



Greater Hartford Legal Aid

March 23, 2009

**Written Testimony of Attorneys Maria Morelli-Wolfe and Lynn Cochrane  
in Opposition to Raised Bill 1142,  
An Act Concerning Relief of State Mandates on School Districts**

We are attorneys representing a large number of low-income students and families from the Greater Hartford community, in the areas of special education, suspension, and expulsion. We respectfully urge the Committee to vote against Raised Bill 1142, which seeks to amend Connecticut's existing education laws to the detriment of families with children with disabilities. Our opposition is to proposed Sections 1, 4, and 5.

Raised bill 1142, Section 1, proposes to postpone the in-school suspension law, P.A. 08-160, until 2011. We urge you not to further delay implementation of P.A. 08-160. Under P.A. 08-160, school administrators are still given ample leeway to safeguard the learning process for all students, even with reduced budgets. Schools are not required to develop an in-school suspension program.

P.A. 08-160 only requires that schools not be allowed to send a student home for an outside-suspension "*unless the pupil being suspended poses such a danger to persons or property or such a disruption of the education process that the pupil shall be excluded from school during the period of the suspension.*" Schools remain free to impose a wide-range of disciplinary options, entirely within their discretion (e.g., detention, reprimands, withdrawal of privileges, community service, and "restorative justice" models.)

P.A. 08-160 is good public policy that should not be further delayed. We know that "low-income, special education, and minority students in Connecticut are significantly more likely to be excluded from school than their classmates....Special education students were more than twice as likely to be suspended from school as their peers." (See attached Connecticut Voices for Children synopsis). Our experiences at GHLA mirror the broader statistics. All of our clients are very poor, the majority is from minority backgrounds, and most are eligible for special education due to their cognitive abilities, learning, physical, or emotional disability. Most are 2, 3, 4 or more years behind grade level in reading and math. *These children need to be in school as much as possible if they are to have any hope of becoming independent, self-supporting citizens.*

And, yet, these children are routinely given outside suspensions. We have represented clients with disabilities, who, prior to coming us, have been suspended upwards of 30 days per school year. Many of these suspensions are for non-violent rules violations, such as leaving class, wandering the hall, uniform violations, disrespecting school staff, or profanity. Excluding these students from

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school does not teach them social skills or anger management. Rather, alienating these students from school only increases the risks of the student falling behind academically, exhibiting later truancy, or dropping out of school altogether.

The impact of suspension policy on families also cannot be underestimated. Now, too often, children are given an out-of-school suspension, leaving parents of younger children scrambling to balance work and child care. Several of our clients have lost jobs, have reduced work hours, or are totally unable to work, due to their child's out-of-school suspensions. Parents of older children worry that leaving their child unattended will result in problem behavior in the home or, worse, on the streets.

We ask that you oppose Raised Bill 1142, Section 1, and support the timely implementation of P.A.08-160 to keep children in school, actively receiving instruction, as much as possible.

**Raised Bill 1142, Section 4**, seeks to aims to shift the burden of proof in a due process hearing to the party requesting the hearing. Under Connecticut's existing law, if the parents of a child eligible for special education services request a hearing to challenge the school's failure to provide a free and appropriate public education (FAPE) to their child, the school district bears the burden of proving that it actually did provide FAPE. Keeping the burden of proof with the school district acknowledges the power imbalance between school districts and parents. It recognizes that school districts are often in possession of the very information that would prove or disprove that FAPE was afforded to the child. Parents often lack the understanding or sophistication to know what educational information to ask the district for in order to prove their case. Moreover, many parents, typically low to middle income parents, cannot afford legal representation at due process hearings and would be at a serious disadvantage against school district's attorneys in presenting their legal case in an adversarial due process proceeding. Some of these parents themselves may have dropped out of school or received special education services during their school career as result of their own impairments, e.g. learning disabilities, cognitive deficits, or emotional problems. These impairments only exacerbate the difficulties such parents face in advocating for their children during a due process hearing and in overcoming a shift in the current burden of proof. Shifting the burden of proof to parents would stack the odds in favor of school districts in all but the most exceptional circumstances, where parents can procure their own legal counsel.

In light of the above, we respectfully urge the Committee to oppose Raised Bill 1142, Section 4, which would amend current Connecticut law by shifting the burden of proof to those least able to meet the burden, the parents, who are often without counsel and undereducated.

**Raised Bill 1142, Section 5**, seeks to terminate special education supports and services the day a student turns 21. Under current state law, a student may continue to receive special education

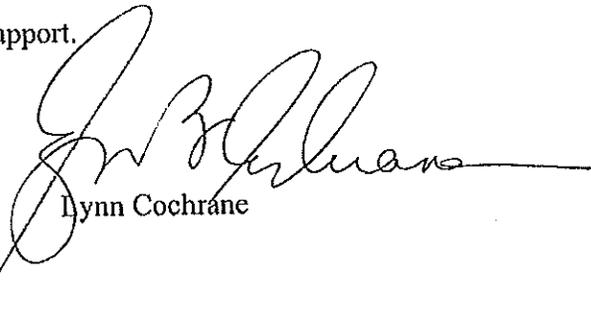
supports and services through the end of the academic year in which the student turns 21 years old. The special education students who continue in school from ages 18-21 are typically those most in need of intensive transition planning. The goals of transition planning include vocational training or post-secondary education, independent living skills, and community participation skills. While many of these students will transition into adult services, seamless transitions are not always possible and program availability varies. Ending public education on the day these students turn 21, regardless of how far along in the school year they are, is likely to deprive them of critical services (e.g., physical, occupational, or speech therapy) and decreases the opportunities of these students to become self-sufficient adults.

Accordingly, we urge you to oppose Raised Bill 1142, Section 5, and thereby keep the current law in effect which allows students to continue to receive special education supports and services through the academic year in which they turn 21 years old.

Thank you for your consideration and support.

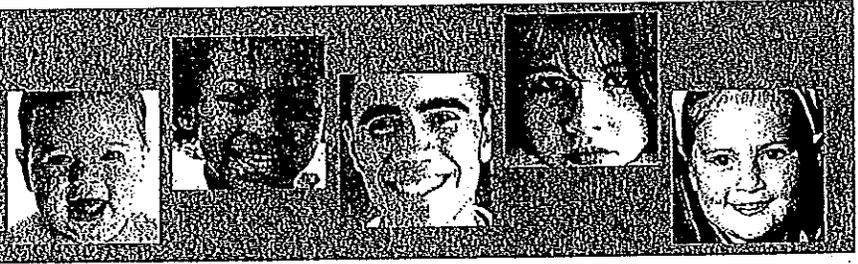


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# CONNECTICUT VOICES FOR CHILDREN



## Keep Connecticut's Children in School: Improve Discipline and Academic Performance by Reserving Out-of-School Suspensions for Situations Where They Are Necessary

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Out-of-school suspensions are surprisingly common in Connecticut. In the 2006-2007 school year:

- Over 250,000 school days in Connecticut were lost to suspensions – the equivalent of 1,400 absences per day.
- 7 percent of students in Connecticut (and 22 percent of ninth graders) were suspended out-of-school.
- Suspension rates among districts in Connecticut varied from 1% to 22%. Seven school districts suspended at least 15% of their students from school.

The majority of suspensions of Connecticut schoolchildren were for relatively minor offenses, such as skipping school and showing disrespect.

- Nearly two-thirds of suspensions were for “school policy violations” (mainly “insubordination/disrespect,” “obscene language and/or behavior” and attendance violations).

Even kindergarteners are suspended from school.

- In 2005-2006, kindergarteners in Connecticut lost almost 2,000 school days to school discipline.

Low-income, special education, and minority students in Connecticut are significantly more likely to be excluded from school than their classmates.

- Students in districts with the lowest socioeconomic indicators were nearly four times as likely to be suspended as students in other school districts.
- Compared to white students, African-American students were more than four times as likely to be excluded from school for disciplinary infractions. Latino students were *more than three times* as likely to be excluded.
- Special education students were more than twice as likely to be suspended from school as their peers.

Excluding students from school is an ineffective method of promoting good behavior in most cases.

Suspending students for misbehavior unintentionally rewards poor behavior, as students often perceive a few days off from school as a vacation.

There are tremendous educational costs to missing school. Children cannot learn when they are not in school. Suspended students often miss days at a time, and when they return to school, they are discouraged by how far they have fallen behind.

Excluding children from school contributes to the achievement gap and high dropout rates. Connecticut has one of the largest achievement gaps in the nation between poor and minority students and their peers. Increasing instructional time by keeping children in school is one of the most effective ways to improve achievement and reduce disparities. Keeping children in school also improves graduation rates. Students in Connecticut report that being suspended from school makes them feel that they do not belong in school. Since many of the children who are excluded from school already feel a tenuous link to their education, even a short suspension from school can be the final “push” in a long process of dropping out.

Out-of-school suspensions may increase risk of involvement in the juvenile justice system. In 2007, Connecticut's Court Support Services Division reported that 89% of 16 and 17-year olds involved in the juvenile justice system had been suspended or expelled from school. While the link between school discipline problems and delinquency is attributable to many factors, police have expressed concern about delinquency when students are unsupervised during school hours.

Alternative disciplinary methods are more effective means of improving discipline. Alternative disciplinary methods – such as detention, withdrawal of privileges, community service, and “restorative justice” models – have been found more effective in ensuring safe, productive learning environments. Some children come to school with the social and personal skills necessary to learn productively in a community. Others do not. The best way to change a child's behavior is to *teach* the skills needed to maintain self-discipline and to interact positively with others. Punishing children by denying them educational opportunity is counterproductive, and should be reserved for serious cases.<sup>1</sup>

<sup>1</sup> The full report, *Missing Out: Suspending Students from Connecticut Schools*, is available at: [www.ctkidslink.org/pub\\_detail\\_423.html](http://www.ctkidslink.org/pub_detail_423.html).