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Administrative Regulation

SUSPENSION AND EXPULSION/DUE PROCESS

Suspension

When the Principal or designee has determined that there is cause for suspension of a student, the following procedures shall be observed:

1. The student shall be given a hearing before the Principal or designee, at which time the charges against the student will be stated and the student will be given an opportunity to respond to the charge. This hearing must be granted except when an emergency situation exists, in which case the hearing must be held as soon after the suspension as possible. Nothing in the informal hearing shall be taken to prevent a more formal hearing from being held if the circumstances warrant.
2. The Principal or designee may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, suspension or expulsion of the student.
3. The Principal or designee shall make every possible attempt to reach the parent or guardian of the student stating the charges against the student and the terms and conditions of the suspension.
4. Whether the telephone contact is made or not, the Principal or designee shall forward a letter to the parent or guardian at the last known address according to school records (unless a newer address is determined) within one school day of the suspension, and offering the parent or guardian the opportunity for a conference to discuss the suspension.
5. Notice of the suspension shall be transmitted by the Principal to the Superintendent of Schools by the close of the school day following the commencement of the suspension.
6. If a student is eighteen or older, any notice required by Board policy and this regulation shall be given to the student.
7. Textbooks and homework are to be provided each student for the duration of the suspension period and the student shall be allowed to complete any classwork, including examinations, without penalty, which was missed during the suspension.
8. The Superintendent shall report any unusually serious cases of student suspension to the Board of Education at the first meeting following such action.
9. Notice of a suspension for conduct endangering persons or property or seriously disruptive of the educational process and a description of the conduct leading to such suspension shall be included in the student's cumulative educational record. Such notice

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shall be expunged from the cumulative record by the Board if the student (1) graduates from high school or (2) is not expelled or suspended again during the two-year period commencing on the date of his/her return to school from the suspension.

The foregoing procedure will be followed unless the student has had a total of ten (10) suspensions during the current school year, or has been suspended for a total of fifty (50) days during the current school year. If the student's proposed suspension would exceed either figure the suspension shall not take effect until so ordered by the Board of Education after a formal hearing such as that required for expulsion. If the Principal has reason to believe that the student's conduct endangers persons or property, is seriously disruptive of the educational process or is in violation of a Board policy, expulsion may be recommended.

Expulsion

The Board of Education or an impartial hearing board, as defined in C.G.S. section 10-233d, may or must expel any pupil whose conduct: (1) is in violation of the Board's publicized policy; (2) endangers person or property; (3) is seriously disruptive of the educational process; and/or (4) warrants a mandatory expulsion as mandated by law, as amended from time to time. For a more complete explanation of the Board's expulsion policy, please refer to the Board's publicized policy on expulsion which encompasses all the above.

The procedures leading to an expulsion are:

1. Requests for expulsion are to be directed to the Board of Education through the Superintendent of Schools.
2. Upon receipt of an expulsion request, the Superintendent will conduct an inquiry within two (2) school days.
3. If after the inquiry the Superintendent or designee determines that the student ought to be expelled, the Superintendent shall forward such request to the Board of Education within five days after receipt of the request to expel.
4. Except in an emergency situation requiring the student's immediate removal, the Board shall conduct a hearing to be governed by the following procedures:
 - A. The student and parent or legal guardian must be given notice at least five days prior to the date of the hearing.
 - B. The notice shall contain:
 - The date, time and place of the scheduled hearing.

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- The details of the grounds for the expulsion, including a narrative of the events leading to the expulsion, the names of any witnesses against the student, copies of any statements or affidavits of those witnesses, a detailed summary of any other information to be used in support of expulsion, including any record of past offenses or misbehavior and whether any prior warnings or suspensions have been given, and the proposed penalty.
 - A statement of the student's rights.
 - A statement that the Board shall not be required to offer such alternative educational opportunity to any pupil between the ages of sixteen and eighteen who is expelled because of conduct which endangers persons if it is determined at the expulsion hearing that the conduct for which the pupil is expelled involved (1) possession of a firearm, as defined in federal law, as amended from time to time, or deadly weapon, dangerous instrument or martial arts weapon, as defined in state law, as amended from time to time, on school property or at a school-sponsored activity or (2) offering for sale or distribution on school property or at a school-sponsored activity a controlled substance, as defined in subdivision (9) of C.G.S. section 21a-240, whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with the intent to sell or dispense, offering, or administering is subject to criminal penalties under C.G.S. sections 21a-277 and 21a-278.
- C. At the hearing the student shall have the right to testify and produce witnesses and other evidence in his/her defense and shall have the right to demand that any witnesses against him/her appear in person to answer questions.

In the exceptional circumstances the Board or the impartial hearing panel may refuse to allow a witness against the accused student to appear, when the Board or panel believes that fear on the part of the witness would prevent the giving of accurate testimony. In such cases a verbatim statement of the witness's testimony must be given to the student.

A witness's unsubstantiated desire to remain anonymous is not such an exceptional circumstance as to justify dispensing with confrontation and questioning by the student.

- D. A student may be represented by any third party of his/her choice, including an attorney.
- E. A student is entitled to the services of a translator, to be provided by the Board of Education, whenever the student or his/her parent or legal guardian do not speak the English language.

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- F. The Board or impartial hearing panel shall keep verbatim record of the hearing and the student or his/her parent or legal guardian shall be entitled to a copy of that record at his/her own expense.
 - G. The Board or impartial hearing panel shall report its final decision in writing to the student, stating the reasons on which the decision is based, and the penalty to be imposed. Said decision shall be based on evidence produced and derived at the hearing.
 - H. Except under unusual circumstances the parent or a minor student shall be notified of the Board action within twenty-four hours.
 - I. Whenever an emergency exists, the hearing provided for the above procedure shall be held as soon as possible after the expulsion.
5. Whenever the Board of Education or impartial hearing panel expels a student it shall offer an alternative education program to students under the age of sixteen. The parent or guardian of such student has the legal right to reject such a program without being subject to the truancy law. The Board of Education shall make provisions for an alternative educational opportunity to expelled students between the ages of sixteen and eighteen, conditional upon the desire of the student to continue his/her education and compliance with conditions established by the Board. A student age sixteen or older may be placed in an adult education programs as an alternative educational opportunity. However, the Board shall not be required to offer such alternative educational opportunity to any pupil between the ages of sixteen and eighteen who is expelled because of conduct which endangers persons if it is determined at the expulsion hearing that the conduct for which the pupil is expelled involved (1) possession of a firearm, as defined in federal law, as amended from time to time, or deadly weapon, dangerous instrument or martial arts weapon, as defined in state law, as amended from time to time, on school property or at a school-sponsored activity or (2) offering for sale or distribution on school property or at a school-sponsored activity a controlled substance, as defined in subdivision (9) of C.G.S. section 21a-240, whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with the intent to sell or dispense, offering, or administering is subject to criminal penalties under C.G.S. sections 21a-277 and 21a-2278. Any special education student expelled for a misconduct not caused by the student's disability must be offered an alternative educational opportunity consistent with the student's needs during the period of expulsion.
6. If the Board expels a student for the sale or distribution of a controlled substance, the Board shall refer the student to an appropriate state or local agency for rehabilitation, intervention or job training, or any combination thereof, and shall inform the agency of

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its action. The Board shall give the name of the student, and a summary of the Board's action in referring a student, to the Commissioner of Education within thirty days.

7. Notice of the expulsion and the conduct for which the student was expelled shall be included on the student's cumulative educational record. Such notice shall be expunged from the cumulative education record by the Board if the student graduates from high school unless the expulsion notice is based on possession of a firearm or deadly weapon.
8. The Board may adopt the decision of a student expulsion hearing conducted by another school district provided such Board of Education held a hearing pursuant to C.G.S. 10-233d(a). Adoption of such a decision shall be limited to a determination of whether the conduct which was the basis for the expulsion would also warrant expulsion under the policies of this Board. The student shall be excluded from school pending such hearing. The excluded student shall be offered an alternative education opportunity in accordance with the provisions of 5 and 6 above.
9. Whenever a student against whom an expulsion hearing is pending withdraws from school and after notification of such hearing but before the hearing is completed and a decision rendered, (1) notice of the pending expulsion hearing shall be included on the student's cumulative educational record and (2) the Board shall complete the expulsion hearing and render a decision.
10. A student expelled for possession of a firearm or deadly weapon shall have the violation reported to the local police department or State Police if the student is enrolled in a regional vocational-technical school.
11. The Board will report annually to the Commissioner of Education, as prescribed, information pertaining to expulsions for weapons and/or dangerous instruments.

Prior Notice

The Superintendent shall provide for an effective means of informing all students and their parents or guardians of the Board's policy and this regulation at the beginning of each school year, or when the student enrolls or transfers during the school year.

Legal Reference: Conn. Gen. Stat. § 10-233d
Conn. Gen. Stat. § 21a-240 (Formerly Sec. 19-443). Definitions.
Conn. Gen. Stat. § 21a-277 (Formerly Sec. 19-480). Penalty for illegal manufacture, distribution, sale, prescription, dispensing.

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Legal Reference: continued
Conn. Gen. Stat. § 21a-278 (Formerly Sec. 19-480a). Penalty for illegal manufacture, distribution, sale, prescription or administration by non-drug-dependent person.

Litchfield Board of Education
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