



General Assembly

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**Amendment**

LCO No. 5158

**\*HB0531505158SR0\***

Offered by:  
SEN. WITKOS, 8<sup>th</sup> Dist.

To: House Bill No. 5315

File No. 320

Cal. No. 494

**"AN ACT CONCERNING EDUCATION AND THE REDUCTION OF DOMESTIC VIOLENCE."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Section 10-233d of the 2010 supplement to the general  
4 statutes is repealed and the following is substituted in lieu thereof  
5 (*Effective July 1, 2010*):

6 (a) (1) Any local or regional board of education, at a meeting at  
7 which three or more members of such board are present, or the  
8 impartial hearing board established pursuant to subsection (b) of this  
9 section, may expel, subject to the provisions of this subsection, any  
10 pupil whose conduct on school grounds or at a school-sponsored  
11 activity is violative of a publicized policy of such board or is seriously  
12 disruptive of the educational process or endangers persons or property  
13 or whose conduct off school grounds is violative of such policy and is  
14 seriously disruptive of the educational process, provided a majority of  
15 the board members sitting in the expulsion hearing vote to expel and

16 that at least three affirmative votes for expulsion are cast. In making a  
17 determination as to whether conduct is seriously disruptive of the  
18 educational process, the board of education or impartial hearing board  
19 may consider, but such consideration shall not be limited to: (A)  
20 Whether the incident occurred within close proximity of a school; (B)  
21 whether other students from the school were involved or whether  
22 there was any gang involvement; (C) whether the conduct involved  
23 violence, threats of violence or the unlawful use of a weapon, as  
24 defined in section 29-38, and whether any injuries occurred; and (D)  
25 whether the conduct involved the use of alcohol.

26 (2) Expulsion proceedings pursuant to this section, except as  
27 provided in subsection (i) of this section, shall be required whenever  
28 there is reason to believe that any pupil (A) on school grounds or at a  
29 school-sponsored activity, was in possession of a firearm, as defined in  
30 18 USC 921, as amended from time to time, or deadly weapon,  
31 dangerous instrument or martial arts weapon, as defined in section  
32 53a-3, (B) off school grounds, did possess such a firearm in violation of  
33 section 29-35 or did possess and use such a firearm, instrument or  
34 weapon in the commission of a crime under chapter 952, or (C) on or  
35 off school grounds, offered for sale or distribution a controlled  
36 substance, as defined in subdivision (9) of section 21a-240, whose  
37 manufacture, distribution, sale, prescription, dispensing, transporting  
38 or possessing with intent to sell or dispense, offering, or administering  
39 is subject to criminal penalties under sections 21a-277 and 21a-278.  
40 Such a pupil shall be expelled for one calendar year if the local or  
41 regional board of education or impartial hearing board finds that the  
42 pupil did so possess or so possess and use, as appropriate, such a  
43 firearm, instrument or weapon or did so offer for sale or distribution  
44 such a controlled substance, provided the board of education or the  
45 hearing board may modify the period of expulsion for a pupil on a  
46 case by case basis, and as provided for in subdivision (2) of subsection  
47 (c) of this section.

48 (3) Unless an emergency exists, no pupil shall be expelled without a  
49 formal hearing held pursuant to sections 4-176e to 4-180a, inclusive,

50 and section 4-181a, provided whenever such pupil is a minor, the  
51 notice required by section 4-177 and section 4-180 shall also be given to  
52 the parents or guardian of the pupil. If an emergency exists, such  
53 hearing shall be held as soon after the expulsion as possible. The notice  
54 shall include information concerning legal services provided free of  
55 charge or at a reduced rate that are available locally and how to access  
56 such services.

57 (4) The local or regional board of education or the hearing board  
58 established pursuant to subsection (b) of this section, may conduct  
59 expulsion proceedings pursuant to this section, except as provided in  
60 subsection (i) of this section, whenever the board of education or the  
61 hearing board obtains information that a pupil has been convicted of a  
62 crime involving a violation of section 53a-70, 53a-70a, 53a-72b, 53a-92  
63 or 53a-92a. Such a pupil may be expelled for one calendar year if the  
64 local or regional board of education or impartial hearing board finds  
65 that the pupil was convicted of such a crime, provided the board of  
66 education or the hearing board may modify the period of expulsion for  
67 a pupil on a case by case basis, and as provided in subdivision (2) of  
68 subsection (c) of this section.

69 (b) For purposes of conducting expulsion hearings as required by  
70 subsection (a) of this section, any local or regional board of education  
71 or any two or more of such boards in cooperation may establish an  
72 impartial hearing board of one or more persons. No member of any  
73 such board or boards shall be a member of the hearing board. The  
74 hearing board shall have the authority to conduct the expulsion  
75 hearing and render a final decision in accordance with the provisions  
76 of sections 4-176e to 4-180a, inclusive, and section 4-181a.

77 (c) (1) In determining the length of an expulsion and the nature of  
78 the alternative educational opportunity to be offered under subsection  
79 (d) of this section, the local or regional board of education, or the  
80 impartial hearing board established pursuant to subsection (b) of this  
81 section, may receive and consider evidence of past disciplinary  
82 problems which have led to removal from a classroom, suspension or

83 expulsion of such pupil.

84 (2) For any pupil expelled for the first time pursuant to this section  
85 and who has never been suspended pursuant to section 10-233c, the  
86 local or regional board of education may shorten the length of or waive  
87 the expulsion period if the pupil successfully completes a board-  
88 specified program and meets any other conditions required by the  
89 board. Such board-specified program shall not require the pupil or the  
90 parent or guardian of the pupil to pay for participation in the program.

91 (d) Notwithstanding the provisions of subsection (a) of section 10-  
92 220, local and regional boards of education shall only be required to  
93 offer an alternative educational opportunity in accordance with this  
94 section. Any pupil under sixteen years of age who is expelled shall be  
95 offered an alternative educational opportunity during the period of  
96 expulsion, provided any parent or guardian of such pupil who does  
97 not choose to have his or her child enrolled in an alternative program  
98 shall not be subject to the provisions of section 10-184. Any pupil  
99 expelled for the first time who is between the ages of sixteen and  
100 eighteen and who wishes to continue his or her education shall be  
101 offered an alternative educational opportunity if he or she complies  
102 with conditions established by his or her local or regional board of  
103 education. Such alternative may include, but shall not be limited to, the  
104 placement of a pupil who is at least sixteen years of age in an adult  
105 education program pursuant to section 10-69. A local or regional board  
106 of education shall count the expulsion of a pupil when he was under  
107 sixteen years of age for purposes of determining whether an  
108 alternative educational opportunity is required for such pupil when he  
109 is between the ages of sixteen and eighteen. A local or regional board  
110 of education may offer an alternative educational opportunity to a  
111 pupil for whom such alternative educational opportunity is not  
112 required pursuant to this section.

113 (e) Notwithstanding the provisions of subsection (d) of this section  
114 concerning the provision of an alternative educational opportunity for  
115 pupils between the ages of sixteen and eighteen, local and regional

116 boards of education shall not be required to offer such alternative to  
117 any pupil between the ages of sixteen and eighteen who is expelled  
118 because of conduct which endangers persons if it is determined at the  
119 expulsion hearing that the conduct for which the pupil is expelled  
120 involved (1) possession of a firearm, as defined in 18 USC 921, as  
121 amended from time to time, or deadly weapon, dangerous instrument  
122 or martial arts weapon, as defined in section 53a-3, on school property  
123 or at a school-sponsored activity, or (2) offering for sale or distribution  
124 on school property or at a school-sponsored activity a controlled  
125 substance, as defined in subdivision (9) of section 21a-240, whose  
126 manufacture, distribution, sale, prescription, dispensing, transporting  
127 or possessing with the intent to sell or dispense, offering, or  
128 administration is subject to criminal penalties under sections 21a-277  
129 and 21a-278. If a pupil is expelled pursuant to this section for  
130 possession of a firearm or deadly weapon the board of education shall  
131 report the violation to the local police department or in the case of a  
132 student enrolled in a regional vocational-technical school to the state  
133 police. If a pupil is expelled pursuant to this section for the sale or  
134 distribution of such a controlled substance, the board of education  
135 shall refer the pupil to an appropriate state or local agency for  
136 rehabilitation, intervention or job training, or any combination thereof,  
137 and inform the agency of its action. Whenever a local or regional board  
138 of education notifies a pupil between the ages of sixteen and eighteen  
139 or the parents or guardian of such pupil that an expulsion hearing will  
140 be held, the notification shall include a statement that the board of  
141 education is not required to offer an alternative educational  
142 opportunity to any pupil who is found to have engaged in the conduct  
143 described in this subsection.

144 (f) (1) Whenever a pupil is expelled pursuant to the provisions of  
145 this section, notice of the expulsion and the conduct for which the  
146 pupil was expelled shall be included on the pupil's cumulative  
147 educational record. Such notice, except for notice of an expulsion  
148 based on possession of a firearm or deadly weapon as described in  
149 subsection (a) of this section, shall be expunged from the cumulative

150 educational record by the local or regional board of education if a  
151 pupil graduates from high school, except as provided for in  
152 subdivision (2) of this subsection.

153 (2) In the case of a pupil for which the length of the expulsion  
154 period is shortened or the expulsion period is waived pursuant to  
155 subdivision (2) of subsection (c) of this section, such notice shall be  
156 expunged from the cumulative educational record by the local or  
157 regional board of education (A) if the pupil graduates from high  
158 school, or (B) if the board so chooses, at the time the pupil completes  
159 the board-specified program and meets any other conditions required  
160 by the board pursuant to subdivision (2) of subsection (c) of this  
161 section, whichever is earlier.

162 (g) A local or regional board of education may adopt the decision of  
163 a pupil expulsion hearing conducted by another school district  
164 provided such local or regional board of education or impartial  
165 hearing board shall hold a hearing pursuant to the provisions of  
166 subsection (a) of this section which shall be limited to a determination  
167 of whether the conduct which was the basis for the expulsion would  
168 also warrant expulsion under the policies of such board. The pupil  
169 shall be excluded from school pending such hearing. The excluded  
170 student shall be offered an alternative educational opportunity in  
171 accordance with the provisions of subsections (d) and (e) of this  
172 section.

173 (h) Whenever a pupil against whom an expulsion hearing is  
174 pending withdraws from school after notification of such hearing but  
175 before the hearing is completed and a decision rendered pursuant to  
176 this section, (1) notice of the pending expulsion hearing shall be  
177 included on the pupil's cumulative educational record, and (2) the  
178 local or regional board of education or impartial hearing board shall  
179 complete the expulsion hearing and render a decision. If such pupil  
180 enrolls in school in another school district, such pupil shall not be  
181 excluded from school in the other district pending completion of the  
182 expulsion hearing pursuant to this subsection unless an emergency

183 exists, provided nothing in this subsection shall limit the authority of  
184 the local or regional board of education for such district to suspend the  
185 pupil or to conduct its own expulsion hearing in accordance with this  
186 section.

187 (i) Prior to conducting an expulsion hearing for a child requiring  
188 special education and related services described in subparagraph (A)  
189 of subdivision (5) of section 10-76a, a planning and placement team  
190 shall convene to determine whether the misconduct was caused by the  
191 child's disability. If it is determined that the misconduct was caused by  
192 the child's disability, the child shall not be expelled. The planning and  
193 placement team shall reevaluate the child for the purpose of modifying  
194 the child's individualized education program to address the  
195 misconduct and to ensure the safety of other children and staff in the  
196 school. If it is determined that the misconduct was not caused by the  
197 child's disability, the child may be expelled in accordance with the  
198 provisions of this section applicable to children who do not require  
199 special education and related services. Notwithstanding the provisions  
200 of subsections (d) and (e) of this section, whenever a child requiring  
201 such special education and related services is expelled, an alternative  
202 educational opportunity, consistent with such child's educational  
203 needs shall be provided during the period of expulsion.

204 (j) An expelled pupil may apply for early readmission to school.  
205 Except as provided in this subsection, such readmission shall be at the  
206 discretion of the local or regional board of education. The board of  
207 education may delegate authority for readmission decisions to the  
208 superintendent of schools for the school district. If the board delegates  
209 such authority, readmission shall be at the discretion of the  
210 superintendent. Readmission decisions shall not be subject to appeal to  
211 Superior Court. The board or superintendent, as appropriate, may  
212 condition such readmission on specified criteria.

213 (k) Local and regional boards of education shall submit to the  
214 Commissioner of Education such information on expulsions for the  
215 possession of weapons as required for purposes of the Gun-Free

216 Schools Act of 1994, 20 USC 8921 et seq., as amended from time to  
217 time.

218 (l) If a student who committed an expellable offense seeks to return  
219 to a school district after having been in a juvenile detention center, the  
220 Connecticut Juvenile Training School or any other residential  
221 placement for one year or more, the district to which the student is  
222 returning shall allow such student to return and may not expel the  
223 student for additional time for such offense."