic or audio) of another individual without permission of the individual or a school employee. Reporting recordings to school officials may warrant exceptions from disciplinary action in certain circumstances.

V. Procedures Governing Behavior that Causes a Serious Disruption

1. 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 a teacher, another student, or other school employee not later than twenty-four (24) hours after such behavior occurs.
1. Such notice shall include, but not be 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.
1. If the teacher of record in the classroom ultimately requests a behavior intervention meeting with the crisis intervention team for the school, the parent or guardian must be notified that such meeting will occur.
1. If a behavior intervention meeting occurs, the crisis intervention team shall, not later than seven (7) days after the behavior intervention meeting, provide 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.

VI. Procedures Governing Removal from Class

1. A student may be removed from class by a teacher or administrator if the student deliberately causes a serious disruption of the educational process. When a student is removed by a teacher, the teacher must send the student to a designated area and notify the building principal or designee at once.
1. 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 responsible administrator or the administrator's 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.
1. 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.

VII. Procedures Governing Suspension

~~A. The responsible administrator or the administrator's designee shall have the right to suspend or to expel students, and the following procedures shall be followed:~~
~~1. A suspension or expulsion shall be imposed only if the student's behavior is such that the student's presence in the school is an emergency situation, or if the student's behavior is such that the student's presence in the school is an emergency.~~
~~2. Prior to conducting the informal hearing referenced above, an administrator, a principal or the designee of the student's behavior shall conduct an informal hearing.~~
~~3. For students in grades three through six, a suspension or expulsion may be imposed only if the student's behavior is such that the student's presence in the school is an emergency, or if the student's behavior is such that the student's presence in the school is an emergency.~~
~~4. For students in grades seven through ten, a suspension or expulsion may be imposed only if the student's behavior is such that the student's presence in the school is an emergency, or if the student's behavior is such that the student's presence in the school is an emergency.~~
~~5. For students in grades eleven and twelve, a suspension or expulsion may be imposed only if the student's behavior is such that the student's presence in the school is an emergency, or if the student's behavior is such that the student's presence in the school is an emergency.~~
~~6. In grades preschool to two, inclusive, if the responsible administrator~~

1. determines that an out-of-school suspension is appropriate for such student based on evidence

- that such student's conduct on school grounds is behavior that caused physical harm;
2. requires that such student receives services that are trauma-informed and developmentally appropriate and align with any behavioral intervention plan, individualized education program ("IEP") or plan pursuant to Section 504 of the Rehabilitation Act of 1973 ("Section 504") for such student upon such student's return to school immediately following the out-of-school suspension; and
3. considers whether to convene a Planning and Placement Team ("PPT") meeting for the purposes of conducting an evaluation to determine whether such student may require special education or related services.

~~4. Evidence of special disciplinary problems that have led to removal from a suspension shall be a factor in determining the length of the suspension.~~

~~5. By telephonic or written communication, the responsible administrator or the administrator's designee shall determine the cause(s) leading to the suspension.~~

~~6. Whether or not telephonic contact is made with the parent or guardian of such suspended student, the responsible administrator or the administrator's designee shall be given notice of suspension of any minor student who has been suspended for a period of 24 hours.~~

~~8. Suspension shall be imposed within 24 hours after the commencement of the suspension.~~

~~9. The student shall be allowed to complete any assignments while suspended.~~

~~10. The administrator or the administrator's designee shall determine whether the suspension shall be served in the school or program that the student regularly attends.~~

~~11. Notice of the suspension shall be provided to the student's guardian or parent.~~

~~12. If the student has not previously been suspended, the administrator or the administrator's designee shall determine whether the suspension shall be served in the school or program that the student regularly attends.~~

~~13. The decision of the responsible administrator or the administrator's designee shall be final.~~

~~14. During any period of suspension served out of school, the student shall not be considered absent for purposes of attendance.~~

~~15. Any suspension of a student shall be subject to appeal as provided in the Board's policy on appeals.~~

VIII. Procedures Governing In-School Suspension

~~The terms "in-school suspension" and "in-school suspension" shall mean suspension of a student from school for a period of 24 hours or less.~~

1. In-school suspension may not be imposed on a student without an informal hearing by responsible administrator or the administrator's designee.
1. In-school suspension may be served in the school or program that the student regularly attends or in any other school building within the jurisdiction of the Board.
1. No student shall be placed on in-school suspension more than fifteen (15) times or for a total of fifty (50) days in one school year, whichever results in fewer days of exclusion.
1. The parents or guardian of any minor student placed on in-school suspension shall be given notice of such suspension within twenty-four (24) hours of the time of the institution of the period of the in-school suspension.

IX. Procedures Governing Expulsion Hearing

A. **Emergency Exception:**

Expulsion in an emergency situation. The Board shall, prior to expelling any student, meet as soon as possible to hold an expulsion hearing, provided that the hearing

B. **Hearing Panel:**

1. Expulsion hearings conducted by the Board will be heard by any three or more Board members. A decision to expel a student must be supported by a majority of the Board members present, provided that no less than three (3) affirmative votes to expel are cast.
1. Alternatively, the Board may appoint an impartial hearing board composed of one (1) or more persons to hear and decide the expulsion matter, provided that no member of the Board may serve on such panel.

C. **Hearing Notice and Rights of the Student and Parent(s)/Guardian(s):**

1. Written notice of the expulsion hearing must be given to the student, and, if the student is a minor, to the student's parent(s) or guardian(s) at least five (5) business days before such hearing, not including the day of such hearing.
1. A copy of this Board policy on student discipline shall also be given to the student, and if the student is a minor, to the student's parent(s) or guardian(s), at the time the notice is sent that an expulsion hearing will be convened.
1. The written notice of the expulsion hearing shall inform the student of the following:
 1. The date, time, place and nature of the hearing, including if the hearing will be held virtually, via video conference.
 1. The legal authority and jurisdiction under which the hearing is to be held, including a reference to the particular sections of the legal statutes involved.
1. A short, plain description of the conduct alleged by the Superintendent or designee.
1. The student may present as evidence relevant testimony and documents concerning the conduct alleged and the appropriate length and conditions of expulsion; and that the expulsion hearing may be the student's sole opportunity to present such evidence.
1. The student may cross-examine witnesses called by the Superintendent or designee.

The student may be represented by a parent or other advocate of the student's parent(s) or guardian(s).

A student is entitled to the services of a translator or interpreter to help understand and explain the hearing process, if needed, because

the conditions under which the Board is not legally required to give

information concerning the parent's (s) or guardian's (s) and the

in. The parent(s) or guardian(s) of the student have the right to have the

1. Prior to conducting the expulsion hearing, an administrator, school counselor, or school social worker at the student's school must contact the District's Homeless Education Liaison to determine whether the student is a homeless child or youth, as defined by the McKinney-Vento Homeless Assistance Act.

D. *Hearing Procedures:*

1. The hearing will be conducted by the Presiding Officer, who will call the meeting to order, introduce the parties, Board members and others participating in the hearing (if applicable), briefly explain the hearing procedures, and swear in any witnesses called by the Superintendent/designee or the student. If an impartial board or more than one person has been appointed, the impartial board shall appoint a Presiding Officer.
1. The hearing will be conducted in executive session. A verbatim record of the hearing will be made, either by tape or digital recording or by a stenographer. A record of the hearing will be maintained, including the verbatim record, all written notices and documents relating to the case and all evidence received or considered at hearing.
1. The Superintendent or designee shall bear the burden of production to come forward with evidence to support its case and shall bear the burden of persuasion. The standard of proof shall be a preponderance of the evidence.
1. Formal rules of evidence will not be followed. The Board (or the impartial board) has the right to accept hearsay and other evidence if it deems that evidence relevant or material to its determination. The Presiding Officer will rule on testimony or evidence as to it being immaterial, irrelevant and/or any other objections to its submission.
1. The hearing will be conducted in two (2) parts. In the first part of the hearing, the Board (or the impartial board) will receive and consider evidence regarding the conduct alleged by the Administration.
1. In the first part of the hearing, the charges will be introduced into the record by the Superintendent or designee.
1. Each witness for the Superintendent or designee will be called and sworn. After a witness has finished testifying, the witness will be subject to cross-examination by the opposite party or the witness' legal counsel, by the Presiding Officer and by Board members (or the impartial board).
1. The student shall not be compelled to testify at the hearing.
1. After the Superintendent or designee has presented the Administration's case, the student will be asked if the student has any witnesses or evidence to present concerning the charges. If so, the witnesses will be sworn, will testify, and will be subject to cross examination and to questioning by the Superintendent or designee, the Presiding Officer and/or by the Board (or the impartial board). The student may also choose to make a statement at this time. If the student chooses to make a statement, the student will be sworn and subject to cross

examination and questioning by the Superintendent or designee, the Presiding Officer and/or by the Board (or the impartial board). Concluding statements will be made by the Superintendent or designee and then by the student and/or the student's representative.

1. In cases where the student has denied the allegation, the Board (or the impartial board) must determine whether the student committed the offense(s) as charged by the Superintendent or designee.
1. If the Board (or the impartial board) determines that the student has committed the conduct as alleged, then the Board (or the impartial board) shall proceed with the second portion of the hearing, during which the Board (or the impartial board) will receive and consider relevant evidence regarding the length and conditions of expulsion.
1. When considering the length and conditions of expulsion, the Board (or the impartial board) may review the student's attendance, academic and past disciplinary records. The Board (or the impartial board) may not review notices of prior expulsions or suspensions which have been expunged from the student's cumulative record, except as so provided in Section VII.A (10), (11), (12), above, and Section XI, below. The Board (or the impartial board) may ask the Superintendent or designee for a recommendation as to the discipline to be imposed.
1. Evidence of past disciplinary problems that 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 Board (or the impartial board) is considering length of expulsion and nature of alternative educational opportunity to be offered.
1. If a student is determined to be a homeless child or youth as described in Subsection IX.C(4), the Board (or the impartial board) must consider the impact of homelessness on the student's behavior. Such student may not be expelled without a plan of interventions and supports to mitigate the impact of homelessness on the student's behavior. If the student is identified as a homeless child or youth and is expelled more than one time, the student shall be provided a meeting with the District's Homeless Education Liaison.
1. Where administrators presented the case in support of the charges against the student, neither such administrative staff nor the Superintendent or designee shall be present during the deliberations of the Board (or the impartial board) either on questions of evidence or on the final discipline to be imposed. The Superintendent or designee may, after reviewing the incident with administrators, and reviewing the student's records, make a recommendation to the Board (or the impartial panel) as to the appropriate discipline to be applied.
1. The Board (or the impartial board) shall make findings as to the truth of the charges, if the student has denied them; and, in all cases, the disciplinary action, if any, to be imposed. While the hearing itself is conducted in executive session, the vote regarding expulsion must be made in open session and in a manner that preserves the confidentiality of the student's name and other personally identifiable information.

1. Except for a student who has been expelled based on possession of a firearm or deadly weapon as described in subsection IV.B(1) and (2) above, the Board (or the impartial board) may, in its discretion, shorten or waive the expulsion period for a student who has not previously been suspended or expelled, if the student completes a Board-specified program and meets any other conditions required by the Board (or the impartial board). The Board-specified program shall not require the student and/or the student's parents to pay for participation in the program.
1. The Board (or the impartial board) 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 disciplinary action to be imposed. Said decision shall be based solely on evidence presented at the hearing. The parents or guardian or any minor student who has been expelled shall be given notice of such disciplinary action within twenty-four (24) hours of the time of the institution of the period of the expulsion.
1. The hearing may be conducted virtually, via video conference, at the direction of the Board (or the impartial board), in the event school buildings are closed to students or individuals are provided limited access to school buildings due to a serious health or other emergency. Any virtual hearing must provide the student the due process rights identified in this Subsection D.

Schools, Sports, School Activities, During School Transportation, and Participation in

~~During the period of exclusion, the student shall not be permitted to be present and participate in any school activity, sports, or school transportation.~~

G. Stipulated Agreements:

~~In lieu of the procedure used in this Section, the Superintendent or designee may accept a stipulated agreement from the student or the parent/guardian of the student if the parties agree by the facts, but not on the disciplinary recommendation, the student will complete the program and the student will not be expelled.~~

~~If the parties agree by the facts, but not on the disciplinary recommendation, the student will complete the program and the student will not be expelled.~~

X. Alternative Educational Opportunities for Expelled Students

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

~~When a student under sixteen (16) years of age is expelled, the Board shall~~

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

~~1. The Board shall provide an alternative educational opportunity to a student who has been expelled for participation in the extracurricular program.~~

~~2. The Board is not required to offer an alternative educational opportunity to a student who has been expelled for possession of a firearm or deadly weapon.~~

~~3. The Board shall report the expulsion of a student when the student was under~~

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

~~The Board is not required to offer an alternative educational opportunity to~~

D. Content of Alternative Educational Opportunity

~~1. For the purposes of Section X and subject to Subsection X.F, a student who has been expelled shall be eligible to participate in alternative educational opportunities for students who have been expelled, adopted by~~

The Superintendent or designee shall develop administrative procedures for

Ed Student Identified As eligible for services under the Individuals with Disabilities

Notwithstanding Subsection (c), a student shall be eligible for services if the Board of Education

F. Students for whom an alternative educational opportunity is not required:

The Board may offer an alternative educational opportunity to a student for

XI. Notice of Student Expulsion on Cumulative Record

Notice of expulsion and the conduct for which the student was expelled shall be included

in cases where the student's period of expulsion is shortened or waived in accordance

with the student's period of expulsion was not shortened or waived, the Board may choose to

if the student has not previously been suspended or expelled, and the Administration

XII. Change of Residence During Expulsion Proceedings

A. Student moving into the District:

1. If the student moves into the District while an expulsion proceeding is pending, the

2. Where a student moves into the District during the period of expulsion pending

B. Student moving out of the District:

Where a student with records from a school of delinquency has notified that they

84 Procedures Governing Suspension and Expulsion of Students Identified as Eligible for

A. Suspension of IDEA students:

Notwithstanding the foregoing, if a suspension of an IDEA student, the student

1. The responsible administrator shall make reasonable attempts to inform immediately

2. During the period of suspension, the District is not required to provide special

1. If an IDEA student is being suspended and that student has already been removed from their current placement for ten (10) school days in the same school year, school personnel, in consultation with at least one of the student's teachers, must determine the extent to which services are needed so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP, so long as the suspension does not constitute a change in placement. If the suspension constitutes a change in placement, subsection (B) below will apply.

Student Suspension and Suspensions that Constitute Changes in Placement for IDEA

Notwithstanding the provision to the contrary, if the Administration of record

1. Upon the decision by the Administration to recommend expulsion, it may impose a

Adopted: December 6, 1994
Amended: September 5, 1995
Amended: February 24, 1997
Amended: October 21, 1997
Amended: January 5, 1998
Amended: January 5, 1999
Amended: June 6, 2000
Amended: March 4, 2003
Amended: February 17, 2004
Amended: November 17, 2009
Amended: April 28, 2015
Amended: November 17, 2015
Amended: November 21, 2017
Amended: December 18, 2018
Amended: September 1, 2020
Amended: April 20, 2021
Amended: November 15, 2022
Amended: November 20, 2023
Amended: April 7, 2026

Approved: April 7, 2026