

Center for Children's Advocacy

University of Connecticut School of Law
65 Elizabeth Street, Hartford, CT 06105

TESTIMONY OF THE CENTER FOR CHILDREN'S ADVOCACY IN OPPOSITION TO SECTION 17 OF PROPOSED BILL NO. 830, AN ACT CONCERNING THE GOVERNOR'S RECOMMENDATIONS REGARDING EDUCATION

March 9, 2009

This testimony is submitted on behalf of the Center for Children's Advocacy, a non-profit organization based at the University of Connecticut School of Law. The Center provides holistic legal services for poor children in Connecticut's communities through individual representation and systemic advocacy. Through our Truancy Court Prevention Project and TeamChild Juvenile Justice Project, the Center represents children in securing appropriate educational programming and improving academic outcomes by reducing high suspension, expulsion, and dropout rates.

We strongly oppose section 17 of the Governor's Recommendations Regarding Education, which delays implementation of the in-school suspension law until July 1, 2011, for three reasons:

- 1) Immediate implementation is not costly, since under the law schools remain free to adopt disciplinary programs other than potentially costly in-school suspension programs.
- 2) Another delay only prolongs the devastating educational costs of out-of-school suspension, as measured in terms of student disengagement from the learning environment and drop out rates.
- 3) Delaying implementation risks increased juvenile justice involvement for students excluded from school for trivial offenses.

The in-school suspension bill introduced and signed into law in 2007 garnered overwhelming majorities in both the House and the Senate,¹ and received a strong endorsement from the Governor, who called out-of-school suspension a "recipe for failure."² But since 2007, when the Office of Fiscal Analysis found that the costs of implementing the revisions to Connecticut's suspension law would, in most cases, be "minimal,"³ the perceived fiscal impact of implementation has increased exponentially because of a misperception that the law *mandates* schools to adopt in-school suspension programs.⁴ The law does not require such a sweeping mandate.



Board of Directors

Kathryn Emmett, Esq. Chair
Brett Dignam, Esq. Secretary
Richard Klafky, Treasurer
Peter Arekas, Esq.
Mario Borelli, Esq.
Deborah Freeman, Esq.
Constance Belton Green, Esq. EdD
L. Philip Guzman, PhD
Ruth Pukda, Esq.
Holly Rojas Schwan, LCSW
Felix Springer, Esq.
Martha Stone, Esq.
Preston Tisdale, Esq.

Advisory Board

Miriam Berkman, Esq. MSW
John Brittain, Esq.
Wesley Horton, Esq.
Elizabeth Morgan
Eileen Silverstein, Esq.
Stephen Winer, Esq.

Executive Director

Martha Stone, Esq.

¹ The bill passed by a 4 to 1 margin in the House and by a 2 to 1 margin in the Senate. See HB 7350 HOUSE ROLL CALL VOTE, <http://www.cga.ct.gov/2007/VOTE/H/2007HV-00170-R00HB07350-HV.htm> and HB 7350 SENATE ROLL CALL VOTE, <http://www.cga.ct.gov/2007/VOTE/S/2007SV-00285-R00HB07350-SV.htm>.

² Press Release, Governor M. Jodi Rell, Governor Rell Signs In-School Suspensions Bill (June 28, 2007), <http://www.ct.gov/governorrell/cwp/view.asp?A=2791&Q=385306>.

³ OFFICE OF FISCAL ANALYSIS, FISCAL NOTE FOR HB 7350, AN ACT CONCERNING IN-SCHOOL SUSPENSIONS (2007), <http://www.cga.ct.gov/2007/FN/2007HB-07350-R000462-FN.htm>.

⁴ For instance, some have criticized the new law as circumscribing the authority of local school districts to implement alternatives to out-of-school suspension, like Saturday detention. Kate Farrish, *Manchester Schools Chief Protests New Law on Suspensions*, HARTFORD COURANT, Jan. 29, 2009. Others have urged that municipalities should be permitted "to establish a suspension policy that best meets the needs and abilities of the individual school district." Connecticut Conference of Municipalities, CCM's 2008 State Legislative Priorities, <http://www.ccm-ct.org/advocacy/2007-2008/011708legpriorities.html>.

I. Implementation does not Require the Creation of In-School Suspension Programs

By law, a student can be “suspended”—excluded from school privileges or transportation services for up to ten consecutive days—for conduct that violates a publicized board policy, seriously disrupts the educational process, or endangers persons or property.⁵ The 2007 revisions require suspensions to be “in-school suspensions” *unless* the school administration determines that the student (1) poses such a danger to persons or property or (2) is so disruptive of the educational process, that he or she must serve the suspension outside of school.⁶ Under the law, schools remain free to impose a wide range of disciplinary options, entirely within their discretion; *no school is required to create any in-school suspension program at all* if they have chosen other means of in-school discipline, such as after-school detention, Saturday detention, withdrawal of school privileges, or community service.⁷

II. Delaying Implementation Imposes Significant Educational and Economic Costs

While we appreciate the difficult choices the General Assembly faces in the current fiscal climate, *delaying implementation* will impose significant and avoidable economic costs—costs that exceed the fiscal impact of maintaining the July 1, 2009 implementation date.

a. Exclusionary Disciplinary Policies Increase Student Alienation and Drop Out Rates

On any given day, as many as 4,100 Connecticut children are excluded from school, and each year more than 250,000 school days are lost to suspension for conduct that includes dress code violations, inappropriate language, insubordination, and truancy.⁸ Aside from the obvious educational costs to missing school, exclusionary discipline policies undermine a student’s sense of belonging to a school community and deteriorate the personal relationships with teachers that are fundamental to academic and lifetime success.⁹ Too often, children suspended from school already feel detached from their education; even a short time away from school can increase feelings of disengagement and dramatically compromise academic achievement.¹⁰ For other children, out-of-school suspensions may serve as the final push toward dropping out,¹¹ setting the child up for a lifetime of financial hardship and imposing substantial costs to society in terms of lost wages and taxes, welfare benefits, and crime.¹²

⁵ CONN. GEN. STAT. § 10-233c(a).

⁶ *Id.* § 10-233c(g).

⁷ For a list of alternatives to suspension, see, e.g., Reece L. Peterson, *Ten Alternatives to Suspension*, in 18 IMPACT: FEATURE ISSUE ON FOSTERING SUCCESS IN SCHOOL AND BEYOND FOR STUDENTS WITH EMOTIONAL/BEHAVIORAL DISORDERS 10–11 (Vicki Gaylord et al., eds.) (Spring 2005), <http://www.ici.umn.edu/products/impact/182/182.pdf>.

⁸ TABY ALI & ALEXANDRA DUFRESNE, MISSING OUT: SUSPENDING STUDENTS FROM CONNECTICUT SCHOOLS 5, 8 (Aug. 2008), available at <http://www.ctkidslink.org/publications/edu08missingout.pdf>.

⁹ NATIONAL RESEARCH COUNCIL, ENGAGING SCHOOLS: FOSTERING HIGH SCHOOL STUDENTS’ MOTIVATION TO LEARN 217–18 (2004).

¹⁰ Conn. 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* (Jan. 2009).

¹¹ TABY ALI & ALEXANDRA DUFRESNE, MISSING OUT: SUSPENDING STUDENTS FROM CONNECTICUT SCHOOLS 4 (Aug. 2008), available at <http://www.ctkidslink.org/publications/edu08missingout.pdf> (citing a report by the State Board of Education which found that repeat suspensions were one of many risk factors for dropping out and describing students who dropped out as feeling alienated from school).

¹² See, e.g., ALLIANCE FOR EXCELLENT EDUC., DROPOUTS, DIPLOMAS, AND DOLLARS: U.S. HIGH SCHOOLS AND THE NATION’S ECONOMY 37–39 (Aug. 2008), <http://www.all4ed.org/files/Econ2008.pdf> (noting that Connecticut youth who dropped out of school last year will cost the state almost \$2.5 billion in lost wages over the course of their lifetimes).

b. Excluding Children from School Increases Juvenile Justice Involvement

Repeated out-of-school suspensions may even accelerate a child's path to delinquency.¹³ Studies have shown that exclusionary punishments for trivial offenses "contribute to a pattern of antisocial behavior . . . [that] continue[s] into adolescence" and increases the risk of involvement in the juvenile justice system.¹⁴ In 2007, Connecticut's Court Support Services Division (CSSD) reported that nine out of ten 16 and 17-year-olds in the juvenile justice system had, at one point, been excluded from school through an out-of-school suspension.¹⁵ While juvenile justice involvement cannot be attributed to one variable standing alone, allowing just one student to fall through the cracks of a broken system of school discipline can be devastating for the child and costly for the state. The current annual cost of housing just one child in the Connecticut Juvenile Training School is \$280,000¹⁶—six times the cost of sending a child to Yale.

We firmly believe that section 17 of Proposed Bill No. 830 will needlessly delay the scheduled implementation of a cost-effective means of improving educational outcomes, reducing dropout rates, and stemming the tide of juvenile delinquency for our vulnerable and at-risk youth. Discipline policies that promote prevention and early intervention are critical to giving every child an equal chance at academic and personal success. We urge you to oppose this section of the bill.

Thank you for your time and consideration.

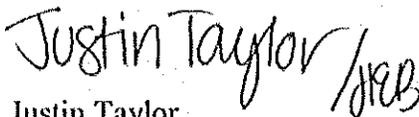
Respectfully submitted,



Hannah Benton
Attorney/Equal Justice America Fellow
Truancy Court Prevention Project



Carnia Caesar
Attorney
Director of TeamChild Juvenile Justice Project



Justin Taylor
Law Student Intern

¹³ ADVOCATES FOR CHILDREN AND YOUTH, ISSUE BRIEF: SCHOOL SUSPENSION: EFFECTS AND ALTERNATIVES 2 (2006), http://www.soros.org/initiatives/baltimore/articles_publications/articles/issue_20060418/issuebrief_20060418.pdf.

¹⁴ *Id.*; see also ALI & DUFRESNE, *supra* note 10, at 4.

¹⁵ ALI & DUFRESNE, *supra* note 10, at 4.

¹⁶ CONN. JUVENILE JUSTICE ALLIANCE, PUBLIC FORUM REPORT: LESSONS LEARNED FROM MISSOURI, RECOMMENDATIONS ON THE FUTURE OF THE CONNECTICUT JUVENILE TRAINING SCHOOLS (July 2008), <http://www.ctjja.org/resources/word/data-cjtswhatnow.doc>.