



House of Representatives

General Assembly

File No. 319

January Session, 2011

Substitute House Bill No. 6325

House of Representatives, March 31, 2011

The Committee on Education reported through REP. FLEISCHMANN of the 18th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING JUVENILE REENTRY AND EDUCATION.

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

1 Section 1. Section 10-186 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2011*):

3 (a) Each local or regional board of education shall furnish, by
4 transportation or otherwise, school accommodations so that each child
5 five years of age and over and under twenty-one years of age who is
6 not a graduate of a high school or vocational school may attend public
7 school, except as provided in section 10-233c, and subsection (d) of
8 section 10-233d, as amended by this act. Any board of education which
9 denies school accommodations, including a denial based on an issue of
10 residency, to any such child shall inform the parent or guardian of
11 such child or the child, in the case of an emancipated minor or a pupil
12 eighteen years of age or older, of his right to request a hearing by the
13 board of education in accordance with the provisions of subdivision (1)
14 of subsection (b) of this section. A board of education which has

15 denied school accommodations shall advise the board of education
16 under whose jurisdiction it claims such child should be attending
17 school of the denial. For purposes of this section, (1) a "parent or
18 guardian" shall include a surrogate parent appointed pursuant to
19 section 10-94g, and (2) a child residing in a dwelling located in more
20 than one town in this state shall be considered a resident of each town
21 in which the dwelling is located and may attend school in any one of
22 such towns. For purposes of this subsection, "dwelling" means a single,
23 two or three family house or a condominium unit.

24 (b) (1) If any board of education denies such accommodations, the
25 parent or guardian of any child who is denied schooling, or an
26 emancipated minor or a pupil eighteen years of age or older who is
27 denied schooling, or an agent or officer charged with the enforcement
28 of the laws concerning attendance at school, may, in writing, request a
29 hearing by the board of education. The board of education may (A)
30 conduct the hearing, (B) designate a subcommittee of the board
31 composed of three board members to conduct the hearing, or (C)
32 establish a local impartial hearing board of one or more persons not
33 members of the board of education to conduct the hearing. The board,
34 subcommittee or local impartial hearing board shall give such person a
35 hearing within ten days after receipt of the written request, make a
36 stenographic record or tape recording of the hearing and make a
37 finding within ten days after the hearing. Hearings shall be conducted
38 in accordance with the provisions of sections 4-176e to 4-180a,
39 inclusive, and section 4-181a. Any child, emancipated minor or pupil
40 eighteen years of age or older who is denied accommodations on the
41 basis of residency may continue in attendance in the school district at
42 the request of the parent or guardian of such child or emancipated
43 minor or pupil eighteen years of age or older, pending a hearing
44 pursuant to this subdivision. The party claiming ineligibility for school
45 accommodations shall have the burden of proving such ineligibility by
46 a preponderance of the evidence, except in cases of denial of schooling
47 based on residency, the party denied schooling shall have the burden
48 of proving residency by a preponderance of the evidence.

49 (2) Any such parent, guardian, emancipated minor, pupil eighteen
50 years of age or older, or agent or officer, aggrieved by the finding shall,
51 upon request, be provided with a transcript of the hearing within
52 thirty days after such request and may take an appeal from the finding
53 to the State Board of Education. A copy of each notice of appeal shall
54 be filed simultaneously with the local or regional board of education
55 and the State Board of Education. Any child, emancipated minor or
56 pupil eighteen years of age or older who is denied accommodations by
57 a board of education as the result of a determination by such board, or
58 a subcommittee of the board or local impartial hearing board, that the
59 child is not a resident of the school district and therefore is not entitled
60 to school accommodations in the district may continue in attendance in
61 the school district at the request of the parent or guardian of such child
62 or such minor or pupil, pending a determination of such appeal. If an
63 appeal is not taken to the State Board of Education within twenty days
64 of the mailing of the finding to the aggrieved party, the decision of the
65 board, subcommittee or local impartial hearing board shall be final.
66 The local or regional board of education shall, within ten days after
67 receipt of notice of an appeal, forward the record of the hearing to the
68 State Board of Education. The State Board of Education shall, on
69 receipt of a written request for a hearing made in accordance with the
70 provisions of this subsection, establish an impartial hearing board of
71 one or more persons to hold a public hearing in the local or regional
72 school district in which the cause of the complaint arises. Members of
73 the hearing board may be employees of the Department of Education
74 or may be qualified persons from outside the department. No member
75 of the board of education under review nor any employee of such
76 board of education shall be a member of the hearing board. Members
77 of the hearing board, other than those employed by the Department of
78 Education, shall be paid reasonable fees and expenses as established
79 by the State Board of Education within the limits of available
80 appropriations. Such hearing board may examine witnesses and shall
81 maintain a verbatim record of all formal sessions of the hearing. Either
82 party to the hearing may request that the hearing board join all
83 interested parties to the hearing, or the hearing board may join any

84 interested party on its own motion. The hearing board shall have no
85 authority to make a determination of the rights and responsibilities of
86 a board of education if such board is not a party to the hearing. The
87 hearing board may render a determination of actual residence of any
88 child, emancipated minor or pupil eighteen years of age or older
89 where residency is at issue.

90 (3) The hearing board shall render its decision within forty-five days
91 after receipt of the notice of appeal except that an extension may be
92 granted by the Commissioner of Education upon an application by a
93 party or the hearing board describing circumstances related to the
94 hearing which require an extension.

95 (4) If, after the hearing, the hearing board finds that any child is
96 illegally or unreasonably denied schooling, the hearing board shall
97 order the board of education under whose jurisdiction it has been
98 found such child should be attending school to make arrangements to
99 enable the child to attend public school. Except in the case of a
100 residency determination, the finding of the local or regional board of
101 education, subcommittee of such board or a local impartial hearing
102 board shall be upheld unless it is determined by the hearing board that
103 the finding was arbitrary, capricious or unreasonable. If such school
104 officers fail to take action upon such order in any case in which such
105 child is currently denied schooling and no suitable provision is made
106 for such child within fifteen days after receipt of the order and in all
107 other cases, within thirty days after receipt of the order, there shall be a
108 forfeiture of the money appropriated by the state for the support of
109 schools amounting to fifty dollars for each child for each day such
110 child is denied schooling. If the hearing board makes a determination
111 that the child was not a resident of the school district and therefore not
112 entitled to school accommodations from such district, the board of
113 education may assess tuition against the parent or guardian of the
114 child or the emancipated minor or pupil eighteen years of age or older
115 based on the following: One one-hundred-eightieth of the town's net
116 current local educational expenditure, as defined in section 10-261, per
117 pupil multiplied by the number of days of school attendance of the

118 child in the district while not entitled to school accommodations
119 provided by that district. The local board of education may seek to
120 recover the amount of the assessment through available civil remedies.

121 (c) In the event of an appeal pursuant to section 10-187 from a
122 decision of a hearing board established pursuant to subsection (b) of
123 this section, upon request, the State Board of Education shall supply
124 for the fee per page specified in section 1-212, a copy of the transcript
125 of the formal sessions of the hearing board to the parent or guardian or
126 emancipated minor or a pupil eighteen years of age or older and to the
127 local or regional board of education.

128 (d) (1) For the school year commencing July 1, 2010, if a child sixteen
129 years of age or older voluntarily terminates enrollment in a school
130 district and subsequently seeks readmission, the local or regional
131 board of education for the school district may deny school
132 accommodations to such child for up to ninety school days from the
133 date of such termination, unless such child seeks readmission to such
134 school district not later than ten school days after such termination in
135 which case such board shall provide school accommodations to such
136 child not later than three school days after such child seeks
137 readmission.

138 (2) For the school year commencing July 1, 2011, and each school
139 year thereafter, if a child seventeen years of age or older voluntarily
140 terminates enrollment in a school district and subsequently seeks
141 readmission, the local or regional board of education for the school
142 district may deny school accommodations to such child for up to
143 ninety school days from the date of such termination, unless such child
144 seeks readmission to such school district not later than ten school days
145 after such termination in which case such board shall provide school
146 accommodations to such child not later than three school days after
147 such child seeks readmission.

148 (e) A local or regional board of education shall immediately enroll
149 any student who transfers from Unified School District #1 or Unified
150 School District #2. In the case of a student who transfers from Unified

151 School District #1 or Unified School District #2 to the school district in
152 which such student attended school prior to enrollment in Unified
153 School District #1 or Unified School District #2, such student shall be
154 enrolled in the school such student previously attended, provided such
155 school has the appropriate grade level for such student.

156 Sec. 2. Section 10-220h of the general statutes is repealed and the
157 following is substituted in lieu thereof (*Effective July 1, 2011*):

158 When a student enrolls in a school in a new school district or in a
159 new state charter school, the new school district or new state charter
160 school shall provide written notification of such enrollment to the
161 school district in which the student previously attended school or the
162 state charter school the student previously attended not later than two
163 business days after the student enrolls. The school district in which the
164 student previously attended school or the state charter school that the
165 student previously attended (1) shall transfer the student's education
166 records to the new school district or new state charter school no later
167 than ten days after receipt of such notification, and (2) if the student's
168 parent or guardian did not give written authorization for the transfer
169 of such records, shall send notification of the transfer to the parent or
170 guardian at the same time that it transfers the records. In the case of a
171 student who transfers from Unified School District #1 or Unified
172 School District #2, the new school district or new state charter school
173 shall provide written notification of such enrollment to Unified School
174 District #1 or Unified School District #2 not later than ten days after
175 the date of enrollment. [, the] The unified school district shall, not later
176 than ten days after receipt of notification of enrollment from the new
177 school district or new state charter school, transfer the records of the
178 student to the new school district or new state charter school and the
179 new school district or new state charter school shall, not later than
180 thirty days after receiving the student's education records, credit the
181 student for all instruction received in Unified School District #1 or
182 Unified School District #2.

183 Sec. 3. Subsection (l) of section 10-233d of the general statutes is

184 repealed and the following is substituted in lieu thereof (*Effective July*
185 *1, 2011*):

186 (l) (1) Any student who commits an expellable offense and is
187 subsequently committed to a juvenile detention center, the Connecticut
188 Juvenile Training School or any other residential placement for such
189 offense may be expelled by a local or regional board of education in
190 accordance with the provisions of this section. The period of expulsion
191 shall run concurrently with the period of commitment to a juvenile
192 detention center, the Connecticut Juvenile Training School or any other
193 residential placement.

194 (2) If a student who committed an expellable offense seeks to return
195 to a school district after having been in a juvenile detention center, the
196 Connecticut Juvenile Training School or any other residential
197 placement [for one year or more, the] and such student has not been
198 expelled by the local or regional board of education for such offense
199 under subdivision (1) of this subsection, the local or regional board of
200 education for the school district to which the student is returning shall
201 allow such student to return and may not expel the student for
202 additional time for such offense.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2011</i>	10-186
Sec. 2	<i>July 1, 2011</i>	10-220h
Sec. 3	<i>July 1, 2011</i>	10-233d(1)

ED *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which makes a number of changes to enrollment and re-enrollment procedures, is not anticipated to result in a fiscal impact, as districts have already budgeted for the students involved.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis

sHB 6325

AN ACT CONCERNING JUVENILE REENTRY AND EDUCATION.

SUMMARY:

This bill:

1. expands a student's right to re-enroll in his or her old school district after being sent to a juvenile detention center, the Connecticut Juvenile Training School, or another residential placement for committing an offense for which he or she could be expelled from school;
2. requires school districts to immediately enroll or re-enroll a student transferring from either of the unified school districts (USDs) run by the departments of Correction and Children and Families (USD #1 and USD #2, respectively);
3. requires a school district to re-enroll such a student in his or her former school, if the student went to school in the district before attending in a USD and the former school has appropriate grades for the student;
4. establishes a deadline for a new school district or charter school to notify a transfer student's previous district or charter school of a student's enrollment, and extends to USD #2 the currently required deadline for a new school district or charter school to notify USD #1 of a student's transfer; and
5. requires school districts and charter schools to give students credit for instruction received in USD #2 within 30 days after receiving the student's records, as they must already do for instruction received in USD #1.

EFFECTIVE DATE: July 1, 2011

RE-ENROLLING IN SCHOOL AFTER RELEASE FROM JUVENILE DETENTION

Current law prohibits a school district from preventing the return of, or expelling for additional time for the same offense, a student who committed an expellable offense, was sent to juvenile detention for the offense for at least a year, and seeks to return to school in the district.

The bill extends this prohibition to students who commit an expellable offense for which they are sent to juvenile detention for less than a year. Under the bill, the school district may expel the student for the offense, and if it does so, the expulsion and the detention periods must run concurrently. But, if the district does not expel the student for the offense, it must allow him or her to re-enroll in school after the detention period ends and cannot expel him or her for any additional time for that offense.

DEADLINES FOR NOTICE OF STUDENT TRANSFERS

By law, when a student enrolls in a new school district or charter school, the new district or school must notify his or her previous district or charter school of the transfer in writing. The bill requires the new school district or charter school to send the notice within two business days after the student enrolls, unless the student transfers from a USD.

For a student transferring from USD #1, the law already requires the new district or charter school to send the notice to USD #1 within 10 days after the student enrolls. The bill applies the same 10-day deadline for notifying USD #2 of a student's transfer from that district.

BACKGROUND

School Expulsions

By law, boards of education can expel students whose conduct (1) on school grounds or at a school-sponsored activity violates a publicized board policy, is seriously disruptive of the educational process, or endangers people or property or (2) off school grounds

violates board policy and is seriously disruptive of the educational process.

The law requires a mandatory expulsion of one calendar year for students found to possess firearms or other dangerous weapons on school grounds or at school-sponsored activities, or off school grounds, if they have no permit to carry them or use them when committing a crime. The law also requires a one-year expulsion for students who offer illegal drugs for sale on or off school grounds (CGS § 10-233d(a)).

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute

Yea 32 Nay 0 (03/17/2011)