



General Assembly

January Session, 2015

Raised Bill No. 1053

LCO No. 4382



Referred to Committee on EDUCATION

Introduced by:
(ED)

**AN ACT PROHIBITING OUT-OF-SCHOOL SUSPENSIONS AND
EXPULSIONS FOR STUDENTS IN PRESCHOOL AND GRADES
KINDERGARTEN TO TWO.**

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

1 Section 1. Subsection (g) of section 10-233c of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2015*):

4 (g) On and after July 1, [2010,] 2015, all suspensions pursuant to this
5 section shall be in-school suspensions, [unless] except a local or
6 regional board of education may authorize the administration of
7 schools under its direction to impose an out-of-school suspension on
8 any pupil in grades three to twelve, inclusive, if, during the hearing
9 held pursuant to subsection (a) of this section, (1) the administration
10 determines that the pupil being suspended poses such a danger to
11 persons or property or such a disruption of the educational process
12 that the pupil shall be excluded from school during the period of
13 suspension, or (2) the administration determines that an out-of-school
14 suspension is appropriate for such pupil based on evidence of (A)

15 previous disciplinary problems that have led to suspensions or
16 expulsion of such pupil, and (B) efforts by the administration to
17 address such disciplinary problems through means other than out-of-
18 school suspension or expulsion, including positive behavioral support
19 strategies. An in-school suspension may be served in the school that
20 the pupil attends, or in any school building under the jurisdiction of
21 the local or regional board of education, as determined by such board.

22 Sec. 2. Subsection (a) of section 10-233d of the general statutes is
23 repealed and the following is substituted in lieu thereof (*Effective July*
24 *1, 2015*):

25 (a) (1) Any local or regional board of education, at a meeting at
26 which three or more members of such board are present, or the
27 impartial hearing board established pursuant to subsection (b) of this
28 section, may expel, subject to the provisions of this subsection, any
29 pupil in grades three to twelve, inclusive, whose conduct on school
30 grounds or at a school-sponsored activity is violative of a publicized
31 policy of such board or is seriously disruptive of the educational
32 process or endangers persons or property or whose conduct off school
33 grounds is violative of such policy and is seriously disruptive of the
34 educational process, provided a majority of the board members sitting
35 in the expulsion hearing vote to expel and that at least three
36 affirmative votes for expulsion are cast. In making a determination as
37 to whether conduct is seriously disruptive of the educational process,
38 the board of education or impartial hearing board may consider, but
39 such consideration shall not be limited to: (A) Whether the incident
40 occurred within close proximity of a school; (B) whether other students
41 from the school were involved or whether there was any gang
42 involvement; (C) whether the conduct involved violence, threats of
43 violence or the unlawful use of a weapon, as defined in section 29-38,
44 and whether any injuries occurred; and (D) whether the conduct
45 involved the use of alcohol.

46 (2) Expulsion proceedings pursuant to this section, except as

47 provided in subsection (i) of this section shall be required whenever
48 there is reason to believe that any pupil (A) on school grounds or at a
49 school-sponsored activity, was in possession of a firearm, as defined in
50 18 USC 921, as amended from time to time, or deadly weapon,
51 dangerous instrument or martial arts weapon, as defined in section
52 53a-3, (B) off school grounds, did possess such a firearm in violation of
53 section 29-35 or did possess and use such a firearm, instrument or
54 weapon in the commission of a crime under chapter 952, or (C) on or
55 off school grounds, offered for sale or distribution a controlled
56 substance, as defined in subdivision (9) of section 21a-240, whose
57 manufacture, distribution, sale, prescription, dispensing, transporting
58 or possessing with intent to sell or dispense, offering, or administering
59 is subject to criminal penalties under sections 21a-277 and 21a-278.
60 Such a pupil shall be expelled for one calendar year if the local or
61 regional board of education or impartial hearing board finds that the
62 pupil did so possess or so possess and use, as appropriate, such a
63 firearm, instrument or weapon or did so offer for sale or distribution
64 such a controlled substance, provided the board of education or the
65 hearing board may modify the period of expulsion for a pupil on a
66 case by case basis, and as provided for in subdivision (2) of subsection
67 (c) of this section.

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

77 Sec. 3. (NEW) (*Effective July 1, 2015*) No child enrolled in a preschool
78 program under the jurisdiction of a local or regional board of
79 education or a state or local charter school shall be expelled or receive

80 an out-of-school suspension.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2015</i>	10-233c(g)
Sec. 2	<i>July 1, 2015</i>	10-233d(a)
Sec. 3	<i>July 1, 2015</i>	New section

Statement of Purpose:

To prohibit out-of-school suspensions and expulsions for students enrolled in a preschool program or grades kindergarten to two, inclusive.

[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.]