

The Enclosures referred to in the Agenda are available for inspection at each of the three Public Libraries in Fairfield, Fairfield Public Schools' website [www.edline.net/pages/fairfield\\_school\\_district](http://www.edline.net/pages/fairfield_school_district) and the Education Center, 501 Kings Highway East.

***THE PUBLIC IS REQUESTED TO TURN OFF CELL PHONES OR PLACE THEM ON VIBRATE PRIOR TO THE START OF THE MEETING***

**PLEASE NOTE  
LOCATION CHANGE**

Board of Education  
Fairfield Public Schools  
Fairfield, CT

Tuesday, September 28, 2010

**BUSINESS MEETING**

**7:30 P.M.**

**Fairfield Warde High School  
755 Melville Avenue  
Auditorium**

**AGENDA AND SUPERINTENDENT'S RECOMMENDATIONS**

- I. Call to Order and Roll Call
- II. Pledge of Allegiance
- III. Recognition of Teachers and Administrators Achieving Tenure
- IV. Approval of Minutes

Recommended Motion: "that the Board of Education approve the Minutes of the Education Meeting of September 14, 2010"

(Enclosure No. 1)

- V. Old Business
  - A. Approval of Grandfathering

Recommended Motion: "that the Board of Education approve 'grandfathering' of all sixth and seventh grade students at their current middle schools until they complete eighth grade and that transportation be provided for those students. Parents may opt-out of 'grandfathering' and have current sixth and seventh grade students attend their new middle school if the purpose is to keep siblings together, and transportation will be provided for those students"

- B. End of Fiscal Year June 30, 2010 Report

(Enclosure No. 2)

C. Approval of Policy

Recommended Motion: "that the Board of Education Approve Policy #5128 – Foreign Exchange Students as presented at the April 27, 2010 Board of Education Meeting"

(Enclosure No. 3)

D. Approval of Policy

Recommended Motion: "that the Board of Education Approve Policy #5145 – Use of Breathalyzers as presented at the June 8, 2010 Board of Education Meeting"

(Enclosure No. 4)

VI. New Business

A. First Read of Policies-

- #3524.2 – Green Cleaning
- #5119 – Student Discipline - Suspension and Expulsion
- Elimination of Policy #5120 – Expulsion
- Elimination of Policy #5313 – Substance Abuse
- Elimination of Policy #5320 – Weapons

(Enclosures No. 5, 6, 7, 8, 9)

VII. Report of the Superintendent

VIII. Public Comments and Petitions

During this period the Board will hear comments and receive petitions from any citizen present at the meeting. Any single presentation must be limited to two minutes, and audio-visual equipment cannot be used without the advance authorization of the Chairman. **The Board will not hear comment on individual personnel matters or comments addressed to a specific member(s) of the Board.** Decorum will be enforced. Citizens are asked to comment on any voting item at the time the item is under consideration by the Board.

IX. Adjournment

Recommended Motion: "that this regular meeting of the Board of Education adjourn"

CALENDAR OF EVENTS

October 12, 2010	Board of Education Education Meeting	7:30 p.m. 501 Kings Highway East 2 <sup>nd</sup> Floor Conference Room
October 26, 2010	Board of Education Business Meeting	7:30 p.m. 501 Kings Highway East 2 <sup>nd</sup> Floor Conference Room

RELOCATION POLICY NOTICE

The Fairfield Public Schools System provides services to ensure students, parents and other persons have access to meetings, programs and activities. The School System will relocate programs in order to ensure accessibility of programs and activities to disabled persons. To make arrangements please contact:

Pupil & Special Education Services  
501 Kings Highway East  
Fairfield, CT 06825  
Telephone: (203) 255-8379

SEP 28 2010

FAIRFIELD BOARD OF EDUCATION REVISED  
MINUTES OF THE EDUCATION MEETING OF THE BOARD OF EDUCATION  
Tuesday, September 14, 2010

Minutes of the Executive Session/Education Meeting of the Board of Education held Tuesday, September 14, 2010, at 501 Kings Highway East-2<sup>nd</sup> floor Board Conference Room.

Chairman Mrs. Sue Brand called the meeting to order at 7:01 p.m. Other Board members present were: Mrs. Catherine Albin, Mrs. Sue Dow, Mr. Paul Fattibene, Mr. John Mitola, Ms. Stacey Zahn, and Mr. Perry Liu (arrived 7:03 p.m.). Also in attendance were Superintendent Dr. David Title and Mrs. Margaret Mary Fitzgerald.

1. Mrs. Albin moved, seconded by Mr. Mitola that the Board of Education convene to Executive Session to discuss Custodial/Maintenance negotiations.

Motion carried: 6:0:0.

2. Mrs. Albin moved, seconded by Mr. Mitola to adjourn the Executive Session at 7:06 p.m..

Motion carried: 7:0:0.

3. Chairman Mrs. Sue Brand called the Education Meeting to order at 7:34 p.m. Other Board members present were: Mrs. Catherine Albin, Mrs. Sue Dow, Mr. Paul Fattibene, Mr. Perry Liu, Mr. John Mitola, Ms. Stacey Zahn, Mr. Tim Kery (arrived 7:40 p.m.), and Mrs. Pamela Iacono (arrived 8:00 p.m.). Also in attendance were Fairfield Ludlowe HS Student Representative Allison Reich, Superintendent Dr. David Title, and members of the administrative staff. Approximately 175 people comprised the remainder of the audience.

4. Mrs. Brand led the Board and audience in the Pledge of Allegiance.

5. Introduction of New Administrators and Teachers-

Mrs. Brand welcomed this year's new teachers to the Fairfield Public Schools. Approximately 45 administrators and teachers introduced themselves to the Board of Education and members of the public.

6. Ms. Zahn moved, seconded by Mr. Mitola that the Board of Education approve the Minutes of the Education/Business Meeting of August 24, 2010.

Motion carried: 7:0:1. Mr. Fattibene abstained.

7. Public Comments and Petitions-

Heather Lajeunesse, 455 Mountain Laurel Road, urged the Board to look at the district in its entirety before approving anything. She asked the Board not to vote yes to either of the plans.

Dr. Gerry Kuroghlian, Fairfield resident, urged the Board to look at *A Survey of the Literature on the Impact of Restructuring our Communities* done by School Administration Magazine in 1995. It is a comprehensive survey on communities in which redistricting has occurred.

Rick Morgan, Dudley Drive, commented on the number of students currently at each of the middle schools and the number that would be at each school under Option E. He also commented that no grandfathering has been approved, there are no busing costs and no analysis has been done on how busing will be handled.

Catherine Jones, Old Black Rock Turnpike, expressed concern that without a long term plan that includes more classroom space, redistricting is just shifting the problem from one school to another.

She spoke against both of the plans on tonight's agenda and asked the Board to take a step back and look at how many children will be affected by Option E.

Tammy Kirby, Aran Hill Road, asked the Board to make this decision sooner rather than later so families can move on and become a community again. If there is a change, she hopes the Board will grandfather the children.

Krista Dougherty, Gilbert Highway, asked the Board not to vote on any middle school feeder plan but to devote the next few months to focus on a town-wide redistricting.

Sydney Raha, Catamount Road, urged the Board to make a decision and vote tonight. You have all of the information, and we need to move forward.

Kathy Caulfield, Fairland Drive, spoke in favor of Option E. She asked that whatever plan the Board considers to please keep capacity and school size in mind.

Seth Block, Shrub Oak Lane, stated that nothing has changed since the last Board meeting. The plans were not well thought out, no financial impact study was done, and no demographic study was done. The only thing that changed is that another option was put in which is worse. You need to go back and address the entire town; and if you don't do that, you are doing the entire town a disservice.

Catherine Giff, Eleven O'Clock Road, encouraged the Board to move ahead on the feeder plan tonight.

Mary Hogue, Stonewall Lane, commented that this is an important issue that has to happen sooner rather than later, but at the same time it is a bigger issue than just middle schools. There are issues related to long term plans that have to be figured out. She asked the Board to make sure you do whatever you can to make one whole town picture happen.

Christine Vitale, Verna Hill Road, stated that this was not a rush judgment, a lot of time and discussion went into it by the subcommittee. Time is of the essence and the feeder pattern needs to be addressed now. She encouraged the Board to vote for Option E.

Mrs. Albin called a Point of Order. Under item VIII, "Citizens are asked to comment on any voting item at the time the item is under consideration by the Board." She stated that the public is asking the Board to vote or not to vote on something that the Board has not discussed yet. She asked if it is the Chairman's desire to have this comment again when the Board discusses the specific items that are on the agenda for a vote. Mrs. Brand stated that there is another proposal on tonight's agenda, and her concern is that if the Board discusses the new option and decides that it is going to be a voting item, and then decides to move it to the next meeting, the public would not have a chance to comment. Therefore, the public can either address it now or address it later and asked that the public not address it twice.

Emily Miller, Flintlock Road, stated that time is of the essence to get the funding to move forward with Fairfield Woods. Option E seems to work the best right now so go forward with Option E, make it work, and then in 5-10 years go forward from the bottom up again.

Guy Sullivan, Burr Street, commented that this is a discussion of long term planning and yet in the first paragraph of the report it says that we are going to circumvent the long term planning and make a short term decision. It is clear that the straw man fallacy was used in this report in order to create a justification for why Option E was recommended. To put in a short term solution to what is a long range problem is a mistake.

Betty Ann O'Shaughnessy, Queens Grant Road, stated that there is more work to be done. Don't just look at walkers, look at the flow of buses to see what the cost will be of busing for each plan. The Board has not voted on the criteria or even said which is more important. All of the options need to

be presented at the Board table. The high school overcrowding must get on the Board's calendar soon because Fairfield Ludlowe HS is very overcrowded.

Nancy Billington, Fleming Lane, commented on the problems that have occurred in the past and are occurring again tonight with the PA system. Speaking for the Fairfield Ludlowe HS Executive Board, she stated that the Executive Board does not support voting tonight. This plan does not address the high school overcrowding issues. She asked the Board from a busing standpoint and an overcrowding standpoint to reconsider. She also asked if the Board voted on the criteria.

Christyn Whitney, Shrub Oak Lane, asked the Board to give thoughtful consideration to redistricting. Redistricting is never easy but would be easier if parents knew that a thorough and considerate plan had been established. What has taken place so far is neither. She asked the Board to delay tonight's vote until a well thought out comprehensive plan can be presented.

Jim Alfieri, Stratfield parent, commented that if the Board needs to have a placeholder or to get state funding to help Fairfield Woods MS, then maybe it is a good idea to create a plan that is least disruptive to the elementary schools. He urged the Board to look at more options.

Suzanne Miska, Ryegate Road, stated that redistricting is going to happen and asked that communication be stronger so parents don't have to go to every subcommittee meeting. She commented on the length of time students will be on buses and the cost for busing under Option E. The new option looks good; kids are put where they might actually be able to walk. Option E is wrong.

Marie Stalling, Brookfield Avenue, asked the Board to hold off on Option E and look at neighborhood schools. Wait until there is a better plan.

Mary Koeck, Bronson Road, asked the Board to spend more time on this.

MaryBeth Clafin, Glenarden Drive, stated that she has no objection to redistricting but thinks the Board should give this more time. There is nothing more disruptive than a plan that is not comprehensive.

Sue Dammeyer, 110 Thormhill Road, stated that she has no objection to redistricting but would like to have it done right with as little disruption as possible. She asked the Board to please not vote tonight and to take the time to consider what is truly in the best interest of the kids.

Anne Pasco, current President of the Fairfield Education Association, introduced herself to the Board and stated that she wanted to tell the Board and parents present that as the representative of more than 900 teachers, we are here to do our very best to educate your children and that is our primary goal.

## 8. Extraordinary Business

A. Mr. Mitola moved, seconded by Mrs. Iacono that the Board of Education approve the contract between the Fairfield Board of Education and the Fairfield Custodians-Maintenance Local 1779 of Council #4, American Federation of State, County and Municipal Employees, AFL-CIO, dated July 1, 2010-June 30, 2012.

Board comments followed.

Motion carried: 9:0:0.

B. Ms. Zahn moved, seconded by Mr. Kery that the Board of Education revise the authorized signers of the ED-099 Agreement for Child Nutrition Programs to designate David G. Title, Superintendent of Schools, as the person authorized to sign claims for reimbursement, and in his absence, Thomas Cullen, Director of Operations, as the second person authorized to sign claims for reimbursement.

Motion carried: 8:0:0. Mr. Mitola was out of the room during the vote.

- C. Ms. Zahn moved, seconded by Mrs. Iacono that the Board of Education Approve Policy #2410–Line of Responsibility as presented at the August 24, 2010 Board of Education Meeting.

**Motion carried: 8:0:0. Mr. Mitola was out of the room during the vote.**

- D. Ms. Zahn moved, seconded by Mrs. Iacono that the Board of Education eliminate Policy #2420.1–Organizational Chart and replace it as an Administrative Regulation to accompany Policy #2410–Line Responsibility as presented at the August 24, 2010 Board of Education Meeting.

Board comments followed.

Motion carried: 7:2:0. Mr. Fattibene and Mrs. Iacono voted in opposition.

- E. Ms. Zahn moved, seconded by Mrs. Iacono that the Board of Education approve Policy #4121–Appointment as presented at the August 24, 2010 Board of Education Meeting.

Board comments followed.

Public Comment-

Betty Ann O’Shaughnessy, Queens Grant Road, commented that the Board should at least retain a veto power on this.

Board comments continued.

Motion carried: 8:1:0. Mr. Fattibene voted in opposition.

- F. Ms. Zahn moved, seconded by Mrs. Albin that the Board of Education approve Policy #5125–School Accommodations to Resident and Non-Resident Children in the Fairfield Public Schools as presented at the August 24, 2010 Board of Education Meeting.

Board comments and questions followed. Dr. Title stated that this would be a cost neutral item. The Board would need to pay a procedural advisory to sit at the table or pay the same person to be a hearing officer.

Motion carried: 7:2:0. Mr. Kery and Mrs. Iacono voted in opposition.

- G. Ms. Zahn moved, seconded by Mrs. Iacono that the Board of Education approve the following policies:

- Policy #5128 – Foreign Exchange Students
- Policy #5119/5120 – Suspension and Expulsion
- Policy #5313 – Substance Abuse
- Policy #5320 – Weapons

Mrs. Brand stated that Dr. Title would prefer to have these policies postponed to the next Board meeting on September 28.

Mr. Mitola moved, seconded by Ms. Zahn to postpone this item until the September 28, 2010 Board of Education meeting.

Motion carried: 8:0:0. Mr. Kery was out of the room during the vote.

- H. Ms. Zahn moved, seconded by Mrs. Iacono that the Basic and Supplemental Textbook which has been reviewed and selected in accordance with the administration’s selection process and presented for the Board’s consideration at the August 24, 2010 meeting be approved.

Motion carried: 8:0:0. Mr. Kery was out of the room during the vote.

- I. Ms. Zahn moved, seconded by Mr. Mitola that the Board of Education approve the 2010 Addendum to the Fairfield Public Schools' Plan to Reduce Racial Imbalance to be Submitted to CSBE.

Board comments followed.

Public Comment-

Richard Joslin, Carriage Drive, commented that State Law 10-26e2c, states that the content of the plan should include the analysis of student achievement. He stated that he reviewed the CMT scores for the last 3 years and the minority kids in McKinley are 50% below in contrast to the majority which are at 89.10%. He stated that he thinks it is essential that any addendum to the plan should be focused on the achievement.

Motion carried: 8:1:0. Mrs. Iacono voted in opposition.

- J. Ms. Zahn moved, seconded by Mr. Kery that the Board of Education approve hiring MGT of America, Inc. to develop 10 year enrollment projections and elementary school space capacities.

Mr. Kery gave a quick overview of the process. The subcommittee reviewed the RFPs with the administration; 4 proposals were received, 2 did not answer the requirements of the request, and 1 was extremely costly. The response from MGT was encouraging and includes a long term enrollment projection methodology that incorporates 4 separate models as opposed to the cohorts survival model. Those models are: an average percentage annual increase model, a modified cohort survival model, a linear regression model and student per housing model. An alt/add is being recommended, and was requested in the RFP, to specify the capacity of the elementary buildings in our town. The administration spoke to MGT and was able to negotiate a price under \$25,000.

Board questions followed.

Public Comment-

Seth Block, Shrub Oak Lane, commented that he is dumbfounded that the Board is voting on a demographic study now, considering what the next agenda item is.

Motion carried: 9:0:0.

- K. Discussion of New Middle School Feeder Pattern Proposal-

Mrs. Brand gave a brief PowerPoint presentation of Feeder Plan Option 9.9.10. Under this option North Stratfield, Jennings, McKinley and Stratfield would go to Fairfield Woods MS; Osborn Hill, Burr, Holland Hill and Riverfield would go to Roger Ludlowe MS; and Sherman, Dwight and Mill Hill would go to Tomlinson MS. Mrs. Brand stated that this plan meets the same amount of criteria as Option E, there is no cost differential, it is less disruptive since it only moves 4 schools (Burr, McKinley, Holland Hill and Stratfield), it considers the impact on the high schools, grandfathering is affordable and manageable because only 4 schools move, and it considers the impact on traffic in town. She stated that this is not necessarily being presented because it is the best choice, but it is an obvious one and needs to be considered.

Approximately 35 minutes of Board questions, comments and discussion followed regarding adding a last minute plan, the process in bringing this plan forward, costs, the need to determine if the criteria the subcommittee put forth is acceptable to the Board or not, and creating a singleton. Board discussion also followed on this new Option versus Option E.

Dr. Title stated that an answer is needed on the middle school feeder plan and grandfathering by the end of this month in order to start planning the transition. It doesn't matter if both of these decisions are made in two weeks or if one decision is made tonight and the other is made in two weeks. .

Mrs. Brand asked if the Board would like to have a discussion about the criteria, evaluate any of the proposals with criteria, and/or have this option considered along with Option E. No motions were made.

- L. Mr. Kery moved, seconded by Mrs. Iacono that the Board of Education approve Option E as the new middle school feeder pattern.

Mr. Kery stated that this is the most disruptive option, and the subcommittee did not weigh each of the criteria equally. Educational issues as well as balancing capacity seemed to take precedence over issues such as minimizing disruption or impact on busing. It might be useful in terms of process for the full Board to weigh in on the criteria. If the full Board feels the criteria is appropriate, it makes sense to continue forward with a vote. In terms of busing costs, the report from the administration had a busing analysis that said the difference between Option E and what we have currently would be cost neutral. Grandfathering is another issue and there would be more costs. Mr. Kery stated that he would like to hear from the members of the Board if there is any criteria they would like to have eliminated or changed.

Board discussion followed regarding the criteria, discussing all of the options at the Board table, the cost of busing, and the length of time on a bus.

Mr. Kery and Mrs. Iacono withdrew their motion so a discussion and vote on the criteria could be added to this agenda. It will require a 2/3 vote of the Board to add this item to the agenda.

Mrs. Iacono moved, seconded by Mr. Mitola to add a discussion and vote on the criteria to this agenda.

Board comments, questions and discussion followed on adding this item to the agenda.

Ms. Zahn moved that central office take this over and make the decision. There was no second.

Board comments and discussion continued.

Mrs. Iacono called the question, seconded by Mrs. Albin.

Vote to add this item to the agenda failed: 3:6:0. Mrs. Brand, Mrs. Dow and Mr. Liu voted in favor. Mr. Fattibene, Mr. Kery, Mrs. Iacono, Mrs. Albin, Ms. Zahn and Mr. Mitola voted in opposition.

Mr. Kery moved, seconded by Mrs. Iacono that the Board of Education approve Option E as the new middle school feeder pattern.

Board comments and discussion followed regarding Plan E being disruptive, not addressing the high school issue, doing an overall redistricting throughout the entire town, concern with the timeframe established by the administration, and getting the best plan possible.

Mr. Fattibene moved, seconded by Mr. Liu to postpone a vote until the next Board meeting in the hope that a modified newly proposed plan could surface that may be a better plan.

Board comments, questions and discussion followed.

Mrs. Albin called the question, seconded by Mrs. Iacono.

Vote to Call the Question carried: 6:3:0. Mr. Fattibene, Mr. Kery, Mrs. Iacono, Ms. Zahn, Mrs. Albin and Mr. Mitola voted in favor. Mrs. Brand, Mr. Liu and Mrs. Dow voted in opposition.

Vote on Motion to postpone failed: 4:5:0. Mr. Fattibene, Mrs. Brand, Mrs. Dow and Mr. Liu voted in favor. Mr. Kery, Mrs. Albin, Mrs. Iacono, Ms. Zahn and Mr. Mitola voted in opposition.



Back to Main Motion: “that the Board of Education approve Option E as the new middle school feeder pattern”

Board comments continued.

Dr. Title commented that moving fewer kids is preferable educationally, but all of these plans that do that either change the high school feeder pattern or create a singleton, both of which he would not be in favor of.

Public Comment-

Jillian Shaffer, Middlebrook Drive, commented that it is unbelievable that the Board is going to vote on this. The reality is that you haven't come up with a good plan in years past or now and until you do, you shouldn't be voting on one. If you can't do it, then hire someone who can.

Christine Sander, 25 Concord Street, stated that under this option the Board is going to bus children for an hour or more, spend that much more money on fuel and change the walkability when you have the opportunity to improve it. There are studies about how biking and walking to school brings children to school prepared in a way that riding a bus or in a parent's mini-van does not. She would like to see her children have the opportunity ride their bike or walk to school.

Ginger Thompson, Elm Street, spoke in opposition of Option E. Redefine the lines and look at the long term.

Pete Donohue, Elm Street, questioned having to do this in two weeks. All of the criteria needs to be revisited and prioritized. Kids in a singleton group do ok.

Brigid Wykoff, Meadowbrook Road, spoke against Option E and busing kids across town.

John Convertito, Oyster Road, urged the Board to move this plan forward.

Heather Petrecca, Paddock Hill Lane, asked the Board to vote no on Option E; it creates a commuter school at Tomlinson, adds congestion to an already overcrowded corridor on Unquowa Road, and if grandfathering is passed as part of this plan, 7 elementary schools will all attending Tomlinson for 2 years. It sets unreasonable traveling distances and time for Stratfield and Burr. She asked the Board to consider creating a 6<sup>th</sup> grade campus with middle school becoming a 7-8th grade campus.

Elise McKay, Ludlowe Road, asked the Board to give guidance to the subcommittee on the criteria. She encouraged the Board to look at why there is a need to change the high school feeder plan. If Option E succeeds, Fairfield Ludlowe HS will be significantly more overcrowded than Fairfield Warde HS. Something needs to be done about the high school numbers.

Jill Kellerman, Brookfield Avenue, urged the Board to vote no on Option E. Consider other options that might be better and have children on a bus for as little time as possible.

Bonnie Newman, Woodside Circle, commented against Option E, and asked the Board to consider the time the children spend on the bus that is unnecessary.

Steve Guth, Ermine Street, expressed concern that three people on the subcommittee are making the decision on criteria and options. He questioned why all of the options are not being looked at and implored the Board not to vote on this option

Motion carried: 5:4:0. Mr. Kery, Mrs. Albin, Mrs. Iacono, Ms. Zahn and Mr. Mitola voted in favor. Mr. Fattibene, Mrs. Brand, Mrs. Dow and Mr. Liu voted in opposition.

9. Reports and Recommendations-

- ◆ Allison Reich--No report.
- ◆ Mrs. Albin--No report.
- ◆ Mrs. Brand reported that there is a new Medical Director, Bruce McDonald. Flu shot will be given at the Senior Center on September 29 from 10 a.m. to 7 p.m. and on September 30 from 10 a.m. to 4 p.m.
- ◆ Mrs. Dow reported that the Board of Finance called a joint meeting with the Board of Finance, Board of Selectmen and RTM to talk about money that is available to be spent in the future so we know the fiscal situation in town and are all on the same page.
- ◆ Mr. Fattibene--No report.
- ◆ Mrs. Iacono reported that Special Projects Standing Building Committee went before the Board of Finance for seed money for the Sherman Project and was cut from \$100,000 to \$50,000. The RTM will meet the end of this month and will vote on the Sherman appropriation for seed money.
- ◆ Mr. Kery--No report.
- ◆ Mr. Liu--No report.
- ◆ Mr. Mitola--No report.
- ◆ Ms. Zahn--No report.

10. Open Board Discussion-

Mr. Kery expressed displeasure when looking at this year's enrollment and seeing the extended day kindergarten program was removed from our system. There should not be more than one blended class per elementary school and stated that he would like to have a more in-depth discussion on this at a future board meeting. Mrs. Iacono and Mrs. Dow concurred with Mr. Kery.

Jim Walsh, ex officio, commented on Dr. Title's report at the last Board meeting regarding Dr. Clark's car. Mr. Walsh stated that he is unsatisfied that the Board of Education plans to keep this car as a maintenance vehicle. The Board of Ed should either sell the car and give the money back to the Town or turn the car over to the Town. It was paid for with taxpayer dollars, and if it is not going to be used, it should go back to the Town in some formal fashion. He asked that this be a full Board discussion at the next Board meeting.

11. Ms. Zahn moved, seconded by Mr. Mitola that this regular meeting of the Board of Education adjourned at 11:00 p.m.  
Motion carried: 9:0:0.

Stacey Zahn  
Secretary

FAIRFIELD PUBLIC SCHOOLS  
Financial Position 2009-2010  
End of Fiscal Year June 30, 2010

ENCLOSURE NO. 2  
SEP 28 2010

This is an update to the report you reviewed at the June 22, 2010 Board of Education meeting. As previously stated, there were several non-budgeted expenses that occurred during the 2009-2010 fiscal year. All actions taken were authorized by the Board at the BOE Business Meeting on June 22, 2010. Modifications to that report are underlined.

**Projected Shortfalls in Board of Education Accounts:**

There were several non-budgeted expenses that occurred prior to June 30, 2010.

Heating Fuel was over budget this year, and conversations had taken place with the Town concerning this shortfall. During the purchasing of natural gas needs and heating oil needs each year, there are a number of variables the Town of Fairfield Purchasing Authority reviews in making bid contract purchase decisions. Besides pricing review, the town estimates quantities of usage for all the various buildings for both Town and BOE. In the summer of 2008, when the town purchased heating fuel contracts for 2009-2010, interruptible gas was the less expensive heating fuel. In the conversion of the gallons of oil originally expected to be needed, gas CCF's were over estimated. Thus the purchasing department purchased more natural gas than was required for the current fiscal year. Had the gas prices stayed high during the winter of 2009-10, the Town would not have experienced a cost associated with this overestimate, however due to the price of natural gas dropping; the resale of the gas was at a loss. As a result, the Town has agreed to assume the overage charges of \$92,410.

In addition to the overage charges, there was a (\$72,002) shortfall that is the BOE's responsibility to cover. This includes three areas: an increase in usage, an increase in meter charges, and an increase in transportation rates. This amount is slightly less than had been projected in June.

As previously discussed during the 2010-11 budget meetings, the electricity accounts for the current year were underfunded. The rate provided for us to calculate the current year's budget totals was incomplete, and did not include all of the multiple components of the electrical rates. In addition, there was a "true up charge" for expenses for the prior year's electrical contract. The total shortfall was (\$155,644), slightly higher than had been projected in June.

Legal Fees were over by (\$93,440), slightly more than originally forecasted. The primary departments using this account are Human Resources and Special Education. The Superintendent's office uses this account for FOI and student matters. We budget as conservatively as possible in this account, but did project an increase over last year to address numerous negotiations that were to take place during this fiscal year. The reasons for the shortfall include a significant increase in expenses concerning student matters, and expenses for negotiations for the new bargaining units that extended into this fiscal year.

The shortfall amount for Special Education to be covered by the 2009-10 operating budget was (\$372,262), an increase over the original projection. As has been previously discussed, additional funds had been identified in the ARRA IDEA funding allocation to address the deficit we were anticipating in Special Education funding. The amount originally identified was \$750,000, and in addition to that amount \$356,994 was used to cover any additional funding shortfalls. The additional shortfall to be covered by the operating budget was a result of a notification in mid June that the Excess Cost reimbursement total of 84% that we had counted on receiving was being reduced to 82.79%, a reduction of -\$86,000. The three other areas that have caused the additional shortfall are professional services, tuition and occupational and physical therapy. The Special Education department is continuing to work on cost containment practices that will not directly affect services to students in the areas of occupational and physical therapy. One of the major problems in developing a budget in this area are the multiple variables in projecting expenses for over 1100 individual special education programs over 18 months in advance of the end of the actual budget year.

The net shortfall in the Personnel Expense budget was **(\$64,848)**. This falls in two areas, degree changes and recruitment expenses. By contract, notice of intention to complete requirements for an advanced degree must be submitted in writing to the Human Resource office no later than the preceding October 1. The budgeted amount reflects the recognition that not all certified staff will complete their course work as planned. A higher number of teachers than had been projected did complete their degree change work in the current year, and as a result we experienced a shortfall in that account. The recruitment expense account was also over budget due to the number of positions that had screenings this past year.

### **Projected Balances in Board of Education Accounts:**

The total transportation budget realized a net balance of \$49,971, slightly less than originally projected. Account balances were a result of discounts and penalty credits received from First Student and savings realized in our regional transportation accounts.

Maintenance accounts had a balance of \$51,075 to help offset the heating fuel and electricity shortfall. The savings is in the area of security and other utility expenses including water, commercial gas, and telephone, and was slightly less than originally projected.

Knowing that there were many variables in our budget this year, all schools had been requested to set aside a portion of their school allocation. During the course of the year, the amount that they were requested to hold was reduced to 5%. The selection of the accounts and amounts was determined at each building level. This amount totaled **\$139,400**.

Central Office support to the schools and departments for services such as copying, district supply accounts, repair accounts, and new classroom capital outlay, along with additional balances at year end in other school and centrally funded accounts had a balance of \$220,479. We realized significant savings when the copier lease renewal was contracted for four years at a reduced cost to the district.

Technology accounts reflected a net savings of \$132,237, slightly less than originally projected. This savings was in two areas: In the computer contracted maintenance account, \$110,000 had been budgeted for what the Town had indicated would be the Board of Education's share of the Tyler Munis financial and human resources software system annual maintenance. The town chose to fund the maintenance renewal for the 2010 fiscal year through the bond which funded the project. In the software maintenance account, \$54,000 had been set aside for the cost of renewing our data mining software. Due to the change in suppliers, and a development project with that supplier, the software use was at no cost to the district for the 2009-10 school year.

Program based accounts reflected a net savings of \$79,088, slightly less than originally projected. This includes balances in staff development, program assessment, student achievement intervention, and materials and supplies accounts.

In addition, we were able to identify \$85,946 in all other non salary accounts.

### **Summary:**

The total amount of the budget areas requiring budget transfers was \$758,196. This is .54 of one percent of our budget allocation of \$139,563,360, only slightly higher than the amount identified at the June Board of Education Meeting.

## **Update to the ARRA State Fiscal Stabilization Fund (SFSF) for 2009-2010:**

As is required by the State, the total allocation of \$512,168 for the ARRA State Fiscal Stabilization Fund for 2009-2010 had to be spent by June 30, 2010. In order to appropriately reflect expenditures, transfers had to be made to balance all of the approved accounts. The transfers requested and approved in June adjusted the following accounts:

1. the balance of the paraprofessional salary account (due to a hire date after the beginning of school) in the amount of \$2, 075.
2. the fringe benefit account (as a result of using actual benefits for staff members funded out of the SFSF account) in the amount of \$5,757
3. the balance in the technology expense account in the amount of \$37

All account balances were transferred to the Team Expense account (beginning teacher mentor training) which required additional funding beyond the original appropriation of \$25,000.

**BOARD OF EDUCATION BUDGET JUSTIFICATION FOR 2009-2010**  
End of Fiscal Year June 30, 2010

DESCRIPTION	PROJECTED SHORTFALL		PROJECTED BALANCE	TRANSFERS		BALANCES REMAINING END-OF-YEAR	Budget Total for 2009-2010	Total Expenditures (Budget Ttl +/- Modifications)	% of Total to be Expended
	\$	%		22-Jun-10	30-Jun-10				
Utilities - Heating Fuel	\$ 72,002			\$ 39,400	\$ 32,602	\$ -	\$ 1,386,452	\$ 1,458,454	105.19%
Utilities - Electricity	\$ 155,644			\$ 100,000	\$ 55,644	\$ -	\$ 2,591,573	\$ 2,747,217	106.01%
Legal Fees	\$ 93,440			\$ 45,000	\$ 48,440	\$ -	\$ 295,000	\$ 388,440	131.67%
Special Education	\$ 372,262			\$ 249,837	\$ 122,425	\$ -	\$ 3,623,633	\$ 3,995,895	110.27%
Personnel Expenses	\$ 64,848			\$ 64,800	\$ 48	\$ -	\$ 260,911	\$ 325,759	124.85%
				\$ 499,037	\$ 259,159	\$ -			
Pupil Transportation			\$ 49,971	\$ 40,000	\$ 9,971	\$ -	\$ 6,767,286	\$ 6,717,315	99.26%
Maintenance Accounts			\$ 51,075	\$ 25,000	\$ 26,075	\$ -	\$ 3,896,984	\$ 3,845,909	98.69%
School Allocation Accounts (5%)			\$ 139,400	\$ 139,400	\$ -	\$ -	\$ 2,869,922	\$ 2,730,522	95.14%
School & District Funded School Support Accounts			\$ 220,479	\$ 102,400	\$ 118,079	\$ -	\$ 2,091,360	\$ 1,870,881	89.46%
Technology			\$ 132,237	\$ 132,237	\$ -	\$ -	\$ 1,987,974	\$ 1,855,737	93.35%
Curriculum, Instruction & Assessment			\$ 79,088	\$ 60,000	\$ 19,088	\$ -	\$ 843,737	\$ 764,649	90.63%
Miscellaneous - All Other Accounts			\$ 85,946	\$ -	\$ 85,946	\$ -	\$ 23,179,600	\$ 23,093,654	99.63%
				\$ 499,037	\$ 259,159	\$ -			
				\$ -					
<b>TOTALS</b>	\$ 758,196	\$ 758,196							
Budget Total 2009-2010	\$ 139,563,360		Amt to transfer is 0.54% of 1% of the budget total						

SEP 28 2010

Board of Education  
Policy Guide**Students****FOREIGN EXCHANGE STUDENTS****5128**

The Fairfield Board of Education allows foreign exchange students on a one year J-I visa through established foreign exchange programs designated by the U.S. Information Agency and the Department of State and officially approved by the administration and who reside with families living in Fairfield, to attend the high school districted for that family of residence. Students who apply to attend Fairfield high schools must not have the equivalent of a high school diploma from a foreign school system. If a review of residency and their academic and health records warrants acceptance in one of the high schools the student will be placed in the appropriate grade. Placement must be for the entire school year on a non-tuition basis. Exchange students must comply with all immunization requirements set forth in State law. Upon successful completion of the prescribed program the student will be awarded a certificate of attendance and, if enrolled as a 12<sup>th</sup> grade student, may participate in the graduation ceremony for the senior class. A maximum of two students will be accommodated at each school in a given school year. The Board reserves the right, to determine on an individual basis, if a foreign exchange student may or may not attend school in the district.

**Students**

**ADMINISTRATIVE REGULATIONS ON  
FOREIGN EXCHANGE STUDENTS**

**5128 AR**

- Potential exchange students must be sponsored by an exchange agency approved by the school administration
- A joint committee of high school administrators will determine approved foreign exchange agencies by July 1 of each year and include the list in the administrative regulations
- The exchange applicant's completed application must be received by the high school to which he/she is applying no later than July 1 of the school year in which the student wishes to attend.
- The student's enrollment must not place an additional financial burden on the school system
- Enrollment is for a complete school year and for one year only
- The student is not eligible to receive a high school diploma from the Fairfield Public Schools
- If the student consistently violates the attendance or behavior policies of the school he/she may be dis-enrolled.



SEP 28 2010

Board of Education  
Policy Guide**Students****Code of Behavior****USE OF BREATHALYZERS****5145**

The Fairfield Board of Education, consistent with its mission, is committed to the promotion of healthful living and to the safety and well-being of its students. Research findings on underage drinking coupled with incidents where students were found to have been drinking alcohol before or during high school dances and other high school events have heightened that concern. With that commitment in place, the Board of Education ~~endorses~~ requires the use of breathalyzer tests at school-sponsored dances, **and, upon reasonable notice and at the discretion of the school administration at other selected school sponsored events both on site and off site, ~~and at the discretion of the school administration.~~** The Board of Education endorses the use of breathalyzer tests for all students and their guests in order to provide a safe and healthy environment for the students, staff, and community-at-large when students are attending school functions.

Approved:

## Students

### Code of Behavior

#### ADMINISTRATIVE REGULATIONS ON USE OF BREATHALYZERS

5145AR

1. High school personnel will provide notice to parents and students that breathalyzers will be used at all school-sponsored dances and other selected **school sponsored** events both on and off site. Notice of the use of breathalyzers will be included in the student handbook as well as on permission slips requiring a parent signature to the specific event. **The notice may also be publicized by other means, such as tickets to the event or flyer/notices of the event.**
2. The breathalyzers will be used in a passive mode to test each student and **his/her** guest **upon entering the event.** **Passing the test will be required to attend the event.**
3. School personnel will be trained in the proper maintenance, calibration, and use of the unit by appropriate personnel.
4. In the case of a student **or his/her guest** failing the procedure and *denying that he/she has consumed alcohol*, the student **individual** will be retested in a private location and under administrative supervision. **There will be two administrators/chaperones present for this portion of the test.**
5. It may be necessary during high school-sponsored events to re-administer a breathalyzer test to a student **or his/her guest** whose demeanor has caused reasonable suspicion that he/she may be under the influence of alcohol. Such behavior may include **but not limited to:**
  - the use or possession of alcohol;
  - odor of an alcoholic beverage or the presence of an alcohol container;
  - slurred speech;
  - unsteady gait;
  - lack of coordination;
  - bloodshot or glazed eyes;
  - marked change in personal behavior not attributable to other factors;
  - behavior that is risky, aggressive, or disruptive;
  - a report by a third party of a student's consumption of alcohol;
  - involvement in accidents or mishaps; or
  - other such information as is reasonable to raise suspicion as to the consumption of alcohol.

The student/**guest** will be escorted to a private location where school personnel in the presence of a third party will re-administer the breathalyzer test. Should a student/**guest** refuse to take the test and denies having consumed any alcohol, the judgment of the school personnel is upheld, and the student will face consequences as outlined by the district's disciplinary procedures, **the student and/or the guest will be prohibited from further participation in the event.**

6. In the case of failure on the retest at the beginning or during the event, the student's parent or guardian will be notified. **The parents will be requested to come and pick the student up from the event.** High school personnel will take appropriate action to ensure the safety and

well-being of the student/guest and others and to remain consistent with school policy referencing these types of situations. The student will face consequences as outlined by the district's disciplinary procedures.

### References

#### Connecticut General Statutes

Sec. 14-227b. Implied consent to test operator's blood, breath, or urine. Testing procedures. License suspension. Hearing.

#### Trumbull Board of Education Policies

Standard of Conduct, Policy Code: JFC

Drug and Alcohol Policy, Policy Code: JFCH

#### Fairfield Board of Education Policies

Code of Behavior 5313; 5313 AR

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

### **Hazardous Material in Schools**

#### **Green Cleaning Program**

Cleaning chemicals can negatively impact indoor air quality and cause harm to the occupants of a school building. Therefore, the purpose of this policy is to encourage and promote the principles of green cleaning throughout the Fairfield Public Schools, in compliance with applicable statutes. The Board of Education encourages and supports efforts to implement green cleaning in all District schools. This shall result in the implementation of a green cleaning program in all District facilities no later than July 1, 2011.

It is the policy of the Fairfield Public Schools to achieve the maintenance of clean, safe, and healthy schools through the elimination of contaminants that affect children and adult health, performance and attendance and the implementation of cleaning processes and products that protect health without harming the environment.

The Board of Education, by July 1, 2011, will reduce exposure of school building occupants to potentially hazardous chemical cleaning products by adopting this Green Cleaning policy which requires the use of cleaning products in the schools that meet the guidelines or standards set by a national or international certification program approved by the Department of Administrative Services (DAS) in consultation with the Commissioner of Environmental Protection in order to minimize the potential harmful effects on human health and the environment.

The transition to environmentally and health-friendly cleaning and/or sanitizing products shall be accomplished as soon as possible and in a manner that avoids the waste of existing inventories, accommodates establishment of supply chains for new products, enables the training of personnel in appropriate work practices, and allows the phase-out of products and practices inconsistent with this policy.

#### **Definitions**

**“Green Cleaning Program”** means the procurement and proper use of environmentally preferable cleaning products in school buildings and facilities.

**“Environmentally Preferable Cleaning Products”** means products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. Such products must be approved by a DAS approved national or international certification program. This term includes, but is not limited to, general purpose cleaners, bathroom cleaners, glass and carpet cleaners, hand cleaners and soaps, and floor finishes and strippers. Excluded are any disinfectants, disinfecting cleaner, sanitizer or any other antimicrobial products regulated by

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

### **Hazardous Material in Schools**

### **Green Cleaning Program**

#### **Definitions (continued)**

the Federal Insecticide, Fungicide and Rodenticide Act. Also excluded are products for which no guidelines or environmental standard has been established by any national or international certification program approved by the DAS or which is outside the scope of or is otherwise excluded under guidelines or environmental standards established by such a national or international certification program.

#### **Notice Requirements**

Annually, starting by October 1, 2010, the District will give to members of the school staff and to parents/guardians who request it, a written copy of this policy. In addition, this written statement shall also include:

- a. the names and types of environmentally preferable cleaning products used in the schools and where in the buildings they are applied;
- b. the schedule for applying the products; and
- c. the name of the school administrator or designee whom the parent/guardian or student may contact for more information.

The notice shall also contain the following statement: ***“No parent, guardian, teacher, or staff member may bring into the school facility any consumer product which is intended to clean, deodorize, sanitize or disinfect.”***

In addition, parents/guardians of any child who transfers during the school year, or a new staff member hired during the school year shall be notified of this green cleaning policy via the Fairfield Public School's Family Guide.

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

### **Hazardous Material in Schools**

#### **Green Cleaning Program (continued)**

The Board will also make available on its website a copy of this green cleaning policy.

Biennially, the Board will report to the Commissioner of Education on its green cleaning program, in a manner prescribed by the Commissioner.

(cf. 3524 – Hazardous Materials in Schools)

(cf. 3524.1 – Pesticide Application)

(cf. 7230.2 – Indoor Air Quality)

Legal Reference: Connecticut General Statutes

10-220 Duties of Boards of Education

10-231a through 10-231d. Pesticide applications at schools

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

P.A. 09-81 An Act Concerning Green Cleaning Products in Schools

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

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

### **Hazardous Material in Schools**

#### **Administrative Regulations on the Green Cleaning Program**

To reduce exposure of school building occupants to potentially hazardous chemical contaminants, the District will fully implement by July 1, 2011, a Green Cleaning Program that requires compliance with the following guidelines:

1. In order to comply with the policy pertaining to green cleaning and applicable state statute, the District shall specify, buy and use where practicable, only Environmentally Preferable Products (EPP) in District owned and leased facilities.
2. Vendors that are contracted by the District to perform janitorial and custodial services are also required to use, wherever practicable, Environmentally Preferable Products (EPP) in the execution of their contractual obligations to the District.
3. Cleaning products regulated by the Federal Insecticide, Fungicide and Rodenticide Act, such as disinfectants, disinfecting cleaners and sanitizers are excluded.
4. Also excluded are products (1) for which no Department of Administrative Services (DAS) approved certification program has established a guideline or environmental standard, (2) that fall outside the scope of such guidelines or standards, or (3) that are otherwise excluded under such guidelines or standards.
5. Environmentally Preferable Products which are a part of the District's Green Cleaning Program include products which must be approved by DAS approved national or international certification program. This includes general purpose, bathroom, glass and carpet cleaners, hand cleaners and soaps, and floor finishes and strippers.
6. The following steps shall be taken when procuring Environmentally Preferable Products:
  - a. Determine the need and intended use for the cleaning product and review the options for EPP cleaners and sanitizers available. EPP items shall be purchased for intended use whenever practicable. In a case where the use of an EPP cleaner or sanitizer is not practicable, the reason for not using an EPP product should be documented and kept on file.
  - b. Consult with vendors of EPP cleaning products for information and training on the use of these products.

## Business/Non-Instructional Operations

### Hazardous Material in Schools

#### Green Cleaning Program (continued)

- c. Carefully review product Material Safety Data Sheets, usage recommendations and manufacturer's usage instructions prior to purchase, even if the product has been certified by DAS. (e.g. Green Seal Certified and EcoLogo).
  - d. In order to ensure the health and safety of school children and employees as well as the effectiveness of the products to be purchased, the products must meet guidelines or environmental standards set by a national or international environmental certification program approved by the DAS in consultation with the Commissioner of Environmental Protection. Examples of such third-party approved certifications include Green Seal Certified and EcoLogo.
- 7.

#### Notice Requirements

Annually, starting by October 1, 2010, members of the school staff and parents/guardians who request it, are to be given a written copy of the green cleaning policy. In addition, this written statement shall also include:

- the names and types of environmentally preferable cleaning products used in the schools and where in the buildings they are applied;
- the schedule for applying the products; and
- the name of the school administrator or designee whom the parent/guardian or student may contact for more information.

The notice shall also contain the following statement: ***"No parent, guardian, teacher, or staff member may bring into the school facility any consumer product which is intended to clean, deodorize, sanitize or disinfect."***

In addition, parents/guardians of any child who transfers during the school year, or a new staff member hired during the school year shall be notified of the green cleaning policy via the Fairfield Public School's Family Guide.

A copy of the green cleaning policy will also be posted on the district's/school website.



## Business/Non-Instructional Operations

### Hazardous Material in Schools

#### Green Cleaning Program (continued)

##### Definitions

**“Green Cleaning Program”** means the procurement and proper use of environmentally preferable cleaning products in school buildings and facilities.

**“Environmentally Preferable Products”** means products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. Such products must be approved by a DAS approved national or international certification program. This term includes general purpose, bathroom, glass and carpet cleaners, hand cleaners and soaps, and floor finishes and strippers. Excluded are antimicrobial products regulated under the Federal Insecticide, Fungicide and Rodenticide Act, such as disinfectants, disinfecting cleaners and sanitizers. Also excluded are products (1) for which no DAS approved certification program has established a guideline or environmental standard, (2) that fall outside the scope of such guidelines or standards, or (3) that are otherwise excluded under such guidelines or standards.

Legal Reference: Connecticut General Statutes  
10-220 Duties of Boards of Education  
10-231a through 10-231d. Pesticide applications at schools  
22a-46 Short title: Connecticut Pesticide Control Act  
P.A. 09-81 An Act Concerning Green Cleaning Products in Schools  
Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) 7 U.S. Code  
136 et seq.

SEP 28 2010

Students

5119

**STUDENT DISCIPLINE SUSPENSION/EXPULSION**I. Definitions

- A. **Emergency** means a situation in which the continued presence of the student in school poses such a danger to persons or property or such a disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of such student as possible.
- B. **Exclusion** means any denial of public school privileges to a student for disciplinary purposes.
- C. **Expulsion** means the exclusion of a student from school privileges for more than ten (10) consecutive school days. The expulsion period may not extend beyond one calendar year.
- D. **In-School Suspension** means an exclusion from regular classroom activity for no more than five (5) consecutive school days, but not exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed. No student shall be placed on in-school suspension more than fifteen (15) times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion.
- E. **Removal** is the exclusion of a student for a class period of ninety (90) minutes or less.
- F. **School Days** shall mean days when school is in session for students.
- G. **School-Sponsored Activity** means any activity sponsored, recognized or authorized by the Board and includes activities conducted on or off school property.
- H. **Seriously Disruptive of the Educational Process** means any conduct that markedly interrupts or severely impedes the day-to-day operation of a school.
- I. **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.

- J. Notwithstanding the foregoing, the reassignment of a student from one regular education classroom program in the district to another regular education classroom program in the district shall not constitute a suspension or expulsion.

## II. Scope of the Student Discipline Policy

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

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

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

1. Students may be disciplined for conduct off school grounds if such conduct is seriously disruptive of the educational process and violative of a publicized policy of the Board. In making a determination as to whether such conduct is seriously disruptive of the educational process, the Administration and the Board of Education may consider, but such consideration shall not be limited to, the following factors: (1) whether the incident occurred within close proximity of a school; (2) whether other students from the school were involved or whether there was any gang involvement; (3) whether the conduct involved violence, threats of violence, or the unlawful use of a weapon, as defined in section Conn. Gen. Stat. § 29-38, and whether any injuries occurred; and (4) whether the conduct involved the use of alcohol.

In making a determination as to whether such conduct is seriously disruptive of the educational process, the Administration and/or the Board of Education may also consider whether such off-campus conduct involved the use of drugs.

2. When considering whether conduct off school grounds is seriously disruptive of the educational process, the term "weapon" means any pistol or revolver, any dirk knife or switch knife, any knife having an automatic spring release devise by which a blade is released from the handle, having a blade of over one and one-half inches in length, and any other

dangerous or deadly weapon or instrument, including any BB gun, sling shot, blackjack, sand bag, metal or brass knuckles, stiletto, knife, the edged portion of the blade of which is four inches and over in length, or any martial arts weapon as defined below at section VII.B.

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

Conduct which may lead to disciplinary action (including, but not limited to, suspension and/or expulsion) includes conduct on school grounds or at a school-sponsored activity, and conduct off school grounds, as set forth above. Such conduct includes, but is not limited to, the following:

1. Striking or assaulting a student, members of the school staff or other persons.
2. Theft.
3. The use of obscene or profane language or gestures.
4. Violation of smoking, dress, transportation regulations, or other regulations and/or policies governing student conduct.
5. Refusal to obey a member of the school staff, law enforcement authorities, or school volunteers, or disruptive classroom behavior.
6. Any act of harassment based on an individual's sex, sexual orientation, race, color, religion, disability, national origin or ancestry.
7. Refusal by a student to identify himself/herself to a staff member when asked, or misidentification of oneself to such person(s).
8. A walk-out from or sit-in within a classroom or school building or school grounds.
9. 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).
10. Possession of any weapon, weapon facsimile, deadly weapon, pistol, knife, blackjack, bludgeon, box cutter, metal knuckles,

pellet gun, explosive device, firearm, whether loaded or unloaded, whether functional or not, or any other dangerous object.

11. Unauthorized entrance into any school facility or portion of a school facility or aiding or abetting an unauthorized entrance.
12. Possession or ignition of any fireworks or other explosive materials, or ignition of any material causing a fire.
13. Unauthorized possession, sale, distribution, use or consumption of tobacco, drugs, narcotics or alcoholic beverages (or any facsimile of tobacco, drugs, narcotics or alcoholic beverages, or any item represented to be tobacco, drugs or alcoholic beverages). For the purposes of this Paragraph 13, the term "drugs" shall include, but shall not be limited to, any medicinal preparation (prescription and non-prescription) and any controlled substance whose possession, sale, distribution, use or consumption is illegal under state and/or federal law.
14. Possession of paraphernalia used or designed to be used in the consumption, sale or distribution of drugs, alcohol or tobacco, as described in subparagraph (13) above.
15. The destruction of real, personal or school property, such as, cutting, defacing or otherwise damaging property in any way.
16. Accumulation of offenses such as school and class tardiness, class or study hall cutting, or failure to attend detention.
17. Trespassing on school grounds while on out-of-school suspension or expulsion.
18. Making false bomb threats or other threats to the safety of students, staff members, and/or other persons.
19. Defiance of school rules and the valid authority of teachers, supervisors, administrators, other staff members and/or law enforcement authorities.
20. Throwing snowballs, rocks, sticks and/or similar objects, except as specifically authorized by school staff.
21. Unauthorized and/or reckless and/or improper operation of a motor vehicle on school grounds or at any school-sponsored activity.

22. Leaving school grounds, school transportation or a school-sponsored activity without authorization.
23. Use of or copying of the academic work of another individual and presenting it as the student's own work, without proper attribution.
24. Possession and/or use of a radio, walkman, beeper, paging device, cellular telephone, walkie talkie or similar electronic device on school grounds or at a school-sponsored activity without the written permission of the principal or his/her designee.
25. Unauthorized use of any school computer, computer system, computer software, Internet connection or similar school property or system, or the use of such property or system for unauthorized purposes.
26. Possession and/or use of a laser pointer.
27. Hazing.

Bullying is defined under Sec. 10-222d. as amended by PA 08-160 as: any overt acts by a student or a group of students directed against another student with the intent to ridicule, humiliate, or intimidate the other student while on school grounds or at a school-sponsored activity, which acts are committed more than once against any student during the school year.

28. 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.
29. Any action prohibited by any Federal or State law which would indicate that the student presents a danger to any person in the school community or school property.

#### IV. Procedures Governing Removal From Class

- A. A student may be removed from class by a teacher or administrator if he/she deliberately causes a serious disruption of the educational process. When a student is removed, the teacher must send him/her to a designated area and notify the principal or his/her designee at once.
- B. A student may not be removed from class more than six (6) times in one school year nor more than twice in one week unless the student is referred to the building principal or designee and granted an informal hearing at which the student should be informed of the reasons for the disciplinary action and given an opportunity to explain the situation.

- C. The parents or guardian of any minor student removed from class shall be given notice of such disciplinary action within twenty-four (24) hours of the time of the institution of such removal from class.

V. Procedures Governing Suspension

- A. The principal of a school, or designee on the administrative staff of the school, shall have the right to suspend any student for breach of conduct as noted in Section II of this policy for not more than ten (10) consecutive school days. In such cases, the following procedures shall be followed.
  - 1. Unless an emergency situation exists, no student shall be suspended prior to having an informal hearing before the principal or designee at which the student is informed of the charges and given an opportunity to respond. In the event of an emergency, the informal hearing shall be held as soon after the suspension as possible.
  - 2. Evidence of past disciplinary problems which have led to removal from a classroom, suspension, or expulsion of a student who is the subject of an informal hearing may be received by the principal or designee, but only considered in the determination of the length of suspensions.
  - 3. By telephone, the principal or designee shall make reasonable attempts to immediately notify the parent or guardian of a minor student following the suspension and to state the cause(s) leading to the suspension.
  - 4. Whether or not telephone contact is made with the parent or guardian of such minor student, the principal or designee shall forward a letter promptly to such parent or guardian to the last address reported on school records (or to a newer address if known by the principal or designee), offering the parent or guardian an opportunity for a conference to discuss same.
  - 5. In all cases, the parent or guardian or any minor student who has been suspended shall be given notice of such suspension within twenty-four (24) hours of the time of the institution of the suspension.
  - 6. Notice of the original suspension shall be transmitted by the principal or designee to the superintendent of schools or designee by the close of the school day following the commencement of the suspension.

7. The student shall be allowed to complete any class work, including examinations, without penalty, which he or she missed while under suspension.
  8. Notice of the suspension shall be recorded in the student's cumulative educational record. Such notice shall be expunged from the cumulative educational record if the student graduates from high school.
  9. The decision of the principal or designee with regard to disciplinary actions up to and including suspensions shall be final.
  10. During the period of suspension, the student shall not be permitted to be on school property and shall not be permitted to attend or participate in any school-sponsored activities, unless the principal specifically authorizes the student to participate in a particular school-sponsored activity.
- B. In cases where the student has previously been suspended, or where such suspension will result in the student's being suspended more than ten (10) times or for fifty (50) days in a school year, whichever results in fewer days of exclusion, the student shall, prior to suspension, be granted a formal hearing. The principal or designee shall report the student to the Superintendent or designee and request a formal hearing.

VI. Procedures Governing In-School Suspension

- A. The principal or designee may impose in-school suspension in cases where a student's conduct endangers persons or property, violates school policy, seriously disrupts the educational process or in other appropriate circumstances as determined by the principal or designee.
- B. In-school suspension may not be imposed on a student without an informal hearing by the building principal or designee.
- C. No student shall be placed on in-school suspension more than fifteen (15) times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion.
- D. 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.



VII. Procedures Governing Expulsion Recommendation

- A. A principal may consider recommendation of expulsion of a student in a case where he/she has reason to believe the student has engaged in conduct described at sections II.A. and II.B., above.
- B. A principal must recommend expulsion proceedings in all cases against any student whom the administration has reason to believe:
1. was in possession on school grounds or at a school-sponsored activity of a deadly weapon, dangerous instrument, martial arts weapon, or firearm as defined in 18 U.S.C. § 921 as amended from time to time; or
  2. off school grounds, possessed a firearm as defined in 18 U.S.C. § 921, in violation of Conn. Gen. Stat. § 29-35, or possessed and used a firearm as defined in 18 U.S.C. § 921, a deadly weapon, a dangerous instrument or a martial arts weapon in the commission of a crime under chapter 952 of the Connecticut General Statutes; or
  3. was engaged on or off school grounds in offering for sale or distribution a controlled substance (as defined in Conn. Gen. Stat. § 21a-240(9)), whose manufacturing, distribution, sale, prescription, dispensing, transporting, or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under Conn. Gen. Stat. §§21a-277 and 21a-278.
  4. The following definitions shall be used in this section:
    - a. A "firearm" as defined in 18 U.S.C § 921 means (a) any weapon that will, is designed to, or may be readily converted to expel a projectile by the action of an explosive, (b) the frame or receiver of any such weapon, (c) a firearm muffler or silencer, or (d) any destructive device.

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 a similar device; or any weapon (other than a shotgun or shotgun shell particularly suited for sporting purposes) that will or may be converted to expel a projectile by explosive or other propellant having a barrel with a bore of more than ½" in diameter. The term

"destructive device" also includes any combination of parts either designed or intended for use in converting any device into any destructive device or any device from which a destructive device may be readily assembled. A "destructive device" does not include: an antique firearm; a rifle intended to be used by the owner solely for sporting, recreational, or cultural purposes; or any device which is neither designed nor redesigned for use as a weapon.

- b. "Deadly weapon" means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon or metal knuckles.
- c. "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".
- d. "Martial arts weapon" means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or chinese star.
- e. When considering whether conduct off school grounds is seriously disruptive of the educational process, the term "weapon" means any pistol or revolver, any dirk knife or switch knife, any knife having an automatic spring release device by which a blade is released from the handle and having a blade of over one and one-half inches in length, and any other dangerous or deadly weapon or instrument, including any BB gun, sling shot, blackjack, sand bag, metal or brass knuckles, stiletto, knife, the edged portion of the blade of which is four inches and over in length, or any martial arts weapon as defined above.

- C. Upon receipt of an expulsion recommendation, the Superintendent may conduct an inquiry concerning the expulsion recommendation.

If the Superintendent or his/her designee determines that a student should or must be expelled, he or she shall forward his/her recommendation to an impartial hearing officer to hear and decide the expulsion matter.

### 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. Whenever an emergency exists, the hearing provided for herein shall be held as soon as possible after the expulsion.

B. Hearing Panel:

1. The Board appoints an impartial hearing board composed of one or more persons to hear and decide the expulsion matter, provided that no member of the Board may serve on such panel.

C. Hearing Notice

1. Written notice of the expulsion hearing must be given to the student, and, if the student is a minor, to his/her parent(s) or guardian(s) within a reasonable time prior to the time of the hearing.
2. A copy of this Board policy on student discipline shall also be given to the student, and if the student is a minor, to his/her parent(s) or guardian(s), at the time the notice is sent that an expulsion hearing will be convened.
3. The written notice of the expulsion hearing shall inform the student of the following:
  - a. The date, time, and location of the hearing.
  - b. A short, plain description of the conduct alleged by the administration.
  - c. The student may present as evidence, testimony and documents concerning the conduct alleged and the appropriate length and conditions of expulsion, as well as notice that the expulsion hearing will be the student's sole opportunity to present such evidence.
  - d. The student may cross-examine witnesses called by the administration.
  - e. The student may be represented by any third party of his/her choice, including an attorney, at his/her expense or at the expense of his/her parents.

- f. A student is entitled to the services of a translator or interpreter, to be provided by the Board of Education, whenever the student or his/her parent(s) or guardian(s) do(es) not speak the English language or is handicapped.
- g. The conditions under which the Board is not legally required to give the student an alternative educational opportunity (if applicable).

D. Hearing Procedures:

1. The hearing will be conducted by the Presiding Officer, who will call the meeting to order, introduce the parties, board members and counsel, briefly explain the hearing procedures, and swear in any witnesses called by the administration or the student.
2. The hearing will be conducted in executive session. A verbatim record of the hearing will be made, either by tape recording or by a stenographer.
3. Formal rules of evidence will not be followed. The Board has the right to accept hearsay and other evidence if it deems that evidence relevant or material to its determination. The presiding officer will rule on testimony or evidence as to it being immaterial or irrelevant.
4. The hearing will be conducted in two parts. In the first part of the hearing, the Board will receive and consider evidence regarding the conduct alleged by the administration.
5. In the first part of the hearing, the charges will be introduced into the record by the Superintendent or his/her designee.
6. Each witness for the administration will be called and sworn. After a witness has finished testifying, he/she will be subject to cross-examination by the opposite party or his/her legal counsel and by Board members.
7. After the Administration has presented its case, the student will be asked if he/she has any witnesses or evidence to present. If so, the witnesses will be sworn, will testify, and will be subject to cross examination and to questioning by the Board. The student may also choose to make a statement at this time. If the student chooses to make a statement, he or she will be sworn and subject to cross examination and questioning by the Board. Concluding statements

will be made by the administration and then by the student and/or his or her representative.

8. In cases where the respondent has denied the allegation, the Board must determine whether the respondent committed the offense(s) as charged by the Superintendent.
9. If the Board determines that the student has committed the conduct as alleged, then the Board shall proceed with the second portion of the hearing, during which the Board will receive and consider evidence regarding the length and conditions of expulsion.
10. When considering the length and conditions of expulsion, the Board may review the student's attendance, academic and past disciplinary records. The Board may ask the Superintendent for a recommendation as to the discipline to be imposed.
11. Evidence of past disciplinary problems which have led to removal from a classroom, suspension or expulsion of a student being considered for expulsion may be considered only during the second portion of the hearing, during which the Board is considering length of expulsion and nature of alternative educational opportunity to be offered.
12. Where administrators presented the case in support of the charges against the student, such administrative staff shall not be present during the deliberations of the Board either on questions of evidence or on the final discipline to be imposed. The Superintendent may, after reviewing the incident with administrators, and reviewing the student's records, make a recommendation to the Board as to the appropriate discipline to be applied.
13. The Board shall make findings as to the truth of the charges, if the student has denied them, and, in all cases, the disciplinary action, if any, to be imposed. The Board shall report its final decision in writing to the student, or if such student is a minor, also to the parent(s) or guardian(s), stating the reasons on which the decision is based, and the disciplinary action to be imposed. Said decision shall be based solely on evidence presented at the hearing.

#### E. Expulsion Notice

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.

F. Presence on School Grounds and Participation in School-sponsored Activities During Expulsion

During the period of expulsion, the student shall not be permitted to be on school property and shall not be permitted to attend or participate in any school-sponsored activities, except for the student's participation in any alternative educational program provided by the district in accordance with this policy, unless the Superintendent specifically authorizes the student to participate in a particular school-sponsored activity.

IX. Board Policy Regarding Mandatory Expulsions

In keeping with Conn. Gen. Stat. § 10-233d and the Gun-Free Schools Act, it shall be the policy of the Board to expel a student for one full calendar year for: the conduct described in Section VII(B)(1), (2) and (3) of this policy. The Board may modify the term of expulsion on a case-by-case basis.

X. Alternative Educational Programs for Expelled Students

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

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

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

The Board of Education will provide an alternative education to a sixteen to eighteen year old student expelled for the first time if he/she requests it and if he/she agrees to the conditions set by the Board of Education, except as follows. The Board of Education is not required to offer an alternative program to any student between the ages of sixteen and eighteen who is expelled for the second time, or if it is determined at the hearing that (1) the student possessed a dangerous instrument, deadly weapon, firearm or martial arts weapon on school property or at a school-sponsored activity, or (2) the student offered a controlled substance for sale or distribution on school property or at a school-sponsored activity.

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

The Board of Education is not required to offer an alternative educational program to expelled students eighteen years of age or older.

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

Notwithstanding Sections X.A. through C. above, if the Board of Education expels a student who has been identified as eligible for services under the Individuals with Disabilities Education Act ("IDEA"), it shall offer an alternative educational program to such student in accordance with the requirements of IDEA, as it may be amended from time to time.

XI. Notice of Student Expulsion on Cumulative Record

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

XII. Change of Residence During Expulsion Proceedings

- A. *Student moving into the school district:*

1. If a student enrolls in the district while an expulsion hearing is pending in another district, such student shall not be excluded from school pending completion of the expulsion hearing unless an emergency exists, as defined above. The Board shall retain the authority to suspend the student or to conduct its own expulsion hearing.
2. Where a student enrolls in the district during the period of expulsion from another public school district, the Board may adopt the decision of the student expulsion hearing conducted by such other school district. The Board shall make its determination based upon a hearing held by the Board, which shall be limited to a determination of whether the conduct which was the basis of the previous public school district's expulsion would also warrant expulsion by the Board.

- B. *Student moving out of the school district:*

Where a student withdraws from school after having been notified that an expulsion hearing is pending, but before a decision has been rendered by the 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.

XIII. Procedures Governing Suspension and Expulsion of Students Identified as Eligible for Services under the Individuals with Disabilities Education Act ("IDEA")

A. *Suspension of students who are eligible for services under IDEA:*

Notwithstanding the foregoing, if the administration suspends a student identified as eligible for services under the IDEA (an "student with a disability") who has violated any rule or code of conduct of the school district that applies to all students, the following procedures shall apply:

1. The administration shall make reasonable attempts to immediately notify the parents of the student of the decision to suspend on the date on which the decision to suspend was made, and a copy of the special education procedural safeguards must either be hand-delivered or sent by mail to the parents on the date that the decision to suspend was made.
2. During the period of suspension, the school district is not required to provide any educational services to the student with a disability beyond that which is provided to all students suspended by the school district.

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

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

1. The parents of the student must be notified of the decision to suspend on the date on which the decision to suspend was made, and a copy of the special education procedural safeguards must either be hand-delivered or sent by mail to the parents on the date that the decision to suspend was made.



2. The school district shall immediately convene the IEP team, but in no case later than ten (10) school days after the recommendation for expulsion or the suspension that constitutes a change in placement was made. The student's IEP team shall consider whether the student's disability caused or had a direct and substantial relationship to the behavior that led to the recommendation for expulsion or the suspension which constitutes a change in placement, and whether the behavior was a direct result of the failure to implement the student's IEP in order to determine whether the student's behavior was a manifestation of his/her disability.
3. If the IEP team finds that the behavior was a manifestation of the student's disability, the administration shall not proceed with the recommendation for expulsion. The IEP team shall consider the student's misconduct and revise the IEP to prevent a recurrence of the misconduct and to provide for the safety of other students and staff.
4. If the IEP team finds that the behavior was not a manifestation of the student's disability, the administration may proceed with the recommended expulsion or suspension that constitutes a change in placement.
5. During any period of expulsion, or suspension of greater than ten (10) days per school year, the administration shall provide the student with an alternative education program in accordance with the provisions of the IDEA.
6. The special education records and disciplinary records of the student must be transmitted to the individual(s) who will make the final determination regarding a recommendation for expulsion or a suspension that results in a change in placement.

C. *Transfer of students with disabilities for Certain Offenses:*

School personnel may transfer an IDEA student to an appropriate interim alternative educational setting for not more than forty-five (45) school days if the student:

1. Was in possession of a dangerous weapon, as defined in 18 U.S.C. 930(g)(2), as amended from time to time, on school grounds or at a school-sponsored activity, or

2. Knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance while at school or at a school-sponsored activity.
3. Has inflicted serious bodily injury on another person at school, on school grounds or at a school sponsored activity.

As used in this subsection XIII.C., the term “dangerous weapon” means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2.5 inches in length. The term “serious bodily injury” means bodily injury which involves substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

XIV. Procedures Governing Expulsions for Students Identified as Eligible for Educational Accommodations under Section 504 of the Rehabilitation Act of 1973

Notwithstanding any provision to the contrary, if the administration recommends for expulsion a student identified as eligible for educational accommodations under Section 504 of the Rehabilitation Act of 1973 (a “Student with disabilities under 504”) who has violated any rule or code of conduct of the school district that applies to all students, the following procedures shall apply:

1. The parents of the student must be notified of the decision to recommend the student for expulsion.
2. The district shall immediately convene the student’s Section 504 team (“504 team”) for the purpose of reviewing the relationship between the student’s disability and the behavior that led to the recommendation for expulsion. The 504 team will determine whether the student’s behavior was a manifestation of his/her disability.
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. The 504 team shall consider the student’s misconduct and revise the 504 plan to prevent a recurrence of the misconduct and to provide for the safety of other students and staff.

4. If the 504 team finds that the behavior was not a manifestation of the student's disability, the administration may proceed with the recommended expulsion.

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

XVII. Compliance with Reporting Requirements

- A. The Board of Education shall report all suspensions and expulsions to the State Department of Education.
- B. If the Board of Education expels a student for sale or distribution of a controlled substance, the Board shall refer such student to an appropriate state or local agency for rehabilitation, intervention or job training and inform the agency of its action.
- C. If the Board of Education expels a student for possession of a deadly weapon or firearm, as defined in Conn. Gen. Stat. § 53a-3, the violation shall be reported to the local police.

Legal References:

Connecticut General Statutes:

§§ 4-177 through 4-180 Contested cases. Notice. Record.

§§ 10-233a through 10-233e Suspension and expulsion of students.

§ 10-233f as amended by PA 07-66 and PA 08-160

In-school suspension of students.

Packer v. Board of Educ. of the Town of Thomaston, 246 Conn. 89 (1998).

Federal law:

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

Individuals with Disabilities Act, 20 U.S.C. 1400 et seq., as amended by the Individuals with Disabilities Education Act Amendments of 1997, Pub. L. 105-17.

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”)

Gun-Free Schools Act, Pub. L. 107-110, Sec. 401, 115 Stat. 1762 (codified at 20 U.S.C. § 7151)

Policy Approved:

**Students****Attendance****EXPULSION**

5120

It is the duty and obligation of school personnel to maintain a safe and orderly environment in order for learning to take place. In that regard:

- School personnel will report to administrators all information regarding students who may be in possession of and/or involved in the sale of weapons, facsimiles of weapons, drugs, or alcohol.
- Administrators will vigorously pursue all information regarding students who may be in possession of and/or involved in the sale of weapons, facsimiles of weapons, drugs, and alcohol.
- A principal may recommend to the Superintendent of Schools that a student be expelled from school for conduct which endangers persons or property, which is seriously disruptive of the educational process, or which violates a policy of the Board of Education. A principal may recommend to the Superintendent of Schools that a student be expelled from school for conduct that (1) takes place in school or on school grounds or (2) off school grounds, whether or not during the school day, which is seriously disruptive of the education process, threatens the welfare of the persons who work or study at school, or which violates a policy of the Board of Education. The list of offenses are examples, and are not meant to be an exhaustive list.
  - sale of illegal substances (drugs, alcohol, etc.)
  - repeated possession of drugs or alcohol
  - repeated acts of violence or threats of violence
  - other criminal activity, which takes place in the school, on school grounds, or at school-sponsored activities
  - possession and/or sale of a firearm, deadly weapon, a dangerous instrument or facsimiles of weapons\*

\*Expulsion proceedings must be initiated whenever there is reason to believe that a pupil was in possession of a firearm, deadly weapon, or a dangerous instrument in school, on school grounds, or at a school-sponsored activity.

**Students**

**Attendance**

**EXPULSION (continued)**

**5120**

Legal Reference: Connecticut General Statutes  
4-176e through 4-180a Contested cases. Notice. Record  
10-233a through 10-233f Suspension, removal and expulsion of  
students (as amended by PA 95-304, PA 96-244, and PA  
98-139)  
53a-3 Definitions  
53a-217b Possession of firearms and deadly weapons on school  
grounds  
PA 94-221 An Act Concerning School Discipline and Safety  
GOALS 2000: Educate America Act, PL 103-227  
18 U.S.C. 921 Definitions  
Title III - Amendments to the Individuals with Disabilities  
Education Act  
Sec. 314 Local Control Over Violence  
Elementary and Secondary Act of 1965 (as amended by the Gun  
Free Schools Act of 1994)  
PL 105-17 The Individuals with Disabilities Act, Amendment of  
1997  
*Kyle P. Packer PPA Jane Packer v. Thomaston Board of  
Education*

Approved 8/27/04

SEP 28 2010

**Students****Code of Behavior****SUBSTANCE ABUSE****5313**

It is the policy of the Fairfield Public Schools to prevent and prohibit the possession, use and/or distribution of any drug (narcotics and alcohol) or drug paraphernalia on school property, at school-sponsored events, on school buses, and en route to and from school by any mode of travel.

Violations of this policy, including possession, use, distribution of any drug or drug paraphernalia, and being under the influence of any drug on school property or at any school-sponsored event, shall be dealt with in accord with the procedures developed by the administration. The consequences of such violations may ultimately result in expulsion from school.

Recognizing that drug use and abuse may be indicative of serious, underlying problems, every effort shall be made to offer a student help and assistance, including early identification, referral for treatment, and after care support. Disciplinary procedures will be administered with the best interests of the student, school population, and community in mind.

Due consideration will be given to the rights of students:

- questioning of a student on school premises will take place only in the presence of a school building administrator and/or dean;
- a student's right to remain silent or to speak through an attorney or parent or guardian may not be abridged; and
- a school building administrator and/or dean will maintain a record of all proceedings under this policy, which shall be available to the student.

Approved 8/27/04

SEP 28 2010

**Students****Code of Behavior****WEAPONS****5320**

The safety of all students is our highest concern. Therefore, students who bring to school, sell, or attempt to sell, or illegally use a firearm, deadly weapon, dangerous instrument, or facsimile of a weapon will be suspended from school and reported to the Fairfield Police Department. State law specifically prohibits such behavior. Such behavior may result in expulsion from school for a period of up to one (1) calendar year.

Legal Reference: Connecticut General Statutes  
10-221 Boards of Education to prescribe rules, policies, and procedures  
as amended by PA 97-290  
10-233a through 10-233f Expulsion as amended by PA 95-304  
53a-3 Definitions  
53a-217b Possession of firearms and deadly weapons on school grounds  
53-206 Carrying and sale of dangerous weapons  
PA 94-221 An Act Concerning School Discipline and Safety  
GOALS 2000: Educate America Act  
18 USC 921 Definitions

Approved 8/27/04