Policy Committee

Monday, November 30, 2015 6:00 PM
Policy Committee, L.P. Wilson Community Center, Room 17, 601 Matianuck Avenue, Windsor, CT 06095

1. **Call to Order, Pledge to the Flag and Moment of Silence**
2. **Audience to Visitors**
3. **Review AR 5123.1 WHS Graduation Requirement**
4. **Review AR 5141.31 Immunizations**
5. **Review AR 4120.5 Concussion Training for Athletic Coaches**
6. **Review AR 6114 Emergencies and Disaster Preparedness--Emergency Closing of Schools**
7. **Review P/AR 3524.1 Use of Pesticides**
8. **Review P 5114 Student Discipline**
9. **Adjournment**

DRAFT
10/30/15

Section: **Students**

Subject: **PROMOTION / RETENTION**
Windsor High School Graduation Requirements

AR-5123.1

ADMINISTRATIVE REGULATION
WINDSOR PUBLIC SCHOOLS
WINDSOR, CT

I. Introduction

To graduate from Windsor High School a student must have earned a minimum of 23 credits **(25 credits effective with the Class of 2017),** must have met the credit distribution requirement, and must have completed **20 hours of verified community service beginning with the class of 2017**. Students also must meet performance standards in reading, writing, mathematics and science.

II. Credit Distribution Requirement

The following courses must be passed:

English	4 credits
Science	3 credits (biology, a physical science, and 1 additional credit in: chemistry, physics, integrated science 2, and/or 2 of the following: astronomy, aviation and flight, forensics, anatomy and physiology, marine biology, medical emergencies 1, microbiology, meteorology, or zoology)
Mathematics	3 credits
Social Studies	3.5 credits (early global studies, modern global studies, U.S., and civics history, world history)
Fine Arts	.5 credits (art or music)
Vocational/Tech Ed.	.5 credits (business, human and personal services, or technology education)
Physical Education/Health	1.5 credits (PE/Health 9, PE/Health 10, and one elective)

III. Promotion and Retention

The promotion and retention of students is based on earned academic credits. Promotion from grade 9 to grade 12 is determined by the following credit standards:

Grade 9 to 10	5.5 credits	(6.0 credits beginning with the class of 2017)
Grade 10 to 11	11.5 credits	(12.0 credits beginning with the class of 2017)

ADMINISTRATIVE REGULATION
WINDSOR PUBLIC SCHOOLS
WINDSOR, CT

Grade 11 to 12 17.0 credits (18.5 credits beginning with the class of 2017)

IV. Performance Standards: Reading, Writing, Mathematics and Science

A. Definition

1. Reading: Students will demonstrate the ability to read a short piece of fiction and develop a valid and supported written initial response, interpretation, connection and evaluation.

2. Writing: Students will demonstrate the ability to read a non-fiction article and respond critically in writing to a question called a prompt by producing an essay that is focused, organized, elaborated, and edited for Standard English conventions.

3. Mathematics: Students will demonstrate the ability to use mathematics to solve algebraic and or geometric multi-step problems. The student will be provided any required formulas and may use a calculator in completing the task. Also, the student will explain in writing either how s/he arrived at each answer or justify each answer in writing.

4. Science: Students will demonstrate the ability to use the process of scientific inquiry (describe, explain, and predict natural phenomena, use questioning, collect, analyze and interpret data, and assess the relevance, validity, and credibility of scientific information) to investigate scientific problems. The student will be provided with any required formulas and some information to complete the tasks. The student can explain, in writing, the process of scientific inquiry by analyzing and interpreting data, and using supporting content knowledge to identify and justify the answer.

B. Exemptions

1. Students will be exempt from the district performance standard if they have

   a. Achieved proficiency, that is, 3 or higher on the Connecticut Academic Performance Test (CAPT) Science Assessment.

OR

b. Achieved a minimum score of 500 on the SAT II in writing and mathematics.

OR

c. Achieved at least 1000 on the SAT I, with a minimum score of 500 on both the verbal and math sections.

OR

d. Achieved a minimum composite score of 20 on the ACT.

OR

e. Achieved a minimum score of 47 on the PSAT.

2. Transfers: If a student transfers into Windsor High School after completing at least three years in a high school in another district, s/he must have met the goal on the test from the sending district or state in order to be exempt from Windsor's performance standard requirement for graduation.

3. Special Needs: The performance standard requirement for graduation for a student with special needs may be modified if so indicated on the student's Individual Education Plan (IEP).

C. Implementation

1. Students who do not demonstrate proficiency on the CAPT Science assessment or through one of the alternative standards must retake the Science CAPT in their Junior year.

2. Students who do not demonstrate proficiency on the SBAC English/Language Arts assessment will be required to take and pass a remediation course during their Senior year.

3. Students who do not demonstrate proficiency on the SAT Mathematics assessment will be required to pass a District Performance Assessment during their Senior year.

4. Students will have opportunities within their English, social studies, mathematics and science courses to practice department developed and approved practice performance assessments.

ADMINISTRATIVE REGULATION
WINDSOR PUBLIC SCHOOLS
WINDSOR, CT

D. Notification

1. Of students:
   - The school counseling department will write to the to-be-juniors who do not meet the district performance standard through CAPT Science achievement or by achieving one of the exemption standards to remind them of the performance standard requirements for graduation.

2. Of parents:
   - Parents of 10th graders will be notified of their child's CAPT results in the fall of their junior year.
   - The school counseling department will notify in writing the parents of students who do not demonstrate proficiency in the CAPT Science, SBAC English/Language Arts, and/or SBAC Mathematics and inform them of the performance standard requirements for graduation.
   - The school counseling department will also notify in writing the parents of to-be seniors who have not met the performance standard goal in any area and thus must pass one or more of the remedial courses.

E. **Administration of Performance Standard Assessment**

1. Mathematics

   a. Mathematics teachers will administer practice performance assessments over the course of a student's junior year. Each assessment will be used as a classroom assignment for all students, will be graded by the teacher, and will be counted as part of the student's work for the marking period.

   b. Students who do not score proficient or higher on the SBAC Math assessment by the beginning of their senior year must take and pass a District Performance Assessment during their Senior year.

2. Science

a. Science teachers will administer performance assessments over the course of a student's junior year. Each assessment will be used as a classroom assignment for all students, will be graded by the teacher, and will be counted as part of the student's work for the marking period.

b. Students who do not score proficient or higher on the CAPT Science assessment by the beginning of their senior year must take and pass a District Performance Assessment during their Senior year.

F. Appeals

1. Reading and Writing

   a. A student whose score in the remedial class is at least 50% may appeal the grade by submitting a request for an appeal to the principal within 20 school days of receiving the score. A student must submit a statement explaining why the grade is incorrect. The principal or his/her designee will conduct an audit of the student's performance to assess their mastery of essential skills.

2. Mathematics and Science

   b. A student whose score on the assessment(s) is at least 50% may appeal the score by submitting a request for an appeal to the principal within 20 school days of receiving the score. A student must submit a statement, using the scoring rubric, explaining why the score is incorrect. If an appeal is made, the paper will be submitted anonymously to an administrator trained in mathematics or science assessment scoring.

The outcome of the review will be sent to the principal, who will communicate the result of the review to the student and the parents.

ADMINISTRATIVE REGULATION
WINDSOR PUBLIC SCHOOLS
WINDSOR, CT

V. Options If Requirements Are Not Met

A. Seniors who have earned the necessary 23 **(25 effective with the Class of 2017)** credits to graduate but have not met the district performance standard on one or more of the reading, writing, mathematics and science performance assessments must:

1. Enroll in summer school courses that if successfully completed would meet the standard, or

   Sit for a retake of the district performance assessment during the summer, the date of administration to be determined by the school system.

B. Seniors who are short .5 to 2.0 credits for graduation must:

1. Enroll in summer school and pass the courses needed to graduate.

2 If the student does not meet all necessary credit requirements for graduation through summer school, s/he can return to WHS in September but only to make-up those courses needed to graduate. [The student may not carry a full load of courses, and will be permitted on campus only during the time s/he is in class.]

OR

3. Attend night school or community college to earn the necessary credits for graduation.

Note: if the student has not met the district performance standard on one or more of the performance assessments, the student can sit for a retake of the performance assessment in the summer (See Section V. A. number 2 and 3).

C. Seniors who are short 3 or more credits toward graduation:

1. May return to Windsor High and carry a full load of courses. If, in addition, they have not met one or more of the district performance assessment standards, they will be required to participate in a structured remediation course. Students must pass the course to meet the standard.

Note: Any senior returning for another year of school must meet the graduation standard of the class with which they will graduate. In other words, if the standards have changed, a returning senior must comply with the new standards.

VI. Residency Requirement:

To receive a Windsor High School diploma, students must have earned a minimum of 5.50 credits while attending Windsor High School. Of the 5.50 credits earned at Windsor High School, 2.50 credits must be earned during the senior year. Students transferring to Windsor High School and planning to graduate in June of the school year in which they transferred, must be enrolled at the school no later than February 1st of that same school year to receive a Windsor High School diploma.

Reference:
P-0200 – Goals for Students
P-6146.1 – Reporting to Parents
AR-6146.1 – Reporting to Parents, Marking System
P-6146 - Graduation Requirements, Standards of Proficiency
Legal Reference - Connecticut General Statutes:
PA 99-288 An Act Concerning Education Accountability
10-221(a) Board of Education to prescribe rules
PA 01-166: An Act Concerning High School Graduation and the Connecticut Academic Performance Test

Regulation Approved:
Craig Cooke, Ph.D.
Superintendent of Schools

SHIPMAN & GOODWIN LLP
COUNSELORS AT LAW

Rational for Revised Administrative Regulation:

AR 5141.31 IMMUNIZATIONS

Public Acts 15-174 and 15-242, Section 68, both effective July 1, 2015, amend the current statutory provisions regarding the religious exemption from vaccination requirements for children prior to enrollment in public or nonpublic schools. The law now provides that parents or guardians may provide a statement asserting that required immunizations would be contrary to the religious beliefs of the child or the parents or guardian, but requires such a statement to be acknowledged by a judge, family support magistrate, a clerk or deputy clerk of a court having a seal, a town clerk, a notary public, a justice of the peace, a Connecticut attorney or a school nurse. The law requires that the parent or guardian must present such a statement, both prior to enrollment in school and before being permitted to enter seventh grade.

Section:	**Students**
Subject:	**IMMUNIZATIONS** **AR-5141.31**

ADMINISTRATIVE REGULATION
WINDSOR PUBLIC SCHOOLS
WINDSOR, CT

A. Proof of immunization shall be required prior to school entry. This immunization verification is mandatory for all new school enterers and must include complete documentation of those immunizations requiring a full series. A required immunization record includes:

1. For initial entry into school for kindergarten, regular and special education pre-school programs:

   a. 4 doses of DTP/DTaP vaccine (Diphtheria – Pertussis – Tetanus). At least one dose is required to be administered on or after the 4th birthday for children entering school at 48 to 71 months of age.

   b. (Pertussis immunization shall not be required after a student's sixth birthday)

   c. 3 doses of Polio vaccine with at least one dose of polio vaccine administered on or after the 4th birthday and before school entry (this then usually results in 4 doses in total).

   d. 2 doses of MMR vaccine (measles, mumps and rubella). One dose at 1 year of age or after and a second dose prior to school entry OR disease protection, confirmed in writing, by a physician, physician assistant or advanced practical registered nurse that the child has had a confirmed case of such disease based on specific blood testing conducted by a certified laboratory.

   e. 3 doses of Hepatitis B vaccine (HBV) or confirmed blood test (for any individual born January 1, 1994 or later)

   f. 1 dose of Hib (Hemophilus Influenza type B is required for all school children who enter school prior to their fifth birthday.

   g. Varicella (Chickenpox) Immunity

      i. All students born January 1, 1997 or later must show proof of immunity to Varicella (chickenpox) for entry into licensed pre-school programs and kindergarten.

      ii. Proof of immunity includes any of the following:

         - Documentation of age appropriate immunizations considered to be one dose administered on or after the student's first birthday.

- Serologic evidence of past infection.
- Statement signed and dated by a physician, physician assistant or advanced practice registered nurse indicating a child has already had chickenpox based on family and/or medical history (Date of chickenpox illness not required).

iii. All students are required to show proof of immunization or written verification of Varicella from physician for entry to 6th grade.

2. For entry into seventh (7th) grade:

a. Proof of having received 2 doses of measles-containing vaccine. In those instances at entry to seventh grade, where an individual has not received a second dose of measles contained vaccine, a second dose shall be given. If an individual has received no measles containing vaccines, the second dose shall be given no less than thirty (30) days after the first. (Students entering 7th grade must show proof of having received 2 doses of measles-containing vaccine).

b. Proof of Varicella (Chickenpox) Immunity.

i. Two doses, given at least 30 days apart for students whose initial vaccination is at 13 years of age and older, or

ii. Serologic evidence of past infection, or

iii. A statement signed and dated by a physician, physician assistant, or advanced practice registered nurse indicating that the child has already had chickenpox based on family and/or medical history. (Date of chickenpox illness not required.)

c. Proof of at least 3 (three) doses of Hepatitis B vaccine or show proof of serologic evidence of infection with Hepatitis B to enter 6th grade.

Current

Section:	**Students**
Subject:	**IMMUNIZATIONS** **AR-5141.31**

ADMINISTRATIVE REGULATION
WINDSOR PUBLIC SCHOOLS
WINDSOR, CT

3. Immunization requirements are satisfied if a student:

   a. presents verification of the above mentioned required immunizations;

   b. presents a certificate from a physician, physician assistant, advanced practice registered nurse or local health agency stating that initial immunizations have been administered to the child and additional immunizations are in process under guidelines and schedules specified by the Commissioner of Health; or

   c. presents a certificate from a physician stating that in the opinion of the physician, immunization is medically contraindicated because of the physical condition of the child; or

   d. presents a statement from the parents or guardian of the child that such immunization would be contrary to religious beliefs of the child.

   Students failing to meet the above requirements shall not be allowed to attend school.

In accordance with state law, the Windsor Board of Education shall not be liable for civil damages resulting from an adverse reaction to a non-defective vaccine required to be administered by state law.

Section:	**Students**
Subject:	**IMMUNIZATIONS** **AR-5141.31**

ADMINISTRATIVE REGULATION
WINDSOR PUBLIC SCHOOLS
WINDSOR, CT

Legal Reference: Connecticut General Statutes

10-204 Vaccination.
10-204a Required immunizations.
10-204c Immunity from liability.
Public Act 03-211 "An Act Concerning the Provision of Medical Care for Students' Health Care Needs"

Connecticut Agencies Regulations
10-204a-2a Adequate Immunization

Regulation approved: May 19, 2009

Elizabeth E. Feser, Ed.D.
Superintendent of Schools

Series 5000
Students

ADMINISTRATIVE REGULATIONS REGARDING IMMUNIZATIONS

In accordance with state law and accompanying regulations, the _____ Board of Education requires each child to be protected by adequate immunization against diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps, rubella, hemophilus influenzae type B, hepatitis A, hepatitis B, varicella, pneumococcal diseases, meningococcal disease and any other vaccine required by the schedule for active immunization as determined by the Commissioner of Public Health pursuant to Conn. Gen. Stat. § 19a-7f, prior to enrolling in any program or school under its jurisdiction.

Among other requirements, before being permitted to enter seventh grade, the Board requires each child to be vaccinated against meningococcal disease. The Board further requires each child to receive a second immunization against measles and tetanus, diphtheria and pertussis (Tdap) before being permitted to enter seventh grade.

~~In addition to existing requirements, for the 2011-2012 school year, and every school year thereafter~~Further, each child must have received two doses of immunization against varicella before being permitted to enter kindergarten and seventh grade~~. Also for the 2011-2012 school year, and every school year thereafter,~~, and each child must have received two doses of immunization against rubella and mumps before being permitted to enter grades kindergarten through twelve.

[If the Board operates a preschool program, the following language should be added:

~~Beginning January 1, 2012, and each~~By January 1 ~~thereafter~~of each year, children aged 24-59 months enrolled in the Board's preschool program must show proof of receipt of at least one dose of influenza vaccine between August 1 and December 31 of the preceding year. All children aged 24-59 months who have not received vaccination against influenza previously must show proof of receipt of two doses of the vaccine the first influenza season that they are vaccinated. Children seeking to enroll in the Board's preschool program between January 1 and March 31 are required to receive the influenza vaccine prior to being permitted to enter the program. Children who enroll in the preschool program after March 31 of any given year are not required to meet the influenza vaccine requirement until the following January.]

Exemption from the pertinent requirements of these administrative regulations shall be granted to any child who, prior to enrollment:

(1) presents a certificate from a physician, physician assistant, advanced practice registered nurse or local health agency stating that initial immunizations have been given to such child and additional immunizations are in process under guidelines and schedules specified by the Commissioner of Health; or

(2) presents a certificate from a physician, physician assistant, or advance practice registered nurse stating that in the opinion of a such physician, such immunization is medically contraindicated because of the physical condition of such child; or

(3) presents a statement from the parents or guardian of such child that such immunization would be contrary to the religious beliefs of such child or the parents or guardian of such child, which statement shall be acknowledged by

(A) a judge of a court of record or a family support magistrate,
(B) a clerk or deputy clerk of a court having a seal,
(C) a town clerk,
(D) a notary public,
(E) a justice of the peace,
(F) an attorney admitted to the bar of the State of Connecticut, or
(G) a school nurse; or

(4) in the case of measles, mumps or rubella, presents a certificate from a physician, physician assistant or advanced practice registered nurse or from the Director of Health in such child's present or previous town of residence, stating that the child has had a confirmed case of such disease; or

(5) in the case of hemophilus influenzae type B, has passed his/her fifth birthday; or

(6) in the case of pertussis, has passed his/her sixth birthday.

Before being permitted to enter the seventh grade, the parents or guardian of any child who is exempt on religious grounds from the immunization requirements, pursuant to subsection (3) above, shall present to the Board a statement that such immunization requirements are contrary to the religious beliefs of such child or the parents or guardian of such child, which statement shall be acknowledged in the same manner as required by subsection (3) above.

In accordance with state law, the _____Board of Education shall not be liable for civil damages resulting from an adverse reaction to a nondefective vaccine required to be administered by state law.

The Board of Education designates **[insert name of responsible staff member]** as the representative for receipt of reports from health care providers concerning student immunizations.

The regulations concerning required immunizations for elementary (including preschool), middle and high school students can be found at: http://www.ct.gov/dph/lib/dph/school_regulations_2010.pdf

Legal Reference: Connecticut General Statutes
§ 10-204a Required immunizations
§ 10-204c Immunity from liability

Public Act ~~11-242~~ 15-174, "An Act Concerning Childhood Vaccinations."

Public Act 15-242, "An Act Concerning Various Revisions ~~To~~ to the Public Health ~~Related~~ Statutes."

Connecticut Agencies Regulations
§ 10-204a-2a Adequate Immunization

Letter to Superintendents of Schools et al. from Connecticut State Department of Education, *Reinstatement of Prekindergarten and Kindergarten School Immunization Entry Requirement for Haemophilus Influenza Type B (Hib) Vaccine*, June 25, 2010.

Letter to Superintendents of Schools et al. from Connecticut State Department of Education, *Changes in the Immunization Requirements for School Entry*, March 15, 2011.

ADOPTED_____
REVISED:_____
~~3/2011~~8/26/2015

SHIPMAN & GOODWIN LLP
COUNSELORS AT LAW

Rational for Revised Administrative Regulation:

AR 4120.5 CONCUSSION TRAINING FOR ATHLETIC COACHES

Public Act 14-66, "An Act Concerning Youth Athletics and Concussions," included several provisions that became effective with the 2015-2016 school year. Notably, starting with the 2015-2016 school year, before a student may participate in any intramural or interscholastic athletic activity, the student athlete and the parent or legal guardian of such student athlete must review the concussion education plan implemented by the school district, either through review of written materials, or attendance at online or in-person training. Absent receipt of such training by both the student athlete and the student athlete's parent or legal guardian, the student athlete may not participate in any intramural or interscholastic athletic activity.

Public Act 14-66 also added another prerequisite for participation in intramural or interscholastic athletic activities. Prior to a student's participation in any intramural or interscholastic activity, the parent or legal guardian must sign and return an informed consent form, attesting to the fact that the parent or legal guardian has received the consent form and authorizing the student athlete to participate in the athletic activity.

CONCUSSION **MANAGEMENT AND** TRAINING FOR ATHLETIC COACHES

For purposes of these administrative regulations concerning training regarding concussions and head injuries, the term "coach" means any person who holds or is issued a coaching permit by the Connecticut State Department of Education and who is hired by the Windsor Board of Education to coach intramural or interscholastic athletics.

Mandatory Training Concerning Concussions

1. Any coach of intramural or interscholastic athletics, who holds or is issued a coaching permit, must, before commencing his/her coaching assignment for the season, complete an initial training course concerning concussions, which are a type of brain injury. This training course must be approved by the State Department of Education.

2. Coaches must provide proof of initial course completion to the Athletic Director or his/her designee prior to commencing their coaching assignments for the season in which they coach.

3. One year after receiving an initial training, and every year thereafter, coaches must review current and relevant information regarding concussions prior to commencing their coaching assignments for the season. This current and relevant information shall be that approved by the State Department of Education. Coaches need not review this information in the year they are required to take a refresher course, as discussed below.

4. Coaches must complete a refresher course concerning concussions and head injuries not later than five (5) years after receiving their initial training course, and once every five (5) years thereafter. Coaches must provide proof of refresher course completion to the Athletic Director or his/her designee prior to commencing their coaching assignments for the season in which they coach.

5. The Board shall consider a coach as having successfully completed the initial training course regarding concussions and head injuries if such coach completes a course that is offered by the governing authority for intramural and interscholastic athletics and is substantially similar, as determined by the Department of Education, to the training course required by subsection 1 of these administrative regulations, provided such substantially similar course is completed on or after January 1, 2010, but prior to the date the State Board of Education approves the training course discussed in subsection 1 of these administrative regulations.

Concussion Management

1. Any coach of any intramural or interscholastic athletics shall immediately remove a student athlete from participating in any intramural or interscholastic athletic activity who:

a. is observed to exhibit signs, symptoms or behaviors consistent with a concussion following an observed or suspected blow to the head or body; or

b. is diagnosed with a concussion, regardless of when such concussion may have occurred.

2. Upon removal from participation, a school principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by a school district, or coach shall notify the student athlete's parent or legal guardian that the student athlete has exhibited such, signs, symptoms or behaviors consistent with a concussion or has been diagnosed with a concussion. Such principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by a school district, or coach shall provide such notification not later than twenty-four (24) hours after such removal and shall make a reasonable effort to provide such notification immediately after such removal.

3. The coach shall not permit such student athlete to participate in any supervised team activities involving physical exertion, including, but not limited to, practices, games or competitions, until such student athlete receives written clearance to participate in such supervised team activities involving physical exertion from a licensed health care professional trained in the evaluation and management of concussions.

4. Following receipt of clearance, the coach shall not permit such student athlete to participate in any full, unrestricted supervised team activities without limitations on contact or physical exertion, including, but not limited to, practices, games or competitions, until such student athlete:

a. no longer exhibits signs, symptoms or behaviors consistent with a concussion at rest or with exertion; and

b. receives written clearance to participate in such full, unrestricted supervised team activities from a licensed health care professional trained in the evaluation and management of concussions.

5. The Board shall prohibit a student athlete from participating in any intramural or interscholastic athletic activity unless the student athlete, and a parent or guardian of such athlete receives training regarding the concussion education plan developed or approved by the State Board of Education by:

a. reading written materials;

b. viewing online training videos; or

c. attending in-person training regarding the concussion education plan developed or approved by the State Board of Education.

6. The Board shall annually provide each participating student athlete's parent or legal guardian with a copy of an informed consent form approved by the State Board of Education and obtain the parent or guardian's signature, attesting to the fact that such parent or guardian has received a copy of such form and authorizes the student athlete to participate in the athletic activity.

Reporting Requirements

1. The school principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by a school district, or coach who informs a student athlete's parent or guardian of the possible occurrence of a concussion shall also report such incident to the nurse supervisor, or designee.

2. The nurse supervisor, or designee, shall follow-up on the incident with the student and/or the student's parent or guardian and maintain a record of all incidents of diagnosed concussions. Such record shall include, if know:

   a. The nature and extent of the concussion; and

   b. The circumstances in which the student sustained the concussion.

3. The nurse supervisor, or designee, shall annually provide such record to the State Board of Education.

Miscellaneous

1. For purposes of these administrative regulations, "licensed health care professional" means a physician licensed pursuant to Chapter 370 of the Connecticut General Statutes, a physician assistant licensed pursuant to Chapter 370 of the Connecticut General Statutes, an advanced practice registered nurse licensed pursuant to Chapter 378 of the Connecticut General Statutes, or an athletic trainer licensed pursuant to Chapter 375a of the Connecticut General Statutes.

2. Should a coach fail to adhere to the requirements of these administrative regulations, the coach may be subject to discipline up to and including termination, as well as permit revocation by the State Board of Education.

Legal References

Conn. Gen. Stat. § 10-149b. Training courses for coaches re concussions and head injuries.

Conn. Gen. Stat. § 10-149c. Student athletes and concussions. Removal from athletic activities.

Public Act 14-66, "An Act Concerning Youth Athletics And Concussions"

Administrative Regulation approved: ~~1/5/15~~

Craig A. Cooke, Ph.D.
Superintendent of Schools

Windsor Public Schools
Windsor, CT

School Name_____

Student and Parent Concussion Informed Consent Form
2015-16

This consent form was developed to provide students, parents and legal guardians with current and relevant information regarding concussions and to comply with Connecticut General Statutes (C.G.S.) Chapter 163, Section 149b: *Concussions: Training courses for coaches. Education plan. Informed consent form. Development or approval by State Board of Education. Revocation of coaching permit;* and Section 10-149c: *Student athletes and concussions. Removal from athletic activities. Notification of parent or legal guardian. Revocation of coaching permit.*

What is a Concussion?

National Athletic Trainers Association (NATA) - *A concussion is a "trauma induced alteration in mental status that may or may not involve loss of consciousness."*

Centers for Disease Control and Prevention (CDC) - *"A concussion is a type of traumatic brain injury, or TBI, caused by a bump, blow, or jolt to the head or by a hit to the body that causes the head and brain to move rapidly back and forth. This sudden movement can cause the brain to bounce around or twist in the skull, stretching and damaging the brain cells and creating chemical changes in the brain."* -CDC, Heads Up: Concussion. http://www.cdc.gov/headsup/basics/concussion_whatis.html

Even a "ding," "getting your bell rung," or what seems to be mild bump or blow to the head can be serious." -CDC, Heads Up: Concussion Fact Sheet For Coaches http://www.cdc.gov/headsup/pdfs/custom/headsupconcussion_fact_sheet_coaches.pdf

Section 1. Concussion Education Plan Summary

The Concussion Education Plan and Guidelines for Connecticut Schools was approved by the Connecticut State Board of Education in January 2015. Below is an outline of the requirements of the Plan. The complete document is accessible on the CSDE Web site: http://www.sde.ct.gov/sde/cwp/view.asp?a=2663&q=335572

State law requires that each local and regional board of education must approve and then implement a concussion education plan by using written materials, online training or videos, or in-person training that addresses, at a minimum, the following:

1. The recognition of signs or symptoms of a concussion.
2. The means of obtaining proper medical treatment for a person suspected of sustaining a concussion.
3. The nature and risks of concussions, including the danger of continuing to engage in athletic activity after sustaining a concussion.
4. The proper procedures for allowing a student-athlete who has sustained a concussion to return to athletic activity.
5. Current best practices in the prevention and treatment of a concussion.

Section 2. Signs and Symptoms of a Concussion: Overview

A concussion should be suspected if any one or more of the following signs or symptoms are present, or if the coach/evaluator is unsure, following an impact or suspected impact as described in the CDC definition above.

Signs of a concussion may include (i.e. what the athlete displays/looks like to an observer):

- Confusion/disorientation/irritability
- Trouble resting/getting comfortable
- Lack of concentration
- Slow response/drowsiness
- Incoherent/slurred speech
- Slow/clumsy movements
- Loss of consciousness
- Amnesia/memory problems
- Acts silly, combative or aggressive
- Repeatedly asks the same questions
- Dazed appearance
- Restless/irritable
- Constant attempts to return to play
- Constant motion
- Disproportionate/inappropriate reactions
- Balance problems

Symptoms of a concussion may include (i.e. what the athlete reports)

- Headache or dizziness
- Nausea or vomiting
- Blurred or double vision
- Oversensitivity to sound/light/touch
- Ringing in ears
- Feeling foggy or groggy

State law requires that a coach MUST immediately remove a student-athlete from participating in any intramural or interscholastic athletic activity who: a) is observed to exhibit signs, symptoms or behaviors consistent with a concussion following a suspected blow to the head or body, or b) is diagnosed with a concussion, regardless of when such concussion or head injury may have occurred. **Upon removal of the athlete, a qualified school employee must notify the parent or legal guardian within 24 hours that the student athlete has exhibited signs and symptoms of a concussion.**

~~8/3/14~~

 © 2015 Shipman & Goodwin LLP. All Rights Reserved.

Section 3. Return to Play (RTP) Protocol Overview

Currently, it is impossible to accurately predict how long an individual's concussion will last. There must be full recovery before a student-athlete is allowed to resume participating in athletic activity. Connecticut law now requires that no athlete may resume participation until she/he has received written medical clearance from a licensed health care professional (physician, physician assistant, advanced practice registered nurse (APRN), athletic trainer) trained in the evaluation and management of concussions.

Concussion Management Requirements:

1. No athlete shall return to participation in the athletic activity on the same day of a concussion.
2. If there is any loss of consciousness, vomiting or seizures, the athlete MUST be transported immediately to the hospital.
3. Close observation of an athlete MUST continue following a concussion. The athlete should be monitored following the injury to ensure that there is no worsening/escalation of symptoms.
4. Any athlete with signs or symptoms related to a concussion MUST be evaluated by a licensed health care professional (physician, physician assistant, advanced practice registered nurse (APRN), athletic trainer) trained in the evaluation and management of concussions.
5. The athlete MUST obtain an initial written clearance from one of the license health care professionals identified above directing her/him into a well-defined RTP stepped protocol similar to the one outlined below. If at any time signs or symptoms return during the RTP progression, the athlete should cease activity.
6. After the RTP protocol has been successfully administered (no longer exhibits any signs or symptoms or behaviors consistent with concussions), final written medical clearance is required by one of the licensed health care professionals identified above for the athlete to fully return to unrestricted participation in practices and competitions.

Medical Clearance RTP protocol (at least one full day between steps recommended)

Rehabilitation stage	Functional exercise at each stage of rehabilitation	Objective of each stage
1. No activity	Complete physical and cognitive rest until asymptomatic; School activities may need to be modified	Recovery
2. Light aerobic exercise	Walking, swimming or stationary cycling maintaining intensity at less than 70% of maximal exertion; no resistance training	Increase heart rate
3. Sport-specific exercise No contract	Skating drills in ice hockey, running drills in soccer; no head impact activities	Add movement
4. Non-contact sport drills	Progression to more complex training drills, such as passing drills in football and ice hockey; may start progressive resistance training	Exercise, coordination and cognitive load
5. Full contact sport drills	Following final medical clearance, participate in normal training activities	Restore confidence and assess functional skills by coaching staff
6. Full activity	No restrictions	Return to full athletic performance

*If at any time signs or symptoms should worsen during the RTP progression the athlete should stop activity that day. If the athlete's symptoms are gone the next day, she/he may resume the RTP progression at the last step completed in which no symptoms were present. If symptoms return and do not resolve, the athlete should be referred back to her/his medical provider.

Section 4. Local/Regional Board of Education Policies Regarding Concussions

****** Attach local or regional board of education concussion policies ******

I have read and understand the Student and Parent Concussion Informed Consent Form and the attached board of education policies regarding concussions and understand the severities associated with concussions and the need for immediate treatment of such injuries.

Student name: _____ **Date:** _____ **Signature:** _____
(Print Name)

I authorize my child to participate in _____ **for school year** _____
(Sport/Activity)

Parent/Guardian name: _____ **Date:** _____ **Signature:** _____
(Print Name)

References:

1. NFHS. Concussions. 2008 NFHS Sports Medicine Handbook (Third Edition). 2008: 77-82. http://www.nfhs.org. http://journals.lww.com/cisportsmed/Fulltext/2009/05000/Consensus_Statement_on_Concussion_in_Sport.3rd.1.aspx.
2. CDC. *Heads Up: Concussion in High School Sports.* http://www.cdc.gov./NCIPC/tbi/Coaches_Tool_Kit.htm.
3. CIAC Concussion Central - http://concussioncentral.ciacsports.com/.

Resources:

- CDC. *Injury Prevention & Control: Traumatic Brain Injury*. Retrieved on June 1, 2015. http://www.cdc.gov/Traumatic BrainInjury/index.html
- CDC. *Heads Up: Concussion in High School Sports Guide for Coaches*. Retrieved on June 1, 2015. http://www.cdc.gov/headsup/highschoolsports/coach.html
- CDC. *Heads Up: Concussion* materials, fact sheets and online courses. Retrieved on June 6, 2015. http://www.cdc.gov/headsup/

1629398v7 © 2015 Shipman & Goodwin LLP. All Rights Reserved.

Current

Section:	INSTRUCTION	
Subject:	EMERGENCIES & DISASTER PREPAREDNESS	AR-6114

BOARD OF EDUCATION POLICY
WINDSOR PUBLIC SCHOOLS
WINDSOR, CT

EMERGENCY CLOSING OF SCHOOLS

If it should become necessary to close the schools for the whole day due to inclement weather, or for other emergency reasons, announcements will be made on the radio stations below. In order to keep the lines open for emergency calls, citizens are requested not to call the police department, radio stations, or board office for school closing information.

WDRC - 1360 AM/102.9 FM

WTIC - 1080 AM/96.5 FM

WKSS - 95.7 FM

WPOP - 1410 AM/104 FM

WKND - 1480 AM

WRCH - 100.5 FM/910 AM

WWYZ - 92.5 FM

WZMX - 93.7 FM

On any day that it appears as though schools may be closed because of weather conditions, teachers should be contacted on the fanout plan. If in doubt the principal should be called. Teachers should remind pupils to listen to the radio so that telephone calls will not be made to the school office or to the homes of school administrators.

Regulation approved: 5/10/94

James R. Myers, Ph.D.
Superintendent of Schools

Section:	**Instruction**	
Subject:	**EMERGENCIES AND DISASTER PREPAREDNESS**	**AR-6114**

BOARD OF EDUCATION POLICY
WINDSOR PUBLIC SCHOOLS
WINDSOR, CT

1. Emergency Closing of Schools

   A. If it should become necessary to close the schools for the whole day or for a delayed opening or early dismissal due to inclement weather or for other emergency reasons, the School Messenger Broadcast System will be activated to inform district families and staff. Closures will also be listed on the tv and radio stations below. In order to keep the telephone lines open for emergency calls, citizens and district families are requested not to call the police department or school offices for school closing information.

      WVIT Channel 30 (TV)
      WFSB Channel 3 (TV)
      WTNH Channel 8 (TV)
      FOX CT (TV)
      WTIC AM 1080/96.5 FM (Radio)
      WRCH 100.5/WZMX 93.7 (Radio)
      WDRC 1360 AM/102.9 FM (Radio)

   B. On any day that it appears as though schools may be closed because of weather conditions, teachers and staff will be contacted via the School Messenger Broadcast System.

****

Legal Reference:
10-231 Fire drills

Regulation approved: ~~4/14/81~~

Rational for Revised Policy:

P 3524.1 Use of Pesticides

The General Assembly made several changes to required notifications about the application of pesticides at schools. Under current law, parents or guardians and school staff may register to receive prior notice of pesticide application at a school that includes specific information about the application. Section 437 of the Act also requires that the notification provided by schools with integrated pest management plans must include information about the target pests.

The new law also provides for several other notification requirements for schools. As of October 1, 2015, in addition to the existing notification requirements for schools, boards of education must now also provide at least twenty-four hours' notice about the application of a pesticide on the applicable school's homepage (or the district's homepage if there is no school website). In addition, although the legislation is unclear, boards of education may also have a separate obligation to provide such notice through "the primary social media account" of the school or district. In addition, each board of education must indicate on its homepage how parents can register for prior notice of pesticide applications. Furthermore, by March 15 of each year, each board of education must send through the school's or district's email notification or alert system, specific information about each pesticide application since January 1 of that year and a listing of such notices for applications made between March 15 and December 31 of the preceding year. Specifically, this information must include the name of the active ingredient of the pesticide, the target pest, the location of the application on school property, the date of the application and the name of a school official who can be contacted for more information. Finally, each board of education must also print the required email notification in parent handbooks or manuals, although districts are not required to reprint any handbooks or manuals for this purpose.

Finally, Section 438 of the Act provides expanded definitions of pesticides and related materials.

Current

Section:	**Business/Non-Instructional Operations**
Subject:	**USE OF PESTICIDES** **P-3524.1**

BOARD OF EDUCATION POLICY
WINDSOR PUBLIC SCHOOLS
WINDSOR, CT

Pest Management

The Board of Education will use all available pest control techniques, including judicious use of pesticides when warranted, to maintain a pest population at or below an acceptable level, while decreasing the unnecessary use of pesticides. Using alternative methods of pest control including structural maintenance, sanitation and mechanical or biological control will minimize the amount of pesticides applied. These methods will help to eliminate food, moisture and harborage for pests, making their survival more difficult.

When alternative methods fail to control pest populations at or below acceptable levels, pesticides may be applied. All applications of pesticide, except those required to eliminate an immediate threat to human health, where it is impractical to obtain the services of a properly certified applicator and does not involve a restricted use pesticide, are to be performed by properly certified and supervised pesticide applicators.

No application of pesticide may be made in any building or on the grounds of any school during regular school hours or during planned activities except that an emergency application may be made to eliminate an immediate threat to human health if necessary and if a restricted use pesticide is not involved.

Records of any pesticide applications shall be maintained at each school for a period of five (5) years.

Notification

At the beginning of each school year the staff at each school and parents/guardians of each student will be provided with the following:

1. A copy of the Board's policy on pesticide application on school property.
2. A description of any pesticide applications made during the previous school year.
3. Notification that staff and parents/guardians may register for advance notice of pesticide applications.
4. A description of emergency notification procedures.

Section:	**Business/Non-Instructional Operations**
Subject:	**USE OF PESTICIDES** **P-3524.1**

BOARD OF EDUCATION POLICY
WINDSOR PUBLIC SCHOOLS
WINDSOR, CT

The information in 1-4 above shall also be provided to the parents/guardians of any child who transfers into a school during the school year.

Except for emergency applications as defined above, all staff and parents/guardians who have registered for advance notice shall receive notice at least 24 hours prior to any application of pesticides at their school. Parents/guardians are to receive notice by mail while staff may receive notice by any means practical.

Policy Adopted: October 17, 2006

Legal Reference:
Connecticut General Statutes

22a-46. Short title: Connecticut Pesticide Control Act.

22a-54. Pesticide applicators, certification, classification, notice, fees, reciprocity; financial responsibility; aircraft, tree, public employee applicators.

22a-58. Records to be kept by distributors and applicators.

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) 7 U. S. Code 136 et seq.

19a-79. An Act Concerning Notice of Pesticide Applications at Schools and Day Care Centers.

Current

Section: **Business/Non-Instructional Operations**

Subject: **USE OF PESTICIDES** **AR-3524.1**

ADMINISTRATIVE REGULATION
WINDSOR PUBLIC SCHOOLS
WINDSOR, CT

Definitions

As used herein, "**pesticide**" means a fungicide used on plants, an insecticide, a herbicide or a rodenticide but does not mean a sanitizer, disinfectant, antimicrobial agent or a pesticide bait.

As used herein, an "**emergency application**" means an application of pesticide to eliminate an immediate threat to human health where no restricted use pesticide, as defined in C.G.S. 22a-47, is involved.

General Requirements

No person, other than a pesticide applicator with supervisory or a pesticide applicator with operational certification under the direct supervision of a supervisory pesticide applicator, may apply pesticide within any building or on the grounds of any school. This requirement does not apply for an emergency application where it is impractical to obtain the services of any such applicator.

No application of pesticide may be made in any school building or on any school grounds during regular school hours or during planned activities at the school except that an emergency application may be made if deemed necessary by the Physical Plant Manager or designee.

No child may enter an area where pesticides have been applied until it is safe to do so according to the provisions of the pesticide label.

Notification & Registration

Prior to the first day of school each year, the Physical Plant Manager or designee will distribute the following information to all schools for distribution among school staff and the parent/guardian of each enrolled student:

1. A copy of the Board of Education's policy on pesticide application on school property, P-3524.1.

2. A description of any pesticide applications made during the previous school year.

3. Registration instructions for those staff members and parents/guardians who wish to receive advance notice of pesticide applications.

4. A description of applicable emergency notification procedures.

The Physical Plant Manager or designee will also provide the information of II.A.1-4 to the Central Student Registration Office for distribution to the parents/guardians of all students who transfer into the District during the school year.

The Physical Plant Manager or designee will maintain a data base for each school of those staff members and parents/guardians who wish to receive advance notice of pesticide applications.

1. Prior to any non-emergency application of pesticide within a school building or on school grounds, the Physical Plant Manager or his/her designee shall mail notice to all registered parents/guardians such that the notice is received at least 24 hours in advance of the application. Notice shall be provided to registered staff by any means practicable.

2. The advance written notice shall include the:
    a. Pesticide's active ingredient.
    b. Name of the target pest.
    c. Location of the application.
    d. Date of the application.
    e. Name of the school administrator or designee to be contacted for further information.

3. Application of pesticide without prior notice may be made only when all of the following conditions are met:
    a. An immediate threat to human health exists.
    b. All registered staff members and registered parents/guardians are provided notice, by any means practicable, on or before the day of the application.

General Pest & Rodent Controls

Applicable Pests

ADMINISTRATIVE REGULATION
WINDSOR PUBLIC SCHOOLS
WINDSOR, CT

1. General pests refer to cockroaches, ants, winged termite swarmers emerging indoors, incidental/occasional invaders such as bees and wasps, flies and other arthropods. Populations of these pests that are located immediately outside of a school building and pose a possible infestation problem are also included.

2. Rodent control refers to commensal rodents such as the Norway rat, roof rat, house mouse, deer mouse and white-footed mouse.

Procedures

1. All pest control services will be performed and supervised by properly certified and licensed technicians and supervisors.

2. Regular inspections of all Windsor Public Schools, the L. P. Wilson Center and the Windsor High School Field House will be conducted monthly (or more frequently if necessary) after normal school hours.

    a. These routine service calls will include a visual inspection of all pest-monitoring devices and potential problem areas such as kitchens, cafeterias, locker rooms, swimming pool areas, etc.
    b. The on-duty custodian staff will provide access to locked areas as required.
    c. A written report, including written recommendations to be accomplished by the District's maintenance staff, will be prepared following each service call.
    d. The Physical Plant Manager will be responsible for acting on these recommendations as quickly as practical. He/she will document in writing those recommendations, if any, which will <u>not</u> be followed and state the reasons if no action is to be taken as required by RCSA Sec.22a-661-1(c). Otherwise, all recommendations will be followed.

3. When reasonable alternative techniques have failed to maintain pest populations at or below acceptable levels, the pest control technician may recommend the use of pesticides.

    a. When pesticide use is recommended, the least toxic pesticide should be the first recommended.
    b. All recommendations for the application of pesticides in a school building or on school grounds shall be forwarded to the Physical Plant Manager or designee for advance written approval.

c. Prior to authorizing the application of pesticides, the Physical Plant Manager or designee shall ensure that:

(1) The notification requirements of II.A-C above have been satisfied.
(2) Except for an emergency application to eliminate an immediate threat to human health, the application will not be made during regular school hours or during planned activities at the school.

4. All pesticide applications shall be recorded on a Record of Pesticide Applications form located in the Head Custodian's Office at each school.

a. The Head Custodian shall retain each Record of Pesticide Applications at each school for a period of at least five (5) years.
b. The Head Custodian will also forward a copy of each completed Record of Pesticide Applications to the Physical Plant Manager or designee.

Exterior Weed & Insect Control

Applicable Pests

1. Weed control refers to all unwanted broadleaf weeds and grasses.

2. Insects include white grubs, chinch bug, sod webworms/cutworms, hyperodes weevil, black turfgrass ataenius, Japenese beetles, Quropean chafer, masked chafer, oriental beetle and Asiatic garden beetle. Applications of pesticides will be limited in an effort to preserve populations of beneficial insects and nematodes.

Procedures

1. All pest control services will be performed and supervised by properly certified and licensed technicians and supervisors.

2. Town of Windsor staff will conduct regular inspections of the grounds at all Windsor Public Schools, the L. P. Wilson Center and the Windsor High School Field House.

ADMINISTRATIVE REGULATION
WINDSOR PUBLIC SCHOOLS
WINDSOR, CT

3. When reasonable alternative techniques have failed to maintain pest populations at or below acceptable levels, the pest control technician may recommend the use of pesticides.

    a. When pesticide use is recommended, the least toxic pesticide should be the first recommended.
    b. All recommendations for the application of pesticides on school grounds shall be forwarded to the Physical Plant Manager or designee for advance written approval.
    c. Prior to authorizing the application of pesticides, the Physical Plant Manager or designee shall ensure that:

        (1) The notification requirements of II.A-C above have been satisfied.
        (2) Except for an emergency application to eliminate an immediate threat to human health, the application will not be made during regular school hours or during planned activities at the school.

4. All pesticide applications shall be recorded on a Record of Pesticide Applications form located in the Head Custodian's Office at each school.

    a. The Head Custodian shall retain each Record of Pesticide Applications at each school for a period of at least five (5) years.
    b. The Head Custodian will also forward a copy of each completed Record of Pesticide Applications to the Physical Plant Manager or designee.

Regulation Approved: October 17, 2006

Elizabeth E. Feser, Ed.D.
Superintendent of Schools

Attachments:
Pest Control Service Report
19a-79– An Act Concerning Notice of Pesticide Applications at Schools and Day Care Centers

Pest Control Service Report

Location: _____ **Date:** _____

Pest Control Co: _____ **Technician:** _____ **Time In:** _____

Certification #: _____ **Certification #:** _____ **Time Out:** _____

Location Monitored	Activity Noted	Alternative Actions Taken	Recommendations for School Staff Action	Recommended Pesticide Applications

The above pesticide recommendations are approved for application on _____ between _____ and _____ .

Physical Plant Manager or designee: _____ **Date:** _____

Pesticide Application Record

Pest Control Co: _____ **Technician:** _____ **Supervisor:** _____

Certification #: _____ **Certification #:** _____ **Certification #:** _____

Date	Time Started	Time Completed	Pesticide	Rate/Amount	Target Pest	Area Treated

Substitute House Bill No. 6883
Public Act No. 99-165
An Act Concerning Notice of Pesticide Applications at Schools and Day Care Centers.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Sec. 1. (NEW) As used in sections 2 to 5, inclusive, of this act, "pesticide" means a fungicide used on plants, an insecticide, a herbicide or a rodenticide but does not mean a sanitizer, disinfectant, antimicrobial agent or a pesticide bait.

Sec. 2. (NEW) On and after July 1, 2000, no person, other than a pesticide applicator with supervisory certification under section 22a-54 of the general statutes or a pesticide applicator with operational certification under section 22a-54 of the general statutes under the direct supervision of a supervisory pesticide applicator, may apply pesticide within any building or on the grounds of any school, other than a regional vocational agriculture center. This section shall not apply in the case of an emergency application of pesticide to eliminate an immediate threat to human health where it is impractical to obtain the services of any such applicator provided such emergency application does not involve a restricted use pesticide, as defined in section 22a-47 of the general statutes.

Sec. 3. (NEW) (a) As used in this section, "local or regional board of education" means a local or regional board of education that does not have an integrated pest management plan for the schools under its control that is consistent with an applicable model plan provided by the Commissioner of Environmental Protection under section 22a-66l of the general statutes, and "school" means a school, other than a regional vocational agriculture center, under the control of a local or regional board of education.

(b) On and after July 1, 2000, at the beginning of each school year, each local or regional board of education shall provide the staff of each school and the parents or guardians of each child enrolled in each school with a written statement of the board's policy on pesticide application on school property and a description of any pesticide applications made at the school during the previous school year. Such statement and description shall be provided to the parents or guardian of any child who transfers to a school during the school year. Such statement shall (1) indicate that the staff, parents or guardians may register for prior notice of pesticide applications at the school, and (2) describe the emergency notification procedures provided for in this section. Notice of any modification to the pesticide application policy shall be sent to any person who registers for notice under this section.

(c) On and after July 1, 2000, parents or guardians of children in any school and school staff may register for prior notice of pesticide application at their school. Each school shall maintain a registry of persons requesting such notice. Prior to providing for any application of pesticide within any building or on the grounds of any school, the local or regional board of education shall provide for the mailing of notice to parents and guardians who have registered for prior notice under this section such that the notice is received no later than twenty-four hours prior to such application. Notice shall be given by any means practicable to school staff who have registered for such notice. Notice under this subsection shall include (1) the name of the active ingredient of the pesticide being applied, (2) the target pest, (3) the location of the application on the school property, (4) the date of the application, and (5) the name of the school administrator, or a designee, who may be contacted for further information.

(d) On and after July 1, 2000, no application of pesticide may be made in any building or on the grounds of any school during regular school hours or during planned activities at any school except that an emergency application may be made to eliminate an immediate threat to human health if (1) it is necessary to make the application during such a period, and (2) such emergency application does not involve a restricted use pesticide, as defined in section 22a-47 of the general statutes. No child may enter

an area where such application has been made until it is safe to do so according to the provisions on the pesticide label.

(e) On and after July 1, 2000, a local or regional board of education may make an emergency application of pesticide without prior notice under this section in the event of an immediate threat to human health provided the board provides for notice, by any means practicable, on or before the day that the application is to take place to any person who has requested prior notice under this section.

(f) A copy of the record of each pesticide application at a school shall be maintained at the school for a period of five years. Such record shall include the information required under section 22a-66a of the general statutes.

Sec. 4. (NEW) (a) As used in this section, "local or regional board of education" means a local or regional board of education which has an integrated pest management plan for the schools under its control that is consistent with an applicable model plan provided by the Commissioner of Environmental Protection under section 22a-66l of the general statutes, and "school" means a school, other than a regional vocational agriculture center, under the control of a local or regional board of education.

(b) On and after July 1, 2000, at the beginning of each school year, each local or regional board of education shall provide the staff of each school with written guidelines on how the integrated pest management plan is to be implemented and shall provide the parents or guardians of each child enrolled in each school with a statement that shall include a summary of the integrated pest management plan for the school. Such statement shall be provided to the parents or guardian of any child who transfers to a school during the school year. Such statement shall (1) indicate that the staff, parents or guardians may register for notice of pesticide applications at the school, and (2) describe the emergency notification procedures provided for in this section. Notice of any modification to the integrated pest management plan shall be sent to any person who registers for notice under this section.

(c) On and after July 1, 2000, parents or guardians of children in any school and school staff may register for notice of pesticide application at their school. Each school shall maintain a registry of persons requesting such notice. Notice under this subsection shall include (1) the name of the active ingredient of the pesticide being applied, (2) the location of the application on the school property, (3) the date of the application, and (4) the name of the school administrator, or a designee, who may be contacted for further information.

(d) On and after July 1, 2000, a local or regional board of education shall provide notice, by any means practicable, to any person who has requested notice under this section on or before the day that any application of pesticide is to take place at a school. No application of pesticide may be made in any building or on the grounds of any school during regular school hours or during planned activities at any school except that an emergency application may be made to eliminate an immediate threat to human health if (1) it is necessary to make the application during such a period and (2) such emergency application does not involve a restricted use pesticide, as defined in section 22a-47 of the general statutes. No child may enter an area of such application until it is safe to do so according to the provisions on the pesticide label.

(e) A copy of the record of each pesticide application at a school shall be maintained at the school for a period of five years. Such record shall include the information required under section 22a-66a of the general statutes.

Sec. 5. (NEW) On and after July 1, 2000, no application of pesticide may be made in any building or on the grounds of any child day care center, group day care home or family day care home, each as described in section 19a-77 of the general statutes, during regular business hours except that an emergency application may be made to eliminate an immediate threat to human health if (1) it is necessary to make the application during regular business hours and (2) such emergency application does not involve a restricted use pesticide, as defined in section 22a-47 of the general statutes. No child enrolled at such center or home may enter an area where pesticides have been applied until it is safe to do so according to the provisions on the pesticide label.

Sec. 6. This act shall take effect July 1, 1999.

Approved June 23, 1999

Series 1000
Community/Board Operation

POLICY REGARDING PESTICIDE APPLICATION ON SCHOOL PROPERTY

[Note: This model policy is intended for boards of education that have an integrated pest management plan. The statutory requirements for districts without an integrated pest management plan differ in terms of required notice and application of pesticides.]

It is the policy of the _____ Board of Education to implement an integrated pest management plan to reduce the amounts of pesticides applied in any building, or the grounds of any _____ public school, by using all available pest control techniques including judicious use of pesticides, when warranted, to maintain a pest population at or below an acceptable level, while decreasing the use of pesticides.

The decision to apply pesticide in any building, or the grounds of any _____ public school is dependent on results of periodic monitoring for pest populations to determine if a pest problem exists that exceeds acceptable threshold levels.

No application of pesticide shall be made in any building, or the grounds of any _____ public school during regular school hours or during planned activities at any school except as provided by Connecticut statute or regulation.

Parents or guardians of children in any school and/or staff members in any school may register for prior notice of pesticide application at their school. Each school shall maintain a registry of persons requesting such notice, and shall provide notice to registered individuals in accordance with applicable Connecticut statutory and regulatory provisions.

The Superintendent may direct that an emergency application of a lawn care pesticide be made without prior notice to parents or guardians of children in any school and/or staff members in the event of a threat to human health, subject to applicable Connecticut statutory and regulatory provisions.

The Superintendent may direct that an emergency application of a pesticide be made during regular school hours or during planned activities at school without prior notice to parents or guardians of children and/or staff members in any school in the event of an immediate threat to human health, subject to applicable Connecticut statutory and regulatory provisions.

There shall be no application of any lawn care pesticide on the grounds of any school with students in grade eight (8) or lower, except on an emergency basis, subject to applicable Connecticut statutory and regulatory provisions.

© 2015 Shipman & Goodwin LLP. All Rights Reserved.

Legal References:

Connecticut General Statutes:

§10-231a
§10-231b
§10-231d

Special Session Public Act 15-5, §§ 437-38, "An Act Implementing Provisions of the State Budget for the Biennium Ending June 30, 2017, Concerning General Government, Education, Health and Human Services and Bonds of the State"

ADOPTED:_____
REVISED:_____

~~7/4/10~~
9/28/15

© 2015 Shipman & Goodwin LLP. All Rights Reserved.

Series 1000
Community/Board Operation

ADMINISTRATIVE REGULATIONS REGARDING PESTICIDE APPLICATION ON SCHOOL PROPERTY

A. Definitions:

1. **Pesticide**: means a fungicide used on plants, an insecticide, a herbicide or a rodenticide, but does not mean a sanitizer, disinfectant, antimicrobial agent or a pesticide bait.

2. **Lawn Care Pesticide**: means a pesticide registered by the United States Environmental Protection Agency and labeled pursuant to the federal Insecticide, Fungicide and Rodenticide Act for use in lawn, garden and ornamental sites or areas. "Lawn care pesticide" does not include (A) a microbial pesticide or biochemical pesticide that is registered with the United States Environmental Protection Agency, (B) a horticultural soap or oil that is registered with the United States Environmental Protection Agency and does not contain any synthetic pesticide or synergist, or (C) a pesticide classified by the United States Environmental Protection Agency as an exempt material pursuant to 40 C.F.R. § 152.25, as amended from time to time.

3. **Integrated Pest Management**: means use of all available pest control techniques including judicious use of pesticides, when warranted, to maintain a pest population at or below an acceptable level, while decreasing the use of pesticides.

4. **Restricted Use Pesticide**: means any pesticide or pesticide use classified as restricted by the administrator of the United States Environmental Protection Agency or by the Connecticut Commissioner of Environmental Protection.

5. **Microbial Pesticide**: means a pesticide that consists of a microorganism as the active ingredient.

6. **Biochemical Pesticide**: means a naturally occurring substance that controls pests by nontoxic mechanisms.

B. Integrated Pest Management Plan:

1. The district's integrated pest management plan shall be consistent with the model pest control management plan developed by the Connecticut Commissioner of

© 2015 Shipman & Goodwin LLP. All Rights Reserved.

Environmental Protection pursuant to Section 22a-66l of the Connecticut General Statutes.

2. At the beginning of each school year, the district shall provide the staff of each school with written guidelines on how the integrated pest management plan is to be implemented and shall provide the parents or guardians of each child enrolled in each school with a statement that shall include a summary of the integrated pest management plan for the school. Such statement shall be provided to the parents or guardian of any child who transfers to a school during the school year. Such statement shall (1) indicate that the staff, parents or guardians may register for notice of pesticide applications at the school, and (2) describe the emergency notification procedures provided for in this section. Notice of any modification to the integrated pest management plan shall be sent to any person who registers for notice under this section.

C. Notice of Pesticide Application to Those Who Request Such Notice:

1. Parents or guardians of children in any school and/or staff members in any school may register for prior notice of pesticide application at their school.

2. Each school shall maintain a registry of persons requesting such notice.

3. Parents or guardians of children in any school and/or staff members in any school who register for prior notice of pesticide application at their school shall be provided notice, by any means practicable, of each scheduled pesticide application at their school on or before the day that any application of pesticide is to take place.

4. The notice shall include the following information:

   a. The name of the active ingredient of the pesticide being applied~~,~~;

   b. The target pest;

   c. The location of the application on school property~~,~~;

   ~~e~~d. The date of the application~~,~~; and

   ~~d~~e. The name of the school administrator, or designee, who may be contacted for further information.

D. Notice of Pesticide Application by Electronic Means:

1. Prior to providing for any application of pesticide within any building or on the grounds of any school, in addition to the notice requirements in Section C, above, the district shall provide for notice of such application not less than twenty-four

© 2015 Shipman & Goodwin LLP. All Rights Reserved.

(24) hours prior to such application by posting the notice required in Section C, above, either on or through: (a) The home page of the Internet web site for the school where such application will occur, or, if the school does not have a web site, on the home page of the district's Internet web site, and (b) the primary social media account of such school or the district. For purposes of these administrative regulations and Section 10-231d of the Connecticut General Statutes, "social media" means an electronic medium where users may create and view user-generated content, such as uploaded or downloaded videos or still photographs, blogs, video blogs, podcasts or instant messages.

2. The district shall indicate on its home page how parents may register for prior notice of pesticide applications, as described in Section C, above.

3. Not later than March 15 of each year, each school or the district shall send through its e-mail notification or alert system or service the notice required by Section C, above, for applications made since January 1 of that year and a listing of such notices for applications made during the March 15 through December 31 timeframe from the preceding calendar year.

4. The district shall additionally print such e-mail notification required by this section in the applicable parent handbook or manual, although the reprinting of such handbook or manual shall not be required to provide such notification.

5. Nothing in these administrative regulations shall require the development or use of an Internet web site, social media account or e-mail notification or alert system by a school or the district that is not already in use or existence prior to October 1, 2015.

E. Emergency Pesticide Application:

1. In the event of a threat to human health, the Superintendent may direct that an emergency application of a lawn care pesticide be made without prior notice to parents or guardians of children in any school and/or staff members.

2. In the event of an immediate threat to human health, the Superintendent may direct that an emergency application of a pesticide be made, during regular school hours or during planned activities at school, without prior notice to parents or guardians of children in any school and/or staff members. Such application may only be made if (~~1~~a) it is necessary to make the application during such period, and (~~2~~b) such emergency application does not involve a restricted use pesticide.

3. In the event of such emergency application, no child may enter the area of such application until it is safe to do so according to the provisions on the pesticide label.

4. In the event of such emergency application, the provision set forth below in Section F regarding authorized pesticide applicators shall not apply if the Superintendent

© 2015 Shipman & Goodwin LLP. All Rights Reserved.

determines that it is impractical to obtain the services of any such applicator, provided that the application does not involve a restricted use pesticide.

~~E~~F. Record of Pesticide Application:

1. A copy of the record of each pesticide application at a school shall be maintained at the school for a period of five (5) years, which record shall include the information required by Section 22a-66a of the Connecticut General Statutes, as it may be amended from time to time.

~~F~~G. Authorized Pesticide Applicator:

1. No person, other than a pesticide applicator with supervisory certification under Section 22a-54 of the Connecticut General Statutes or a pesticide applicator with operational certification under Section 22a-54 under the direct supervision of a supervisory pesticide applicator, may apply pesticide within any building or on the grounds of any school within the district. ***[Other than a regional vocational agriculture center].***

~~G~~H. Prohibition on Use of Lawn Care Pesticides at District Schools with Students through Grade 8:

There shall be no application of any lawn care pesticide on the grounds of any school with students in grade eight (8) or lower, except on an emergency basis, subject to applicable Connecticut statutory and regulatory provisions and the conditions set forth above.

Legal References:
Connecticut General Statutes:

§ 10-231a
§ 10-231b
§ 10-231d
~~§ 19a-79a~~ § 22a-47
§ 22a-54
§ 22a-66a
§ 22a-66l

Special Session Public Act 15-5, §§ 437-38, "An Act Implementing Provisions of the State Budget for the Biennium Ending June 30, 2017, Concerning General Government, Education, Health and Human Services and Bonds of the State"

United States Code:

Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. § 136 et seq.

Code of Federal Regulations:
40 C.F.R. § 152.25

© 2015 Shipman & Goodwin LLP. All Rights Reserved.

ADOPTED:_____
REVISED:_____

~~8/16/11~~
9/28/15

© 2015 Shipman & Goodwin LLP. All Rights Reserved.

SHIPMAN & GOODWIN LLP
COUNSELORS AT LAW

Rational for Revised Policy:

P 5114 Student Discipline

Public Act 15-96, effective July 1, 2015, puts a moratorium on out-of-school suspensions and expulsions for students in preschool through grade two, with only limited exceptions.

Regarding suspensions, the current rules remain in effect for both in-school and out-of-school suspensions for students in grades three through twelve. Now, however, a student in preschool through grade two may only receive an in-school suspension unless, after an informal hearing, the administration determines that an out-of-school suspension is appropriate for the student, based on evidence that the student's conduct on school grounds is of a violent or sexual nature that endangers persons.

Regarding expulsions, the current rules also remain in effect for both discretionary and mandatory expulsions for students in grades three through twelve. In addition, students in kindergarten through second grade are still subject to mandatory expulsions whenever there is reason to believe the student: (1) possessed a firearm or deadly weapon, dangerous instrument or martial arts weapon on school grounds or at a school sponsored activity; (2) possessed and used a firearm, instrument, or weapon in the commission of a crime off school grounds; or (3) offered a controlled substance for sale or distribution on or off school grounds. However, discretionary expulsions are no longer permitted for students in kindergarten through grade two.

Public Act 15-96 also creates a separate provision for the mandatory expulsion of preschool students. In general, preschool students may not be expelled from a preschool program operated by local boards of education. Preschool students, however, must be expelled whenever there is reason to believe that the preschool student was in possession of a firearm on or off school grounds or at a preschool-sponsored event. Such students are entitled to an expulsion hearing, and if the student is found to have committed such an offense, the expulsion must be for one calendar year, subject to modification on a case-by-case basis.

Students

STUDENT DISCIPLINE

I. Definitions

A. **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.

B. **Deadly Weapon** means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon or metal knuckles. 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 (i.e. spring v. CO2 cartridge) and potential for serious bodily harm or death.

C. **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.

D. **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.

E. **Exclusion** means any denial of public school privileges to a student for disciplinary purposes.

F. **Expulsion** means the exclusion of a student from school privileges for more than ten (10) consecutive school days. The expulsion period may not extend beyond one (1) calendar year.

G. **Firearm**, as defined in 18 U.S.C § 921, means (a) any weapon that will, is designed to, or may be readily converted to expel a projectile by the action of an explosive, (b) the frame or receiver of any such weapon, (c) a firearm muffler or silencer, or (d) any destructive device. 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 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 or any device from which a destructive device may be readily assembled. A "destructive device" does not include: an antique firearm; a rifle intended to be used by the owner solely for sporting, recreational, or cultural purposes; or any device which is neither designed nor redesigned for use as a weapon.

H. **In-School Suspension** means an exclusion from regular classroom activity for no more than ten (10) 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.

I. **Martial Arts Weapon** means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or chinese star.

J. **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.

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

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

M. **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.

N. **Suspension** means the exclusion of a student from school and/or transportation services for not more than ten (10) consecutive school days, provided such suspension shall not extend beyond the end of the school year in which such suspension is imposed; and further provided no student shall be suspended more than ten (10) times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion, unless such student is granted a formal hearing as provided below.

O. **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 devise 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.

P. 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.

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 ~~suspended or expelled~~ 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.**

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, removal from class, suspension and/or expulsion in accordance with this policy) includes conduct on school grounds or at a school-sponsored activity (including on a school bus), and conduct off school grounds, as set forth above. Such conduct includes, but is not limited to, the following:

1. Striking or assaulting a student, members of the school staff or other persons.

2. Theft.

3. The use of obscene or profane language or gestures, the possession and/or display of obscenity or pornographic images or the unauthorized or inappropriate possession and/or display of images, pictures or photographs depicting nudity.

4. Violation of smoking, dress, transportation regulations, or other regulations and/or policies governing student conduct.

5. Refusal to obey a member of the school staff, law enforcement authorities, or school volunteers, or disruptive classroom behavior.

6. Any act of harassment based on an individual's sex, sexual orientation, race, color, religion, disability, national origin or ancestry.

7. Refusal by a student to identify himself/herself to a staff member when asked, misidentification of oneself to such person(s), lying to school officials or otherwise engaging in dishonest behavior.

8. Inappropriate displays of public affection of a sexual nature and/or sexual activity on school grounds or at a school-sponsored activity.

9. A walk-out from or sit-in within a classroom or school building or school grounds.

10. 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).

11. Possession 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.

12. Possession of any ammunition for any weapon described above in paragraph 11.

13. Unauthorized entrance into any school facility or portion of a school facility or aiding or abetting an unauthorized entrance.

14. 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.

15. Unauthorized possession, sale, distribution, use, consumption, or aiding in the procurement of tobacco, **electronic nicotine delivery systems (e.g. e-cigarettes), vapor products, 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. . For the purposes of this Paragraph 15, the term "electronic nicotine delivery system" shall mean an electronic device that may be used to simulate smoking in the delivery of nicotine or other substance 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. For the purposes of Paragraph 15, 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, that is inhaled by the user of such product.** For the purposes of this Paragraph 15, 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.

16. 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.

17. **Unlawful P**possession of paraphernalia used or designed to be used in the consumption, sale or distribution of drugs, alcohol or tobacco, as described in subparagraph (15) 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 growing, harvesting, manufacturing, producing, preparing, packaging, 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.

18. The destruction of real, personal or school property, such as, cutting, defacing or otherwise damaging property in any way.

19. Accumulation of offenses such as school and class tardiness, class or study hall cutting, or failure to attend detention.

20. Trespassing on school grounds while on out-of-school suspension or expulsion.

21. Making false bomb threats or other threats to the safety of students, staff members, and/or other persons.

22. Defiance of school rules and the valid authority of teachers, supervisors, administrators, other staff members and/or law enforcement authorities.

23. Throwing snowballs, rocks, sticks and/or similar objects, except as specifically authorized by school staff.

24. Unauthorized and/or reckless and/or improper operation of a motor vehicle on school grounds or at any school-sponsored activity.

25. Leaving school grounds, school transportation or a school-sponsored activity without authorization.

26. Use of or copying of the academic work of another individual and presenting it as the student's own work, without proper attribution; or any other form of academic dishonesty, cheating or plagiarism.

27. Possession and/or use of a cellular telephone, radio, walkman, CD player, blackberry, personal data assistant, walkie talkie, Smartphone, mobile or handheld device, or similar electronic device, on school grounds or at a school-sponsored activity in violation of Board policy and/or administrative regulations regulating the use of such devices.

28. Possession and/or use of a beeper or paging device on school grounds or at a school-sponsored activity without the written permission of the principal or his/her designee.

29. 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 inappropriate purposes.

30. 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.

31. Hazing.

32. Bullying, defined as the repeated use by one or more students of a written, verbal or electronic communication, such as cyberbullying, directed at or referring to another student attending school in the same school district, or a physical act or gesture by one or more students repeatedly directed at another student attending school in the same school district, **which** ~~that~~:

    a) causes physical or emotional harm to such student or damage to such student's property;

    b) places such student in reasonable fear of harm to himself or herself, or of damage to his or her property;

    c) creates a hostile environment at school for such student;

    d) infringes on the rights of such student at school; or

    e) substantially disrupts the education process or the orderly operation of a school.

    Bullying ~~shall~~ include, but **is** not be limited to, ~~a~~ repeated written, **oral** ~~verbal~~ or electronic communication or physical acts or gesture based on any actual or perceived differentiating characteristics, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, socioeconomic status,

academic status, physical appearance, or mental, physical, developmental or sensory disability, or by association with an individual or group who has or is perceived to have one or more of such characteristics.

33. 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.

34. Acting in any manner that creates a health and/or safety hazard for staff members, students, or the public, regardless of whether the conduct is intended as a joke.

35. Engaging in a plan to stage or create a violent situation for the purposes of recording it by electronic means; or recording by electronic means acts of violence for purposes of later publication.

36. Engaging in a plan to stage sexual activity for the purposes of recording it by electronic means; or recording by electronic means sexual acts for purposes of later publication.

37. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.

38. Use of a privately owned electronic or technological device in violation of school rules, including the unauthorized recording (photographic or audio) of another individual without permission of the individual or a school staff member.

39. ~~Any action prohibited by any Federal or State law.~~ **Engaging in teen dating violence, defined as any act of physical, emotional or sexual abuse, including stalking, harassing and threatening, that occurs between two students who are currently in or who have recently been in a dating relationship.**

40. **Any action prohibited by any Federal or State law.**

41. 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.

IV. Discretionary and Mandatory Expulsions

A. A principal may consider recommendation of expulsion of a student in **grades three to twelve, inclusive,** in a case where he/she has reason to believe the student has engaged in conduct described at sections II.A. and II.B., above.

B. A principal must recommend expulsion proceedings in all cases against any student in **grades kindergarten to 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.

The terms "**dangerous instrument**," "**deadly weapon**," **electronic defense weapon**," "**firearm**," and "**martial arts weapon**," are defined above in Section I.

C. In any preschool program provided by the Board of Education or provided by a regional educational service center or a state or local charter school pursuant to an agreement with the Board of Education, no **student enrolled in such a preschool program** shall be expelled from such preschool program, except an expulsion hearing shall be conducted by the Board of Education in accordance with Section VIII of this policy whenever the administration has reason to believe that that a student enrolled in such preschool program was in **possession of a firearm** as defined in 18 U.S.C. § 921, as amended from time to time, on or off school grounds or at a preschool program-sponsored event. The term **"firearm"** is defined above in Section I.

D. 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 the Board of Education so that the Board can consider and act upon this recommendation.

~~D~~E. 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 in grades kindergarten to twelve, inclusive, for one (1) full calendar year for~~:~~ the conduct described in Section IV(B)(1), (2) and (3) of this policy and to expel a student enrolled in a preschool program for one (1) calendar year for the conduct described in Section IV(C). For any mandatory expulsion offense, the Board may modify the term of expulsion on a case-by-case basis.

V. 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.

VI. 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~~ a student for breach of conduct as noted in Section II of this policy for not more than ten (10) consecutive school days. In cases where suspension is contemplated, the following procedures shall be followed.

1. Unless an emergency situation exists, no student shall be suspended prior to having an informal hearing before the principal or designee at which the student is informed of the charges and given an opportunity to respond. In the event of an emergency, the informal hearing shall be held as soon after the suspension as possible.

2. If suspended, such suspension shall be an in-school suspension ~~unless~~, except the principal or designee may impose an out-of-school suspension on any pupil:

(1) in grades three to twelve, inclusive, if, during the informal hearing, (a) the principal or designee determines that the student: ~~(a)~~ poses such a danger to persons or property or such a disruption of the educational process that he or should be excluded from school during the period of suspension; or (b) the ~~administration~~principal or designee determines that an out-of-school suspension is appropriate based on evidence of (i) the student's previous disciplinary problems that have led to suspensions or expulsion of such student, and (ii) previous efforts by the administration to address the student's disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies, or

(2) in grades preschool to two, inclusive, if the principal or designee determines that an out-of-school suspension is appropriate for such pupil based on evidence that such pupil's conduct on school grounds is of a violent or sexual nature that endangers persons.

3. Evidence of past disciplinary problems that 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, but only considered in the determination of the length of suspensions.

4. 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.

5. 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.

6. 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.

7. Not later than twenty-four (24) hours after the commencement of the suspension, the principal or designee shall also notify the Superintendent or his/her designee of the name of the student being suspended and the reason for the suspension.

8. The student shall be allowed to complete any classwork, including examinations, without penalty, which he or she missed while under suspension.

9. The school administration may, in its discretion, shorten or waive the suspension period for a student who has not previously been suspended or expelled, if the student completes an administration-specified program and meets any other conditions required by the administration. Such administration-specified program shall not require the student and/or the student's parents to pay for participation in the program.

10. 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. In cases where the student's period of suspension is shortened or waived in accordance with Section VI.A(9), above, the administration may choose to expunge the suspension notice from the cumulative record at the time the student completes the administration-specified program and meets any other conditions required by the administration.

11. If the student has not previously been suspended or expelled, and the administration chooses to expunge the suspension notice from the student's cumulative record prior to graduation, the administration may refer to the existence of the expunged disciplinary notice, notwithstanding the fact that such notice may have been expunged from the student's cumulative file, for the limited purpose of determining whether any subsequent suspensions or expulsions by the student would constitute the student's first such offense.

12. The decision of the principal or designee with regard to disciplinary actions up to and including suspensions shall be final.

13. During any period of suspension served out of school, 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, unless the principal specifically authorizes the student to enter school property for a specified purpose or to participate in a particular school-sponsored activity.

B. In cases where a student's suspension will result in the student being suspended more than ten (10) times or for a total of fifty (50) days in a school year, whichever results in fewer days of exclusion, the student shall, prior to the pending suspension, be granted a formal hearing before the Board of Education. The principal or designee shall report the student to the Superintendent or designee and request a formal Board hearing. If an emergency situation exists, such hearing shall be held as soon after the suspension as possible.

VII. Procedures Governing In-School Suspension

A. The principal or designee may impose in-school suspension in cases where a student's conduct endangers persons or property, violates school policy, seriously disrupts the educational process or in other appropriate circumstances as determined by the principal or designee.

B. In-school suspension may not be imposed on a student without an informal hearing by the building principal or designee.

C. In-school suspension may be served in the school that the student regularly attends or in any other school building within the jurisdiction of the Board.

D. 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.

E. 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.

VIII. 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 and consistent with the requirements of Conn. Gen. Stat. § 10-233d and Public Act 15-96, and the applicable provisions of the Uniform Administrative Procedures Act, Conn. Gen. Stat. §§ 4-176e to 4-180a, and § 4-181a. Whenever an emergency exists, the hearing provided for herein shall be held as soon as possible after the expulsion.

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.

2. 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:

1. Written notice of the expulsion hearing must be given to the student, and, if the student is a minor, to his/her parent(s) or guardian(s) within a reasonable time prior to the time of the hearing.

2. A copy of this Board policy on student discipline shall also be given to the student, and if the student is a minor, to his/her parent(s) or guardian(s), at the time the notice is sent that an expulsion hearing will be convened.

3. The written notice of the expulsion hearing shall inform the student of the following:

   a. The date, time, place and nature of the hearing.

   b. 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.

   c. A short, plain description of the conduct alleged by the administration.

   d. 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.

   e. The student may cross-examine witnesses called by the Administration.

   f. 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.

g. A student is entitled to the services of a translator or interpreter, to be provided by the Board of Education, whenever the student or his/her parent(s) or guardian(s) requires the services of an interpreter because he/she/they do(es) not speak the English language or is(are) disabled.

h. The conditions under which the Board is not legally required to give the student an alternative educational opportunity (if applicable).

i. Information about free or reduced-rate legal services and how to access such services.

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 counsel, briefly explain the hearing procedures, and swear in any witnesses called by the Administration or the student.

2. The hearing will be conducted in executive session. A verbatim record of the hearing will be made, either by tape recording or by a stenographer. 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.

3. Formal rules of evidence will not be followed. The 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 or irrelevant.

4. The hearing will be conducted in two (2) parts. In the first part of the hearing, the Board 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, by the Presiding Officer and by Board members.

7. After the Administration has presented its case, the student will be asked if he/she 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 Presiding Officer and/or by the Board. 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 Presiding Officer and/or by the Board. 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 Board must determine whether the student committed the offense(s) as charged by the Superintendent.

9. If the Board determines that the student has committed the conduct as alleged, then the Board shall proceed with the second portion of the hearing, during which the Board will receive and consider relevant evidence regarding the length and conditions of expulsion.

10. When considering the length and conditions of expulsion, the Board may review the student's attendance, academic and past disciplinary records. The 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 VI.A (9), (10), (11), above, and Section X, below. The Board 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 Board is considering length of expulsion and nature of alternative educational opportunity to be offered.

12. Where administrators presented the case in support of the charges against the student, such administrative staff shall not be present during the deliberations of the Board either on questions of evidence or on the final discipline to be imposed. The Superintendent may, after reviewing the incident with administrators, and reviewing the student's records, make a recommendation to the Board as to the appropriate discipline to be applied.

13. The 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.

14. The 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. The Board-specified program shall not require the student and/or the student's parents to pay for participation in the program.

15. The 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.

E. 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 enter school property for a specified purpose or to participate in a particular school-sponsored activity.

F. Stipulated Agreements:

In lieu of the procedures used in this section, the Administration and the parents (or legal guardians) of a student facing expulsion may choose to enter into a Joint Stipulation of the Facts and a Joint Recommendation to the Board concerning the length and conditions of expulsion. Such Joint Stipulation and Recommendation shall include language indicating that the parents (or legal guardians) understand their right to have an expulsion hearing held pursuant to these procedures, and language indicating that the Board, in its discretion, has the right to accept or reject the Joint Stipulation of Facts and Recommendation. If the Board rejects either the Joint Stipulation of Facts or the Recommendation, an expulsion hearing shall be held pursuant to the procedures outlined herein. If the Student is eighteen years of age or older, the student shall have the authority to enter into a Joint Stipulation and Recommendation on his or her own behalf.

If the parties agree on the facts, but not on the disciplinary recommendation, the Administration and the parents (or legal guardians) of a student facing expulsion may also choose to enter into a Joint Stipulation of the Facts and submit only the Stipulation of the Facts to the Board in lieu of holding the first part of the hearing, as described above. Such Joint Stipulation shall include language indicating that the parents understand their right to have a hearing to determine whether the student engaged in the alleged misconduct and that the Board, in its discretion, has the right to accept or reject the Joint Stipulation of Facts. If the Board rejects the Joint Stipulation of Facts, a full expulsion hearing shall be held pursuant to the procedures outlined herein.

IX. Alternative Educational Opportunities for Expelled Students

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

Whenever the Board of Education expels a student under sixteen (16) years of age, it shall offer any such student an alternative educational opportunity.

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

1. The Board of Education shall provide an alternative educational opportunity to a sixteen (16) to eighteen (18) 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. Such alternative educational opportunity may include, but shall not be limited to, the placement of a pupil who is at least sixteen years of age in an adult education program. Any pupil participating in an adult education program during a period of expulsion shall not be required to withdraw from school as a condition to his/her participation in the adult education program.

2. The Board of Education is not required to offer an alternative educational opportunity to any student between the ages of sixteen (16) and eighteen (18) who is expelled for the second time, or if it is determined at the hearing that (1) the student possessed a dangerous instrument, deadly weapon, firearm or martial arts weapon on school property or at a school-sponsored activity, or (2) the student offered a controlled substance for sale or distribution on school property or at a school-sponsored activity.

3. The Board of Education shall count the expulsion of a pupil when he/she was under sixteen years of age for purposes of determining whether an alternative educational opportunity is required for such pupil when he/she is between the ages of sixteen and eighteen.

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

The Board of Education is not required to offer an alternative educational opportunity to expelled students eighteen (18) 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 the Board of Education expels a student who has been identified as eligible for services under the Individuals with Disabilities Education Act ("IDEA"), it shall offer an alternative educational opportunity to such student in accordance with the requirements of IDEA, as it may be amended from time to time.

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

The Board of Education may offer an alternative educational opportunity to a pupil for whom such alternative educational opportunity is not required as described in this policy.

X. Notice of Student Expulsion on Cumulative Record

Notice of expulsion and the conduct for which the student was expelled shall be included on the student's cumulative educational record. Such notice, except for notice of an expulsion based upon possession of a firearm or deadly weapon, shall be expunged from the cumulative educational record by the Board if the student graduates from high school.

In cases where the student's period of expulsion is shortened or waived in accordance with Section VIII.D(14), above, the Board may choose to expunge the expulsion notice from the cumulative record at the time the student completes the Board-specified program and meets any other conditions required by the Board.

If the student has not previously been suspended or expelled, and the administration chooses to expunge the expulsion notice from the student's cumulative record prior to graduation, the administration may refer to the existence of the expunged notice, notwithstanding the fact that such notice may have been expunged from the student's cumulative file, for the limited purpose of determining whether any subsequent suspension or expulsion by the student would constitute the student's first such offense.

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 expulsion hearing unless an emergency exists, as defined above. The Board shall retain the authority to suspend the student or to conduct its own expulsion hearing.

2. Where a student enrolls in the district during the period of expulsion from another public school district, the Board may adopt the decision of the student expulsion hearing conducted by such other school district. The student shall be excluded from school pending such hearing. The excluded student shall be offered an alternative educational opportunity in accordance with statutory requirements. The Board shall make its determination based upon a hearing held by the Board, which hearing 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 Board, the notice of the pending expulsion hearing shall be included on the student's cumulative record and the Board shall complete the expulsion hearing and render a decision. If the Board 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 IDEA students:*

Notwithstanding the foregoing, if the Administration suspends a student identified as eligible for services under the IDEA (an "IDEA student") 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 IDEA student beyond that which is provided to all students suspended by the school district.

B. *Expulsion and Suspensions that Constitute Changes in Placement for IDEA students:*

Notwithstanding any provision to the contrary, if the administration recommends for expulsion an IDEA student who has violated any rule or code of conduct of the school district that applies to all students, the procedures described in this section shall apply. The procedures described in this section shall also apply for students whom the administration has suspended in a manner that is considered under the IDEA, as it may be amended from time to time, to be a change in placement:

1. The parents of the student must be notified of the decision to recommend for expulsion (or to suspend if a change in placement) 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 recommend for expulsion (or to suspend if a change in placement) was made.

2. The school district shall immediately convene the student's planning and placement team ("PPT"), 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 shall consider the relationship between the student's disability and the behavior that led to the recommendation for expulsion or the suspension which constitutes a change in placement, in order to determine whether the student's behavior was a manifestation of his/her disability.

3. If the student's PPT finds that the behavior <u>was</u> a manifestation of the student's disability, the Administration shall not proceed with the recommendation for expulsion or the suspension that constitutes a change in placement.

4. If the student's PPT finds that the behavior <u>was not</u> 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. When determining whether to recommend an expulsion or a suspension that constitutes a change in placement, the building administrator (or his or her designee) should consider the nature of the misconduct and any relevant educational records of the student.

C. *Transfer of IDEA students 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; or

3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

The following definitions shall be used for this subsection XII.C.:

1. **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.

2. **Controlled substance** means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act, 21 U.S.C. 812(c).

3. **Illegal drug** means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is

legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.

4. **Serious bodily injury** means a bodily injury which involves: (A) a substantial risk of death; (B) extreme physical pain; (C) protracted and obvious disfigurement; or (D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

XIII. Procedures Governing Expulsions for Students Identified as Eligible under Section 504 of the Rehabilitation Act of 1973 ("Section 504")

Notwithstanding any provision to the contrary, if the Administration recommends for expulsion a student identified as eligible for educational accommodations under Section 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.

3. If the 504 team finds that the behavior was a manifestation of the student's disability, the Administration shall not proceed with the recommended expulsion.

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. Procedures Governing Expulsions for Students Committed to a Juvenile Detention Center

A. Any student who commits an expellable offense and is subsequently committed to a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement for such offense may be expelled by the Board in accordance with the provisions of this section. The period of expulsion shall run concurrently with the period of commitment to a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement.

§29-38 Weapons in vehicles
§53a-3 Definitions
§53a-206 (definition of "weapon")
Public Act 14-76, "An Act Concerning the Governor's Recommendations Regarding Electronic Nicotine Delivery Systems And Youth Smoking Prevention"

Public Act 14-229, "An Act Concerning The Expungement Of A Pupil's Cumulative Education Record For Certain Expulsions"

Public Act 14-234, "An Act Concerning Domestic Violence And Sexual Assault"

Public Act 15-206, "An Act Regulating Electronic Nicotine Delivery Systems and Vapor Products"

Public Act 15-96, "An Act Concerning Out-of-School Suspensions and Expulsions for Students in Preschool and Grades Kindergarten to Two"

Packer v. Board of Educ. of the Town of Thomaston, 246 Conn. 89 (1998).
State v. Hardy, 896 A.2d 755, 278 Conn. 113 (2006).
State v. Guzman, 955 A.2d 72, 2008 Conn. App. LEXIS 445 (Sept. 16, 2008).

Federal law:

Honig v. Doe, 484 U.S. 305 (1988)
Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., as amended by the Individuals with Disabilities Education Improvement Act of 2004, Pub. L. 108-446.
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794(a).
18 U.S.C. § 921 (definition of "firearm")
18 U.S.C. § 930(g)(2) (definition of "dangerous weapon")
18 U.S.C. § 1365(h)(3) (identifying "serious bodily injury")
21 U.S.C. § 812(c) (identifying "controlled substances")
34 C.F.R. § 300.530 (defining "illegal drugs")
Gun-Free Schools Act, Pub. L. 107-110, Sec. 401, 115 Stat. 1762 (codified at 20 U.S.C. § 7151)

ADOPTED: September 18, 2007
REVISED: June 18, 2013
REVISED: