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:

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 Subsection (a) of section 10-233c of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2015):

(a) Any local or regional board of education may authorize the administration of the schools under its direction to suspend from school privileges any pupil whose conduct on school grounds or at a school sponsored activity is violative of a publicized policy of such board or is seriously disruptive of the educational process or endangers persons or property or whose conduct off school grounds is violative of such policy and is seriously disruptive of the educational process. In making a determination as to whether conduct is seriously disruptive of the educational process, the administration may consider, but such consideration shall not be limited to: (1) Whether the incident occurred within close proximity of a school; (2) whether other students from the school were involved or whether there was any gang involvement; (3) whether the conduct involved violence, threats of violence or the unlawful use of a weapon, as defined in section 29-38, and whether any injuries occurred; and (4) whether the conduct
involved the use of alcohol. Any such board may authorize the administration to suspend transportation services for any pupil whose conduct while awaiting or receiving transportation to and from school endangers persons or property or is violative of a publicized policy of such board. Unless an emergency exists, no pupil shall be suspended without an informal hearing by the administration, at which such pupil shall be informed of the reasons for the disciplinary action and given an opportunity to explain the situation, provided nothing herein shall be construed to prevent a more formal hearing from being held if the circumstances surrounding the incident so require, and further provided no pupil shall be suspended more than ten times or a total of fifty days in one school year, whichever results in fewer days of exclusion, unless such pupil is granted a formal hearing pursuant to sections 4-176e to 4-180a, inclusive, and section 4-181a. If an emergency situation exists, such hearing shall be held as soon after the suspension as possible.

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 Subsection (g) of section 10-233c of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2015):

(g) On and after July 1, [2010,] 2015, all suspensions pursuant to this section shall be in-school suspensions, [unless] except a local or regional board of education may authorize the administration of schools under its direction to impose an out-of-school suspension on any pupil in grades three to twelve, inclusive, if, during the hearing held pursuant to subsection (a) of this section, (1) the administration determines that 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, or (2) the administration determines that an out-of-school suspension is appropriate for such pupil based on evidence of (A) previous disciplinary problems that have led to suspensions or expulsion of such pupil, and (B) efforts by the administration to address such disciplinary problems through means other than out-of-
school suspension or expulsion, including positive behavioral support strategies. An in-school suspension may be served in the school that the pupil attends, or in any school building under the jurisdiction of the local or regional board of education, as determined by such board.

Sec. 3. Subsection (a) of section 10-233d of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2015):

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

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

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

Sec. 4. (NEW) (Effective July 1, 2015) No child enrolled in a preschool program provided by a local or regional board of education, state or local charter school or interdistrict magnet school shall be expelled from such preschool program or receive an out-of-school suspension, except that a child shall be expelled for one calendar year from such preschool program if the provider of such preschool program finds...
that a child (1) at such preschool was in possession of a firearm, as
defined in 18 USC 921, as amended from time to time, or deadly
weapon, dangerous instrument or martial arts weapon, as defined in
section 53a-3 of the general statutes, (2) away from such preschool, did
possess such a firearm in violation of section 29-35 of the general
statutes or did possess and use such a firearm, instrument or weapon
in the commission of a crime under chapter 952 of the general statutes,
or (3) at or away from such preschool, offered for sale or distribution a
controlled substance, as defined in subdivision (9) of section 21a-240 of
the general statutes, whose manufacture, distribution, sale,
 prescription, dispensing, transporting or possessing with intent to sell
or dispense, offering, or administering is subject to criminal penalties
under sections 21a-277 and 21a-278 of the general statutes. The
preschool program provider may modify the period of expulsion for a
child on a case-by-case basis.

Sec. 5. Subsection (a) of section 10-76v of the general statutes is
repealed and the following is substituted in lieu thereof (Effective July
1, 2015):

(a) Early detection and prevention programs funded under the
provisions of sections 10-76u to 10-76x, inclusive, as amended by this
act, shall include (1) a component for systematic early detection and
screening to identify children experiencing early school adjustment
problems, and (2) services for any child in grades kindergarten to two,
inclusive, who (A) have been identified as at-risk for disciplinary
problems at school, or (B) may have been expelled pursuant to section
10-233d, as amended by this act, for conduct at school that would have
caused a child enrolled in grades three to twelve, inclusive, to be
expelled under section 10-233d, as amended by this act.

Sec. 6. Subsection (b) of section 10-76u of the general statutes is
repealed and the following is substituted in lieu thereof (Effective July
1, 2015):

(b) The Commissioner of Education shall solicit grant applications
from local and regional boards of education which shall be submitted
annually to the commissioner at such time and on such forms as the
commissioner prescribes. The commissioner shall issue not less than
four grants by September fifteenth of each year. In determining if a
board of education shall be granted funds pursuant to this section and
sections 10-76v to 10-76x, inclusive, as amended by this act, the
commissioner shall consider, but such consideration shall not be
limited to, the following factors: (1) Availability in the school and
community of professional, paraprofessional, and other program staff
with background and experience in early intervention; (2) availability
of space to accommodate the program in an elementary school
building; (3) demonstration of strong support by administrative
personnel, teaching staff, pupil personnel staff and local community
mental health centers; [and] (4) reasonable evidence of future stability
of the program and its personnel; and (5) the number of children
enrolled in grades kindergarten to two, inclusive, in a school under the
jurisdiction of such board of education who may have been expelled
pursuant to section 10-233d, as amended by this act, for conduct at
school that would have caused a child enrolled in grades three to
twelve, inclusive, to be expelled under section 10-233d, as amended by
this act.

This act shall take effect as follows and shall amend the following
sections:

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ED Joint Favorable Subst.