



Greater Hartford Legal Aid

Written testimony of Attorneys Lynn B. Cochrane, Maria Morelli-Wolfe, and Alexis Highsmith of Greater Hartford Legal Aid, Inc.,
in opposition to H.B. 5526, AAC In-School Suspensions.
February 23, 2009

We are three attorneys representing a large number of students from the Greater Hartford community, in the areas of special education, suspension, and expulsion. We urge you not to further delay implementation of P.A.08-160. P.A. 08-160 is not an unfunded mandate. It is good public policy: it requires only that schools not send a student home on suspension unless that student actually poses a danger to others or to property, or is a disruption to the learning process -- a tremendously broad category of behavior which gives schools more than ample leeway to safeguard the learning process for *all* students, even with reduced budgets.

From the Connecticut Voices for Children report (synopsis attached), we know that while Connecticut's overall suspension rates and minority suspension rates have remained constant for the last two years, the percentage of special education students suspended or expelled for a cumulative total of more than 10 days has jumped dramatically in the last four years. Connecticut, still one of the wealthiest and most educated states in the country¹, ranks 2nd highest in the nation in the percentage of special education students suspended or expelled for a total of more than ten days, and within the top ten in the nation in terms of the disproportionate representation of minority students suspended, according to data from the 2005-2006 and 2003-2004 school years, respectively.

Our own experience exactly represents the statistics you have heard about from CT Voices for Children and other agencies. All of our clients are very poor, the majority are from minority backgrounds, and are usually eligible for special education, by virtue of a learning, physical or emotional disability. The achievement gap is huge for these students. Many of them are 2, 3 and 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.*

Yet, we continue to find that year after year they are often routinely suspended from school for non-violent rules violations such as leaving class, wandering the halls, uniform violations, disrespecting school staff, and profanity. Suspended out of school, they stay at home alone, or worse yet, wander their neighborhoods getting into more trouble. For younger children, their parents, who can ill afford to take off a day -- never mind a week -- must leave tenuous employment to mind their children. After these students have been suspended for up to 10 days,

¹ http://luminafoundation.org/research/state_data/college_degree_chart_comparing_US_states_to_countries.html

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the school must hold a manifestation meeting to decide if the child's behavior was a manifestation of his disability. And yes, it almost always is, however, that child has already suffered the consequence of 10 days of suspension. We are at a loss to figure out what purpose is served by the out-of-school suspension of disabled children for behavior that is not violent and which is almost always a symptom of their disability.

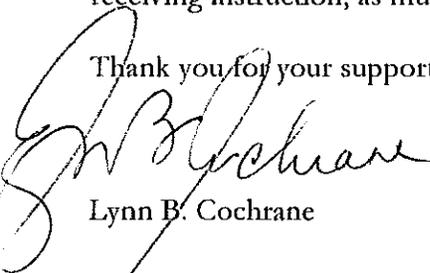
For the many children who are not disabled, Connecticut cannot afford to have them miss valuable learning time. Hartford's reading rates are still abysmally low. Repeated suspensions for minor rules violations send the message that the school doesn't really want the student in class, leading to higher drop-out rates.

One clear way to address these discouraging trends is to keep more students in school as much as possible. P.A.08-160 helps accomplish that, within existing budgets. Under P.A.08-160 schools are not restricted in their decision-making authority or restricted to a single course of action. Under P.A.08-160:

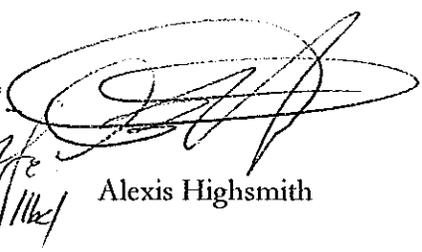
- a) Schools remain free to impose a wide range of disciplinary options, entirely within their discretion (e.g. detention, reprimands, withdrawal of privileges, community services, etc).
- b) Given these options, schools do not have to give anyone an in-school suspension if they do not want to. They do not have to create any in-school suspension program at all.
- c) The only thing P.A. 08-160 affirmatively requires is that schools not exclude a child from school by giving him an out-of-school suspension unless *"the pupil being suspended poses such a danger to persons or property or such a disruption of the educational process that the pupil shall be excluded from school during the period of suspension."*

We ask that you support P.A. 08-160 and its good public policy to keep children in school, actively receiving instruction, as much as possible.

Thank you for your 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

January 2009

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.**¹

¹ The full report, *Missing Out: Suspending Students from Connecticut Schools*, is available at: www.ctkidslink.org/pub_detail_423.html.

