

## Suspension and Expulsion/Due Process

This policy has been revised to account for new requirements regarding expulsion and suspension hearings as well as out-of-district placements due to **challenging behavior**, established by Public Act No. 25-93 An Act Increasing Resources for Students, Schools and Special Education Section 38 & 39 and Public Act No. 25-67 An Act Concerning the Quality and Delivery of Special Education Services in Connecticut Section 13.

### *Homeless Students:*

Public Act No. 25-93 Section 38 & 39 require that prior to conducting an expulsion hearing, an administrator, school counselor, or school social worker at the school in which the Student is enrolled must contact the **local homeless education liaison** designated by the board of education for the school district, to determine whether such student is a homeless child or youth, as defined in 42 USC 11343a, as amended from time to time.

If it is determined that a student is a homeless child or youth, the Act requires the board of education or the impartial hearing officer to consider the impact of homelessness on the student's behavior during the hearing.

The Act also provides that no such student may be expelled without a plan of interventions and support to mitigate the impact of homelessness on the student's behavior. Additionally, any student who is determined to be a homeless child or youth and has been expelled for a second time shall be provided with a meeting with the local homeless education liaison by the local or regional board of education.

Similarly, prior to conducting any hearing regarding the *suspension* of a student, an administrator, school counselor or school social worker at the school in which the student is enrolled must contact the **local homeless education liaison** to make a determination whether such student is a homeless child or youth, as defined in 42 USC 11343a, as amended from time to time. If it is determined that the student is a homeless child or youth, the administration shall consider the impact of homelessness on the student's behavior during the hearing.

CABE's policy department added the above provisions to our model discipline policy, P5114.

### *General Policy Revisions:*

To add clarity to the issue related to **formal and informal hearings**, we've developed a new section to our model discipline policy, titled "**Formal Hearing/Due Process**." This section includes language regarding the formal hearing process, which was previously combined with the general "Expulsion Procedures" section. The "**Expulsion Procedures**" section is now simply an overview of the general expulsion process. In contrast, the "**Formal Hearing/Due Process**" section contains detailed information regarding formal hearings (rules, rights, evidence, etc.).

### *Out-of-district placement due to challenging behavior:*

Public Act No. 25-67 Section 13 requires that, except in cases where the time required to do so would put the safety of such student, any other student or any staff at such student's school at risk, on and after September 1, 2025, prior to placing any student in an out-of-district placement due to the challenging behavior of such student, each board of education shall conduct a **functional behavior assessment** of such student and develop or update a **behavioral intervention plan** for such student.

The Act mandates that not later than two business days following the decision not to conduct such assessment or develop or update such plan for such student, the local or regional board of education shall *file a notice with the Department of Education* of the reasons that such assessment was not conducted, or such plan was not developed or updated.

(The CABE policy department added the above provisions to P5114.)

Additionally, policy 5114 has been updated to include an added section entitled "**Expunging Records**" using language from the general statutes to provide more comprehensive guidance.

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By Marc J. Garofalo, MPA, MCC, MCTC at 9:59 am, Oct 10, 2025

*CABE's mandated newest version of this policy.* Revised definition of "bullying" to align with Connecticut School Climate Policy and provides details related to hearings and due process adding a section on expunging of records.

## Students

### Suspension and Expulsion/Due Process

The **Derby** Board of Education is committed to creating a safe, orderly, and supportive learning environment for all students, staff, and visitors. This policy aims to balance the necessity of maintaining safety and order within our schools while adhering to progressive discipline and restorative practices, which seek to address and correct inappropriate behavior while promoting accountability, personal growth, and the repair of harm.

Students are expected to comply with school rules and Board policies and 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 violates a publicized policy of the Board. Students may be disciplined for conduct off school grounds if such conduct is seriously disruptive to the educational process and violates Board policy.

### Policy Objectives

1. **Ensure Safety and Order:** Maintain a secure and disciplined school environment conducive to learning and free from violence, threats, and disruptive behaviors.
2. **Promote Equity and Fairness:** Apply disciplinary measures in an equitable, consistent, and unbiased manner, ensuring that all students are treated with dignity and respect.
3. **Support Progressive Discipline:** Implement a progressive discipline model that focuses on intervention and prevention strategies to address and correct student behavior before it escalates.
4. **Implement Restorative Practices:** Incorporate restorative practices that emphasize accountability, reparation of harm, and the restoration of relationships within the school community.
5. **Encourage Personal Responsibility:** Foster a sense of personal responsibility and self-discipline in students, helping them to understand the consequences of their actions and to make better choices in the future.
6. **Engage Families and Communities:** Involve parents, guardians, and community members in the disciplinary process to support students in their behavioral and academic growth.

### Policy Guidelines

#### 1. Clear Expectations and Communication:

- Establish and communicate clear behavioral expectations and the consequences of violating them.
- Ensure that all students, staff, and parents/guardians are aware of the discipline policy and procedures.

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## **Students**

### **Suspension and Expulsion/Due Process**

#### **Policy Guidelines (continued)**

##### **2. Progressive Discipline Framework:**

- Utilize a tiered approach to discipline that escalates in response to the severity and frequency of the behavior.
- Implement early intervention strategies such as counseling, mentoring, and behavior modification plans to address minor infractions.

##### **3. Restorative Practices:**

- Employ restorative practices such as mediation, peer counseling, and restorative circles to address conflicts and repair harm.
- Encourage students to take responsibility for their actions and to actively participate in the resolution process.

##### **4. Consistent and Fair Application:**

- Ensure that disciplinary measures are applied consistently and fairly across all student populations.
- Monitor and address any disparities in the application of disciplinary actions to prevent discrimination or bias.

##### **5. Supportive Interventions:**

- Provide support services such as counseling, social work, and mental health resources to help students address underlying issues contributing to behavioral problems.
- Develop individualized behavior plans for students with recurring or severe behavioral issues.

##### **6. Engagement and Collaboration:**

- Engage families in the disciplinary process through regular communication and involvement in restorative practices.
- Collaborate with community organizations and resources to support students and families in addressing behavioral and social-emotional needs.

##### **7. Training and Professional Development:**

- Provide ongoing training for staff on progressive discipline, restorative practices, and culturally responsive approaches to student behavior.
- Encourage staff to develop skills in conflict resolution, de-escalation techniques, and positive behavior support.

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## Students

### Suspension and Expulsion/Due Process

#### Policy Guidelines (continued)

#### Review and Accountability

The Derby Board of Education will regularly review the effectiveness of its discipline policy, incorporating feedback from students, staff, parents, and the community. Data on disciplinary actions and their outcomes will be collected and analyzed to ensure continuous improvement and the achievement of policy objectives.

By adopting this balanced approach to discipline, the Derby Public School District aims to create a school environment where all students can learn, grow, and succeed while feeling safe and supported.

#### A. Definitions

1. **“Exclusion”** shall be defined as any denial of public-school privileges to a student for disciplinary purposes.
2. **“Removal”** shall be defined as an exclusion from a classroom for all or a part of a single class period, provided such exclusion shall not extend beyond ninety (90) minutes.
3. **“In-School Suspension”** means an exclusion from regular classroom activity for no more than five consecutive 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. Such suspensions shall be served in any school building under the jurisdiction of the Board of Education.
4. **“Suspension”** means an exclusion from school privileges or from transportation services, provided such exclusion shall not extend beyond the end of the school year in which suspension was imposed. An out-of-school suspension for students in grades 3-12 shall not exceed ten days. An out-of-school suspension imposed for children in preschool to second grade shall not exceed five days.

All suspensions shall be in-school unless the administration determines for any student in grades three through twelve that (1) the student being suspended poses such anger to persons or property or such disruption of the educational process that the student (grades three to twelve) shall be excluded from school during the period of the suspension, or (2) that an out-of-school suspension is appropriate based on evidence of previous disciplinary issues that have led to suspensions or expulsion of the student and efforts by the administration to address such disciplinary issues through means other than out-of-school suspension or expulsion, including positive support strategies.

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## Students

### Suspension and Expulsion/Due Process

#### A. Definitions (continued)

##### 4. Suspension (continued)

A student in grades preschool to two, inclusive, may be given an out-of-school suspension if it is determined by the administration that such suspension is appropriate based on evidence that the student's conduct on school grounds is of a violent or sexual nature that endangers persons. In addition, a person's duty as a mandated reporter to report suspected child abuse or neglect is not limited by this provision.

5. **"Expulsion"** shall be defined as an exclusion from school privileges for any student in grades three to twelve, inclusive, for more than ten (10) consecutive school days and shall be deemed to include but not be limited to, exclusion from the school to which such student was assigned at the time such disciplinary action was taken, provided that assignment to a regular classroom program in a different school in the district shall not constitute a suspension or an expulsion. Such period of exclusion may extend to the school year following the school year in which the exclusion was imposed, up to one calendar year. To be expelled, the student's conduct must be found to be both violative of a Board policy and either seriously disruptive of the educational process or endangering persons or property.

Unless an emergency exists, no student shall be expelled without a formal hearing. Whenever such student is a minor, the notice shall also be given to the parents or guardians of the student at least five business days before such hearing, not including the day of such hearing. If an emergency exists, such hearing shall be held as soon after the expulsion as possible. The notice shall include information concerning the parent's or guardian's and the student's legal rights and concerning legal services provided free of charge or at a reduced rate that are available locally and how to access such services. An attorney or other advocate may represent any student subject to expulsion proceedings. The parent or guardian of the student shall have the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation, except that if an emergency exists, such hearing shall be held as soon after the expulsion as possible.

6. **"Emergency"** shall be defined as a situation under which the continued presence of the student in the school imposes such danger to persons or property or such disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of such student as possible.
7. **"Days"** is defined as days when school is in session.
8. **"School-sponsored activity"** is defined as any activity sponsored, recognized, or authorized by the Board of Education and includes activities conducted on or off school property.
9. **"Possess"** means to have physical possession or otherwise to exercise dominion or control over tangible property.

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## Students

### Suspension and Expulsion/Due Process

#### A. Definitions (continued)

10. **“Deadly weapon”** means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles. A weapon such as a pellet gun and/or airsoft pistol may constitute a deadly weapon if such weapon is designed for violence and is capable of inflicting death or serious bodily harm.
11. **“Firearm”** as defined in 18 U.S.C.§921, means 1) any weapon (including a starter gun) which will or is designed to or readily be converted to expel a projectile by the action of an explosive; 2) the frame or receiver of any such weapon; 3) any firearm muffler or firearm silencer; or 4) any destructive device. Firearm does not include any antique firearms. For purposes of this definition, “destructive device” means any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than 4 ounces, missile having an explosive or incendiary charge of more than ¼ ounce, mine, or device similar to any of the weapons described herein. 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.
12. **“Vehicle”** means a **“motor vehicle”** as defined in Section 14-1 of the Connecticut General Statutes, snowmobile, any aircraft, or any vessel equipped for propulsion by mechanical means or sail.
13. **“Martial arts weapon”** means a nunchaku kama, Kesari-fundo, octagon sai, tonfa, or Chinese star.
14. **“Dangerous Drugs and Narcotics”** is defined as any controlled drug in accordance with Connecticut General Statutes §219-240.
15. **“Alternate education”** means a school or program maintained and operated by the Board of Education that is offered to students in a nontraditional setting and addresses their social, emotional, behavioral, and academic needs. Such program must conform to SBE guidelines and conform to C.G.S. 10-15 and 16 (180 days/900 hours).
16. **“Dangerous Instrument”** means any instrument, article, or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury, and includes a “vehicle” or a dog that has been commanded to attack.
17. **“Seriously disruptive of the educational process”** means, as applied to off-campus conduct, any conduct that markedly interrupts or severely impedes the day-to-day operation of a school.

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By Marc J. Garofalo, MPA, MCC, MCTC at 10:13 am, Oct 10, 2025

## Students

### Suspension and Expulsion/Due Process (continued)

#### B. Removal from Class

1. All teachers are hereby authorized to remove a student from class when such student causes a serious disruption of the educational process within the classroom.
2. Such teacher shall send the student to a designated area and shall immediately inform the building Principal or his/her designee as to the name of the student and the reason for the removal.
3. No student shall be removed from class more than six (6) times in any year nor more than twice in one week, unless such student is referred to the Building Principal or his/her designee and granted an informal hearing in accordance with the provisions of this policy.
4. A school principal or other school administrator shall notify a parent or guardian of a student whose behavior has caused a serious disruption to the instruction of other students, caused self-harm, or caused physical harm to a teacher, another student, or other school employee not later than twenty-four hours after such behavior occurs. Such notice shall include, but not be limited to, informing such parent or guardian that the teacher of record in the classroom in which such behavior occurred may request a behavior intervention meeting.

Any teacher of record in a classroom may request a behavior intervention meeting with the crisis intervention team for the school, for any student whose behavior has caused a serious disruption to the instruction of other students or caused self-harm or physical harm to such teacher or another student or staff member in such teacher's classroom. The crisis intervention team shall, upon the request of such teacher and notifying such student's parent or guardian, convene a behavior intervention meeting regarding such student. The participants of such behavior intervention meeting shall identify resources and support to address such student's social, emotional and instructional needs. Not later than seven days after the behavior intervention meeting, the crisis intervention team shall submit to the parent or guardian of such student, in the dominant language of such parent or guardian, a written summary of such meeting, including, but not limited to, the resources and supports identified.

#### C. Exclusion from Co-Curricular and Extra-Curricular Activities

Participation in co-curricular and extra-curricular activities is a privilege and not an entitlement. Students involved in such programs are expected to follow all school rules and demonstrate good citizenship. Failure to do so may result in partial or complete exclusion from said activities and programs. Activities include, but are not limited to, athletic programs, musical or drama productions, clubs, field trips, and school trips out-of-state and abroad.

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## Students

### Suspension and Expulsion/Due Process

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

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

1. Striking or assaulting a student, members of the school staff or other persons.
2. Theft.
3. The use of obscene or profane language or gestures, the possession and/or display of obscenity or pornographic images or the unauthorized or inappropriate possession and/or display of images, pictures or photographs depicting nudity.
4. Violation of smoking, dress, transportation regulations, or other regulations and/or policies governing student conduct.
5. Refusal to obey a member of the school staff, law enforcement authorities, or school volunteers, or disruptive classroom behavior.
6. Any act of harassment based on an individual's sex, sexual orientation, race, color, religion, disability, national origin or ancestry.
7. Refusal by a student to identify himself/herself to a staff member when asked, misidentification of oneself to such person(s), lying to school officials or otherwise engaging in dishonest behavior.
8. Inappropriate displays of public affection of a sexual nature and/or sexual activity on school grounds or at a school-sponsored activity.
9. A walk-out from or sit-in within a classroom or school building or school grounds.
10. Blackmailing, threatening or intimidating school staff or students (or acting in a manner that could be construed to constitute blackmail, a threat, or intimidation, regardless of whether intended as a joke).
11. Possession of any weapon, weapon facsimile, deadly weapon, martial arts weapon, electronic defense weapon, pistol, knife, blackjack, bludgeon, box cutter, metal knuckles, pellet gun, air pistol, explosive device, firearm, whether loaded or unloaded, whether functional or not, or any other dangerous object or instrument. The possession and/or use of any object or device that has been converted or modified for use as a weapon.
12. Possession of any ammunition for any weapon described above in paragraph 11.
13. Unauthorized entrance into any school facility or portion of a school facility or aiding or abetting an unauthorized entrance.
14. Possession or ignition of any fireworks, combustible or other explosive materials, or ignition of any material causing a fire. Possession of any materials designed to be used in the ignition of combustible materials, including matches and lighters.

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## Students

### Suspension and Expulsion/Due Process

#### D. Actions Leading to Disciplinary Action, including Removal from Class, Suspension and/or Expulsion (continued)

15. Unlawful possession, sale, distribution, use, or consumption of tobacco, electronic nicotine delivery systems (e.g. e-cigarettes), vapor products, drugs, narcotics or alcoholic beverages (or any facsimile of tobacco, drugs, narcotics or alcoholic beverages, or any item represented to be tobacco, drugs or alcoholic beverages), including being under the influence of any such substances or aiding in the procurement of any such substances. For the purposes of this Paragraph 15, the term “electronic nicotine delivery system” shall mean an electronic device that may be used to simulate smoking in the delivery of nicotine or other substance to a person inhaling from the device and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device. For the purposes of Paragraph 15, the term “vapor product” shall mean any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may or may not include nicotine that is inhaled by the user of such product. For the purposes of this Paragraph 15, the term “drugs” shall include, but shall not be limited to, any medicinal preparation (prescription and non-prescription) and any controlled substance whose possession, sale, distribution, use or consumption is illegal under state and/or federal law.
16. Sale, distribution, or consumption of substances contained in household items; including, but not limited to glue, paint, accelerants/propellants for aerosol canisters, and/or items such as the aerators for whipped cream; if sold, distributed or consumed for the purpose of inducing a stimulant, depressant, hallucinogenic or mind-altering effect.
17. Unlawful possession of paraphernalia used or designed to be used in the consumption, sale or distribution of drugs, alcohol or tobacco, as described in subparagraph (15) above. For purposes of this policy, drug paraphernalia includes any equipment, products and materials of any kind which are used, intended for use or designed for use in growing, harvesting, manufacturing, producing, preparing, packaging, storing, containing or concealing, or injecting, ingesting, inhaling or otherwise introducing controlled drugs or controlled substances into the human body, including but not limited to items such as “bongs,” pipes, “roach clips,” vials, tobacco rolling papers, and any object or container used, intended or designed for use in storing, concealing, possessing, distributing or selling controlled drugs or controlled substances.
18. The destruction of real, personal or school property, such as, cutting, defacing or otherwise damaging property in any way.
19. Accumulation of offenses such as school and class tardiness, class or study hall cutting, or failure to attend detention.

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## Students

### Suspension and Expulsion/Due Process

#### D. Actions Leading to Disciplinary Action, including Removal from Class, Suspension and/or Expulsion (continued)

20. Trespassing on school grounds while on out-of-school suspension or expulsion.
21. Making false bomb threats or other threats to the safety of students, staff members, and/or other persons.
22. Defiance of school rules and the valid authority of teachers, supervisors, administrators, other staff members, and/or law enforcement authorities.
23. Throwing snowballs, rocks, sticks, and/or similar objects, except as specifically authorized by school staff.
24. Unauthorized and/or reckless and/or improper operation of a motor vehicle on school grounds or at any school-sponsored activity.
25. Leaving school grounds, school transportation, or a school-sponsored activity without authorization.
26. Use of or copying of the academic work of another individual and presenting it as the student's own work, without proper attribution; or any other form of academic dishonesty, cheating, or plagiarism.
27. Possession and/or use of a cellular telephone, Smartphone, mobile or handheld device, or similar electronic device, on school grounds or at a school-sponsored activity in violation of Board policy and/or administrative regulations regulating the use of such devices.
28. Possession and/or use of a beeper or paging device on school grounds or at a school-sponsored activity without the written permission of the principal or his/her designee.
29. Unauthorized use of any school computer, computer system, computer software, Internet connection, or similar school property or system, or the use of such property or system for inappropriate purposes.
30. Possession and/or use of a laser pointer, unless the student possesses the laser pointer temporarily for an educational purpose while under the direct supervision of a responsible adult.
31. Hazing.
32. “Bullying” means **is defined as** unwanted and aggressive behavior among children in grades kindergarten to twelve, inclusive, that involves a real or perceived power imbalance.
33. Cyberbullying, defined as any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile telephone, or other mobile electronic devices, or any electronic communications.

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## Students

### Suspension and Expulsion/Due Process

#### D. Actions Leading to Disciplinary Action, including Removal from Class, Suspension and/or Expulsion (continued)

34. Acting in any manner that creates a health and/or safety hazard for staff members, students, or the public, regardless of whether the conduct is intended as a joke.
35. Engaging in a plan to stage or create a violent situation for the purposes of recording it by electronic means; or recording by electronic means acts of violence for purposes of later publication.
36. Engaging in a plan to stage sexual activity for the purposes of recording it by electronic means; or recording by electronic means sexual acts for purposes of later publication.
37. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.
38. Use of a privately owned electronic or technological device in violation of school rules, including the unauthorized recording (photographic or audio) of another individual without permission of the individual or a school staff member.

#### E. 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 violates a publicized policy of the Board.

##### b. Conduct off School Grounds

Students may be disciplined for conduct off school grounds if such conduct is seriously disruptive of the educational process and **violates** ~~violative of~~ a publicized policy of the Board.

In determining 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 illegal use of drugs.

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## Students

### Suspension and Expulsion/Due Process (continued)

#### F. Mandatory Expulsion

It shall be the policy of the Board to expel a student, grades preschool, and kindergarten to twelve, inclusive, for one full calendar year if:

1. The student, on grounds or at a school-sponsored activity, was in possession of a firearm, as defined in 18 U.S.C. 921\*, as amended from time to time, or deadly weapon, dangerous instrument or martial arts weapon, as defined in C.G.S. 53A-3; or the student, off school grounds, did possess such firearm in violation of C.G.S. 29-35 or did possess and use such firearm, instrument or weapon in the commission of a crime; or the student, on or off school grounds offered for sale or distribution a controlled substance, as defined in subdivision (9) of C.G.S. 21a-240, whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under C.G.S. 21-277 and 21a-278.
2. Such student shall be expelled for one calendar year if the Board of Education or impartial hearing officer finds that the student did so possess or so possess and use, as appropriate, such weapon or firearm, instrument or weapon or did so offer for sale or distribution such controlled substance.
3. The Board may modify the period of a mandatory expulsion on a case-by-case basis.
4. A firearm, as defined by C.G.S. 53a-3, includes any sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver, or other weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, a gravity knife, billy, blackjack, bludgeon, or metal knuckles.
5. A student enrolled in a preschool program provided by the Board of Education, state or local charter school or interdistrict magnet school shall not be expelled from such school except that a student shall be expelled for one calendar year from such preschool program pursuant to the mandatory expulsion requirement in compliance with the Gun-Free School Act, as described in this section.

#### G. Suspension Procedure ~~(as modified in Public Act 24-45, Sections 13 and 14)~~

~~Except in the case of an emergency, as defined in paragraph A, above, a student shall be afforded the opportunity to meet with the administration and to respond to the stated charges prior to the effectuation of any period of suspension or in-school suspension. If, at such a meeting the student denies the stated charges, he/she may at that time present his/her version of the incident(s) upon which the proposed suspension is based.~~

*\*A firearm; currently defined by 18 U.S.C. 921, is any weapon that can expel a projectile by an explosive action and includes explosive devices, incendiaries, poison gases, and firearm frames, receivers, mufflers or silencers.*

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## Students

### Suspension and Expulsion/Due Process

#### G. Suspension Procedure (~~as modified in Public Act 24-45, Sections 13 and 14~~) (continued)

Unless an emergency exists, as that term is defined in paragraph A, no student shall be suspended without an informal hearing by the administration, at which such student shall be informed of the reasons for the disciplinary action and given an opportunity to explain the situation, provided nothing herein shall be construed to prevent a more formal hearing from being held if the circumstances surrounding the incident so require. The administration shall then determine whether suspension or in-school suspension is warranted.

If an emergency situation exists, the hearing outlined ~~in paragraph G-(3)~~ above shall be held as soon as possible after the exclusion of the student.

Prior to conducting any hearing regarding the suspension of a student, an administrator, school counselor or school social worker at the school in which the student is enrolled, shall contact the local homeless education liaison designated by the local or regional board of education for the school district, pursuant to Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act, 42 USC 11431 et seq., as amended from time to time, to determine whether such student is a homeless child or youth, as defined in 42 USC 11343a, as amended from time to time. If it is determined that such student is a homeless child or youth, the administration shall consider the impact of homelessness on the behavior of the student during the hearing.

In the case of suspension, the administration shall notify the student's parents and the Superintendent of Schools not later than twenty-four (24) hours of the suspension as to the name of the student who has been suspended and the reason therefore. Any student who is suspended shall be given an opportunity to complete any class work, including, but not limited to, examinations that such student missed during the period of his/her suspension.

The administration shall also have the authority to suspend a student from transportation services whose conduct while awaiting or receiving transportation violates the standards set forth in paragraph D, above. The administration shall have the authority to immediately suspend any student from school when an emergency exists, as that term is defined in paragraph A, above.

#### **Out-of-School Suspensions**

All suspensions shall be in-school suspensions, except the Board of Education may authorize the administration of schools under its direction to impose an out-of-school suspension on any student ~~in~~:

1. Grades preschool to two, if during the informal hearing outlined above, the administration:
  - a. Determines that an out-of-school suspension is appropriate for such students based on evidence that such student's conduct on school grounds is behavior that causes physical harm;

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## Students

### Suspension and Expulsion/Due Process

#### G. Suspension Procedure ~~(as modified in Public Act 24-45, Sections 13 and 14)~~ (continued)

#### **Out-of-School Suspensions (continued)**

- b. Requires that such students receive services that are trauma-informed and developmentally appropriate and align with any behavioral intervention plan, individualized education program, or plan pursuant to Section 504 of the Rehabilitation Act of 1973, as amended from time to time, for such student upon such student's return to school immediately following the out-of-school suspension; and
  - c. Considers whether to convene a planning and placement team meeting for the purposes of conducting an evaluation to determine whether such student may require special education or related services.
2. Grades three to twelve, inclusive, if, resulting from a due process hearing:
- a. The administration determines that the student being suspended poses such danger to persons or property or such disruption of the educational process (as defined above in section E) that the student shall be excluded from school during the period of suspension.
  - b. The administration determines that an out-of-school suspension is appropriate for such student based on evidence of:
    - i. previous disciplinary problems that have led to suspensions or expulsion of such student; and
    - ii. efforts by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies. An in-school suspension may be served in the student's school or any school building under the jurisdiction of the local or regional board of education, as determined by such board.

#### **Length of Suspension Period:**

In determining the length of a suspension period, the administration may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, in-school suspension, or expulsion.

An out-of-school suspension shall not exceed ten school days for students in grades 3-12.

An out-of-school suspension shall not exceed five school days for children in preschool through grade 2.

For any student who is suspended for the first time and who has never been expelled, the school administration may shorten the length of or waive the suspension period if the student successfully completes an administration-specified program and meets any other administration-required conditions. Such program shall be at no expense to the student or his/her parents/guardians.

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## Students

### Suspension and Expulsion/Due Process

#### G. Suspension Procedure (as modified in Public Act 24-45, Sections 13 and 14 (continued))

**General provisions:**

No student shall be suspended more than ten 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 pursuant to sub sections 4-176e to 4-180a, inclusive, section 4-181a, and as outlined in section I below is first granted.

No student shall be placed on in-school suspension more than fifteen 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 pursuant to sub sections 4-176e to 4-180a, inclusive, section 4-181a, and as outlined in in section I below is first granted.

#### H. Expulsion Procedures

The Board of Education may, upon the recommendation of the Superintendent of Schools, expel any student for one or more of the reasons stated in this policy if, after holding a formal hearing, it is in the judgment of the Board of Education **that** such disciplinary action is in the best interest of the school system.

A special education student's handicapping conditions shall be considered before making a decision to expel. A Planning and Placement Team (PPT) meeting must be held to determine whether the behavior or student actions violative of Board of Education standards set forth in policy governing suspension and expulsion are the result of the student's handicapping condition.

For any student expelled for the first time and who has never been suspended, except for a student who has been expelled based on possession of a firearm or deadly weapon, the Board of Education may shorten the length of or waive the expulsion period if the student successfully completes a Board specified program and meets any other conditions required by the Board. Such Board specified program shall not require the student or the parent/guardian of such student to pay for participation in the program.

Prior to conducting formal hearing, as required by PA 25-93 Section 38 subsection 3, an administrator, school counselor or school social worker at the school in which the student is enrolled shall contact the local homeless education liaison designated by the local or regional board of education for the school district, pursuant to Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act, 42 USC 11431 et seq., as amended from time to time, to make a determination whether such student is a homeless child or youth, as defined in 42 USC 11343a, as amended from time to time.

If it is determined that such student is a homeless child or youth:

- i. The local or regional board of education, or the impartial hearing board established pursuant to subsection (b) of this section, shall consider the impact of homelessness on the behavior of the student during the hearing.

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## Students

### Suspension and Expulsion/Due Process

#### H. Expulsion Procedures (continued)

- ii. No such student may be expelled without a plan of interventions and supports to mitigate the impact of homelessness on the behavior of the student.
- iii. If such child or youth has been expelled for a second time, a meeting with the local homeless education liaison shall be provided by the local or regional board of education.

Upon receipt of a recommendation for expulsion from the Superintendent of Schools the Board shall, after giving written notice [as detailed below in section K Notification](#), conduct a hearing prior to taking any action on the expulsion of said student, provided however, that in the event of an emergency as defined in this policy, the student may be expelled prior to the hearing but in such case even a hearing shall be held as soon after the expulsion as possible.

An attorney or other advocate may represent any student subject to expulsion proceedings. The parent/guardian of the student has the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation, except that if an emergency exists, such hearing shall be held as soon after the expulsion as possible.

Expulsion hearings ([formal hearings](#)) conducted by the Board will be heard by any three or more Board members. A decision to expel a student must be supported by a majority of the Board members present, provided that no less than three (3) affirmative votes to expel are cast.

Alternatively, the Board may appoint an impartial hearing officer 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.

An attorney or other advocate may represent any student subject to expulsion proceedings. The parent/guardian of the student has the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation, except that if an emergency exists, such hearing shall be held as soon after the expulsion as possible.

#### I. Formal Hearings/Due Process

1. Any hearing conducted under this paragraph shall at least include the right to:
  - a. Notice prior to the date of the proposed hearing which shall include a statement of the time, place and nature of the hearing and a statement of the legal jurisdiction under which the hearing is to be held and a statement that students under sixteen years old who are expelled and students between sixteen and eighteen who have been expelled for the first time and who comply with conditions set by the Board of Education, must be offered an alternative educational opportunity;

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## Students

### Suspension and Expulsion/Due Process

#### **I. Formal Hearings/Due Process** (continued)

- b. A short and plain statement of the matters asserted, if such matters have not already been provided in a statement of reasons requested by the student;
- c. The opportunity to be heard in the student's own defense;
- d. The opportunity to present witnesses and evidence in the student's defense;
- e. The opportunity to cross-examine adverse witnesses;
- f. The opportunity to be represented by counsel at the parents'/student's own expense; and
- g. Information concerning legal services provided free of charge or at a reduced rate that are available locally and how to access such services;
- h. The opportunity to have the services of a translator, to be provided by the Board of Education whenever the student or his/her parent or legal guardian do not speak the English language;
- i. The prompt notification of the decision of the Board of Education, which decision shall be in writing if adverse to the student concerned.

#### **2. Record keeping:**

The record of the hearing held in any expulsion case shall include the following:

- a. All evidence received and considered by the Board of Education;
- b. Questions and offers of proof, objections, and ruling on such objections;
- c. The decision of the Board of Education rendered after such hearing; and
- d. A copy of the initial letter of notice of proposed expulsion, a copy of any statement of reasons provided upon request, a statement of the notice of hearing, and the official transcript, if any, or if not transcribed, any recording or stenographic record of the hearing.

#### **3. Rules of evidence at hearings:**

Rules of evidence at expulsion hearings shall ensure fairness, but shall not be controlled by the formal rules of evidence, and shall include the following:

- a. Any oral or documentary evidence may be received by the Board of Education, but, as a matter of policy, irrelevant, immaterial, or unduly repetitious evidence may be excluded. In addition, other evidence of past disciplinary problems which have led to removal from a classroom, in-school suspension, suspension, or expulsion may be received for considering the length of an expulsion and the nature of the alternative educational opportunity, if any, to be offered;

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## Students

### Suspension and Expulsion/Due Process

#### I. Formal Hearings/Due Process (continued)

##### 3. Rules of evidence at hearings: (continued)

- b. The Board of Education shall give effect to the rules of privilege by law;
- c. In order to expedite a hearing, evidence may be received in written form, provided the interest of any party is not substantially prejudiced thereby;
- d. Documentary evidence may be received in the form of copies or excerpts;
- e. A party to an expulsion hearing may conduct cross-examination of witnesses where examination is required for a full and accurate disclosure of the facts;
- f. The Board of Education may take notice of judicially cognizable facts in addition to facts within the Board's specialized knowledge provided, however, the parties shall be notified either before or during the hearing of the material noticed, including any staff memoranda or data, and an opportunity shall be afforded to any party to contest the material so noticed;
- g. A stenographic record or tape-recording of any oral proceedings before the Board of Education at an expulsion hearing shall be made, provided, however, that a transcript of such proceedings shall be furnished upon request of a party, with the cost of such transcript to be paid by the requesting party. Findings of fact made by the Board after an expulsion hearing shall be based exclusively upon the evidence adduced at the hearing.

#### J. Expunging Records

##### Suspension:

Whenever a student is suspended pursuant to the provisions of this section, notice of the suspension and the conduct for which the student was suspended shall be included on the student's cumulative educational record.

Such notice shall be expunged from the cumulative educational record by the local or regional Board of Education if a student graduates from high school, or in the case of a suspension of a student for which the length of the suspension period is shortened or the suspension period is waived pursuant to subsection (e) of this section, such notice shall be expunged from the cumulative educational record by the local or regional board of education (1) if the student graduates from high school, or (2) if the administration so chooses, at the time the student completes the administration-specified program and meets any other conditions required by the administration pursuant to subsection (e) of Section 10-233d., whichever is earlier.

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## Students

### Suspension and Expulsion/Due Process

#### J. Expunging Records (continued)

##### Expulsion:

Whenever a student is expelled, notice of the expulsion and the conduct for which the student was expelled shall be included in the student's cumulative educational record. Such notice, except for notice of an expulsion of a student in grades nine to twelve, inclusive, based on possession of a firearm or deadly weapon as described in Section 29-38 of the general statutes.

1. shall be expunged from the cumulative educational record by the Board of Education if a student graduates from high school, or
2. may be expunged from the cumulative educational record by the Board of Education before a student graduates from high school if:
  1. in the case of a student for which the length of the expulsion period is shortened or the expulsion period is waived pursuant to subdivision (2) of subsection (c) Section 10-233d., such Board determines that an expungement is warranted at the time such student completes the board-specified program and meets any other conditions required by such Board pursuant to subdivision (2) of subsection (c) of Section 10-233d. , or
  2. such student has demonstrated to such Board that the conduct and behavior of such student in the years following such expulsion warrants an expungement. The Board of Education, in determining whether to expunge such notice, may receive and consider evidence of any subsequent disciplinary problems that have led to removal from a classroom, suspension or expulsion of such student.

#### K. Notification

1. All students and parents within the jurisdiction of the Board of Education shall be informed, annually, of Board Policy governing student conduct by delivery to each said student of a written copy of said Board Policy.
2. The parents or guardian of any minor student either expelled or suspended shall be given notice of such disciplinary action no later than 24 hours of the time of the institution of the period of expulsion or suspension.
3. The notice of an expulsion hearing shall be given at least five (5) business days before such hearing to the student and his/her parents or guardians, if said student is less than 18 years of age shall include information concerning the parent's/guardian's and the student's legal rights and concerning legal services that are provided free of charge or at a reduced rate that are available (CT legal services as a source of such services) and how to access such services. The notification shall reference the maximum number of suspension days before the expulsion days proceed. 5 consecutive days for students in pre-school to second grade, 10 consecutive days for students in grades 3-12, a statement that an attorney or other advocate may represent any student subject to expulsion proceedings. The parent/guardian of the student shall be notified of the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation, except that if an emergency exists, such hearing shall be held as soon after the expulsion as possible.

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**Students****Suspension and Expulsion/Due Process** (continued)**L. Stipulated Agreements**

In lieu of the procedures used in this section, the Administration and the parents (or legal guardians) of a student facing expulsion may choose to enter into a Joint Stipulation of the Facts and a Joint Recommendation to the Board concerning the length and conditions of expulsion. Such Joint Stipulation and Recommendation shall include language indicating that the parents (or legal guardians) understand their right to have an expulsion hearing held pursuant to these procedures, and language indicating that the Board, in its discretion, has the right to accept or reject the Joint Stipulation of Facts and Recommendation.

If the Board rejects either the Joint Stipulation of Facts or the Recommendation, an expulsion hearing shall be held pursuant to the procedures outlined herein. If the Student is eighteen years of age or older, the student shall have the authority to enter into a Joint Stipulation and Recommendation on his or her own behalf.

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

**M. Students identified as eligible for services under the Individuals with Disabilities Education Act (“IDEA”)**

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 off an alternative educational opportunity to such student in accordance with the requirements of IDEA, as it may be amended from time to time.

**N. Procedures Governing Suspension and Expulsion of Students Identified as Eligible for Services under the Individuals with Disabilities Education Act (“IDEA”)****A. Suspension of IDEA students**

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

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

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## Students

### Suspension and Expulsion/Due Process (continued)

#### N. Procedures Governing Suspension and Expulsion of Students Identified as Eligible for Services under the Individuals with Disabilities Education Act (“IDEA”) (cont.)

##### B. Expulsion and Suspensions that Constitute Changes in Placement for IDEA Students

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

1. The parents of the student must be notified of the decision to recommend for expulsion (or to suspend if a change in placement) on the date on which the decision to suspend was made, and a copy of the special education procedural safeguards must either be hand-delivered or sent by mail to the parents on the date that the decision to recommend for expulsion (or to suspend if a change in placement) was made.
2. The school district shall immediately convene the student’s planning and placement team (“PPT”), but in no case later than ten (10) school days after the recommendation for expulsion or the suspension that constitutes a change in placement was made.

The student’s PPT shall consider the relationship between the student’s disability and the behavior that led to the recommendation for expulsion or suspension, which constitutes a change in placement, in order to determine whether the student’s behavior was a manifestation of his/her disability.

3. If the student’s PPT finds that the behavior was a manifestation of the student’s disability, the Administration shall not proceed with the recommendation for expulsion or the suspension that constitutes a change in placement.
4. If the student’s PPT finds that the behavior was not a manifestation of the student’s disability, the Administration may proceed with the recommended expulsion or suspension that constitutes a change in placement.
5. During any period of expulsion or suspension of greater than ten (10) days per school year, the Administration shall provide the student with an alternative education program in accordance with the provisions of the IDEA.
6. When determining whether to recommend an expulsion or a suspension that constitutes a change in placement, the building administrator (or his or her designee) should consider the nature of the misconduct and any relevant educational records of the student.

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## Students

### Suspension and Expulsion/Due Process

#### N. Procedures Governing Suspension and Expulsion of Students Identified as Eligible for Services under the Individuals with Disabilities Education Act (“IDEA”) (continued)

##### C. Transfer of IDEA Students for Certain Offenses:

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

1. Was in possession of a dangerous weapon, as defined in 18 U.S.C. 930(g)(2), as amended from time to time, on school grounds or at a school-sponsored activity, or
2. Knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance while at school or at a school-sponsored activity; or
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

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

1. **Dangerous weapon** means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocketknife with a blade of less than 2.5 inches in length.
2. **Controlled substance** means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act, 21 U.S.C. 812(c).
3. **Illegal drug** means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.
4. **Serious bodily injury** means a bodily injury which involves: (A) a substantial risk of death; (B) extreme physical pain; (C) protracted and obvious disfigurement; or (D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

#### O. Procedures Governing Expulsions for Students Identified as Eligible under Section 504 of the Rehabilitation Act of 1973 (“Section 504”)

- A. Except as provided in subsection B below, notwithstanding any provision to the contrary, if the Administration recommends for expulsion a student identified as eligible for educational accommodations under Section 504 who has violated any rule or code of conduct of the 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.

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## Students

### Suspension and Expulsion/Due Process

#### O. **Procedures Governing Expulsions for Students Identified as Eligible under Section 504 of the Rehabilitation Act of 1973 (“Section 504”)** (continued)

2. The district shall immediately convene the student’s Section 504 team (“504 team”) for the purpose of reviewing the relationship between the student’s disability and the behavior that led to the recommendation for expulsion. The 504 team will determine whether the student’s behavior was a manifestation of his/her disability.
3. If the 504 team finds that the behavior was a manifestation of the student’s disability, the Administration shall not proceed with the recommended expulsion.
4. If the 504 team finds that the behavior was not a manifestation of the student’s disability, the Administration may proceed with the recommended expulsion.

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

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

- A. Any student who commits an expellable offense and is subsequently committed to a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement for such offense may be expelled by the Board in accordance with the provisions of this section. The period of expulsion shall run concurrently with the period of commitment to a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement.
- B. If a student who committed an expellable offense seeks to return to a school district after participating in a diversionary program or having been detained in a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement and such student has not been expelled by the board of education for such offense under subdivision (A) of this subsection, the Board shall allow such student to return and may not expel the student for additional time for such offense.

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## Students

### Suspension and Expulsion/Due Process (continued)

#### Q. Alternative Educational Opportunity

The Board of Education recognizes its obligation to offer any student under the age of sixteen (16) who is expelled, an alternative educational opportunity which shall be equivalent to alternative education, as defined, by C.G.S. 10-74j with an individualized learning plan, (1) if the Board provides such alternative education, or (2) in accordance with the standards adopted by the State Board of Education (by 8/15/17), which includes the kind of instruction to be provided and the number of hours to be provided, during the period of expulsion.

Any parent or guardian of such student who does not choose to have his or her child enrolled in an alternative educational opportunity shall not be subject to the provision of Section 10-184 of the Connecticut General Statutes. Any expelled student who is between the ages of sixteen (16) and eighteen (18), not previously expelled, and who wishes to continue his or her education shall be offered such alternative educational opportunity if he or she complies with conditions established by the Board of Education. other than the one from which the student has been excluded.

Such alternative educational opportunity may include, but shall not be limited to, the assignment of a student (who is seventeen (17) years of age or older) to any such adult education program or placement of such student in a regular classroom program of a school.

Any student participating in an adult education program during a period of expulsion shall not be required to withdraw from school under C.G.S. 10-184. In determining the nature of the alternative education opportunity to be offered under this Section, the Board of Education may receive and consider evidence of past disciplinary issues that have led to removal from a classroom, suspension, or expulsion.

The Board of Education is not obligated to provide such alternative educational opportunity to any student eighteen years of age or older. The Board of Education is also required to offer such alternative educational opportunity, as defined, to any student between the ages of sixteen and eighteen who is expelled because of conduct which endangers persons, and involved the following, on school grounds or at a school-sponsored event:

1. Possession of a firearm, deadly weapon, dangerous instrument or martial arts weapon, or
2. Offering an illegal drug for sale or distribution.
3. If the Board expels a student for the sale or distribution of a controlled substance, the Board shall refer the student to an appropriate state or local agency for rehabilitation, intervention or job training, or any combination thereof, and inform the agency of its action. If a student is expelled for possession of a firearm, deadly weapon, dangerous instruments (those that can be used to cause death or serious injury) or martial arts weapons the Board shall report the violation to the local police department.
4. This provision shall not apply to students requiring special education who are described in subdivision (1) of sub-section (e) of C.G.S. 10-76a. The alternative educational opportunity for any such student shall be established by the IEP team (PPT) in accordance with the procedures described above.

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## Students

### Suspension and Expulsion/Due Process

#### R. Other Considerations

1. If a student is expelled, notice of the expulsion and the conduct for which the student was expelled shall be included on the student's cumulative educational record. Such notice, except for the notice of an expulsion of a student in grades nine through twelve, inclusive, based on possession of a firearm or deadly weapon, shall be expunged from the cumulative educational record by the Board if the Board determines that the student's conduct and behavior in the years following such expulsion warrants an expungement or if the student graduates from high school.
2. If a student's expulsion is shortened or the expulsion period waived based upon the fact that the student was expelled for the first time, had never been suspended, and successfully completed a Board specified program and/or met other conditions required by the Board, the notice of expulsion shall be expunged from the cumulative educational record if the student graduates from high school or, if the Board so chooses, at the time the student completes the Board specified program and meets any other conditions required by the Board.
3. If a student in grades preschool to eight, is expelled based on possession of a firearm or deadly weapon, the Board may expunge from the students' cumulative education record the notice of the expulsion and the conduct for which the student was expelled if the Board determines that the conduct and behavior of the student in the years following such expulsion warrants an expungement.
4. The Board may adopt the decision of a student expulsion hearing conducted by another school district, provided such Board of Education held a hearing pursuant to C.G.S.10-233d(a). Adoption of such decision shall be limited to a determination of whether the conduct which was the basis for the expulsion would also warrant expulsion under the policies of this Board. The student shall be excluded from school pending such hearing. The excluded student shall be offered an alternative education opportunity in accordance with item K above.
5. Whenever a student against whom an expulsion hearing is pending withdraws from school and after notification of such hearing but before the hearing is completed and a decision rendered, (1) notice of the pending expulsion hearing shall be included on the student's cumulative educational record and (2) the Board shall complete the expulsion hearing and render a decision.
6. A student expelled for possession of a firearm, deadly weapon, dangerous instrument or martial arts weapon shall have the violation reported to the local police department.
7. The period of expulsion shall not extend beyond a period of one calendar year. A period of exclusion may extend into the next school year.
8. An expelled student may apply for early readmission to school. Such readmission shall be at the discretion of the Board of Education/Superintendent of Schools (choose which). Readmission decisions shall not be subject to appeal to Superior Court. The Board or Superintendent, as appropriate, may condition such readmission on specified criteria.

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## Students

### Suspension and Expulsion/Due Process

#### R. Other Considerations (continued)

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

10. Prior to placing any student in an out-of-district placement due to the challenging behavior of such student, the Board of Education shall conduct a functional behavior assessment of such student and develop or update a behavioral intervention plan for such student.

A functional behavior assessment and a behavioral intervention plan shall not be required if the time required to conduct such assessment or develop or update such plan would put the safety of such student, any other student, or any staff at such student's school at risk.

Not later than two business days following the decision not to conduct such assessment, or develop, or update such plan for such student, the local or regional board of education shall file a notice with the Department of Education of the reasons that such assessment was not conducted or such plan was not developed or updated.

#### S. Change of Residence During Expulsion Proceedings

##### A. Student moving into the school district

1. If a student enrolls in the district while an expulsion hearing is pending in another district, such student shall not be excluded from school pending completion of the expulsion hearing unless an emergency exists, as defined above. The Board shall retain the authority to suspend the student or to conduct its own expulsion hearing.

2. Where a student enrolls in the district during the period of expulsion from another public school district, the Board may adopt the decision of the student expulsion hearing conducted by such other school district. The student shall be excluded from school pending such hearing. The excluded student shall be offered an alternative educational opportunity in accordance with statutory requirements. The Board shall make its determination based upon a hearing held by the Board, which hearing shall be limited to a determination of whether the conduct which was the basis of the previous public school district's expulsion would also warrant expulsion by the Board.

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## **Students**

### **Suspension and Expulsion/Due Process**

#### **S. Change of Residence During Expulsion Proceedings** (continued)

##### **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.

#### **T. Compliance with Documentation and Reporting Requirements**

- A. The Board of Education shall include in all disciplinary reports the individual student's state-assigned student identifier (SASID).
- B. The Board of Education shall report all suspensions and expulsions to the State Department of Education.
- C. 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.
- D. 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.

### **Readmission of Student from a Residential Placement**

A District student who has committed an expellable offense who seeks to return to a District school, after participating in a diversionary program or having been detained in a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement, for one year or more, in lieu of expulsion from the District, shall be permitted to return to the appropriate school setting within the District. Further, the District shall not expel the student for any additional time for the offense(s).

Students and parents shall be notified of this policy annually.

Legal Reference: Connecticut General Statutes  
4-176e through 4-180a. Contested Cases. Notice. Record, as amended  
10-74j Alternative education (PA 15-133)  
10-222d Safe school climate plans. Definitions. Safe school climate assessments.

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By Marc J. Garofalo, MPA, MCC, MCTC at 10:04 am, Oct 10, 2025

## **Students**

### **Suspension and Expulsion/Due Process**

Legal Reference: Connecticut General Statutes  
10-233a through 10-233f Suspension, removal and expulsion of students, as amended by PA 95-304, PA 96-244, PA 98-139, PA 07-66, PA 07-122, PA 08-160, PA 09-82, PA 09-6 (September Special Session), PA 10-111, PA 11-126, PA 14-229, PA 15-96, PA 16-147, PA 17-220, PA 19-91, [PA 25-67 and PA 25-93](#).  
10-233l Expulsion and suspension of children in preschool programs  
19a-342a Use of electronic nicotine delivery system or vapor product prohibited.  
29-38 Weapons in vehicles  
53a-3 Definitions.  
53a-217b Possession of Firearms and Deadly Weapons on School Grounds.  
53-344b Sale and delivery of electronic nicotine delivery system or vapor products to minors.  
53-206 Carrying of dangerous weapons prohibited.  
PA 15-96 An Act Prohibiting Out-of-School Suspensions and Expulsions for Students in Preschool and Grades Kindergarten to Two.  
GOALS 2000: Educate America Act, Pub. L. 103-227.  
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  
P.L. 105-17 The Individuals with Disabilities Act, Amendments of 1997.  
*Kyle P. Packer PPA Jane Packer v. Thomaston Board of Education.*  
P.L. 108-446 The Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C. 1400 et seq.  
18 U.S.C. §921 – Definitions of “firearms”  
18 U.S.C. §930(g)(2) – Definition of “dangerous weapon”  
18 U.S.C. §1365(h)(3) – Identifying “serious bodily injury”  
21 U.S.C. §812(c) – Identifying “controlled substances”  
Public Act 24-45 An Act Concerning Education Mandate Relief, School Discipline and Disconnected Youth, Sections 13-14  
Public Act 24-93 An Act Concerning Various and Assorted Revisions to the Education Statutes, Section 11 and Section 12  
[Public Act 25-67 An Act Concerning the Quality and Delivery of Special Education Services in Connecticut \(Section 13\)](#)  
[Public Act 25-93 An Act Increasing Resources for Students, Schools and Special Education \(Sections 38 & 39\)](#)

Policy adopted:

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By Marc J. Garofalo, MPA, MCC, MCTC at 10:04 am, Oct 10, 2025

## Students

### Removal/Suspension/Expulsion

#### I. Definitions

- A. "**Exclusion**" is defined as any denial of public school privileges to a student for disciplinary purposes.
- B. "**Removal**" is defined as an exclusion from a classroom for all or part of a single class period, provided such exclusion shall not extend beyond 90 minutes.
- C. "**Suspension**" is defined as an exclusion from school privileges and/or from transportation services for not more than ten (10) consecutive school days, provided such exclusion shall not extend beyond the end of the school year in which such suspension was imposed.
- D. "**In-school suspension**" is defined as an exclusion from regular classroom activity for not more than five consecutive school days, but not an exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed. An in-school suspension may include reassignment to a regular classroom program in a different school in the school district; such reassignment shall not constitute a "suspension" or "expulsion" under this policy.
- E. "**Expulsion**" is defined as an exclusion from school privileges for more than ten (10) consecutive school days and shall be deemed to include, but not be limited to, exclusion from the school to which such student was assigned at the time such disciplinary action was taken, provided such exclusion shall not extend beyond a period of one (1) calendar year. Such period of exclusion may extend to the school year following the school year in which such exclusion was imposed. To be expelled, the student's conduct must be found to be both violative of a Board policy and either seriously disruptive of the educational process or endangering persons or property.
- F. "**Emergency**" is defined as a situation under which the continued presence of the student in the school imposes 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.
- G. "**Days**" is defined as days when school is in session.
- H. "**School sponsored activity**" is defined as any activity sponsored, recognized or authorized by the Board of Education and includes activities conducted on or off school property.
- I. "**Possess**" means to have physical possession or otherwise to exercise dominion or control over tangible property.
- J. "**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, metal knuckles, device containing either solid or liquid chemical components which can yield explosive energy or a facsimile thereof.

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K. **"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 motor vehicle and a dog that has been commanded to attack.

L. **"Firearm"** means 1) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; 2) the frame or receiver of any such weapon; 3) any firearm muffler or firearm silencer; or 4) any destructive device. Firearm does not include any antique firearm. For purposes of this definition "destructive device" means any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than 4 ounces, missile having an explosive or incendiary charge of more than ¼ ounce, mine, or device similar to any of the weapons described herein.

M. **"Vehicle"** means a "motor vehicle" as defined in Section 14-1 of the Connecticut General Statutes, snow mobile, any aircraft, or any vessel equipped for propulsion by mechanical means or sail.

N. **"Martial arts weapon"** means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or chinese star.

## II. Removal From Class

A. Each teacher shall have the authority to remove a student from class when such student deliberately causes a serious disruption of the educational process within the classroom, provided that no student shall be removed from class more than six times in any year, nor more than twice in one week unless such student is referred to the building principal, or his/her designee, and granted an informal hearing as set forth in section IV. C of this policy.

B. Whenever any teacher removes a student from the classroom, such teacher shall send the student to a designated area and shall immediately inform the building principal or his/her designee as to the name of the student against whom such disciplinary action was taken and the reason therefor.

## III. Standards Governing Suspension and Expulsion

A. Conduct on school grounds or at a school sponsored activity as set forth in Section C, herein, or that is otherwise prohibited by Board policy or by any code of student conduct in effect in the schools, that is:

1. Violative of a publicized policy of the Board, or
2. Is seriously disruptive of the educational process, or
3. Endangers persons or property will be cause for suspension and/or expulsion.

B. Conduct off school grounds as described in paragraph A, above, that is:

1. Violative of a publicized policy of the Board, and
2. Seriously disruptive of the educational process will be cause for suspension and/or expulsion.

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C. The following exemplifies student conduct that is prohibited and will result in suspension and/or expulsion:

1. Threatening in any manner, including orally, in writing, or via electronic communication, a member of the school community, including any teacher, member of the school administration or any other employee, or a fellow student;
2. Use of physical force against another person which is not reasonably necessary for self-defense;
3. Theft of personal or school property, or taking or attempting to take personal property or money from another person, or from his/her presence, by means of force or fear;
4. Willfully causing, or attempting to cause, damage to school property;
5. Participation in an unauthorized occupancy of any part of any school or school premises or other building owned by any school district, and failure to leave such school premises or other facility promptly after having been directed to do so by the principal or other person then in charge of such building or facility;
6. Intentional incitement which results in an unauthorized occupation of any part of a school or other facility owned by any school district;
7. Possession, use, transmission or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind;
8. Possession or transmission of a facsimile of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, or marijuana,
9. Knowingly being in the presence of those who are in possession of, using, transmitting, or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind;
10. Possession or transmission of any firearm, deadly weapon, dangerous instrument, martial arts weapon, knife, or facsimile of any such weapon or instrument.
11. Using or copying the academic work of another and presenting it as his/her own without proper attribution;
12. Possessing or consuming tobacco products.
13. Open defiance of the authority of any teacher or person having authority over the student, including verbal abuse;
14. Intentional and successful incitement of truancy by other students;
15. Violation of any federal or state law which would indicate that the violator presents a danger to any person in the school community or to school property, and;
16. Violation of any other Board policy, rule, agreement, or directive dealing with student conduct, including that dealing with conduct on school buses and the use of school district equipment.

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17. Leaving school grounds without permission.

D. Expulsion proceedings pursuant to section V, shall be required whenever there is reason to believe that any student 1) was in possession of a firearm, deadly weapon, dangerous instrument or martial arts weapon, on school grounds or at a school-sponsored activity; 2) off school grounds, did possess a firearm or did possess and use such a firearm, dangerous instrument, deadly weapon or martial arts weapon in the commission of a crime; or 3) on or off school grounds, offered for sale or distribution a controlled substance as defined in Connecticut General Statutes, §[21a-240\(9\)](#), whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under §[21a-277](#) and [21a-278](#). A student shall be expelled for a period of one calendar year if the Board of Education finds that the student engaged in any of the conduct described herein, provided the period of expulsion may be modified on a case-by-case basis.

In the event it is determined by the Superintendent that a student issued a threat against a member of the school community as described in paragraph C. 1, above, the matter shall be referred to law enforcement officials for possible criminal prosecution and the Superintendent shall take all available measures to ensure the safety of persons in the school community in the event of the student's return to school.

#### **IV. Suspension Procedure**

A. The administration of each school shall invoke suspension for a period of up to ten (10) days, or to invoke in-school suspension for a period of up to five (5) days, of any student for one or more of the reasons stated in section III, above, in accordance with the procedure outlined in Paragraph C of this section. Any such suspension shall commence on the day of the infraction that caused such suspension. Moreover, the administration is authorized to suspend a student from transportation services whose conduct while receiving transportation violates the standards set forth in section III, above. The school administration is authorized to immediately suspend any student when there is an emergency as defined in section I, above.

If an emergency exists, the hearing outlined in Paragraph C of this section shall be held as soon as possible after the suspension.

B. In the case of suspension, the school administration shall notify the Superintendent of Schools within twenty-four (24) hours of the suspension as to the name of the student who has been suspended and the reason for suspension. Any student who is suspended shall be given an opportunity to complete any class work including but not limited to examinations missed during the period of his/her suspension.

C. Except in the case of an emergency as defined in section 1, above, a student shall be afforded the opportunity to meet with a member of the administration and to discuss the stated charges prior to the effectuation of any period of suspension or in-school suspension. If at such a meeting the student denies the stated charges he/she may at that time present his/her version of the incident(s) upon which the proposed suspension is based. The school administration shall then determine whether or not suspension or in-school suspension is warranted. In determining the length of a suspension period, the school administration may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, in-school suspension, suspension or expulsion.

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D. No student shall be suspended more than five (5) times or a total of twenty-five (25) days in one school year, whichever results in fewer days of exclusion, unless a hearing as provided in section V B. of this policy is first granted.

E. No student shall be placed on in-school suspension more than five (5) times or a total of twenty-five (25) days in one school year, whichever results in fewer days of exclusion, unless a hearing as provided in section V B. of this policy is first granted.

F. Whenever a student is suspended, notice of the suspension and the conduct for which the student was suspended shall be included on the student's cumulative educational record. Such notice shall be expunged from the cumulative educational record if the student graduates from high school.

## **V. Expulsion Procedures**

The Board of Education may expel any student for one or more of the reasons stated in section III if, in the Superintendent's judgment, such disciplinary action is in the best interests of the school system. An expulsion hearing is required in any instance in which the Superintendent has reason to believe a student has engaged in the conduct described in section III D. The procedures outlined in Paragraphs A and B, below, shall be followed prior to the effectuation of any expulsion unless an "emergency" as defined in section I, above, exists. If an emergency exists, such a hearing shall be held as soon after the expulsion as possible.

A. The Board of Education shall notify the student concerned and his/her parents, or the student if he/she has attained the age of eighteen (18), that expulsion is under consideration. Such notice shall contain the information required under Paragraph B of this section. Three members of the Board of Education shall constitute a quorum for an expulsion hearing. A student may be expelled if a majority of the Board members sitting in the expulsion hearing vote to expel provided that three affirmative votes shall be required for expulsion.

B. The procedure for any hearing conducted under this section shall be determined by the hearing officer or Board Chairperson, as appropriate, but shall include the right to:

1. Notice of the proposed hearing which shall include:
  - a. a statement of the time, place, and nature of the hearing;
  - b. a statement of the legal authority and jurisdiction under which the hearing is to be held;
  - c. reference to the particular sections of the Connecticut General Statutes or school policies involved;
  - d. a short and plain statement of the matters asserted, if such matters have not already been provided in a statement of reasons requested by the student, the statement so provided may be limited to a statement of the issues involved if it is not possible to state the issues in detail at the time such notice is served. Upon request from the student concerned a more definite and detailed statement of the issues shall be furnished; and
2. The opportunity to be heard;
3. The opportunity to present witnesses and evidence;

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4. The opportunity to cross-examine adverse witnesses;
5. The opportunity to be represented by counsel; and
6. Prompt notification of the decision of the Board of Education which decision shall be in writing if adverse to the student concerned.

C. The record of any hearing held in an expulsion case shall include the following:

1. All evidence received or considered by the Board of Education, including a copy of the initial letter of notice of proposed expulsion, if any, and a copy of all notices of hearing;
2. Questions and offers of proof, objections and rulings on such objections;
3. The decision of the Board of Education rendered after such hearing; and
4. The official transcript, if any, of proceedings relating to the case, or, if not transcribed, any recording or stenographic record of the proceeding.

D. Rules of evidence at expulsion hearings shall include the following:

1. Any oral or documentary evidence may be received by the Board of Education but as a matter of policy irrelevant, immaterial or unduly repetitious evidence shall be excluded;
2. The Board of Education shall give effect to the rules of privilege recognized by law;
3. In order to expedite a hearing, evidence may be received in written form, provided the interest of any party is not substantially prejudiced thereby;
4. Documentary evidence may be received in the form of copies or excerpts if the original is not readily available provided, however, that any party to a hearing shall be given an opportunity to compare the copy with the original;
5. A party to an expulsion hearing may conduct cross-examination of witnesses where examination is required for a full and accurate disclosure of the facts;
6. The Board of Education may take notice of judicially cognizable facts in addition to facts within the Board's specialized knowledge provided, however, the parties shall be notified either before or during the hearing of material noticed, including any staff memoranda or data, and an opportunity shall be afforded to any party to contest the material so noted;
7. A record of any oral proceedings before the Board of Education at an expulsion hearing shall be made provided, however, that a transcript of such proceedings shall be furnished upon request of a party with the cost of such transcript to be paid by the requesting party.

E. In determining the length of an expulsion, the Board of Education may receive and consider evidence of past disciplinary problems, which have led to removal from a classroom, in-school suspension, suspension, or expulsion.

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F. Decisions shall be in writing if adverse to the student and shall include findings of fact and conclusions necessary for the decision. Findings of fact made by the Board after an expulsion hearing shall be based exclusively upon the evidence adduced at the hearing.

G. Any student who is expelled shall be offered an alternative educational opportunity consistent with the requirements of state law as set forth in Section VIII of this policy.

H. Whenever a student is expelled pursuant to the provisions of this policy, notice of the expulsion and the conduct for which the student was expelled shall be included on the student's cumulative educational record. Such notice, except for notice of an expulsion based upon possession of a firearm or deadly weapon, shall be expunged from the cumulative educational record if the student graduates from high school.

I. Whenever a student against whom an expulsion hearing is pending withdraws from school after notification of such hearing but before the hearing is completed and a decision rendered, (1) notice of the pending expulsion hearing shall be included on the student's cumulative educational record and (2) the Board of Education shall complete the expulsion hearing and render a decision.

J. The Board of Education may adopt the decision of a student expulsion hearing conducted by another school district, provided that the Board shall hold a hearing pursuant to this policy which shall be limited to a determination of whether the conduct which was the basis for the expulsion would also warrant expulsion under the policies of the Board of Education. The student shall be excluded from school pending such hearing. The excluded student shall be offered an alternative educational opportunity in accordance with statutory requirements and this policy.

K. Students requiring special education and related services shall be subject to discipline consistent with state and federal law. Whenever a student requiring special education services is found to have: (1) been in possession of a firearm, deadly weapon, dangerous instrument or martial arts weapon, on school grounds or at school sponsored activity; (2) off school grounds, possessed a fire arm or possessed and used such a fire arm, dangerous instrument, deadly weapon or martial arts weapon in the commission of a crime; or (3) or off school grounds offered for sale or distribution a controlled substance as defined in Connecticut General Statutes §[21a-240\(9\)](#), whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under Sections [21a-277](#) and [21a-278](#), said student shall be referred to a planning and placement team (PPT) for a determination of whether the above behavior is a manifestation of the student's disability. If it is determined that the behavior is a manifestation of the student's disability the PPT shall modify the student's individualized educational plan in order to prevent the reoccurrence of such behavior and to ensure the safety of other children in the school.

## **VI. Notification to Parents or Guardian**

The parents or guardian of any minor student against whom disciplinary action is taken under this policy shall be given notice of such disciplinary action within twenty-four (24) hours of the time the student was excluded.

## **VII. Alternative Educational Opportunity**

The Board of Education recognizes its obligation to offer any student under the age of sixteen (16) who is expelled an alternative educational opportunity during the period of expulsion. Any parent or

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guardian of such a student who does not choose to have his or her child enrolled in an alternative program shall not be subject to the provisions of section [10-184](#) of the General Statutes. Any expelled student who is between the ages of sixteen (16) and eighteen (18) and who wishes to continue his or her education shall be offered an alternative educational opportunity if he or she complies with conditions established by the Board of Education. Such alternative may include, but shall not be limited to, the placement of such student in a regular classroom program of a school other than the one from which the student has been excluded and, for students at least sixteen (16) years of age, placement in an adult education program. In determining the nature of the alternative educational opportunity to be offered under this section the Board of Education may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, suspension, or expulsion.

State statutes do not require the Board to offer an alternative educational opportunity to a student between the ages of sixteen (16) and eighteen (18) who has been expelled previously or who is expelled because of conduct which endangers persons and it was determined at the expulsion hearing that the conduct for which the student was expelled involved (a) possession on school property or a school-sponsored activity of a firearm, deadly weapon, dangerous instrument, or martial arts weapon or (b) offering for sale or distribution on school property or at a school sponsored activity a controlled substance as defined in subdivision (9) of C.G.S. [§21a-240](#), whose manufacture, distribution, sale, prescription, dispensing, transporting, or possessing with the intent to sell or dispense, offering, or administration is subject to criminal penalties under C.G.S. [§21a-277](#) and [21a-278](#). If the Board expels a student for the sale or distribution of such a controlled substance the Board shall refer the student to an appropriate state or local agency for rehabilitation, intervention or job training, or any combination thereof, and inform the agency of its action. If the Board expels a student for possession of a firearm or deadly weapon, the Board shall report the violation to the local police department. The Board shall give the name of the student and a summary of the Board's action in so referring the student, to the Commissioner of Education within thirty (30) days after the student is expelled.

The provisions of this section shall not apply to students requiring special education who are described in subdivision (1) of subsection (e) of Connecticut General Statutes [§10-76a](#).

### **VIII. Gun Free Schools Act**

The Board of Education shall submit to the Commissioner of Education such information on expulsions for the possession of weapons as is required for purposes of the Gun Free Schools Act of 1994, 20 U.S.C. §8921, et. seq.

Legal Reference: Connecticut General Statutes

[4-176e](#) through [4-180a](#). Contested Cases. Notice. Record, as amended

[10-233a](#) through [10-233f](#) Suspension, removal and expulsion of students, as amended by PA 95-304, PA 96-244, PA 98-139, PA 07-66, PA 07-122, PA 08-160, PA 09-82, PA 09-6 (September Special Session), PA 10-111, PA 11-126, PA 14-229, PA 15- 96 and PA 16-147.

[53a-3](#) Definitions.

[53a-217b](#) Possession of Firearms and Deadly Weapons on School Grounds.

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PA 94-221 An Act Concerning School Discipline and Safety.

PA 15- 96 An Act Prohibiting Out-of-School Suspensions and Expulsions for Students in Preschool and Grades Kindergarten to Two.

GOALS 2000: Educate America Act, Pub. L. 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

P.L. 105-17 The Individuals with Disabilities Act, Amendments of 1997.

Kyle P. Packer PPA Jane Packer v. Thomaston Board of Education.

P.L. 108-446 The Individuals with Disabilities Education Improvement Act of 2004

**Policy adopted: December 20, 2001**  
**Policy revised: June 19, 2008**  
**Policy revised: October 20, 2016**  
**Policy reviewed: April 20, 2017**  
**Policy revised: November 21, 2019**

**DERBY PUBLIC SCHOOLS**  
**Derby, Connecticut**

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## **Educational Opportunities for Military Children**

Public Act No. 25-15, An Act Concerning Various Measures Recognizing and Honoring the Military Service of the Armed Forces in Connecticut, Section 7 outlines protections for children of members of the armed forces. The Act establishes that if a child of a member of the armed forces is enrolled in a school under the jurisdiction of a board of education, and such member of the armed forces receives military orders or any other document requiring them to move from the town and change residency during the school year, their child may continue to be enrolled at their current school until the end of the school year while such member of the armed forces remains a member of the armed forces. If such a child is in grade eleven, they may continue to be enrolled in their school for an additional year.

CABE's policy department has updated our model policy on Education Opportunities for Military Children (P5118.2) to include the above provision. The addition of language from the bill has changed P5118.2 from a sample recommended policy to a sample mandated policy.

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## Students

### Educational Opportunities for Military Children

In an effort to facilitate the placement, enrollment, graduation, data collection and provision of special services for students transferring into or out of the District because of their parents being on active duty in the U.S. Armed Services, the District supports and will implement its responsibilities as outlined in the *Interstate Compact on Educational Opportunity for Military Children*. The Board of Education believes it is appropriate to remove barriers to educational success imposed on children of military families because of their parents' frequent moves and deployment.

### Definitions

**Children of military families** means school aged children, enrolled in kindergarten through 12th grade, in the household of an active duty member of the uniformed service of the United States, including members of the National Guard and Reserve.

**Deployment** means the period one month before the service members' departure from their home station on military orders through six months after return to their home station.

**Education(al) records** means official records, files, and data directly related to a student and maintained by the school including, but not limited to, records encompassing all the material kept in the student's cumulative folder.

The requirements, applicable to eligible students, which must be fulfilled, are listed below. Eligible students are those who are children of active duty personnel, active duty personnel or veterans who have been severely injured and medically discharged, and active duty personnel who die on active duty within one year of service. Students are not eligible for the provisions of the *Compact* if they are children of inactive Guard or Reserves, retired personnel, veterans not included above or U.S. Department of Defense personnel and other federal civil service employees and contract employees.

The District's responsibilities to eligible children include the following:

- Sending schools must send either official or unofficial records with the moving students and District receiving schools must use those records for immediate enrollment and educational placement.
- Simultaneously, the receiving school must request official records and the sending schools shall respond within 10 days with the records.
- Immunization requirements of the District may be met within 30 days from the date of enrollment (or be in progress).
- Receiving schools must honor placement of students in all courses from the sending school. These include, but are not limited to, Honors, International Baccalaureate, Advanced Placement, vocational-technical, and career pathway courses if those courses are offered in the receiving school.
- In compliance with federal law, special education students must be placed by the existing IEP with reasonable accommodations in the receiving school.

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If a child of a member of the armed forces is enrolled in a school under the jurisdiction the district, and such member has received military orders directing them from such town, or any other documents from the armed forces indicating a change of residency from such town during the school year, the child may continue to be enrolled in the school until the end of the school year while such member remains a member of the armed forces, except that any such child in grade eleven may continue to be enrolled in the school for an additional school year while such member remains a member of the armed forces

- The District will exercise, as deemed appropriate, the right to waive prerequisites for all courses and programs, while also maintaining its right to re-evaluate the student to ensure continued enrollment, as deemed appropriate.
- Students of active duty personnel shall have additional excused absences at the discretion of the District for visitations relative to leave or deployment.
- An eligible student living with a noncustodial parent or other person standing in loco parentis shall be permitted to attend the school in which he or she was enrolled while living without the custodial parent without any tuition fee imposed.
- The District high school will accept exit or end-of-year exams required from the sending state, national norm-referenced tests, or alternate testing instead of testing requirements for graduation in the District (receiving state.) If this is not possible, the alternative provision of the Interstate Compact shall be followed in order to facilitate the on-time graduation of the student in accordance with Compact provisions.

(cf. [5111](#) – Admission)  
(cf. [5113](#) – Attendance and Excuses)  
(cf. [5123](#) – Promotion/Retention)  
(cf. [5125](#) – Student Records; Confidentiality)  
(cf. [5141.3](#) – Health Assessments and Immunizations)  
(cf. [6146](#) – Graduation Requirements)  
(cf. [6171](#) – Special Education)

Legal Reference: Connecticut General Statutes

[10-15f Interstate Compact on Educational Opportunity for Military Children](#)  
[Public Act 25-15 An Act Concerning Various Measures Recognizing and](#)  
[Honoring the Military Service of the Armed Forces in Connecticut. \(Section](#)  
[7\)](#)

Policy adopted: April 20, 2017

**DERBY PUBLIC SCHOOLS**  
**Derby, Connecticut**

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By Marc J. Garofalo, MPA, MCC, MCTC at 10:03 am, Oct 10, 2025

A mandated policy for your consideration.

## **Students**

### **Educational Opportunities for Military Children**

To facilitate the placement, enrollment, graduation, data collection, and provision of special services for students transferring into or out of the District because of their parents being on active duty in the U.S. Armed Services, the District supports and will implement its responsibilities as outlined in the *Interstate Compact on Educational Opportunity for Military Children*. The Board of Education believes it is appropriate to remove barriers to educational success imposed on children of military families because of their parents' frequent moves and deployment.

### **Definitions**

**Children of military families** means school-aged children, enrolled in kindergarten through 12<sup>th</sup> grade, in the household of an active-duty member of the uniformed service of the United States, including members of the National Guard and Reserve.

**Deployment** means the period one month before the service members depart from their home station on military orders, six months after return to their home station.

**Education(al) records** means official records, files, and data directly related to a student and maintained by the school, including, but not limited to, records encompassing all the material kept in the student's cumulative folder.

The requirements applicable to eligible students, which must be fulfilled, are listed below. Eligible students are those who are children of active-duty personnel, active-duty personnel or veterans who have been severely injured and medically discharged, and active-duty personnel who die on active duty within one year of service. Students are not eligible for the provisions of the *Compact* if they are children of inactive Guard or Reserves, retired personnel, veterans not included above, or U.S. Department of Defense personnel and other federal civil service employees and contract employees.

The District's responsibilities to eligible children include the following:

- Sending schools must send either official or unofficial records with the moving students, and District receiving schools must use those records for immediate enrollment and educational placement.
- Simultaneously, the receiving school must request official records, and the sending schools shall respond within 10 days with the records.
- Immunization requirements of the District may be met within 30 days from the date of enrollment (or be in progress).

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## Students

### Educational Opportunities for Military Children (continued)

- Receiving schools must honor placement of students in all courses from the sending school. These include, but are not limited to, Honors, International Baccalaureate, Advanced Placement, vocational-technical, and career pathway courses if those courses are offered in the receiving school.
- In compliance with federal law, special education students must be placed by the existing IEP with reasonable accommodations in the receiving school.
- If a child of a member of the armed forces is enrolled in a school under the jurisdiction the district, and such member has received military orders directing them from such town, or any other documents from the armed forces indicating a change of residency from such town during the school year, the child may continue to be enrolled in the school until the end of the school year while such member remains a member of the armed forces, except that any such child in grade eleven may continue to be enrolled in the school for an additional school year while such member remains a member of the armed forces
- The District will exercise, as deemed appropriate, the right to waive prerequisites for all courses and programs, while also maintaining its right to re-evaluate the student to ensure continued enrollment, as deemed appropriate.
- Students of active-duty personnel shall have additional excused absences at the discretion of the District for visitations relative to leave or deployment.

#### Alternate language for above:

- A one-day absence is provided for students when their parent/guardian is deployed into active military service.
- A one-day absence is provided for students when their parent/guardian returns from active military service or deployment.
- A student whose parent or legal guardian has been called to duty for, is on leave from, or immediately returned from deployment to; a combat zone or combat support posting shall be granted additional excused absences at the discretion of the Superintendent or his/her designee.
- Absences related to a student visiting with his/her parent, related to leave or deployment activities, may be excused by the District. The district will permit no more than \_\_\_ excused absences per year for this purpose. (Note: The local district may specify in its policy how many excused absences are permitted.)

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## Students

### Educational Opportunities for Military Children

Alternate language for above: (continued)

- An eligible student living with a noncustodial parent or other person standing in loco parentis shall be permitted to attend the school in which he or she was enrolled while living without the custodial parent without any tuition fee imposed.
- The District high school will accept exit, or end-of-year exams required from the sending state, national norm-referenced tests, or alternate testing instead of testing requirements for graduation in the District (receiving state). If this is not possible, the alternative provision of the Interstate Compact shall be followed to facilitate the on-time graduation of the student in accordance with Compact provisions.

(cf. 5111 – Admission)

(cf. 5113 – Attendance and Excuses)

(cf. 5123 – Promotion/Retention)

(cf. 5125 – Student Records; Confidentiality)

(cf. 5141.3 – Health Assessments and Immunizations)

(cf. 6146 – Graduation Requirements)

(cf. 6171 – Special Education)

Legal Reference: Connecticut General Statutes  
10-15f Interstate Compact on Educational Opportunity for Military Children  
**Public Act 25-15 An Act Concerning Various Measures Recognizing and Honoring the Military Service of the Armed Forces in Connecticut. (Section 7)**

Policy adopted:

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## Individualized Education Program (IEP's)

Policy 6159 has been updated extensively to comply with new provisions and requirements established by three public acts regarding the handling of *out-of-district students* requiring special education and of students who are the *children of members of the armed forces*.

Public Act No. 25-67, An Act Concerning the Quality and Delivery of Special Education Services in Connecticut, Section 10 delineates when a board of education receiving an out-of-district student who is receiving special education services may transfer that student to another facility. The Act specifies that this shall not occur unless:

1. Upon initiation of the sending board of education or request of a parent or guardian of such student, or such student if such student is eighteen years of age or older or an emancipated minor, such sending local or regional board of education holds a planning and placement team meeting to determine the appropriateness of such transfer, and
2. The planning and placement team determines that such transfer is more appropriate for the educational needs of such student than the current out-of-district placement.

The Act goes on to further clarify that a representative of the board shall be invited to attend and participate in such planning and placement team meeting but may not request that such planning and placement team meeting be held.

This provision applies to all local or regional boards of education, interdistrict magnet school operators, governing councils of state or local charter schools, or private providers of special education services, as defined in Connecticut State Statutes, Section 10-91g.

On the same topic of out-of-district students requiring special education, Public Act No. 25-143 Section 10 requires districts receiving such students to hold the planning and placement team meeting for each out-of-district student who requires special education and related services and invite representatives from the sending district to participate in such meeting, and ensure that such students receive the services mandated by the student's individualized education program or plan whether such services are provided by the sending district or the receiving district. In the case of a student with a plan pursuant to Section 504 of the Rehabilitation Act of 1973, the Act requires the receiving district to ensure that the student receives the services mandated by the student's plan and to pay for the costs of providing such services.

CABE's policy department has added these provisions to the section of the current IEP model policy (P6159), which addresses transfer students and details guidelines related to handling the transfer of students receiving special education services.

Public Act No. 25-15 Section 7 requires that if, after the start of a school year, a child of a member of the armed forces:

1. Enrolls in a school under the jurisdiction of a local board of education, as a result of such member having received military orders directing them to the state or any other documents from the armed forces indicating their transfer to the state, and

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2. Enrolls with an individualized education program or plan pursuant to Section 504 of the Rehabilitation Act of 1973 from such child's prior school.

The board shall take necessary steps, including, but not limited to, the transfer of any records and prior evaluations, the performance of any reevaluations and, not later than thirty school days after such child's enrollment, the holding of any planning and placement team meeting or meeting to establish a plan pursuant to Section 504 of the Rehabilitation Act of 1973 for the child, to ensure a *minimally disruptive transition* to the provision of *comparable services*.

Model Policy 6159 has been updated to include this provision, along with additional language previously included in Policy 6171, which references IEPs. CABE's policy department removed language that was duplicative of P6171, updating P6159 to focus solely on IEPs and the implementation of special education programs. To further reflect this distinction, P6159 has been renamed from "Individualized Education Programs/Special Education" to simply "Individualized Education Programs."

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*A mandated policy to consider.*

## **Instruction**

### **Individualized Education Program/Special Education Program**

~~In accordance with the regulations of the State Board of Education, each local and regional board of education shall: (1) Provide special education for school-age children requiring special education; (2) The obligation of the school district under this subsection shall terminate when such child is graduated from high school or at the end of the school year during which such child reaches age twenty two, whichever occurs first.\*delete~~

~~All students remain eligible for special education services under the Individuals with Disabilities Education Act (IDEA) through the end of the school year, during which the student turns age 22, or until the student graduates from high school with a regular high school diploma, whichever occurs first. Pursuant to the Connecticut General Statutes §10-259, school year is defined as July 1 through June 30. A free appropriate public education (FAPE) must be provided to any child with a disability beginning on or after the child's third birthday, whether or not that birthday occurs during the regular school year.~~

**Individualized Education Programs (IEPs) are essential foundations for providing effective, high-quality special education services. The Board requires that all procedures for implementing an individualized education program be designed to guard the privacy of the student and family.**

A parent of a child, the State Department of Education, or other state agencies available to the District may initiate a request for an initial evaluation to determine if the child is a child with a disability. Once the district receives a written referral for special education evaluation, it has 45 school days to complete an initial evaluation. The 45-school-day timeline encompasses the entire eligibility determination process, including reviewing the referral, obtaining written parental consent for evaluation, conducting a comprehensive evaluation, determining eligibility, obtaining written parental consent for the provision of special education services, and implementing an IEP if the student is found eligible. The district will conduct a full and individual evaluation that consists of procedures to determine if the child is a child with a disability under 34 C.F.R. §300.301. Further, the evaluation must be sufficiently comprehensive to identify all of the child's special education and related services needed, whether or not commonly linked to the disability category in which the child has been classified. Assessments for disabled children who are transfer students shall be coordinated expeditiously between the sending or receiving district.

**The adult student or his/her parent/guardian will be asked by the District if the student wishes to receive the special education and related services outlined in their individualized education program (IEP) through the end of the school year during which they turn 22 years of age or they graduate with a regular high school diploma, whichever comes first.**

In situations in which a student's IEP requires an out-of-district or private placement, the timeline for implementing an IEP must occur within 60 school days of the PPT referral (not including the time it takes to obtain written parental consent).

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## Instruction

### Individualized Education Program/~~Special Education Program~~ (IEP) (continued)

Any individualized education program (IEP) developed for a student with disabilities shall specify whether the student shall achieve the District's adopted content standards or whether the student shall achieve individualized standards that would indicate the student has met the requirements of his or her IEP. When a child is identified as requiring special education, the district will provide parents/guardians with information and resources from the State Department of Education relating to IEPs.

### Information Provided to Parents Regarding Special Education

At the first PPT, when a child receiving special education services reaches 14, the district shall provide information to the child and parent/guardian regarding the full range of decision-making supports, including alternatives to guardianship and conservatorship and the plain-language online resources developed by CSDE regarding decision-making options available when the student reaches 18.

In addition, information that must be provided to parents/guardians at each PPT meeting shall include plain-language resources developed by CSDE regarding the hearing and appeals process, information regarding free and low-cost legal assistance, and The Parent's Guide to Special Education in Connecticut by CSDE. The district shall annually provide the Guide and rights and resources available to children receiving special education services at the beginning of the school year.

At the beginning of each school year, the district shall provide an informational handout developed by CSDE that explains what it means to have an IEP or Section 504 plan.

Upon request from a parent/guardian, or when there is an apparent need, the district shall provide interpreters and translated documents for students and parents, including translated copies of a child's IEP and any related documents.

The interpreter may be present in person, available by phone, or through an online platform, an Internet website, or other electronic application approved by the State Board of Education.

A parent/guardian of the Board may request mediation through the Mediation Services Coordinator at any time for any matter related to the provision of special education for a child, including, but not limited to, the identification, evaluation, educational placement, or implementation of an IEP. Upon receipt of a request for mediation, the Mediation Services Coordinator shall provide notification to the parties and invite them to participate in voluntary mediation.

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## Instruction

### Individualized Education Program/Special Education Program (IEP) (continued)

#### Planning and Placement Team or Individualized Education Program Team

The term “Planning and Placement Team” means a group of individuals composed of -

- (i) the parents of a child with a disability
- (ii) not less than one regular education teacher of such child (if the child is, or may be, participating in the regular education environment);
- (iii) not less than one special education teacher, or where appropriate, not less than one special education provider of such child;
- (iv) a representative of the local educational agency who -
  - (I) is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities;
  - (II) is knowledgeable about the general education curriculum; and
  - (III) is knowledgeable about the availability of resources of the local educational agency;
- (v) an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in clauses (ii) through (vi);
- (vi) at the discretion of the parent of the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate;
- (vii) the school paraprofessional, if any, assigned to such child, and
- (viii) whenever appropriate, the child with a disability.

NOTE: A Planning and Placement Team (PPT) member is not required to attend all or part of an IEP meeting if the parents and District agree that the team member’s participation is not necessary because the member’s area of the curriculum or related services is not being modified or discussed at the meeting. If the meeting does involve a modification or discussion of the member’s area of the curriculum or related services, parents and the District can agree to excuse the member from attending all or part of the meeting if the member submits written input to the parent and the Planning and Placement Team (PPT) prior to the meeting. Parental consent in writing is required in either case.

In addition to the above, the special education specialist, school psychologist, school nurse, school social worker, counselor, or other student service worker who has conducted an assessment of the student shall participate whenever the results or recommendations based on such assessment are significant to the development of the student's individualized education program and placement. Where the student is limited or non-English speaking, a district representative who is fluent in the student's primary language, knowledgeable about the process of second-language acquisition, and competent in the assessment of limited English and non-English speaking individuals should be included.

Any member of the PPT employed by the Board of Education who discusses or makes recommendations concerning the provisions of special education and related services during a PPT meeting shall not be disciplined, suspended, or otherwise punished for such recommendations.

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## Instruction

### **Individualized Education Program/~~Special Education Program~~ (IEP) (continued)**

No birth-to-three coordinator or qualified personnel, as defined by C.G.S. 17a-248, who discusses or makes recommendations concerning the provision of special education and/or related services during a PPT meeting or in a transition plan shall be subject to discipline, suspension, termination or other punishment based on such recommendations.

The parent/guardian or surrogate parent shall be given at least five (5) school days' prior notice of any PPT meeting and shall have the right to be present and participate in all portions of such meetings at which an educational program for their child is developed, reviewed, or revised. In addition, parents/guardians or surrogate parents have the right to be present at and participate in all portions of the PPT meeting at which an educational program for their child is developed, reviewed, or revised. In addition, the parent/guardian/surrogate shall have advisors and the child's assigned paraprofessional, if any, and such child's birth-to-three service coordinator, if any, be present at and participate in all portions of the PPT meeting in which the child's educational program is developed, reviewed or revised and have the right to have such recommendation made in such child's birth-to-three individualized transition plan, if any, addressed by the PPT at which an educational program for such child is developed.

The District shall offer to meet with the student's parents/guardians, upon the request of the parents/guardians, after the student has been assessed for possible placement in special education and before the Planning and Placement Team (PPT) meets.

The sole purpose of such meeting is to discuss the PPT process and any concerns the parent/guardian has about the student. The meeting will involve a member of the PPT designated by the District before the referral PPT meeting at which the student's assessments and evaluations will be discussed for the first time. This applies to students under evaluation for possible placement in special education.

Upon request of a parent/guardian, the District will provide the results of the assessments and evaluations used in determining a student's eligibility for special education at least three (3) school days before the referral PPT meeting, at which such results will be discussed for the first time.

Parents/Guardians and the District may agree to conduct IEP meetings, and other meetings, through alternative means, such as including but not limited to, videoconferences or conference calls.

- (a) **General.** The IEP for each child must include -
- (1) An accurate statement of the child's present levels of academic achievement and functional performance based upon parental provider information, current classroom-based, local, and state assessments and classroom-based observations, including -
    - (i) How the child's disability affects the child's involvement and progress in the general education curriculum; or

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## Instruction

### Individualized Education Program/~~Special Education Program~~ (IEP) (continued)

- (ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;
- (2) A statement of measurable annual academic and functional goals that aim to improve educational results and functional performance for each child with a disability, related to –
  - (i) Meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general education curriculum;
  - (ii) Meeting each of the child's other educational needs that result from the child's disability; and
  - (iii) Providing a meaningful opportunity for the child to meet challenging objectives.

#### *Alternate Assessments*

- (iv) A statement of "benchmarks or short-term objectives" is required only with respect to students with disabilities who take alternate assessments aligned with alternate achievement standards.

If a child will participate in alternate assessments based on either general or alternate achievement standards, the IEP must explain why the child cannot participate in the regular assessment and why the alternate assessment selected is appropriate for the child.

The Planning and Placement Team (PPT) may only recommend appropriate accommodation or use of alternate assessment but may not exempt students with disabilities from the state assessment.

- (3) A statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child -
  - (i) To advance appropriately toward attaining the annual goals;
  - (ii) To be involved and progress in the general curriculum in accordance with paragraph (a)(1) of this section and to participate in extracurricular and other nonacademic activities; and
  - (iii) To be educated and participate with other children with disabilities and non-disabled children in the activities described in this paragraph.
- (4) A school must offer an IEP that is "reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances." The child's educational program must be appropriately ambitious considering his/her circumstances, and every child should have the chance to meet challenging objectives. The Planning and Placement Team, in determining whether an IEP is reasonably calculated to enable a child to make progress, should consider the child's:

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## Instruction

### Individualized Education Program/~~Special Education Program~~ (continued)

#### *Alternate Assessments (continued)*

- Previous rate or academic growth,
- Progress towards achieving or exceeding grade-level proficiency,
- Behaviors, if any, interfering with the child's progress, and
- Parent's input and any additional information provided by such parents.

The U.S. Supreme Court, in the *Endrew F* decision stated, "Any review of an IEP must consider whether the IEP is reasonably calculated to ensure such progress, not whether it would be considered ideal. (137S.CT. at 99)

- (5) An explanation of the extent, if any, to which the child will not participate with non-disabled children in the regular class and in the activities described in paragraph (a) (3) of this section;
- (6) A statement of any individual modifications in the administration of State or district-wide assessments of student achievement that are needed for the child to participate in the assessment; and
- (7) The projected date for the beginning of the services and modifications described in paragraph (a)(3) of this section, and the anticipated frequency, location, and duration of those services and modifications; and
- (8) A statement of
  - (i) How the child's progress toward the annual goals described in paragraph (a)(2) of this section will be measured; and
  - (ii) How the child's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their non-disabled children's progress, of
    - (A) Their child's progress toward the annual goals; and
    - (B) The extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year
- (9) Reevaluation of a student's progress may not occur more than once a year unless agreed to by the parents and the District. Reevaluation must occur at least once every three years unless the parent and District agree that it is unnecessary.

**Note:** To make FAPE available to each eligible child with a disability, the child's IEP must be designed to enable the child to be involved in, and make progress in, the general education curriculum (the same curriculum as for nondisabled children which is based on a State's academic content standards. This alignment must guide and not replace the individualized decision-making required in the IEP process."

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## Instruction

### Individualized Education Program/~~Special Education Program~~ (IEP) (continued)

(b) *Transition services.*

The district shall designate a transition coordinator who is responsible for the following:

- Complete a prescribed training program within three years of when the training program commences or within one year of being appointed transition coordinator if appointed after the training program commences;
- Ensure parents receive information about transition resources, services, or public transition programs and know the eligibility requirements and application details; and
- The transition coordinator may be the director of student personnel or another school district employee.

- (1) Beginning in the 2024-25 School year, the Board of Education shall distribute a notice of a link to an online listing of transitional resources, transitional services, and public transition programs provided by the Statewide Transition Services Coordinator. This shall be distributed to parents/guardians of children receiving special education services in grades six through 12 at a PPT meeting.
- (2) At the first PPT meeting after the student turns 14, the Team will provide a listing to the parent/guardian of each public transition and adult education program for which the student may be eligible after graduation. Upon parent/guardian approval, an identified certified professional member of the PPT will notify the state agency that provides such a program about potential eligibility.
- (3) By the PPT meeting, which occurs approximately two years prior to the student's anticipated exit from the district, upon parent/guardian approval, a certified professional member of the PPT shall notify any state agency that provides an adult program for which the student may be eligible about the potential eligibility, invite an agency representative to attend the PPT, and permit and facilitate contract and coordination between the agency and parent. An identified certified professional member of the PPT will assist the parent/guardian in completing an application to any such program.
- (4) The IEP must include
  - (i) For each student beginning not later than the first IEP to be in effect when the child is fourteen, and younger if the PPT determines it appropriate, and updated annually, thereafter, appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and the transition services, including courses of study, needed to assist the student in reaching those goals.

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## Instruction

### Individualized Education Program/~~Special Education Program~~ (IEP) (continued)

- (b) **Transition services.** (continued)
- (ii) For a student no longer eligible for services due to graduation from high school with a regular diploma or for a student who exceeds the age of eligibility under State law, a summary of the student's academic achievement and functional performance including recommendations on how to assist the student in meeting his/her postsecondary goals.
- (5) If the Planning and Placement Team determines that services are not needed in one or more of the areas specified in §300.27(c)(1) through (c)(4), the IEP must include a statement to that effect and the basis upon which the determination was made.
- (c) **Transfer of rights.** Beginning not later than one year before a student reaches the age of majority under State law, the student's IEP must include a statement that the student has been informed of his or her rights under this title, if any, that will transfer to the student on reaching the age of majority, consistent with §615(m)
- (d) **Students with disabilities convicted as adults and incarcerated in adult prisons.** Special rules concerning the content of IEPs for students with disabilities convicted as adults and incarcerated in adult prisons are contained in §612(a)(5)A.
- (e) **Students with disabilities identified as deaf or hearing impaired.** For a child identified as deaf or hearing impaired, the PPT shall develop an IEP which includes a language and communication plan that shall address;
- (i) the child's primary language or mode of communication;
  - (ii) opportunities for direct communication between the child and his/her peers and professional personnel in the primary child's language or mode of communication;
  - (iii) educational options available to the child;
  - (iv) the qualifications of teachers and other professional personnel administering the plan for the child, including their proficiency in the child's primary language or mode of communication;
  - (v) the accessibility of academic instruction, school services and extracurricular activities to the child;
  - (vi) Assistive devices and services for the child;
  - (vii) Communication and physical environment accommodations for the child;  
and
  - (viii) An emergency communications plan that includes procedures for alerting the child of an emergency situation and ensuring that the specific needs of the child are met during the emergency situation. Such plan is to be developed for a student identified as deaf, hard of hearing, or both blind or visually impaired and deaf.

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## Instruction

### Individualized Education Program/~~Special Education Program~~ (IEP) (continued)

(f) *Students who are children of a member of the armed forces*

If, after the start of a school year, a child of a member of the armed forces:

1. enrolls in a school under the jurisdiction of a local or regional Board of Education, as a result of such member having received military orders directing such member to the state or any other documents from the armed forces indicating the transfer of such member to the state, and
2. such child enrolls with an individualized education program or plan pursuant to Section 504 of the Rehabilitation Act of 1973 from such child's prior school.

The Board shall take necessary steps, including, but not limited to, the transfer of any records and prior evaluations, the performance of any reevaluations and, not later than thirty school days after such child's enrollment, the holding of any planning and placement team meeting or meeting to establish a plan pursuant to Section 504 of the Rehabilitation Act of 1973 for such child, to ensure a minimally disruptive transition to the provision of comparable services.

## Transfers

When an individual has been on an IEP in another school district, the PPT shall make an evaluative study of the student and develop an IEP for the student as though the student were newly referred, but the PPT may use the previous IEP (if available) in developing the new one.

If the transfer involves districts within Connecticut, the District will provide services “comparable to those described in the previously held IEP,” until the District adopts the previously held IEP or develops, adopts, and implements a new IEP. If the student has transferred from another state, the District will provide services “comparable to those described in the previously held IEP,” until the District conducts an evaluation, if deemed necessary, and if appropriate, develops a new IEP. If a student who is on an IEP transfers from this district to another, or to a private school, the written IEP and any additional records relating to the student's program and achievement shall be forwarded to the receiving school on the request of the receiving school and the individual's parent or guardian.

Districts receiving out-of-district students requiring special education shall:

- a) hold the planning and placement team meeting for each out-of-district student who requires special education and related services and invite representatives from the sending district to participate in such meeting, and
- b) ensure that such students receive the services mandated by the student's individualized education program whether such services are provided by the sending district or the receiving district.

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**Instruction**

**Individualized Education Program/~~Special Education Program~~ (IEP) (continued)**

**Transfers (continued)**

Furthermore, in the case of a student with a plan pursuant to Section 504 of the Rehabilitation Act of 1973, as amended from time to time, the receiving district shall:

- a) ensure that such student receives the services mandated by the student's plan, and
- b) pay for the costs of providing such services to such student.

If the Board of Education receives an out-of-district placement of a student who receives special education services, through an agreement or contract with a sending local or regional board of education pursuant to subsection (d) of section 10-76d of the general statutes or section 10-91j, as amended by PA 25-67, the Board shall not transfer such student to any other school or facility unless:

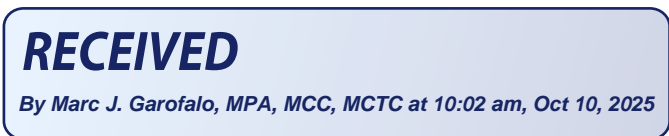
1. upon initiation of the sending local or regional Board of Education or upon the request of a parent or guardian of such student, or such student if such student is eighteen years of age or older or an emancipated minor, such sending local or regional Board of Education holds a planning and placement team meeting for the purpose of determining the appropriateness of such transfer, and
2. the planning and placement team determines that such transfer is more appropriate for the educational needs of such student than the current out-of-district placement.

A representative of the Board of Education shall be invited to attend and participate in such planning and placement team meeting but may not request that such planning and placement team meeting be held.

Prior to the enrollment of a District student in a technical education and career school, the District will convene a PPT in order to address such student's transition to the technical education and career school and ensure that such student's IEP reflects the current supports and services the student requires in order to access a Free and Appropriate Public Education (FAPE) in the least restrictive environment. A representative from the technical education and career school shall be invited to the PPT meeting.

**Independent Educational Assessment**

If an independent educational assessment is necessary, it shall be conducted by a Connecticut credentialed or licensed professional examiner who is not employed by and does not routinely provide assessment for the State Department of Education or this District.



## Instruction

### Individualized Education Program/~~Special Education Program~~ (IEP) (continued)

Legal Reference: Connecticut General Statutes

- 10-76a Definitions (as amended by PA 06-18)
- 10-76b State supervision of special education programs and services. Regulations. (as amended by PA 12-173)
- 10-76d Duties and powers of Boards of Education to provide special education programs and services. (as amended by June Special Session PA 15-5, Sec. 277 and PA 19-49 and PA 21-46 and PA 21-144 and PA 23-137)
- 10-76ff Procedures for determining if a child requires special education (as amended by PA 06-18)
- 10-76g State aid for special education.
- 10-76h Special education hearing and review procedure.
- 10-76jj Language and communication plan as part of individualized education program for child identified as deaf or hard of hearing (as amended by PA 19-184)
- 10-76q Special education at technical education and career schools (as amended by PA 21-144)

SDE Guidance Addressing Timeline for Initial Evaluations, Dec. 21, 2018

State Board of Education Regulations

- 34 C.F.R. 300 et seq. Assistance to States for Education of Handicapped Children.
- 300.14 Special education definitions.
- 300.340-349 Individualized education programs.
- 300.503 Independent educational assessment.
- 300.533 Placement procedures.
- 300.550-556 Least restrictive environment.

P.L. 108-446 The Individuals with Disabilities Education Improvement Act of 2004

*Rowley v. Board of Education*, 485 U.S.-176 (1982)

*Endrew F. v. Douglas County School District RE-1*, 15-827 U.S. (2017)

*A.M. v. N.Y. City Department of Education*, 845F.3d 523, 541 (2d Cir.1997)

*Mrs. B., v. Milford Board of Education* 103 F. 3d 1114, 1121 (2d Cir. 1997)

*A.R. v. Connecticut State Board of Education*, 3:16-CV-01197 (CSH D. Conn. June 10, 2020)

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By Marc J. Garofalo, MPA, MCC, MCTC at 10:02 am, Oct 10, 2025

## Instruction

### Individualized Education Program/~~Special Education Program~~ (IEP) (continued)

Legal References: (continued)

Public Act 23-137 An Act Concerning Resources and Support Services for Persons With an Intellectual or Developmental Disability Sections 26-27, 30-31, 32-37, 39, 45, 47, 51, 52

P.A 25-67 An Act Concerning the Quality and Delivery of Special Education Services in Connecticut (Section 10)

P.A 25-143 An Act Implementing the Recommendations of the Office of Early Childhood, Department of Education and the Technical Education and Career System and Concerning the Administration of Epinephrine and Glucagon. (Section 10)

Public Act No. 25-15 An Act Concerning Various Measures Recognizing and Honoring the Military Service of Veterans and Members of the Armed Forces in Connecticut (Section 7)

Policy adopted:

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By Marc J. Garofalo, MPA, MCC, MCTC at 10:02 am, Oct 10, 2025

## Instruction

### Individualized Education Program/Special Education Program

Any child, whether a student of the school district, of pre-school age, or between the ages of three and 22 years of age, inclusive, but not attending district schools, who is identified as being in need of a special education program shall be referred to a "special education planning and placement team" (PPT) which shall make an evaluative study to determine whether the child is a child with a disability as defined in state and federal statutes and if special education is required and to establish the scope of the special education program.

Students receiving special education services under the Individuals with Disabilities Act (IDEA) remain eligible for such service up until their 22nd birthday or until they graduate from high school with a regular high school diploma, whichever comes first. The adult student or his/her parent/guardian will be asked by the district if the student wishes to receive the special education and related services outlined in their individualized education program (IEP) until they turn 22 years of age or they graduate with a regular high school diploma, whichever comes first.

### Planning and Placement Team or Individualized Education Program Team

The term "Individualized Education Program team" or "IEP Team" means a group of individuals composed of

- (i) the parents of a child with a disability;
- (ii) at least one regular education teacher of such child (if the child is, or may be, participating in the regular education environment);
- (iii) at least one special education teacher, or where appropriate, at least one special education provider of such child;
- (iv) a representative of the local educational agency who -
  - (I) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
  - (II) is knowledgeable about the general curriculum; and
  - (III) is knowledgeable about the availability of resources of the local educational agency;
- (v) an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in clauses (ii) through (vi);
- (vi) at the discretion of the parent of the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and

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(vii) whenever appropriate, the child with a disability.

(Note: All of the above are required by 34 CFR 300.344)

In addition to the above, the special education specialist, school psychologist, school nurse, school social worker, counselor, or other student service worker who has conducted an assessment of the student shall participate whenever the results or recommendations based on such assessment are significant to the development of the students individualized education program and placement. Where the student or parent is limited or non-English speaking, a district representative who is fluent in the student's primary language and who is knowledgeable about the process of second-language acquisition and competent in the assessment of limited English and non- English speaking individuals should be included.

For transition services, the district shall invite a representative of any other agency that is likely to be responsible for providing or paying for transition Services.

**(a) General.** The IEP for each child must include -

(1) A statement of the child's present levels of educational performance, including

(i) How the child's disability affects the child's involvement and progress in the general curriculum; or

(ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

(2) A statement of measurable annual goals, including benchmarks or short-term objectives, related to -

(i) Meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum; and

(ii) Meeting each of the child's other educational needs that result from the child's disability.

(3) A statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child and a statement of the program modifications or supports for school personnel that will be provided for the child -

(i) To advance appropriately toward attaining the annual goals;

(ii) To be involved and progress in the general curriculum in accordance with paragraph (a)(1) of this section and to participate in extracurricular and other nonacademic activities; and

(iii) To be educated and participate with other children with disabilities and non-disabled children in the activities described in this paragraph;

(4) An explanation of the extent, if any, to which the child will not participate with non-disabled children in the regular class and in the activities described in paragraph (a)(3) of this section;

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(5) (i) A statement of any individual modifications in the administration of State or district-wide assessments of student achievement that are needed in order for the child to participate in the assessment; and

(ii) If the IEP team determines that the child will not participate in a particular State or district-wide assessments of student achievement (or part of an assessment), a statement of -

(A) Why that assessment is not appropriate for the child; and

(B) How the child will be assessed;

(6) The projected date for the beginning of the services and modifications described in paragraph (a)(3) of this section, and the anticipated frequency, location, and duration of those services and modifications; and

(7) A statement of -

(i) How the child's progress toward the annual goals described in paragraph (a)(2) of this section will be measured; and

(ii) How the child's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their non-disabled children's progress, of -

(A) Their child's progress toward the annual goals; and

(B) The extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.

**(b) Transition services**

The planning and placement team (PPT) shall, in accordance with the provision of the individuals with Disabilities Education Act (IDEA), 20 USC 1400, et seq., as amended from time to time,

(1) develop and include a statement of transition service needs in the individualized education program (IEP) for each child requiring special education, beginning not later than the first IEP to be in effect when such child becomes **fourteen years of age**, or younger if the PPT determines it is appropriate.

(2) Such IEP shall include:

(i): appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment and, where appropriate,

(ii) independent living skills; and;

(iii) Transition services, including courses of study, needed to assist such child in reaching those goals.

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(3) Such IEP shall be updated annually thereafter in accordance with the provisions of this subdivision. Nothing in this subdivision shall be construed as requiring the Department of Aging and Disability Services to lower the age of transition services for a child with disabilities from sixteen to fourteen years of age]

(4) If the IEP team determines that services are not needed in one or more of the areas specified in §300.27(c)(1) through (c)(4), the IEP must include a statement to that effect and the basis upon which the determination was made.

**(c) Transfer of rights.**

Beginning at least one year before a student reaches the age of majority under State law, the student's IEP must include a statement that the student has been informed of his or her rights under Part B of the Act, if any, that will transfer to the student on reaching the age of majority, consistent with §300.517.

**(d) Students with disabilities convicted as adults and incarcerated in adult prisons.**

Special rules concerning the content of IEP's for students with disabilities convicted as adults and incarcerated in adult prisons are contained in §300.311(b) and (c).

**Transfers**

When an individual has been on an IEP in another school district, the PPT shall make an evaluative study of the student and develop an IEP for the student as though the student were newly referred, but the PPT may use the previous IEP (if available) in developing the new one. If a student who is on an IEP transfers from this district to another, or to a private school, the written IEP and any additional records relating to the student's program and achievement shall be forwarded to the receiving school on the request of the receiving school and the individual's parent or guardian.

**Independent Educational Assessment**

If an independent educational assessment is necessary, it shall be conducted by a Connecticut credentialed or licensed professional examiner who is not employed by and does not routinely provide assessment for the State Department of Education or this district.

**Legal Reference: Connecticut General Statutes**

[10-76a](#) Definitions (as amended by P.A. 06-18).

[10-76b](#) State supervision of special education programs and services. Regulations. (as amended by P.A. 12-173).

[10-76d](#) Duties and powers of Boards of Education to provide special education programs and services.

[10-76ff](#) Procedures for determining if a child requires special education (as amended by P.A. 06-18).

[10-76g](#) State aid for special education.

[10-76h](#) Special education hearing and review procedure.

State Board of Education Regulations

34 C.F.R. 300 et seq. Assistance to States for Education of Handicapped Children.

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P.A. 06-18 An Act Concerning Special Education.  
P.A. 12-173 An Act Concerning Individualized education programs and other issues relating to special education.  
300.503 Independent educational assessment.  
300.533 Placement procedures.  
300.550-556 Least restrictive environment.  
P.L. 108-446 The Individuals with Disabilities Education Improvement Act of 2004.

**Policy Adopted: September 21, 2017**  
**Revised: March 18, 2021**  
**Revised: February 17, 2022**

**DERBY PUBLIC SCHOOLS**  
**Derby, Connecticut**

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*By Marc J. Garofalo, MPA, MCC, MCTC at 10:01 am, Oct 10, 2025*

## Library Material Review and Reconsideration Policy

The Act requires boards of education to adopt a **Library Material Review and Reconsideration Policy**. This policy lays out a procedure for handling complaints against instructional material used in the classroom or available in the school library/media center.

The Public Act specifically requires that after a reconsideration form is filed by a complainant, the principal of the school in which the material is challenged promptly forwards the request for reconsideration to the district's superintendent. The superintendent then appoints a review committee that includes:

1. The superintendent, or the superintendent's designee;
2. Principal of the school in which the material is being challenged, or the principal's designee;
3. The director of curriculum;
4. A representative from the local board of education;
5. At least one grade-level appropriate teacher familiar with the material;
6. A parent or guardian of a student age 13 years or younger enrolled in the school district;
7. A parent or guardian of a student age 14 years or older enrolled in the school district;
8. A certified school librarian employed by a board of education.

This review committee is called to evaluate the reconsideration request by reading the challenged material in its entirety and evaluating it against the school district's Library Collection Development and Maintenance Policy. The Act establishes that material can only be removed for legitimate pedagogical purposes or for professionally accepted standards as adopted in the Library Collection Development and Maintenance Policy or the Library Display and Program Policy. Furthermore, the review committee is prohibited from removing any material on the sole basis that an individual finds such material offensive, or because of the origin, background, or viewpoints expressed in the material or by the creator of the material.

The Act requires that *within sixty school days*, the review committee must provide the complainant and the principal of the school in which the material is being challenged with a copy of the review committee's written decision. An appeal can be made against the decision of the review committee to the local board of education, at which point the board of education is tasked to determine whether the reconsideration process was followed and to publish the appeal decision on the website of the school district.

**RECEIVED**

By Marc J. Garofalo, MPA, MCC, MCTC at 10:01 am, Oct 10, 2025

*A CABE Sample of Mandated Policy.*

## **Community Relations/Instruction**

### **Library Material Review and Reconsideration Policy**

#### **Statement of Policy:**

The Derby Board of Education understands that, on occasion, a member of the public will wish to lodge a complaint against instructional material used in the classroom or available in the school library/media center. Consideration of requests to reconsider and remove material, displays, or student programs is limited to individuals with a vested interest. An individual with vested interest may challenge any library and other educational materials, display or student program by initiating a review of such material via the submission of a request for reconsideration form.

It shall be the policy of the Derby Board of Education that the removal, exclusion or censoring of any book shall not occur on the sole basis that a person with a vested interest finds such book offensive. No library and other educational material, display, or program shall be removed from library media centers, or programs be canceled, because of the origin, background, or viewpoints expressed in such material, display, or program, or because of the origin, background, or viewpoints of the creator of such material, display, or program. Library and other educational materials, displays, and student programs shall only be excluded for legitimate pedagogical purposes or for professionally accepted standards of collection maintenance practices as adopted in the collection development and maintenance policy or the display and program policy.

Until a final decision is made by the review committee, any library and other educational material being challenged shall remain available in the school library media center according to such material's catalog record and be available for a student to reserve, check out, or access.

A school district may consolidate any requests for review and reconsideration of the same challenged library and other educational material. Once a decision has been made by **the review committee** on any library and other educational material, such material cannot be subject to a new request for review and reconsideration for a period of three years.

The Derby Board of Education will review and update this policy as necessary every five years.

#### **Definitions**

*"Library and other educational material"* means any material belonging to, on loan to or otherwise in the custody of a school library media center, including, but not limited to, nonfiction and fiction books, magazines, reference books, supplementary titles, multimedia and digital material, software and other material not required as part of classroom instruction.

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## Community Relations/Instruction

### Library Material Review and Reconsideration Policy

#### Definitions (continued)

**"School library staff member"** means a school library media specialist, school librarian, any certified or non-certificated staff member whose assignment is in the school library or any individual carrying out or assisting with the functions of a school library media specialist or school librarian.

**"Individual with a vested interest"** means any school staff member employed by a local or regional board of education, parent or guardian of a student currently enrolled in a school at the time a reconsideration form is filed, or any student currently enrolled in a school at the time a reconsideration form is filed.

**"Remove"** means deliberately taking library material out of a library's collection. **"Remove"** does not include the process of clearing such collection of any materials that are no longer useful.

#### Material Review and Reconsideration Procedure

The Board of Education has established the following procedure for addressing complaints regarding the utilization of library and other educational materials:

1. Individuals with a vested interest may initiate the review or reconsideration of any library and other educational materials, display, or student program by submitting a request for recommendation form to the principal of the school in which the library and other educational materials are being challenged.
2. The Principal, or the Principal's designee, shall promptly forward the request for reconsideration to the Superintendent of Schools for the school district.
3. The Superintendent, or the Superintendent's designee, shall appoint a review committee consisting of:
  - a. The Superintendent, or the Superintendent's designee;
  - b. the Principal of the school in which the library and other educational material is being challenged, or the Principal's designee;
  - c. the Director of curriculum, or a person in an equivalent position;
  - d. a representative from the local or regional board of education;
  - e. at least one grade-level-appropriate teacher familiar with the library material provided, the teacher selected is not the individual who submitted the form;
  - f. a parent or guardian of a student *age thirteen years or younger* enrolled in the school district, provided the parent or guardian selected is not the individual who submitted the form;
  - g. a parent or guardian of a student *aged fourteen years or older* enrolled in the school district, provided the parent or guardian selected is not the individual who submitted the form;
  - h. a certified school librarian employed by such board or employed by another board of education in the state.

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## Community Relations/Instruction

### Library Material Review and Reconsideration Policy

#### Material Review and Reconsideration Procedure (continued)

In cases where such form is submitted by a student enrolled in *grades nine to twelve*, inclusive, and when appropriate and at the discretion of the superintendent, a student enrolled in grades nine to twelve, inclusive, may serve on the review committee if such student did not submit the reconsideration form, provided the superintendent consults with the principal of the school involved in such reconsideration request prior to making this determination whether to include such student on the review committee.

4. The **review committee** shall evaluate the request for reconsideration form by reading the challenged material in its entirety and evaluating the challenged material against the school district's *Collection Development and Maintenance Policy*.
5. The **review committee** shall make a *written decision* on whether to remove the challenged material *within sixty school days* from the date of receiving such request and provide a copy of the committee's decision and report to *the individual with a vested interest who submitted the form and to the principal of the school*.
6. The individual with a vested interest who submitted the *request for reconsideration form* may appeal to the *review committee's decision* to the local or regional board of education for the school district. The Board shall determine whether the reconsideration process was followed and publish the decision on the school district's website.

#### General Provisions

Any school library media specialist or school library staff member who, in good faith, implements the policies described in this section shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding that results from such implementation.

Policy adopted:

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By Marc J. Garofalo, MPA, MCC, MCTC at 10:01 am, Oct 10, 2025

## **Library Collection Development and Maintenance Policy**

Public Act No. 25-168, *An Act Concerning the State Budget for the Biennium Ending June 30, 2027, and Making Appropriations Therefore, and Provisions Related to Revenue and Other Items Implementing the State Budget*, establishes new standards regarding three key areas related to school libraries: (1) library collection development and maintenance; (2) library displays and programs, and (3) library material review and reconsideration.

The Act mandates that all school boards adopt a **Library Collection Development and Maintenance Policy** that will serve as the standard against which library material complaints are evaluated. This policy directs superintendents to create an administrative regulation that establishes a procedure for a certified school library media specialist to continually review library and other educational material within a school library media center. The Act also requires that the standards set in the regulation must include, but are not limited to: the material's relevance, physical condition of the material, demand for the material, availability of copies, and more recent age or grade-appropriate material.

CABE's policy department has created a Library Collection Development and Maintenance policy (P6161.13/1312.4) in accordance with the Act, along with an accompanying regulation that lays out specific standards for school library media specialists to evaluate material against when determining its suitability.

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By Marc J. Garofalo, MPA, MCC, MCTC at 10:01 am, Oct 10, 2025

*A CABE Sample of a Mandated Policy.*

## **Community Relations/Instruction**

### **Library Collection Development and Maintenance Policy**

The Derby Board of Education recognizes that library and other education materials should be provided for the interest, information and enlightenment of all students, and represent a wide range of varied and diverging viewpoints in the collection as a whole.

Students shall have access to the library and other educational material that is relevant to the research, independent reading interests, and educational needs of students based on a student's age, development, or grade level.

The library media center is an important place for voluntary inquiry, the dissemination of information and ideas, and the promotion of free expression and free access to ideas by students.

A school library media specialist is professionally trained to curate and develop a collection that shall provide students with access to the widest array of age-appropriate and grade-level-appropriate library and other educational material.

The Derby Board of Education directs the Superintendent to create an administrative regulation that establishes a procedure for a certified school library media specialist to continually review library and other educational material within a school library media center using professionally accepted standards which shall include, but need not be limited to: the material's relevance, physical condition of the material, availability of duplicates or copies of the material, availability of more recent age-appropriate or grade-level appropriate material and continued demand for the material.

Policy adopted:

cps 6/25

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*By Marc J. Garofalo, MPA, MCC, MCTC at 10:01 am, Oct 10, 2025*

*A sample regulation.*

## **Community Relations/Instruction**

### **Library Collection Development and Maintenance**

#### **Purpose:**

This regulation establishes a procedure for certified school library media specialists to continually review library and other educational materials within a school library media center to ensure that they are relevant, in good condition, and age- or grade-level-appropriate.

#### **General Procedure:**

Using the criteria identified below and their professional judgment, the school library media specialist shall conduct a systematic review of the library's collection:

##### **1. Material relevance**

- a. Consult with instructional staff to determine whether the material is still useful and has up-to-date information.
- b. Evaluate usage data to assess the material's relevance to student interests and research needs.

##### **2. Physical condition of the material**

- a. Assess whether the material is damaged or worn beyond reasonable use.

##### **3. Availability of duplicates or copies of the material**

- a. Determine whether the availability of duplicates or multiple copies is justified based on usage statistics to avoid redundancy.

##### **4. Availability of more recent age-appropriate or grade-level appropriate material**

- a. Investigate the availability of newer editions or versions that offer more current and accurate information by considering awards and recommended lists for recently recognized literature.
- b. Ensure that any new material uses language that is appropriate for the reading level of students in the targeted grade range and developmental levels.
- c. Evaluate whether the new material's treatment of difficult or sensitive subjects (e.g., death, mental health, violence, sexuality) is in a developmentally appropriate way for the intended student audience.

##### **5. Continued demand for the material**

- a. Consult with instructional staff to determine whether the material continues to be cited or referred to for classroom instruction.
- b. Review usage data to determine whether the material is still being sought by students or teachers.

Regulation approved:

cps 6/25

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By Marc J. Garofalo, MPA, MCC, MCTC at 10:01 am, Oct 10, 2025

**DERBY PUBLIC SCHOOLS  
DERBY, CONNECTICUT**

**Library and Other Educational Material Assessment Form**

**Title of the material:** \_\_\_\_\_ **Date of Assessment:** \_\_\_\_\_  
**Author:** \_\_\_\_\_ **Assessor:** \_\_\_\_\_  
**Date of Publication:** \_\_\_\_\_

**Material relevance:**

- Consulted with knowledgeable staff member(s) or teacher(s)
- The language is appropriate for the reading level of students in the targeted grade range
- Material is up-to-date and accurate

Notes:

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**Physical condition of the material:**

**Condition rating:**

- Excellent
- Good
- Fair
- Poor

**Availability of duplicates or copies of the material:**

Count of available copies: \_\_\_\_\_

Notes:

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**Availability of more recent age-appropriate or grade-level appropriate material:**

If new material is available:

- It uses language appropriate for the reading level of students in the targeted grade range
- Presents difficult subjects (death, mental health, violence, sexuality etc.) in a developmentally appropriate way

Notes:

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**Continued demand for the material:**

Describe the frequency with which the material is being accessed:

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**Determination:**

Retain       Replace       Remove

Explanation of decision and rationale

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By Marc J. Garofalo, MPA, MCC, MCTC at 10:01 am, Oct 10, 2025

## **Library Display and Program Policy**

Public Act No. 25-168, *An Act Concerning the State Budget for the Biennium Ending June 30, 2027, and Making Appropriations Therefore, and Provisions Related to Revenue and Other Items Implementing the State Budget*, establishes new standards regarding three key areas related to school libraries: (1) library collection development and maintenance; (2) library displays and programs, and (3) library material review and reconsideration.

The Act mandates boards of education to adopt a **Library Display and Program Policy**. This policy recognizes the purposes and importance of library displays and acknowledges the professional training of school library media specialists who curate and develop such displays and programs. Accordingly, CAFE's policy department has developed a Library Display and Program Policy (P6161.14/1312.5).

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By Marc J. Garofalo, MPA, MCC, MCTC at 10:01 am, Oct 10, 2025

*A CAFE Sample of a mandated policy.*

## **Community Relations/Instruction**

### **Library Display and Program Policy**

Library displays and student programs are critical in serving as resources for voluntary inquiry, the dissemination of information and ideas, and promoting free expression and free access to ideas by students.

The Derby Board of Education recognizes that library displays are provided for the interest, information and enlightenment of all students, represent a wide range of varied and diverging viewpoints, and provide access to content that is relevant to the research, independent interests and educational needs of students.

The Derby Board of Education acknowledges that a school library media specialist is professionally trained to curate and develop displays and programs that shall provide students with access to the widest array of age-appropriate and grade-level-appropriate library and other educational materials.

Policy adopted:

cps 6/25

**RECEIVED**

By Marc J. Garofalo, MPA, MCC, MCTC at 10:01 am, Oct 10, 2025

## Rationale for Special Education Policy Revisions

In response to the new provisions required by Public Act No. 25-67, CAFE's policy department has updated model policy 6171, **Special Education Programs**. In addition to the revision in the Public Act, model policy 6171 has been revised to focus specifically on the obligation of the board of education to provide special education services to qualifying students and to report on the placement of such students.

Furthermore, Public Act No. 25-93 An Act Increasing Resources for Students, Schools and Special Education Section 12 requires that on or after June first, but prior to September 30th annually, the superintendent shall provide, at a regularly scheduled meeting of the Board of Education, an annual report concerning the special education programs of the school district. The Act also outlines specific requirements the report should include.

CAFE had provided a "recommended" Special Education Program Evaluation Model Policy (P6181), which included language *suggesting* that the superintendent submit an annual report to the board of education concerning special education programs, along with broad guidelines for what the report should include. Public Act No. 25-93, Section 12, now *mandates* the annual report of the superintendent and provides specific requirements for the report's contents.

As we proceeded to update our policy to include the new mandated requirements, we considered that doing so would change P6181 from a *recommended* to a *mandated* policy.

The new language, along with the mandated policy requirement, provided the opportunity to combine policies 6171 (special education programs) and 6181 (special education evaluations). As a result, CAFE's revised model policy on special education, P6171, now contains all the required language for both special education programs *and* evaluations.

Additionally, CAFE previously included *three* versions of its special education model program policy (P6171) and determined that consolidating these versions into one model policy would facilitate easier reference. Through this process, we identified language in the special education program model policy that was specific to IEPs and incorporated that language into the policy on Individualized Education Programs (P6159).

In summary, Model Policy 6171 (mandated) now provides a broad overview of special education programs, outlining the Board's responsibilities in this area. Policy 6159 (mandated) provides a more detailed breakdown of special education implementation, especially as it concerns IEPs.

### Special Education

Special Education received significant attention in the recent legislative session with House and Senate bills featured in Public Act No. 25-67 An Act Concerning the Quality and Delivery of Special Education Services in Connecticut and Public Act 25-93 An Act Increasing Resources

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for Students, Schools and Special Education, creating new provisions related to special education programs.

Public Act No. 25-67, Section 1, updates one of the definitions of a child requiring special education to include a child aged **3-8** (instead of previously 3-5), who is experiencing developmental delays that cause such child to require special education. Additionally, Section 12 of the Act establishes a new provision requiring boards of education to report to the Department of Education each placement of a student receiving special education services for which the board is paying any portion of the cost. The Act sets forth a list of details the report must include.

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*A mandated policy.*

## **Instruction**

### **Special Education**

The Derby Board of Education accepts its legal duties and responsibilities for providing special education for the students of the school district.

The district shall provide a free appropriate public education and necessary related services to all children requiring special education, as defined in PA 25-67 Section 1, residing within the district, required under the Individuals with Disabilities Education Act (“IDEA”), Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and Connecticut Statutes.

It is the intent of the District to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with appropriate educational services. Students may be disabled within the meaning of Section 504 of the Rehabilitation Act even though they do not require services pursuant to the IDEA.

For students eligible for services under IDEA, the District shall follow procedures for identification, evaluation, placement, and delivery of services to children with disabilities provided in state and federal statutes that govern special education. For those students who are not eligible for services under IDEA, but because of disability as defined by Section 504 of the Rehabilitation Act of 1973, need or are believed to need special instruction or related services, the District shall establish and implement a system of procedural safeguards. The safeguards shall cover students’ identification, evaluation, and educational placement. This system shall include notice, an opportunity for the student’s parent(s)/guardian(s)/surrogate parent to examine relevant records, an impartial hearing with opportunity for participation by the student’s parent(s)/guardians(s), representation by counsel, and a review procedure.

Effective July 1, 2023, all students remain eligible for special education services under the Individuals with Disabilities Education Act (IDEA) through the end of the school year during which the student turns age 22, or until the student graduates from high school with a regular high school diploma, whichever occurs first. Pursuant to the Connecticut General Statutes §10-259, school year is defined as July 1 through June 30. A free appropriate public education (FAPE) must be provided to any child requiring special education beginning on or after the child’s third birthday, whether that birthday occurs during the regular school year.

In making a determination of eligibility for special education and related services, through use of a variety of assessment tools and strategies designed to gather relevant functional, developmental, and academic information, a student shall not be determined to be a disabled student if the dominant factor for such a determination is a lack of appropriate instruction in reading, including in the essential components of reading instruction, as defined in the Every Student Succeeds Act, lack of instruction in math or limited English proficiency or evidence that a child’s behavior repeatedly violated disciplinary policy.

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## **Instruction**

### **Special Education** (continued)

Further, the District is not required to take into consideration whether a student has a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skills, reading comprehension or mathematical calculation or reasoning. A child shall become eligible for special education services on his or her third birthday.

In determining whether a child has a specific learning disability, the District may use a process that determines if the student responds to scientific, research-based intervention as a part of the evaluation procedures to determine eligibility. The program to which each student with a disability is assigned shall provide an appropriate education, seek to assure success in learning, and offer the least restrictive environment, in accordance with federal and state regulations. No student with a disability shall be denied, because of handicap/disability, participation in activities, programs, or services offered or recognitions rendered to District students, unless participation is not possible because of the handicap/disability.

Each student requiring special education, as defined in PA 25-67 section 1, who is a resident of the district shall be provided quality education programs and services that meet the student's needs for educational, instructional, transitional and related services. The special education program shall be designed to comply with federal and state law; conform to district goals; and integrate programs of special education with the regular instructional programs of the schools, consistent with the interests of the student requiring special education and other students. If necessary, students requiring special education may also be placed in private school education facilities. Students with disabilities are required by federal law to be included in State and District-wide assessments, with appropriate accommodations where necessary.

In accordance with the regulations of the State Board of Education, each local and regional Board of Education shall:

1. Provide special education for children requiring special education, as defined in PA 25-67 section 1.
2. The obligation of the school district under this subsection shall terminate when such child graduates from high school or at the end of the school year during which such child reaches age twenty-two, whichever occurs first.
3. Report to the Department of Education on each placement of a student receiving special education services for which the board is paying a portion of the cost:
  - a. Whether such placement is a result of a decision of a planning and placement team meeting, a settlement agreement, or a special education hearing pursuant to section 10-76h of the general statutes;

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## Instruction

### Special Education (continued)

- b. Whether such placement is with an approved or nonapproved private provider of special education services, regional educational service center, operator of an interdistrict magnet school program, state charter school, a cooperative arrangement pursuant to section 10-158a of the general statutes, a local or regional board of education operating an outplacement program or as part of the statewide interdistrict public school attendance program pursuant to section 10-266aa of the general statutes;
- c. The amount being paid by the Board;
- d. The special education services being provided;
- e. The location of the facility at which such special education services are being provided;
- f. The total number of any agreements such Board enters into with a student, parent, or guardian during the preceding school year that includes provisions for nondisclosure of special education services or a waiver of the rights to which such student, parent, or guardian is entitled pursuant to the Individuals with Disabilities Education Act, 20 USC 1400 et seq;
- g. Any other information requested by the Department.

The District shall also take steps to make the public aware that all children and youth from birth through the end of the school year during which the student turns age 22, and suspected of having a disability, have a right to a formal determination as to whether they have such a condition or disability.

The Board shall determine the facilities, programs, services, and staff that will be provided by the District for the instruction of students requiring special education. To maintain an effective special education plan, the Board may participate in special education programs of other school districts or those offered by a RESC.

### Evaluation of Special Education Program

On or after June first, but prior to September thirtieth annually, the superintendent shall provide, at a regularly scheduled meeting of the Board of Education, an annual report concerning the special education programs of the school district with the following information:

1. The number and names of all community-based organizations with whom the board of education has executed a formal memorandum of understanding, memorandum of agreement, or contract to provide support services to students in the school district, disaggregated by school and type of support service provided;

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**Instruction**

**Special Education**

**Evaluation of Special Education Program** (continued)

2. The workforce development programs offered by the board of education to students in which the board has partnered with an outside entity, including, but not limited to, cooperatives, internships, in-school job training programs provided by businesses, and in-school workforce board presentations, and
3. Attrition data for certified and noncertified staff, disaggregated by school and subject, not including in-district transfers.

The report shall also include recommendations of the Superintendent and staff, and by any advisory groups, for improvement in the program.

In addition to the annual report, the Superintendent shall make interim reports whenever any phase of the program is significantly less satisfactory than was expected so that necessary adjustments may be made.

The Superintendent shall make certain that the individualized education plan of each student is reviewed periodically, or at least annually.

The Superintendent of Schools or his/her designee is directed to develop a comprehensive plan for compliance with all the requirements of federal and state law for the education of students with disabilities residing in or attending school in the school district. The Board of Education requests that the plan be in harmony with the school district's financial abilities, with the availability of special facilities needed, and the availability of trained and certified personnel.

Legal Reference: Connecticut General Statutes  
10-76a Definitions. (as amended by PA 00-48 and PA 06-18)  
10-76b State supervision of special education programs and services. (as amended by PA 12-173)  
10-76c Receipt and use of money and personal property.  
10-76d Duties and powers of boards of education to provide special education programs and services. (as amended by PA 97-114, PA 00-48, PA 06-18 and June Special Session PA 15-5, Section 277)  
10-76e School construction grant for cooperative regional special education facilities.  
10-76f Definition of terms used in formula for state aid for special education.  
10-76ff Procedures for determining if a child requires special education (as amended by PA 06-18)  
10-76g State aid for special education.  
10-76h Special education hearing and review procedure. Mediation of disputes. (as amended by PA 00-48)

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## Instruction

### Special Education

Legal Reference: Connecticut General Statutes (continued)

- 10-76i Advisory council for special education.
- 10-76j Five-year plan for special education.
- 10-76k Development of experimental educational programs.
- PA 06-18 An Act Concerning Special Education
- State Board of Education Regulations.
- 10-76m Auditing claims for special education assistance.
- 10-76a-1 et seq. Definitions. (as amended by PA 00-48)
- 10-76b-1 through 10-76b-4 Supervision and administration.
- 10-76d-1 through 10-76d-19 Conditions of instruction.
- 10-76h-1 through 10-76h-2 Due process.
- 10-76l-1 Program Evaluation.
- 10-145a-24 through 10-145a-31 Special Education (re teacher certification).
- 10-264l Grants for the operation of interdistrict magnet school programs.
- P.A. 12-173, An Act Concerning Individualized Education Programs and Other Issues Relating to Special Education
- 34 C.F.R. 3000 Assistance to States for Education for Handicapped Children.
- American with Disabilities Act, 42 U.S.C. §12101 et seq.
- Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq.
- Rehabilitation Act of 1973, Section 504, 29 U.S.C. § 794.
- P.L. 108-446 The 2004 Reauthorization of the Individuals with Disabilities Act
- Bd of Ed of the City School District of the City of New York v. Tom F.* 128S.Ct. 1, 76 U.S.L.W. 3197 (2008)
- Rowley v. Board of Education*, 485 U.S.-176 (1982)
- Andrew F. v. Douglas County School District* RE-1, 15-827 U.S. (2017)
- A.M. v. N.Y. City Department of Education*, 845F.3d 523, 541 (2d Cir.1997)
- Mrs. B., v. Milford Board of Education* 103 F. 3d 1114, 1121 (2d Cir. 1997)
- Public Act 25-67 An Act Concerning the Quality and Delivery of Special Education Services in Connecticut (Sec 1 & 12)
- Public Act 25-93 An Act Increasing Resources for Students, Schools and Special Education (Section 32)

Policy adopted:  
cps 7/25

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## **Non-Lapsing Education Fund**

This policy has been revised to include the new requirements of Public Act No. 25-93, Sections 35-37, which set forth the requirements for boards of education regarding non-lapsing and reserve funds.

### **With regards to non-lapsing funds:**

Public Act No. 25-93, Sections 35-37, requires that in its annual report, the board of education shall additionally include the balance of any non-lapsing, unexpended funds account described in Section 10-248a, as amended by the Act.

Furthermore, this Act requires that for the fiscal year ending June 30, 2026, and each fiscal year thereafter, each local board of education shall compile a report regarding the non-lapsing, unexpended funds account, including, but not limited to:

1. The total balance of the account,
2. The amount deposited into such account in a fiscal year, and
3. An accounting of the expenditures made from such an account.

The Act mandates boards submit such report to the Department of Education and the exclusive bargaining representative for certified employees chosen pursuant to section 10-153b.

For the fiscal year ending June 30, 2026, and each fiscal year thereafter, the Act requires each local board of education to, not later than thirty days from the adoption of such board's budget, notify the exclusive bargaining representative for certified employees, chosen pursuant to section 10-153b, of (1) the establishment of a non-lapsing, unexpended funds account, or (2) the board's intended uses for any funds in such non-lapsing, unexpended funds account during the next fiscal year.

### **With regards to the reserve fund:**

The Act requires that for each fiscal year, the board shall make available and annually update information regarding the reserve fund, including, but not limited to:

1. The total balance of the fund.
2. The amount deposited into such fund in a fiscal year.
3. An accounting of the expenditures made from such fund.

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**Business and Non-Instructional Operations**

**Non-Lapsing Education Fund**

The Derby Board of Education (Board) may request the town's Board of Finance deposit into a non-lapsing account any unexpended funds from the Board's prior fiscal year general operating budget, provided such deposited amount does not exceed two percent (2%) of the total budgeted appropriation for education for such prior fiscal year pursuant to C.G.S. [10-248a](#).

Any expenditure from the Non-Lapsing Education Fund shall be authorized by the Board. Each expenditure from such account shall be made only for special education purposes.

The Board of Finance shall create the non-lapsing account and be responsible for the accounting of the funds in accordance with Governmental Accounting Standards and Generally Accepted Accounting Principles (GAAP). The account shall be subject to the annual audit as required by State statute. The Board of Education shall review the fund balance on an annual basis.

Legal Reference: Connecticut General Statutes

[10-222](#) Appropriations and budget

[10-248a](#) Unexpended education funds account (as amended by PA 19-117, Section 285).

***NOTE: 3171.1 Appendix will be Memorandum of Agreement with City.***

**Policy adopted: June 18, 2020**

**DERBY PUBLIC SCHOOLS  
Derby, Connecticut**

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**Business and Non-Instructional Operations  
Non-Lapsing Education Fund**

The Derby Board of Education (Board) may request the town's Board of Finance deposit into a non-lapsing account any unexpended funds from the Board's prior fiscal year general operating budget, provided such deposited amount does not exceed two percent (2%) of the total budgeted appropriation for education for such prior fiscal year pursuant to C.G.S. [10-248a](#).

Any expenditure from the Non-Lapsing Education Fund shall be authorized by the Board. Each expenditure from such account shall be made only for special education purposes.

The Board of Finance shall create the non-lapsing account and be responsible for the accounting of the funds in accordance with Governmental Accounting Standards and Generally Accepted Accounting Principles (GAAP). The account shall be subject to the annual audit as required by State statute. The Board of Education shall review the fund balance on an annual basis.

Each fiscal year, the board of education shall compile a report regarding the non-lapsing, unexpended funds account, including, but not limited to:

1. The total balance of the account
2. The amount deposited into such account in a fiscal year
3. An accounting of the expenditures made from such account.

The Board shall submit such report to the Department of Education and the exclusive bargaining representative for certified employees chosen pursuant to section 10-153b.

Each fiscal year, the Board of Education shall, not later than thirty days from the adoption of the Board's budget, notify the exclusive bargaining representative for certified employees, chosen pursuant to section 10-153b, of (1) the establishment of a non-lapsing, unexpended funds account described in this section, or (2) the Board's intended uses for any funds in such non-lapsing, unexpended funds account during the next fiscal year.

The balance of any non-lapsing, unexpended funds account described in section 10-248a, as amended by PA 25-93, shall be included in the annual report of the Board of Education, in accordance with section 10-224.

Legal Reference: Connecticut General Statutes

[10-222](#) Appropriations and budget

[10-248a](#) Unexpended education funds account (as amended by PA 19-117, Section 285).

[10-51 \(d\) \(2\)](#) Fiscal year. Budget. Payments by member towns; adjustments to payments. Investment of funds. Temporary borrowing. Reserve funds. (as amended by PA 21-2, JSS, Section 363)

**NOTE: 3171.1 Appendix will be Memorandum of Agreement with City.**

**Policy adopted: June 18, 2020**

**DERBY PUBLIC SCHOOLS  
Derby, Connecticut**

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**P3171.1(a)**

*An optional policy to consider.*

## **Business and Non-Instructional Operations**

### **Non-Lapsing Education Fund (Non-Regional School Districts)**

The \_\_\_\_\_ Board of Education (Board) may deposit into a non-lapsing account any unexpended funds from the Board's prior fiscal year general operating budget, provided such deposited amount does not exceed two percent (2%) of the total budgeted appropriation for education for such prior fiscal year pursuant to C.G.S. 10-248a.

Any expenditure from the Non-Lapsing Education Fund shall be authorized solely by the Board of Education. Each expenditure from such account shall be made only for educational purposes and under the following conditions:

- (1) Such deposited amount does not exceed two percent (2%) of the total budgeted Appropriation for education for such prior fiscal year;
- (2) each expenditure from such account shall be made only for educational purposes, and
- (3) Each such expenditure shall be authorized by the \_\_\_\_\_ Board of Education.

The Board of Education shall create the non-lapsing account and be responsible for the accounting of the funds in accordance with Governmental Accounting Standards and Generally Accepted Accounting Principles (GAAP). The account shall be subject to the annual audit as required by State statute. The Board of Education shall review the fund balance on an annual basis.

Each fiscal year, the board of education shall compile a report regarding the non-lapsing, unexpended funds account, including, but not limited to:

1. The total balance of the account
2. The amount deposited into such account in a fiscal year
3. An accounting of the expenditures made from such account.

The Board shall submit such report to the Department of Education and the exclusive bargaining representative for certified employees chosen pursuant to section 10-153b.

Each fiscal year, the Board of Education shall, not later than thirty days from the adoption of the Board's budget, notify the exclusive bargaining representative for certified employees, chosen pursuant to section 10-153b, of (1) the establishment of a non-lapsing, unexpended funds account described in this section, or (2) the Board's intended uses for any funds in such non-lapsing, unexpended funds account during the next fiscal year.

The balance of any non-lapsing, unexpended funds account described in section 10- 248a, as amended by PA 25-93, shall be included in the annual report of the Board of Education, in accordance with section 10-224.

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## **Business and Non-Instructional Operations**

### **Non-Lapsing Education Fund (Non-Regional School Districts) (continued)**

#### **Reserve Fund for Educational Expenditures (Regional School Districts)**

The Regional Board of Education (Board), by a majority vote of its members, may create a reserve fund for educational expenditures. Such fund shall be termed “reserve fund for educational expenditures.” The aggregate amount of annual and supplemental appropriations by a district to such fund shall not exceed two percent (2%) of the annual district budget for such fiscal year.

Annual appropriations to such fund shall be included in the share of net expenses to be paid by each member town. Supplemental appropriations to such fund may be made from estimated fiscal year end surplus in operating funds. Interest and investment earnings received with respect to amounts held in the fund shall be credited to such fund.

The Board shall annually submit a complete and detailed report of the condition of such fund to the member towns. Upon the recommendation and approval by the Board, any part or the whole of such fund may be used for educational expenditures.

Each fiscal year, the Board shall make available and annually update information regarding the reserve fund, including, but not limited to:

1. the total balance of the fund
2. the amount deposited into such fund in a fiscal year
3. an accounting of the expenditures made from such fund

Additionally, not later than thirty days from the adoption of such Board’s budget, the Board shall notify the exclusive bargaining representative for certified employees, chosen pursuant to section 10-153b, of (i) the establishment of the reserve fund for educational expenditures, or (ii) the Board’s intended uses for any funds in such fund during the next fiscal year.

Such fund may be discontinued, after the recommendation and approval by the Board, and any amounts held in the fund shall be transferred to the general fund of the District.

Legal Reference: Connecticut General Statutes  
10-51 (d) (2) Fiscal year. Budget. Payments by member towns; adjustments to payments. Investment of funds. Temporary borrowing. Reserve funds. (as amended by PA 21-2, JSS, Section 363)  
10-222 Appropriations and budget  
10-248a Unexpended education funds account (as amended by PA 19-117, Section 285)

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