



## CONNECTICUT LEGAL SERVICES

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## TESTIMONY OF CONNECTICUT LEGAL SERVICES, INC. IN SUPPORT OF RAISED BILL NO. 1060, AN ACT CONCERNING SCHOOL EXPULSIONS

Good afternoon Senator Gaffey, Representative Fleischman and members of the Education Committee. My name is Cecily Kerr Ziegler and I am an attorney in the Children at Risk unit of Connecticut Legal Services, Inc. (CLS). The Children at Risk unit at CLS provides legal representation to low-income families who have children with disabilities, primarily to assist in obtaining access to special education and mental health services.

I am here to testify in support of Raised Bill No. 1060, An Act Concerning School Expulsions.

Under Connecticut state law, students recommended for expulsion are entitled to a formal hearing before they can be excluded from school.<sup>1</sup> The right to a hearing is constitutionally required as a matter of due process.<sup>2</sup> Although students are permitted to appear with counsel at an expulsion hearing, many parents of students facing expulsion cannot afford an attorney and do not know of the availability of free legal services. The current notices of expulsion generally inform students that they are permitted to appear with counsel, but do not provide any information on how to access an attorney, thus low-income children are usually unrepresented at expulsion hearings, while the school districts and/or Boards of Education are often represented by counsel.

In contrast, in the context of special education due process hearings, federal law requires school districts to inform families of free or low-cost legal services in the area.<sup>3</sup>

Connecticut Legal Services, Inc., in conjunction with the Connecticut Bar Association, New Haven Legal Assistance Association, Inc., Greater Hartford Legal Assistance and Statewide Legal Services of Connecticut, has developed a program called the Pro Bono School Expulsion Project that has recruited and trained private attorneys across the state to provide free legal representation to indigent students facing expulsion. Approximately forty private attorneys have already been trained, and many have begun to donate their time.

<sup>1</sup> Conn. Gen. Stat. § 10-233d(3).

<sup>2</sup> *Goss v. Lopez*, 419 U.S. 565 (1975).

<sup>3</sup> 34 C.F.R. § 300.507(b).



Raised Bill No. 1060 simply requires that school districts include in their notice of expulsion, information about how to access free and low-cost legal services. Although the change is small, it is key to providing a fair process for children and youth subject to expulsion. Having a legal advocate can help avoid excessive or unnecessary expulsions that are counterproductive. Although expelled students are usually entitled to an alternative educational program,<sup>4</sup> that program is often only 1-2 hours/per day of tutoring, which limits the students' academic opportunities and, without supervision, puts them at greater risk of harm in the community. With this much at stake, it is crucial that the process be fair. Providing information to parents and students about how to access free or low cost legal services, therefore, will help create a level playing field, and hopefully will lead to the best results for parents, children and school boards.

CLS strongly urges Education Committee to support Raised Bill No. 1060.

Thank you for your time and consideration.

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<sup>4</sup> Conn. Gen. Stat. 10-233d(d)-(e).