

Connecticut School Attorneys Council

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State of Connecticut
Senate Judiciary Committee
Room 2500
Legislative Building
Hartford, CT 06106

Re: Administrative Law Judge Legislation – S.B. 432

Dear Co-chairmen Lawlor and McDonald, and the other distinguished members of the Senate Judiciary Committee, my name is Floyd Dugas, and in addition to being an attorney who represents a number of Connecticut school districts, I am President of the Connecticut School Attorneys Council. I am here to speak *against* S.B. 432 insofar as it would apply to public schools in Connecticut.

In the broadest sense, the School Attorneys' Council has had serious reservations about this legislation in three areas: (1) student discipline, (2) special education, and (3) school accommodation matters. By far, the greatest problem with the legislation is the area of student discipline. As I believe you may be aware, state statutes require an expulsion hearing to take place within ten days of the triggering incident. With a conservative estimate of between 10,000 to 15,000 student expulsions occurring across the state annually, we are concerned that not only will the Administrative Law Judge system collapse under the weight of these matters, but will be unable to conduct all such hearings within the 10 days mandated by statute. In the event an expulsion does not occur within the 10-day period, the student must by law be allowed to return to school. Accordingly, any delay beyond the 10 days has significant ramifications particularly in the case of a student who poses a threat to other students or the educational process.

In addition, the right to appeal an expulsion, a right which does not currently exist, we feel unequivocally will increase the costs to local boards of education at a time when revenues are scarce and boards are fighting for additional dollars to meet their obligations to improve student achievement. I understand the current version of the bill would not include expulsions. We sincerely hope that future versions continue to exclude expulsions.

On the special education front there are serious concerns as well. While in the long run the administrative law judge system may work, there are many issues that need to be studied carefully and worked out first to insure that the complex substantive and procedural requirements of the federal law known as the IDEA and its state law counterpart are met.

Similar concerns exist with respect to school accommodation hearings under §10-186. I suspect if this were the only issue, those issues could be resolved. However, given the concerns discussed above, a very careful look at those proceedings is in order before the Administrative Law Judge legislation should be implemented.

Based upon the foregoing, the Connecticut School Attorneys Council is opposed to the legislation as currently drafted. Moreover, it is unlikely that any legislation which includes student discipline would be acceptable. It would be the position of the Connecticut School Attorneys Council that the legislation should be implemented outside of the education context, with the possibility of an opt in by boards of education, as this would provide a sufficient period for evaluation and for the kinks in the system to be worked out, before being fully implemented.

Thank you for your attention and time.

Respectfully submitted,

Floyd J. Dugas
President