AN ACT CONCERNING THE ELECTRONIC CORRESPONDENCE OF STUDENTS.

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

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 Subsection (a) of section 10-233c of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2009):

(a) [Any] Subject to the provisions of this subsection, any local or regional board of education may authorize the administration of the schools under its direction to suspend from school privileges any pupil whose conduct on school grounds or at a school sponsored activity is violative of a publicized policy of such board or is seriously disruptive of the educational process or endangers persons or property or whose conduct off school grounds is violative of such policy and is seriously disruptive of the educational process. No pupil shall be suspended for the content of any electronic correspondence transmitted off school grounds and using personal equipment or devices, provided such content is not a threat to students, school personnel or the school. In making a determination as to whether conduct is seriously disruptive of the educational process, the administration may consider, but such
consideration shall not be limited to: (1) Whether the incident occurred within close proximity of a school; (2) whether other students from the school were involved or whether there was any gang involvement; (3) whether the conduct involved violence, threats of violence or the unlawful use of a weapon, as defined in section 29-38, and whether any injuries occurred; and (4) whether the conduct involved the use of alcohol. Any such board may authorize the administration to suspend transportation services for any pupil whose conduct while awaiting or receiving transportation to and from school endangers persons or property or is violative of a publicized policy of such board. Unless an emergency exists, no pupil shall be suspended without an informal hearing by the administration, at which such pupil shall be informed of the reasons for the disciplinary action and given an opportunity to explain the situation, provided nothing herein shall be construed to prevent a more formal hearing from being held if the circumstances surrounding the incident so require, and further provided no pupil shall be suspended more than ten times or a total of fifty days in one school year, whichever results in fewer days of exclusion, unless such pupil is granted a formal hearing pursuant to sections 4-176e to 4-180a, inclusive, and section 4-181a. If an emergency situation exists, such hearing shall be held as soon after the suspension as possible.

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

(a) (1) Any local or regional board of education, at a meeting at which three or more members of such board are present, or the impartial hearing board established pursuant to subsection (b) of this section, may expel, subject to the provisions of this subsection, any pupil whose conduct on school grounds or at a school-sponsored activity is violative of a publicized policy of such board or is seriously disruptive of the educational process or endangers persons or property or whose conduct off school grounds is violative of such policy and is seriously disruptive of the educational process, provided a majority of
the board members sitting in the expulsion hearing vote to expel and
that at least three affirmative votes for expulsion are cast. **No pupil**
shall be expelled for the content of any electronic correspondence
transmitted off school grounds and using personal equipment or
devices, provided such content is not a threat to students, school
personnel or the school. In making a determination as to whether
conduct is seriously disruptive of the educational process, the board of
education or impartial hearing board may consider, but such
consideration shall not be limited to: (A) Whether the incident
occurred within close proximity of a school; (B) whether other students
from the school were involved or whether there was any gang
involvement; (C) whether the conduct involved violence, threats of
violence or the unlawful use of a weapon, as defined in section 29-38,
and whether any injuries occurred; and (D) whether the conduct
involved the use of alcohol.

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

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

This act shall take effect as follows and shall amend the following sections:

<table>
<thead>
<tr>
<th>Section</th>
<th>Date</th>
<th>Section Reference</th>
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<tbody>
<tr>
<td>1</td>
<td>July 1, 2009</td>
<td>10-233c(a)</td>
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<tr>
<td>Sec. 2</td>
<td>July 1, 2009</td>
<td>10-233d(a)</td>
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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.]