



General Assembly

January Session, 2009

**Raised Bill No. 1014**

LCO No. 3794

\*03794\_\_\_\_\_ED\_\*

Referred to Committee on Education

Introduced by:

(ED)

***AN ACT CONCERNING THE ELECTRONIC CORRESPONDENCE OF STUDENTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 10-233c of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective July*  
3 *1, 2009*):

4 (a) [Any] Subject to the provisions of this subsection, any local or  
5 regional board of education may authorize the administration of the  
6 schools under its direction to suspend from school privileges any pupil  
7 whose conduct on school grounds or at a school sponsored activity is  
8 violative of a publicized policy of such board or is seriously disruptive  
9 of the educational process or endangers persons or property or whose  
10 conduct off school grounds is violative of such policy and is seriously  
11 disruptive of the educational process. No pupil shall be suspended for  
12 the content of any electronic correspondence transmitted off school  
13 grounds and using personal equipment or devices, provided such  
14 content is not a threat to students, school personnel or the school. In  
15 making a determination as to whether conduct is seriously disruptive  
16 of the educational process, the administration may consider, but such

17 consideration shall not be limited to: (1) Whether the incident occurred  
18 within close proximity of a school; (2) whether other students from the  
19 school were involved or whether there was any gang involvement; (3)  
20 whether the conduct involved violence, threats of violence or the  
21 unlawful use of a weapon, as defined in section 29-38, and whether  
22 any injuries occurred; and (4) whether the conduct involved the use of  
23 alcohol. Any such board may authorize the administration to suspend  
24 transportation services for any pupil whose conduct while awaiting or  
25 receiving transportation to and from school endangers persons or  
26 property or is violative of a publicized policy of such board. Unless an  
27 emergency exists, no pupil shall be suspended without an informal  
28 hearing by the administration, at which such pupil shall be informed  
29 of the reasons for the disciplinary action and given an opportunity to  
30 explain the situation, provided nothing herein shall be construed to  
31 prevent a more formal hearing from being held if the circumstances  
32 surrounding the incident so require, and further provided no pupil  
33 shall be suspended more than ten times or a total of fifty days in one  
34 school year, whichever results in fewer days of exclusion, unless such  
35 pupil is granted a formal hearing pursuant to sections 4-176e to 4-180a,  
36 inclusive, and section 4-181a. If an emergency situation exists, such  
37 hearing shall be held as soon after the suspension as possible.

38 Sec. 2. Subsection (a) of section 10-233d of the general statutes is  
39 repealed and the following is substituted in lieu thereof (*Effective July*  
40 *1, 2009*):

41 (a) (1) Any local or regional board of education, at a meeting at  
42 which three or more members of such board are present, or the  
43 impartial hearing board established pursuant to subsection (b) of this  
44 section, may expel, subject to the provisions of this subsection, any  
45 pupil whose conduct on school grounds or at a school-sponsored  
46 activity is violative of a publicized policy of such board or is seriously  
47 disruptive of the educational process or endangers persons or property  
48 or whose conduct off school grounds is violative of such policy and is  
49 seriously disruptive of the educational process, provided a majority of

50 the board members sitting in the expulsion hearing vote to expel and  
51 that at least three affirmative votes for expulsion are cast. No pupil  
52 shall be expelled for the content of any electronic correspondence  
53 transmitted off school grounds and using personal equipment or  
54 devices, provided such content is not a threat to students, school  
55 personnel or the school. In making a determination as to whether  
56 conduct is seriously disruptive of the educational process, the board of  
57 education or impartial hearing board may consider, but such  
58 consideration shall not be limited to: (A) Whether the incident  
59 occurred within close proximity of a school; (B) whether other students  
60 from the school were involved or whether there was any gang  
61 involvement; (C) whether the conduct involved violence, threats of  
62 violence or the unlawful use of a weapon, as defined in section 29-38,  
63 and whether any injuries occurred; and (D) whether the conduct  
64 involved the use of alcohol.

65 (2) Expulsion proceedings pursuant to this section, except as  
66 provided in subsection (i) of this section shall be required whenever  
67 there is reason to believe that any pupil (A) on school grounds or at a  
68 school-sponsored activity, was in possession of a firearm, as defined in  
69 18 USC 921, as amended from time to time, or deadly weapon,  
70 dangerous instrument or martial arts weapon, as defined in section  
71 53a-3, (B) off school grounds, did possess such a firearm in violation of  
72 section 29-35 or did possess and use such a firearm, instrument or  
73 weapon in the commission of a crime under chapter 952, or (C) on or  
74 off school grounds, offered for sale or distribution a controlled  
75 substance, as defined in subdivision (9) of section 21a-240, whose  
76 manufacture, distribution, sale, prescription, dispensing, transporting  
77 or possessing with intent to sell or dispense, offering, or administering  
78 is subject to criminal penalties under sections 21a-277 and 21a-278.  
79 Such a pupil shall be expelled for one calendar year if the local or  
80 regional board of education or impartial hearing board finds that the  
81 pupil did so possess or so possess and use, as appropriate, such a  
82 firearm, instrument or weapon or did so offer for sale or distribution  
83 such a controlled substance, provided the board of education or the

84 hearing board may modify the period of expulsion for a pupil on a  
85 case by case basis, and as provided for in subdivision (2) of subsection  
86 (c) of this section.

87 (3) Unless an emergency exists, no pupil shall be expelled without a  
88 formal hearing held pursuant to sections 4-176e to 4-180a, inclusive,  
89 and section 4-181a, provided whenever such pupil is a minor, the  
90 notice required by section 4-177 and section 4-180 shall also be given to  
91 the parents or guardian of the pupil. If an emergency exists, such  
92 hearing shall be held as soon after the expulsion as possible. The notice  
93 shall include information concerning legal services provided free of  
94 charge or at a reduced rate that are available locally and how to access  
95 such services.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	10-233c(a)
Sec. 2	<i>July 1, 2009</i>	10-233d(a)

**Statement of Purpose:**

To prohibit school authorities from suspending or expelling students for the content of electronic correspondence transmitted off school grounds and using personal equipment or devices when such correspondence does not pose a threat to students, personnel or the school.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*