



Greater Hartford Legal Aid

Education Committee, March 2, 2016

Testimony submitted by on behalf of Legal Services Programs

**Senate Bill No. 319, “An Act Concerning Notification to Schools of Protective or Restraining Orders Affecting Students” *Position: oppose in the current form***

This testimony is submitted on behalf of the Legal Services network to alert the Education Committee to concerns regarding Senate Bill No. 319, “An Act Concerning Notification to Schools of Protective or Restraining Orders Affecting Students.” Although Legal Services is very cognizant of the need to protect victims of family and dating violence, this bill does not comply with best practices. It raises a number of safety concerns for victims, especially with respect to the notice provided to victims. It also presents important education issues for students subject to restraining orders.

Section 1 of Senate Bill No. 319 is problematic because it says that, not later than seventy-two hours following the grant of a protective or temporary restraining order, the clerk of the Superior Court shall send a copy of that order to the local or regional board of education (LEA) and the superintendent of schools of the school district in which the protected person or the person against whom the order was entered resides. However, from a victim safety perspective, the victim should decide whether notice to the school would enhance safety and should be shared.

Lines 19-26 of Section 1 are particularly problematic, and probably cannot be remedied by an amendment or a change in language. This section states in relevant part that the “principal or supervisory agent” may disclose such information only to specific staff “for the purposes of assessing the risk of danger posed by or to such person and effectuating an appropriate modification of such person’s educational plan or placement and for disciplinary purposes.” This section appears to be written to apply both to the protected person and to the person against whom the order is entered. It is problematic for both. From a victim’s perspective, safety plans (“appropriate modification”) cannot be effectively developed without the victim and should not be decided without the victim or victim parent’s consent. The quick turnaround for the assessment (end of the next school day) also seems unlikely to be feasible. From the perspective of a student who is the subject of a protective or restraining order, this Section raises questions about how to reconcile such modifications with the Individuals With Disabilities Education Act (IDEA) and the Americans With Disabilities Act (ADA).

Finally, line 3 states that the bill applies to “any protected person,” which would mean that whenever minor children are listed on a protective or restraining order that protects their parent, that order would be sent to the school district, which could result in thousands of orders being directed at the schools each year.

Contact Person: Giovanna Shay, [gshay@ghla.org](mailto:gshay@ghla.org), (860) 541-5061

Greater Hartford Legal Aid, Inc.

999 Asylum Avenue, 3Fl. Hartford, CT 06105-2465 • Tel: 860. 541. 5000 • Fax: 860. 541.5050 • [www.ghla.org](http://www.ghla.org)

