

***STUDENT SUSPENSION
AND EXPULSION***

Connecticut

General Assembly



LEGISLATIVE
PROGRAM REVIEW
AND
INVESTIGATIONS
COMMITTEE

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**CONNECTICUT GENERAL ASSEMBLY
LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE**

The Legislative Program Review and Investigations Committee is a joint, bipartisan, statutory committee of the Connecticut General Assembly. It was established in 1972 to evaluate the efficiency, effectiveness, and statutory compliance of selected state agencies and programs, recommending remedies where needed. In 1975, the General Assembly expanded the committee's function to include investigations, and during the 1977 session added responsibility for "sunset" (automatic program termination) performance reviews. The committee was given authority to raise and report bills in 1985.

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LEGISLATIVE PROGRAM REVIEW
& INVESTIGATIONS COMMITTEE

Student Suspension and Expulsion

DECEMBER 1997

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Executive Summary

Student Suspension and Expulsion

Ensuring children attend school, are safe while at school, and receive a sound education have become challenging tasks for parents, state and local education agencies, state legislatures, and society in general. With some students, the challenge is controlling or managing their in-school behavior. Misconduct by students, whether on- or off-campus, can detract from the learning environment and, in the extreme, may make students, teachers, and other school personnel fearful of attending school.

The issues surrounding student discipline range from student behavior that is disrespectful and inappropriate to criminal and violent acts threatening the safety of other students and teachers. The greatest concerns focus on the presence of weapons and illegal drugs in middle and high schools. Federal and state governments have responded to these concerns with stricter student discipline laws, and by appropriating additional resources for prevention, intervention, and discipline programs.

In Connecticut, the vast majority of public school students are not exhibiting violent behavior in school or bringing weapons onto the campus. In general, suspended and expelled students were disruptive and unruly in class rather than violent. However, incidents of violence and possession of weapons as well as the rates of suspension and expulsion are increasing.

Overall, the committee found Connecticut laws establish reasonable state policy regarding student discipline that provides direction to local school districts. Public school districts also have sufficient authority to address student misconduct and disruptive or violent behavior, including weapons on school grounds. There are, however, some statutory procedural and policy issues that need clarification to better assist school districts in complying with the laws and to effectively address student misconduct.

As a general rule, public schools should have limited authority to discipline students for conduct that takes place outside of school or school-related functions or activities. However, the current “zero tolerance” policy expanded school districts authority to discipline students to include misconduct occurring off school grounds. The committee found the existing suspension and expulsion law does not clearly define the grounds for which a student may be disciplined for off campus behavior nor do they clearly focus on the issue of school safety.

It is extremely important school districts establish high behavioral expectations for all students, especially those that have been disciplined. However, it is unrealistic for a school to expect or require a student excluded from school to continue to adhere to those expectations. In fact,

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exclusion from school, either by suspension or expulsion, does little to teach disruptive students alternative methods of behavior and is not a solution to juvenile violence or delinquency. The committee found nothing in Connecticut statutes prohibits local school districts from establishing conditions for readmission of expelled students or setting conditions to effect a positive behavior change by a disciplined student. However, some clarification of school districts' authority is needed to establish a procedure that protects the districts' control over which students are excluded from school for disciplinary reasons.

Educational standards were established to ensure all Connecticut's children received a comprehensive public education. The committee found alternative educational services for expelled students are intended to meet the same goals as traditional mainstream education and should, therefore, be subject to statewide minimum standards to ensure expelled students receive a quality education. As some of the most at-risk students are educated through alternative education services it is particularly important these services be effective and facilitate to the maximum extent possible the student's successful transition back to mainstream school.

Furthermore, every effort should be made to encourage expelled students to continue their education, especially if they are no longer eligible for public school services. The state Department of Education should, therefore, encourage and assist in the development of nontraditional education schools and programs, which can be alternatives to suspension and expulsion.

Finally, the program review committee found the current discipline process for regular and special education students, established by federal and state laws, has resulted in a dual system that is inherently unfair to all students and school districts. Disabled students who are found to be capable should abide by the same student conduct policies and disciplinary codes as other students.

RECOMMENDATIONS

- 1. The statutory grounds for the suspension or expulsion of a student for off campus conduct shall be changed to: (1) the unlawful activity may reasonably be considered to be an interference with school purposes or an educational function; or (2) the student's removal from school is necessary to restore order or to protect persons on school property. In addition, the standard of "seriously disruptive of the educational process" shall no longer be grounds for in-school suspension, suspension, or expulsion for on campus student conduct.**

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OR

The state Department of Education shall issue regulations or memoranda to all local and regional school districts and the vocational-technical school system defining the statutory standard of “seriously disruptive of the educational process” and defining criteria to determine grounds for the suspension or expulsion of a student for off campus conduct. The standard shall include, but not be limited to: (1) the unlawful activity may reasonably be considered to be an interference with school purposes or an educational function; or (2) the student’s removal from school is necessary to restore order or to protect persons on school property.

2. Local and regional school districts and the vocational-technical school system may, at the expulsion hearing or any time during the expulsion period, set reasonable conditions to effect a positive behavior change by an expelled student, and may consider an application for readmission to the public school system from an expelled student. Early readmission shall be solely at the discretion of a school district’s superintendent and based on the expelled student’s compliance or successful completion of the specified conditions. The decision is not appealable to a local, regional, or state board of education or to the courts. The superintendent may readmit the expelled student to mainstream class or an in-school alternative education program. If readmitted, the student is subject to the remainder of the expulsion period and can be excluded from school for misconduct at any time during that period without another formal expulsion hearing.

A school district shall not require an expelled student to comply with any conditions; participation and readmission shall be voluntary on the part of the student. In addition, any costs incurred in meeting the conditions shall be the responsibility of the student and his or her family. However, a school district may assist the student and family in locating services, providing referrals, or by maintaining a school-sponsored program.

3. C.G.S. § 10-233b regarding the removal of pupils from class shall be repealed.

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4. Public school districts shall provide expelled students with no less than four hours per day of alternative educational that includes a minimum of two hours of instructional time in core curriculum areas taught by state certified teachers. The remaining time during a day may be supervised or monitored by a noncertified teacher or other school staff and may include, but shall not be limited to: independent study, art, or music projects; volunteer or community service; job training or school-to-work programs; or training in peer mediation, conflict resolution, or violence prevention.
5. Public school districts shall be required to advise expelled students between the ages of 16 and 18, who are statutorily ineligible for alternative education, of the other options for high school completion and other available education programs. However, nothing shall prohibit a school district from offering a student an alternative education program. The manner through which the district will advise the student shall be prescribed by the commissioner of the state Department of Education.
6. The state Department of Education shall establish a clearing house to collect and distribute information on nontraditional schools and educational programs including, but not limited to: policies and procedures; best practices and research; student enrollment eligibility; alternatives to suspension and expulsion; collaboration strategies between school districts; and maintain an updated directory of alternative and nontraditional schools and programs in Connecticut. The department shall also provide technical assistance to local and regional school districts on the development, implementation, and administration of public nontraditional education for students, including expelled and suspended students.
7. The Department of Education shall make the development and implementation of nontraditional education programs, particularly in a collaborative setting between school districts, a priority in the awarding of urban and interdistrict grants, applications for charter and magnet schools, and other grants if appropriate.

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8. All individualized education plans for special education shall contain written documentation on whether the disabled student should be held to the same student conduct and disciplinary policies of the school district, which apply to nondisabled students. The initial determination shall be based on the information and assessments gathered by the planning and placement team during the evaluation to determine whether the student is disabled and in need of special education and related services. In addition, during each required reevaluation, the planning and placement team shall consider the student's past and present behavior and conduct during the school year and make a determination as to whether the student should be held to the regular student conduct and disciplinary policies of the school district.

The determination shall be considered, but is not binding on, the planning and placement team in making a manifestation determination for any special education student recommended for expulsion.

9. Since it must be collected to ensure federal funding for education, the state Department of Education shall annually provide the local and regional school districts and the vocational-technical school system with an analysis of student suspension and expulsion activity, including information on the reasons for and length of the student's exclusion from school.

STUDENT SUSPENSION AND EXPULSION

Ensuring children attend school, are safe while at school, and receive a sound education have become challenging tasks for parents, state and local education agencies, state legislatures, and society in general. With some students, the challenge is simply to get them to attend and stay in school. With others, the difficulty is controlling or managing their in-school behavior. Misconduct by students, whether on or off campus, can detract from the learning environment and, in the extreme, may make students, teachers, and other school personnel fearful of attending school.

The breadth of the debate surrounding the student discipline issue ranges from disrespectful and delinquent behavior by students to criminal or violent acts threatening the safety of other students and teachers on campus. The greatest concerns focus on the presence of weapons and illegal drugs in middle schools and high schools. Federal and state governments have responded to these concerns with stricter student discipline laws and by appropriating additional resources for prevention, intervention, and discipline programs. While school administrators and boards of education have been forced to take on the role of police as well as educators and social service providers.

There is, however, little conclusive research as to whether public schools are increasingly unsafe. There are anecdotal accounts of incidents of violence by and against students, and criminal justice data suggest that, due to the illegal drug business, more and more children have access to weapons.

During the 1990s, states took a more punitive response to juvenile delinquency and violence. The traditional approach of the juvenile justice system was one of rehabilitation and services for "misguided" children to allow them to remain in their homes and communities. However, state legislatures began to shift public policy toward an approach of "zero tolerance". This translated at the local level into stricter student discipline laws and a focus on regulating student behavior through sanctions. Suspension and expulsion have, therefore, become common practice responses to serious student misbehavior and violence.

However, not all educators respond to discipline problems the same way, and the disciplinary responses vary among regions and even within a school district. This suggests that what is a discipline problem in one school or classroom may not necessarily be a problem in another. Obviously, individuals within the educational community do not view the problem and response through the same prism. For example, some educators argue out-of-school suspension and expulsion contribute to the student's low achievement, due in part to missed periods of instruction and diminished motivation. Others take the position it is wrong to deny other students a safe learning environment and the attention of the teacher. Thus, removal of the disruptive student is the lesser price to pay.

Scope of Review

The Legislative Program Review and Investigations Committee in January 1997 voted to review local school boards' authority to suspend and expel students, especially under the expanded school safety act, and the state mandate to provide alternative education programs to expelled students. The scope of the study included a:

- review of local school boards' use of disciplinary, suspension, and expulsion policies and practices for regular and special education students, including an analysis of outcomes of all legal and due process proceedings;
- examination of alternative education programs for expelled students;
- review of the goals and objectives of the federal Gun-Free Schools Act of 1994;
- analysis of suspension, expulsion, and student violence data; and
- review of alternative methods for maintaining a safe school environment and preventing criminal and disruptive behavior by students, and methods and programs for keeping at-risk children in school.

Methodology

A variety of sources and research methods were used in conducting the study of the suspension and expulsion of public school students. Federal and state statutes and case law relating to general and special education, student discipline, suspension and expulsion, and alternative education were reviewed. State Department of Education regulations and policies were examined as well as sample policies maintained by the Connecticut Association of Boards of Education. National and state literature, research, and statistics relating to the issues of school violence, student discipline, and alternative education were examined. Policies, programs, and student discipline initiatives in other states were analyzed for comparison to Connecticut.

Structured interviews were held with State Department of Education personnel, public school educators and administrators, community service providers, and attorneys involved in the student discipline process. State and national experts on juvenile violence and delinquency and education for at-risk students were also interviewed. The committee monitored the work of the Alternative Education Task Force, sponsored by the Safe Schools and Communities Coalition of Drugs Don't Work!. In addition, the committee conducted a series of round table discussions with school superintendents and principals, mainstream and special education teachers and staff, state and local boards of education members, and expulsion and special education hearing officers.

The program review committee collected data on the number of suspensions, expulsion, and violent incidents involving students over a period of four school years from the 131 public school districts providing middle and high school education (grades 6 through 12). The committee also collected specific information relating to discipline and academic performance from the cumulative educational records of suspended and expelled students. The sample of 670 students was randomly selected from 22 school districts in the state, which were also randomly selected.

Report Format

The final report is organized into seven chapters and contains the committee's findings and recommendations. Chapter 1 is an overview of Connecticut's general education requirements and the special education student identification and evaluation process. Chapter 2 provides a detailed description of the current federal and state laws relating to education and student expulsion. Chapter 3 outlines the suspension and expulsion process for regular and special education students. An overview of the alternative education programs and services currently used by school districts for expelled students is contained in Chapter 4. Chapter 5 presents an analysis of school safety data, including the incidence of suspension and expulsion and the prevalence of student violence and weapon possession on school campuses. This section also includes findings based on the data analysis. A profile of common characteristics of suspended and expelled students is contained in Chapter 6. Finally, Chapter 7 presents the program review committee's findings and recommendations for the suspension and expulsion of public school students and for alternative education for those students.

Agency Comments

It is the policy of the Legislative Program Review and Investigations Committee to provide state agencies subject to a study with the opportunity to review and comment on the recommendations prior to the publication of the final report. The response to the committee's report from the State Department of Education is contained in Appendix G.

PUBLIC EDUCATION IN CONNECTICUT

In Connecticut, a free public education is a right guaranteed by the State Constitution (CT. Const. Art. 8, Sec. 1). The state must “enable” each child between the ages of five and 20 years to attend a public school and to provide for “reasonable and desirable” transportation of the student to and from school. However, the state has statutorily designated responsibility for providing education to the 166 local and regional public school districts, the statewide vocational-technical school system, three academies that accept students whose tuition is paid by the public school districts, and several school districts that service children in the custody of state agencies (i.e., Departments of Children and Families, Correction, and Mental Retardation). The focus of the study, however, is on the policies and practices of the local and vocational-technical school districts.

Education Agencies

State Board of Education. In Connecticut, the State Board of Education (SBE), State Department of Education (SDE), and local and regional boards of education administer and provide public educational services. The State Board of Education consists of nine members appointed by the governor to four-year terms, one of which is selected by the governor as chairperson. The commissioner of the state education department, appointed by the board, serves as secretary to the board and is an ex-officio member without a vote.

The board of education conducts an annual assessment of the public schools’ education programs and maintains a running statutorily required five-year comprehensive plan for elementary, secondary, vocational, career, and adult education. The plan must include goals and objectives, analyses of cost and outcome measures, and strategies and methods for implementing the plan. The board is further responsible for:

- the general supervision and control of the educational interests of the state, which includes preschool, elementary and secondary schools, special education, vocational education, and adult education;

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- organizing the state Department of Education and adopting regulations;
 - providing leadership and promoting the improvement of education, including research, planning, evaluation, and services related to education technology;
 - preparing courses of study and curriculum guides and recommending textbooks, materials, and instructional resources to assist school districts; and
 - providing workshops for teachers.

State Department of Education. The education department is the administrative arm of the State Board of Education. The department is responsible for: (1) providing technical assistance to local and regional school districts; (2) processing federal grant applications and ensuring local school district compliance with federal and state law; (3) implementing such pilot and research projects as assigned by the state board or General Assembly; (4) developing regulations in accordance with federal and state law; (5) maintaining a statewide vocational-technical school system; and (6) approving and overseeing charter and magnet schools and the urban and priority school districts. The department is comprised of five divisions and two units. The divisions are: Grants Management; Finance and Administrative Services; Teaching and Learning; Educational Programs and Services, which includes the Bureau of Special Education and Pupil Services; and the vocational-technical school system. The department's two units are Legal and Governmental Affairs and Urban and Priority School Districts.

The state education department is directly responsible only for the discipline, suspension, and expulsion of students attending the vocational-technical schools. It is not involved, except to provide technical assistance if requested, in the disciplinary procedures of local school boards.

Public schools. In Connecticut, there are 166 public school districts, three academies which accept public school students whose tuition is paid by the public school district, and the statewide vocational-technical school system. The State Department of Education developed nine education reference groups (ERGs) to enable educators to compare groups of districts which have similar characteristics. Table I-1 lists the school districts within each of the ERGs.

The educational reference groups were developed based on: (1) 1990 census data; (2) measures of socioeconomic status (e.g., children attending public schools and their families, including median family income, percentage of children with at least one parent with a bachelor's degree or higher, and the percentage of children's parents holding jobs in executive, managerial, or professional occupations); (3) indicators of need (e.g., percentage of children living in families with

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Chapter 1: Public Education In Connecticut

- A free public education is a right guaranteed by State Constitution and state laws to all children between the ages of five and 21 years.
 - Education in Connecticut is provided by 166 public school districts, three academies, and a vocation-technical school system.
 - School districts have only those powers granted by statute but, in practice, have significant discretion in providing education, including establishing rules for student conduct and discipline.
 - The special education process has created a dual system of discipline: one for regular education students and one for special education students.
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Table I-1. School Districts Within Education Reference Groups

Group A	Group B	Group C	Group D	Group E	Group F	Group G	Group H	Group I
Avon Darien Easton^ New Canaan Redding^ Ridgefield Simsbury Weston Westport Wilton Woodbridge* Reg. Dist. 9	Bethel Brookfield Cheshire Fairfield Farmington Glastonbury Granby Greenwich Guilford Madison Marlborough* Monroe New Fairfield Newtown Orange* South Windsor Trumbull West Hartford Reg. Dist. 5	Andover* Barkhamsted* Bethany* Bolton Bozrah* Canton Cornwall* Deep River* East Granby Ellington Essex* Hebron* Ledyard Litchfield Mansfield^ New Hartford* Oxford^ Pomfret* Preston^ Salem* Salisbury* Sherman* Somers Suffield Westbrook Willington^ Woodstock^ Reg. Dist. 4 Reg. Dist. 6 Reg. Dist. 7 Reg. Dist. 8 Reg. Dist. 10 Reg. Dist. 13 Reg. Dist. 14 Reg. Dist. 15 Reg. Dist. 17 Reg. Dist. 18 Reg. Dist. 19	Berlin Branford Clinton Colchester Columbia* East Hampton East Lyme Hamden Newington New Milford North Branford North Haven Old Saybrook Rocky Hill Shelton Southington Tolland Watertown Wethersfield Windsor Reg. Dist. 12	Ashford* Brooklyn^ Canaan* Canterbury^ Chester* Colbrook* Coventry Cromwell Eastford* East Haddam Franklin* Hampton* Hartland* Kent* Lebanon Lisbon* Norfolk* North Stonington Portland Scotland* Sharon* Union* Reg. Dist. 1 Reg. Dist. 11 Reg. Dist. 16^ Woodstock Academy	Bloomfield Enfield Groton Manchester Milford Montville Naugatuck Seymour Stonington Stratford Torrington Vernon Wallingford Waterford Windsor Locks Wolcott	Chaplin* East Haven East Windsor Griswold North Canaan* Plainfield Plainville Plymouth Sprague* Stafford Sterling* Thomaston Thompson Voluntown* Winchester Gilbert Academy	Ansonia Bristol Danbury Derby East Hartford Killingly Meriden Middletown Norwalk Norwich Putnam Stamford West Haven Norwich Free Academy	Bridgeport Hartford New Britain New Haven New London Waterbury Windham

* Indicates elementary school district only; no middle or high school.

^ Indicates elementary and middle school district only; no high school.

a single parent or nonfamily household, school-age children receiving Aid to Families with Dependent Children in 1994 as a percentage of children enrolled in public school, and percentage of children whose families speak a language other than English); and (4) student enrollment data.

Connecticut's public elementary, middle, and high schools are administered by local and regional boards of education, consisting of elected members. However, the superintendent of a school district, employed by the board of education, is the "chief executive officer" responsible for the day-to-day operation of the schools. Each school is administered by a principal, and most school districts also employ assistant superintendents and assistant principals.

School boards have only those powers granted by statute. In practice, however, they have significant discretion in providing education, administering the schools within their districts, and establishing a student conduct standard and disciplining violators. Generally, a school board must maintain "good" public elementary and secondary schools and provide other educational activities for children between the ages of five and 20 to meet the educational interest of the state and the district. Specifically, boards must: determine the age and admission qualifications for students; hire teachers; provide student transportation to and from school; ensure children between the ages of seven and 16 years attend school; and design appropriate education programs for students between the ages of 19 and 21. The boards must also identify their district's educational goals and student objectives in terms of academic skills, knowledge, and competence. Furthermore, federal and state law requires the boards identify students with special education needs and provide suitable educational programs and services at no cost to the parents.

Specific to this study, boards of education are mandated to establish rules for the discipline of students within the district's public schools in accordance with federal and state laws. For example, under both federal and state law, each school district *must* adopt a policy for the mandatory expulsion of students for possession of weapons on or off campus. State law expands the grounds for which a student *must* be expelled or suspended and requires boards adopt procedures, which include coordination with service agencies and local police for dealing with the students who use, sell, or possess alcohol or illegal drugs on school property.

General Education Requirements

Attendance and curriculum. As previously stated, educational services and programs must be provided to children between the ages of five and 20 years old and special education and related services for disabled students between five and 21 years. Parents or guardians of school-aged children (seven to 15 years) are required by state law to ensure their children regularly attend school, however, there are few, if any, real consequences for parents of truants. Children who are at least 16 years old are not legally required to attend school and their parents cannot be held liable for nonattendance or educational neglect.

In Connecticut, a school year is at least 180 days of "actual school sessions (days)" and a school day consists of no less than four hours at the elementary and secondary levels. School districts must provide 900 hours of school work annually for grades one through 12. For the purposes of this study, elementary school includes grades kindergarten through fifth grade, middle school is sixth through eighth grades, and high school is ninth through twelfth grades. Middle and high school are the secondary educational level.

Although local and regional boards of education are responsible for developing the specific school curriculum for their districts, there are statewide curriculum requirements established in statute. Public school instruction must include: (1) the arts; (2) career and consumer education; (3) health and safety including human growth and development, nutrition, first aid, disease prevention, physical, mental, and emotional health, and substance abuse prevention; (4) language arts including reading, writing, grammar, speaking, and spelling; (5) mathematics; (6) physical education; (7) science; (8) social studies including citizenship, economics, geography, government, and history; (9) foreign languages; and (10) vocational education. Schools must also provide instruction regarding substance abuse, character and citizenship development, acquired immunity deficiency syndrome (AIDS), and United States history. Finally, schools may, but are not required to, provide instruction on firearms safety as well as family life, including family planning, human sexuality, parenting, nutrition, and the emotional, physical, psychological, hygienic, economic, and social aspects of family life.

Since 1988, a student must complete a required minimum 20 credits that include four in English, three in mathematics, three in social studies, two in science, one in the arts or vocational education, and one in physical education to graduate from high school. The law allows graduation requirements to be waived for special education students. School districts, however, are reluctant to waive requirements and will often modify the course requirements to assist the student to achieve the credits.

Student enrollment. As shown in Table I-2, there were over 500,000 elementary and secondary school students enrolled as of October 1, 1996, during the 1996-1997 school year. The number of students enrolled in public school increased for each year under review. Approximately one in six (16.4 percent) of the students in the graduating high school class of 1996 dropped out of school during grade nine through 12. The annual drop-out rate for 1996 decreased from 17.4 percent in 1995.

During the 1995-1996 school years, elementary school students received an average of 959 hours of instruction, middle school students received 980 hours, and high school students received 974 hours of instruction.

Table I-2. Public School Student Enrollment				
School Year*	95/96	94/95	93/94	92/93
K thru 5	260,310	257,175	252,185	246,383
6 thru 8	118,360	115,305	111,622	119,436
9 thru 12	137,713	133,639	131,332	119,436
Pre-K & Ungraded	10,831	12,053	11,763	12,639
TOTAL	527,214	517,902	506,902	487,536

*Data as of October 1 of each school year.
Source of Data: State Department of Education

Special Education and Related Services

This study focuses on the suspension and expulsion of public school students, but an understanding of special education law and procedural safeguards is necessary as well since, in general, disabled students are treated differently than the general school population in matters related to discipline. Expulsion is an exclusion from school that changes a special education student's placement. The student, therefore, is entitled to an evaluation and review in addition to the required expulsion hearing. In practice, a dual system of discipline exists: one for general education students and one for special education students. Special education law and procedure as it relates to the identification, evaluation, and placement of disabled students is outlined below. The process for disciplining special education students is described in Chapter 3.

It is important to note that while the special education system and process are highly regulated by federal and state laws as well as State Department of Education regulations, the implementation of the rules is subject to interpretation by local school districts. Therefore, school districts' practices often are less rigid than the prescribed process but do meet the intent of the law. Differences among the 166 school districts also exist.

Student eligibility. In accordance with the federal Individuals with Disabilities Education Act (IDEA) and state law, students with disabilities have an enforceable right to a "free appropriate public education" provided in the least restrictive setting. Furthermore, under current law, a school district may not deny education to any student with a disability, whether or not a nexus between his or her conduct and disability can be proven. All placement decisions, including disciplinary exclusions that change a student's placement for more than 10 consecutive school days (expulsion), must be consistent with these rights. There is no such standard for regular education students.

Disabled students are eligible to receive special education up to the age of 21 years. Students requiring special education may include any child who is mentally retarded, physically handicapped, seriously emotionally disturbed (SED), neurologically impaired, or suffering from an identifiable learning disability (LD) which impedes the rate of development. (Appendix F, "The Glossary of Terms", includes a definition of each disability.) To receive special education services, the statutes establish the standard that a student's disability must be responsive to correction or rate of development improved by special education. However, case law requires special education and related services must be provided to students who meet the definition of a disability, even if that disability is not be amenable to special education. In addition, the federal Individuals with Disabilities Act requires the disability adversely impact the student's educational performance and, as a result, the child needs special education and related services.

Students with extraordinary learning ability or outstanding talent in creative arts may also be identified as special education. However, for the purposes of this study, such students are not included as special education as they may be expelled without initiating the mandatory special education review process.

Programs and services. Special education programs are individualized to best meet the educational needs of the student. In providing services, school districts must meet the requirement that special education be provided in the "least restrictive environment" to ensure the student is educated "to the maximum extent possible" with nondisabled students and given the opportunity to participate in all aspects of the general school program. Service and program options are reviewed on a subjective range of "least restrictive" and not based on a specific percentage of time. Some special education students spend 100 percent of their time in school with nondisabled peers while others are separated from mainstream classrooms or placed out-of-district.

Local and regional boards of education are responsible for the total cost of any in-school special education program and, at least, the educational costs of an out-of-district placement. Parents may not be charged for services. Under the IDEA funding formulas, school districts receive approximately \$400 per year per special education student. The funds may be spent on an individual basis for services for a student or pooled and used as a resource for the school's special education program.

Alternative services. Before a student is referred for evaluation for special education services, school districts are required to provide alternative services within the regular education program to address the student's academic or behavioral problem. Alternative services include, but are not limited to: a special education teacher or support staff to assist a regular education teacher in classroom; modification of the student's work assignments or class schedule; implementation of classroom management techniques; and consultation with the student's parents.

Identification and evaluation. Referrals for evaluation may be made by school personnel such as teachers, pupil personnel directors, nurses, psychologists, social workers, or guidance

counselors, or by parents or guardians, physicians, or outside clinical staff and social workers. Students whose academic performance, behavior, and/or attendance are not within the acceptable standard ranges must be referred for evaluation. One referral criteria in state regulation is repeated student suspension.

The special education referral triggers all federal and state procedural safeguards that specify the rights and responsibilities of all parties involved. The referral is the first step in initiating the evaluation process, which may result in the student being identified as needing special education. Parental consent or court order is required for an evaluation to be conducted.

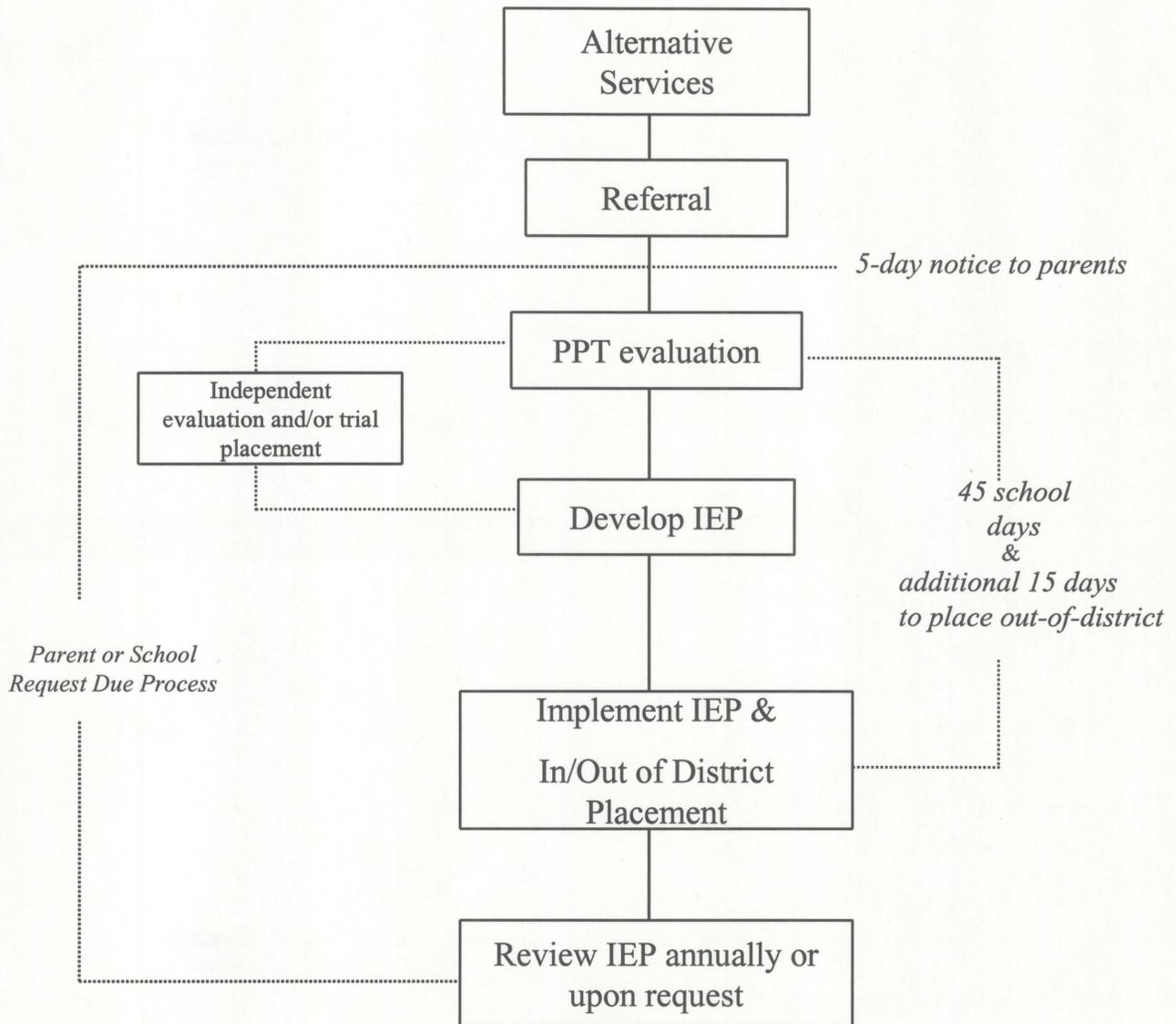
The evaluation is designed by the planning and placement team (PPT). This team is a group of certified and/or licensed teaching, administrative, and pupil personnel professionals who participate as equals in the evaluation and identification process. At a minimum, the team must include a school administrator, teacher, and pupil services representative. In Connecticut, parents are invited by the school district to attend every planning and placement meeting, and the 1997 IDEA amendments make the parents part of the PPT. The team is responsible, within its district, for: (1) conducting the evaluation of every child referred for special education; (2) developing the individualized education plan (IEP); and (3) conducting re-evaluations of students and plans every three years, upon the request of the parents, or whenever deemed necessary. Re-evaluations are required prior to any expulsion of a student eligible for special education.

As shown in the flowchart in Figure I-1, the school district is required to provide written notification to a student's parents or guardian within five days after the referral for evaluation. The notice includes the reason, sources, and date of referral, description of the general evaluation process, statement of parental rights, and an explanation of the due process hearing, which is the formal proceeding to resolve a conflict between the school district and parents regarding the student's educational identification and placement. Parents must be informed they have the right to refuse or revoke consent to evaluate or place their child and, if they contest, the child's current educational placement will not change until the due process hearing is complete. Failure on the part of a parent to respond to a notice within 10 school days constitutes a refusal of consent.

Each student who is referred is evaluated to determine whether special education is required. The evaluation includes a report on the child's education progress, structured observation of the student, and any psychological, medical, developmental, and social evaluations that are necessary to determine the nature of the student's disability. Information on the child's physical condition, sociocultural background, and behavior in the home may also be reviewed. However, the final determination must be based on more than one evaluation procedure.

Parents have the right to obtain an independent evaluation by a professional not employed by the school district if they disagree with the evaluation outcome. This independent evaluation may be at the school district's expense, however, if the board can prove during a due process hearing that its evaluation is appropriate, it does not have to pay the parent's expenses. If the hearing officer

Figure I-1. Special Education Identification and Evaluation Process



orders an independent evaluation as part of the due process hearing, the school district must pay the fees. Any independent evaluation must also be considered in the final determination by either the PPT or hearing officer.

Also as part of the evaluation process, the school may use a part- or full-time trial placement for those students whose initial evaluation was inconclusive or for which there was insufficient data to make a determination. The trial placement is a structured program of no more than eight weeks duration, during which time the planning and placement team must meet at least once every two weeks. The PPT must identify the diagnostic goals and objectives of the program and the types of services offered to the student and to review the student's progress. The PPT may revise the program at any time. Five days before the end of the program, the student's individualized education plan must be completed by the PPT. Although termed a "trial placement" this has been considered to be an evaluation and the student cannot remain ("stay put") in this placement if due process is filed.

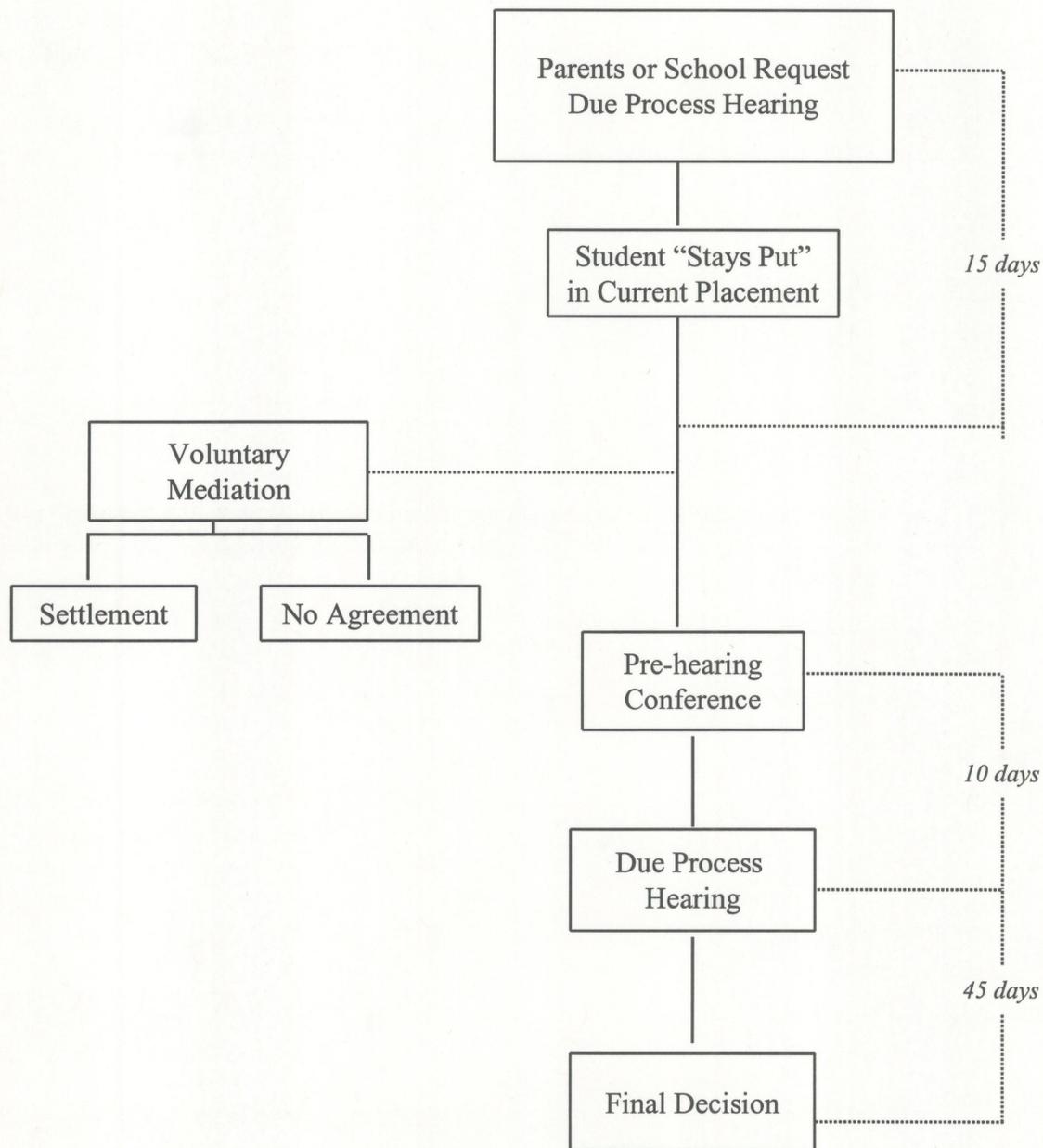
Individualized education plan. The individualized education plan (IEP) is a written plan for each student developed by the planning and placement team based on the diagnostic findings of the evaluation. The IEP includes the child's present level of educational performance, specific educational services needed by the child, and educational goals. The plan is reviewed or revised by the PPT annually or upon request by the parents or personnel working with the child.

The PPT has 45 days in which to evaluate the student and develop and implement the IEP. A 15-day extension is allowed for placement out of the local school district of a special education student. (Appendix A contains a detailed description of an individualized education plan.)

Due process hearing. Special education students and their parents have the right to a due process hearing whenever a school district proposes or refuses to initiate or change the student's identification, evaluation, or placement or the provision of a "free appropriate public education". Only those issues previously raised during a PPT meeting may be heard at a due process hearing. The statute of limitation on requesting a hearing is two years from notification of placement or change in services. School districts may also request a due process hearing based on: (1) the PPT decision; (2) the refusal or withdrawal of parental consent to evaluation or placement in a special education program; or (3) the refusal of parental consent to placement in a private program recommended by the planning and placement team. During the hearing process, the student remains in the current educational placement unless the school and parents agree on a temporary placement: this requirement is called the "stay put" rule. (See Appendix B for discussion of *Honig* decision that established the "stay put" provision.)

Figure I-2 illustrates the special education due process hearing procedure. As shown in the flowchart, state law allows for, but does not require, mediation in lieu of a hearing. If both parties agreed to mediation, the State Board of Education appoints a mediator who attempts to resolve the issue through a mutually acceptable solution. If no agreement can be reached within 30 calendar

Figure I-2. Special Education Due Process Proceeding



days, the mediator must certify that the process has not been successful and either party can, within 15 days, request a due process hearing.

A prehearing conference is held at least 10 days prior to the hearing. This is not a proceeding to address the substantive issues of the hearing and the hearing officer cannot participate in any settlement agreement. During the conference, the hearing officer identifies the PPT meeting at which the parties failed to reach agreement, narrows the scope of the issues, schedules hearing dates, and conducts administrative tasks such as organizing evidence and identifying witnesses. The prehearing conference is conducted by telephone.

During a due process hearing, both parties have the right to legal counsel, to present evidence, cross examine witnesses and compel attendance of witnesses, and to obtain a final decision that includes written findings of fact and conclusions of law. Parents also have the right to an independent evaluation of their child and to examine all records.

Upon request for a due process hearing, the state Department of Education schedules the hearing in accordance with the timelines in established in policy. (The department's policy complies with the requirements contained in the Barbara R. consent decree) In the final decision, the hearing officer may: (1) confirm, modify, or reject the identification, evaluation, or placement of the student in special education; (2) determine the appropriateness of the educational placement, selected by the parents, in a program other than that recommended by the PPT; or (3) order an alternative special education program. In the case where the parent has refused consent for evaluation or placement, the hearing officer may order such without parental consent. The parents, however, may appeal the decision to state or federal court and the child may not be evaluated or placed while the appeal is pending.

Attorney's fees. In accordance with the provisions of the federal IDEA, parents involved in a due process hearing may be awarded payment of their attorney's fees if they prevail. The parents must petition the Superior Court for the award, which is subject to certain conditions that are designed to encourage both parties to reach a voluntary settlement. The fees *may not* be awarded if: (1) a settlement offer was made by the school district more than 10 days before the start of the due process hearing or trial; (2) the offer was not accepted within 10 days; and (3) the relief sought is not more favorable than the settlement offer, unless the parent was "substantially justified" in rejecting the offer.

IDEA amendments. On May 13, 1997, Congress significantly amended the Individuals with Disabilities Act (IDEA). Some of the amendments became effective immediately upon passage, others went into effect in July and October of 1997, and the remainder of the requirements become effective in July 1998. To date, the federal Department of Education has not issued regulations for the state and local educational agencies to implement the amendments nor will it comment on the legislative intent of the changes. The implementation, therefore, has been piecemeal

throughout the nation and state and the overall impact of the amendments is not known. (Appendix C contains a comparison of the current IDEA law to the 1997 amendments that pertain to the focus of this study.)

Impartial hearing officer. The state education department administers a single-tiered system for appointing impartial hearing officers to conduct due process hearings. The hearing officers are appointed by the State Board of Education to four-year terms, but are under one-year contracts with the department. The contracts are renewable each year during the four-year period. An impartial hearing officer may not be an employee of the state education department, local board of education, or state-operated unified school district (i.e., the Department of Children and Families and Department of Corrections districts).

Special education enrollment. Table I-3 shows the number of special education students enrolled in public school. The prevalence rate for special education student enrollment during the 1995-1996 school year was 13.9 percent of the kindergarten through grade 12 student population. The prevalence rate slightly increased from the previous school year's of 13.7 percent, which continues a long-term trend of annual increase in special education prevalence rates. It should also be noted that Connecticut has the fifth highest prevalence rate in the nation.

Table I-3. Special Education Student Enrollment and Prevalence Rate		
School Year	Special Ed. Enrollment	Percent of Total*
1991-1992	62,559	13.0%
1992-1993	64,090	13.01%
1993-1994	66,147	13.3%
1994-1995	69,260	13.7%
1995-1996	71,315	13.9%

* Total public school student enrollment.
 Source of Data: *Special Education in Connecticut: 1995-96*, State Department of Education

Table I-4 shows the type of disabilities identified among the special education student population for the school year 1995-1996. Almost one-half of the special education student population is learning disabled. Students who are speech impaired, the next most frequent disability, accounted for about 18 percent of the population and those who are socially and emotionally maladjusted represent 16 percent. Connecticut has recently changed the definition and classification of this disability to meet the standard set by the federal government. The classification was changed to seriously emotionally disturbed, which has different criteria, and this may decrease the number of students evaluated within this disability.

Table I-4. Rate of Special Education Disabilities, 1995-1996			
Disability	# of Students	Percentage	Prevalence Rate*
Learning Disabled	34,050	47.7%	6.7%
Speech Impaired	12,671	17.8%	2.5%
Seriously Emotionally Maladjusted	11,213	15.7%	2.2%
Mentally Retarded	3,838	5.4%	0.8%
Other	9,543	13.4%	1.9%

*Does not add to 139% due to rounding.
Source of Data: *Special Education in Connecticut: 1995-96*, State Department of Education

During the 1995-1996 school year, most (91.6 percent) special education students attended school in their own district and only 8.8 percent were placed out-of-district for services. This rate has remained stable over the past five school years.

Chapter 2: Student Discipline Laws

- Federal and state governments and local school districts have adopted various “zero-tolerance” or “get tough” measures to address student violence in schools.
 - The federal Gun-Free Schools Act mandates any student bringing a firearm to school be expelled from school for up to one calendar year. The expulsion length may be modified on a case-by-case basis.
 - Failure of a state to enact this policy makes the state and local school districts ineligible to receive federal education funding.
 - In Connecticut, an expulsion is any exclusion from school for more than 10 school days and can only be authorized by a local or regional school board.
 - Expulsion may be imposed at the discretion of a school district for student conduct *on school grounds* that violates policy, is seriously disruptive of education process, **or** is dangerous to persons or property or for conduct *off school grounds* that violates policy **and** is seriously disruptive of education process.
 - Students are mandatorily expelled for: (1) possession of a firearm or weapon *on school grounds*; (2) possession or use of firearm or weapon during commission of a crime *off school grounds*; or (3) sale or distribution of illegal drugs *on or off campus*.
 - There are no federal student suspension requirements.
 - In Connecticut, a suspension is any exclusion from school for no more than 10 school days, and can be imposed by a school principal.
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STUDENT DISCIPLINE LAWS

All children must be provided with a free public education that is responsive to their needs in a safe and nurturing environment. To maintain a safe school environment, the focus of this study, school administrators are faced with the necessity of disciplining students for a variety of offenses, ranging from tardiness and disrespectful or inappropriate language or behavior to possession of weapons, violence against other students and teachers, and distribution of illegal drugs. As stated in *The School Administrator*, “the problem of violence in schools, like the related problem of violence in society, has become one of the most pressing educational issues in the United States.” (February 1996)

Like other sections of federal, state, and local government, public schools have adopted various “zero-tolerance” or “get tough” measures to address juvenile violence in schools. The impact of this has been evident is the strengthening of federal and state laws to exclude students from school for violent, disruptive, or inappropriate behavior and the expansion of the schools’ authority to discipline for conduct occurring off campus. In 1994, Congress enacted a federal expulsion policy as an eligibility requirement for educational funding appropriated to states. Connecticut responded by establishing, in statute, an expulsion requirement for all local and regional school districts.

It should be noted that while federal and state law establish requirements and procedures for expulsion from school that apply to all students, the special education procedural safeguards, also set forth in federal and state law, prohibit the removal of disabled students from school except under certain narrow circumstances.

Federal and state suspension and expulsion law will be presented next as it applies to all students, including disabled children. Chapter 3, which describes the suspension and expulsion process, will provide specific information on disciplining disabled students.

Federal Expulsion Law

The federal Gun-Free Schools Act, enacted in 1994, requires school districts to have a policy mandating that any student bringing a firearm to school by expelled from school for up to one calendar year. Failure to have the policy

makes the state and local educational agencies ineligible to receive federal funding under the Elementary and Secondary Education Act (ESEA) of 1965, which covers most, if not all, funding from the U.S. Department of Education. The act is part of the Goals 2000: Educate America Act and the Improving America's Schools Act.

The federal law allows the "chief executive officer" (e.g., board of education or superintendent) of the school district to modify the expulsion length on a case-by-case basis. In addition, under federal Department of Education guidelines, the state and/or local expulsion policy cannot waive the due process rights established for all special education students in the federal Individuals with Disabilities Education Act. Special education students may be expelled but only after all procedure safeguards that ensure "free appropriate public education" to disabled students are met.

The Gun-Free Schools Act also states local school district policy must provide for referral to the criminal or juvenile justice systems of any student bringing a weapon to school, and requires written documentation of compliance with the law. The federal compliance procedure mandates local school districts report to the state education departments on the number of student expulsions for weapon violations, including the type of weapon and length of suspension. An analysis of that data is presented in Chapter 5.

Federal law broadly defines a firearm (18 U.S.C. sec 921) as: (1) any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; (2) the frame or receiver of any such weapon; (3) any firearm muffler or firearm silencer; or (4) any destructive device, such as an explosive, incendiary, poison gas, bomb, rocket having a propellant charge of more than four ounces, missile, mine, grenade, or similar device, or (5) any weapon, other than a shotgun or shotgun shell particularly suited for a sporting purpose, that will or may be converted to expel a projectile by explosive or other propellant (having a barrel of more than one-half inch in diameter). The federal definition of a firearm does not include knives or common fireworks.

The term "expulsion" was not defined in federal law. However, U.S. Department of Education informal guidelines define expulsion as the removal from the regular school program at the location where the violation occurred. This definition does not exclude an interdistrict transfer from one school to another.

Connecticut Student Discipline Laws

Connecticut's public schools are required to provide each student with a set of specific rules and expectations for in-school behavior. Usually contained in a student handbook, this information is also provided to teachers, other school staff, and parents. Students who violate a school policy or rule may be subject to a disciplinary action. Public schools maintain a continuum of disciplinary

methods that range from the least restrictive or punitive to exclusion from school services and activities. The most common disciplinary methods used include, but are not limited to: verbal or written warnings; time-out periods; student and parent conferences; restitution or school service; exclusion from field trips, dances, athletics, or other school activities; after-school or Saturday detentions; and referral to policy, juvenile courts, or state and local social service agencies. In addition, some Connecticut school districts have implemented intervention and prevention programs, such as student assistance teams, violence prevention training, and peer mediation services. School districts need no specific statutory authority to impose any of these disciplinary measures or programs.

There are four methods of exclusion from education services: removal from class; in-school suspension; out-of-school suspension; and expulsion from school. The authority for a school district to impose any of these sanctions is established in state law.

Removal from class. Local and regional school boards may authorize teachers to remove students from class for deliberately causing a “serious disruption of the educational process”. A teacher cannot remove a student from class more than six times during a school year nor more than twice in one week, unless the student is granted an informal hearing with the principal.

In-school suspension. In-school suspension is defined in state law as an exclusion from classroom activities, but not from school, for no more than five consecutive school days. A student cannot be placed in in-school suspension more than 15 times or for a total of 50 days during a school year nor can the suspension period extend beyond a school year.

Local school boards are statutorily authorized to establish policy allowing school administrators to impose in-school suspension on any student whose conduct endangers persons or property, is a violation of school policy, *or* “is seriously disruptive of the educational process”. The student must be given an informal hearing by a principal or his or her designee (i.e., assistant principal or pupil personnel director) prior to being placed in in-school suspension. During the hearing, the student must be informed of the reason for discipline and allowed to explain his or her behavior.

Suspension. There are no federal requirements surrounding the suspension of students from school. Connecticut law, however, defines suspension as any exclusion from school or transportation services for conduct *on school grounds* or at a school-sponsored activity that is a violation of board of education policy, endangers persons or property, *or* is “seriously disruptive of the educational process”. A student may also be suspended for *off campus* conduct that is a violation of school policy *and* “seriously disruptive of the educational process”. A school principal must conduct an informal hearing with the student prior to imposing suspension.

A suspension is limited to no more than 10 consecutive school days and may not extend

beyond a school year. A student may not be suspended more than 10 times or for more than 50 days in a school year unless a formal hearing is conducted by the school board.

School districts are not required to provide an alternative education option to suspended students, however, the students must be allowed to complete any missed classwork and tests.

Expulsion. State statutes define an expulsion as any exclusion from school for more than 10 consecutive school days. There are two types of expulsion in state law: discretionary and mandatory as required by federal law. Appendix D contains two tables outlining the laws and procedures for expelling and suspending regular and special education students.

At their discretion, school boards may expel any student for conduct *on school grounds* or at a school-sponsored activity that is a violation of school board policy, dangerous to persons or property, *or* is “seriously disruptive of the educational process”. Furthermore, a student may be expelled for conduct that occurred *off school grounds* if it violates school policy *and* is “seriously disruptive of the educational process”.

Connecticut’s mandatory expulsion law, guided by federal law, requires a student be expelled for: (1) possession of a firearm, deadly weapon, dangerous instrument, or martial arts weapon *on school grounds* or at a school-sponsored activity; (2) possession of a firearm or use of a firearm, weapon, or dangerous instrument in the commission of a crime *off school grounds*; or (3) sale or distribution of illegal drugs or controlled substances *on or off school grounds*. The state law goes beyond the requirements of the federal mandate in that it includes an expanded list of weapons and the sale of illegal drugs as a mandatory expulsion offenses. The mandatory expulsion is for a period of one calendar year. However, a school board may modify the expulsion requirement and length on a case-by-case basis.

Only a local or regional board of education can authorize an expulsion of a student and, unless an emergency exists, a formal hearing must be held prior to excluding the student from school. Expulsion hearings are conducted by the local or regional boards of education, an impartial hearing panel established by the school board but not consisting of board members, or an impartial hearing officer employed by the board.

Schools must provide an alternative education option to expelled students who are under 16 years of age and to students between 16 and 18 years who have been expelled for the first time. A school board may offer alternative schooling to any expelled student regardless of age; participation by the student is voluntary. Expelled students must comply with any alternative education conditions established by the school board, such as the setting in which services will be provided. However, parents who choose not to allow their child to participate in alternative education during an expulsion period cannot be held liable for educational neglect under state law.

School boards are not required to provide alternative education options to any student between the ages of 16 and 18 mandatorily expelled for possession of a weapon or the sale of illegal drugs on or off school property or at a school-sponsored activity. The school board is required by law to report the illegal activity of the student to the local or state police and, if the violation was the sale of illegal drugs, to refer the student to an appropriate state agency for rehabilitation, intervention, or vocational services.

Documentation of expulsion is kept in the student's cumulative educational record, but is expunged upon graduation from high school or if there is no further expulsion within a two-year period. However, expulsion records for possession of a weapon are not removed from the file.

In the event an expelled student attempts to enroll in another school district, the new school board may adopt the expulsion decision of the student's prior school board. The new school must hold its own expulsion hearing to determine if the student's conduct also violated its policy. The student may be excluded from attending school pending the second hearing and, if subsequently expelled, must be offered an alternative education option. It should be noted there is no specific legal requirement for a school district to report the expulsion of a student enrolling in another school district to the new school.

If a student withdraws from school after notification but prior to the completion of an expulsion hearing, he or she may enroll in another school district without being subjected to expulsion by the new school. The expulsion notice shall be maintained in the student's file and the hearing process completed by the school board bringing the original complaint, but the discipline cannot be imposed because the student is no longer enrolled. Nothing in the law prohibits the new school board from conducting its own expulsion hearing to determine if the student's conduct at the first school also violated its policies.

A student, expelled during his or her senior year, can graduate from high school if he or she has completed the mandatory minimum number of credits. Although, most school districts will not allow the student to participate in the graduation ceremonies or other senior year activities during expulsion.

Police reports. State and local police are required to report the arrest of any public school student, between the ages of seven and 20 years old, for a class A misdemeanor, any felony, or for the sale or possession of a facsimile firearm, which is an exact copy of a working firearm (added to the list during the 1997 legislative session). The police must verbally notify the district superintendent, no later than the end of the week day following the arrest, of the student's name and criminal charges filed against him or her. Within 72 hours, written notification containing a description of the incident must also be provided.

The information must be kept confidential by the school district and only used by the school

principal or special services staff, such as a psychiatrist, psychologist, or social worker, to: (1) assess the risk of danger posed by the student to him or herself, other students or staff, and school property; (2) modify the student's educational plan or placement; and (3) for disciplinary purposes. If the arrest is made during a school year, the assessment must be completed no later than the next school day after the arrest is reported. The state or local police officer can testify and provide reports or other information on the arrest at an expulsion hearing resulting from the arrest.

Case Law

There is extensive case law surrounding the issues of student expulsion and school discipline. This is perhaps because the existing law does not clearly define some terms, specifically list the behaviors that are grounds for expulsion, or provide for certain due process rights such as an appeal. The U.S. Supreme Court defined the due process rights of students in *Goss v. Lopez* 419 U.S. 565 (1975). The Columbus, Ohio public school system (CPSS) suspended nine students for misconduct without holding any hearings. The students argued the suspensions were unconstitutional in that the failure to hold a hearing violated the Fourteenth Amendment which forbids the state to deprive any person of life, liberty, or property without due process of law.

The Supreme Court found the suspensions could not be imposed arbitrarily and without any due process procedures. At the minimum, students facing suspension had a protected property interest in education and must be given "some kind of notice and afforded some kind of hearing." Since students facing suspension had interests that qualify for due process protection they must be given oral or written notice of the charges and, if these are denied, an explanation of the evidence and an opportunity to present his or her side. If prior notice is not possible, such as when the student's presence seriously disrupts the school environment or threatens others, then the required notice and hearing should follow as soon as possible. The *Goss* decision reaffirmed that students do not automatically shed their constitutional rights at the schoolhouse door. (*Tinker c. Des Moines*, 393 US 503 1969)

In *Wood v. Strickland* 420 US 308 (1975) an expelled student argued the school violated her due process rights under a federal law that defined the liability for damages for government officials. The school officials asserted they had absolute immunity from liability. The Supreme Court found school board members often must determine what constitutes a violation of school policy and, where appropriate, apply sanctions. However, public high school students have substantive and procedural rights at school and these must be protected. This opinion established an "immunity standard" that stated: (1) school officials are not immune from liability if they knew or reasonably should have known that the actions taken within their official capacity would violate the constitutional rights of a student; or (2) if the actions were taken with malicious intent to cause deprivation of constitutional rights or other injury to the student.

In *Perry v. Wallingford* 1994 Ct. Sup. 7852, the Superior Court (in New Haven) ruled the Uniform Administrative Procedure Act, as it applies to administrative agencies, does not include boards of education. The court pointed out the Connecticut Supreme Court previously held boards of education were not subject to the requirements of the UAPA. (*Lee v. Board of Education* 181 Conn 69 1980) Also, Connecticut law did not provide a right to appeal for an expulsion or suspension decision. The court held there is no inherent right to judicial review of administrative actions. (*Delagorges v. Board of Education* 176 Conn 630 1979) Since the statutes did not provide for expulsion appeals and school boards are expressly excluded from the provisions of the UAPA, the court in *Perry* ruled there is no existing right to appeal such administrative actions.

One of the most significant cases was *U.S. v. Lopez* No. 93-1260 (1995) in which the constitutionality of the federal Gun-Free Schools Zone Act of 1990 was addressed. As discussed above, the act made it a federal offense to possess a firearm in a school zone, however, the U.S. Court of Appeals in Texas ruled the Gun-Free Schools Act exceeded Congress' power to legislate under the Commerce Clause.

The United States Supreme Court affirmed the appeals court ruling by stating the Constitution outlines the powers of the federal government, which are "few yet well defined" and the powers left to the states are "numerous and indefinite." This balance of power between the state and federal government is important in reducing abuses of power. It was within this framework the Court evaluated Congress' power to enact the Gun-Free School Zones Act under its general authority to regulate commerce.

The government argued the Gun-Free School Zones Act was valid because possession of a firearm in a school zone could result in a violent crime that could negatively affect the economy. The court found the act was not a regulation of interstate commerce nor was it an attempt to prohibit interstate transportation of a goods. It was a criminal statute that had nothing to do with commerce. The Court further found if Congress were to regulate all the factors the government argued affected commerce, there would be few activities that it was without the power to regulate. Given this broad power, Congress could regulate any number of educational processes by linking them to interstate commerce. The Court believed this expansion of power went beyond what is enumerated in the Constitution and amounted to "a general police power". The Gun-Free Schools Act was found to be unconstitutional.

In response to this ruling, the United States government adopted an amendment to the Gun-Free Schools Act that requires the federal government to prove the possession or sale of the firearm affected interstate or foreign commerce and limits the laws authority in this area. This requirement would only affect federal prosecution of a violation of the Gun-Free Schools Act and not state cases.

In *Bartholomew v. Hamden Board of Education* 2 Conn Ops 1172 (1996), a Connecticut student, expelled for possession of a dangerous weapon, filed charges against the school board arguing the

discipline policy failed to expressly define the term “weapon”, and thus the expulsion charges should be dismissed. The plaintiff, in possession of a penknife while riding the school bus, accidentally injured another student with the penknife. This conduct violated Hamden Board of Education policy in that the student’s conduct caused a clear threat of danger to the himself and/or others and the student was in possession of a dangerous object of no educational value.

All expulsion procedures were followed and the student and his parents were notified of the charges, date for the hearing, and of their rights to legal counsel, present evidence, testify, and cross examine witnesses. The student did not challenge the constitutionality of the school’s policy, but argued three points: (1) the procedural requirements for an expulsion hearing were inadequate; (2) the school’s policy did not expressly define a penknife as a dangerous weapon; and (3) the school district failed to state the weapon had no reasonable educational value. The court found “lay boards of education are not held to the technical standards of legal craftsman’ and subsequently upheld the expulsion.

Like the case law concerning special education, the courts have routinely held that school districts must adhere to all procedural safeguards and afford students the rights to which they are entitled during any disciplinary action that may result in an exclusion from school or services. School districts then can discipline or exclude students from school to maintain a safe and secure learning environment.

On January 9, 1998, the Thomaston Board of Education was barred by the Superior Court from expelling a student for an off-campus arrest for possession of an illegal drug. Focusing on existing statutory language that allows a school board to expel a student for conduct that “is seriously disruptive of the educational process”, the court ruled Connecticut’s expulsion law was so vague as to make it unconstitutional. Without specific guidelines from the legislature or established by the local board of education, the court further found there is a danger of “arbitrary and discriminatory implementation of the law”. (*Kyle P. Packer PPA Jane Packer v. Thomaston Board of Education CV97 0075242*)¹

As it currently stands, the state Supreme Court has agreed to review the Superior Court’s ruling; the first time it will hear a challenge to the state’s expulsion law. The lower court’s ruling did not invalidate the statute statewide, however, it may serve as a guide for other judges ruling in similar cases and for board of education and school administrators when deciding to expel students until the Supreme Court has issued its opinion.

¹The January 9, 1998 ruling in *Kyle P. Packer PPA Jane Packer v. Thomaston Board of Education CV97 0075242* was issued after the Legislative Program Review and Investigations Committee voted on November 25, 1997, to accept the staff’s findings and recommendations report.

Legislative History

Federal. The Drug-Free Schools and Communities Act of 1974, which was part of a massive anti-drug measure (the Anti-Drug Abuse Act), authorized federal financial assistance for drug abuse education and prevention programs at the local levels. Throughout the late 1980s and early 1990s, the Drug-Free Schools and Communities Act was amended to include: teacher training programs and a pilot program for the children of alcoholics (1988); provision for drug abuse education and prevention in elementary and secondary schools (1989); and increased funding for teacher training, the DARE program, and after-school programs (1990). In 1989, the law was further amended (and renamed the Safe and Drug-Free Schools and Communities Act) to require local school districts to adopt and implement programs to prevent the use and abuse of illegal drugs and alcohol to continue eligibility for federal education funds. The act also provided a new program of emergency grants to local school districts with the greatest need for additional resources to address drug and alcohol abuse by students.

In 1990, Congress focused on the issue of violence by students and school safety by enacting the Gun-Free School Zones Act (Title 17) as part of the Comprehensive Crime Control Act of that same year. The Gun-Free School Zones Act prohibited possession or use of a firearm in a school zone and established a penalty of five years imprisonment, a \$5,000 fine, or both for any person convicted of the offense. A school zone was defined as any public, parochial, or private elementary or secondary school and within a distance of 1,000 feet from the school grounds. Federal, state, and local governments were encouraged to place signs around school zones giving warning of the firearm prohibition.

The Improving America's Schools Act of 1994 extended for six years the federal funding of programs under the Elementary and Secondary Education Act² (ESEA). Since most of the programs under ESEA were developed in the 1960s, the 1994 law restructured the programs to better meet the needs of today's students and educators and to meet the standards set in the Goals 2000: Educate America Act of 1994.

Goals 2000 identified eight national education goals pertaining to: school readiness; school completion; student achievement and citizenship; teacher education and professional development; mathematics and science; adult literacy and lifelong learning; safe, disciplined, and alcohol- and drug-free schools; and parental participation. The act established a new framework for the federal government to provide assistance to states' and local school districts' educational reform efforts. The primary objectives of Goals 2000 are: to significantly increase the academic performance of all students at the elementary and secondary education levels; to increase the high school graduation

²ESEA authorized, for the first time in 1965, general school aide to elementary and secondary schools for remedial education for children of low-income families and for the special needs of "educationally deprived" children regardless of family income. The ESEA was due to expire in 1994.

rate to at least 90 percent by the year 2000 thus reducing the dropout rate; and to create safe schools free from violence, drugs, firearms, and alcohol that will offer a disciplined environment conducive to learning. School districts are required to implement firm and fair policies prohibiting the use, possession, and distribution of drugs and alcohol.

The Improving America's Schools Act addressed the issue of school safety by expanding the focus of the Safe and Drug-Free Schools and Communities Act (Title IV of ESEA) to incorporate drug and violence prevention activities into school curriculum and supplement in-school programs with federal funds for drug prevention and intervention programs. School districts with the greatest need in terms of a safe school environment and rural areas were targeted for additional resources. To be eligible for continued ESEA Title I funding, local school districts were required to adopt a policy expelling for one year any student bringing a gun to school, and removal from the classroom to an alternative setting for up to 45 days of any special education student with a gun in school or acting in a threatening manner (Gun-Free Schools Act).

In addition, the safe-schools provision of the Goals 2000 Act authorizes grants to local school districts serving an area with a high rate of: (1) homicides committed by young persons; (2) referrals of youth to juvenile court; (3) youth under the supervision of the courts; (4) expulsions and suspensions of students from school; (5) referrals of youth for disciplinary purposes to alternative schools; and (5) victimization of youth by violence, crime, or other forms of abuse. Districts experiencing serious school crime, violence, and discipline problems are targeted to get competitive grants for a variety of programs and services, ranging from school safety or violence prevention reviews to installing metal detectors and hiring security personnel.

Connecticut. Until 1975, state law authorized local and regional boards of education to establish regulations for the suspension of students "as a means of enforcing discipline" and to expel from school any student for conduct "inimical to the best interests of the school". A hearing by the full board of education, with written notification to the parents, was required prior to expulsion.

However, in 1975, the General Assembly established the basis for the state's current suspension and expulsion laws. It more clearly defined student suspension and expulsion and imposed procedural requirements on school districts. School districts were required to annually publicize student conduct and disciplinary procedures, and to notify parents or guardians within 24 hours of any exclusion from school of their child.

Suspension of a student was limited to 10 consecutive school days for conduct on campus or at a school activity that violated school policy, endangered person or property, or was "seriously disruptive of the educational process". Prior to suspending a student, school districts were required to conduct at least an informal hearing, which could be postponed until the earliest possible time after the suspension in the event that the continued presence of the student posed a "sufficient danger to persons or property or sufficiently disrupted the education process". A formal hearing was

required before a student could be suspended more than 10 times or for a total of 50 days (whichever resulted in fewer days) during a school year. Suspended students were allowed the opportunity to make up missed classwork.

An expulsion period was limited to a maximum of 180 school days (a school year) and could not extend beyond the school year in which it was imposed. The law established the same grounds for expulsion as those set for suspension. However, before expelling a student, school districts were required to conduct a formal hearing under the Uniform Administrative Procedures Act, instead of a hearing before a full school board as was previously required. The hearing could be postponed in an emergency like that allowed for suspensions. Schools boards were further required to report the reasons for all expulsions to the State Board of Education -- this requirement was repealed in 1982.

The requirement for alternative education for expelled students was also established. Alternative education was not defined nor were attendance or curriculum requirements established. However, rejection of the alternative education by a parent or guardian was not deemed in violation of the state law requiring parents to ensure their children's attendance in school.

In 1979 and 1981, the statutes were amended to clarify the expulsion hearing process. At least three affirmative votes by a majority of board members present were needed to expel a student. School boards were also permitted, individually or in combination, to establish impartial hearing boards with the same authority as the school boards to conduct expulsion hearings. The impartial hearing boards were comprised of one or more persons but could not include a school board member. Also, the law allowed evidence of past disciplinary problems to be considered by the school principal or the local or regional school board when deciding the length of a suspension or expulsion respectively.

During the 1980s, the General Assembly narrowed school districts' responsibility for providing alternative education to expelled students. In 1981, school boards were required to provide alternative education to expelled students under 18 years of age. A 1982 law lowered the upper age limit to 16 years, with the stipulation that expelled students between 16 and 18 years who wished to continue their education could do so by complying with conditions set by the school board. The law was again narrowed in 1983 when the responsibility to provide alternative education was repealed for students between the ages of 16 and 18 expelled for conduct that endangered persons or possession of a dangerous instrument³ on school property. In 1986, students expelled for selling or distributing illegal drugs on school property or at any school function were also excluded from alternative education programs. School boards were required, however, to refer those students to a state agency providing rehabilitation, intervention, or job training services. This law

³State law defines dangerous instrument as "any instrument, article, or substance which, under the circumstances in which it is used, attempted, or threatened to be used, is capable of causing death or serious injury".

also reinstated the requirement to report, within 30 days, to the commissioner of the state education department the name of any student expelled and referred for services. These limitations on alternative education did not apply to special education students, who remained the school districts' responsibility until age 21.

A 1992 law mandated a notice of expulsion be included on disciplined students' cumulative education records, but this information was to be expunged upon graduation from high school or two years after the end of the expulsion period if the student was neither expelled again or suspended. For transfer students, this law also allowed school boards to adopt the expulsion decision of another board if it held a hearing to do so. The transferring student could then be excluded from the new school and offered alternative education until the expulsion hearing was completed. In 1993, school boards were required to complete a pending expulsion hearing, even if the student withdrew from school after receiving the hearing notice, and to include a notice of the hearing in the student's cumulative education record. A student who transferred to a new school while an expulsion hearing was pending in the first school district could attend school during the proceedings unless an emergency existed. However, the new school was not prohibited from suspending the student or conducting its own expulsion hearing.

In 1994, in response to the federal expulsion law, Connecticut addressed several issues relating to student discipline and security. First, the new state law required police to notify schools of any felony arrest of a student between the ages of seven and 21 in their district. The initial notification must be made on the day of the arrest and followed within 72 hours by a written report. The school district may use the information for disciplinary purposes.

Secondly, possession of a weapon at any school-sponsored activity was classified as a class D felony. Prior law had only addressed weapon possession on school grounds. In addition, school boards were required to expel any student for the possession of a firearm, deadly weapon, or dangerous instrument on school grounds. The exemption for special education students remained. However, school boards were now authorized to refer special education students in possession of weapons to a planning and placement team for modification of the individualized education plan.

A third change required suspension notices be included in the students' cumulative education records and expunged if the student graduated or was neither suspended or expelled for two years after returning to school.

Finally, this law required the state Department of Education to study the feasibility of developing a uniform system for reporting expulsions and suspensions due to dangerous conduct. The department subsequently recommended such a system not be instituted as it was an "unfunded mandate". Further, it would be difficult to develop common definitions and policies among school districts, and the data, if collected, would be unreliable.

In 1995, another series of changes were made in the student suspension and expulsion laws to comply with the requirements of the federal Gun-Free Schools Act. The grounds for which a student could be expelled were expanded to include any possession or sale of a dangerous weapon or conduct “seriously disruptive of the education process” *whether or not on school grounds*. The expulsion period for a weapon violation was increased from 180 consecutive school days (the mandatory school year) to one calendar year, but school boards could modify any period of expulsion on a case-by-case basis.

Special education students still could not be expelled for weapon-related violations or distribution of illegal drugs at school without a determination by the planning and placement team as to whether the misconduct was caused by (a manifestation of) the student’s disability. The law required an initial referral of the student to the planning and placement team for modification of the individualized education plan to prevent a reoccurrence and to ensure other students’ safety. If the misconduct was caused by the student’s disability expulsion is prohibited and the planning and placement team must modify the individualized education plan to ensure other children’s safety. If the misconduct was not caused by the disability, the student may be expelled but must be offered alternative education consistent with his or her special needs.

The 1995 law also required school boards to report a student weapon violation to the state or local police and to submit to the state education department any information required under the federal Gun-Free Schools Act. It also repealed the requirement for boards to report to the education department the name of any student expelled for the sale or distribution of illegal drugs and a summary of the referral to social service agency. This law also added the arrest for class A misdemeanors to the list of violations for which students must be reported by state and local police to their school districts.

Finally, the General Assembly, in 1996, expanded the type of conduct for which a student is mandatorily expelled to include possession of martial arts or dangerous weapons and the sale of illegal drugs. Students expelled for this conduct also do not have to be provided with alternative education. The law substituted the federal definition of “firearm” for the narrower state definition. Federal definition includes explosive devices, incendiaries, poison gases, and firearm frames, receivers, mufflers, or silencers.

Schools are no longer required to expunge the notice of expulsion and the underlying conduct from the cumulative education record of a student, even if the student is not expelled again. However, upon graduation, all disciplinary records are erased.

Chapter 3: Student Discipline Process

- Based on a preliminary analysis, 17,596 middle and high school students were suspended during the 1996-1997 school year.
 - Preliminary analysis shows 435 middle and high school students were expelled of which 271 were expelled in compliance with the federal Gun-Free Schools Act.
 - An informal hearing must be held prior to suspending a student.
 - A formal expulsion hearing must be held to exclude a student from school, pending the disposition a student may be suspended for up to 10 days.
 - There is no general right to an appeal in the expulsion hearing process.
 - Special education students may be suspended the same as their nondisabled peers because a 10-day exclusion is not considered a change in placement.
 - However, a series of short suspensions may form a “pattern of exclusion” that can be considered a change in placement.
 - Existing expulsion laws do apply to special education students, but any denial of school privileges for more than 10 days is a change in placement.
 - Violent or seriously disruptive special education students may be placed in a 45-day interim placement in addition to the initial 10-day suspension.
 - Special education students may only be expelled if their misconduct was not a direct result of their disability.
 - Parents have the right to request a due process hearing if their special education child is excluded from school and all proceedings are stopped until the disposition of the due process hearing.
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STUDENT DISCIPLINE PROCESS

Under current federal and state law, school districts are allowed, with some exceptions, to develop and implement student conduct and disciplinary policy and procedures. The general student population is not afforded the same safeguards in terms of receiving education services when expelled as their special education classmates.

School administrators and board of education members are responsible for determining the specific conduct that meets the legislative guidelines. Based upon a review of generally accepted policy standards established by the Connecticut Association of Boards of Education (CABE) and by several school districts, unacceptable student behavior that is grounds for suspension or expulsion includes, but is not limited to: thefts; obscene or profane language or gestures; disobedience; unauthorized absences from school or class, walkouts, or sit-ins; striking or assaulting staff members or other students; blackmail, extortion, and threats; possession of weapons; distribution, sale, possession, or use of illegal drugs, alcohol, or tobacco; willful destruction of property or vandalism; violation of bus rules; disruption of school routine; gross misbehavior; deliberate insolence, disrespect, or refusal to obey a staff member; and violation of dress code regulations. The information on student conduct and the disciplinary procedures, including suspension and expulsion, is typically provided in the school district's student handbook, which is provided to all students, parents, and teaching staff.

Disciplinary Process

Suspension. As previously stated, a student may be suspended from receiving school or transportation services for up to 10 consecutive school days, during which time the student is not allowed on the school grounds or to use the school's transportation services (usually the school bus). A student may be suspended for behavior occurring *on school grounds or at a school activity* that is a violation of school policies or rules, poses a danger to persons or property, **or** "is seriously disruptive of the educational process". For a student to be suspended for conduct occurring *off school grounds* he or she must be in violation of school policies or rules **and** "seriously disruptive of the educational process".

A teacher or school staff member may refer a student to the principal for disciplinary actions. Prior to suspending the student from school, the principal must conduct an informal hearing during which the student is given the opportunity to explain his or her conduct. However, if an emergency exists and the student's presence in school is deemed to be dangerous, the student may be suspended immediately and the hearing held as soon as possible. In determining the length of suspension from school, the student's past disciplinary record may be considered. During the suspension, the student is allowed to complete any missed classwork and tests.

Within 24 hours of suspending a student, the principal must notify the child's parents or guardian and the school district's superintendent. A notice of the suspension is included in the student's cumulative educational record.

Expulsion. As presented in Chapter 2, there are two types of expulsions: mandatory and discretionary. Table III-1 summarizes the grounds for which a student may be expelled. As shown, a student must be expelled for: (1) possession of a firearm, deadly weapon, dangerous instrument, or martial arts weapon (hereafter collectively referred to as weapons) *on school grounds or at a school activity*; (2) possession or use of a weapon in the commission of a crime *off campus*; and (3) the sale or distribution of illegal drugs *on or off campus*.

Table III-1. Grounds for Expulsion		
Type of Expulsion	Conduct On Campus*	Conduct Off Campus
Discretionary	Must meet one of these standards: (1) Violation of school policy or rule; (2) danger to persons or property; OR (3) "seriously disruptive of education process".	Must meet both standards: (1) Violation of school policy; AND (2) "seriously disruptive of education process".
Mandatory	(1) Possession of weapon; or (2) sale or distribution of illegal drugs.	(1) Possession or use of weapon in commission of crime; or (2) sale or distribution of illegal drugs.
* Includes conduct at a school-sponsored activity. Source of Data: C.G.S.		

A student may be expelled (discretionary) for behavior occurring *on school grounds or at a school activity* that is a violation of school policies or rules, poses a danger to persons or property,

or “is seriously disruptive of the educational process”. For a student to be expelled for conduct occurring *off school grounds* it must be in violation of school policies or rules *and* “seriously disruptive of the educational process”. For example, an assault by one student on another off campus that resulted in physical injury and/or an arrest or for gang activity occurring off campus.

In understanding the expulsion process, it is important to note that students who are referred for expulsion may also have been arrested as a result of the activity. For example, the school must report all weapon possession or use by a student to the local or state police which may result in the arrest of the student and student arrests for any felony or class A misdemeanor offense committed off campus are reported to their school district which may result in an expulsion. These students are usually expelled prior to any official fact finding and disposition of the criminal charge. Especially in the cases regarding off campus activity, the school district can hold an expulsion hearing based on limited access to evidence and no established process to evaluate the credibility of the charges or effect on the educational process. Students who are found not guilty or whose criminal charges are dismissed or dropped are not routinely reinstated to school. These students must serve the full expulsion term, and have no avenue of appeal, except to petition the hearing body for a review based on changed conditions under the Uniform Administrative Procedures Act. This process will be presented later in this section.

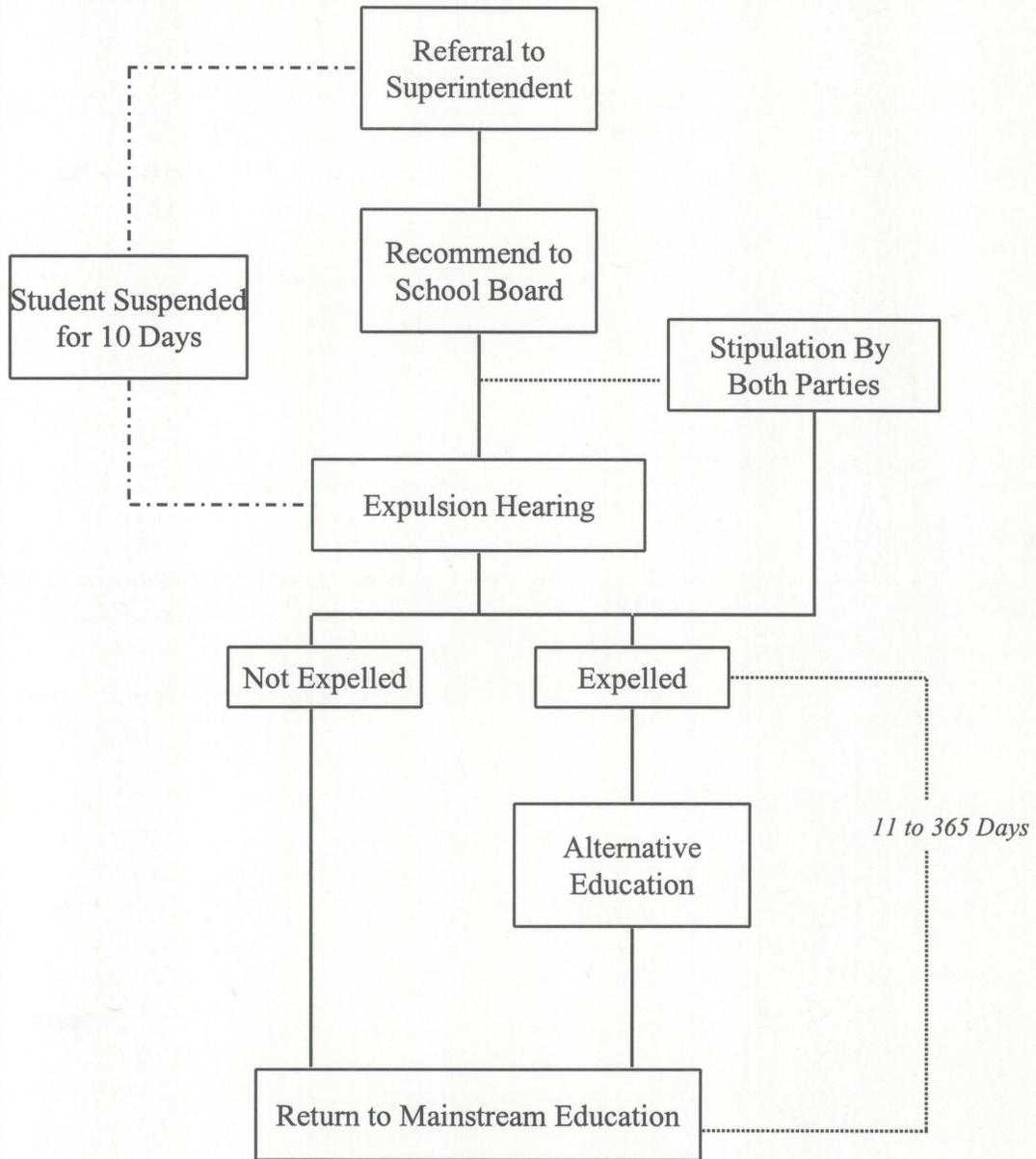
Figure III-1 shows the expulsion process that begins with a referral of the student for disciplinary reasons from a teacher or school staff member to the principal, who then refers the matter to the superintendent. After conducting an investigation of the incident, the superintendent must then make a recommendation for expulsion of the student to the school board.

Although not required by law, the practice among school districts has been to initially suspend the student for 10 school days: the maximum length for a suspension. During the suspension, the school administration schedules the expulsion hearing, provides written notice of the incident and hearing date to the student’s parents, and holds the hearing. “Expulsion hearings must be held within ten days of any suspension unless there is an emergency, because any ongoing exclusion from school for longer than ten days is itself an expulsion.”⁴

At the local and regional level, most expulsion hearings are conducted by a panel of board of education members. In some districts, hearings are conducted by the full board or an impartial hearing officer employed by the district. For the state vocational-technical school system, the State Board of Education maintains a pool of hearing officers to conduct expulsion hearings.

⁴Mooney, Thomas B., *A Practical Guide to Connecticut School Law* (Connecticut Association of Boards of Education, Inc., Hartford, CT., 1994) p 179

Figure III-1. Expulsion Process for Regular Education Student



The hearing includes a review of the superintendent's recommendation for expulsion and a presentation of the facts by representatives for the school district and student. Most school districts are represented by legal counsel, however, the superintendent may also present the school's case. Students also have the right to an attorney or they or their parents may present their case. During the hearing, the board of education or hearing officer may also question any witnesses, and evidence of the student's past disciplinary problems will be considered in reaching the final decision.

The board or hearing officer must render a final decision on the recommendation for expulsion and the alternative education program proposed by the school district within 90 days in accordance with the Uniform Administrative Procedures Act. However, because of the 10 day limit on the suspension, final decisions are typically rendered at the hearing or within the 10-day timeframe. The final decision is a written record of the proceeding and is maintained in an index of expulsion orders by the school district. Final decisions may be used as precedent in other cases by any school district in the state.

The expulsion decision may be resolved by stipulation or agreement by both parties prior to the formal hearing. No expulsion hearing is then required but the board or hearing officer must approve the resolution.

Review of expulsion decisions. The statutory process for conducting expulsion hearings does not incorporate any provisions for an appeal to the courts or other body. However, relevant provisions of the Uniform Administrative Procedures Act do allow for an administrative review of final decisions under three conditions: reconsideration; changed conditions; or clerical error. Except for a clerical error, the review is conducted by the original hearing body (i.e., board of education, board panel, or hearing officer), not the Superior Court.

Reconsideration. Any party may petition the original hearing body for reconsideration based on an error of law or fact in the case, new evidence, or for "other good cause". The written petition must be submitted to the hearing panel or officer within 15 days of the final decision, and the hearing body has 25 days to render its decision. If no decision is reached within the timeframe, the petition is denied. Also, within 40 days of the original expulsion decision, the hearing body may decide on its own to reconsider a case without a petition filed by either party. In reconsidering a final decision, the panel or hearing officer may hold any proceedings necessary but is not required to conduct another hearing.

Changed conditions. This type of review includes a reversal or modification of a final decision at any time based on changed conditions. Either party or the hearing body may make a motion for changed conditions. An example of changed conditions might include a petition stating the criminal charges against an arrested student were dropped by the court and, therefore, the conditions resulting in the expulsion of the student are not the same. Another might be a petition

stating the object, for which a student was expelled for possession of a dangerous weapon, did not meet the statutory definition of a dangerous instrument.

Clerical error. Finally, without further proceedings, the hearing body may modify an expulsion decision to correct any clerical error. In this instance, a party to the case can appeal the correction to the Superior Court through procedures specified in the UAPA.

Alternative education. The final step in the expulsion process, as shown in Figure III-1, is alternative education for the student. School districts are required to provide alternative education only to students under 16 years of age and to those between 16 and 18 expelled for the first time, however, they may offer the services to any expelled student. Chapter 4 of this report provides detailed information on the types of alternative education services used by school districts in Connecticut. Generally, most districts offer one-on-one tutoring, called homebound education, to expelled students. These services can be provided in the student's home or at a non-school location, such as a police department, library, or community center.

Upon completing the term of expulsion, a student may return to school. A student expelled during his or her senior year (grade 12) of high school may still receive a diploma if the mandatory minimum number of credits (20) has been earned, however, most schools will not allow the expelled student to participate in the graduation ceremony. School districts have discretion in waiving any local graduation requirements or elective course work. An expelled student in a lower grade can pass for the school year and move onto the next grade level if he or she successfully completes the alternative education requirements. The student may have to make up certain credits, such as elective courses, the arts, or physical education, to graduate but this is also left to the discretion of the school district.

Discipline of Special Education Students

Suspension. A special education student may be suspended from school or transportation for up to 10 days based on the same grounds and following the same process as those required for nondisabled students. The school district is not required to provide alternative education or other services during the suspension, although the student is allowed to complete any missed classwork and tests.

There is no requirement for a manifestation determination of whether or not the student's conduct was a result of his or her disability during the informal suspension hearing nor must a planning and placement team meeting be held. However, if a school district believes further action may be required to address the student's behavior, the State Department of Education recommends a PPT meeting be convened to review a behavior management plan or modify the individualized education plan if necessary.

Suspension of a special education student is not considered a change in placement that triggers the procedural safeguards discussed in Chapter 1. However, a series of short suspensions, each less than 10 consecutive school days, may form a “pattern of exclusion” that can be considered by a hearing officer or court to be a significant change in placement. The criteria used to determine a pattern of exclusion are: (1) the length of each suspension; (2) the proximity of the suspension periods; and (3) the total amount of time the student was excluded from school. If a special education student’s placement is changed by the planning and placement team, the counting of the suspension periods begins anew and previous suspensions are not counted in the series. A 1991 correspondence from the federal Department of Education’s Office of Special Education stated that continued misconduct may suggest the educational services and/or placement may be inappropriate and the individualized education plan should be reviewed prior to disciplining the student.

Parents have the right to request a due process hearing if their child is suspended. If they do so prior to the suspension, the student must “stay put” in the current educational placement pending the disposition of the all proceedings unless the both parties agree to an interim placement. If an agreement regarding placement is not reached, the school district may seek a court order to remove the student from the school or change placement if the student’s behavior in his or her current placement is “substantially likely to result in injury to the student or others”. (*Honig v. Doe*) In addition, the 1997 changes to the IDEA now allow hearing officers to order alternative placements for special education students. Yet, no matter how dangerous or disruptive the special education student might be, there are no exceptions in federal or state law for a change in placement without due process or court order.

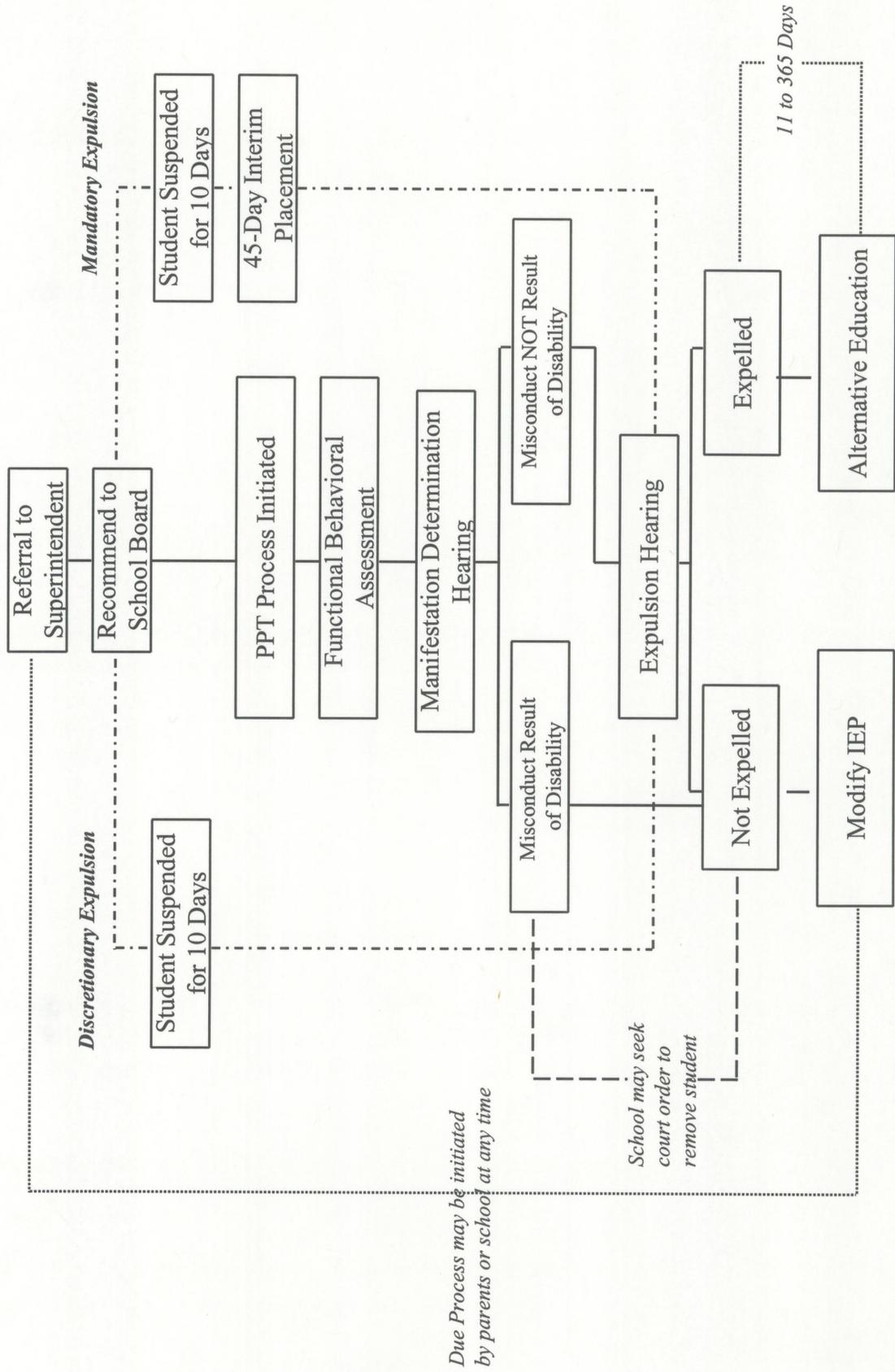
If the request is made subsequent to a suspension, the school district is not required to reinstate the student during the evaluation process. However, a court order for reinstatement may be obtained by the student’s parents if the school knew or reasonably should have known about the student’s need for special education.

Expulsion. The existing expulsion law does apply to special education students. Although, under the *Honig v. Doe* decision, any denial of school privileges for more than 10 consecutive school days is a change in placement. Under Connecticut law, an expulsion also meets the standard for a change in placement for special education students which triggers the procedural safeguards and due process hearing. It is important to note that only the planning and placement team may change a student’s placement and, when expelling a student, it is the board of education that is changing the placement by excluding the child from school.

Figure III-2 shows the process for expelling a special education student. The process varies slightly between discretionary and mandatory expulsions.

The first step for discretionary expulsion is a referral of the special education student to an alternative placement or suspension for 10 school days. If the school district believes the student

Figure III-2. Expulsion Process for Special Education Students



is dangerous “beyond a preponderance of the evidence” it can request an injunction to place the student in an alternative setting for no more than 45 calendar days. A hearing officer is responsible for issuing the injunction.

The federal Individuals with Disabilities Education Act standard for “dangerousness”: (1) is there a substantial likelihood of injury by the student; and (2) were reasonable steps taken by the school district to minimize the likelihood of harm to the student and others. In addition, the school district must prove: (3) the student’s individual educational plan was appropriate; and (4) the interim educational setting allowed the student to participate in the general curriculum and to receive special education services and other related services to ensure his or her behavior did not recur.

The first step for mandatory expulsion for possession of a dangerous weapon or distribution of illegal drugs is to place the student in an interim alternative educational setting for a maximum of 45 calendar days. The planning and placement team determine the setting and, if the student is not expelled, then he or she must be returned to the regular placement on the 46 day. An important difference in this process is that if the parents request a due process hearing, the 45-day interim placement becomes the “stay put” setting, not the original placement or program, until the dispute is resolved.

As shown in the flowchart for both types of expulsions, the PPT is required to conduct a manifestation determination, with the parents’ participation, within the initial 10-day suspension period. The 1997 IDEA amendments provide an overriding framework of specific requirements for conducting a manifestation determination. The PPT must consider the student’s evaluation and diagnostic results, observations of the student, and his or her individual educational plan and placement. The team must also consider information supplied by the parents. The essential criteria of the manifestation determination review are: (1) the appropriateness of the IEP and placement; (2) supplementary aids and services provided; (3) behavioral interventions provided; and (4) ability of the student to understand and control his or her behavior.

In addition to conducting the manifestation determination, the 1997 IDEA amendments also require the PPT to conduct a “functional behavioral assessment” of the student no later than 10 days after changing the student’s placement (i.e., alternative placement). Furthermore, the team must develop and implement a “behavior intervention plan” at the initial evaluation and identification of the disabled student. It should be noted that there is some disagreement between educators as to the necessity of conducting this assessment if the student is suspended rather than placed in an alternative setting. However, since there are no federal regulations, there is no clear answer.

If the planning and placement team finds the student’s misconduct *was not* a manifestation of his or her disability, the child *can* be expelled and placed in an alternative education program or provided services that meet his or her special needs. If the misconduct *was* a manifestation of the disability, the student *cannot* be expelled. The student’s placement also cannot be changed except

through the PPT process. The PPT can recommend an alternative program or modification of the education plan to ensure the safety of the student and others.

If the student's conduct is such that a referral to the juvenile court is warranted, the school district must conduct a manifestation determination review (and, it is assumed, a behavioral assessment) prior to the referral if the disposition of the criminal charge may result in a significant change in the educational placement (i.e., incarceration). A student whose conduct is a result of his or her disability may not be referred to juvenile court. However, if the conduct was not a result of the disability the referral may be made.

At any time during the suspension, manifestation determination, behavioral assessment, or expulsion proceedings, the parents may request an expedited due process hearing. The student must then remain in the current placement or 45-day interim placement until the disposition of all proceedings. However, both parties could agree to a temporary placement or the school could obtain a court order to change the placement and interrupt the 45-day interim placement.

School districts are required to provide alternative education to all expelled special education students under the federal IDEA requirements. Federal law does not specify the particular setting in which alternative education services must be provided, however, the program must be designed to meet the student's individual needs.

Finally, the 1997 amendments to the IDEA include a provision that allows students subject to expulsion, who were not previously identified as special education students, to seek IDEA protection if a school district had knowledge of a disability before the misconduct occurred. Under federal law, the school district is deemed to have prior knowledge of a disability if any of the following conditions exist.

- The parents have expressed concern (in writing) to school personnel that the student needs special education or related services.
- The student's behavior or performance indicated a need for services.
- The parents requested an evaluation.
- Teachers or other school personnel expressed concern about the student's behavior or performance to a special education director or personnel. Therefore, if a special education evaluation is requested during the time the student is subject to the expulsion, the evaluation process must be expedited. If the student is subsequently identified as disabled, the school district must provide special education services. The student also remains in his or her current placement until the required steps are taken to determine if he or she can be expelled.

Chapter 4: Alternative Education

- Alternative education is based on the premise that a variety of needs can only be met by a variety of institutions.
 - The need for alternative education arose from schools' response to school safety and educational reform.
 - Alternative education by its very nature is quite individualized which has resulted in a variety of programs.
 - There are no state laws defining or governing alternative education nor are there state regulations that address curriculum content, length of school day, or teacher certification.
 - The State Department of Education has adopted regulations for homebound instruction for disabled students as the standard to be applied to all students in alternative education. This regulation requires at least two hours per day of one-on-one tutoring services.
 - Expelled students under the age of 16 must be offered alternative education by their school districts and older students may be afforded an alternative education opportunity.
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ALTERNATIVE EDUCATION

Alternative education in Connecticut is not only for the expelled student. A variety of students, from those who are academically or artistically gifted to children who show signs of violence, disrespect, alienation, or withdrawal, participate in alternative education programs. Alternative education is based on the premise that “a variety of needs can only be met by a variety of institutions”.⁵ Therefore, existing programs vary in content and purpose and, although the focus of this study is on disciplined middle and high school students, a general discussion of alternative education is presented.

A major theme in the justification for establishing alternative education for expelled students is that it is essential to develop educational opportunities for all students, including those who are violent and seriously or chronically disruptive. Without this opportunity, the likelihood these students will be able to find adequate jobs and live productive adult lives is reduced. In addition, students who commit violent and disruptive acts in school often have significant learning, behavioral, or social problems that, if not addressed, will lead to problem behavior throughout their lives. Professionals who work with and study at-risk students found school is the only positive place many of the students will be and that society cannot afford to drive the most troubled students off the surest road to success. School and government officials should be trying to keep students in school.⁶

Background on Alternative Education

The need for alternative education arose from schools’ response to a variety of factors related to school safety and educational reform. The issue of school safety revolves around incidents of violence committed by or against students on and off campuses. There is much research and a heightened public awareness, particularly among parents and educators, that violence and the threat

⁵Panel on Youth, President’s Science Advisory Committee, 1974

⁶United States Department of Education, *Alternative Education Programs for Violent and Chronically Disruptive Students: Best Practices, Year One* (October 1996), p 9

of violence are escalating in many public school systems. The public policy response to school violence, as with other issues concerning delinquent juvenile behavior, has been “zero-tolerance”, which calls for a stricter and more punitive approach than the traditional juvenile justice model that is nonadversarial and concerned with the welfare of the child.

School violence arises from a combination of variables and risk factors that influences children to become violent or the victims of violence. These variables are deeply rooted social problems that affect not only academic performance and conduct in school but other areas of the student’s life and his or her community. They include poverty, increase in single-parent households, race and ethnic tensions, prevalence of violence by television and movies, and the easy availability of guns and illegal drugs.⁷ Because the causes of school violence are complex, school systems have tried a variety of solutions, such as mandatory expulsion and alternative education.

In response to the actual or perceived increase in violence, federal and state governments have enacted laws that require suspension or expulsion for specific student conduct whether on or off campus. As previously discussed, Connecticut, in compliance with federal law, requires school districts to expel any student found in possession of a weapon or to be selling illegal drugs on or off school grounds. However, alternative educational services must be provided to students under 16 years and those between 16 and 18 expelled for the first time, and may be offered to students who do not meet these standards. This is extremely important so these high-risk students are not left at home unsupervised, unschooled, and free to commit crimes or act inappropriately in their community.

The *Alternative Education: A Force for Our Future* report (June 1996), published by the Safe Schools and Communities Coalition, stated “the ‘zero-tolerance’ movement obliges thoughtful educators and community members to create alternatives to expelling and suspending students from school where they can create yet another negative burden for community members and community services.” The basic principal of a “free appropriate public education” requires all students to be included in a learning process that meets their needs, and not that they are rejected or excluded from that process. Alternative education attempts to meet this objective.

The second focus of alternative education is on educational reform which includes, but is not limited to, misplaced students, social and economic forces that negatively effect education, higher graduation standards nationwide, and the increase in social services provided by schools. Educators are frequently faced with students who are abusive, confrontational, refuse to complete work or participate in class, or show little or no respect from themselves or others in the school, but are intellectually capable of performing academically. Some of these students may be referred to special education programs and evaluated as learning disabled or seriously and emotional maladjusted.

⁷Veronica O. White, *School Violence*, NCSL Legisbrief Vol. 2, No. 44 (November 1994)

While these students may not actually be disabled, their behaviors resemble those of students with the disabilities. They are then placed in a costly special education program rather than in an alternative education option.

A high school diploma has long been the minimal requirement for most employment opportunities in the country. There is then a direct link between adequate educational opportunities and productive citizens. Alternative education programs offer an opportunity to students not successful in the traditional school setting and who are in danger of failing or dropping out of school, thereby, not receiving a high school diploma.

The current trend in educational reform calls for higher graduation standards. The federal Goals 2000: Educate America Act seeks to increase the number of high school graduates by the year 2000 as well as to raise the level of academic performance. However, educators point out that many marginal or low achieving students will become more discouraged and may become disruptive or quit school.

Schools are increasingly addressing students' social, economic, medical, and psychological needs as well as their academic needs. The intrusion of social problems into the classroom has resulted in school-sponsored after-school and pre-school programs, food services, and physical and psychological care for students and their parents. Alternative education programs were developed in response to these issues to allow students an opportunity to continue their education separate from the mainstream general education program.

Alternative Education Programs

Alternative education or non-traditional education are often used as generic terms to describe any school that is different from the traditional school and curriculum. The alternative programs were created out of the belief there are many ways to educate, and are intended for students who are unable to benefit from the mainstream education process.

Alternative education by its very nature is individualized, which has resulted in a variety of programs. However, the schools and programs do have some common characteristics. In general, these programs:

- serve smaller numbers of students with higher teacher-to-student ratios than traditional education;
- are available by choice to students and their parents;
- are designed for and serve a specific type of student population;
- focus on student interest and needs and use methods to facilitate student academic success;

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- teach in a non-competitive environment that fosters cooperation among students and teachers; and
 - exist with some autonomy from the traditional school organization.

Educational standards. There are no laws defining or governing alternative education nor are there state regulations that address alternative educational services for expelled students (i.e., curriculum content, length of school day, and certification of teachers, etc.). However, the State Department of Education has interpreted the laws establishing regular education curriculum and other requirements as not applicable to alternative education, excluding that offered to special education students. The department has adopted the requirement of a special education regulation for homebound instruction for disabled or hospitalized students as the standard for alternative education for all expelled students. Statewide local school boards have implemented, as the standard for alternative education, the regulation that requires at least two hours per day of one-on-one tutoring service. While this model is used predominately throughout the state it not the only alternative education method used.

These programs must provide instruction in the required core subjects of English, mathematics, science, and social studies and can incorporate self-study elective classes or special projects under supervision of the student's regular education teacher. The programs may also have a broader scope that includes counseling and support services.

State law requires teachers to hold a Connecticut state teacher's certification in their subject matter. There is no specific requirement for alternative education as a subject matter. In fact, school districts may employ noncertified tutors, such as substitute teachers or other professionals competent in a subject area, for homebound alternative education.

There are also no national standards for alternative education programs. Connecticut's public schools are accredited by a regional organization, the New England Association of Schools and Colleges (NEASC). The accreditation process is voluntary. However, since most colleges only accept graduates from accredited schools, the process has become a de facto requirement. The accreditation process examines the school district's specific programs, courses, services, and facilities as well as its policies and procedures. However, the school's alternative education program, whether it is homebound tutoring, established program, or separate school, is not evaluated. If the school district operates an in-house alternative education program, NEASC may include it in the overall evaluation of the system and may commend the district for its efforts, but existence of the program will have no bearing on the final accreditation decision. Although, the NEASC may recommend the district create an alternative education program in the absence of one.

Schools and programs. In Connecticut, school districts use various methods for providing alternative programs. The most common approach is one-on-one tutoring program, generally called homebound instruction. The student is assigned a tutor, who is not required to be a certified teacher,

to provide educational services in the core subjects for two hours per day. The service may be provided at the student's home or another location, such as a police department, library, or community center, if the student, school, or tutor request the change in setting. The student's teachers from their regular education program provide the course work and meet with the tutor to monitor the student's progress. The intent is that the student will not fall behind in the course work and return to the mainstream classroom at the end of the expulsion period.

Students receiving homebound instruction may also work on special assignments related to their regular education classes to earn credits or to be promoted to the next grade. The general education teachers must agree to the assignment and provide the course work and supervision.

Other alternative education schools and programs include, but are not limited to, a school-within-a-school, an off-campus alternative school administered by a single district or regional collaboration, contracted private provider, and adult education services. The school-within-a-school operates a separate educational program for suspended, expelled, or chronically disruptive students that is on campus either in a separate building or within the school.

Students from different grades work in the same classroom, like the one-room schoolhouse model. They attend school for a full day but are excluded from most, if not all, of the general education activities. The course work is assigned and monitored by the students' regular education teachers and the alternative program teachers serve as tutors to assist students in completing their classwork. The alternative education teachers in this model are certified teachers.

Most of the school-within-a-school programs are transitional in that the goal of the program is to mainstream the student back to the general education system at the end of the disciplinary period or when the student has improved his or her behavior and school work. However, some students may remain in the program if it is the best option for them to succeed academically.

Off-campus alternative schools are administered by single school districts or through a collaboration between several districts. These schools are also operated like the school-within-a-school model, however, the students attend school on a campus away from the mainstream schools. These schools usually provide all the educational services of a regular school as well as specialized services to meet the needs of the student population. This model also strives to transition students back to their mainstream public schools.

Finally, some school districts contract with private providers for alternative education or refer their students to programs funded through the social service or criminal justice systems. Again, these programs are similar to the school-within-a-school, however, the staff are not employed by a school district. While the emphasis of the program may be more on successfully completing a criminal justice sanction (i.e., parole, probation, or alternative sanction), rehabilitation for a drug or

alcohol problem, or obtaining life and work skills, education is still a focus and most students are encouraged to complete their high school education. In some programs, the student is still considered enrolled at the local public school.

Adult education is an alternative education option for expelled students, particularly for those over the age of 16 years. This program is flexible in that it allows students to work at their own pace, continue or find employment, and to attend school during afternoon or evening hours. Students can earn either a high school diploma or a general education diploma (GED).

Chapter 5: Data Analysis

- The vast majority public school students are not suspended or expelled from school and are not exhibiting violent behavior in school.
 - However, the percentage of the total student population committing violent acts has increased since the early 1990s, with most violence aimed at other students.
 - Middle school students are more likely than high school students to commit violent acts against other students.
 - A very small percentage (less than a quarter of 1 percent) of students brought weapons to school, and there does not appear to be a significant change in the rate either before or after the enactment of federal and state mandatory expulsion laws.
 - The most common weapon brought into the public school is a firearm.
 - Rate of suspension and expulsion of middle and high school students is increasing. However, about 15 percent of the student population is excluded from school for disciplinary reasons.
 - More students are suspended than expelled.
 - While the overall rate of expulsion is increasing, the expulsion rate among disabled students is decreasing.
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DATA ANALYSIS

National School Safety Data

On a national level, incidents of disruptive, violent, or criminal conduct by students on or off school campuses has not been well documented. Nor has the issue of school safety been looked at in terms of data analysis. Existing information relies on the perception of educators, students, parents, and legislators as well as public opinion, theoretical discussion among researchers, and inferences drawn between criminal and juvenile justice data and the school environment. While there is some basis for the current study approaches, there is very little nationwide data to accurately reflect the scope of this issue, therefore, the federal expulsion law and educational policies have not been developed based on hard data analyses or outcome measures.

One reason for the lack of data may be the difficulty in developing common terms and accurate definitions of the factors associated with the broad problem of school safety or student violence that would translate among all states and local school districts. Regional, state, and local community differences affect the reporting and analysis of data. For example, what is a violation or misbehavior in one school district or state may not be viewed as such in another and subsequently not reported.

National arrest data are available based on age groupings, however, information on the location of the offense (i.e., on campus vs. off campus) is not collected. The federal Office of Juvenile Justice and Delinquency Prevention's (OJJDP) 1996 report on juvenile offenders and victims provides the most recent national arrest data available. As part of its analysis, OJJDP reviewed data from the Federal Bureau of Investigation's Uniform Crime Index, which compiles arrest statistics from law enforcement agencies nationwide. It should be noted when reviewing these data that children within the school-aged groupings are not necessarily enrolled in or routinely attending school. Also, Connecticut, like most states, legally allows children 16 years and older to quit school. Therefore, based on these data, the link between the child and/or criminal activity and the school environment cannot be known.

In 1994, almost 3 million arrests of school-aged children (between the ages of 5 and 17) were made by state and local law enforcement agencies. The

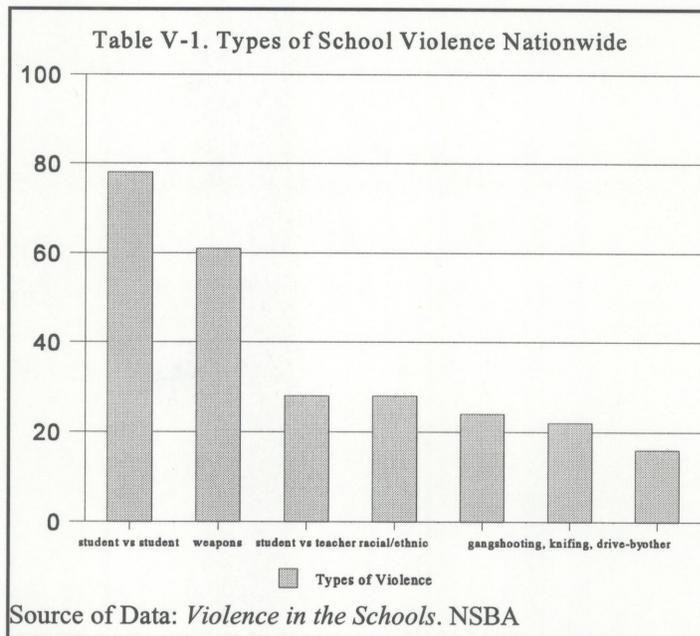
OJJDP data further show:

- 19 percent of *all persons* (juvenile and adult) arrested for a violent crime were below 18 years of age, which represents less than half of 1 percent of all juveniles in the United States;
- 35 percent of all 1994 juvenile arrests involved children under 15 years of age;
- of all juvenile arrests, 6 percent were for a violent crime, of which half involved a child below age 16.
- only 2 percent of juveniles arrested were charged with a weapon offense, however, a person may be charged with another type of crime during which a weapon was used.

Table V-1 shows the number of arrests of children between the ages of five and 17 (i.e., under 18) and the types of offenses charged.

Table V-1. FBI Uniform Crime Report on Juvenile Crime, 1994	
Offense Category	Juvenile* Arrests Nationwide
Murder and Manslaughter	3,700
Rape	6,000
Robbery	55,200
Assault	85,300
Drug Crimes	158,600
Weapon Crimes	63,400
Property Crimes	748,100
Total Crimes**	2,714,000
*Includes offenders under the age of 18 years. **Includes all other crimes not specifically listed in table. Source of Data: National Center for Juvenile Justice and FBI Crime in the US 1994.	

One source of data on the problem of school violence is a 1993 survey conducted by the National School Boards Association (NSBA). More than 2,000 school districts were surveyed about the extent to which violence was a problem in their schools, the types of violence experienced, and their opinions of the causes of school violence. This questionnaire asked respondents to characterize their opinion, perceptions, and experiences, but did not collect quantitative data on the frequency or types of actual incidents during the five year period under analysis: 1989-1993.



Most school districts (82 percent) reported student violence had increased, 12 percent indicated the level of student violence had not changed, and only 4 percent reported a decrease. (Two percent of the school districts did not provide a response.) Figure V-1 shows the types of violence among the school districts surveyed. As shown, 78 percent of the districts reported students' assaults on other students, making this the most common type of in-school violence reported nationwide. Sixty-one percent of the school districts reported incidents of weapons in school; making it the second most frequently reported type of violence. The number of districts reporting other types of

violent incidents drops sharply: students' assaults on teachers and racial or ethnic violence both were reported by 28 percent of the districts; gang activity by 24 percent of districts; and 22 percent dealt with a shooting, knifing, or drive-by shooting. Other types of violence reported included rape and violence against homosexual students. The NSBA further analyzed the data based on the type of school districts and found urban districts had higher percentages of violence than suburban or rural. It should be noted that a school district may report the occurrence of more than one type of violence.

The NSBA analysis further found the most common cause of school violence (reported by 77 percent of school districts) was "changing family situations" as a result of a variety of socioeconomic problems including: poverty; violence and abuse; and a lack parental supervision and discipline. Other causes included, but were not limited to: media violence (60 percent); lack of activities and job opportunities (53 percent); alcohol and drug use or abuse (45 percent); access to guns (43 percent); self protection (32 percent); and racial and ethnic tension (29 percent).

The United States Department of Health and Human Services' Center for Disease Control and Prevention (CDC) also conducts a school survey seeking data on student violence. The Youth Risk Behavior Surveillance (YRBS) is conducted every two years. A nationally representative sample of students in grades 9 through 12 completes a questionnaire to monitor the leading health-risk behaviors of adolescents that cover a wide range of activities, including pregnancy and abortion, birth defects and disease, injury and accidents, use and abuse of illegal drugs, alcohol, and tobacco, and violence.

In 1995, 10 percent of the students responding to the YRBS reported carrying a weapon onto school property during the 30 days preceding completion of the survey, which was a decrease from the 12 percent of respondents in 1993. The analysis also showed the percentage of students threatened with or injured by a weapon on campus during the school year slightly increased from 7 percent in 1993 to 8 percent in 1995. While, the percentage of students reported being in a physical fight during school was basically unchanged (about 16 percent each year).

The incidents of illegal drug and alcohol use increased slightly. The YRBS showed, in 1995, 9 percent of students used marijuana and 32 percent had been offered, sold, or given an illegal drug on campus (within the 30 days preceding the survey), an increase from 6 percent and 24 percent respectively in 1993.

Connecticut School Safety Data

Incidents of disruptive, violent, or criminal conduct by students on or off school campus and the level of school safety is not monitored on a state level. Local school districts collect the information that may be used to analyze these issues, however, most do not retain it past the close of a school year nor is it collectively reviewed to determine patterns in or prevalence rates of student violence, suspensions and expulsions, or school safety issues.

School districts were required to report to the State Department of Education the number of types of threats and assaults occurring on campus during a school year, however, this requirement was repealed in 1992. The SDE was further mandated by the General Assembly to study and make recommendations on a data collection process to record student suspensions and expulsions. The department recommended the process not be implemented due to the difficulty in developing common terms and definitions and an accurate reporting system. It further found there was no need for an analysis of the data at the state or local level.

Currently, the only statewide collection of expulsion data is done by the State Department of Education to comply with a federal requirement of the Gun-Free Schools Act. Under this requirement, the U.S. Department of Education implemented a reporting procedure to track the incidents of weapon possession by students and the number of expulsions within each state. The data are reported by local school districts to state education departments, and aggregate statewide data are then reported to the federal education department. Local school districts are required to report on expulsions to maintain their eligibility for federal education funds. An analysis of the data is presented in this chapter.

In addition, the 1997 amendments to the federal Individuals with Disabilities Education Act established a reporting requirement for state education departments to track discrepancies in the rate of suspension and expulsion among local school districts and between regular and special education students. However, as previously stated, federal regulations for the IDEA amendments have not

been issued and full compliance has not been achieved. To date, the state education department does not collect the data to fully comply with the federal requirement, and the collection of suspension and expulsion data at the local school district level is not uniform or consistent.

Arrests. One source of data is the Connecticut Uniform Crime Report (UCR) that tracks the number of arrests for criminal offenses made by state and local police. The UCR counts numbers of arrests and not numbers of criminal acts or charges. Therefore, persons arrested and charged with more than one crime will appear in the system only once. Typically, only the most serious charge is recorded. If an individual is arrested more than once during a year, each arrest is listed separately.

The UCR categorizes crimes as Part 1 or Part 2 offenses. Part 1 offenses, the most serious and violent felonies, include: murder, manslaughter, assault, sexual assault, robbery, burglary, larceny and theft, and arson. Part 2 includes all other types of crimes, such as drug violations, weapons charges, simple assaults, vandalism, disorderly conduct, and curfew and loitering. It is important to note that not all children attend school regularly or are even enrolled. In fact, children who are at least 16 may legally quit school. In addition, there is nothing in the UCR data to indicate the location of the offense so that it is not known if any of these arrests were for criminal conduct on school property. However, this is the best source of information regarding criminal and violent acts committed by school-aged children.

Overall, in 1996, local and state police made 9,905 arrests involving a school-aged person under 15 and 21,387 arrests of 15- through 17-year-olds, which represent 5 percent and 12 percent

respectively of all arrests made in the state. Of all arrests involving a child under 14, only 2 percent were for a weapons charge, 3 percent for aggravated assault, and 10 percent for simple assault. Similar to their younger peers, arrests of 15-, 16- and 17-year-olds included 2 percent for weapons charges, 3 percent for aggravated assault, and 8 percent for simple assaults.

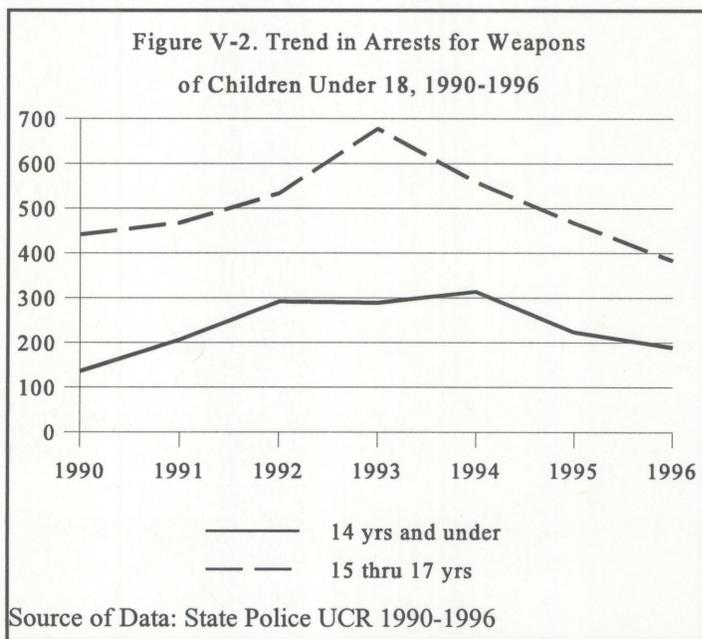


Figure V-2 shows the trend in arrests for weapons charges by two age groups: 14 and under and 15 through 17 years. Since 1993, arrests of teen-agers between 15 and 17 years of age for weapons violations has been significantly decreasing. After two years of no significant change, arrests for

children 14 and under has also been decreasing. The trend in arrests for this age group showed a sharp decline after the implementation of the federal expulsion law.

Public school survey data. The program review committee collected data on the number of suspensions, expulsions, and violent incidents involving students over a period of four school years. Questionnaires were sent to all local and regional school districts providing secondary education (grades 6 through 12) and the statewide vocational-technical school district. The 36 school districts providing only elementary education, the three private academies which accept students whose tuition is paid by the public school district, and the unified school districts administered by state agencies were excluded.

Of the 131 school districts receiving the questionnaire, 113 responded; an 86 percent response rate. The 17 school districts that failed to respond to repeated requests for the data included: Avon; Bolton; Darien; East Hartford; Griswold; Hamden; Hartford; Mansfield; Middletown; Rocky Hill; Simsbury; Wallingford; Westbrook; West Haven; Windham; Windsor Locks; and Region 12.

The data were analyzed by educational reference groups (ERGs) rather than individual school districts. The State Department of Education developed nine ERGs to enable educators to compare groups of districts that have similar characteristics. A listing of the school districts within each of the ERGs is contained Chapter 1 on page 7.

To analyze the safety of Connecticut's public school system, the program review committee identified several measures of school safety: (1) incidents of student-to-student violence; (2) incidents of student-to-staff violence; (3) incidents of students found to have a weapon while on campus; (4) incidents of students found to be in possession, selling, or using illegal drugs on campus; and (5) the number of students suspended and expelled from each school district. While this provides a measure of the frequency of incidents, the data do not measure the severity of the violence. For example, incidents of student-to-student violence can range from the less serious acts like pushing or shoving that do not result injuries to inherently dangerous acts of violence such as physical or sexual assaults or the use of a weapon or instrument to cause injuries. Anecdotally, educators have reported the severity of student violence is becoming more serious and dangerous to other students and staff.

Violent student incidents. School districts reported on the number of violent incidents by students against other students and staff and student possession of weapons and drugs. Although these data provide the most reliable information available, there are limitations. For example, some school districts do not maintain historical records and could not reproduce an accurate count of incidents beyond the 1996/1997 school year. Others did recreate the data from student records but acknowledged these reports might not include all incidents. Also, the definition of violence is not the same among all districts, therefore, some may have recorded certain types of incidents while

others did not. It should be noted, therefore, that the actual number of incidents may be greater or lesser.

The committee also analyzed the number of students suspended as a percentage of the total sample student population within each educational reference group. The total student population was calculated based on the number of middle and high school students in each of the school districts responding to the committee's questionnaire. The actual statewide and ERG student populations are greater.

Table V-2 provides the number of incidents of student violence against other students for the school years 1993/1994 through 1996/1997. The data show there are more incidents of student-to-student violence at the middle school level than high school, and the number of incidents at both levels increased over the school years under review.

Table V-2. Number of Violent Student-to-Student Incidents.				
School Year	93/94	94/95	95/96	96/97
Middle School	2,175	2,665	3,142	3,621
High School	1,241	1,749	2,396	2,655
Total	3,416	4,414	5,538	6,276

The data support information gathered by program review committee during interviews and through a series of round table discussions with school superintendents, principals, teachers, and other school staff. Educators indicated that middle school students (grades 6 through 8) were more aggressive and physically and verbally more disruptive than their high school counterparts. Educators noted that middle school students may lack the maturity, control, and social skills of older adolescents. The educators also pointed out that middle school students experience, for the first time, a school environment that is less structured than elementary school (i.e., changing classrooms for each period and free periods such as study hall). Conversely, high school students may be more settled into the school routine and, as they mature, resort less to violence. Another reason given by the educators was that, by high school age, students who are prone to violent or disruptive behavior may no longer be in school because they have dropped out or became involved with the criminal justice system and may be incarcerated.

Figure V-3 shows a trend analysis of the percentage of the sample student population committing violence against other students. As shown, the trend for the middle school student population is rising at a faster rate than that of the high school population. While the trend in incidents of student-to-student violence is increasing, it is important to note that less than 4 percent of either student population committed violent acts during any of the school years under review.

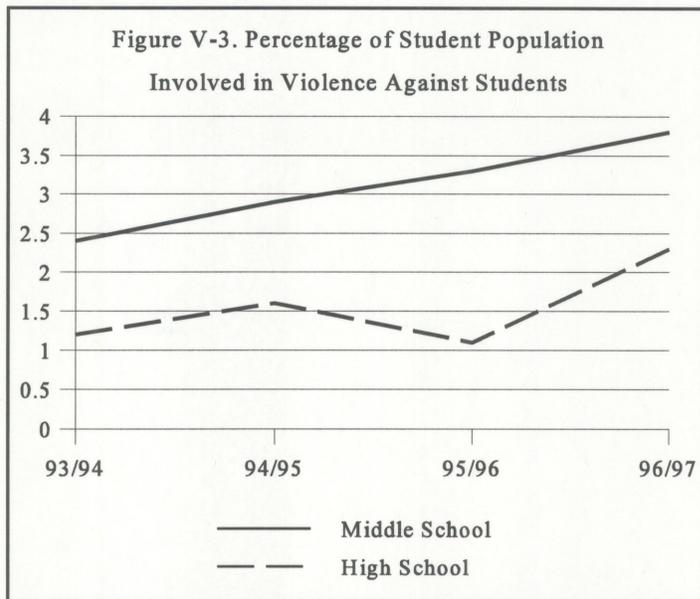


Table V-3 shows the actual number of incidents of student-to-staff violence. However, the analysis, presented in Figure V-4, shows less than a quarter of 1 percent of the sample student population committed violence against school staff during any of the four school years. The graphic also shows there was no significant difference between the middle and high school student populations over the time period.

Other measures of school safety identified by the program review committee are the number of incidents of possession of weapons or illegal

drugs by students. The federal and state mandatory expulsion laws are aimed at deterring this type

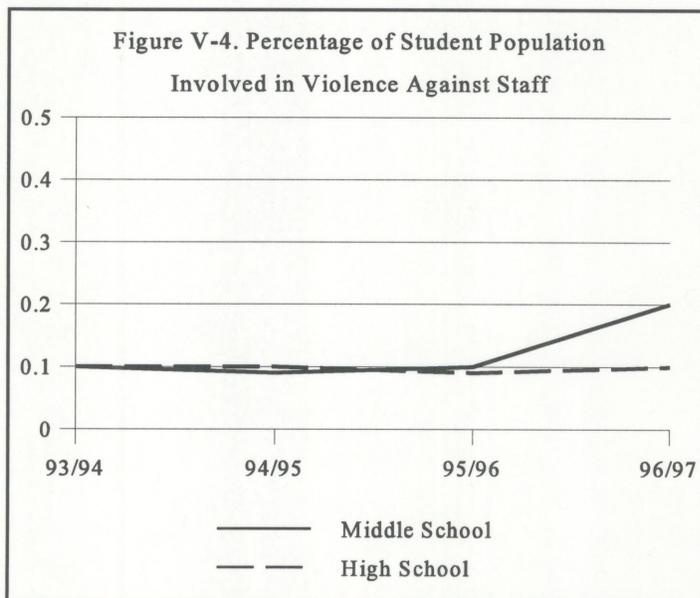
School Year	93/94	94/95	95/96	96/97
Middle School	106	88	108	226
High School	103	154	2	207
Total	209	242	110	43

of student behavior on and off campus. Table V-4 shows the number of incidents of weapon and illegal drug possession statewide at the middle and high school levels. It should be noted that based on the data provided by school districts, the type of weapon or illegal drug brought on to campuses could not be identified.

Less than a quarter of 1 percent of the middle and high school student sample was reported to have brought a weapon onto the school campus for each of the four school years under review. There is no significant increase, over the four years, in the percentage of the student population in possession of a weapon.

School Year	93/94		94/95		95/96		96/97	
	Weapon	Drug	Weapon	Drug	Weapon	Drug	Weapon	Drug
Middle School	157	100	162	116	178	173	208	191
High School	116	358	130	616	176	686	230	679
Total	273	458	292	732	354	859	438	870

Again, less than a quarter of 1 percent of the middle school sample was found to have brought illegal drugs to school over the four school years. The percentage of high school students found in possession of illegal drugs at school was slightly more (about half of 1 percent) for each of the school years.

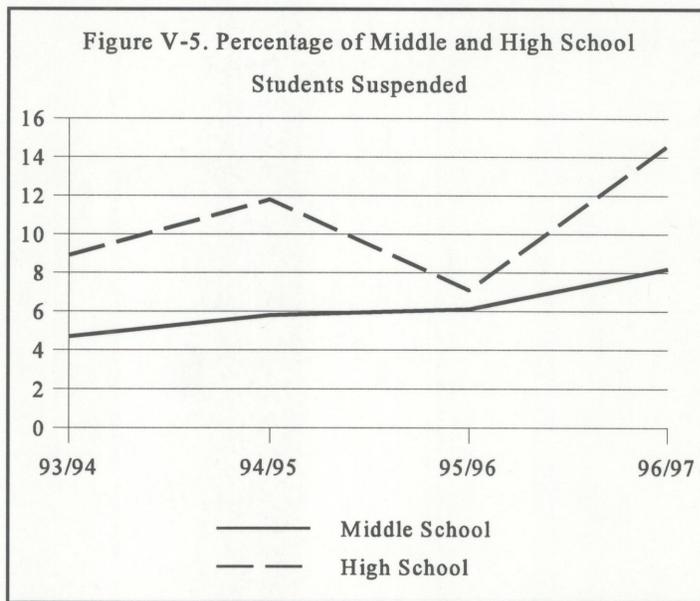


Suspension and expulsion. During the 1996/1997 school year, 7,833 middle school students (8.2 percent of all students in grades 6 through 8 in the responding school districts) were suspended from school. Approximately 10 percent (765) of the disciplined students were suspended more than five times during the school year. Overall, there was a total of 10,756 suspension incidents at the middle school level.

Statewide, at the high school level, there were 16,731 students (14.5 percent of all high school students in the responding school districts) suspended during the 1996/1997 school year.

Twelve percent (1,928) of the suspended high school students were suspended more than five times during the school year. The total number of out-of-school suspensions at the high school level was 27,879 incidents.

Figure V-5 illustrates the statewide percentages of middle and high school students suspended over the past four school years, with the suspension rate higher for high school. Also, although the trend is increasing, the suspension rate for high school students dropped from approximately 12 percent to 7 percent during the school year 1995/1996. Interestingly, the decrease



occurred during the school year after the mandatory expulsion law was enacted. During the past school year, the percentage rate of the sample high school population suspended increased to its highest level (almost 15 percent) for the period under review.

The percentage of middle school students suspended increased each year; doubling over the past four school years -- from about 4 percent to 8 percent.

Table V-5 presents the percentage of the student population within each ERG that was suspended. It shows that between the 1993/1994 and

1996/1997 school years, the greatest increase in middle school students suspended occurred in educational reference groups E, representing basically rural school districts, and G and H which are districts comprised of smaller cities and larger suburban areas. (A list of school within each ERG is shown on page 7.) These groups had more than a 7 percent increase in the percentage of students suspended. By comparison, at the high school level, groups C and I and the Vocational-Technical school system accounted for the largest increases in the percentage of students suspended from the 1993/1994 to 1996/1997. Suspension in the education reference group C, which consists of rural school districts, increased almost 9 percent. The state's largest urban school districts (ERG I) rose 7 percent, and the Vocational-Technical system had an 8 percent increase. The remaining groups experienced a 1 to 5 percent increase in the percentage of middle and high school students suspended.

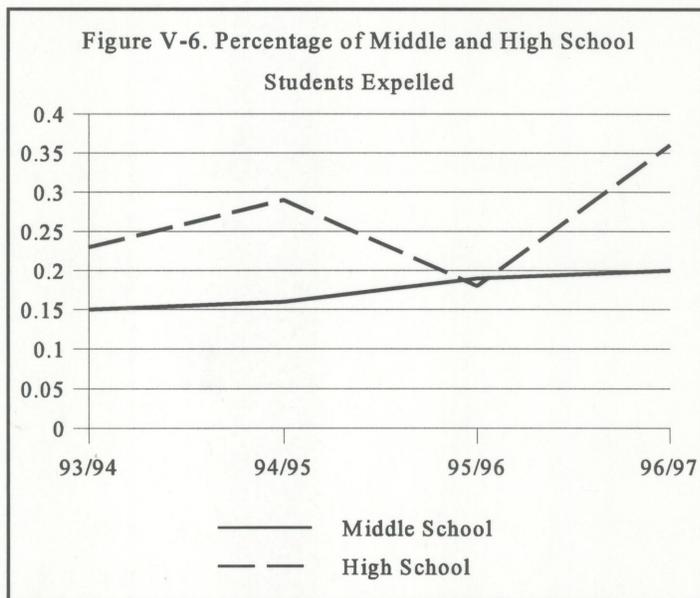
Surprisingly, the increases were not exclusively centered in inner-city and urban school districts. Others (C, F, and G) also showed sizable increases. Educators indicated one reason for this may be that urban school districts tend to have a variety of established prevention and intervention programs in place. The "zero tolerance" model may also have been adapted to meet the needs of the community and certain student behavior, which could have resulted in suspension or expulsion, was dealt with through alternative disciplinary methods, such as peer mediation, conflict resolution, or violence prevention training. Other districts, however, may not have been prepared for even a slight increase in the incidents or severity of student violence and, therefore, responded with a tough "zero tolerance" position that advocated suspension and expulsion. (Appendix E contains a breakdown by educational reference groups of the number of students suspended and expelled and number of suspension incidents.)

Table V-5. Percentage of Middle and High School Student Population Suspended

ERG	Middle School Students					High School Students				
	93/94	94/95	95/96	96/97	96/97	93/94	94/95	95/96	95/96	96/97
A	1.0%	2.3%	2.2%	2.2%	2.2%	5.2%	5.7%	8.1%	8.1%	6.8%
B	2.2%	2.0%	3.2%	3.0%	3.0%	5.3%	6.0%	7.5%	7.5%	7.3%
C	0.6%	1.8%	1.8%	2.3%	2.3%	2.7%	8.8%	7.2%	7.2%	11.4%
D	2.8%	3.5%	5.0%	6.4%	6.4%	8.2%	10.6%	11.7%	11.7%	11.2%
E	3.0%	3.2%	7.5%	9.5%	9.5%	11.3%	12.4%	7.2%	7.2%	9.6%
F	8.9%	8.7%	8.4%	10.4%	10.4%	12.2%	14.1%	17.8%	17.8%	17.3%
G	6.7%	6.6%	6.2%	14.1%	14.1%	18.5%	21.9%	23.0%	23.0%	23.4%
H	7.1%	12.6%	12.2%	14.0%	14.0%	9.8%	10.9%	14.8%	14.8%	12.8%
I	5.7%	6.0%	5.0%	11.0%	11.0%	11.0%	11.3%	11.9%	11.9%	18.2%
V	^	^	^	^	^	*	25.1%	30.1%	30.1%	33.2%
Total	4.7%	5.8%	6.1%	8.2%	8.2%	8.9%	11.8%	7.1%	7.1%	14.6%

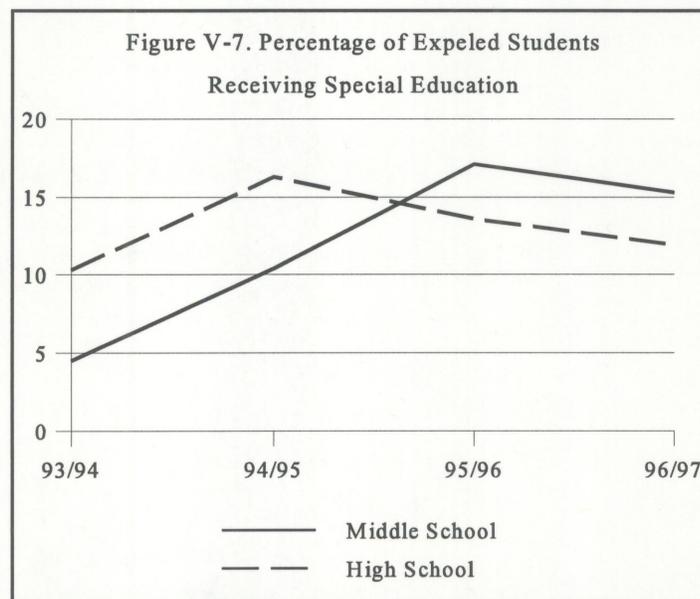
^Vocational-Technical school system includes only grades 9 through 12 (high school level).

*Indicates data not available.



In comparison to suspensions, the percentage of students expelled is much lower. This is expected because expulsion is the most serious student disciplinary action. For each of the school years under review, less than 1 percent of the student population was expelled.

During the 1996/1997 school year, 198 middle school students (less than half of 1 percent) were expelled, and only three students were expelled more than once. Of the 198 students expelled, 108 (55 percent) occurred under the federal and state mandatory expulsion law for weapons, drugs, or criminal activity, and 90 (45 percent) were discretionary expulsions for violations of school policy or other disruptive activity. At the high school level, 423 students (less than half of 1 percent of the student population) were expelled, of which 13 were expelled more than once. Of the 423 students expelled, 221 (53 percent) were under the mandatory expulsion law and 202 (47 percent) were discretionary expulsions.



During the past school year, approximately 15 percent of the expelled middle school students and 12 percent of the high school students were in special education. The rate of disabled students that were expelled, as a percentage of all

expelled students, began to decrease during 1995.

Other school safety methods. Data on the methods, other than disciplinary actions, used by school districts to maintain a safe school environment were also collected. Among the 113 districts responding to the committee's survey, the most commonly used methods were:

- prevention programs such as peer mediation, student assistance teams, and violence

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- prevention (100);
 - a visitor sign-in procedure for adults and students (98);
 - school personnel monitoring hallways, bathrooms, and classrooms (92);
 - closed campus policy that does not allow students to leave the grounds without permission during school hours (75);
 - in-service training to teachers on violence issues (67);
 - policy restricting students driving to or parking their cars on school grounds (62);
 - private security guards employed by school district or municipal police officers to patrol the campuses or assigned to the school (51);
 - student dress policy (39);
 - student identification cards for all enrolled pupils that must be displayed or presented while on campus (17); and
 - metal detectors to search students entering school buildings (4).

Gun-Free School Data

As previously stated, the federal Gun-Free Schools Act requires state and local school districts to have a policy mandating that any student bringing a firearm or explosive device to school be expelled for up to one calendar year. The law also requires the state education department to report on the number of mandatory expulsions for this type of offense committed on school campuses. Failure to have the policy makes the state and local educational agencies ineligible to receive federal funding under the Elementary and Secondary Education Act.

State education departments are specifically required to provide data on the number of mandatory expulsions for possession by a student of a firearm or explosive device, as defined by federal law, and the type of firearm or explosive involved. All local and regional school districts and the vocational-technical school system have reported the expulsion data for the past two school years: 1995/1996 and 1996/1997.

The following analysis is based on the data submitted by Connecticut's school districts. It is important to note, the data include only those expulsions for on campus firearm violations based on federal law. It does not include expulsions for sale or distribution of illegal drugs on or off school campus or the use of a weapon during the commission of a crime off campus, which are also grounds for mandatory expulsion under state law. As previously stated, Connecticut's mandatory expulsion law is broader in scope than the federal Gun-Free Schools Act.

During the past two school years, there were 52 students expelled for bringing a firearm or explosive device to school; this represents less than a quarter of 1 percent of the total student population statewide. Of those students expelled, 9 (17 percent) were identified as disabled and, therefore, requiring special education or related services.

Table V-6 contains a breakdown of expelled students by grade level during the school years under review. As shown, the students ranged from sixth to twelfth grade. As expected, middle and high school students comprise the vast majority of the students expelled.

Although, federal and state laws require a student bringing a firearm to school be expelled for one calendar year, a school district can modify the length of the expulsion on a case-by-case basis. During the two school years, the data show that 15 students were expelled for less than one school year (180 days). Another 18 were expelled for a full school year but less than a calendar year and 19 students were expelled for the maximum amount of time (365 days).

Table V-6. Mandatory Expulsions by Grade Level		
School Year	1995/1996	1996/1997
Grade Level	Number of Students	Number of Student
6th	1	1
7th	9	0
8th	4	2
9th	8	5
10th	7	1
11th	3	1
12th	1	9
Total	33	19
Source of Data: State Department of Education		

During the two-year school period, 41 students were expelled for bringing a handgun to school, 2 for a rifle, and 2 for bringing a shotgun to school. Seven students were expelled for possession of an explosive device, such as a bomb, grenade, rocket, missile, or mine. The definition of explosive device does not include fireworks (i.e., M-80 or M-100).

Police Department Survey

Another measure of school safety identified by the program review committee was the number of arrests of students on campus and incidents on school grounds that necessitated a response by local police. To obtain these data, the committee surveyed the 97 municipal police departments and 56 resident state troopers and asked them to report the number of incidents on

school campuses requiring a police response and the number of arrests of students during the September 1, 1996 through June 30, 1997 school year. Fifty-one municipal departments responded. The state police were unable to provide the data.

The 51 police departments indicated they responded to 7,410 incidents at public middle and high schools, of which 654 (or 9 percent) resulted in the arrest of a student and 66 in the arrest of a person not enrolled as a student at the school. The 654 students represented about 7 percent of the 9,072 arrests by the sample departments of persons under 18 years during this time period. Of those students arrested on campus, 34 percent were charged with assault, 20 percent with the sale or possession of illegal drugs, and 7 percent with a weapons offense. The remaining students were charged with other types of criminal offenses (e.g., motor vehicle offenses, theft, larceny, etc). The dispositions of the criminal charges against the arrested students in not known.

Summary of Data Analysis

To summarize the student suspension and expulsion information presented above, the program review committee found:

- *The vast majority of public school students are not suspended or expelled from school and are not exhibiting violent behavior in school.*
- *The percentage of the total student population committing violent acts against other students and staff has increased since the early 1990s, with most of the student violence aimed at other students.*
- *Middle school students (grades 6 through 8) are more likely than high school students to commit violent acts against other students.*
- *A very small percentage (less than a quarter of 1 percent) of middle and high school students were caught bringing weapons to school during a two-year period, and there does not appear to be a significant change in the rate either before or after the enactment of federal or state mandatory expulsion laws.*
- *The most common weapon brought into the public schools is a firearm (i.e., handgun).*
- *Suspensions and expulsions of middle and high school students, as a percentage of the total student population, increased. However, only about 15 percent of the public school student population is excluded from school for disciplinary reasons (suspensions and expulsions).*

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- *More students are suspended rather than expelled from school, and high school students are more likely than middle school students to be excluded from school for disciplinary reasons.*
 - *Most school districts, in addition to suspension and expulsion, use other methods to maintain a safe school environment.*

Chapter 6: Profile of Discipline Student

- School districts generally do not impose maximum length of suspension or expulsion.
 - Students are suspended for violence, disruption, nonattendance, and criminal activity and that conduct varies in its severity and frequency.
 - Students are expelled, however, only for the most serious conduct.
 - Male students were more involved than females in criminal activity. However, male and female students were equally involved in violent behavior.
 - A small percentage of students were suspended or expelled for bringing a weapon to school. The most common weapon among the students in the profile sample was a knife.
 - Almost all suspended or expelled students had a past disciplinary history.
 - Repeated absenteeism and lateness to school is a common characteristic among suspended and expelled students.
 - In general, suspended and expelled students were disruptive and unruly in school rather than violent.
 - School districts comply with the statutorily required expulsion process.
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PROFILE OF DISCIPLINED STUDENT

As part of the study, the program review and investigations committee conducted a case audit of the cumulative educational records of a random sample of students suspended or expelled from school during the 1996/1997 school year.

The case audit was drawn from a random sample of school districts from each educational reference group; a total of 22 school districts were selected. Approximately 15 percent of the suspended population, in grades 6 through 12, from each school district was randomly selected. However, if there were 25 suspensions or less, all cases were reviewed. Finally, because there are far fewer expulsions than suspensions, with some school districts reporting no expulsions for the school year under review, all expulsion cases from the sample of schools were included in the audit. In total, the cumulative education records of 670 suspended or expelled public school students were reviewed.

The purpose of the case audit was to determine if there were common characteristics among those students who were excluded from school for disciplinary reasons. Specific data on the students' most recent suspension or expulsion during the 1996/1997 school year as well as the students' attendance record, academic performance, disciplinary history, and classroom behavior were reviewed. In addition, information relating to special education services for those students identified as disabled was also examined.

Student Profile Data

Type and length of discipline. Within the sample, 82 percent of the students were suspended and 18 percent were expelled. Most of the disciplined students were boys (74 percent), with the majority of them in high school. Table VI-1 shows the type of discipline by school level for both male and female students.

The maximum length allowed by state law for out-of-school suspension is 10 consecutive school days and 365 days for expulsion. The average length of suspension imposed by school districts among the sample students was three days and 134 days for expulsion. In general, female students were excluded

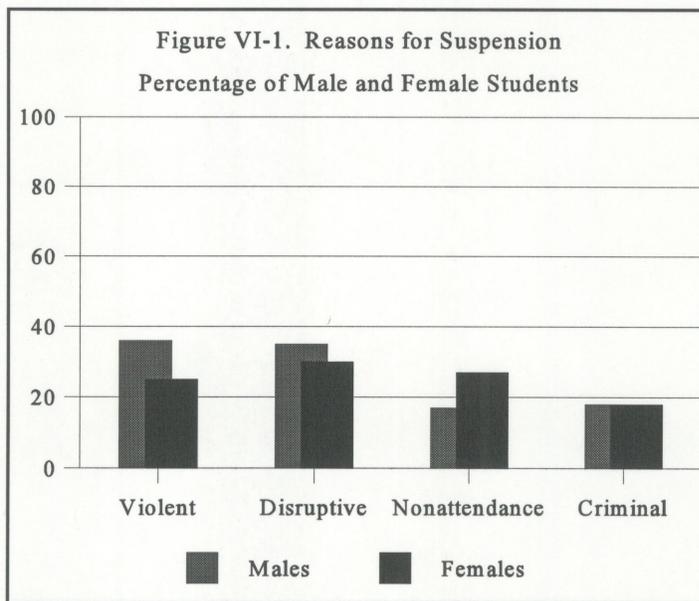
from school for less time than males. The girls were suspended on average for two school days whereas boys for approximately three and one-half school days. The average length of expulsion for girls was 134 days and 151 days for boys.

Table VI-1. Demographic Profile of Students Excluded from School				
	Middle School		High School	
	Suspend	Expel	Suspend	Expel
Male	25.9%	5.0%	34.3%	9.1%
Female	7.5%	1.0%	13.8%	3.4%

Reason for discipline. Specific student misconduct that resulted in suspension or expulsion was categorized by the committee as: violent; disruptive; nonattendance; or criminal activity. Violent behavior included: fighting; dangerous behavior or actions; vandalism or destruction of school property; student-to-student assault; student-to-staff assault; threatening or harassing language or behavior; inappropriate physical conduct with another student (i.e., tripping, pushing, pinching, pulling clothes); and inappropriate physical contact with a teacher or staff. Disruptive behavior encompassed: inappropriate or disruptive behavior; violation of school regulations; swearing or inappropriate language or gestures; insubordination; and refusal to obey a teacher's request. Failure to serve detention or other disciplinary action, frequently absent or truant from school or class, frequently late to class, and leaving school without permission were included in the nonattendance category. Finally, criminal activity included: possession, sale, or use of illegal drugs; possession, sale, or use of tobacco; possession or use of alcohol; possession or use of a weapon or dangerous instrument; stealing, theft, or robbery; and arrest for criminal conduct off school campus.

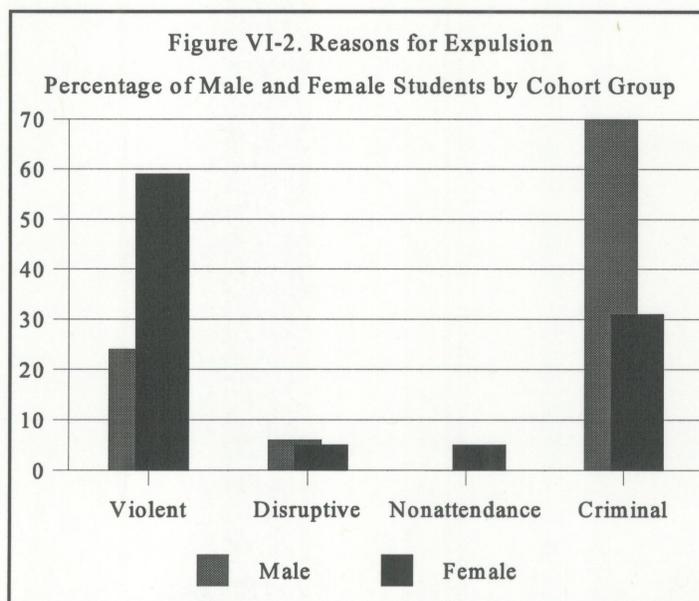
The most common reasons cited for the suspension of middle and high school students were disruptive conduct (34 percent) and violent behavior (33 percent). Nonattendance was the reason cited for 19 percent of suspensions and 18 percent was a result of student criminal activity on or off campus.

Figure III-1 shows the reasons for suspension for all students. When compared among the male and female student populations, disruptive behavior is still a leading reason for suspension (35 percent of males and 30 percent of females). However, the most common reason for suspension among boys is violent behavior (36 percent). Violent behavior by girls was the reason in 25 percent of the cases; the third leading grounds for suspension. Nonattendance was cited as the reason for the suspension of girls in 27 percent of the cases and, in comparison, in 17 percent of suspensions of boys.



Of the expelled middle and high school students in the sample, almost all were disciplined for either criminal conduct occurring on or off campus (60 percent) or violent behavior (31 percent). Six percent were expelled for disruptive conduct and less than 1 percent for unexcused absences.

Figure VI-2 shows the reasons for expulsion among male and female students. Within their cohort groups, male students were expelled more often than females for criminal activity, and more female students than males were expelled for violent behavior. Only female students were expelled for nonattendance.



Among the 546 suspended students, only 23 (4 percent) were referred by the school district to a municipal police department and seven were subsequently arrested as a result of their misconduct. There were 124 students expelled of which 60 (48 percent) were referred to the police. Almost all of the students (52) referred were arrested. The cases referred to the police involved weapon or drug violations, violence that caused serious physical injury to another students, harassment or threats usually in the form of written notes or letters, and destruction

of school property.

Weapons and drugs in school. Within the sample, 8 percent (56 students) were disciplined for bringing a weapon to school or for an arrest for possession or use of a weapon off school grounds. Seventy-eight percent (44 students) of those were expelled and 21 percent (12) were suspended.

More than half (30 students) were in possession of a knife and 14 percent (8) had a firearm, including handgun, rifle, B.B. gun, or shotgun. Sixteen percent (9) of the students were found with a dangerous instrument such as a: box cutter; sharp or pointed object; pipe; scissor; and brass knuckles, metal object, or tool. The remaining 16 percent (9) used items such as pencils, books, forks, and rocks as weapons to injure or threaten other students or staff.

Less than 1 percent (14 students) of the students in the sample were suspended and 5 percent (31) expelled for possession, sale, or use of illegal drugs on or off school grounds. Marijuana was the most frequently (37 students) confiscated illegal drug in these incidents. Cocaine was found in the possession of three students and five students had prescription medication.

Past disciplinary history. The committee also collected data on the number of disciplinary actions imposed on each student in the random sample prior to the most recent suspension or expulsion. The types of disciplinary actions included: conferences with the student; conferences with the student's parent(s); after-school detention; Saturday detention; in-school suspension; out-of-school suspension, expulsion; and other actions such as restitution, exclusion from field trips, dances, proms, and athletic events, written apologies, and time-out and removal from class. It should be noted a student can be disciplined many times during a school year and have various sanctions imposed.

The data show almost all (95 percent) of the suspended and expelled students had a prior disciplinary action during the 1996/1997 school year. As shown in Table VI-2, the most commonly imposed disciplinary actions were conferences with parents and students and after-school or Saturday detention. Out-of-school suspension was imposed more often than in-school detention because some districts do not maintain in-school suspension classrooms or facilities due to a shortage of resources and/or teaching staff. Only students in tenth grade and eighth grade had previous expulsions.

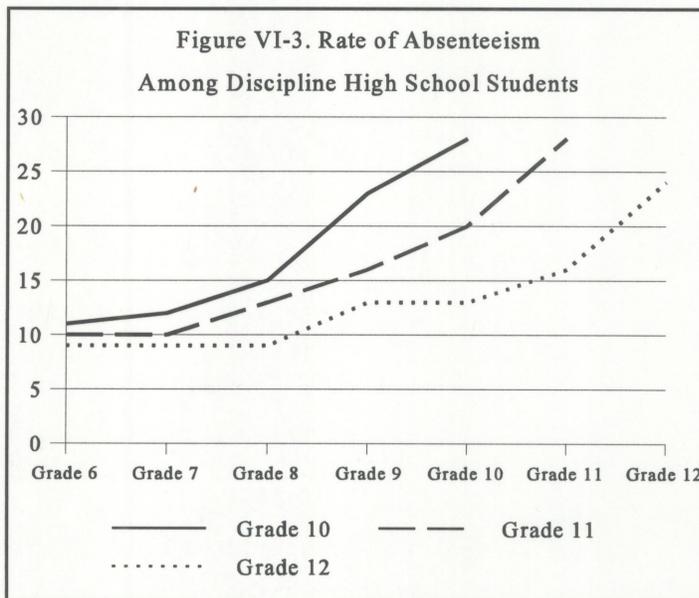
Table VI-2 also shows the average number of each disciplinary action per suspended or expelled student. For example, students in grade 6 who were suspended or expelled during the 1996/1997 school year had an average of four parent conferences, five detentions, and two prior suspensions from school. It should be noted, that while the average number of disciplinary actions per student is shown, some students in the sample had more or less disciplinary actions while some had no prior sanctions imposed.

On average, middle school students had a higher overall disciplinary rate than high school students. The rate of discipline decreased from grade 11 to grade 12. As previously stated, this was most likely due to the fact that students who were prone to violent or disruptive behavior may no longer be in school because they dropped out or became involved with the criminal justice system

and were incarcerated. Therefore they would not be included in the student population. Very few students in the sample (10) withdrew from school after being expelled, however, almost all of them (9) were in grade 11.

Table VI-2. Number of Disciplinary Actions Per Suspended or Expelled Students: 96/97 School Yr

Grade (n=# of students)	Middle School			High School			
	6 (n=42)	7 (n=98)	8 (n=124)	9 (n=118)	10 (n=95)	11 (n=103)	12 (n=90)
Conference	3.8	3.1	3.6	1.7	2.9	1.6	1.3
Detention	5.2	5.8	3.9	3.6	3.2	3.5	3
In-school Suspension	0.4	1.5	1	0.9	1.0	0.5	0.4
Suspension	1.7	1.5	1.2	1.5	1.6	1.1	1
Expulsion	0	0	0.5	0	0.3	0	0
Other	2.9	1.7	1.5	0.4	0.7	0.5	0.5
TOTAL Per Student	14.2	13.9	11.4	8.3	9.5	7.3	6.4



As shown in Figure VI-3, this was also evident in the average number of days students were absent from school. Tenth and eleventh grade students showed increased absenteeism beginning in the sixth grade and continuing to their current grade level (i.e., 10 or 11). However, the average number of days absent for each grade level for seniors was less.

Students who drop out of school tend to do so in grades 10 and 11 and would not be enrolled during their senior year of high school. Therefore, these students also would not be included in the data for their grade 12 class. The effect of this on Figure VI-3 would be that during the next two school years, when grade 10

and 11 students reach grade 12, the trend line for the rate of absenteeism would change to look more similar to that of last year's grade 12 class. In summary, the rate of absenteeism would appear to decrease.

The committee further analyzed the types of behavior for which students were disciplined during the 1996/1997 school year. Disruptive behavior and insubordination were the most commonly (48 percent) cited reasons followed by nonattendance violations (24 percent) that included skipping class or school, late to class or school, and failure to serve a pending disciplinary sanction such as detention. Eighteen percent of the students were disciplined for their involvement in violent conduct and 5 percent for bringing and/or using a weapon, illegal drug, or alcohol on or off school grounds. About 5 percent of the students were sanctioned for violations of the schools' smoking policy or dress code.

Expulsion process. The data show the statutorily required formal hearing was conducted prior to all 124 student expulsions. More than half (69) of the hearings were conducted by an impartial hearing officer. The full school board conducted 35 of the hearings and 20 were held by a panel of board members. Most students (112) facing an expulsion were not represented by legal counsel during the hearing, and none of the cases were settled by the parties prior to the formal hearing.

The majority of expelled students (88 percent) were provided homebound tutoring services as the alternative education option during the period of expulsion. The remaining students (12 percent) were enrolled in an on- or off-campus alternative school program or a private school. Most expelled students (79) participated in the alternative education option ordered during the formal hearing and, at the end of the 1996/1997 school year, 29 had completed their expulsion and alternative education. Ninety-two students were still expelled at the end of the school year and, therefore, still enrolled in alternative education. Only four expelled students failed to complete or officially withdrew from alternative education during the disciplinary period. Furthermore, all of the students who completed the alternative education returned to their mainstream classes at the end of the expulsion period, and half of the expelled seniors graduated from high school.

Summary of Data Analysis

To summarize the data relating to suspended and expelled students, the program review and investigations committee found:

- *School districts, in general, do not impose the maximum length of suspension or expulsion allowable by state law.*
- *Students are suspended for violence, disruption, nonattendance, and criminal activity, and that conduct varies in its severity and frequency.*

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- *Students are expelled, however, only for the most serious conduct, such as criminal activity and violence.*
 - *Male students were found to be more involved than female students in criminal activity on and off campus. However, as a ratio, male and female students were equally involved in violent behavior that resulted in suspension or expulsion.*
 - *A small percentage of students (8 percent) were suspended or expelled for bringing a weapon to school. The most common weapon brought to the public schools was a knife.*
 - *Almost all suspended or expelled students had a past disciplinary history, including detentions and in- and out-of-school suspensions.*
 - *Repeated absenteeism and lateness to school or class is a common characteristic among suspended and expelled students. In fact, over a third of the female students were suspended or expelled for nonattendance.*
 - *In general, suspended and expelled students were disruptive and unruly in class and school rather than violent.*
 - *School districts comply with the statutorily required expulsion process.*

Chapter 7: Findings and Recommendations

- Connecticut laws establishes sufficient authority and reasonable state policy to address student misconduct.
 - Statutory grounds for suspension and expulsion for off campus conduct provide little direction and do not clearly focus on school safety.
 - Connecticut General Assembly has two options: amend statutes; or require state education department to define standard.
 - **Grounds for exclusion from school for off campus conduct shall be: (1) the unlawful activity may reasonably be considered to be an interference with school; and (2) student's removal is necessary to restore order or to protect others.**
 - Expulsion without alternatives is not solution to juvenile violence.
 - Nothing in state statute prohibits school districts from readmitting an expelled student.
 - **School districts may set conditions for and consider readmission of expelled students. If readmitted, student is subject to remainder of expulsion period without a formal hearing.**
 - State statute authorizing removal of student from class is unclear and is not a state interest because it does not deny the right to education.
 - **Repeal C.G.S. § 10-233b.**
 - Alternative education is intended to meet same goals as traditional education and must facilitate expelled student's successful transition to mainstream school.
 - **School districts shall provide a minimum of 4 hours per day of alternative education, including at least 2 hours of**
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Key Points

instructional time taught by certified teacher. Remaining time may be supervised by noncertified teacher.

- It is important high-risk students are not left unsupervised, unschooled, and free to commit crime, and every effort should be made to encourage expelled students to continue their education.
 - **School districts shall advise expelled students ineligible for alternative education of the other options for completing high school or other available educational programs.**
 - State education department should encourage development of nontraditional education schools and programs, especially as an alternative to suspension and expulsion.
 - **Education department shall establish a nontraditional education clearinghouse to: distribute information; maintain a statewide directory of schools and programs; and provide technical assistance to school districts.**
 - **Education department shall make development of nontraditional education programs a priority in the awarding of grants.**
 - There is a dual system of discipline for regular and special education students which is inherently unfair to all students and school districts.
 - School districts, parents, and child advocates should expect capable disabled students to abide by schools' student conduct policies and disciplinary codes.
 - **IEP shall contain written determination on whether disabled students should be held to same student conduct policy and disciplinary code as nondisabled students. Determination shall be considered by the PPT in making the manifestation determination regarding the expulsion of a disabled student.**
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FINDINGS AND RECOMMENDATIONS

The Legislative Program Review and Investigations Committee's findings and recommendations for the discipline, suspension, and expulsion of public school students address three main issue areas. The first is state law defining and establishing policy and procedures for student discipline. The second focuses on alternative education opportunities offered by school districts for expelled students and non-traditional education programs as preventative measures for disruptive and at-risk students. The third area covers the dual system of discipline for regular and special education students that is created by federal and state special education law.

Student Discipline

Connecticut's school districts rely on a continuum of student discipline methods to maintain a safe school environment, establish order during a school day, and to punish students who violate school policy and rules or are dangerous to other students and staff. An effective continuum of student discipline provides educators with graduated sanctions that combine accountability and punishment along with an opportunity for the student to continue his or her education and learn alternative methods of behavior or problem-solving skills. School administrators and educators can impose sanctions to appropriately and effectively deal with the variety and severity of student misconduct, which can range from disrespectful and disorderly behavior by students to criminal or violent acts threatening the safety of other students and teachers on campus.

Most school districts have not significantly changed their discipline methods during the last 20 years. However, the most recent changes to student discipline have been influenced by two factors. The first is the federal Gun-Free Schools Act that requires states and local school districts to adopt a policy mandating the expulsion of any student found to have brought a firearm to school. Connecticut law exceeds federal law by establishing as grounds for mandatory expulsion the possession or use of a firearm during the commission of a crime and the sale or distribution of illegal drugs. In addition, local school districts were given the authority to discipline a student for misconduct occurring off school grounds.

The second is the actual or perceived increase in violent student behavior and incidents of weapons on school grounds. It became apparent during the study the change in the severity of the student violence and misconduct rather than the actual increase in the number of incidents contributed to the belief among educators, board of education members, and parents that school violence is increasing.

As previously stated, less than 4 percent of the middle and high school population of the responding school districts were reported to be involved in violent conduct and approximately 15 percent of the sample population was suspended or expelled for any reason. Less than a quarter of 1 percent of the students were reported to have brought a weapon to school. While the program review committee believed no incident of violence by a student should be tolerated, the percentage of Connecticut's students involved in this type of behavior is low. Therefore, the program review committee found:

- *Overall, Connecticut laws relating to the discipline of public school students give school districts sufficient authority to address student misconduct and disruptive or violent behavior, including weapons on school grounds.*
- *The laws also establish reasonable state policy that provides direction to local school districts.*
- *However, the program review committee found some statutory procedural and policy issues need clarification to better assist school districts in complying with the law and to effectively address student misbehavior.*

Suspension and expulsion. Recently, school districts' authority to discipline students for misconduct was expanded to include off campus behavior. The intent of the change was to allow school administrators to deal with students involved in inherently dangerous activity off school grounds that resulted in an on-campus safety issue to other students, staff, and school property. This change was part of the "get tough" initiative aimed at juvenile violence and delinquency. The rationale for the change was the increase in the incidents and severity of juvenile violence in the community was filtering onto school campuses.

Under Connecticut law, to exclude a student from school for off campus behavior, the school district must find that behavior meets a two-pronged test. The misconduct must be "seriously disruptive of the educational process" **and** a violation of school policy or regulation. For misconduct occurring on school grounds, a school district can suspend or expel a student if the behavior is either a violation of school policy, dangerous to persons or property, **or** "is seriously disruptive of the educational process". On campus conduct must meet only one standard. As a matter of public policy, the different standards were established to ensure students were not suspended or expelled for off campus behavior that had nothing to do with school.

As a general rule, public schools should have limited authority to discipline students for conduct that takes place outside of school or school-related functions or activities. However, if a student's conduct off campus raises an on campus safety issue for other students and staff than the school system has in interest in disciplining that student. The program review committee found the existing standard to determine grounds for suspension and expulsion for off campus student conduct:

- *Provides little direction to public school districts in the implementation of the law and policy.*
- *The language is vague and does not clearly focus on the issue of school safety.*
- *The Connecticut General Assembly has two options to clarify the current statutory standard by which off campus conduct is determined to be grounds for suspension or expulsion: (1) amend the language of the law: or (2) require the state Department of Education to issue regulations or memoranda defining the standard and establishing criteria.*

Therefore, the program review and investigations committee recommends the statutory grounds for suspension or expulsion of a student for off-campus conduct be changed to: (1) the unlawful activity may reasonably be considered to be an interference with school purposes or an educational function; or (2) the student's removal from school is necessary to restore order or to protect persons on school property. In addition, the standard of "seriously disruptive of the educational process" shall no longer be grounds for in-school suspension, suspension, or expulsion for on campus student conduct.

Or

The state Department of Education shall issue regulations or memoranda to all local and regional school districts and the vocational-technical school system defining the statutory standard of "seriously disruptive of the educational process" and defining the criteria to determine the grounds for the suspension or expulsion for off-campus student conduct. The standard shall include, but not be limited to: (1) the unlawful activity may reasonably be considered to be an interference with school purposes or an educational function; or (2) the student's removal from school is necessary to restore order or to protect persons on school property.

It is extremely important school districts establish high behavioral expectations for all students, especially those that have been disciplined. However, it is unrealistic for a school to expect or require a student excluded from school to continue to adhere to those expectations. In fact, exclusion from school, either by suspension or expulsion, does little to teach disruptive students

alternative methods of behavior. This time away from school is, in some ways, a reward for the student, who is often times unsupervised for much of the day.

Several school districts have developed an innovative process to encourage expelled students to change their behavior and to abide by the school rules and regulations during the discipline period. The incentive offered by the districts is an expulsion period that allows for early readmission to school. At the expulsion hearing, the district sets certain conditions that, if met by the student, will allow for a review of the expulsion decision at some point during the disciplinary period. If the district's superintendent determines the student has complied and shown a positive behavior change, he or she may readmit the student to school.

Based on information gathered during interviews and the round table discussion groups with school administrators, teaching staff, and school board members, there is a general acceptance of the initiative among educators because they are aware of the problems associated with the lack of accountability, supervision, structure, and education during the period of expulsion. However, many school districts were uncertain about their authority to implement a readmission process.

The program review committee found:

- *Expulsion without alternatives is not a solution to youth violence.*
- *Nothing in Connecticut statutes prohibit local school districts from establishing conditions for readmission of expelled students. In fact, the mandatory expulsion law allows for a modification of the expulsion length on a case-by-case basis.*
- *However, some clarification of school districts' authority is needed to establish a procedure that protects the district's control over which students are excluded from school for disciplinary reasons.*

The program review committee recommends local and regional school districts and the vocational-technical school system may, at the expulsion hearing or any time during the expulsion period, set reasonable conditions to effect a positive behavior change by an expelled student, and may consider an application for readmission to the public school system from an expelled student. Early readmission shall be solely at the discretion of a school district's superintendent and based on the expelled student's compliance or successful completion of the specified conditions. The decision is not appealable to a local, regional, or state board of education or to the courts. The superintendent may readmit the expelled student to mainstream class or an in-school alternative education program. If readmitted, the student is subject to the remainder of the expulsion period and can be excluded from school for misconduct at any time during that period without another formal expulsion hearing.

A school district shall not require an expelled student to comply with any conditions; participation and application for readmission shall be voluntary on the part of the student. In addition, any costs incurred in meeting the conditions must be the responsibility of the student and his or her family. However, a school district may assist the student and family in locating services, providing referrals, or by maintaining a school-sponsored program.

Clearly, excluding disruptive and delinquent students from school has little potential for preventing or changing violent behavior; it only transfers the problem from one setting to another. Involving the student in some rehabilitative activities may make the expulsion more meaningful, rather than just a period away from school. The committee believes efforts must be made by local school districts to keep disruptive or delinquent students in their neighborhood schools or at least committed to returning to school.

Conditions set by a school district could help to modify negative student behavior and also hold the student accountable for his or her actions. A student's compliance with the conditions may also structure their time away from school and, in some instances, provide for adult supervision for a portion of the day. The conditions may include, but shall be limited to: substance abuse or family counseling; anger management or violence prevention classes; restitution to the school or victim; community or school service; employment; or an educational research project.

The committee's recommendation made it clear that any costs incurred in meeting the expulsion conditions must be the responsibility of the student and his or her family. However, school districts should consider any financial barriers a student or family may face when complying with the conditions and seeking readmission to school. The committee believes the district can assist a student or family through a referral to a community service agency or by establishing attainable conditions.

In conducting the case audit of cumulative education records of suspended and expelled students, the committee found most parents and students acknowledge the misconduct or violation of policy and, in fact, do not dispute the need to impose a disciplinary action. Their concerns, however, focus on the length of time away from school and its impact on the student's returning to school. In many cases, parents expressed concern that exclusion from school would not impact the student in such a way as to positively change his or her behavior. The committee believes parents could have a critical role in the expulsion process if their participation was included, in some way, in the conditions for readmission.

Connecticut law does not establish a root of appeal of an expulsion decision and the courts have held that disciplined students do not have an inherent right to appeal the decision to remove them from school. The committee supported this position. However, the recommendation can provide an avenue for both the school district and student to respond positively to a disciplinary situation. The school district can review a student's conduct during expulsion rather than its decision

and decide if the student has shown a positive behavior change. If so, the school may acknowledge the change and readmit the student to school. The board's expectations for a change in behavior will be made clear to the student, who can decide to comply rather than simply serving the time away from school. Nothing in the recommendation would expunge the expulsion and, in fact, those students who do return and misbehave are still subject to the original expulsion period.

State statute requires local police departments to report to school districts any arrest of a school-aged child, under the age of 18, for a felony or class A misdemeanor. The district may use the information to discipline the student if the conduct meets the statutory standards for suspension or expulsion. Of particular concern to students, their parents, and educators is the exclusion of a student for criminal charges that are subsequently disposed of by the juvenile or adult criminal courts in favor of the student (i.e., dismissal, nolle¹, or not guilty verdict). It is important to note that the expulsion process occurs much faster (within 10 days of referral) than the criminal court process which, in some cases, can take over a year to resolve.

The burden of proof for school districts during an expulsion hearing is not the same as for the state in criminal court proceeding. Therefore, if a student is not prosecuted or found not guilty of the criminal charge but has been expelled by their school district based on those charges, the student remains expelled from school. In some cases, the expulsion period may be completed and the student returned to school before the criminal charges are disposed in which case that expulsion remains on the student's cumulative educational record. The recommendation responds to this issue by allowing a school district to consider readmitting a student found not guilty or not prosecuted of a criminal charge, which was the grounds for expulsion.

Finally, the program review committee found *the statute (C.G.S. §10-233b) authorizing a school board to set policy regarding the temporary removal of students from a class to be unclear in meaning and procedure*. This law gives school boards the ability to micro-manage the classroom, which should be within the control of a teaching professional. Removing a student from class is an accepted routine class management tool that is not a state interest because it does not deny a student his or her right to an education, like suspension and expulsion. In most cases, the student is sent from the classroom for only a portion of the period, such as a five minute time out or sent to the principal's office for part of a 40 minute class.

The program review committee recommends C.G.S. § 10-233b regarding the removal of pupils from class be repealed.

¹A *nolle prosequi* is a formal court motion by the state's attorney or juvenile prosecutor stating the case will not be prosecuted any further.

Alternative Education

The label "alternative education" is often used as a generic term to describe any school that is different from what is considered traditional education. However, the committee believes an important distinction should be made between alternative education and nontraditional education. Alternative education is required by state law for expelled students and has, in practice, become homebound tutoring. Nontraditional education encompasses a variety of educational options and refers, most accurately, to the programs and schools created by some school districts, private providers, and community educational agencies for students who either have behavioral problems or are not successful in mainstream schools.

Alternative education for expelled students is mandated by state law. But in contrast to traditional and special education, there are no statutes specifically defining or governing alternative education policy and procedures (i.e., curriculum content, length of school day, and certification of teachers). There are also no state Department of Education regulations that address alternative education for expelled students. The department has interpreted the laws establishing traditional education curriculum and other requirements as not applicable to alternative education, excluding that offered to special education students. In the absence of guidelines, the department has adopted the requirement of a special education regulation for homebound instruction for disabled or hospitalized students as the standard for alternative education for all expelled students. Therefore, statewide local school boards have implemented as the requirement at least two hours per day of one-on-one tutoring in the required core subjects of English, mathematics, science, and social studies.

State law requires teachers to hold a Connecticut state teacher's certification in their subject matter. There is no specific requirement for alternative education as a subject matter. In fact, school districts may employ noncertified tutors for homebound alternative education.

Almost all school districts (100) responding to the program review and investigations committee's survey reported using homebound tutoring as the alternative education option for expelled student. However, at least half of school districts responding have established full-day, nontraditional schools either on or off campus. Some are in collaboration with private providers and others are administered solely by a school district. Most operate just as any other traditional school, in that, the statutory requirements and educational regulations apply. The difference is in the implementation. Classes are smaller with a higher teacher-to-student ratio. The focus is on the students' interests and needs, teaching methods facilitate academic success, and there is a non-competitive environment that fosters cooperation among students and teachers.

Typically, the student population is comprised of expelled students and/or students who were unsuccessful or not interested in traditional, mainstream education, but were not eligible for special education services. Like traditional education, the primary goal of these programs is to keep students

in school and graduate. An important objective of alternative education is to reintegrate the students back into their mainstream classes as soon as it is determined they can be successful and/or behave appropriately. However, some students may remain in the alternative education school and complete their high school education.

The program review committee found:

- *Educational standards were established to ensure all Connecticut's children received a comprehensive public education.*
- *Alternative education services are intended to meet the same goals as traditional mainstream education and should, therefore, be subject to statewide minimum standards to ensure students are receiving a quality education. As some of the most at-risk students are educated through alternative education services it is particularly important that it be effective.*
- *Since most expelled students will return to their mainstream school, alternative education must facilitate to the maximum extent possible a successful transition for the student.*

Therefore, the program review committee recommends school districts provide expelled students with no less than four hours per day of alternative education that include a minimum of two hours of instructional time in core curriculum areas taught by state certified teachers. The remaining time during a day may be supervised or monitored by a noncertified teacher or other school staff and may include, but shall not be limited to: independent study, art, or music projects; volunteer or community service; job training or school-to-work program; or training in peer mediation, conflict resolution, or violence prevention.

As previously stated, 621 students in grades 6 through 12 were expelled during the 1996/1997 school year. More than 60 percent of the reporting school districts providing middle and high school education did not expel any students during that school year. Mandates to provide alternative education to expelled students impact few school but can have a significant impact on disruptive students.

The shift in public policy toward an approach of "zero tolerance", especially for conduct involving weapons and illegal drugs, has translated into stricter student discipline laws. In particular, legislative changes over the past several years have narrowed the responsibility of school districts to provide alternative education options to expelled students. A common theme in support of the narrowing of eligibility for alternative education has been students who exhibit inherently dangerous behavior (i.e., bringing a gun to school) forfeit their right to an education by infringing on the rights of other students to obtain an education in a safe learning environment.

As previously stated, school districts must provide alternative education to all expelled students under the age of 16 years, students between the ages of 16 and 18 expelled for the first time, and special education students. School districts are not required to provide alternative education to students, between the ages of 16 and 18, who are expelled for conduct which endangered persons and involved the possession of a firearm or sale or distribution of illegal drugs, and expelled more than once. It should be noted, students expelled for criminal activity, including bringing a weapon to school, who are also arrested may receive educational services during any period of incarceration or custody by a state agency.

Research on juvenile violence has shown children who do not regularly attend school pose significant problems not only for school administrators but for police, the criminal courts, probation officers, and the public. Many of the students who are violent, seriously disruptive, or bring weapons to school may also be engaged in delinquent behavior in the community. The committee believes that for these reasons the state's responsibility to provide at-risk students with an educational opportunity takes on even greater importance. The committee found:

- *It is extremely important high-risk students are not left at home unsupervised, unschooled, and free to commit crimes or act inappropriately in their communities.*
- *Every effort should be made to encourage expelled students to continue their education, especially if they are no longer eligible for public school services.*

The discipline data reported by school districts and the information collected during the committee's case audit of educational records showed very few students fall within the excludable categories for alternative education. However, they are responsible for the majority of violent or disruptive activity in the schools. While the committee agreed that the mainstream public school may not be the most appropriate or effective learning environment for these students, it strongly believed some effort should be made to encourage and inform these students of other educational options.

It is, therefore, recommended schools districts shall be required to advise expelled students between the ages of 16 and 18, who are statutorily ineligible for alternative education, of the other options for high school completion and other available education programs. However, nothing in this recommendation shall prohibit a school district from offering a student an alternative education program. The manner through which the district will advise the student shall be prescribed by the commissioner of the state Department of Education.

Existing law (C.G.S. § 10-5) requires school districts to advise students, between the ages of 16 and 18, who officially withdraw from school (i.e., drop out) of other options for high school completion and other available education programs, such as adult education, the general equivalency diploma (GED) program, and job training. Many of the expelled students who then withdraw from

school would have been eligible for the referral service. The recommendation would expand a basic service provided by the public school system that could offer some direction to those students who no longer have access to public school because of an expulsion and, most likely, are ineligible for other social services because of their age.

During its study, the program review committee found a grassroots effort among school districts and community service programs to formalize and expand the role of nontraditional schools and educational programs for a variety of students, such as suspended or expelled pupils and those who are unsuccessful for reasons other than disciplinary in school. Many of these students are at-risk for serious disciplinary problems or withdrawing from school.

The program review committee found:

- *The state Department of Education should encourage and assist in the development of nontraditional educational programs by Connecticut's school districts and community service agencies.*
- *Nontraditional schools and educational programs can be an alternative to suspension and expulsion.*

The committee recommends the state Department of Education establish a clearinghouse to collect and distribute information on nontraditional schools and educational programs including, but not limited to: policies and procedures; best practices and research; student enrollment eligibility; alternatives to suspension and expulsion; collaboration strategies between school districts; and maintain an updated directory of alternative and nontraditional schools and programs in Connecticut. The department shall also provide technical assistance to local and regional school districts on the development, implementation, and administration of public nontraditional education for students, including expelled and suspended students.

Furthermore, the department shall make the development and implementation of nontraditional education programs, particularly in a collaborative setting between school districts, a priority in the awarding of urban and interdistrict grants, applications for charter and magnet schools, and other grants if appropriate.

Children who are not educated will more than likely lack adequate skills to secure employment and become self-sufficient adults. Many will struggle to maintain a minimum standard of living, and may require welfare system support. In addition to limiting their chances of future success, children who do not attend school regularly or drop out pose significant problems for school administrators, the juvenile and criminal justice system, and the public. When they are not in school, these students may be engaging in delinquent behavior.

Discipline of Special Education Students

Federal and state law establishing special education policy and procedure has resulted in a dual system of discipline: one for general education students and one for special education students. There is little that can be changed procedurally to correct this matter, especially given the 1997 amendments to the federal Individuals with Disabilities Act that are already in effect. In the absence of any federal regulations regarding implementation of the amendments, it appears as if the new law will make it almost impossible to expel special education students even for the most violent behavior. It will also be years before the courts interpret the law.

One of the issues surrounding the discipline of special education students is strengthening a school district's position during the expulsion process. Prior to an expulsion hearing involving a special education student, a school district's planning and placement team must determine whether the student's misconduct was a result of his or her disability (manifestation determination). It must also conduct a behavioral assessment. During this process, the school district must prove there was no link between the special education student's misconduct and disability. The burden is not upon the student to prove otherwise.

The program review and investigations committee found:

- *The current discipline process for regular and special education students, established by the federal and state laws, has resulted in a dual system that is inherently unfair to all students and the school districts.*
- *School districts, parents, and child advocates should expect a disabled student, who is determined to be capable, to abide by the schools' student conduct and disciplinary policy that is applicable to all students.*

The program review committee recommends all individualized educational plans (IEP) shall contain written documentation on whether the disabled student should be held to the same student conduct and disciplinary policy of the school district, which applies to nondisabled students. The initial determination shall be based on the information and assessments gathered by the planning and placement team during the evaluation to determine whether the student is disabled and in need of special education and related services. In addition, during each required reevaluation, the PPT shall consider the student's past and present behavior and conduct during the school year and make a determination as to whether the student should be held to the regular student conduct and disciplinary policy of the school district.

The determination shall be considered by, but is not binding on, the PPT in making a manifestation determination for any special education student recommended for expulsion.

Almost all of the special education students included in the committee's random sample case audit had been identified as special education prior to their suspension or expulsion. In many cases, the students had been identified in kindergarten or elementary school. However, the committee found little to no information in the cumulative educational and special education records to support the manifestation determination surrounding the student's expulsion during the 1996/1997 school year. Overall, there was a lack of documentation in the files regarding the students' conduct and abilities to follow rules.

The committee believes the recommended documentation will assist planning and placement teams to make more significant manifestation determination decisions. It will also provide school districts with written historical documentation should the student and his or her parents request a due process hearing. A school district could prove a student was held to the same in-school conduct expectations and policy as all other students. For some special education students it could then show a record of successful compliance with that policy. This information may strengthen a school district's position when recommending expulsion.

Parents of disabled students may agree or at least understand the position of the school district if the determination is part of the special education identification and evaluation process and not just due to a pending expulsion hearing. As previously stated, in many expulsion cases, parents did not dispute the facts of the case or the need for disciplinary action, their concerns were in continuing their child's education and assisting in his or her return to school. The committee believes parents of disabled children are as concerned with their child behaving appropriately in school as they are with obtaining education services.

It should be noted the state Department of Education is conducting an extensive review of the special education process, including the identification and evaluation of disabled students and the due process hearing procedures. The department's preliminary report to the State Board of Education, issued in September 1997, presented findings and areas of concern. The department is currently refining its findings and developing recommendations. Any changes could impact the policies and procedures relating to the suspension and expulsion of special education students.

The federal IDEA (Sec. 612 (a) (22) and Sec. 618) now requires state education departments to annually collect data to determine if significant discrepancies exist in the rate of long-term suspension and expulsion among the local school districts and between regular and special education students. The data must be reported to the U.S. Secretary of Education. If discrepancies are found, the department must correct the problem by revising policies and procedures.

Local school districts are extremely reluctant to participate in any mandatory reporting procedures, especially those concerning disciplinary actions against students. These procedures are considered unfunded mandates. However, they must participate in this reporting process to be eligible to receive federal IDEA funding. In addition, the Gun-Free Schools Act requires school

districts to report on the number of expulsions due to weapon possession by a student. Again, school must comply in order to be eligible for federal funding under the Elementary and Secondary Education Act.

The program review committee found *these data can provide the state education department and local school districts with the information necessary to implement effective student disciplinary policies and to develop alternatives to suspensions and expulsions.*

Since it must be collected to ensure federal funding, the committee recommends the state Department of Education annually provide local and regional school districts and the vocational-technical school system with an analysis of student suspension and expulsion activity, including information on the reasons for and length of the students' exclusion from school.

The program review and investigations committee believes it is important to share the analysis with local school districts because they can use the information to effect change in their policies or procedures. As shown throughout this report, analysis of suspension and expulsion data can help to: develop policies and procedures to make Connecticut's schools safe; implement alternatives to suspension and expulsions; and develop prevention and intervention strategies. The analysis can also identify those school districts experiencing high rates or low rates of disciplinary actions.

APPENDIX A
INDIVIDUALIZED EDUCATION PLANS FOR DISABLED STUDENTS

Appendix A

Individualized Education Plan for Special Education Students

Each identified special education student must have an individualized education plan that is developed by the planning and placement team. The IEP includes:

- a statement of the child's present level of educational performance;
- annual educational goals for the school year;
- short-term instruction objectives based on the annual goals;
- specific educational services needed by the child, including the type of transportation necessary and the recommended instructional setting;
- the data when services begin and period of time offered, including length of school day and year and criteria to determine when services will no longer be needed;
- description of child's participation in the regular education program and any modifications necessary;
- a list of PPT members and teachers implementing the IEP; and
- for those students in residential placement, an assessment of whether the placement is due to the need for services other than educational.

The PPT is required to review or revise each student's IEP annually or upon request by the parents or personnel working with the child. The team must also maintain a written record of each meeting at which the PPT members, parents, the student, educational surrogate, student's legal counsel, and representatives from placement services, if any, are present and participate.

At least five days prior to a PPT meeting, a notice must be sent to the parents, guardians, court-appointed educational surrogate, and/or student who is 18 years old. Within five days after the meeting, a copy of the IEP must be sent to the parents or others who must consent to the implementation of the plan. Consent must be given within 10 days of receipt of the original IEP however, once the student is identified as special education, changes in an IEP do not require parental consent.

If a referral is made during the school year, the PPT has 45 school days (exclusive of the time required to obtain parental consent) in which to evaluate the child and develop and implement the IEP. For those students referred in between school years, the effective date of the referral becomes the first day of the next school year and the 45-day timeframe applies. The 15-day extension is authorized for student's needing an out-of-district or private placement. However, if the IEP is not implemented with the 60 days allowed, the school district must provide documentation of its efforts to comply to the State Board of Education.

APPENDIX B
HONIG v. DOE

Appendix B

Honig v. Doe

Honig v. Doe (484 U.S. 305, 1988) set the standard for the “stay put” provision that was originally established in the 1977 federal Education for the Handicapped Act (EHA). The case concerned two emotionally disturbed students who were suspended indefinitely for misconduct related to their disabilities pending the disposition of the expulsion hearings. The students charged the disciplinary exclusion from school violated the “stay put” provisions. The United State Supreme Court addressed two issues: (1) whether state or local authorities can unilaterally exclude from school a special education student for dangerous behavior related to their disability; and (2) could a district court direct the state to provide special education services when the local school district failed to do so. The court found the Education for the Handicapped Act required a “free appropriate public education” for all disabled students and the state could provide special education services when the local school district did not. An important component of the federal law was the “stay put” provision that permitted a disabled student to remain in his or her placement pending the disposition of all review proceedings. The court further found the EHA provisions were intended to remove unilateral authority from schools who were previously excluding disabled children. If a disabled student had to be removed, it could only be done with the permission of the parents or the courts.

However, schools are not left “powerless” under these provisions in that there are other methods to remove a disabled student who is dangerous to him or herself and others. Schools, the court found, may use timeouts, detention, or restrict the privileges of the student. A student can also be suspended for up to 10 days, which does not amount to a change in placement. Schools can also seek injunctive relief to remove a dangerous student before all proceedings are completed. Ultimately, the court found the “burden weighs heavily” on the school to demonstrate that keeping a disabled student in the current placement will be “substantially likely to result in injury” to him or herself and others.

There are several other important cases that defined the rights of disabled students, the responsibilities of school districts, and the procedural safeguard to be followed when evaluating a special education student. Overall, the courts have held that schools must adhere to the process set out in federal and state law when determining which student should receive special education and what services should be offered. Furthermore, as long as schools follow the procedures, the courts have upheld school districts’ authority to make decisions about a student’s educational needs and to discipline disruptive special education students accordingly.

APPENDIX C
1997 AMENDMENTS TO THE
FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION ACT

Appendix C

1997 Amendments to Federal Individuals with Disabilities Education Act

Table C-1 shows the current Individuals with Disabilities Education Act (IDEA) law in comparison to the 1997 amendments. It should be noted that only the sections of the law pertaining to the focus of this study have been included.

Table C-1. Comparison of IDEA Law and 1997 Amendments	
Current Law	1997 Amendment
State Special Education Advisory Panel composed of individuals with disabilities, teachers, parents, state and local boards of education members, and program administrators.	Panel expanded to include: state juvenile and adult correction agencies; state agencies involved in financing, delivery, or training of special education services or personnel; private and charter schools; and representatives of vocational, community, or business organizations. The majority of the panel shall be individuals with disabilities or parents of disabled children.
State and local school districts must identify and evaluate disabled children to determine eligibility for special education.	A student cannot be considered disabled based on a lack of instruction in reading, math, or limited English proficiency. (May have significant impact on learning disabled category for special education.)
Disciplinary information: no comparable language.	State may require local school districts to include statement of current or previous disciplinary action in students' special education records. The information could be transmitted to the same extent as disciplinary information regarding nondisabled students. Information includes: description of behavior; disciplinary action taken; and other information relevant to safety of the student or others.
Individualized education program requirements.	Expands the information and evaluation included in the IEP. However, it waives the IEP assessment and transition planning for disabled children convicted as adults and incarcerated in adult prison. The PPT can modify the IEP or placement if it can show security or "compelling penological interest" cannot be met.
Disabled students mandatorily expelled for weapons violation may be placed in interim setting for 45 days, during which special education and expulsion proceedings are conducted.	Possession, use, or sale of illegal drugs added to grounds for which interim placement may be used. Amendment further specified procedures for interim placement and expulsion of special education students.
Evaluation and program information: requires State Department of Education (SDE) to collect certain data from local school districts.	SDE must collect data to determine if significant discrepancies are occurring in rate of long-term suspensions and expulsions among local school districts and compared to the rates for non-disabled students. SDE may review and revise policies to correct discrepancies. Among other data, SDE must also provide to the federal Department of Education the number of students in alternative educational settings and number suspended and expelled.
Source of Data: National Association of State Directors of Special Education, Inc.	

APPENDIX D
CONNECTICUT SUSPENSION AND EXPULSION LAW

Appendix D

Table D-1. Suspension and Expulsion of Regular Education Students

	<i>Suspension</i>	<i>Expulsion</i>
Definition	Exclusion from school privileges and transportation for up to 10 consecutive school days.*	Exclusion from school privileges for more than 10 consecutive school days.*
Student's Actionable Conduct	<p>Conduct <i>on school grounds or at school-sponsored activity</i>** that: (1) endangers persons or property; (2) is seriously disruptive of educational process; OR (3) violates school board policy.</p> <p>Conduct <i>off school grounds</i> that (1) violates school board policy; AND (2) is seriously disruptive of educational process.</p>	<p><u>Discretionary Expulsion:</u> Conduct <i>on school grounds or at school-sponsored activity</i> that: (1) endangers persons or property; (2) is seriously disruptive of educational process; OR (3) violates school board policy.</p> <p>Conduct <i>off school grounds</i> that (1) violates school board policy; AND (2) is seriously disruptive of educational process.</p> <p><u>Mandatory Expulsion:</u> If school administrator and/or board has reason to believe a student: (1) <i>on school grounds or at school-sponsored activity</i> possessed a firearm, deadly weapon, dangerous instrument, or martial arts weapon; (2) <i>off school grounds</i> possessed a firearm or used a firearm, deadly weapon, or dangerous instrument in the commission of a crime; OR (3) <i>on or off school grounds</i> sold or distributed an illegal drug or substance.</p>
Authority to Impose Discipline	School administration and school principal if authorized by board of education.	Board of education or impartial hearing officer/panel.
Length of Disciplinary Action	<p>Up to 10 consecutive school days but can not extend beyond end of school year in which imposed.</p> <p>No more than 10 times or for a total of 50 days in one school year, (whichever results in fewer days), unless formal hearing is held.</p> <p>Past disciplinary problems may be considered in determining length of suspension.</p>	<p><u>Discretionary Expulsion:</u> More than 10 consecutive school days but can not extend beyond one calendar year.</p> <p>Past disciplinary problems may be considered in determining length of expulsion.</p> <p><u>Mandatory Expulsion:</u> One calendar year, however, board of education or hearing officer/panel may modify the length on a case-by-case basis.</p>

Table D-1. Suspension and Expulsion of Regular Education Students

<p>Due Process & Administrative Requirements</p>	<p>Unless an emergency ^ exists, a formal hearing prior to disciplinary action during which: (1) student informed of reason for discipline; and (2) student given opportunity to explain situation.</p> <p>In an emergency, a hearing shall be held as soon as possible after the exclusion of the student from school.</p> <p>School superintendent informed within 24 hours of student's name and reason for suspension.</p> <p>Parents notified within 24 hours of disciplinary action.</p>	<p>Unless an emergency exists, a formal hearing prior to expulsion during which: (1) there is notice of hearing including a statement of allegation and proposed disciplinary action; (2) student has a right to counsel, offer testimony and evidence, and confront and cross-examine witnesses; and (3) hearing must be recorded.</p> <p>Parents notified within 24 hours of disciplinary action.</p>
<p>Appeal Process</p>	<p>No statutory right to appeal.</p>	<p>No statutory right to appeal, but suit may be filed in state or federal court alleging violation of civil or due process rights.</p>
<p>Student Withdraws After Notice of Hearing</p>		<p>School district must: (1) include notice of hearing in student's record; and (2) conclude the hearing and render a decision.</p>
<p>Student Enrolls After Notice of Hearing From Another School</p>		<p>School may suspend and either wait for first school to conclude hearing or conduct its own expulsion hearing if the conduct violates its school policy.</p>
<p>Student Enrolls After Disciplinary Action in Another School</p>		<p>School may adopt decision of first school and expel student but must hold a hearing on the adoption of the initial decision.</p>
<p>Required Educational Services</p>	<p>None, but student must be given opportunity to complete missed coursework including tests.</p>	<p>(1) Students under 16 years old, school board must provide alternative educational option.</p> <p>(2) Students between 16 and 18 years old and no prior expulsion, school board must offer alternative educational option, which may include placement in adult education program. Student must comply with conditions set by the board of education.</p> <p>No requirement to provide alternative educational option to students mandatorily expelled for possession or use of firearm or weapons or sale of illegal drugs or substances.</p> <p>(3) Students over 18 years, no requirement to provide alternative educational option. However, an alternative educational option may be offered to any expelled student.</p> <p>Past disciplinary problems may be considered in determining alternative educational options and placements.</p>

Table D-1. Suspension and Expulsion of Regular Education Students

<p>Student's Educational Records</p>	<p>Notice of suspension and conduct included but must be expunged if student graduates or is not suspended or expelled again within a 2-year period.</p>	<p>Notice of expulsion and misconduct included but must be expunged upon student's graduation. Expunging of record is not required if student expelled for possession of a firearm or deadly weapon.</p>
<p>Reports to Other Agencies</p>		<p>If expelled for possession of firearm or deadly weapon, report made to local police or, if vocational-technical school student, to state police. Report to state Department of Education (SDE) on expulsions for weapons possession as required by federal Gun-Free Schools Act. Referral to appropriate rehabilitation, intervention, or job training program of students expelled for sale of illegal drugs or substances.</p>
<p>Reports from Other Agencies</p>	<p>Local or state police must notify superintendents of school of any student between the ages of 7 and 21 arrested for a felony of class A misdemeanor on or off school grounds during the school year. Verbal notification must be made no later than the end of the next school day following the arrest and written notice must follow within 72 hours of the arrest.</p>	

* Reassignment of student to a regular classroom education program in another school district by the board of education does not constitute suspension or expulsion.

**"School-sponsored activity" is any activity on or off school property sponsored, recognized, or authorized by a board of education.

^"Emergency" is a situation under which the continued presence of the student in school poses a danger to persons or property or is disruptive of the education process.

Source of Data: C.G.S.

Table D-2. Suspension and Expulsion of Special Education Students

	<i>Suspension</i>	<i>Expulsion</i>
Definition		Same as for nondisabled students.
Student's Actionable Conduct		Same as for nondisabled students.
Authority to Impose Discipline		Same as for nondisabled students.
Length of Disciplinary Action		Same as for nondisabled students.
Due Process & Administrative Requirements		Same as for nondisabled students.
Appeal Process		Same as for nondisabled students.
Change in Placement	Generally, a suspension up to 10 days does not change placement or trigger procedural safeguards. However, a series of short suspensions (less than 10 days) may constitute a "pattern of exclusion" that can be a "significant change in placement".	Yes, any denial of school privileges for more than 10 consecutive school days in a change in placement that triggers procedural safeguards and a right to due process hearing. Only PPT has right to change placement.
Legal Procedures	Same as for nondisabled students. If school district believes further action may be required to address student's conduct, it is recommended: (1) convene a PPT meeting to discuss behavior management plan; (2) conduct manifestation hearing; and (3) propose modification of IEP or placement if necessary.	<p>Discretionary Expulsion:</p> <p>(1) Suspend student for up to 10 school days.</p> <p>(2) Convene PPT meeting to review IEP and consider more restrictive educational planning and placement. Make modification if necessary.</p> <p>(3) Manifestation determination hearing. If relationship between conduct and disability, student cannot be expelled but IEP must be modified to address misconduct and safety of others. If there is no relationship, student may be expelled the same as nondisabled students but must receive alternative education.</p> <p>(4) If parents request due process hearing, student stays put in current placement.</p> <p>Mandatory Expulsion:</p> <p>(1) Suspend student for up to 10 school days.</p> <p>(2) PPT determines interim 45-day alternative educational placement. If parents request due process, student stays put in interim placement.</p> <p>(3) Manifestation determination hearing. If relationship between conduct and disability, can change placement but cannot expel student. Must have parental consent. If there is no relationship between conduct and disability, student may be expelled the same as nondisabled students and receive alternative education.</p>

Table D-2. Suspension and Expulsion of Special Education Students

<p>Required Educational Services</p>	<p>None, but student must be given opportunity to complete missed classwork including tests.</p>	<p>Regardless of misconduct, school district must provide education to IDEA-eligible students.</p>
<p>“Stay Put”</p>	<p>If parents request due process hearing, the student must stay put in current placement pending completion of all proceedings unless district and parents agree on temporary placement. If parties cannot agree and the student is dangerous, district may seek court order to remove student from school.</p>	<p>Discretionary Expulsion: If parents request due process hearing, the student must stay put in current placement pending completion of all proceedings unless district and parents agree on temporary placement. If parties cannot agree and the student is dangerous, district may seek court order to remove student from school.</p> <p>Mandatory Expulsion: If parents do not agree with interim placement and initiate due process hearing, the student stays put in the interim alternative education placement during the proceedings, even if the disposition takes longer than the 45-day placement.</p>
<p>Special Situation</p>	<p>If student is suspended or expelled and previously not identified as special education and parents request an evaluation or due process hearing after the disciplinary exclusion from school, the district does not have to reinstate the student. However, the parents may seek a court order to reinstate if the district knew or reasonable should have known about the student's need for special education.</p>	

* Reassignment of student to a regular classroom education program in another school district by the board of education does not constitute suspension or expulsion.
 **”School-sponsored activity” is any activity on or off school property sponsored, recognized, or authorized by a board of education.
 ^”Emergency” is a situation under which the continued presence of the student in school poses a danger to persons or property or is disruptive of the education process.
 Source of Data: C.G.S.

APPENDIX E
BREAKDOWN BY EDUCATIONAL REFERENCE GROUPS OF
SUSPENSION AND EXPULSION DATA ANALYSIS

Appendix E

Table E-1 Number of Suspensions Incidents in Middle and High Schools

ERG	School Years											
	93/94		94/95		95/96		96/97					
	Middle School	High School										
A	58	264	132	295	165	736	131	654				
B	535	1,813	537	2,174	799	2,344	741	2,450				
C	131	641	272	782	233	1,157	405	2,410				
D	635	2,205	758	2,897	1,244	3,046	1,493	2,767				
E	193	720	231	1,025	497	414	465	656				
F	1,258	1,955	1,520	3,092	1,560	4,194	1,961	3,941				
G	366	1,042	318	1,480	393	1,488	640	1,202				
H	1,540	2,381	2,370	3,004	2,854	3,349	2,216	2,890				
I	1,668	2,021	1,848	2,365	1,555	2,358	2,656	3,378				
V	^	*	^	4,521	^	6,317	^	7,430				
Total	6,384	13,042	7,986	21,635	9,300	25,403	10,708	27,778				

^ Vocation-technical school system includes only high school level.

* Indicates data not available.

Table E-2. Number of Middle and High Schools Students Suspended

ERG	School Years											
	93/94		94/95		95/96		96/97					
	Middle School	High School										
A	37	228	89	257	87	382	92	323				
B	355	1,034	339	1,179	548	1,505	512	1,515				
C	83	394	141	808	147	674	196	1,097				
D	363	1,193	451	1,585	666	1,784	859	1,794				
E	94	297	104	345	250	213	321	291				
F	1,246	1,955	1,245	2,270	1,238	2,966	1,581	2,951				
G	277	732	277	938	273	992	640	1,035				
H	948	1,434	1,715	1,609	1,718	2,199	1,978	1,965				
I	802	1,439	847	1,527	716	1,606	1,625	2,567				
V	^	*	^	2,312	^	2,778	^	3,131				
Total	4,205	8,706	5,208	12,830	5,643	15,099	7,804	16,669				

^ Vocation-technical school system includes only high school level.

* Indicates data not available.

Table E-3. Number of Middle and High Schools Students Expelled

ERG	School Years							
	93/94		94/95		95/96		96/97	
	Middle School	High School						
A	3	0	0	0	0	3	1	0
B	12	23	4	28	15	26	21	32
C	0	9	1	7	2	17	8	10
D	10	15	26	20	23	17	18	43
E	1	2	3	1	4	4	2	3
F	19	33	43	95	45	106	67	106
G	2	1	3	14	3	10	3	10
H	8	46	18	56	28	68	32	90
I	32	81	46	73	61	119	43	88
V	^	13	^	25	^	25	^	38
Total	132	223	144	319	181	395	195	420

^ Vocation-technical school system includes only high school level.

* Indicates data not available.

APPENDIX F
GLOSSARY OF COMMON TERMS

Appendix F

Glossary of Common Terms

Adult Education: is required by state statute to be offered by local and regional school districts for adult residents who are at least 16 years old. District may provide the service individually or within regions or may contract with a private provider. Instruction shall include: United States citizenship; English; and any elementary or secondary school subject, including vocational training.

Child: any person under 21 years of age.

Cumulative educational record: is maintained for all public school students and contains: report cards; transcripts; standardized testing results; writing samples; disciplinary information; and background information on the student and his or her family.

Disposition: orders of the adult or juvenile criminal courts following adjudication of a criminal charge.

Educational Reference Group (ERG): developed by the State Department of Education to allow comparisons between school districts with similar characteristics and are used for analyzing district resources and district-level student achievement.

Exceptional child: a child who markedly deviates intellectually, physically, or emotionally from normal growth and development patterns that he or she is unable to progress effectively in regular school program and needs special class, instruction, or services.

Expulsion: any exclusion from school for more than 10 consecutive school days.

Facsimile firearm: any nonfunctional imitation or representation of an original firearm that could reasonably be perceived to be a real firearm; traditional BB or pellet-firing air gun that expels a metallic or paint contained projectile are not included.

Felony: a crime for which the sentence is greater than one year incarceration. Felony crimes are classified as A, B, C, D, (with A being the most serious) and unclassified.

Free and appropriate public education (FAPE): an educational program suitable to the student's needs and meeting the requirements of curriculum as defined by federal and state laws.

Hearing impaired: a child with measurable hearing impairment which, with or without amplification, impairs linguistic processing and adversely affects educational performance, including both hard of hearing and deaf children.

Identifiable learning disability: a child who demonstrates a severe discrepancy between educational performance and measured intellectual ability and who exhibits a disorder in one or

more of the basic psychological processes as indicated by a diminished ability to listen, speak, read, write, spell, or do mathematical calculation or reasoning.

Individualized education plan (IEP): a written plan for each special education student developed by the planning and placement team based on the diagnostic findings of an evaluation.

Mentally retarded: one who, by reason of mental development, is not capable of profiting from the education programs of the public school established for the normal child. An “educable” mentally retarded child means one who, at maturity, cannot be expected to attain a level of intellectual functioning greater than the commonly expected from a child of 12 years of age but who can be expected to attain a level of intellectual functioning greater than that of a 7-year old. A “trainable” mentally retarded child means one who, at maturity, cannot be expected to attain an intellectual functioning greater than the commonly expected of a 7-year old but greater than that of a 4-year old. A “severely or profoundly” mentally retarded child means one who, at maturity, cannot be expected to attain an intellectual functioning greater than that commonly expected of a 4-year old.

Multi-handicapped: a child with a combination of identifiable handicaps.

Neurologically impaired: a child with an impairment of the nervous system diagnosed by an appropriate medical specialist as the cause of physical and psychological disabilities which significantly impede the child’s rate of educational development and which can be corrected or ameliorated by special education to the extent that the child’s rate of educational development may be improved.

Other health impaired: a child with limited strength, vitality, or alertness due to chronic or acute health problems of more than three weeks duration.

Orthopedically impaired: a child with severe orthopedic impairment which adversely affects the child’s educational performance, including impairments caused by congenital anomaly, disease, and other causes but not a temporary condition which is anticipated to be of less than three weeks duration.

Physically handicapped: a child with a physical condition which significantly impedes the child’s rate of educational development and which can be corrected or ameliorated by special education to the extent that the child’s rate of educational development may be improved.

Planning and placement team (PPT): a group of certified and/or licensed teacher, administrative, and pupil personnel professionals who participate as equals in the evaluation and identification process. The team is responsible, within its district, for: (1) conducting the evaluation of every child referred for special education; (2) developing the individualized educational plan (IEP); and (3) conducting re-evaluations of students and plans every three years, upon request of the parents, or whenever deemed necessary.

Pregnancy: is deemed a condition which grants eligibility for special education and related services.

Socially and emotionally maladjusted (SEM): is a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects educational performance: (1) an inability to learn which cannot be explained by intellectual, sensory, or health factors; (2) an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; (3) inappropriate types of behavior or feelings under normal circumstances; (4) a general pervasive mood of unhappiness or depression; or (5) a tendency to develop physical symptoms of fears associated with personal or school problems. This term includes children who are schizophrenic.

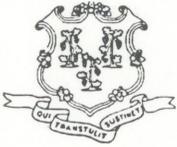
Special education: specially designed instruction developed in accordance with regulation and approved by the State Board of Education that: (1) is offered at no cost to parents; (2) meets the unique needs of disabled or exceptional children; (3) is conducted in classrooms, homes, hospitals, institutions, or other settings; and (4) includes instruction in physical education and special classes, programs, and services.

Speech and/or language impaired: a child with a communication disorder which adversely affects the child's educational performance. Impaired speech is characterized by fluency or voice or articulation impairment. Impaired language is characterized by difficulties in processing language at the level of phonology, morphology, syntax, semantics both in encoding and decoding tasks, which difficulties affect the spoken, read, and/or written forms of language.

Suspension: any exclusion from school or transportation services for up to 10 consecutive school days.

Visually handicapped: a child with measurable visual impairment which, even after correction, continues to adversely affect the child's educational performance. The term includes both partially seeing and blind children.

APPENDIX G
AGENCY RESPONSE



STATE OF CONNECTICUT

STATE BOARD OF EDUCATION



TO: Senator Fred Lovegrove, Jr., Co-Chair, Legislative Program
Review and Investigations Committee
Representative Michael Jarjura, Co-Chair, Legislative Program
Review and Investigations Committee

FROM: Theodore S. Sergi, Commissioner of Education 

DATE: February 13, 1998

SUBJECT: Legislative Program Review and Investigations Committee Report
on Student Suspension and Expulsion

Thank you very much for forwarding to me a copy of your final report on the topic of student suspensions and expulsions. It contains interesting insights on school discipline. I anticipate that it will receive careful review by both educators and the Education Committee of the General Assembly.

I am particularly interested in reviewing any bills you draft implementing your recommendations. As you no doubt realized in the course of conducting your research, drafting statutory language on this topic can be difficult. We feel that it should be done in a way that preserves the autonomy of local boards of education to deal with important school safety issues in a responsible manner without undue burden and, at the same time, balances the interests of the students. We will be prepared to provide you with testimony on your specific legislative proposals at a public hearing.

cc: Craig Toensing, Chairman, State Board of Education
Senator Thomas Gaffey, Co-Chair, Education Committee
Representative Cameron Staples, Co-Chair, Education Committee
Michael L. Nauer, Director, Legislative Program Review and Investigations
Committee

TSS:ktn