



Connecticut Legal Services



NEW HAVEN
LEGAL
ASSISTANCE
ASSOCIATION, INC.

**Testimony of CT's Legal Services Programs Opposing H.B. 7110,
An Act Concerning Enhanced Classroom Safety and School Climate**

February 22, 2019

Senator McCrory, Representative Sanchez, and esteemed members of the Education Committee:

My name is Erin Shaffer and I am an attorney representing low income youth in the New Haven area. CLS, GHLA and NHLAA represent Connecticut's legal aid network, seeking to improve access to justice by providing free legal help to low income people across Connecticut. We have represented thousands of low-income youth, many of whom have been suspended, expelled, or otherwise removed from the classroom. And we know that the more time students spend out of the classroom, the less likely they are to have successful educational outcomes.

The legal aid programs strongly urge you NOT to support Raised Bill 7110. This bill ignores the tenets of existing disciplinary statutes under the guise of school climate and safety. It will result in:

- a disproportionate impact on students of color and students with disabilities of all ages;
- a failure to provide sustainable change in school climate because it doesn't provide the supports teachers need to address behavior in the classroom; and
- a lack of a comprehensive early intervention approach designed to prevent those behaviors from happening in the first place.

HB 7110 is wholly unnecessary and inconsistent with existing law. Please note the following:

Discipline

Any reference to removal of a student from a classroom is punitive. To align with existing statutory framework, proposal language around removal of a student, currently defined as any exclusion from a classroom for up to 90 minutes, must be in 10-233b, the removal statute (and/or 10-233c or 10-233d, as appropriate).

The school climate statute (section 10-222d) could be the appropriate place for some language around training, resources, prevention, and implementation within the context of school climate and restorative practices, **but not for discipline-based language dealing with removal and procedures for dealing with disruptive students. The tone of the proposal is driven by the statute that it resides in.**

This bill lacks due process protections for students. To ensure this won't be overly complicated and prone to misapplication and misuse, issues that relate to classroom removal, investigation around incidents, and appropriate school administration response should be in the school discipline statutes, including sections 233(b), (c) and (d). These statutes address some due process protections necessary to prevent disproportionate application and impact on students of color or with disabilities, and can be further enhanced to address these concerns, while providing appropriate procedure for teachers to ensure classrooms are safe in a way that does not infringe upon students' civil rights. The discipline statutes

already address time frames for removals (and suspensions and expulsions, where applicable), notice to parents, hearing requirements, etc. They achieve this in an automatic and uncomplicated way. The removal language does not currently, but should, reference notice to the parent, opportunity for a meeting to address the behavior, or protective and efficient response mechanisms to prevent future issues.

Disproportionate Effect and Data Collection Concerns

The proposal will disproportionately affect students of color and students with disabilities. We need demographic data on who the students impacted by this proposal are and where they are. It should require data reporting for all removals, as removal data is not currently required. Data should include the district and specific schools information and a breakdown of who the students are. Classroom data would help to enable training and support efforts directed to the specific teachers and classrooms that need it the most, and should include impact of implicit biases on policy implementation. Data on specific students is already required to be part of a student's unique electronic student identifier as designated in § 10-10a of the statutes. Form ED166 is the form schools must complete when there is a disciplinary offense. That form pulls student information from the active roster record and will include gender, grade, ethnicity and race. Information collected on the ED166 should be modified to also include limited English proficiency and disability. Info on specific students must remain confidential.

Please also note that while much has been made that bill's underlying intent addresses behaviors by younger students, the bill is not written as such. Upon implementation, this bill applies to students of all ages, providing for discretion by any classroom teacher to remove any student.

Provision of Teacher Resources and School Climate Considerations

Greater emphasis should be placed on mandating the availability of resources for teachers in order to prevent problematic behavior, deal with the underlying behaviors and needs of the students. Not only does this include the tremendous amount of training and extended time to implement restorative practices and related school climate improvement measures, but also training on how to appropriately implement IEP's, 504 plans, safety plans and behavioral interventions with trained and competent support staff. This bill is shortsighted in its failure to prioritize early intervention, appropriate supports designed to keep students in the classroom rather than remove them, in addition to the systemic district and state level guidance required to ensure teachers can sustain safe classrooms.

Violations of the Individuals with Disabilities Education Act (IDEA)

HB 7110 presents a high likelihood of numerous violations of federal IDEA and corresponding federal and state statutes and regulations. IDEA has a team approach using the planning and placement team (PPT) to draft an appropriate education plan, often with a behavior plan, for students with behavioral or mental health diagnoses. The plan is based on assessments and evaluations done over a period of time by experts using evidence based and peer approved methodologies. IDEA is clear about who the members of the team should be. IDEA also prioritizes meaningful parent participation.

HB 7110 has an entirely different team making quick decisions without the benefit of evaluations, and removes the parent from the decision making process, in favor of a discretionary decision based on a singular occurrence of subjectively problematic behavior. The intervention plans here are done outside of the PPT process, subjecting those plans to legal challenges when they are inconsistent with PPT plans.

For these reasons, we ask that you vote against HB 7110. Please contact me at 203-200-7060 for more information. Thank you for your time and consideration.