



**Policy Committee**  
Avon Board of Education  
34 Simsbury Road, Avon, Connecticut

**Mission Statement**

*Our mission is to inspire in each student a joy and passion for learning and a commitment to excellence, personal integrity, and social responsibility.*

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Tuesday, January 30, 2024 6:00 pm

via virtual meeting

The Board will conduct this meeting remotely. Please email Christine Sardinkas, [csardinkas@avon.k12.ct.us](mailto:csardinkas@avon.k12.ct.us) not less than twenty-four (24) hours prior to the meeting if you require any electronic equipment necessary to attend such meeting in real-time. In such cases, the Board will provide a physical location and the necessary electronic equipment. Please be advised that the same opportunities to provide comment or testimony and otherwise participate in such meetings if such meetings were held in person will continue to apply.

To join Zoom meeting, click on link below:

<https://avonk12ctus.zoom.us/j/85839898708?pwd=NklGYkZmWGdnRnBIS25sd2puaHpiZz09>

To join by phone, call:  
646-558-8656 or 301-715-8592  
Meeting ID:858 3989 8708 Passcode:598318

**Agenda**

- I. Call to Order
- II. Approval of November 28, 2023 Policy Committee MeetingMinutes
- III. Communication from Public  
Communications are generally limited to 15 minutes as a total maximum for all speakers, with each speaker limited to 3 minutes in accordance with standing Board policy. The Board may waive these limits in exceptional circumstances. Members of the public must indicate their desire to speak by contacting the Zoom host, Christine Sardinkas, via Zoom chat once the meeting starts. Guests will be called to speak in order notification is received and speakers must identify themselves with their name and address.
- IV. New Business – Items for Review and Discussion
  - a. 4118.51 - Employee Use of District Computer Systems and Electronic Communications
  - b. 5112 - Admission to Public Schools at or Before age of 5 (Policy and Regulation)
  - c. 5131.71 - Student Use of Districts Computer Systems and Internet Safety
  - d. 5144 - Student Discipline
  - e. 5144.4 - Recess and Play Based Learning
  - f. 6210 - Parental Access to Instructional Materials
- V. Future Items for Review
- VI. Adjournment



**Minutes**  
**POLICY COMMITTEE MEETING**  
**Avon Board of Education**  
**34 Simsbury, Avon, Connecticut 06001**  
**Via Zoom**  
**Tuesday, November 28, 2023 – 6:00 p.m.**

**Attendance**

**Members Present:** Ms. Laura Young, Chair; Ms. Nicole Russo; Ms. Thej Singh; Ms. Sarah Thompson

**Member(s) Absent:** None

**Administration Present:** Dr. Bridget Heston Carnemolla, Superintendent of Schools; Mr. Jess Giannini, Assistant Superintendent; Mr. Roberto Medic, Assistant Superintendent

**Others Present:** Ms. Deb Chute, Board Chair; Attorney Sarah Gleason, Shipman & Goodwin

I. Call to Order

The meeting was called to order at 6:01 pm by Committee Chair, Ms. Laura Young.

II. Approval of September 12, 2023 Minutes

*Ms. Thej Singh motioned to approve the minutes of September 12, 2023 Policy meeting, Ms. Nicole Russo seconded.*

*The motion passed 4-0-0*

III. Communication from Public

There was no communication from the public.

IV. New Business-Items for Review and Discussion

A. Policy 5145.4- Nondiscrimination (Student)

Dr. Carnemolla stated that the Legislature and Connecticut State Department of Education (CSDE) have both been busy this year with many updates. The Nondiscrimination policy has been revised several times in the recent past. Dr. Carnemolla thanked Ms. Gleason for attending and for providing a basis for proposed changes.

Ms. Gleason explained that the revisions were straightforward and focused on two specific changes stemming from recent legislation. The first one discussed was that Domestic Violence has been added to "Protected Classes" and is newly defined in the policy. The second one refers to a revised definition of Sexual Orientation. "Protected Classes" is a term meant to be all encompassing, rather than having to list each class individually and it includes all identified classes. Changes to the Regulations make reference to complaint procedures, more specifically how complaints are to be handled and investigated. Ms. Gleason also noted that the personnel version of the Nondiscrimination policy has the same changes as the student version.

Ms. Russo asked to clarify a portion of the policy where it refers to 'intent to harm' out of concern that a younger student may not understand what they are saying or have knowledge of what they are saying. Ms. Gleason answered that

school administrators will treat each set of circumstances individually and consider all aspects including a student’s age and other background knowledge etc.

Ms. Singh asked if the policy would need to be revised if/when another protected class was added, and Ms. Gleason confirmed that the definition of that class would have to be added and would fall under the ‘umbrella’ of a “Protected Class”

Dr. Carnemolla asked Attorney Gleason to convey legal considerations and related guidance for transgender student athletes in Avon. Ms. Gleason clarified that both state law and district policy stipulate that it is illegal to discriminate against transgender students. Shipman & Goodwin LLP anticipates that the state will soon be releasing new guidance pertaining to transgender students, which may or may not include athletics. The Connecticut Interscholastic Athletic Conference (CIAC) has concluded that it would be fundamentally unjust to preclude students from participating in a sport that coincides with their gender identity and/or expression. The United States Education Department has new Title IX eligibility for athletics indicating that a district cannot categorically ban transgender students from participating in a sport by how they identify.

Ms. Singh asked how would a coach know how a student identifies and in what way would such information be provided, verbally or written? Ms. Gleason answered that it is how a student consistently demonstrates their identity.

Dr. Carnemolla brought up a question received from a board member about unsubstantiated complaints of discrimination, such as those not made “in good faith” A discussion ensued regarding how each incident/claim is investigated and if a claim were to be found unsubstantiated or not in “good faith” then the complainant would likely be subject to the discipline policy for lying and/or treating others unjustly. Each complaint takes into consideration the age(s) of any student and their perception of the situation. Every complaint is investigated thoroughly and if necessary, follow-up action will be taken.

***Ms. Young motioned to bring revised policy 5145.4, Nondiscrimination (Student) to the full board, as presented, for approval. Ms. Singh seconded.  
Motion passed 4-0-0***

**B. Policy 4118.11- Nondiscrimination (Personnel)**

Attorney Gleason reiterated that proposed changes to the Nondiscrimination policy for Personnel were the same as the Student version, including the additions of definitions of Sexual Orientation and Domestic Violence. The singular change, specific only to the Personnel policy, refers to situations such in which someone has an erased criminal history, then they cannot be discriminated against, when applying for a job.

Ms. Singh asked if an erased history were related to child endangerment, how that would be addressed in the policy. Ms. Gleason and Dr. Carnemolla confirmed that any charges against someone having had anything to do with harm to children would *not* be something that would be erased off someone's record, so therefore that person would not be able to work in a school district.

***Ms. Young made a motion to bring revised policy 4118.11, Nondiscrimination (Personnel), to the full board, as presented, for approval. Ms. Thompson seconded.***

***Motion passed 4-0-0***

C. Policy 4118.235- Reports of Suspected Abuse or Neglect of Children or Reports of Sexual Assault of Students by School Employees

Ms. Gleason said the basis of this policy is to help guide those who are mandated reporters. Terms that are used help guide mandated reporters to better understand what needs to be reported and how. The newest legislative change comes under the Appendix of this policy to expand the Sexual Contact definition to include “contact with a deceased person”

***Ms. Young made a motion to bring revised policy 4118.235, Reports of Suspected Abuse or Neglect of Children or Reports of Sexual Assault of Students by School Employees, to the full board, as presented, for approval. Ms. Singh seconded. Motion passed 4-0-0***

D. Policy 6148- Improve Completion of FAFSA

Dr. Carnemolla explained that this was a new policy introduced just last year. The update is that having to complete the FAFSA will now be a graduation requirement, starting with the class of 2025. Attorney Gleason reiterated that while it is a requirement for now, graduation requirements seem to change often. Included in this policy is the option of filling out a waiver which can be submitted in lieu of the FAFSA, so as not to deter anyone from graduating. Dr. Carnemolla confirmed that a waiver may be completed by guidance counselors with a student. Ms. Singh expressed concern about the policy, specifically pertaining to students who may not have legal immigration status. She asked if a student cannot complete the FAFSA under this circumstance, would there be action taken against them? Attorney Gleason responded that institutions of higher learning have their own financial aid forms that can be filled out and immigration status would not be a factor, and filling out the financial aid form for that institution would complete the requirement for this policy. Also, in a situation when a student may not have legal immigration status, a waiver may also be utilized.

Ms. Russo asked how the waiver would work and Attorney Gleason said it was her understanding that it would be an internal process at school and that the state would most likely be looking for a waiver to be signed by a certified educator to show that a student made a good faith attempt to complete the FAFSA with the parent/guardian but was unable to do so. A short discussion ensued about the waiver itself and when it would be made available. Dr. Carnemolla said the waiver could be found on the CSDE website.

***Ms. Young made a motion to bring revised policy, 6148 Improve Completion of FAFSA, to the full board, as presented, for approval. Ms. Russo seconded. Motion passed 4-0-0***

E. Policy 9325.2 - Construction of Agenda

Dr. Carnemolla stated that this revision is a simple one, specifying that districts should be putting all supplemental materials that the Board will be receiving at a BOE meeting online for the public to see. Avon already has this practice in place, so the policy is essentially catching up to what is already being done.

At this time, Dr. Carnemolla revisited the Nondiscrimination policy, as she had wanted to further discuss a portion of the wording. She mentioned that recent revisions to the policy included some language not outlined in the Shipman Model

policy, but that which the Avon Board of Education wanted to be clearly stated in the policy: “*Gender identity or expression*” includes “*transgender*” and “*gender non-conforming*” Dr. Carnemolla asked Attorney Gleason if this wording was legally acceptable, since it was not in the Shipman model. Attorney Gleason said there was nothing legally wrong with the wording, therefore it was fine to be included in the policy.

Ms. Thompson posed a follow-up question regarding the Nondiscrimination Student policy. She asked about a situation in which a minor aged student who identifies as transgender, but the student’s parents/guardians don’t acknowledge the student as transgender, what would be the school’s responsibility? Attorney Gleason said this is one of the major questions being talked about across the country and that current legal guidance from the state does not address this issue well and there is not enough information available for how to best counsel students and parents on this subject.

Dr. Carnemolla added that Avon’s practice if this situation becomes apparent, would be to work with each student on a case-by-case basis, including the student’s guidance counselor, a social worker, or whomever the student has confided in (a trusted adult) about this issue. School support staff would try to bring the student and their parents/guardians together to facilitate a conversation about the student’s transgender identity. Legal counsel would be solicited to ensure that the trusted adult is handling the matter in compliance with all laws of confidentiality and also to advise on the case itself, to ensure the outcome is beneficial to the student.

***Ms. Young made a motion to bring revised policy 9325.2 Construction of Agenda to the full board, as presented, for approval. Ms. Russo seconded. Motion passed 4-0-0***

Ms. Young thanked Attorney Gleason for joining us tonight, and Dr. Carnemolla offered to anyone to reach out if they have any further questions.

VI. Future Items for Review

Ms. Young stated that there are no items for review at this time.

VI. Adjournment

***Ms. Thej Singh motioned to adjourn the meeting at 6:50 pm, Ms. Young seconded. Motion passed 4-0-0***

Minutes prepared by Christine Sardinkas, Recording Secretary  
Minutes respectfully submitted by Laura Young, Policy Committee Chair

Minutes approved by Jeffrey S. Fleischman, Board Secretary

***Minutes are approved at the next Policy meeting, and any corrections to the minutes, if needed, will be made at that time.***

## Personnel -- Certified/Non-Certified

### Employee Use of the District's Computer Systems and Electronic Communications

Computers, computer networks, electronic devices, Internet access, and electronic messaging systems are effective and important technological resources. The Avon Board of Education (the "Board") has installed computers and a computer network, including Internet access and electronic messaging systems, on Board premises and may provide other electronic devices that can access the networks and/or have the ability to send and receive messages with an operating system or network communication framework. Devices include but are not limited to, personal cellular phones, Smartphones, Smartwatches, network access devices, radios, personal cassette players, CD players, tablets, walkie-talkies, personal gaming systems, Bluetooth speakers, personal data assistants, and other electronic signaling devices. Electronic messaging systems include mobile, chat, and instant message; cloud collaboration platforms, including internal chat, peer-to-peer messaging systems, and draft email message transfer; and products that have the ability to create duration-based or subjective removal of content, such as Snapchat, and security focused platforms, such as Signal. The Board's computers, computer networks, electronic devices, Internet access, and electronic messaging systems are referred to collectively as "the computer systems" and are provided in order to enhance both the educational opportunities for our students and the business operations of the district Avon Public Schools (the District).

These computer systems are business and educational tools. As such, they are made available to Board employees for business and education-related uses. The Administration shall develop regulations setting forth procedures to be used by the Administration in an effort to ensure that such computer systems are used for appropriate business and education-related purposes.

In accordance with applicable laws and the Administrative Regulations associated with this policy, the system administrator and others managing the computer systems may access electronic messaging systems (including email) or monitor activity on the computer system or electronic devices accessing the computer systems at any time and for any reason or no reason. Typical examples include when there is reason to suspect inappropriate conduct or there is a problem with the computer systems needing correction. Further, the system administrator and others managing the computer systems can access or monitor activity on the systems despite the use of passwords by individual users, and can bypass such passwords. In addition, review of electronic messaging systems (including emails), messages or information stored on the computer systems, which can be forensically retrieved, includes those messages and/or electronic data sent, posted and/or retrieved using social networking sites, including but not limited to, Twitter/X, Facebook, LinkedIn, Instagram and YouTube and TikTok.

Incidental personal use of the computer systems may be permitted solely for the purpose of e-mail transmissions and access to the Internet on a limited, occasional basis. Such incidental personal use of the computer systems, however, is subject to all rules, including monitoring of all such use, as the Superintendent may establish through regulation. Moreover, any such incidental personal use shall not interfere in any manner with work responsibilities.

## **Personnel -- Certified/Non-Certified**

### **Employee Use of the District's Computer Systems and Electronic Communications (con't)**

**Users should not have any expectation of personal privacy in the use of the computer system or other electronic devices that access the computer system. Use of the computer system represents an employee's acknowledgement that the employee has read and understands this policy and any applicable regulations in their entirety, including the provisions regarding monitoring and review of computer activity.**

#### **Legal References:**

Conn. Gen. Stat. § 31-40x

**Conn. Gen. Stat. § 31-48b**

Conn. Gen. Stat. § 31-48d

Conn. Gen. Stat. §§ 53a-182b; 53a-183; 53a-250

Electronic Communications Privacy Act, 18 U.S.C. §§ 2510 through 2523

Policy adopted: April 27, 2021

Policy revised:

AVON PUBLIC SCHOOLS

Avon, Connecticut

## ADMISSION TO THE PUBLIC SCHOOLS AT OR BEFORE AGE FIVE

The **Avon** Board of Education (the “Board”) complies with its legal obligation to cause each child five years of age and over and under eighteen years of age who is not a high school graduate and is residing within the Board’s jurisdiction to attend school in accordance with Connecticut General Statutes § 10-184.

Effective July 1, 2024, the **Avon** Public Schools (the “District”) shall be open to resident children five years of age and over who reach age five on or before the first day of September of any school year. For children who will not reach the age of five on or before the first day of September of the school year, the child’s parent or guardian may submit a written request to the principal of the school seeking early admission to the District. Upon receipt of such written request, the principal and an appropriate certified staff member shall assess such child to determine whether admitting the child is developmentally appropriate. For decisions relating to early admission to the District, the decision of the principal and appropriate certified staff shall be final.

The Superintendent or designee shall be responsible for developing administrative regulations in furtherance of this policy. Such regulations shall identify procedures for the receipt and processing of requests for early admission to the District and for assessing whether early admission of a child is developmentally appropriate.

Legal Reference:

Connecticut General Statutes

- |        |   |
|--------|---|
| 10-15c | Discrimination by public schools prohibited. School attendance for five-year-olds |
| 10-220 | Duties of boards of education   |
| 10-221 | Board of education to prescribe rules, policies, and procedures                   |
| 10-184 | Duties of parents. School attendance age requirements                             |

Public Act 23-208, “An Act Making Certain Revisions to the Education Statutes.”

ADOPTED: \_\_\_\_\_

10/3/23



## Students

### Student Use of the District's Computer Systems and Internet Safety

Computers, computer networks, electronic devices, Internet access, and electronic messaging systems are effective and important technological resources. The Avon Board of Education (the "Board") has installed computers and a computer network, including Internet access and electronic messaging systems, on Board premises and may provide other electronic devices that can access the network and/or have the ability to send and receive messages with an operating system or network communication framework. Devices include but are not limited to, personal computing devices, cellular phones, Smartphones, Smartwatches, network access devices, radios, personal cassette players, CD Players, tablets, walkie-talkies, personal gaming systems, Bluetooth speakers, personal data assistants, and other electronic signaling devices. Electronic messaging systems include mobile, chat, and instant message; cloud collaboration platforms, including internal chat, peer-to-peer messaging systems, and draft email message transfer; and products that have the ability to create duration-based or subjective removal of content, such as Snapchat, and security focused platforms, such as Signal. The Board's computers, computer network, electronic devices, Internet access, and electronic messaging systems are referred to collectively as "the computer systems" and are provided in order to enhance both the educational opportunities for our students and the business operations of the district-Avon Public Schools (the "District").

These computer systems are business and educational tools. As such, they are made available to students in the District for education-related uses. The Administration shall develop regulations setting forth procedures to be used by the Administration in an effort to ensure that such computer systems are used by students solely for education-related purposes. The District will educate minor students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response. Additionally, the District will implement a technology protection measure to block or filter Internet access to visual depictions that contain material that is obscene or obscene as to minors or contains child pornography, and ensure that such filtering technology is operative during computer use by minor students to the extent practicable when such students are using Board-owned computers or devices and Board- provided Internet access.

As the owner of the computer systems, the District reserves the right to monitor the use of the district's computers and computer systems.

#### Legal References:

Conn. Gen. Stat. § 10-221

Conn. Gen. Stat. §§ 53a-182b; 53a-183; 53a-250

Electronic Communication Privacy Act of 1986, ~~Public Law 99-508, codified at~~ 18 U.S.C. §§ 2510 through 2520 2523

Children's Internet Protection Act, ~~Pub. L. 106-554, codified at~~ 47 U.S.C. § 254(h) No Child Left Behind Act of 2001, ~~Pub. L. 107-110, codified at~~ 20 U.S.C. § 6777

Protecting Children in the 21st Century Act, ~~Pub. Law 110-385, codified at~~ 47 U.S.C. § 254(h)(5)(B)(iii)

Policy adopted: April 27, 2021

Policy Revised: May 16, 2023

Policy revised:

AVON PUBLIC SCHOOLS  
Avon, Connecticut

## Students

### STUDENT DISCIPLINE

It is the policy of the Avon Board of Education (the "Board") to create a school environment that promotes respect of self, others, and property within the Avon Public Schools (the "District"). Compliance with this policy will enhance the Board and the District's ability to maintain discipline and reduce interference with the educational process that can result from student misconduct. Pursuant to this policy, the District shall promote the utilization of consistent discipline practices, both within and across schools in the District, while also promoting the consideration of individual circumstances arising in each student disciplinary matter. Where appropriate, the District implements strategies that teach, encourage and reinforce positive student behavior that do not require engagement with the discipline system.

#### I. Definitions

- A. **Cannabis** means marijuana, as defined by Conn. Gen. Stat. § 21a-240.
- B. **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.
- C. **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 airsoft pistol may constitute a deadly weapon if such weapon is designed for violence and is capable of inflicting death or serious bodily harm. In making such determination, the following factors should be considered: design of weapon; how weapon is typically used (e.g., hunting); type of projectile; force and velocity of discharge; method of discharge (e.g., spring v. CO2 cartridge) and potential for serious bodily harm or death.
- D. **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.
- E. **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.
- F. **Exclusion** means any denial of public school privileges to a student for disciplinary purposes.

## Students

### STUDENT DISCIPLINE

#### Definitions (cont'd)

- G. **Expulsion** means the exclusion of a student from school privileges for more than ten (10) consecutive school days and shall be deemed to include, but not be limited to, exclusion from the school to which such pupil was assigned at the time such disciplinary action was taken. The expulsion period may not extend beyond one (1) calendar year.
- H. **Firearm**, as defined in 18 U.S.C § 921, means (a) any weapon (including a starter gun) that will, is designed to, or may be readily converted to expel a projectile by the action of an explosive, (b) the frame or receiver of any such weapon, (c) a firearm muffler or silencer, or (d) any destructive device. The term firearm does not include an antique firearm. As used in this definition, a "**destructive device**" includes any explosive, incendiary, or poisonous gas device, including a bomb, a grenade, a rocket having a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, or any other similar device; or any weapon (other than a shotgun or shotgun shell which the Attorney General finds is generally recognized as particularly suited for sporting purposes) that will, or may be readily converted to, expel a projectile by explosive or other propellant, and which has a barrel with a bore of more than ½" in diameter. The term "destructive device" also includes any combination of parts either designed or intended for use in converting any device into any destructive device and from which a destructive device may be readily assembled. A "destructive device" does not include: an antique firearm; a rifle intended to be used by the owner solely for sporting, recreational, or cultural purposes; or any device which is neither designed nor redesigned for use as a weapon.
- I. **Generative Artificial Intelligence ("AI")** refers to a technology system, including but not limited to ChatGPT, capable of learning patterns and relationships from data, enabling it to create content, including but not limited to text, images, audio, or video, when prompted by a user.
- J. **Protected Class Harassment** is a form of discrimination on the basis of any protected characteristic (or protected class) including race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression, veteran status, status as a victim of domestic violence, or any other basis prohibited by state or federal law ("Protected Class"). Harassment constitutes unlawful discrimination when it creates a hostile environment, which occurs when the harassment is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student's ability to participate in or benefit from the services, activities, or opportunities offered by a school. Harassment does not have to include intent to

**Students****STUDENT DISCIPLINE**

## Definitions (cont'd)

harm, be directed at a specific target, or involve repeated incidents. Harassment against any individual on the basis of that individual's association with someone in a Protected Class may be a form of Protected Class harassment.

**J-K. 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.

**K. L. Martial Arts Weapon** means a nunchaku, kama, kusari-fundo, octagon sai, tonfa or Chinese star.

**L. M. 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.

**M-N. School Days** shall mean days when school is in session for students.

**N. O. School-Sponsored Activity** means any activity sponsored, recognized or authorized by the Avon Board of Education (the "Board") and includes activities conducted on or off school property.

**O. P. 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.

**P-Q. 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.

**Q-R. Weapon** means any BB gun, any blackjack, any metal or brass knuckles, any police baton or nightstick, any dirk knife or switch knife, any knife having an automatic spring release device by which a blade is released from the handle, having a blade of over one and one-half inches in length, any stiletto, any knife the edge 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.

## Students

### STUDENT DISCIPLINE

R. S. 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.

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

#### II. Scope of the Student Discipline Policy

##### A. *Conduct on School Grounds, on School Transportation, or at a School-Sponsored Activity:*

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

##### B. *Conduct off School Grounds:*

Discipline. Students may be disciplined, including suspension and/or expulsion, for conduct off school grounds if such conduct **violates a publicized policy of the Board and is seriously disruptive of the educational process.**

##### C. *Seriously Disruptive of the Educational Process:*

In making a determination as to whether such conduct is seriously disruptive of the educational process, the Administration and the Board 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 29-38 of the Connecticut General Statutes, and whether any injuries occurred; and (4) whether the conduct involved the use of alcohol.** The

## Students

### STUDENT DISCIPLINE

Administration and/or the Board may also consider (5) **whether the off-campus conduct involved the illegal use of drugs.**

- D. A student shall not have greater discipline, punishment, or sanction for the use, sale, or possession of cannabis on school property than a student would face for the use, sale, or possession of alcohol on school property, except as otherwise required by applicable law.

### III. Actions Leading to Disciplinary Action, including Removal from Class, Suspension and/or Expulsion

Conduct that is considered to violate a publicized policy of the Board of Education includes the offenses described below. Any such conduct may lead to disciplinary action (including, but not limited to, removal from class, suspension and/or expulsion in accordance with this policy):

1. Striking or assaulting a student, member of the school staff or other person(s).
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/vaping, 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 Protected Class Harassment or reprisal or retaliation against any individual for reporting in good faith incidents of Protected Class Harassment, or who participate in the investigation of such reports.
7. Refusal by a student to respond to a staff member's request for the student to provide the student's name to a staff member when asked, misidentification of oneself to such person(s), lying to school officials **staff members** or otherwise engaging in dishonest behavior.
8. Inappropriate displays of public affection of a sexual nature and/or sexual activity on school grounds, on school transportation, or at a school-sponsored activity.

**Students****STUDENT DISCIPLINE**

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), including the use of AI to engage in such conduct.
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. Possession, sale, distribution, use, or consumption of tobacco, electronic nicotine delivery systems (e.g., e-cigarettes), electronic cannabis delivery system, or vapor products, or the unlawful possession, sale, distribution, use or consumption of drugs, narcotics or alcoholic beverages (or any facsimile of tobacco, drugs, narcotics or alcoholic beverages), including being under the influence of any such substances or aiding in the procurement of any such substances. For the purposes of this Paragraph 15, the term “electronic nicotine delivery system” shall mean an electronic device used in the delivery of nicotine or other substances to a person inhaling from the device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device, including, but not limited to, electronic cigarette liquid. For purposes of Paragraph 15, the term “electronic cannabis delivery system” shall mean an electronic device that may be used to simulate smoking in the delivery of cannabis to a person inhaling the device and includes, but is not limited to, a vaporizer, electronic pipe, electronic hookah and any related device and any cartridge or other component of such device.

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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 and 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, including cannabis.

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. Possession of paraphernalia used or designed to be used in the consumption, sale or distribution of drugs, alcohol or tobacco, as described in Paragraph 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 planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing or concealing, or injecting, ingesting, inhaling or otherwise introducing controlled drugs or controlled substances into the human body, including but not limited to items such as "bongs," pipes, "roach clips," vials, tobacco rolling papers, and any object or container used, intended or designed for use in storing, concealing, possessing, distributing or selling controlled drugs or controlled substances, including cannabis.
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, employees and/or other persons.



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22. Defiance of school rules and the valid authority of teachers, supervisors, administrators, other employees and/or law enforcement authorities.
23. Throwing snowballs, rocks, sticks and/or similar objects, except as specifically authorized by school employees responsible for student supervision.
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; the unauthorized use of AI for the completion of class assignments; or any other form of academic dishonesty, cheating or plagiarism.
27. Possession and/or use of a cellular telephone, radio, portable audio player, CD player, blackberry, tablet, personal data assistant, walkie talkie, Smartphone, mobile or handheld device, or similar electronic device, on school grounds, on school transportation, or at a school-sponsored activity in violation of Avon 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, on school transportation, or at a school-sponsored activity without the written permission of the principal or designee.
29. Unauthorized use of or tampering with any school computer, computer system, computer software, Internet connection or similar school property or system, or the use of such property or system for inappropriate purposes, including using AI in a manner that disrupts or undermines the effective operation of the school district or is otherwise seriously disruptive to the educational process.
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.

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## Definitions (cont'd)

32. Bullying, defined as an act that is direct or indirect and severe, persistent or pervasive, which:
- a. causes physical or emotional harm to an individual;
  - b. places an individual in reasonable fear of physical or emotional harm; or
  - c. infringes on the rights or opportunities of an individual at school;  
or
- Bullying shall include, but need not be limited to, a written, oral or electronic communication or physical act or gesture based on any actual or perceived differentiating characteristics, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or 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 employees, students, third parties on school property, or the public, regardless of whether the conduct is intended as a joke, including but not limited to violating school or District health and safety protocols.
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 (other than to school officials).
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 (other than to school officials).
37. Using computer systems, including email, remote learning platforms, 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.

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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 employee.
39. Engaging in teen dating violence, defined as any act of physical, emotional or sexual abuse, including stalking, harassing and threatening, which 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. An administrator responsible for a school program (“responsible administrator”) may consider recommendation of expulsion of a student in **grades three to twelve, inclusive**, in a case where the responsible administrator has reason to believe the student has engaged in conduct described at Sections II.A. or II.B., above.
- B. A responsible administrator must recommend expulsion proceedings in all cases against any student in **grades kindergarten to twelve, inclusive**, whom the District Administration has reason to believe:
  1. was in **possession on school grounds, on school transportation, 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 or school transportation 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

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dispense, offering or administering is subject to criminal penalties under Conn. Gen. Stat. §§21a-277 and 21a-278. Sale or distribution of less than one (1) kilogram of cannabis is not subject to mandatory expulsion.

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 or provided by a regional educational service center or a state or local charter school pursuant to an agreement with the Board; 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 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, on school transportation, 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 designee determines that a student should or must be expelled, the Superintendent or designee shall forward such recommendation to the Board so that the Board can consider and act upon this recommendation.

- 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 the student deliberately causes a serious disruption of the educational process. When a student is removed by a teacher, the teacher must send the student to a designated area and notify the responsible administrator or the administrator’s designee at once.

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- 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 responsible administrator or the administrator's designee and granted an informal hearing at which the student should be informed of the reasons for the disciplinary action and given an opportunity to explain the situation.

- 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 responsible administrator or the administrator's designee shall have the right to suspend 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 responsible administrator or the administrator's 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, except the responsible administrator or the administrator's designee may impose an out-of-school suspension on any pupil:
    - a. in grades three to twelve, inclusive, if, during the informal hearing, (i) the responsible administrator or the administrator's designee determines that the student poses such a danger to persons or property or such a disruption of the educational process that the student should be excluded from school during the period of suspension; or (ii) the designee determines that an out-of-school suspension is appropriate based on evidence of (A) the student's previous disciplinary problems that have led to suspensions or expulsion of such student, and (B) previous efforts by the District Administration to

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address the student's disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies, or

- b. in grades preschool to two, inclusive, if the responsible administrator or the administrator's designee determines that an out-of-school suspension is appropriate for such student based on evidence that such student's conduct on school grounds or on school transportation 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 responsible administrator or the administrator's designee, but only considered in the determination of the length of suspensions.
4. By telephone, the responsible administrator or the administrator's 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, responsible administrator or the administrator's designee shall forward a letter promptly to such parent or guardian in an email and a mailed letter to the last address reported on school records (or to a newer address if known by the responsible administrator or the administrator's 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 responsible administrator or the administrator or designee shall also notify the Superintendent or 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 the student missed while under suspension.

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9. The 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 programs shall not require the student and/or the student's parents to pay for participation in the program. The Superintendent may delegate this authority to building or program level administrators.
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. The Superintendent may delegate this authority to building or program level administrators.
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 responsible administrator or the administrator 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 responsible administrator or the administrator 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 responsible administrator or the administrator's designee shall

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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 responsible administrator or the administrator' designee may impose in-school suspension in cases where a student's conduct endangers persons or property, violates school policy or seriously disrupts the educational process as determined by the responsible administrator or the administrator designee.
- B. In-school suspension may not be imposed on a student without an informal hearing by the building responsible administrator or the administrator's designee.
- C. In-school suspension may be served in the school or program that the student regularly attends or in any other school building within the jurisdiction of the Board.
- 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 or Conn. Gen. Stat. § 10-233l, if applicable, as well as 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.



**Students****STUDENT DISCIPLINE****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 a panel.

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

1. Written notice of the expulsion hearing must be given to the student, and, if the student is a minor, to the student's parent(s) or guardian(s) at least five (5) business days before such hearing.
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 the student's 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, including if the hearing will be held virtually, via video conference.
  - 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.

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## STUDENT DISCIPLINE

- e. The student may cross-examine witnesses called by the **Superintendent or designee** Administration.
- f. The student may be represented by an attorney or other advocate of the student's choice at the student's expense or at the expense of the student's parent(s) or guardian(s).
- 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 the student's parent(s) or guardian(s) requires the services of an interpreter because they do not speak the English language or 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 concerning the parent's(s') or guardian's(s') and the student's legal rights and about free or reduced-rate legal services and how to access such services.
- j. The parent(s) or guardian(s) of the student have the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation, except that if an emergency exists, such hearing shall be held as soon after the expulsion as possible.

D. *Hearing Procedures:*

1. The hearing will be conducted by the Presiding Officer, who will call the meeting to order, introduce the parties, Board members and others participating in the hearing (if applicable), briefly explain the hearing procedures, and swear in any witnesses called by the ~~Administration~~ **Superintendent or designee** or the student. If an impartial board or more than one person has been appointed, the impartial board shall appoint a Presiding Officer.
2. The hearing will be conducted in executive session. A verbatim record of the hearing will be made, either by tape or digital recording or by a stenographer. A record of the hearing will be maintained, including the verbatim record, all written notices and documents relating to the case and all evidence received or considered at hearing.
3. The ~~Administration~~ **Superintendent or designee** shall bear the burden of production to come forward with evidence to support its case and shall bear the burden of persuasion. The standard of proof shall be a preponderance of the evidence.

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### STUDENT DISCIPLINE

4. Formal rules of evidence will not be followed. The Board (or the impartial board) has the right to accept hearsay and other evidence if it deems that evidence relevant or material to its determination. The Presiding Officer will rule on testimony or evidence as to it being immaterial, irrelevant and/or any other objections to its submission.
5. The hearing will be conducted in two (2) parts. In the first part of the hearing, the Board (or impartial board) will receive and consider evidence regarding the conduct alleged by the Administration.
6. In the first part of the hearing, the charges will be introduced into the record by the Superintendent or designee.
7. Each witness for the Administration Superintendent or designee will be called and sworn. After a witness has finished testifying, the witness will be subject to cross-examination by the opposite party or the witness' legal counsel, by the Presiding Officer and by Board members (or the impartial board).
8. The student shall not be compelled to testify at the hearing.
9. After the Administration Superintendent or designee has presented its-the Administration's case, the student will be asked if the student has any witnesses or evidence to present concerning the charges. If so, the witnesses will be sworn, will testify, and will be subject to cross examination and to questioning by the Superintendent or designee, the Presiding Officer and/or by the Board (or the impartial board).. The student may also choose to make a statement at this time. If the student chooses to make a statement, the student will be sworn and subject to cross examination and questioning by the Superintendent or designee, the Presiding Officer and/or by the Board (or the impartial board). Concluding statements will be made by the Administration Superintendent or designee and then by the student and/or the student's representative.
10. In cases where the student has denied the allegation, the Board (or impartial board) must determine whether the student committed the offense(s) as charged by the Superintendent or designee.
11. If the Board (or the impartial board)determines that the student has committed the conduct as alleged, then the Board (or the impartial board)shall proceed with the second portion of the hearing, during which the Board (or the impartial board) will receive and consider relevant evidence regarding the length and conditions of expulsion.

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12. When considering the length and conditions of expulsion, the Board(or the impartial board) may review the student's attendance, academic and past disciplinary records. The Board(or the impartial board) may not review notices of prior expulsions or suspensions which have been expunged from the student's cumulative record, except as so provided in Section VI.A (9), (10), (11), above, and Section X, below. The Board (or the impartial board) may ask the Superintendent or designee for a recommendation as to the discipline to be imposed.
13. Evidence of past disciplinary problems that have led to removal from a classroom, suspension or expulsion of a student being considered for expulsion may be considered only during the second portion of the hearing, during which the Board(or the impartial board) is considering length of expulsion and nature of alternative educational opportunity to be offered.
14. Where administrators present the case in support of the charges against the student,neither such administrative staff nor the Superintendent or designee shall not be present during the deliberations of the Board (or the impartial board) either on questions of evidence or on the final discipline to be imposed. The Superintendent or designee may, after reviewing the incident with administrators, and reviewing the student's records, make a recommendation to the Board (or the impartial board)as to the appropriate discipline to be applied.
15. The Board (or the impartial board)shall make findings as to the truth of the charges, if the student has denied them; and, in all cases, the disciplinary action, if any, to be imposed. While the hearing itself is conducted in executive session, the vote regarding expulsion must be made in open session and in a manner that preserves the confidentiality of the student's name and other personally identifiable information.
16. Except for a student who has been expelled based on possession of a firearm or deadly weapon as described in subsection IV.B(1) and (2) above, the Board(or the impartial board) may, in its discretion, shorten or waive the expulsion period for a student who has not previously been suspended or expelled, if the student completes a Board-specified program and meets any other conditions required by the Board. The Board-specified program shall not require the student and/or the student's parents to pay for participation in the program.
17. The Board (or the impartial board) shall report its final decision in writing to the student, or if such student is a minor, also to the parent(s) or guardian(s), stating the reasons on which the decision is based, and the disciplinary action to be imposed. Said decision shall be based solely on evidence presented at the hearing. The parents or guardian or any minor student who has been expelled shall be given notice of such disciplinary action within twenty-four (24) hours of the time of the institution of the period of the expulsion.

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18. The hearing may be conducted virtually, via video conference, at the direction of the Board, (or the impartial board) in the event school buildings are closed to students or individuals are provided limited access to school buildings due to a serious health emergency. Any virtual hearing must provide the student the due process rights identified in this Subsection D.

E. *Presence on School Grounds, on School Transportation, and Participation in School-Sponsored Activities During Expulsion:*

During the period of expulsion, the student shall not be permitted to be on school property or on school transportation, and shall not be permitted to attend or participate in any school-sponsored activities, except for the student's participation in any alternative educational opportunity provided by the District in accordance with this policy, unless the Superintendent or designee specifically provides written permission for the student to enter school property or school transportation 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 Superintendent or designee and the parent(s) or legal guardian(s) 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 parent(s) or legal guardian(s) 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 (or the impartial 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 the student's own behalf.

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## STUDENT DISCIPLINE

If the parties agree on the facts, but not on the disciplinary recommendation, the ~~Administration~~ **Superintendent or designee** 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 StudentsA. *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 the student requests it and if the student agrees to the conditions set by the Board (or the impartial board). Such alternative educational opportunities may include, but shall not be limited to, the placement of a pupil who is at least seventeen years of age in an adult education program. Any student participating in an adult education program during a period of expulsion shall not be required to withdraw from school as a condition to participate 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 a second, or subsequent, time.
3. The Board of Education shall count the expulsion of a student when the student was under sixteen (16) years of age for purposes of determining whether an alternative educational opportunity is required for such student when the student 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.

**Students****STUDENT DISCIPLINE****D. Content of Alternative Educational Opportunity**

1. For the purposes of Section IX, and subject to Subsection IX.E, below, any alternative educational opportunity to which an expelled student is statutorily entitled shall be (1) alternative education, as defined by Conn. Gen. Stat. § 10-74j and in accordance with the *Standards for Educational Opportunities for Students Who Have Been Expelled*, adopted by the Connecticut State Board of Education (CSBE), with an individualized learning plan, if the Board provides such alternative education, or (2) in accordance with the *Standards for Educational Opportunities for Students Who Have Been Expelled*, adopted by the CSBE.
2. The Superintendent, or designee, shall develop administrative regulations concerning alternative educational opportunities, which administrative regulations shall be in compliance with the standards adopted by the State Board of Education. Such administrative regulations shall include, but are not limited to, provisions to address student placement in alternative education; individualized learning plans; monitoring of students placements and performance; and a process for transition planning.

**E. *Students identified as eligible for services under the Individuals with Disabilities Education Act ("IDEA"):***

Notwithstanding Subsections IX.A. through D. 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, and in accordance with the *Standards for Educational Opportunities for Students Who Have Been Expelled*, adopted by the CSBE.

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

The Board may offer an alternative educational opportunity to a student for whom such alternative educational opportunity is not required by law or as described in this policy. In such cases, the Board, or if delegated by the Board, the Administration, shall determine the components, including nature, frequency and duration of such services, of any such alternative educational opportunity.

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#### 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 of a student in grades nine through twelve, inclusive, based upon possession of a firearm or deadly weapon, shall be expunged from the cumulative educational record by the District 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(16), 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. **Except as may be specified by the Board in an expulsion hearing decision, the Board delegates the authority to make decisions pertaining to expungement to the Superintendent.**

If a student's period of expulsion was not shortened or waived, the Board may choose to expunge the expulsion notice from the student's cumulative record prior to graduation if such student has demonstrated to the Board that the student's conduct and behavior in the years following such expulsion warrants an expungement. In deciding whether to expunge the expulsion notice, the Board may receive and consider evidence of any subsequent disciplinary problems that have led to removal from a classroom, suspension or expulsion of the student. **Except as may be specified by the Board in an expulsion hearing decision, the Board delegates the authority to make decisions pertaining to expungement to the Superintendent.**

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 District:*

1. If a student enrolls in the District while an expulsion hearing is pending in another public school, 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. **The procedures outlined above in Section VIII and consistent with the requirements of Conn. Gen. Stat. §10-233d or Conn. Gen. Stat. § 10-233i, if applicable, as well**



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as the applicable provisions of the Uniform Administrative Procedures Act, Conn. Gen. Stat. §§ 4-176e to 4-180a, and §4-181a shall be utilized for any hearing conducted under this action.

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 (or the impartial board) shall make its determination pertaining to expulsion based upon a hearing held by the Board (or the impartial 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. The procedures outlined above in Section VIII and consistent with the requirements of Conn. Gen. Stat. §10-233d or Conn. Gen. Stat. § 10-233l, if applicable, as well as the applicable provisions of the Uniform Administrative Procedures Act, Conn. Gen. Stat. §§ 4-176e to 4-180a, and §4-181a shall be utilized for any hearing conducted under this action.

B. *Student moving out of 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 a responsible administrator 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 District that applies to all students, the following procedures shall apply:

1. The Administration responsible administrator 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

**Students**  
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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 District is not required to provide any educational services to the IDEA student beyond that which is provided to all students suspended by the 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 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 educational placement:

1. Upon the decision by the Administration to recommend expulsion or impose a suspension that would constitute a change in educational placement, the Administration shall promptly notify the parent(s)/guardian(s) of the student of the recommendation of expulsion or the suspension that would constitute a change in educational placement, and provide the parents(s)/guardian(s) a copy of the special education procedural safeguards either by hand-delivery or by mail (unless other means of transmission have been arranged).
2. The 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 the student's disability.
3. If the student's PPT finds that the behavior was 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 was not a manifestation of the student's disability, the Administration may proceed with the

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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 responsible administrator (or designee) should consider the nature of the misconduct and any relevant educational records of the student.

**C. *Removal of Special Education Students for Certain Offenses:***

1. A responsible administrator may remove a student eligible for special education under the IDEA to an appropriate interim alternative educational setting for not more than forty-five (45) school days if the student:
  - a. 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, on school transportation, or at a school-sponsored activity, or
  - b. Knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance while at school, on school transportation, or at a school-sponsored activity; or
  - c. Has inflicted serious bodily injury upon another person while at school, on school premises, on school transportation, or at a school function.
2. The following definitions shall be used for this subsection XII.C.:
  - a. **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.
  - b. **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).
  - c. **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.

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- d. **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")

- A. Except as provided in subsection B below, 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 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 the student's 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.
- B. The Board may take disciplinary action for violations pertaining to the use or possession of illegal drugs or alcohol against any student with a disability who currently is engaging in the illegal use of drugs or alcohol to the same extent that such disciplinary action is taken against nondisabled students. Thus, when a student with a disability is recommended for expulsion based solely on the illegal use or possession of drugs or alcohol, the 504 team *shall not be required to meet* to review the relationship between the student's disability and the behavior that led to the recommendation for expulsion.

### XIV. Procedures Governing Expulsions for Students Placed in a Juvenile Detention Center

- A. Any student who commits an expellable offense and is subsequently placed in a juvenile detention center or any other residential placement for such offense may

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be expelled by the Board in accordance with the provisions of this section. The period of expulsion shall run concurrently with the period of placement in a juvenile detention center or other residential placement.

- B. If a student who committed an expellable offense seeks to return to the District after participating in a diversionary program or having been placed in a juvenile detention center or any other residential placement and such student has not expelled by the board of education for such offense under subdivision (A) of this subsection, the Board shall allow such student to return and may not expel the student for additional time for such offense.

**XV. Early Readmission to School**

An expelled student may apply for early readmission to school. The Board delegates the authority to make decisions on readmission requests to the Superintendent. Students desiring readmission to school shall direct such readmission requests to the Superintendent. The Superintendent has the discretion to approve or deny such readmission requests, and may condition readmission on specified criteria.

**XVI. Dissemination of Policy**

The District shall, at the beginning of each school year and at such other times as it may deem appropriate, provide for an effective means of informing all students, parent(s) and/or guardian(s) of this policy.

**XVII. Compliance with Documentation and Reporting Requirements**

- A. The District shall include on all disciplinary reports the individual student's state-assigned student identifier (SASID).
- B. The District shall report all suspensions and expulsions to the State Department of Education.
- C. If the Board expels a student for sale or distribution of a controlled substance, as defined in Conn. Gen. Stat. § 21a-240(9), whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with the intent to sell or dispense, offering, or administration is the subject to criminal penalties under Conn. Gen. Stat. §§ 21a-277 and 21a-278, the District shall refer such student to an appropriate state or local agency for rehabilitation, intervention or job training and inform the agency of its action.
- D. If the Board expels a student for possession of a firearm, as defined in 18 U.S.C. § 921, or deadly weapon, dangerous instrument or martial arts weapon, as defined in Conn. Gen. Stat. § 53a-3, the District shall report the violation to the local police

**Students****STUDENT DISCIPLINE****Legal References:****Connecticut General Statutes:**

§ 10-16	Length of school year
§ 10-74j	Alternative education
§§ 4-176e	through 4-180a and § 4-181a Uniform Administrative Procedures Act
§ 10-222d	Safe school climate plans. Definitions. Safe school climate assessments
§§ 10-233a	through 10-233f Suspension and expulsion of students
§ 10-233l	Expulsion and suspension of children in preschool programs
§ 10-253	School privileges for children in certain placements, nonresident children, children in temporary shelters, homeless children and children in juvenile detention facilities. Liaison to facilitate transitions between school districts and juvenile and criminal justice systems.
§ 19a-342a	Use of electronic nicotine delivery systems or vapor products is prohibited. Exceptions. Signage required. Penalties
§ 21a-240	Definitions
§ 21a-277	Penalty for illegal manufacture, distribution, sale, prescription, dispensing
§ 21a-278	Penalty for illegal manufacture, distribution, sale, prescription, or administration by non-drug-dependent person
§§ 21a-408a	through 408p Palliative Use of Marijuana
§ 29-35	Carrying of pistol or revolver without permit prohibited. Exceptions
§ 29-38	Weapons in vehicles
§ 53a-3	Definitions
§ 53-206	Carrying of dangerous weapons prohibited
§ 53-344	Sale or delivery of cigarettes or tobacco products to persons under twenty-one.
§ 53-344b	Sale and delivery of electronic nicotine delivery system or vapor products to persons under twenty-one years or age

Public Act No. 21-46, “An Act Concerning Social Equity and the Health, Safety and Education of Children.”

*Packer v. Board of Educ. of the Town of Thomaston*, 717 A.2d 117 (Conn. 1998).

*State v. Hardy*, 896 A.2d 755 (Conn. 2006).

*State v. Guzman*, 955 A.2d 72 (Conn. App. Ct. 2008).

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Connecticut State Department of Education, *Standards for Educational Opportunities for Students Who Have Been Expelled*, adopted January 3, 2018.

**Federal law:**

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, 20 U.S.C. § 7961

*Honig v. Doe*, 484 U.S. 305 (1988)

**ADOPTED:** February 26, 2019

**Revised:** March 21, 2023

**Revised:** September 26, 2023

**Revised:**

**AVON PUBLIC SCHOOLS**  
Avon, Connecticut

[BOE LETTERHEAD]

(Date)

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED & U.S. MAIL**

**(Parent) (If the Student is aged 18 or older, this notice should be sent directly to the student, with copies to the parent(s)).**

**(Parent's/Student's Address)**

**(Non-custodial Parent, if applicable)**

**(Parent's Address)**

**Re: Expulsion Hearing Concerning Student Name; D.O.B.; State-Assigned Student Identifier (SASID)**

**Dear (Parent/Guardian):**

In accordance with the (*name of district*) Board of Education Policy (*policy # & title*), I am writing to advise you that the (*name of district*) Board of Education (the "Board") will hold a formal hearing concerning your child, (*name of student*) to consider the recommendation of (*name of administrator*) that your child be expelled from school. [*In cases where the district uses an impartial hearing board, add the following: Please be advised that the Board has appointed an Attorney [Name], to serve as an impartial hearing board in this matter.*] This hearing is being held pursuant to Section 10-233d [*In cases where a preschool student is recommended for expulsion, add the following: and Section 10-233l*] and Sections 4-176e to 4-180a, inclusive, and Section 4-181a of the Connecticut General Statutes and the (*name of district*) Board of Education Policy (*policy # & title*), a copy of which is enclosed. The Board (*OR the impartial hearing board*) intends to conduct the hearing in executive session, due to the confidential nature of this hearing.

The hearing will address the allegations that your child (*for on or off-campus conduct*: violated Board Policy *cite Student Discipline Policy number and any other specific policy number* on *date* and seriously disrupted the educational process) (*and/or, for on-campus conduct*: endangered persons or property) by engaging in the following conduct:

***(The law governing these hearings requires a short, plain statement of the facts to be included within this notice letter, and should be inserted here.***

***Example: carrying a knife on the school bus on a specified date and brandishing it at other students on the bus).***



***(If the student has admitted to this conduct, note the admission here).***

**The hearing has been scheduled for (date, time, place [note: unless an emergency exists, this notice must be given to the student/parent/guardian at least five (5) business days before the hearing]). (If a manifestation determination must be held prior to the expulsion hearing, add the following language: Prior to the expulsion hearing, your child's [planning and placement (PPT) team OR Section 504 team] will determine if your child's conduct constitutes a manifestation of the child's disability. The expulsion hearing will be canceled if the [PPT OR Section 504 team] determines that the conduct was a manifestation of your child's disability; otherwise, the hearing will proceed as scheduled.** You and your child are asked to attend this hearing. Your child has the right to be represented by an attorney or other advocate at your expense, has the right to cross-examine administration witnesses, and may present relevant evidence, both documentary and testimonial, concerning the allegations. The hearing will be the parties' sole opportunity to present such evidence. The Board ***(OR the impartial hearing board)*** may also question witnesses. An opportunity will also be given for the administration and your child or your child's representatives to present arguments concerning the evidence presented at the hearing. If you need the services of a translator or an interpreter for this hearing, please let me know as soon as possible.

Unless the administration has determined that an emergency exists, you have the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation. If you would like to request a postponement, please let me know as soon as possible.

The administration may recommend expulsion from school for up to one calendar year. The Board ***(OR the impartial hearing board)*** has discretion to adopt any period of expulsion up to one calendar year.

As mentioned above, your child has a right to be represented, at your own expense, by an attorney or other advocate at the expulsion hearing. Obtaining an attorney or other advocate is the responsibility of the family. Very low income families may be able to obtain free or reduced rate advice or legal representation through Statewide Legal Services, Inc. ("SLS"). To apply for such assistance, those families should contact SLS immediately at 1-800-453-3320.

In the event your child is expelled as a result of the scheduled hearing, and your child is under sixteen (16) years of age, the Board will offer your child an alternative educational opportunity during any period of exclusion from school as determined by the Administration in accordance with applicable law and Board policy. If your child is between sixteen (16) and eighteen (18) and has not been expelled before, the Board shall also offer to your child an alternative educational opportunity if your child wishes to continue their education. Please know however, that the Board is not required to offer an alternative educational opportunity to any student between sixteen (16) and

eighteen (18) years of age who have previously been expelled or to students who are eighteen (18) years of age or older.

If you have any questions, please call my office at *(number)*.

Sincerely,

*(Name of Superintendent)*  
*(Name of District)* Public Schools

Cc: *(Name of District)*, Chairman, *(Name of District)* Board of Education  
*(Name of Special Education Director, where applicable)*  
*(Name of Principal at school that student attends)*  
*(Name of Board of Education Attorney, where applicable)*  
*(Name of Administration's Attorney, where applicable)*

11/10/202111/10/2021

## Students

### ~~Physical Activity, Undirected Play~~ **Recess** and ~~Student Discipline~~ **Play-Based Learning**

It is the policy of the Avon Board of Education (the “Board”) to promote the health and well-being of district students by encouraging healthy lifestyles **and mental health wellness**, including promoting physical exercise, activity **and play** as part of the school day **within the Avon Public Schools (“District”).**

For purposes of this policy, a “school employee” is defined as (1) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or working in the district schools, or (2) any other individual who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in the district schools pursuant to a contract with the Board.

**For purposes of this policy, “recess” means the time during the regular school day for each student enrolled in elementary school that is devoted to a physical exercise of not less than twenty minutes in total pursuant to Conn. Gen. Stat§10-221o.**

#### **I. ~~Deprivation of Physical Exercise Period-~~ **Recess** or Undirected Play Period as a Form of Discipline**

For elementary school students, the Board includes a time of not less than twenty (20) minutes in total, during the regular school day, ~~to be devoted to physical exercise,~~ **for recess**, except that a planning and placement team (“PPT”) may develop a different schedule for students requiring special education and related services.

The administration may include additional time, beyond the twenty (20) minutes required for ~~physical exercise~~ **recess**, devoted to undirected play during the regular school day for elementary school students.

In an effort to promote physical exercise and undirected play, the Board prohibits school employees from disciplining elementary school students by preventing them from participating in the full twenty (20) minutes of ~~time devoted to physical exercise~~ **recess** or additional time devoted to undirected play during the regular school day, except in accordance with this policy or as determined by a student’s Section 504 team or PPT.

##### **A. ~~Physical Exercise~~ **Recess** Period**

School employees may prevent or otherwise restrict a student from participating in the entire time devoted to ~~physical exercise in the regular school day~~ **recess** as a form of discipline only under the following circumstances:

## Students

### ~~Physical Activity, Undirected Play~~ Recess and Student Discipline ~~Play-Based Learning~~

- 1) When a student poses a danger to the health or safety of other students or school personnel; or
- 2) If there are two or more periods devoted to ~~physical exercise~~ recess in a school day, then when the prevention or restriction of ~~physical exercise~~ recess is limited to the period devoted to ~~physical exercise~~ of recess that is the shortest in duration, provided that the student still participates in at least twenty minutes of ~~physical exercise~~ recess in a school day.

School employees may prevent or restrict a student from participating in the entire time devoted to ~~physical exercise in the regular school day~~ recess as a form of discipline, in accordance with this policy, only one time during a school week, unless the student is a danger to the health or safety of other students or school personnel.

School employees may not prevent or restrict a student from participating in the entire time devoted to ~~physical exercise in the regular school day~~ recess if such prevention or restriction is related to the student's failure to complete school work on time or to the student's academic performance.

This policy distinguishes between a) discipline that is imposed before the ~~time devoted to physical exercise~~ recess begins and b) discipline imposed during ~~such time devoted to physical exercise~~ recess or methods used to redirect a student's behavior during ~~recess such time~~ recess. School personnel may impose discipline during ~~time devoted to physical exercise~~ recess as a result of student's behavior during ~~recess such time~~ recess, if such discipline is in accordance with Board policies and procedures. School personnel may also use methods to redirect a student's behavior, in the event such behavior warrants redirection, during ~~the time devoted to physical exercise~~ recess. For clarity, the prohibition against preventing or restricting a student's participation in the time devoted to ~~physical exercise~~ recess shall apply to student conduct that occurs prior to the ~~physical exercise~~ recess time, rather than during the ~~physical exercise~~ recess time.

#### B. Undirected Play Period

School employees may not discipline elementary school students by preventing them from participating in the full time devoted to undirected play, if any, during the regular school day, except when a student poses a danger to the health or safety of other students or school personnel, or as determined by a student's Section 504 team or PPT.

## Students

### ~~Physical Activity, Undirected Play Recess and Student Discipline~~ Play-Based Learning

#### II. Play-Based Learning Requirements for Pre-Kindergarten to Grade Five

Effective July 1, 2024, the Board directs the dDistrict administration to 1) provide for play-based learning during the instructional time of each regular school day for all students in kindergarten and any preschool program operated by the Board; and 2) permit a teacher to utilize play-based learning during the instructional time of the regular school day for all students in grades one to five, inclusive.

##### A. Definitions for Section II

1. "Free Play" means unstructured, voluntary, child-initiated activities that are performed by a child for self-amusement and have behavioral, social and psychomotor rewards, except free play may be structured to promote activities that are child-directed, joyful and spontaneous.
2. "Guided Play" means learning experiences that combine that child-directed nature of free play with a focus on learning outcomes and adult guidance.
3. "Play-based learning" means pedagogical approach that emphasizes play in promoting learning and includes developmentally appropriate strategies that can be integrated with existing learning standards. Play-based learning does not mean time spent in recess or as part of a physical education course or instruction.
4. "Mobile electronic device" means any hand-held or other portable electronic equipment capable of providing data communication between two or more individuals, including, but not limited to, a text messaging device, a paging device, personal digital assistant, a laptop computer, equipment that is capable of playing a video game or a digital video disk, or equipment on which a digital images are taken or transmitted.
5. "Instructional time" means the time of actual school work during a regular school day.

##### B. Play-Based Learning Requirements for Pre-Kindergarten and Kindergarten

Play-based learning shall be provided during the instructional time of each regular school day for all students in kindergarten and any preschool program operated by the Board. Such play-based learning shall:

1. be incorporated and integrated into daily practice;
2. allow for the needs of such students to be met through free play, guided play and games; and
3. be predominantly free from the use of mobile electronic devices.

##### C. Play-Based Learning Requirements for Grades one to Five, Inclusive

The Board permits teachers to utilize play-based learning during the instructional time of a regular school day for all students in grades one to five, inclusive. Such play-based learning:

1. may be incorporated and integrated into daily practice;

## Students

### ~~Physical Activity, Undirected Play~~ Recess and Student Discipline ~~Play-Based Learning~~

1. shall allow for the needs of such students to be met through free play, guided play and games; and
2. shall be predominantly free from the use of mobile electronic devices.

#### D. Play-Based learning for Students with IEP's or Section 504 Plans

Any play-based learning utilized shall comply with a student's individualized education program ("IEP") or Section 504 plan.

#### E. Deprivation of Play-Based learning as a Form of Discipline

School employees may not discipline elementary school students by preventing them from participating in full time devoted to play-based learning, if any, during the regular school day, except when a student poses a danger to the health or safety of other student or school personnel, or as determined by a student's Section 504 or PPT.

### III. Prohibition on Compulsion of Physical Activity as a Form of Discipline

For all students, the Board prohibits school employees from disciplining students by requiring students to engage in physical activity as a form of discipline during the regular school day.

### IV. Disciplinary Action for Failure to Follow Policy

Any employee who fails to comply with the requirements of this policy may be subject to discipline, up to and including termination of employment. Any contracted individual who provides services to or on behalf of students enrolled in the district and who fails to comply with the requirements of this policy may be subject to having the individual's contract for services suspended by the district.

#### Legal References:

Connecticut General Statutes:

§ 10-221o Lunch periods. Recess. Boards to adopt policies addressing limitation of physical exercise

§ 10-221u Boards to adopt policies addressing the use of physical activity as discipline

Public Act No. 23-159 "An Act Concerning Teachers and Paraeducators"

Public Act No. 22-81 23-101, "An Act Expanding Preschool and Mental and Behavioral Services for Concerning the Mental, Physical and Emotional Wellness of Children"

ADOPTED: December 20, 2022

Policy Revised:

AVON PUBLIC SCHOOLS  
Avon, Connecticut

## PARENTAL ACCESS TO SUPPLEMENTAL INSTRUCTIONAL MATERIALS

In accordance with federal law, state law and Avon Board of Education (the "Board") policy, parents or guardians shall be permitted access to instructional material used as part of the educational curriculum for any student and all curriculum approved by the Board's curriculum committee established pursuant to section 10-220 of the Connecticut General Statutes and all associated curriculum materials ("Curriculum"). Curriculum does not include academic tests or academic assessments.

"Instructional Material" means any instructional content that is provided to a student, regardless of its format, including, but not limited to, printed or representational materials, audio-visual materials, and materials in electronic or digital formats adhering to copyright regulations (such as materials accessible through the Internet). The term does not include academic tests or academic assessment.

Upon request, the district shall permit parents or guardians to inspect any Instructional Material and Curriculum. The district shall grant reasonable access to Instructional Material and Curriculum within a reasonable period of time after a request is received from a parent or guardian.

Legal Reference: ~~Federal Law: P.L. 107-110 Sec 1061—Student Privacy, Parental Access to Information, and Administration of Certain Physical Examinations to Minors:  
34CFR99—Family Educational Rights and Privacy~~

Federal Law:  
Elementary and Secondary Education Act of 1965, 20 U.S.C. 1232, as amended by the Every Student Succeeds Act, Pub. L. 114-95

State Law:  
Conn. Gen Stat 10-220 Duties of Boards of Education  
Public Act 23-160, "An Act Concerning Education Mandate Relief and Other Technical and Assorted Revisions and Additions to the Education and Early Childhood Education Statutes."

Policy adopted: May 17, 2016

Policy revised:

Avon Public Schools  
Avon, CT