

Mandatory School Expulsion Laws

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Issue

Describe the Connecticut laws governing mandatory expulsion from public school.

Summary

Under Connecticut law, a student in grades kindergarten to 12 must be expelled for especially dangerous acts ([CGS § 10-233d\(a\)\(2\)](#)). The law lists specific types of conduct that require mandatory expulsion. While the list is not limited to criminal acts, much of the conduct described is criminal.

Additionally, Connecticut law requires that municipal and state police notify the superintendent of the juvenile's school district, both orally and in writing, when a student aged seven through 20 has been arrested for a felony, a class A misdemeanor, or one class B misdemeanor ([CGS § 53-206c](#), involving facsimile firearms) ([CGS § 10-233h](#)). The superintendent must expel the student if the act is listed in state law as one that requires mandatory expulsion.

Conduct Requiring Expulsion

As Table 1 shows, conduct that requires mandatory expulsion may occur either on campus (i.e., on school grounds or at a school sponsored activity) or off campus (i.e., outside of a school-sponsored activity). Mandatory expulsions must be one calendar year in length, subject to modification by the board of education or impartial expulsion hearing board on a case-by-case basis. State law also prescribes the due process that students are entitled to during expulsion proceedings, such as notice and hearing requirements ([CGS § 10-233d](#)). For example, a school board must hold a hearing before expelling a student, except in an emergency (i.e., the student's continued presence would be so disruptive or dangerous as to allow the student's removal before the hearing). In the

latter instance, the expulsion hearing must take place as soon as possible after the student's removal.

Table 1: Conduct Requiring Expulsion

On-Campus Conduct	
<i>Conduct</i>	<i>Description</i>
1. Firearm possession	<ul style="list-style-type: none"> any weapon that can expel a projectile by an explosive; a firearm frame, receiver, muffler, or silencer; or any destructive device, which includes explosives, incendiaries, and poison gases (18 U.S.C. § 921) does not include antique firearms
2. Deadly weapon possession	<ul style="list-style-type: none"> one from which a shot can be discharged; a switchblade or gravity knife, billy, blackjack, bludgeon, or metal knuckles (CGS § 53a-3(6)) air pistol (e.g., pellet or BB gun) (<i>State v. Hardy</i>, 278 Conn. 113 (2006))
3. Dangerous instrument possession	<ul style="list-style-type: none"> something that, under the circumstance in which it is used, can cause death or serious injury, including an attack dog or a vehicle (CGS § 53a-3(7))
4. Martial arts weapon possession	<ul style="list-style-type: none"> a nunchaku, kama, kasari-fundo, octagon sai, tonfa, or Chinese star (CGS § 53a-3(21))
Off-Campus Conduct	
<i>Conduct</i>	<i>Description</i>
1. Firearm possession outside of home or person's place of business without a permit	<ul style="list-style-type: none"> "firearm" as defined above (18 U.S.C. § 921) With certain exceptions, state law requires a permit to carry a handgun (CGS § 29-35)
2. Possession and use of a firearm, deadly weapon, dangerous instrument, or martial arts weapon in the commission of a crime under the Connecticut Penal Code	<ul style="list-style-type: none"> Connecticut Penal Code offenses (CGS § 53a-24 et seq.)
Conduct On- or Off-Campus	
<i>Conduct</i>	<i>Description</i>
1. Sale or distribution of drugs that would be subject to criminal penalties	<ul style="list-style-type: none"> a "controlled substance," including marijuana, cocaine, and hallucinogens (CGS § 21a-240(9)); amount sold or distributed is irrelevant (CGS § 21a-277 and § 21a-278)

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