

CONNECTICUT STATE DEPARTMENT OF EDUCATION  
**SUMMARY OF VOCATIONAL-TECHNICAL SCHOOL EXPULSION  
HEARINGS HELD UNDER SECTION 10-233d  
AS OF JANUARY 31, 2001**

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### I. Notice

#### A. Disciplinary Policy

1. Platt RVTS v. Student, Case #VT89-10, March 1, 1990.

Found that the policy and procedures for discipline in the RVTSs are included in the Student Guide which is distributed to all students in the vocational-technical schools. The student and his father acknowledged receiving a copy of the guide.

2. Prince RVTS v. Student, Case #VT89-7, March 16, 1990.

Found that the policy and procedures for discipline in the RVTSs are included in the Student Guide which is distributed to all students in the vocational-technical schools. The student acknowledged receipt of the guide.

**B. Hearing**

1. Wright RVTS v. Student, Case #VT94-22, April 17, 1995.

Case was heard ex parte due to the failure of student to appear at the hearing. Evidence was presented by the RVTS demonstrating that the Notice of Hearing sent by certified mail was acknowledged in writing by a member of the family of the student. Note that the hearing was scheduled to convene on an earlier date but was not held due to the student's failure to appear at the hearing. Proof of receipt of a hearing notice by student could not be established.

**II. Grounds for Expulsion**

**A. Conduct Endangers Persons or Property**

1. Abbott RVTS v. Student, Case #VT94-35, July 25, 1995.

Held that the student admitted to intentionally setting fire to a paper towel dispenser for the purpose of disrupting classes. The fire created enough smoke detectors and trigger a fire drill. The fire caused \$3,600 in property damage.

The student was expelled for 180 school days.

2. Whitney RVTS v. Student, Case #VT97-5, October 7, 1997.

Held that the student who brought a can of mace onto school bus and subsequently engaged in altercation with another student resulting in discharge of the mace on the school bus, endangered persons. The bus driver was sprayed by the mace resulting in physical discomfort.

The student was expelled from September 17, 1997 to November 24, 1997.

3. Cheney RVTS v. Student, Case #VT97-11, October 30, 1997.

Held that the student who poured lighter fluid from a cigarette lighter into his hand, lighting it, and then lighting the hair of the student seated in front of him endangered persons and property. Furthermore, the cigarette lighter used in the manner described was a dangerous instrument pursuant to Section 53a-3(7). The student was expelled for 45 days.

4. Ellis RVTS v. Student, Case #VT97-55, May 5, 1998.

Held that the student's willful and reckless use of the heating/tempering furnace resulted in

damages totaling \$9,050. Furthermore, due to the potential toxic fumes from the incinerated plastic, the fire department was called and the school building evacuated.

The student was expelled for 180 days.

5. Goodwin RVTS v. Student, Case #VT98-18, November 30, 1998.

Held that the 16-year-old student violated the policy of the school and endangered persons when his aberrant behavior resulted in his bumping into a teacher and the School director causing the latter to fall to the floor. The student was expelled until March 13, 1999 and is provided an alternative educational opportunity. The Impartial Hearing Board accepted the school's request that, at its discretion, it may consider accelerated reentry of the student if the student faithfully complies with his current program of rehabilitation regarding substance abuse and anger management.

6. Bullard Havens RVTS v. Student, Case #VT98-19, November 327, 1998.

Held that the student's conduct of knocking off the hands of a teacher who grabbed his arm and verbally threatened to injure the teacher was an endangerment to the teacher. The student was expelled for 45 school days.

7. Grasso RVTS v. Student, Case #VT98-4, December 28, 1998.

Held that the student intentionally set a fire in the plumbing shop when he ignited a highly flammable substance (PVC thinner) in a classroom which injured two other students and him. The student was expelled for 180 days.

## **B. Conduct Disruptive of Educational Process**

1. Abbott RVTS v. Student, Case #VT92-14, September 9, 1993.

Held that while no evidence was offered as to whether a publicized policy of the school was violated because the school did not introduce into evidence the student handbook, the student's conduct of shoving a teacher while boarding a school bus constituted conduct that seriously disrupts the educational process. The student was expelled until February 7, 1994.

2. Vinal RVTS v. Student, Case #VT95-27, March 14, 1996.

Held that the student seriously disrupted the educational process by placing water from a toilet in water bottles used for consumption by the members of the basketball team. Director of school contacted each parent of the students affected informing them of the occurrence and recommending consultation with a family doctor or school doctor. Also, each student affected was notified that the school doctor advised to take the Hepatitis B Vaccine.

Student was expelled to the end of the school year.

3. Platt RVTS v. Student, Case #VT95-29, April 3, 1996.

Held that the 17-year-old student who intentionally caused an explosion in the auto shop seriously disrupted the educational process when three other students, using a water hose and two fire extinguishers, brought the fire under control.

The student was expelled from school for 180 days.

4. Vinal RVTS v. Student, Case #VT96-2, December 2, 1996.

Held that where student was accepted into Vinal RVTS but was arrested on charges of possession and sale of controlled substance by Middletown Police on or about August 13, 1996 prior to his actual attendance at the school, disrupted the educational process in that during the first week of school, numerous students approached the Director of the School expressing concerns for their safety if a known drug dealer is allowed to attend school.

Student was expelled from August 28, 1996 to January 2, 1997.

5. Kaynor RVTS v. Student, Case #VT96-6, December 9, 1996.

Held that the student's theft of tools from the tool crib in the auto shop deprives other students access to needed equipment resulting in a serious disruption of the educational process.

The student was expelled for 60 school days.

6. Cheney RVTS v. Student, Case #VT97-67, May 26, 1998.

Held that the student ignited a smoke bomb in the stairwell of the school. The firearm was pulled, the school evacuated and police and fire departments responded to the call. All building activity stopped for approximately 40 minutes.

The student was expelled for the remainder of the 1997-98 school year.

7. Cheney RVTS v. Student, Case #VT97-97, September 3, 1998.

Held that the student's actions were seriously disruptive of the educational process when he uttered profanity to a member of the school staff and subsequently charged into the teacher's classroom approaching the teacher in a manner to inflict bodily harm.

The student was expelled for one calendar year.

8. Windham RVTS v. Student, Case #VT98-34, March 4, 1999.

Held that the student disrupted the educational process when he brought a toy gun to school in his tool box and threatened another student making reference to the "gun", thereby causing the school to respond in an emergency situation of a weapon on school grounds. The student's class was suspended, students and staff were removed from the area and the police were summoned. The student was expelled for 52 school days.

9. Goodwin RVTS v. Student, Case #VT99-63, July 27, 2000.

Held that the student's preparation of a "people to die list" containing 49 names requiring the school director to attend various classrooms at the request of classroom teachers confronted with student questions caused a disruption to the educational process.

The student was expelled for 90 days.

10. Wilcox RVTS v. Student, Case #VT00-3, August 7, 2000.

Held that the student was involved in a loud, out of control incident starting in the cafeteria and spilling over in the hallway. Pandemonium broke out whereupon faculty and staff were ordering students back to class and out of the hall.

The student was expelled through October 31, 2000. She was allowed to complete her exams for the 1999-2000 academic year.

11. Kaynor RVTS v. Student, Case #VT00-21, December 13, 2000.

Held that the student got angry, lost control and was disrespectful to the teacher when told of a detention period during the school day.

The student was expelled for 74 days.

### **C. Violation of Publicized Policy**

#### **1. Assault and Battery**

##### **a. Teachers**

- 1) Bullard Havens RVTS v. Student, Case #VT88-12, July 19, 1989.

Held that the Bullard Havens RVTS failed to sustain its burden of proving that student did, in fact, strike a teacher arising out of an incident involving a general disturbance involving a number of students. Witness accounts were contradictory.

- 2) Whitney RVTS v. Student, Case #VT88-13, June 15, 1990.

Held that on March 27, 1990 the student willfully struck a teacher who was attempting to stop an altercation between the student in question and another student. The assault on the teacher was in violation of the school

disciplinary policy. The student was expelled from school disciplinary policy. The student was expelled from school to the end of the 1989-90 school year.

- 3) Windham RVTS v. Student, Case #VT90-10, November 29, 1990.

Held that the student's attempt to place a foreign substance in the thermos of his trade instructor constituted a willful and reckless attempt to assault another person in violation of the school's disciplinary policy. The key issue here is whether an assault occurred, not whether poisoning with potassium hydroxide occurred. A vocational-technical school cannot function effectively if members of the school's community have reason to be concerned about the abuse of the tools and substances made available for educational purposes. The student was expelled to the end of the school year (1990-91).

- 4) Prince RVTS v. Student, Case #VT89-7, March 16, 1990.

Held that the student struck the teacher in the left eye with his fist. The behavior was not justifiable simply because the student perceives that he was provoked or mistreated or because the teacher made an erroneous accusation. Such violent action interferes with the responsibility of the administration to provide a safe school environment.

- 5) Prince RVTS v. Student, Case #VT91-3, February 7, 1992.

Pursuant to the parties' signed stipulation, the student was excluded for striking a teacher in the face and chest. The student was excluded from Prince RVTS from November 15, 1991 until the commencement of the 1992-93 academic year.

On or after March 2, 1992 early reinstatement as a student and return to Prince RVTS shall be conditioned upon delivery of a report from a certified therapist which report outlines the student's progress in dealing with his anger and his readiness to return to school.

- 6) Whitney RVTS v. Student, Case #VT91-4, April 6, 1992.

Held that the student called her teacher at home on numerous occasions in a manner that was found to be conduct that was threatening and harassing, seriously disruptive to the educational process and in violation of the policy of the board regarding conduct occurring off school grounds.

The student was provided an alternative education program consisting of homebound instruction, job placement for credit in Cooperative Work Experience and must present herself for counseling for two hours a week. The student may attend all senior class events including graduation.

- 7) Wright RVTS v. Student, Case #VT94-13, February 27, 1995.

Held that the student violated school policy regarding assaults when she pulled the hair of the teacher. The student who was disciplined on at least five instances in seven weeks preceding this incident was expelled for 60 days.

- 8) Wright RVTS v. Student, Case #VT94-14, May 2, 1995.

Held that the student violated school policy and disrupted the educational process when the student slapped the hand of a teacher in an attempt to wrest a game from the teacher. The efforts of the student to confiscate the game from the teacher resulted in the involvement of

students, teachers, administrators and the police. The student was expelled for 120 days.

- 9) Prince RVTS v. Student, Case #VT94-31, July 5, 1995.

Held that the student violated school policy when she willfully or recklessly assaulted a teacher in April 1995. While the student claims not to have made physical contact with the teacher because of the interposition of a school security guard, the definition of assault does not require that actual contact occur. The attempt or willful offer of force or violence to hurt or threaten is sufficient. The student was expelled until January 1, 1996.

- 10) Wilcox RVTS v. Student, Case #VT96-45, April 17, 1997.

Held that the student assaulted a teacher in violation of policy when she struck a teacher who was attempting to help another teacher restrain the subject student and another student who were fighting. The assaulted teacher was taken by ambulance to the hospital where she was diagnosed as having bruises on her ankle and wrist, loss of hearing in the right ear, partial skull fracture, enlarged cranial bone bruise, lower back pain and bruises to her hip.

The student was excluded until December 1, 1997. This is a companion case with Case #VT96-45.

- 11) Cheney RVTS v. Student, Case #VT97-65, May 26, 1998.

Held that the student recklessly assaulted a teacher when he threw a  $\frac{3}{4}$  inch nut in the direction of the teacher in violation of school policy.

The student was expelled until the end of the 1997-98 school year.

- 12) Kaynor RVTS v. Student, Case #VT97-73, July 14, 1998.

Held that the student backing his car into the leg of a teacher who was taking down the license plate number in the school parking lot violated school policy and endangered persons. The student was expelled through the end of the 1997-98 school year.

- 13) Prince RVTS v. Student, Case #VT97-104, July 21, 1998.

Held that the student shoved the teacher in the back while the teacher was standing on a stairway landing. The teacher was not injured due to his grasp on the railing. The student was expelled for 90 days but may return after 30 days provided that the student meets with the teacher.

- 14) Prince RVTS v. Student, Case #VT97-76, July 25, 1998.

Held that the student nudged, bumped and pushed a teacher with his elbows, while the student maintained a serious demeanor, assaulted the teacher in violation of school policy. The student was expelled for 180 days and was provided an alternative education consistent

with his educational needs.

- 15) O'Brien RVTS v. Student, Case #VT98-5, November 11, 1998.

Held that the school failed to meet its burden of proof that the student placed brake cleaner fluid in the cup of cider ingested by a teacher. The school's testimony relied on hearsay statements of unidentified students to prove the student to be the only suspect. The school elected to protect the identities of these students and did not call them as witnesses nor offer their statements.

When evaluating hearsay evidence for admissibility or probative weight, three criteria must be addressed to gauge its reliability: 1) The availability of the witness declarant; 2) The lack of bias or interest of the witness declarant; and 3) The quality and probative value of the statements. In the case at hand, the school failed to qualify its hearsay evidence under this standard. Therefore, the case is dismissed.

- 16) O'Brien RVTS v. Student, Case #VT98-27, December 22, 1998.

Held that the student did not dispute the facts that he was involved in an altercation with another student in the school cafeteria when one of his fists hit the Assistant Director in the face in violation of school policy. The Assistant Director received medical treatment and missed four days of work because of the incident. A teacher was also injured while breaking up the fight and missed three days of work. The student was expelled for 180 school days beginning November 23, 1998.

- 17) Whitney RVTS v. Student, Case #VT98-46, March 30, 1999.

While eight students were in the Assistant Director's office being questioned about the release of pepper spray, a fight broke out resulting in the Assistant Director being shoved against the radiator and kicked by the Student. The Assistant Director sustained bruises to her leg, ankle and shoulder. The student was expelled to the end of the school year. The alternative educational opportunity shall be conducted on school grounds in the afternoon.

- 18) Whitney RVTS v. Student, Case #VT98-47, March 30, 1999.

While eight students were in the Assistant Director's office being questioned about the release of pepper spray, a fight broke out

resulting in a teacher getting kicked while trying to subdue the student. The alternative educational opportunity shall be conducted on school grounds in the afternoon. The student was expelled until the end of the year.

- 19) Cheney RVTS v. Student, Case #VT98-65, May 6, 1999.

Held that the student was in violation of school policy due to the activities of striking the school director in the back of the head with a wadded up piece of paper while the two were in the hallway. The student was expelled to June 1, 1999.

**b. Students**

- 1) Wilcox RVTS v. Student, Case #VT89-2, January 4, 1990.

Held that the male student did not strike, threaten, harass or intimidate a female student in violation of the publicized policy of the school.

The evidence presented is lacking in probative value as the evidence was largely introduced by hearsay testimony, not by the eye witness. Student ordered reinstated and record expunged concerning the period of time that he was excluded from school.

- 2) Platt RVTS v. Student, Case #VT89-10, March 1, 1990.

Held that the student did hit another student causing the student to be knocked to the ground. No school can permit repeated student assaults without loss of control and impairment of the educational process. Student was expelled through the end of the 1989-90 school year.

- 3) Abbott RVTS v. Student, Case #VT89-14, September 12, 1990.

Held that the male student, on more than one occasion, improperly touched two female students during the school year of 1989-90. Student was expelled through the end of the third marking period of the 1990-91 school year.

- 4) Whitney RVTS v. Student, Case #VT90-6, November 13, 1990.

Held that the student violated a publicized school policy by violently striking another student on the head with either a hammer or by a tool bag containing tools which were large and heavy enough to open a wound on the head of another student. The student was expelled from school through the end of the second marking period of the 1990-91 school year.

- 5) Whitney RVTS v. Student, Case #VT90-4, December 19, 1990.

Held that the student transported a dangerous weapon onto school property and fired the weapon (hand gun) causing injury to another student in violation of the school's disciplinary policy. The student was expelled through the end of the 1990-91 academic year.

- 6) Goodwin RVTS v. Student, Case #VT90-4, December 19, 1990.

Held that the student violated school policy by willfully or recklessly striking or assaulting another student.

Held that the student shall be excluded until April 26, 1993 and may be readmitted on that date provided no further assaults occur before that time. Furthermore, the student's continued attendance until graduation is conditional upon no further assaults of students.

- 7) Abbott RVTS v. Student, Case #VT95-12, January 31, 1996.

Held that in a fight among various students wherein the student in question assaulted another with a club violated the publicized policy of the school by willfully assaulting another student and possessing a dangerous instrument on school grounds. The student was expelled for the remainder of the 1995-96 school year. (See companion cases #VT95-11, 13 & 14.)

- 8) Abbott RVTS v. Student, Case #VT95-13, January 31, 1996.

(See Case #VT95-11.) The facts and decision were substantially the same.

- 9) Abbott RVTS v. Student, Case #VT95-14, January 31, 1996.

Held that in a fight among various students wherein the student in question assaulted two students with a knife violated the publicized policy of the school by willfully assaulting another student and possessing a dangerous instrument on school grounds. The student was expelled for the remainder of the 1995-96 school year. (See companion cases #VT95-11, 12 & 13.)

- 10) Abbott RVTS v. Student, Case #VT95-11, January 31, 1996.

Held that in a fight among various students wherein the student in question assaulted another student violated the publicized policy of the school by willfully assaulting another student with his hands. The student was expelled for the remainder of the 1995-96 school year. (See companion cases #VT95-12, 14 & 14.)

- 11) Norwich RVTS v. Student, Case #VT95-17, April 1, 1996.

Held that the 15-year-old student willfully and recklessly assaulted another student in violation of school policy when he used a cigarette lighter to ignite the hair on the back of the head of another student.

The student was expelled for 180 days.

- 12) Goodwin RVTS v. Student, Case #VT95-32, April 16, 1996.

Held that the student violated the publicized policy of the school when she brought her sister onto school grounds joining with her to assault another student despite the admonition of the School Director that she not take matters into her own hands. The student was expelled for 180 days after reviewing her prior disciplinary record which contained three in-school suspensions for intimidation of another student, disruption of a class and the use of profanity.

- 13) Grasso RVTS v. Student, Case #VT95-24, April 25, 1996.

Held that the student physically assaulted with his fists and feet two shared time students on school property in violation of school policy and that such conduct endangered persons and was seriously disruptive of the educational process. The student was expelled for 180 days

due to his  
prior disciplinary record consisting of 20 reported incidents of detention for various  
behaviors between September 16, 1994 and November 13, 1995.

- 14) Ellis RVTS v. Student, Case #VT95-36, May 10, 1996.

Held that the student physically assaulted with his fists and a door another student on school property rendering the victim unconscious. The victim was taken by ambulance to Day-Kimball Hospital. The student violated school policy and his conduct endangered other persons. The student was expelled for 180 days due to his prior record consisting of a suspension for fighting.

- 15) Goodwin RVTS v. Student, Case #VT96-22, March 31, 1997.

Held that evidence of the student's involvement in the fracas occurring in the cafeteria failed to identify what role, if any, the student played in the assault of another student or his participation in a joint or cooperative venture. Also, there was no evidence offered by the school to support the allegation of the student's refusal to comply with reasonable directives from school staff or that the student was threatening, harassing, intimidating or blackmailing students.

- 16) Bullard Havens RVTS v. Student, Case #VT96-40, April 17, 1997.

Held that the student violated school policy when he shot two of his school mates with a BB pistol resulting in the surgical removal of a BB from the temple of the head of one of the school mates. Also, as used, the BB pistol was a dangerous instrument capable of causing serious physical injury. The student was expelled for the remainder of the school year.

- 17) Cheney RVTS v. Student, Case #VT97-78, June 12, 1998.

Held that the student ignited the hair of another student briefly in violation of school policy. The student considered the action a joke and had no malicious intent.

The student was expelled for a total of 44 days.

- 18) Vinal RVTS v. Student, Case #VT98-7, December 3, 1998.

Held that the student brutally attacked another student on campus in violation of school policy. The victim sustained a fractured jaw bone requiring the implantation of a permanent metal plate attached by six screws. The student was expelled for one calendar year.

- 19) O'Brien RVTS v. Student, Case #VT98-28.

Held that, by admission, the student willfully struck another student in violation of school policy. However, due to the circumstances involving the aggression of the other student, the student in question was expelled for 21 days.

- 20) Grasso RVTS v. Student, Case #VT98-24, January 7, 1999.

Held that the student admitted to recklessly assaulting four students in violation of school policy when he threw a rock through a school bus window injuring the four students at a job site. The student was expelled for 90 days but may return to school pending compliance with the following conditions:

1. Outside counseling;
2. Routine meetings with school counselor;
3. Permits school counselor to converse with outside counselor;
4. Pays for the damage to school bus; and
5. Complies with all school discipline laws.

- 21) Whitney RVTS v. Student, Case #VT98-45, March 30, 1999.

The student admitted to fighting another student in the locker room. After reviewing the student's disciplinary record which contains 20 unexcused absences during this school year, the student was expelled to the end of the school year. The alternative educational opportunity shall be conducted on school grounds in the afternoon.

- 22) Wright RVTS v. Student, Case #VT98-60, April 13, 1999.

Held that the student participated in a melee off school grounds after a basketball game in Bridgeport inflicting injury to another student who sustained cuts requiring medical attention and stitches all in violation of school policy. The student was expelled to the end of the 1998-1999 school year.

- 23) Whitney RVTS v. Student, Case #VT98-51, July 22, 1999.

The student admitted striking another student in the face with an object, as well as using profane and obscene language. The student was expelled through the end of the 1998-99 school year.

- 24) Wolcott RVTS v. Student, Case #VT99-21, December 22, 1999.

Held that the student participated in a fight involving three other students in violation of school policy. The student was expelled for thirty days.

- 25) Platt RVTS v. Student, Case #VT00-1, July 24, 2000.

Held that the student struck another student in the face, who sustained injuries, in violation of school policy.

The student was expelled for 30 school days starting with the first day of the 2000-2001 school year.

- 26) Wilcox RVTS v. Student, Case #VT00-40, January 31, 2001.

Held that the student off campus placed an air gun to the head of another student, pulled the

trigger discharging a projectile breaking the skin of the scalp in violation of school policy.

The student was expelled for one school year.

- 27) Wilcox RVTS v. Student, Case #VT00-45, January 31, 2001.

Held that the student's loud, verbal altercation directed at another student was in violation of school policy.

The student was expelled until March 5, 2001.

- 28) Wilcox RVTS v. Student, Case #VT00-46, January 31, 2001.

Held that the student at school grabbed another student and shoved him against a wall in violation of school policy.

The student was expelled until April 2, 2001.

## **2. Weapons**

- a) Wright RVTS v. Student, Case #VT88-5, February 9, 1989.

Held that the student possessed a pistol while in school and then gave the pistol to another student who fired a shot from the pistol into the air. (See Case #VT88-6 concerning second student.) Such act endangered persons. The student was expelled from school until the end of the 1988-89 academic year.

- b) Wright RVTS v. Student, Case #VT88-6, February 9, 1989.

Held that the student received possession of a pistol from another student while in school and then fired a shot from the pistol into the air. (See Case #VT88-5 concerning second student.) Such act endangered persons. The student was expelled from school until the end of the 1988-89 academic year.

- c) Whitney RVTS v. Student, Case #VT88-10, June 8, 1989.

Held that the student brought onto school grounds an explosive device, commonly known as a smoke bomb. Student gave bomb to another student. (See Whitney RVTS v. Student, Case #VT88-11.) Furthermore, such act endangered persons. The student was expelled from school up to the day before graduation. The student may participate in graduation ceremonies.

- d) Whitney RVTS v. Student, Case #VT88-11, June 8, 1989.

Held that the student possessed and ignited an explosive device, commonly known as a smoke bomb, while in school. The bomb was brought onto school grounds by another student. Furthermore, the act of detonation endangered persons.

The student was expelled from school up to the day before graduation. Student may participate in graduation. (See *Whitney v. Student*, Case #VT88-10.)

- e) *Bullard Havens RVTS v. Student*, Case #VT89-10, February 8, 1990.

Held that the student possessed a pistol while in the school building in violation of school policy. The student was expelled from school until the end of the 1989-90 academic year.

- f) *Ellis RVTS v. Student*, Case #VT89-12, April 17, 1990.

Held that the student possessed an explosive fireworks device known as a "sky missile" while in school. The student gave the device to another student who ignited the same in the school hallway between classes. The act of possession of the device endangered persons or property. The student was expelled from school until May 18, 1990.

- g) *Ellis RVTS v. Student*, Case #VT89-12, April 17, 1990.

Held that the student took possession of an explosive fireworks device, "sky missile", from another student and ignited the device in the school hallway between classes at a time when the area was filled with students returning from a fire drill. The act of possession and ignition of the device was conduct which endangered persons and property, and was seriously disruptive to the educational process. Student was expelled from school until May 18, 1990.

- h) *Whitney RVTS v. Student*, Case #VT89-6, August 27, 1990.

Held that the student knowingly possessed and brandished a firearm at school. A handgun was brought onto the mass transit bus which is used for purposes of providing school transportation. The student was expelled from school from December 20, 1989 to the end of the 1989-90 school year.

- i) *Whitney RVTS v. Student*, Case #VT90-4, December 19, 1990.

Held that the student transported a dangerous weapon onto school property and fired the weapon (hand gun) causing injury to another student in violation of the school's disciplinary policy. The student was expelled through the end of the 1990-1991 academic year.

- j) *Bullard Havens v. Student*, Case #VT91-6, June 15, 1992.

Held that the student possessed, in his jacket located in his locker, a .38 caliber pistol loaded with hollow point bullets in violation of school policy. The student was expelled for 180 school days.

- k) *Whitney RVTS v. Student*, Case #VT93-4, February 9, 1994.

Held that the student violated a publicized policy of the school when he ignited a half stick of dynamite in a school locker. The explosion blew apart three lockers, set off smoke and fire alarms, caused the evacuation of the school for one hour and twenty minutes, and caused

several students to be treated medically. The student was expelled for 180 days.

- l) Whitney RVTS v. Student, Case #VT93-1, February 9, 1994.

Held that the student violated the publicized policy of the school by possessing a hand gun on school property which gun contained nine bullets in a clip and one in the chamber. The student was expelled from school for 180 days.

- m) Grasso RVTS v. Student, Case #VT93-10, May 9, 1994.

Held that the student violated the publicized policy of the school by possessing a knife with a four-inch blade. The student verbally threatened to cut another student while in possession of the knife. The student was expelled from school for 120 days.

- n) Grasso RVTS v. Student, Case #VT93-9, May 9, 1994.

Held that the student violated the publicized policy of the school by possessing a knife with an eight-inch blade. The knife was found in the student's bookbag. There was no legitimate use for the knife at school. The student was expelled to June 1, 1994. The student had no prior disciplinary record and presented eight letters from teachers attesting to his good character and excellent academic achievement.

- o) Platt RVTS v. Student, Case #VT93-16, June 8, 1994.

Held that the student violated the publicized policy of the school by possessing a knife with a four-inch blade while on school property. The student was expelled for the remainder of the school year.

- p) Grasso RVTS v. Student, Case #VT94-1, October 13, 1994.

Held that the student violated the publicized policy of the school by admittedly possessing a hand gun on school property. The student claimed he used the weapon to protect his home against a prowler and forgot that he placed the weapon in his bookbag. The student was expelled for 100 days.

- q) Grasso RVTS v. Student, Case #VT94-15, February 15, 1995.

Held that the 18-year-old student who possessed a knife having a blade measuring less than four inches in length is sufficient in length to constitute a knife under the policy of the school even though the length of the knife is insufficient to constitute a criminal offense. It is the responsibility of the school to protect all students from weapons regardless of criminal status. The student was expelled for the remainder of the school year. Because the student is 18 years old, no alternative educational opportunity must be offered.

- r) Grasso RVTS v. Student, Case #VT94-32, June 15, 1995.

Held that the student admitted to possessing in school a Swiss Army knife containing a 2-5/8" blade. The student was expelled to the end of the 1994-95 academic year.

- s) Abbott RVTS v. Student, Case #VT95-12, January 31, 1996.

(See same case listed under assault against a student wherein a club was qualified under law as a dangerous instrument pursuant to Section 53a-3.)

- t) Abbott RVTS v. Student, Case #VT95-14, January 31, 1996.

(See same case listed under assault against a student wherein a knife was qualified under law as a dangerous instrument pursuant to Section 53a-3.)

- u) Grasso RVTS v. Student, Case #VT95-23, February 5, 1996.

Held that the 17-year-old student was found in possession of a knife in violation of the publicized policy of the school. The student was carrying the knife in his coat pocket. The shop the student attends, auto body, does not require the use of knives. Even if a knife were required, the school policy requires that the knife be kept in a tool box or on a tool belt.

- v) Grasso RVTS v. Student, Case #VT95-22, February 5, 1996.

Held that the 16-year-old student possessed a butterfly knife in violation of the publicized policy of the school. The student's shop, autobody, does not require the use of knives. Furthermore, the knife that the student brought to school does not meet the definition provided in C.G.S. Section 53a-3 for a deadly weapon or dangerous instrument.

The student was expelled for 180 days and the school was ordered to offer an alternative educational opportunity.

- w) Vinal RVTS v. Student, Case #VT95-41, June 6, 1996.

Held that the student violated school policy regarding the possession of an explosive device or other dangerous object when he detonated a smoke grenade in the school. The entire school building was evacuated, three asthmatic students were treated at the hospital, the fire department appeared at the school and the building superintendent was hospitalized for breathing difficulty. The student was expelled for 180 days suspended after November 29, 1996 provided that 1) the student undergo professional counseling and 2) that two weeks prior to November 29, 1996 a report is received by the school from the counselor addressing the student's awareness and understanding of the seriousness of the misconduct.

- x) Grasso RVTS v. Student, Case #VT95-43, June 17, 1996.

Held that while student's possession of a B.B. gun resembling a .45 mm automatic cannot be classified as either a firearm or deadly weapon, it did constitute a dangerous object of no reasonable use to the student at school thereby violating school policy. The student was expelled for 60 days.

- y) O'Brien RVTS v. Student, Case #VT96-38, March 14, 1997.

Held that the student possessed a 2 1/4 inch razor sharp box cutting tool on school property in violation of school policy. The box cutter did not qualify as a dangerous instrument under Section 53a-3(7).

The student was expelled for 29 school days.

- z) Prince RVTS v. Student, Case #VT97-25, December 22, 1997.

Held that the student violated school policy when he removed a chef knife with a foot long blade from his trade area and wielded it with the announced intent to assault another student. The school policy prohibits students from removing tools from the shop area without the permission of the instructor. Also, the student's actions endangered persons. The student was expelled for the remainder of the 1997-98 school year.

- aa) Ellis RVTS v. Student, Case #VT97-43, March 31, 1998.

Held that the student assaulted another student with a utility knife from someone's electrical tool kit without any provocation. The injured student sustained a 2 inch long cut on the upper thigh. The student respondent admitted he caused the injury but was only fooling around. The student was expelled for 180 days for possession of a dangerous object and assault on another student. The student shall receive alternative education consistent with his special education needs.

- bb) Bullard Havens RVTS v. Student, Case #VT97-53, April 30, 1998.

Held that the student possessed a fixed blade "steak" knife approximately 8 inches long in violation of school policy. The knife had no reasonable use in the Welding course of studies.

The student was expelled for 180 days.

- cc) Kaynor RVTS v. Student, Case #VT97-74, June 15, 1998.

Held that the student possessed a "butterfly" knife with a blade measuring slightly less than 4 inches in violation of school policy. The knife is not the type used in the culinary trade and has no reasonable use in that trade.

The student was expelled until the end of the 1997-98 school year.

- dd) Prince RVTS v. Student, Case #VT97-75, June 13, 1998.

Held that the student possessed a bayonet type of knife measuring 16 inches long including the handle in violation of school policy. The knife had no reasonable use in the electrical trade program. The student claimed that he needed the knife for protection.

The student was expelled for 180 days.

- ee) Student v. Ellis RVTS, Case #VT97-58, June 22, 1998.

Held that the student possessed a knife and was expelled for 11 days, the minimum period prescribed by law, given the recommendation by the school for leniency based upon the circumstances of the possession. The student attempted to secure the knife in his locked toolbox from which it was removed without his knowledge or consent. Furthermore, the student cooperated fully with the school.

- ff) Kaynor RVTS v. Student, Case #VT97-79, July 13, 1998.

Held that the student possessed a BB gun off campus on a job site during the school day and demonstrated the gun by dry firing it, without ammunition, in violation of school policy. The student was expelled for the remainder of the 1997-98 school year.

- gg) Grasso RVTS v. Student, Case #VT98-12, November 27, 1998.

Held that the student possessed a BB gun on school grounds in violation of school policy. Inasmuch as the student voluntarily notified her teacher that the unloaded BB gun was in her backpack and given the unusual circumstances of how it came into her possession, the student was expelled for eleven school days.

- hh) Ellis RVTS v. Student, Case #VT98-22, December 15, 1998.

Held that due to the paucity of evidence presented, the Impartial Hearing Board cannot conclude that the student was in possession of a dangerous object on November 17, 1998. The alleged dangerous object was not placed into evidence nor was a police officer or report presented to verify the type of object. Therefore, the student was reinstated immediately.

- ii) Ellis RVTS v. Student, Case #VT98-22, December 15, 1998.

Held that insufficient evidence was offered by the school to prove possession of the alleged dangerous object. The alleged object, a sharpened shank made from a file, was not offered into evidence nor was a police officer or police report presented to verify the type of object. Therefore, the student was reinstated immediately.

- jj) Prince RVTS v. Student, Case #VT98-25, December 26, 1998.

Held that the student admitted that he possessed an unloaded BB gun at school in violation of the school policy. Police arrested the student at school. The student was expelled from November 12, 1998 to January 4, 1999.

- kk) Cheney RVTS v. Student, Case #VT98-30, January 14, 1999.

Held that the student admitted that he possessed and detonated a firecracker (explosive device) in the classroom in violation of school policy. The student was expelled until February 22, 1999.

- ll) Kaynor RVTS v. Student, Case #VT98-35, February 3, 1999.

Held that the student approached another student with a butterfly knife containing an exposed blade measuring four inches and threatened to harm the student in violation of the publicized policy. The knife was found to be a dangerous instrument pursuant to Section 53a-3(7). The student was expelled for the remainder of the year.

- mm) Wolcott RVTS v. Student, Case #VT98-38, March 5, 1999.

Held that the student possessed in his backpack a blunt sword approximately 20 inches long in violation of the publicized policy. There was no reasonable use for this sword by a student in any programs at Wolcott RVTS. The student was expelled until the end of the current marking period.

- nn) Ellis RVTS v. Student, Case #VT98-61, April 30, 1999.

Held that the student possessed a knife, with a blade measuring five inches, at the school dance in violation of school policy. The student, while testifying that the jacket containing the knife found in a pocket was his brother's jacket, was aware of the knife prior to its seizure by school officials. The student was expelled to the end of the school year.

- oo) Ellis RVTS v. Student, Case #VT98-66, May 20, 1999.

Held that the student possessed an eight inch knife, which was not on the approved tool list, leaving it in the cavity of a lathe in the shop area in violation of school policy. The student was expelled for one year.

- pp) Norwich RVTS v. Student, Case #VT98-70, June 17, 1999.

Held that the student having a knife, with a blade measuring three inches, in school was in violation of school policy. The student was expelled to the beginning of the third marking period of the 1999-2000 school year.

- qq) Prince RVTS v. Student, Case #VT98-84, August 5, 1999.

Held that the student possessed an exacto brand knife of no reasonable use to the student at the school in violation of school policy. The student was expelled for the remainder of the 1998-99 school year.

- rr) Whitney RVTS v. Student, Case #VT99-7, October 18, 1999.

Held that the student possessed a knife with a 3-inch blade while on school property. The student was expelled for one year.

- ss) Whitney RVTS v. Student, Case #VT99-18, November 25, 1999.

Held that the student possessed a knife on school grounds in violation of school policy. The student was expelled for one year.

- tt) Cheney RVTS v. Student, Case #VT99-34, February 26, 2000.

Held that the student used a lighter or match to ignite the discharge spray from a can of WD-40 in such a manner as to constitute a dangerous object or substance of no reasonable use to the student at school in violation of school policy. The student was expelled until April 3, 2000.

- uu) Whitney RVTS v. Student, Case #VT99-44, April 11, 2000.

Held that the student possessed a pellet gun in class in violation of school policy. The Student was expelled to the end of the second marking period of the 2000-2001 school year.

- vv) Prince RVTS v. Student, Case #VT00-6, October 14, 2000.

Held that the student possessed a knife containing a blade measuring 2½ inches with a jagged edge in violation of school policy. There was no reasonable use in the students shop to possess this knife.

The student was expelled for 180 days. The student may, by agreement of the parties, make application for early readmission after October 31, 2000 provided:

1. He does not possess a knife on school property unless provided by the shop teacher; and
2. He does not violate any policies or rules regarding discipline.

- ww) Prince RVTS v. Student, Case #VT00-7, October 11, 2000.

Held that the student possessed three bags of marijuana, a controlled substance, as defined in subdivision (9) of Section 21a-240, in violation of school policy.

The student was expelled for 180 days. The student may, by agreement of the parties, make application for early readmission after October 31, 2000 provided:

1. The student does not become involved with any controlled substance, alcohol or weapons either in or out of school;
2. The student does not violate school policy or rules; and
3. The student participates in the RVTS Wheeler Clinic.

- xx) Grasso RVTS v. Students, Case #00-12, 00-13 and 00-14, November 27, 2000.

In companion cases, held that, on school grounds, Student 1 possessed a brass knuckle apparatus with a folding knife blade measuring 3 ½ inches, that Student 2 sold and delivered the knife to Student 3 for the economic benefit of Student 1, all in violation of school policy.

Students 1 and 3 were expelled until the end of the first marking period of the 2001-2002 academic year. Student 2 was expelled for one calendar year but may apply for early

readmission on March 2, 2001 under the following conditions established by the Superintendent of Schools:

1. Participate in outside counseling sessions;
2. Provide to the School evidence of attendance at the sessions; and
3. Failure to meet these obligations shall result in expulsion for the remainder of the expulsion period.

yy) Bullard Havens RVTS v. Student, Case #VT00-11, December 15, 2000.

Held that the student possessed a knife in violation of school policy.

Due to the student's fine student record, she was expelled for 45 days.

zz) Wilcox RVTS v. Student, Case #VT00-28, December 17, 2000.

Held that the student possessed a box cutter in violation of school policy.

Due to the student's prior record, he was expelled until the end of the school year.

aaa) Wilcox RVTS v. Student, Case #VT00-27, December 17, 2000.

Held that the student possessed a pocket knife and pointed it at another student.

As agreed by the parties, the student was expelled from November 13, 2000 through December 7, 2000.

bbb) Grasso RVTS v. Student, Case #VT00-44, February 8, 2001.

Held that the student brought to school in his backpack a "multi tool" containing a knife blade less than two inches long in violation of school policy.

The student was expelled for the remainder of the school year beginning January 26, 2001.

### **3. Drugs**

a) Kaynor RVTS v. Student, Case #VT88-1, November 11, 1988.

Held that the student possessed and attempted to sell to other students a controlled substance, commonly known as "crack", while on school property. Such conduct endangers persons, disrupts the educational process, and violates the student discipline policy. The student was expelled from school until the end of the 1988-89 academic year.

b) Wolcott RVTS v. Student, Case #VT88-2, December 1, 1988.

Held that the student possessed and sold to a number of students a controlled substance, commonly known as "mushrooms", a form of hallucinogenic drug, to students at Torrington

High School, not at Wolcott RVTS. Furthermore, held that the student possessed and attempted to sell to students at Wolcott RVTS the same controlled substance. Such conduct endangers persons, disrupts the educational process, and violates the student discipline policy. The student was expelled from school to the end of the 1988-89 academic year.

- c) Prince RVTS v. Student, Case #VT88-4, December 14, 1988.

Held that the student possessed and consumed a controlled substance, commonly known as “marijuana” while on school property. Furthermore, such conduct endangered persons. The student was expelled from school until Mar 1, 1989.

- d) Ellis RVTS v. Student, Case #VT88-8, March 28, 1989.

Held that the student possessed and attempted to distribute a controlled substance, commonly known as “marijuana” while on school property. Furthermore, such conduct endangered persons. The student was expelled from school until the end of the 1988-89 academic year.

- e) Grasso RVTS v. Student, Case #VT88-9, May 15, 1989.

Stipulated Agreement whereby the student was excluded from all school sponsored events for the balance of the current school year on grounds of failure to comply with the publicized policy of the school. Furthermore, student agreed not to participate in commencement ceremonies in June 1989.

Grasso RVTS shall provide an alternative educational program.

- f) Ellis RVTS v. Student, Case #VT90-12, April 9, 1991.

Held that the student possessed and distributed on school grounds a controlled substance known as LSD. The conduct violated the publicized policy prescribed in the Policy and Procedures for Discipline established by Ellis RVTS. The student was expelled from school until the end of the 1990-91 school year.

- g) Ellis RVTS v. Student, Case #VT90-11, April 9, 1991.

Held that while the student through counsel admitted to the truth of the substantive allegations that he purchased and distributed drugs to student, it is not disputed that the actions of the student occurred off school grounds and away from any school related function. The Opinion of the Attorney General of the State of Connecticut issued August 22, 1989 concludes that school districts can discipline students for off campus behavior if it is shown that the student was forewarned and if a causal relationship can be established between the egregious behavior and the anticipated disruption to the educational process. While the student did receive a copy of the student handbook, nothing contained in the publicized policy can be construed to warn the student that he was subject to discipline for behavior occurring off school grounds which was not related to a school sanctioned function. As such, it is held that the school district failed to provide notice to the student.

Accordingly, it is ordered that the student be reinstated immediately at Ellis RVTS.

- h) Ellis RVTS v. Student, Case #VT90-13, May 6, 1991.

Held that the student was found in possession of a hallucinogenic drug known as LSD on school property for which he had no valid prescription. Thus, the student violated a publicized policy of the school district by possessing, using, selling and transporting the drug. Furthermore, his actions endangered persons. The student was expelled from school for 180 days from March 1, 1991.

- i) Windham RVTS v. Student, Case #VT90-15, July 12, 1991.

Held that the student sold a hallucinogenic drug known as marijuana on school grounds to nine other students. The activities of the student endangered other pupils, was disruptive of the educational process and is in violation of school discipline policies.

The voluntary withdrawal of the student from Windham RVTS does not prohibit expulsion from school for acts committed while the student was attending school.

The student was expelled from school for a period of 180 days from June 3, 1991.

- j) Whitney RVTS v. Student, Case #VT92-1, October 16, 1992.

Held that the RVTS failed to offer sufficient probative evidence that the student possessed drugs or narcotics on or near the school campus.

Held that when evaluating whether hearsay evidence is properly admitted into the record, the review court should consider whether such evidence is substantial, reliable and probative. Cassella v. Civil Service Commission 4 Conn. App. 359. The three factors established in Cassella are 1) the availability of the witness declarant; 2) lack of bias or interest of witness declarant; and 3) the quality and probative value of the statements.

Held that the advice given to the student by the Director that the student should voluntarily withdraw circumvents the statutorily required hearing process. The student was reinstated to school.

- k) Windham RVTS v. Student, Case #VT94-4, November 23, 1994.

Held that the student violated the publicized policy of the school by admittedly possessing and selling a bag of marijuana to two other students while on school property. The student was expelled to December 23, 1994.

- l) O'Brien RVTS v. Student, Case #VT95-34, May 3, 1996.

Held that the 18-year-old student possessed marijuana, percocet and baclofen while on school grounds in violation of school policy. The student also admitted to the sale of several

pills (percoset and baclofen) to another student while riding on the school bus.

The 18-year-old student was expelled for 180 days and was provided an alternative educational opportunity due to his prior classification as a special education student with learning disabilities.

See companion Case #VT95-33 which is not indexed.

- m) O'Brien RVTS v. Student, Case #VT95-38, May 10, 1996.

Held that the 17-year-old student possessed marijuana on school property during the spring vacation period in violation of the publicized policy. See decision for discussion of search and seizure by police incident to an arrest on school property.

The 17-year-old student was expelled for 180 days and is entitled to be offered an alternative educational opportunity.

- n) Goodwin RVTS v. Student, Case #VT95-40, May 30, 1996.

Held that although the school has proven that the student possessed marijuana and drug paraphernalia and possessed marijuana with intent to sell at his residence, the school failed to prove that the student's conduct seriously disrupted the educational process or violated the publicized policy of the school such that the student must be expelled. No necessary nexus between the conduct and the threat to the school, its educational process or orderly management or operation of the school was proven. The Director's testimony of an unspecified number of unidentified students at school who knew of the arrest was not probative. No evidence was offered that the student provided drugs to any other student who possessed or was under the influence of drugs at school.

- o) Grasso RVTS v. Student, Case #VT96-37, March 6, 1997.

Held that where a confidential informant told the Director that four students brought drugs on school grounds and where the other students who were searched before the subject student resulted in the discovery of drugs, there was reasonable suspicion and justification for the search of the subject student. The issue is not what the confidential informant did but rather whether the school administrators had reasonable suspicion that prohibited activity occurred. Any attack on reasonable suspicion would be developed through cross examination of the administrators who authorized the search, not the informant who provided the information.

The student was expelled for 180 days suspended after 75 days provided that the student participates in substance abuse counseling, performs community service and has no further violations of the school disciplinary policy.

- p) Bullard Havens RVTS v. Student, Case #VT96-47, April 29, 1997.

Held that the student possessed three nickel bags and one dime bag of marijuana on school property in violation of school policy. Two students were searched by the Director after

being observed in an improper area hunched over. Under New Jersey v. TLO 469 US 325 (1985) first, the search at its inception must be based on reasonable grounds that it will produce evidence that school rules will be violated and second, the search must not be excessively intrusive in light of the student's age and sex.

The student was expelled for 45 school days for possession of drugs, not sale or distribution.

- q) Howell Cheney RVTS v. Student, Case #VT96-66, August 15, 1997.

Held that while the student admitted possessing marijuana in violation of school policy, he did not possess the quantity of drugs (four ounces or more of a cannabis type substance) to violate Section 21a-279 concerning possession with intent to distribute.

The student was excluded until December 1, 1997.

- r) Vinal RVTS v. Student, Case #VT97-27, March 4, 1998.

Held that the student possessed marijuana in his backpack and was arrested by police for possession of marijuana, less than 4 ounces, in violation of Connecticut General Statutes Section 21a-279, an F type felony misdemeanor. However, pursuant to Section 10-233h, as amended by Public Act 97-149, the police failed to testify concerning the substance in question. Therefore, the school failed to prove possession of drugs on school grounds.

- s) Grasso RVTS v. Student, Case #VT97-29, February 23, 1998.

Held that the student admitted that the marijuana was left over in her bag from a previous occasion in which she consciously and knowingly possessed.

The student was expelled for 180 days but may return at an earlier date by providing satisfactory evidence of progress in a substance abuse treatment plan.

- t) Norwich RVTS v. Student, Case #VT97-30, February 18, 1998.

Held that the search of the student netted \$110 and a small scale. The student also admitted that marijuana found on a third student came from him. The student was arrested by the police on school grounds.

The student was expelled until March 27, 1998 and shall cooperate with providers of special education and related services for his alternative educational opportunities.

- u) O'Brien RVTS v. Student, Case #VT97-37, March 24, 1998.  
O'Brien RVTS v. Student, Case #VT97-33, March 24, 1998.

Held that students were in possession of marijuana due to the student's failure to deny that the substance was marijuana. However, in the future it would be judicious that a report of testing be submitted into evidence to prove what is alleged.

The students were expelled for various periods.

- v) Grasso RVTS v. Student, Case #VT97-48, April 27, 1998.

Held that the school failed to meet its burden of proof that the student possessed heroin off school grounds in violation of school policy. The school failed to prove possession of heroin based upon reliable evidence.

- w) O'Brien RVTS v. Student, Case #VT97-59, April 28, 1998.

Held that the student admitted to possession of marijuana in violation of school policy.

Student was expelled for 180 days suspended April 27, 1998 under the following conditions:

1. Attend community service activity.
2. Perform community service activity.
3. Submit to random drug tests.
4. Submit to random locker searches.

- x) Vinal RVTS v. Student, Case #VT97-69, May 21, 1998.

Held that the student possessed 1.3 grams of marijuana in his tool box. Police testified that the quantity was insufficient to change intent to distribute or sell.

The student was expelled for 180 days.

- y) Norwich RVTS v. Student, Case #VT97-51, May 26, 1998.

Held that the student admitted to smoking marijuana in the photography darkroom during class. The student has been enrolled twice in a drug counseling program.

The student was expelled for 180 days.

- z) Wilcox RVTS v. Student, Case #VT97-63, May 19, 1993.

Held that the student did not dispute that the two bags he surrendered to school officials were marijuana.

The student was expelled to the end of the school year.

- aa) Bullard Havens RVTS v. Student, Case #VT97-54, May 29, 1998.

Held that the possession of ten packets of marijuana and the exchange of money between students was sufficient to prove that the student possessed drugs with the intent to sell in violation of school policy.

The student was expelled through graduation and shall receive his diploma in a private ceremony.

- bb) Norwich RVTS v. Student, Case #VT97-32, July 15, 1998.

Held that the student admitted to possessing blotter acid and disseminating some of the acid to at least one other individual student at school in violation of school policy. The student was expelled for 180 days.

- cc) Wilcox RVTS v. Student, Case #VT97-92, June 29, 1998.

Held that the student possessed two small bags of marijuana which was in violation of school policy. A field test of the substance by the police revealed that the substance was marijuana. The student was expelled to the end of the 1997-98 school year.

- dd) Windham RVTS v. Student, Case #VT97-98, August 3, 1998.

Held that the student possessed two ounces of marijuana and drug paraphernalia in violation of school policy. Also, the student distributed marijuana to another student. The student was expelled for 180 days.

- ee) Wilcox RVTS v. Student, Case #VT97-77, August 3, 1998.

Held that the student was in possession of three packets of marijuana in his bookbag in violation of school policy. The student was expelled for 180 days.

- ff) Platt RVTS v. Student, Case #VT97-85, August 5, 1998.

Held that the student was in possession of four nickel bags of marijuana and \$35, resulting from in school sales of marijuana, in violation of school policy. Based on the recommendation of the school director, the student was expelled for 180 days provided that the student may be readmitted earlier if he participates in the school's anti-drug program and does not violate disciplinary rules.

- gg) Wolcott RVTS v. Student, Case #VT98-10, November 5, 1998.

Held that the student, by admission, brought onto school grounds a substance she knew to be marijuana and smoked it with friends in the school parking lot prior to school. One student became ill and needed medical attention. The student violated school policy and was expelled from school from October 13, 1998 to June 16, 1999 subject to the following readmission conditions:

1. She may return to class on October 13, 1998;
2. Full compliance with all rules including the attendance policy;
3. Attendance at S.A.T. meetings as directed;
4. Adherence to written recommendations by S.A.T.; and
5. Forfeiture of readmission for failure to comply with conditions.

- hh) Wolcott RVTS v. Student, Case #VT98-11, March 1, 1999.

Held that the student possessed marijuana in violation of school policy. The student was expelled to the end of the school year.

- ii) Kaynor RVTS v. Student, Case #VT98-67, May 21, 1999.

Held that the student possessed marijuana and sold the same while on school property in violation of school policy. The student was expelled until December 10, 1999.

- jj) O'Brien RVTS v. Student, Case #VT98-75, May 25, 1999.

Held that although the student possessed drug paraphernalia (homemade pipe containing alleged residue of marijuana) which may be in violation of state law, the school failed to demonstrate that the student violated the school policy on possession of drugs, endangered persons or property, or seriously disrupted the educational process. The student was ordered readmitted to school immediately.

- kk) Grasso RVTS v. Student, Case #VT99-10, November 17, 1999.

Held that the student possessed at school 3 bags of marijuana, approximately 4 ounces, in violation of the school policy. Also, held that the student disrupted the educational process when the lockers of six other students were searched due to their proximity to the student when he was found with the marijuana. The student was expelled for 60 days.

- ll) Kaynor RVTS v. Student, Case #VT99-13, November 22, 1999.

Held that the student possessed 7 bags of marijuana in his car in the student parking lot and was under the influence at the time in violation of school policy. The student was expelled for the remainder of the 1999-2000 school year.

- mm) Vinal RVTS v. Student, Case #VT99-17, November 20, 1999.

Held that the student possessed 84 grams of marijuana in his desk in violation of school policy. Due to the student's lengthy disciplinary record, the student was expelled for one year.

- nn) Vinal RVTS v. Student, Case #VT99-16, December 15, 1999.

Held that the student, by her own admission, possessed and used marijuana on school grounds in violation of school policy. Further, held that under certain circumstances, the testimony of properly trained teachers familiar with marijuana or other drugs, may be accorded substantial weight. The student was expelled for 90 days.

- oo) Prince RVTS v. Student, Case #VT99-14, December 21, 1999.

Held that the student possessed marijuana in his bag in violation of Section 10-233d(a)(2) (C). The student was expelled for one school year.

- pp) Goodwin RVTS v. Student, Case #VT99-26, January 20, 2000.

Held that the student admitted to introduction of marijuana on school property. The student was expelled for one school year.

- qq) Prince RVTS v. Student, Case #VT99-14, December 21, 1999.

Held that the student possessed marijuana on school grounds in violation of school policy. The student was expelled for one school year.

- rr) Goodwin RVTS v. Student, Case #VT99-25, March 14, 2000.

Held that the student admitted to introduction of marijuana on school property. Inasmuch as the student's disciplinary record was unremarkable, he presents no threat to other students and has a contrite attitude, the Hearing Board concludes that the student has learned a valuable lesson. The student was expelled until the end of the 1999-2000 school year.

- ss) Norwich RVTS v. Student, Case #VT99-48, April 17, 2000.

Held that due to the admission of the student that he possessed marijuana and a pipe, the student was expelled for the remainder of the school year. The student is 15 years of age and is entitled to an alternative education program.

- tt) Windham RVTS v. Student, Case #VT99-45, April 11, 2000.

Held that the student admitted to possession of marijuana with intent to sell in violation of school policy.

Due to the student's distinguished academic record, a distinguished student activity record, including President of the Student Council, Treasurer of the Senior Class, student patrol member and representative of Boy's State Leadership conference, and the absence of a disciplinary record, the student was expelled for thirty school days. The student is not entitled to receive an alternative educational opportunity.

- uu) Norwich RVTS v. Student, Case #VT99-41, April 17, 2000.

Held that due to the concession of the veracity of the police report that the student possessed drugs. The student was expelled for one year.

- vv) Grasso RVTS v. Student, Case #VT99-57, May 1, 2000.  
Grasso RVTS v. Student, Case #VT99-58, May 1, 2000.

Students both admitted to purchase and possession of marijuana on school grounds. The students were expelled from school for 180 days.

- ww) Norwich RVTS v. Student, Case #VT00-29, December 13, 2000.

Held that the student was in possession of marijuana and sold it to other students.

The student was expelled for one calendar year.

- xx) Norwich RVTS v. Student, Case #VT00-31, December 13, 2000.

Held that the student was in possession of marijuana in violation of school policy.

The student was expelled for 90 days.

- yy) Kaynor RVTS v. Student, Case #VT00-35, December 28, 2000.

Held that the student possessed marijuana in violation of school policy.

The student was expelled for 45 days.

- zz) Norwich v. Student, Case #VT00-30, December 22, 2000.

Held that the student possessed marijuana in violation of school policy.

The student was expelled for one calendar year.

#### **4. Destruction or Theft of Property**

- a) Kaynor RVTS v. Student, Case #VT89-3, December 8, 1989.

Held that the student set fire to a paper towel dispenser in a lavatory at school violating the publicized policy of the school. As a result of the fire, scores of students and faculty members were treated at a hospital for smoke inhalation. No serious injuries resulted nor was there extensive or serious damage to the school building. Student was expelled for sixty school days suspended on the condition that student perform, within twenty-five weeks of the date of the decision, 100 hours of community service to be coordinated by Kaynor RVTS. Upon completion of the community service, the school shall expunge all record of the expulsion.

- b) O'Brien RVTS v. Students, Case #VT91-7 and VT91-8, July 24, 1992.

Held that the two students attempted to remove 37 coils of copper, valued at \$700, from the HVAC shop in violation of school policy. The two students were expelled for 180 days.

- c) Grasso RVTS v. Student, Case #VT92-2, November 18, 1992.

Held that the student's theft of personal property from the girls' locker room was seriously disruptive to the educational process. The student was expelled until the end of the school year.

Also see companion case, Grasso RVTS v. Student, Case #VT92-3, November 18, 1992.

- d) Platt RVTS v. Student, Case #VT94-20, February 28, 1995.

Held that the student admitted using a school master key to enter several student lockers removing personal property including cash, a walkman, social security cards, a leather coat, bank passbooks, a beeper and other personal items. The student was expelled for 180 days with certain exceptions for early return. See Period of Expulsion.

- e) Prince RVTS v. Student, Case #VT94-26, June 22, 1995.

Held that the student violated policy by improperly concealing 14 library books in his locker without proper authorization. Library theft occurs when a person intentionally conceals among his belongings any book belonging to or deposited in a library facility without authority. Connecticut General Statutes Section 53a-119. Also, student took private property from the desk of the assistant Director without permission.

The student was expelled for a period of 180 days.

- f) Kaynor RVTS v. Student, Case #VT96-15, January 13, 1997.

Held that the student admitted damaging the auto shop point spray booth when he drove a vehicle into its walls causing damage in the amount of \$2,995.

The student was expelled to the end of the 1996-97 school year.

- g) Windham RVTS v. Student, Case #VT96-44, May 9, 1997.

Held that the student obtained unauthorized possession of original and duplicate master keys from other students and that he used the keys to gain access to school facilities removing tools valued at \$2,052. Note that the cost to re-key the school is \$2,877. Also, held that the theft of the keys disrupted the orderly management and operation of the school in that it compromised security of school facilities. The student was expelled for the remainder of the 1996-97 school year. Also see Companion Case #VT96-43.

- h) Windham RVTS v. Student, Case #VT96-41, May 9, 1997.

Held that while the student admitted to finding the master keys in electrical shop and handing them to another student who, along with others, made copies and used them to gain entry to school facilities removing tools valued at \$2,052, the school failed to establish that possession of the keys constituted theft of property or that he participated in the joint or cooperative venture to duplicate the keys he found or to burglarize tools from the school. Held that the expulsion request was denied.

- i) Norwich RVTS v. Student, Case # VT98-41, April 21, 1999.

Held that the student punched the wall in the office of the school psychologist causing property damage in violation of school policy. The student was expelled from school for the remainder of the school year and shall receive an alternative educational opportunity consistent with the student's educational needs.

- j) Vinal RVTS v. Student(s), Case #VT99-69, October 11, 2000.  
Case #VT99-71, October 11, 2000.  
Case #VT99-72, October 11, 2000.

Held that students caused damage, \$4,000, to athletic field by driving their cars in circles “doughnuts” in violation of school policy.

The students were expelled for 180 school days beginning June 2, 2000 with the provision of alternative educational programs suitable to the students’ educational needs.

## **5. Obscenity and Profanity**

- a) Bullard Havens RVTS v. Student, Case #VT88-3, November 28, 1988.

Held that the student uttered obscene language to a teacher, deliberately refused to comply with reasonable directive from a teacher, and acted in a manner that threatened, harassed, or intimidated a teacher. The student was expelled from school until the end of the 1988-89 academic year.

## **6. Threats and Harassment**

- a) Bullard Havens RVTS v. Student, Case #VT88-3, November 28, 1988.

Held that the student uttered obscene language to a teacher, deliberately refused to comply with reasonable directive from a teacher, and acted in a manner that threatened, harassed, or intimidated a teacher. Student was expelled from school until the end of the 1988-89 academic year.

- b) Wilcox RVTS v. Student, Case #VT89-2, January 4, 1990.

Held that the male student did not strike, threaten, harass or intimidate a female student in violation of the publicized policy of the school.

The evidence presented is lacking in probative value as the evidence was largely introduced by hearsay testimony, not by the eye witness. Student ordered reinstated and record expunged concerning the period of time that he was excluded from school.

- c) Whitney RVTS v. Student, Case #VT89-6, August 27, 1990.

Held that the student threatened, harassed and intimidated another student. On January 2, 1990, an anonymous telephone call was made to the home of the student who witnessed the weapon, threatening him with bodily harm if he cooperated in the Director’s investigation.

- d) Abbott RVTS v. Student, Case #VT89-14, September 12, 1990.

Held that the male student intimidated and harassed two female students. Student was expelled through the end of the third marking period of the 1990-91 school year.

- e) Platt RVTS v. Student, Case #VT90-2, October 9, 1990.

Held that the student was threatening, harassing and intimidating a member of the school staff and that he had deliberately refused to comply with the reasonable directive of the school staff. In addition, he did intentionally or recklessly cause damage to school property by throwing the chair against the wall. The student was expelled from school through the end of the 1990-91 school year.

- f) Whitney RVTS v. Student, Case #VT90-5, December 19, 1990.

Held that the student acted as an accomplice to retaliate against another student by threatening and intimidating another student in violation of the school's disciplinary policy. It is clear that the student acted in concert with another student and together went looking for another student, participated in the assault and battery with a hand gun and intended to do harm to the student. The student was expelled through the end of the 1990-91 academic year.

- g) Prince RVTS v. Student, Case #VT92-15, July 30, 1993.

Held that the student's admission of making a verbal threat to a teacher coupled with his history of 14 suspensions totaling 54 academic days demonstrates that the threats were genuine and the fears of the teacher were valid. The student was expelled for 180 days.

- h) Prince RVTS v. Student, Case #VT94-6, December 21, 1995.

Held that the student threatened to harm a teacher with a knife in violation of a publicized policy, and acted in a manner that was seriously disruptive of the educational process. Student was expelled for 180 days and shall receive an alternative educational opportunity to include social and psychological services as deemed appropriate by the school psychologist and social worker.

- i) Grasso RVTS v. Student, Case #VT95-22, February 5, 1996.

Held that the 16-year-old student violated the school policy prohibiting sexual harassment when he placed his hands on a female student's breast and leg in an unwelcome manner.

The student was expelled for 180 days.

- j) Prince RVTS v. Student, Case #VT95-31, March 26, 1996.

Held that the 15-year-old student threatened another student in violation of school policy when she held a butcher knife up to another student while in the kitchen classroom area. A heated argument between the two students preceded the threat.

The student was expelled through the end of the 1995-96 school year.

- k) Prince RVTS v. Student, Case #VT95-30, March 26, 1996.

Held that a 17-year-old student's statement following a heated argument between two students resulted in the student stating "I'm going to stick her" violated the publicized policy of the school.

The student was expelled from school for 180 school days. The student had a substantial prior disciplinary record.

- l) Windham RVTS v. Student, Case #VT97-8, November 17, 1997.

Held that a 15-year-old tenth grade student violated the school policy prohibiting sexual harassment when he exposed his penis to a female teacher in her classroom after school. The student was expelled for 180 days.

- m) Wilcox RVTS v. Student, Case #VT97-72, June 15, 1998.

Held that the student made threats to the assistant director and department head that they were on his "hit list" and he wanted to go home to get a gun violated the policy of the school regarding threats. The student was arrested at school for said threats.

The student was expelled for the remainder of the 1997-98 school year.

- n) Prince RVTS v. Student, Case #VT97-60, July 15, 1998.

Held that the student's anger, defiance and profanity directed at the teacher was a threat in violation of school policy. The student was expelled to the end of the 1997-98 school year.

- o) Cheney RVTS v. Student, Case #VT97-97, September 3, 1998.

Held that the student who banged on a teacher's classroom door, charged into the classroom, uttered abusive language, challenged the teacher to a fight, and charged the teacher in an attempt to act on his threats of bodily harm violated school policy and such behavior seriously disrupted the educational process. The student was expelled for one calendar year.

- p) Grasso RVTS v. Student, Case #VT98-3, October 14, 1998.

Held that student violated school policy by issuing a threat to do harm to the school community with a firearm. The student was expelled for 180 days suspended after 90 days provided, among other things, that the student remain on the previously prescribed medication throughout the school year and the school shall evaluate the student to determine his special needs.

- q) Whitney RVTS v. Student, Case #VT98-43, March 1, 1999.

Held that the student threatened to "snuff" the plumbing teacher after the teacher directed the student to stop using the phone without permission. The student was expelled to the end of the school year.

- r) Whitney RVTS v. Student, Case #VT98-48, March 22, 1999.

Held that the student made threats to the security guard in violation of school policy. As a result of the student's substantial record of past disciplinary problems, the student was expelled for one calendar year ending February 4, 2000.

- s) Platt RVTS v. Student, Case #VT98-73, May 25, 1999.

The student admitted responsibility for composing and sending email messages from off school grounds to the school internet server stating that three bombs were placed in the school, that he acquired numerous weapons and that he would spill blood all in violation of school policy. Also, the student was found in violation of policy provisions regarding inappropriate use of electronic information services and equipment. The student was expelled until December 31, 1999.

- t) Prince RVTS v. Student, Case #VT98-85, August 31, 1999.

Held that the school did not satisfy its burden of proof when the school's chief witness failed to appear to testify. The student was ordered readmitted from current alternative education program.

- u) Norwich RVTS v. Student, Case #VT99-27, February 21, 2000.

Held that the school failed to meet its burden of proof to demonstrate that either teacher was placed in any state of fear or terror. There was no indication in the record that there was any unsettling of the mind of the victim.

- v) Goodwin RVTS v. Student, Case #VT99-39, April 5, 2000.

Held that the student's emotionally charged statements directed at a teacher resulting in extreme fright constitute a threat in violation of school policy.

In consideration of the student's good academic record and lack of a disciplinary record, the student was expelled from February 4, to April 17, 2000.

- w) Whitney RVTS v. Student, Case #VT99-42, April 10, 2000.

Held that the fourteen-year-old student verbally threatened and attempted to strike a teacher with his fist in violation of school policy. The student was expelled for the remainder of the school year.

- x) Wilcox RVTS v. Student, Case #VT99-73, July 20, 2000.

Held that the student admitted threatening another student in violation of school policy. Also, the threat was punctuated with profanity in violation of school policy.

The student was expelled until December 5, 2000.

- y) Whitney RVTS v. Student, Case #VT99-68, August 2, 2000.

Held that the student threatened a teacher in violation of school policy when a teacher who attempted to report a disciplinary incident was told by the student that “you are a snitch and snitches get shot.”

The student was expelled for 90 days.

- z) Wolcott RVTS v. Student, Case #VT00-42, January 19, 2001.

Held that the student admitted writing on the bathroom wall that the school will blow up on December 18, 2000, which is in violation of school policy.

The student was expelled until February 5, 2001.

## **7. Insubordination**

- a) Bullard Havens RVTS v. Student, Case #VT88-3, November 28, 1988.

Held that the student uttered obscene language to a teacher, deliberately refused to comply with reasonable directive from a teacher, and acted in a manner that threatened, harassed, or intimidated a teacher. Student was expelled from school until the end of the 1988-89 academic year.

- b) Abbott Havens RVTS v. Student, Case #VT88-7, March 23, 1989.

Held that the student uttered obscene language to a teacher, refused to comply with reasonable directive from a teacher and disrupted the educational process. Furthermore, unable to find from the evidence that there was any intent by student to threaten, harass, or injure teacher. The student was expelled for a period of twenty-five days retroactive to March 1, 1989.

- c) Whitney RVTS v. Student, Case #89-13, June 15, 1990.

Held that on March 27, 1990, the student was directed by a teacher to release his hold on another student in order to stop the altercation. The student refused to release the other student. The student refused to comply with a reasonable directive from a member of the school staff, in violation of the school disciplinary policy. The student was expelled from school to the end of the 1989-90 school year.

## **8. Conduct Off School Grounds**

- a) Goodwin RVTS v. Student, Case #VT93-2, December 1, 1993.

Held that the arrest of the student off school grounds for the possession of two loaded pistols and various burglar tools commonly used to steal cars was conduct sufficient to expel the student for violating the policy of the school. While neither the student nor his parents appeared at the hearing, the testimony of school officials demonstrated that the notoriety of

the student's arrest in local newspapers and the fact that other students are aware of the possession of firearms makes it difficult to maintain order in the school. Such action seriously disrupts the orderly management or operation of the school. The student was expelled for 180 days.

- b) Whitney RVTS v. Student, Case #VT93-15, May 25, 1994.

Held that the student who was arrested for selling drugs (marijuana) off school grounds was in close proximity to the school and was at that location solely due to the presence of other Whitney students. Such action adversely impacts the orderly management of the school. The student was expelled for the remainder of the school year.

- c) Grasso RVTS v. Student, Case #VT93-17, June 20, 1994.

Held that the student, who admitted fighting other students at a school bus stop with a sharp metal object obtained from school, violated the publicized policy of the school. The other student who was assaulted with the sharp metal object sustained serious physical injury. School officials spent one day attempting to quell any potential fallout resulting from the incident. Several parents expressed concerns for safety and one student withdrew because of the incident. The student was expelled for 180 days.

- d) Grasso RVTS v. Student, Case #VT93-18, August 17, 1994.

Held that the evidence received into the record does not support a finding that the actionable conduct of the student was in violation of the publicized policy of the school. The evidence shows that the student's malfeasance occurred while she was physically on school grounds. However, the charge against her did not address on school grounds conduct. See Companion Cases #VT93-18, VT93-19 and VT93-20.

- e) Wright RVTS v. Student, Case #VT94-7, December 2, 1994.

Held that while the student was a member of the school soccer team, he physically assaulted, punched and kicked the referee at the quarter finals of the State Class S Soccer Tournament in New Canaan. The student was ejected from the game. The conduct which occurred off school grounds was in violation of the breaches of conduct set forth in the policy regarding assaults and was disruptive to the management of the school sponsored activity. The student was expelled for 180 days.

- f) Ellis RVTS v. Student, Case #VT94-19, April 25, 1995.

Held that the student who admitted bringing an unloaded firearm on the school bus was expelled from school from the remainder of the 1994-95 school year. Note that as a result of the student's cooperation in providing testimony in other hearings related to this matter, the school provided an alternative education. Stipulations regarding this arrangement were entered into the record.

- g) Ellis RVTS v. Student, Case #VT95-25, March 12, 1996.

Held that the 18-year-old student's passive presence during an armed robbery of a convenience store and his subsequent arrest was common knowledge of the student body and was a topic of discussion among students disrupted the educational process and affected the orderly management and operation of the school in violation of school policy.

Held that the student was expelled for the remainder of the 1995-96 school year.

- h) Wilcox RVTS v. Student, Case #VT95-35, May 6, 1996.

Held that although the school has proven that the student possessed at his residence marijuana and drug paraphernalia and possessed marijuana with intent to sell at his residence, the school failed to prove that the student's conduct seriously disrupted the educational process or violated the publicized policy of the school regarding behavior which affected the school's management and operation.

Despite the student's poor attendance record, the Impartial Hearing Board ordered that any homebound instruction owed to the student shall be continued upon a schedule mutually agreed upon by the parties.

- i) Whitney RVTS v. Student, Case #VT96-8, January 24, 1997.

Held that the student expulsion request was denied due to the failure of the school to produce evidence of probative value. The testimony of policy regarding the arrest and contraband seized was necessary. Documentation alone without further evidence fails to meet the substantial evidence rule established in Alander v. Commissioner of Human Resources, 237 C. 272 (1996).

- j) Bullard Havens RVTS v. Student, Case #VT96-27, March 24, 1997.

Held that where the student was arrested in Easton, CT for possession of a "tazer" (stun gun), second degree larceny, engaging police pursuit, and reckless driving, the failure of the school system to introduce police correspondence and the testimony of the arresting officer or any other competent person, causes the record to lack information to determine any endangerment to persons or property under the law. Also, no direct evidence of disruption of the educational process was presented. Therefore, the request for expulsion was denied.

- k) Abbott RVTS v. Student, Case #VT97-3, October 6, 1997.

Held that based on the limited information before it, the Impartial Hearing Board was unable to conclude that the student had violated Section 53a-59 concerning the commission of an assault using a dangerous instrument or deadly weapon (knife).

The case was dismissed.

- l) Goodwin RVTS v. Student, Case #VT97-91, June 1, 1998.

Held that the incident involving the student resulted in the victim being stabbed, in violation of school policy, and sustaining serious injury. The school failed to prove that any disruption of

the educational process took place, let alone a serious disruption. Therefore, the school failed to prove the second prong of its statutory burden.

- m) Wright RVTS v. Student, Case #VT97-107, August 6, 1998.

Held that the student left school grounds without permission and was arrested for possession of marijuana within 1,500 feet of the school on June 10, 1998, while he was with another student from Wright, was in violation of Section 10-233d as amended by Public Act 98-139. The student's behavior violated school policy, leaving without permission and possession of drugs, and was seriously disruptive of the educational process wherein drugs were possessed during school time by a student removing himself from school. Also, another student was involved.

The student was expelled for 60 days.

- n) Platt RVTS v. Student, Case #VT98-13, November 16, 1998.

Held that the school did not sustain its burden of proof that the off school grounds conduct of the student resulting in his arrest for possession of drug paraphernalia in a drug factory situation under Section 21a-277(c ) violated Section 10-233d(a)(2). The residue of marijuana found was an insufficient quantity to be charged under Section 21a-278 which expressly excludes marijuana except when one kilogram or more of a cannabis-type substance is possessed.

- o) Wright RVTS v. Student, Case #VT98-59, June 4, 1999.

Held that the student assaulted another student with a box cutter at Central High School, Bridgeport, in violation of school policy and that the action was disruptive of the educational process whereby Wright Tech students were buzzing with the news of the fight causing school staff to issue warnings and detentions to students in order to maintain order. Due to the severity of the injury (140 interior and 140 exterior stitches), the student was expelled for one calendar year.

- p) Abbott RVTS v. Student, Case #VT98-77, July 1, 1999.

Held that the school failed to meet its burden of proof. The evidence offered established the fact of the arrest; however, no evidence was offered to establish whether the student was, in fact, possessing marijuana or, if so, the quantity of marijuana. Furthermore, no other circumstances that led to the arrest were offered. Finally, the two people with the student at the time of his arrest were not students at the school.

- q) Windham RVTS v. Student, Case #VT98-82, September 2, 1999.

Held that the student made threatening remarks on and off school grounds regarding the bringing of guns and bombs to school for the purpose of harming people. The threats were communicated to several female students, who were concerned about their well being, thereby disrupting the educational process. The student made inconsistent statements to school faculty, as well as contradicting the testimony of other witnesses. The student was

expelled for one year.

- r) Norwich RVTS v. Student, Case #VT99-3, October 22, 1999.

Held that the school failed to demonstrate under Section 10-233d(a)(1) that the off school grounds conduct was seriously disruptive to the educational process. The student was arrested for drug possession and intent to sell marijuana (1/4 ounce for \$20) on the day before school began. Also, case addresses hearsay evidence and notice of school policy.

- s) Wright RVTS v. Student, Case #VT99-28, January 24, 2000.

Held that, by student's own admission of possessing drugs, he was in violation of Section 10-233d(a)(2)(c). Furthermore, held that the student violated school policy and disrupted the educational process in violation of Section 10-233d(a)(1)(b). The student was expelled for one calendar year. No alternative education is required by law.

- t) Wilcox RVTS v. Student, Case #VT99-29, February 25, 2000.

Held that the student was in possession of marijuana and cocaine in violation of school policy. One person with the student was enrolled at Wilcox enabling the State Board of Education to conclude that there was a disruption of the educational process. The student was expelled until the end of the school year.

## **9. Inappropriate Use of Electronic Information Services or Equipment**

- a) Goodwin RVTS v. Student, Case #VT97-35, March 18, 1998.

Held that the student admitted to pulling the fire alarm during the school day resulting in the evacuation of approximately 600 students from the school. The fire department responded to this false alarm.

The student was expelled from school for the remainder of the school year.

- b) Platt RVTS v. Student, Case #VT98-73, May 25, 1999.

The student admitted responsibility for composing and sending email messages from off school grounds to the school internet server stating that three bombs were placed in the school, that he acquired numerous weapons and that he would spill blood all in violation of school policy. Also, the student was found in violation of policy provisions regarding inappropriate use of electronic information services and equipment. The student was expelled until December 31, 1999.

## **10. Participating in a Joint or Cooperative Venture**

- a) O'Brien RVTS v. Student, Case #VT97-44, March 31, 1998.  
O'Brien RVTS v. Student, Case #VT97-41, April 2, 1998.  
O'Brien RVTS v. Student, Case #VT97-40, April 1, 1998.

Held that each of the students participated jointly in conduct resulting in vandalism to machine shop equipment and tools by setting off a fire extinguisher on said equipment. Due to the baking powder base of the extinguisher, school custodians and students spent 1 ½ days vacuuming and cleaning the substance from the equipment valued at approximately \$625,000.

All three students were expelled for 180 days.

- b) Kaynor RVTS v. Student, Case #VT97-87, July 10, 1998.  
 Kaynor RVTS v. Student, Case #VT97-88, July 10, 1998.  
 Kaynor RVTS v. Student, Case #VT97-89, July 10, 1998.  
 Kaynor RVTS v. Student, Case #VT97-90, July 10, 1998.

Held that each of the students participated in various degrees in making a bomb threat during the school day that resulted in the evacuation of the building for 45 minutes while the police conducted a search of the building.

All students were expelled for 180 days. The student's may be readmitted after 15 days provided they meet weekly with a guidance counselor or school psychologist and they adhere to the rules of the school.

- c) Norwich RVTS v. Students, Case #VT00-24, 25 and 26, December 22, 2000.

Held that Student A made counterfeit \$20 bills on home computer and passed \$1,000 in counterfeit bills to Student B who intended to buy drugs with the money. Student B gave Student C \$20 who subsequently bought lunch at school giving the change to Student B.

Student A was expelled for 180 days, Student B was expelled for 90 days, and Student C was reinstated in that there was no proof that he was aware of the counterfeit bills.

#### **D. Adoption of Decision (NEW)**

- 1) Kaynor Havens RVTS v. Student, Case #VT98-1, July 17, 1998.

Held that the expulsion of the student by the Waterbury Board of Education for the possession and use of marijuana on a school sponsored field trip also violates the policy of Kaynor and therefore comes within the purview of C.G.S. Section 10-233d(g) concerning the adoption of the decision of expulsion by another board of education. The student was expelled to the middle of the 1998-99 school year.

### **III. Burden of Proof**

#### **A. Preponderance of Evidence**

1. O'Brien RVTS v. Student, Case #VT97-21, December 26, 1997.

Held that the RVTS bears the burden of proving its allegations by a preponderance of the

evidence. Under Article Eighth, Section 1, of the Constitution of the State of Connecticut, the right to an education is protected. The quality of evidence necessary to interfere with that right, and to satisfy the burden of proof must be more than double hearsay.

The policy concerning the prohibition of carrying weapons, including knives, on school property requires that the RVTS establish a negative proposition. The knife must have no reasonable use for school purposes. In the Plumbing and Heating Shop, cutting implements are used. Even though the student was arrested for carrying a “dangerous weapon”, the RVTS must prove that the knives found in the student’s possession had “no reasonable use” for school purposes. The direct testimony from a person/instructor from that particular trade is needed to satisfy the negative proposition when the director of the school defers judgment to a trades person on the issue of reasonable use.

#### **IV. Evidence**

##### **A. Hearsay**

- 1) Wilcox RVTS v. Student, Case #VT89-2, January 4, 1990.

The evidence presented is lacking in probative value as the evidence was largely introduced by hearsay testimony, not by eye witness.

The second-hand hearsay account provided is replete with contradictions. Corroborative evidence was not offered.

- 2) Bullard Havens RVTS v. Student, Case #VT91-6, June 15, 1992.

The School Director spoke to students in the course of investigating this incident. Students informed the Director that they saw the .38 caliber pistol that day and that the student in question had brought it in the school. The Director did not identify the students nor produce them as witnesses in order to prevent the compromise of his sources.

Note that the conclusion is not based solely on the hearsay evidence admitted into the record. Corroborating evidence was received into the record. That is, the pistol was actually found in the student’s jacket located in his locker.

- 3) Whitney RVTS v. Student, Case #VT92-1, October 26, 1992.

Held that the RVTS failed to offer sufficient probative evidence that the student possessed drugs or narcotics on or near the school campus.

Held that when evaluating whether hearsay evidence is properly admitted into the record, the review court should consider whether such evidence is substantial, reliable and probative. Cassella v. Civil Service Commission 4 Conn. App. 359. The three factors established in Cassella are 1) the availability of the witness declarant; 2) lack of bias or interest of witness declarant; and 3) the quality and probative value of the statements.

Held that the advice given to the student by the Director that the student should voluntarily withdraw circumvents the statutorily required hearing process. The student was reinstated to school.

- 4) Goodwin RVTS v. Student, Case #VT92-12, April 30, 1993.

Held that Goodwin RVTS failed to meet its burden of providing sufficient evidence that the student participated in the planning and conduct of the assault on another student. The Impartial Hearing Board concluded that it could not rely solely on hearsay evidence. Regarding the hearsay affidavit offered into the record, the Connecticut Appellate Court stated legal guidelines in Cassella v. Civil Service Commission, 4 Conn. App. 359 (1985). In Cassella, the court evaluated three criteria to weigh the reliability of hearsay affidavits: 1) the availability of the witness declarant; 2) the lack of bias or interest on the part of the witness declarant; and 3) the quality and probative value of the out-of-court statements. Cassella, 364.

- 5) O'Brien RVTS v. Student, Case #VT98-5, November 11, 1998.

Held that the school failed to meet its burden of proof that the student placed brake cleaner fluid in the cup of cider ingested by a teacher. The school's testimony relied on hearsay statements of unidentified students to

prove the student to be the only suspect. The school elected to protect the identities of these students and did not call them as witnesses nor offer their statements.

When evaluating hearsay evidence for admissibility or probative weight, three criteria must be addressed to gauge its reliability: 1) The availability of the witness declarant; 2) The lack of bias or interest of the witness declarant; and 3) The quality and probative value of the statements. In the case at hand, the school failed to qualify its hearsay evidence under this standard. Therefore, the case is dismissed.

## V. Remedy

### A. Evidence of Past Disciplinary Problems

- 1) Prince RVTS v. Student, Case #VT88-4, December 14, 1988.

The student's disciplinary record at Prince RVTS over the past three and one-quarter years included eighteen (18) suspensions, most of which stemmed from the student's challenge to or defiance of the authority of school staff members. Student's offense was possession and consumption of marijuana. Student was expelled from school until March 1, 1989.

- 2) Wright RVTS v. Student, Case #VT88-5, February 9, 1989.

Student's prior disciplinary record consisted of two in-school suspensions for relatively minor infractions. Student's offense was possession of a pistol. Student was expelled from school until the end of the 1988-89 academic year.

- 3) Wright RVTS v. Student, Case #VT88-6, February 9, 1989.

Student's prior disciplinary record consisted of two out of school suspensions and one in-school suspension for relatively minor infractions. Student's offense was possession and discharge of a pistol. The student was expelled from school until the end of the 1988-89 academic year.

- 4) Abbott RVTS v. Student, Case #VT88-7, March 23, 1989.

Student's prior disciplinary record consisted of five prior suspensions dating from March 9, 1988; one for deliberately refusing to comply with a reasonable directive from a member of the school staff; one for violating attendance regulations; one for leaving school grounds without permission; and two for uttering obscene language to a member of the staff. Student's offense was use of obscene language, insubordination and disruption of the educational process. Student was expelled for a period of twenty-five days retroactive to March 1, 1989.

- 5) Whitney RVTS v. Student, Case #VT88-10, June 8, 1989.

Student's prior disciplinary record consisted of one suspension for leaving school grounds without permission and a few other minor violations. Student's offense was bringing an explosive device (smoke bomb) onto school property. (See Whitney RVTS v. Student, Case #VT88-11.) The student was expelled from school until the day before graduation in June 1989.

- 6) Whitney RVTS v. Student, Case #VT88-11, June 8, 1989.

Student's prior disciplinary record consisted of one suspension for leaving the school grounds without permission and a few other minor violations. Student's offense was possessing and detonating a smoke bomb in the school building. (See Whitney RVTS v. Student, Case #VT88-10.) The student was expelled from school until the day before graduation in June 1989. Student may participate in graduation ceremonies.

- 7) Platt RVTS v. Student, Case #VT89-10, March 1, 1990.

Student's prior disciplinary record during the last two years includes a number of incidents, two of which involved physical contact with other students. He was also involved in a number of other violations of school rules. The student was expelled until the end of the 1989-90 school year.

- 8) Prince RVTS v. Student, Case #VT89-7, March 16, 1990.

Student's prior disciplinary record included failing to report to class, demonstrating a lack of respect to a teacher, leaving school without permission, and one incident of fighting with another student. The student was expelled for 180 school days.

- 9) Whitney RVTS v. Student, Case #VT89-13, June 15, 1990.

Student's prior disciplinary record consists of three prior suspensions for relatively minor offenses. The student was expelled from school until the end of the 1989-90 school year.

- 10) Whitney RVTS v. Student, Case #VT89-6, August 27, 1990.

Student's prior disciplinary record consists of four detentions since 1988 and two suspensions for seven days for refusing to comply with a reasonable directive from a member of the school staff during 1988 and 1989. The student was expelled through the end of the school year.

- 11) Windham RVTS v. Student, Case #VT90-15, July 12, 1991.

While the student was considered an average pupil and had no prior disciplinary problems before the incidents which led to the hearing, the student was expelled for 180 days based on the fact that he sold on school grounds a controlled substance known as "marijuana" to nine other students.

#### **B. Period of Expulsion**

- 1) O'Brien RVTS v. Student, Case #VT94-8, January 10, 1994.

Held that the student was found in possession of a four inch "dagger" style knife, a "brass pine" and "a flaky green substance", probably marijuana, and whose student disciplinary record was abysmal was expelled for 180 days.

- 2) Prince RVTS v. Student, Case #VT94-10, January 23, 1995.

Held that the student found in possession of a knife with a seven-inch blade and whose student disciplinary record indicated that this was the second infraction for having a dangerous instrument in school was expelled for 180 days.

#### **C. Alternative Educational Program**

- 1) Grasso RVTS v. Student, Case #VT89-9, May 15, 1989.

Stipulated Agreement wherein Grasso RVTS agrees to provide an educational program consisting of a work experience program through student's present employment together with a minimum of ten hours per week homebound instruction until student completes his senior requirements for graduation.

- 2) Ellis RVTS v. Student, Case #VT90-13, May 6, 1991.

Held that the student's conduct is subject to criminal penalties under C.G.S. Sections 21a-277 and 21a-278.

The student was expelled from school for 180 days from March 1, 1991 and shall not be offered alternative education by the Vocational-Technical School System pursuant to C.G.S.

Section 10-233d(e).

- 3) Grasso RVTS v. Student, Case #VT94-6, December 6, 1994 (Special Education Student).

Held that a student classified as Learning Disabled receiving special education whose exceptionality was determined by a PPT meeting not to be the cause of his bringing a knife to school and threatening another student was expelled from school subject to modification of his IEP in order to address his special education needs. The alternative education must meet the needs of the students as determined under Section 10-76a et seq. The period of expulsion was from October 26, 1994 to December 31, 1995.

- 4) Goodwin RVTS v. Student, Case #VT97-1, January 28, 1998.

Held that a student classified as a special education student with an impairment of Attention Deficit Disorder whose misconduct was not a manifestation of his disability was expelled for a one calendar year period for the theft of a school computer. The RVTS must provide an alternative educational program consistent with the student's educational needs.

#### **D. Other**

- 1) Kaynor RVTS v. Student, Case #VT89-3, December 8, 1989.

Student was expelled for sixty days suspended on the condition that student perform, within twenty-five weeks of the date of the decision, 100 hours of community service to be coordinated by Kaynor RVTS.

Upon completion of the community service, the school shall expunge all record of the expulsion. Note that student had no prior record of disciplinary problems. The student's offense was the destruction of school property by setting fire to a towel dispenser in the lavatory.

- 2) Prince RVTS v. Student, Case #VT91-3, February 7, 1992.

The student was expelled for striking a teacher for the period of November 15, 1991 until the commencement of the 1992-93 academic year. On or after March 2, 1992, early reinstatement as a student and return to Prince RVTS shall be conditioned upon delivery of a report from a certified therapist which report outlines the student's progress in dealing with his anger and his readiness to return to school.

- 3) Whitney RVTS v. Student, Case #VT91-4, April 6, 1992.

The student was provided an alternative education program consisting of homebound instruction, job placement for credit in Cooperative Work Experience and must present herself for counseling for two hours a week. The student may attend all senior class events including graduation.

- 4) Goodwin RVTS v. Student, Case #VT92-10, February 9, 1993.

Held that the student violated school policy by willfully or recklessly striking or assaulting another student.

Held that the student shall be excluded until April 26, 1993 and may be readmitted on that date provided no further assaults occur before that time. Furthermore, the student's continued attendance until graduation is conditional upon no further assaults of students.

- 5) Grasso RVTS v. Student, Case #VT94-2, November 14, 1994.

The student was expelled for 90 days for admitting to lighting fire to the shirt of another student as a result of a dare. The student victim sustained second degree burns on his back.

During the 90-day period of expulsion, the student shall obtain an evaluation of psychological functioning by an accredited mental health professional (psychologist or psychiatrist) and make any report of the student's evaluation available to the school before the student's scheduled reentry to school.

- 6) Grasso RVTS v. Student, Case #VT94-1, December 13, 1994 (Motion for Reconsideration).

The Decision Granting Request for Reconsideration and Modification of Decision extended the period of expulsion from 100 days to 180 days. See Gun-Free Schools Act of 1994.

- 7) Platt RVTS v. Student, Case #VT94-20, February 28, 1995.

The student was expelled for 180 days for theft of personal property. The period of expulsion may be reduced to the remainder of the school year if the student satisfies the following conditions:

1. Participation and progress in a recognized youth counseling program or family support services;
2. Successful completion of a homebound instructional program; and
3. Compliance with other reasonable conditions as the school may propose.

The school shall determine whether the student is eligible for early readmission for the beginning of the 1995-96 school year. In the event the school determines that the student is eligible to return early, the parties shall submit a joint motion for modification of the expulsion period in accordance with this order.

- 8) Kaynor RVTS v. Student, Case #VT96-14, January 13, 1997.

Student admitted drug possession and was expelled to the end of the 1996-97 school year provided:

1. Student may return to school on January 13, 1997 if he continues to attend weekly substance abuse counseling group for the remainder of school year; and

2. The failure to attend regularly shall constitute a rejection of the condition resulting in removal from school during the pendency of the expulsion.

- 9) Vinal RVTS v. Student, Case #VT96-54, June 16, 1997.

The student was expelled effective March 24, 1997 for one calendar year for possession of a firearm off school grounds. The expulsion shall be suspended as of June 24, 1997 provided:

1. The student does not receive any further disciplinary sanctions for policy violations; and
2. The student continues to receive psychological counseling.

- 10) Grasso RVTS v. Student, Case #VT97-26, December 23, 1997.

Held that the student who receives special education services was expelled from school for assaulting another student for the remainder of the school year through June 30, 1998. The expulsion is suspended effective December 18, 1997 if the student complies with the following conditions:

1. Comply with all school rules and policies;
2. Participate in anger management counseling;
3. Continue to use time out procedures; and
4. Spend all cafeteria and break time in the resource room until school authorities conclude he can manage his anger.

## **VI. Miscellaneous Orders**

### **A. Pleading**

- 1) More Specific Allegations.
  - a. Wilcox RVTS v. Student, Case #VT90-16, August 8, 1991.

On verbal request of the student, the Impartial Hearing Board ordered the school to state in sufficient detail allegations containing the time, date, location and specific acts of the student.

### **B. Motion to Withdraw**

- 1) Bullard Havens RVTS v. Student, Case #VT92-13, May 25, 1993.

The Impartial Hearing Board concluded that the school does have the right to withdraw its action for expulsion. The school must make that decision in the exercise of its discretion concerning its presentation of the case on merits. Such withdrawal cannot be conditioned on or rely upon the student's withdrawal from the school and the result of granting the Motion to Withdraw is to reinstate the student as a student in good standing.

**VII. Resolutions****A. Stipulation**

- 1) Goodwin RVTS v. Student, Case #VT92-9, March 8, 1993.

Impartial Hearing Board approved the stipulation offered by the parties that the student would be expelled for the remainder of the school year and be offered homebound instruction. The charge was for possession of drugs.

- 2) Wolcott RVTS v. Student, Case #VT93-7, February 22, 1994.

The Impartial Hearing Board approved the Stipulated Judgment between the parties and entered a decision on the record in accordance with the Stipulation. The student was expelled to the end of the school year. The charge was for possession of a firearm.

- 3) Whitney RVTS v. Student, Case #VT93-6, February 7, 1994.

The Impartial Hearing Board approved the Stipulated Judgment presented to it. The student was expelled to the end of the school year and was offered homebound instruction. The charge was for possession of an explosive object.

- 4) Wright RVTS v. Student, Case #VT94-21, April 13, 1995.

Impartial Hearing Board approved the stipulated agreement and entered a decision on the record. Student was expelled from January 30, 1995 through March 28, 1995 for threatening another person in violation of the publicized policy.

- 5) Grasso RVTS v. Student, Case #VT95-7, January 2, 1996.

Impartial Hearing Board approved the stipulated agreement and entered an Order on Stipulated Agreement for Withdrawal of Hearing Request. The agreement allowed the student to return to school immediately and the school shall conduct a complete psychological evaluation. Also, the school will provide the student with an opportunity to make up his shop cycle in a shared time program to allow the student to graduate at the end of the 1995-96 academic year.

- 6) Ellis RVTS v. Student, Case #VT95-21, February 8, 1996.

Impartial Hearing Board approved the stipulated agreement and entered a decision on the record. The student was expelled from January 2, 1996 to February 8, 1996 for threatening and harassing a member of the school staff.

- 7) Grasso RVTS v. Student, Case #VT95-20, February 5, 1996.

Impartial Hearing Board approved the stipulated agreement and entered a decision on the

record. The student was expelled to February 26, 1996 for intentionally or recklessly causing damage to school property. Also the student is required to continue attending a Partial Hospital Program prior to returning to school.

- 8) O'Brien RVTS v. Student, Case #VT95-19, February 7, 1996.

Impartial Hearing Board approved the stipulated agreement and entered a decision on the record. The student was expelled to the end of the 1995-96 school year for possession of a knife on school property. Also, the student shall be provided an alternative educational program and shall be eligible to receive a diploma if graduation requirements are completed.

- 9) Windham RVTS v. Student, Case #VT97-99, August 10, 1998.

The student's distribution of a toxic mixture of borax and alum constituted an assault. The student is expelled for 180 days but may return earlier, September 3, 1998, subject to the following conditions:

1. Participate in professional psychological assessment;
2. Commits no violation of disciplinary rules;
3. Maintain C averages in shop and theory; and
4. Maintains a passing grade in all other courses.

- 10) O'Brien RVTS v. Student, Case #VT97-105, August 23, 1998.

The student was in possession of marijuana at school. The student was expelled for 180 days subject to the following conditions:

1. An alternative education program shall be provided;
2. Student may return to school after 90 days;
3. Student agrees to participate in school's insight group;
4. Expulsion shall be reinstated if student violates disciplinary policy; and
5. Student will make efforts to meet graduation requirements by June 1999.

- 11) Bullard Havens RVTS v. Student, Case #VT98-9, November 16, 1998.

The student admitted to possession and distribution of a marijuana joint to other students at school. The parties agreed that the student was remorseful. He spent a week in juvenile detention, was undergoing therapy and counseling, as well as court supervision, and had been removed from the school from September 23, 1998 to November 12, 1998 constituting 32 days of school. The student was expelled for time served.

- 12) Windham RVTS v. Student, Case #VT98-17, December 1, 1998.

The student admitted to the violation of the school policy regarding the possession of a controlled substance on school grounds. The student was expelled for the remainder of the school year and was not entitled to an alternative education because he was 18 years old.

- 13) Ellis RVTS v. Student, Case #VT98-23, March 1, 1999.

The student was excluded for one calendar year for possession of a dangerous object subject to the following:

1. May return on March 25, 1999;
2. Must continue taking medication prescribed by physician; and
3. Continue to receive counseling for anger management until discharged by physician.

- 14) Goodwin RVTS v. Student, Case #VT98-33, March 2, 1999.

Held that the student admits possession of marijuana on school grounds in violation of school policy and is expelled for 50 days subject to the following:

1. Random drug testing through students counseling program.

- 15) Windham RVTS v. Student, Case #VT98-37, March 11, 1999.

The student admitted that he damaged property and refused to comply with a reasonable directive from a member of the school staff. The student was expelled for 24 days.

- 16) Whitney RVTS v. Student, Case #VT98-44, March 30, 1999.

The student admitted to a policy violation in that she brought pepper spray to school which was released by another student resulting in injury to other students. The student was expelled for 43 days.

- 17) J. M. Wright RVTS v. Students, Case Nos. VT98-56, 57, 58, April 13, 1999.

Impartial Hearing Board approved the stipulation offered by the parties that the three students who participated in a melee off school grounds after a basketball game in Bridgeport were expelled until April 13, 1999.

- 18) Cheney RVTS v. Student, Case #VT98-64, May 19, 1999.

The student admitted to possession of five items containing sharpened blades while on school property. The student was expelled for 180 days.

- 19) Windham RVTS v. Student, Case #VT98-83, July 29, 1999.

The Impartial Hearing Board accepted the stipulation and ordered the student expelled for 90 days. The school shall provide an alternative education program.

- 20) O'Brien RVTS v. Student, Case #VT98-74, August 6, 1999.

The stipulation was accepted and the Student was expelled for 35 days. The school shall provide an alternative educational program.

- 21) Goodwin RVTS v. Student, Case #VT99-20, December 13, 1999.

The student admitted to violating school policy when he possessed a bb gun on school property. The student was expelled from November 1, 1999 until January 3, 2000.

- 22) Goodwin RVTS v. Student, Case #VT99-19, January 14, 2000.

The student stipulated that he violated the disciplinary policy on November 1, 1999 and was expelled until January 19, 2000. Also, the student shall write a written apology addressing the impact of his actions on himself, his family and the school.

- 23) O'Brien RVTS v. Student, Case #VT99-38, March 7, 2000.

The student stipulated that he possessed marijuana in violation of school policy and that his behavior disrupted the educational process. The student was expelled until March 17, 2000.

- 24) O'Brien RVTS v. Student, Case #VT99-33, March 8, 2000.

The student stipulated that she possessed four bags of marijuana on school grounds and planned to offer it to another student at school in violation of school policy. The student was expelled for one year.

- 25) Bullard-Havens RVTS v. Student, Case #VT99-47, April 5, 2000.

Held that the student shall be readmitted on May 5, 2000 provided the student continues to attend St. Raphael's day program. Daily tutoring shall be provided by the school.

- 26) Whitney RVTS v. Student, Case #VT99-43, April 10, 2000.

Held that the student admitted that he possessed a knife in school in violation of school policy.

School administration recommended expulsion for 180 school days with permission to return to school on April 10, 2000 with the understanding that should he violate any publicized policy of the school, he shall serve the remaining period of expulsion.

- 27) O'Brien RVTS v. Student, Case #VT99-46, April 29, 2000.

The parties stipulated that twelve policy violations have occurred on various dates from October 5, 1999 through February 15, 2000. Also, the parties agreed that the student shall be expelled commencing immediately and continuing through the end of the current school year.

- 28) Vinal RVTS v. Student, Case #VT99-56, May 8, 2000.

The student admitted to violating the school disciplinary policy on March 23, 2000 and

agreed to expulsion until the end of the school year.

- 29) Abbott RVTS v. Student, Case #VT99-55, May 15, 2000.  
Abbott RVTS v. Student, Case #VT99-54, May 23, 2000.

Students admitted to theft and use of teacher's credit card in violation of school policy and agreed to expulsion from school until the end of the school year.

- 30) Vinal RVTS v. Student, Case #VT99-60, May 12, 2000.

The student admitted to violation of school policy and serious disruption of the educational process and agreed to expulsion from school until the end of the school year. Finally the school, acting pursuant to Section 10-233d(j), will permit the early readmission of the student based on certain conditions.

- 31) Goodwin RVTS v. Student, Case #VT99-50, May 23, 2000.  
Goodwin RVTS v. Student, Case #VT99-52, May 23, 2000.  
Goodwin RVTS v. Student, Case #VT99-53, May 23, 2000.

Students admitted to violation of school policy and serious disruption of the educational process and agreed to expulsion from school from March 8, 2000 to May 30, 2000 subject to the following:

1. Continuation and completion of alternative incarceration program and related requirements;
2. Make up of missed shop classes;
3. Avoidance of all discussion of the incident which occurred on March 8, 2000; and
4. Utilize counseling services of guidance staff at the school.

- 32) Whitney RVTS v. Student, Case #VT99-59, May 18, 2000.

The student admitted to violation of school policy and serious disruption to the educational process and agreed to expulsion from school for 180 days. Furthermore, the student may be issued a diploma if he meets the following conditions:

1. Participation in alternative education of 10 hours a week;
2. Avoids entry onto school campus;
3. Avoids participation in graduation ceremony and class activities; and
4. Participates in and completes the anger management program.

- 33) Kaynor RVTS v. Student, Case #VT99-66, June 9, 2000.

Held that the student admitted to intimidating school staff and other persons in violation of school policy.

The student was expelled through the end of the school year and agrees to: continue tutoring of 10 hours per week; continue private counseling in anger management; and make up eight days of hands on instruction in trade in the fall.

- 34) Goodwin RVTS v. Student, Case #VT99-51, July 14, 2000.

Held that the student admitted to a violation of the school policy.

The student was expelled until the end of the school year and upon readmission in the fall, the student shall: communicate with his probation officer and school guidance counselor; provide copies of periodic drug testing; continue with private counseling; and make up shop work missed during the period of expulsion.

- 35) Wilcox RVTS v. Student, Case #VT00-2, August 9, 2000.

The student admitted violating school policy and agreed to an expulsion of August 31, 2000 to February 26, 2001. An alternative education program shall begin during the week of August 28, 2000. Upon return to school, the student will receive counseling and behavioral support from the school resource officer.

- 36) Kaynor RVTS v. Student, Case #VT00-5, August 22, 2000.

The student was expelled from school for a period of 60 days, retroactive to June 19, 2000. The student shall receive a minimum of ten hours per week of alternative education. Prior to readmittance, the student shall provide proof of participating in counseling, and have participated in alcohol and drug testing.

- 37) Whitney RVTS v. Student, Case #VT99-62, September 1, 2000.

The student was expelled for a period of 180 days commencing March 23, 2000. The student may reenter school beginning May 16, 2000 provided he attends school on a regular basis and does not commit another expellable offense.

- 38) Vinal RVTS v. Student, Case #VT99-71, September 26, 2000.

The student was expelled from school from May 30, 2000 to the end of the 1999-2000 school year. The student has reimbursed the school for all damages relating to this matter and has cooperated with school officials in the resolution of this matter involving other students.

## **VIII. Petition for Reconsideration**

### **A. In General**

- 1) Grasso RVTS v. Student, Case #VT95-23, February 5, 1996.

Held that the school's petition for reconsideration on the limited issue of the classification of the weapon and modification of the decision was denied. Evidence indicated that the knife possessed by the student was not of illegal size, i.e., it did not constitute a deadly weapon or dangerous instrument within the meaning of Section 53a-3. The knife was not used by the

student, and it is not possible to convert possession into use in order to satisfy the definition of a dangerous instrument.

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CONNECTICUT STATE DEPARTMENT OF EDUCATION  
Office of Legal and Governmental Affairs

TO: Dominic Spera  
FROM: Ron Harris  
DATE: February 20, 2001  
RE: Index of RVTS Expulsion Hearings

The attached index has been updated to include cases decided on or before January 31, 2001. The most recent entries have been bolded for your convenience.

RCH:pmw  
cc: Mark Stapleton  
Bea Tinty