



STATE OF CONNECTICUT
STATE BOARD OF EDUCATION



TO: Superintendents of Schools

FROM: Dr. Dianna R. Wentzell
Commissioner of Education 

DATE: June 15, 2017

SUBJECT: Suspensions and Expulsions of Students in Preschool and Kindergarten to Grade 2

The Connecticut State Department of Education (CSDE) recently provided the annual report to the State Board of Education (SBE) on student discipline, including suspensions and expulsions. Data from the [State Board School Discipline Report](#) indicate that there were 1,674 children in Grades preschool-2 who were suspended, either in school or out of school, in 2015-16. Of those, 1,198 (71.6 percent) were Black or Latino and 979 (58.5 percent) were Black or Latino boys. The number of preschool-2 students who received an out-of-school suspension in 2015-16 was 787, 47 percent of the total.

Exclusionary school discipline practices have a disproportionately adverse effect on young children. A joint policy statement issued by the U.S. Departments of Health and Human Services and Education (2015) stated, “Young students who are expelled or suspended are as much as 10 times more likely to drop out of high school, experience academic failure and grade retention, hold negative school attitudes, and face incarceration.” Reducing unnecessary suspensions and expulsions in Connecticut public schools is an important step to address the achievement gap and aligns with the Connecticut State Board of Education’s Five-year Comprehensive Plan, 2016-21: *Ensuring Equity and Excellence for All Connecticut Students*.

Reducing the use of exclusionary discipline for young children is not only a matter of good policy for school districts; it is also a statutory obligation. As set forth below (and previously summarized in Circular Letter C-1 for 2015-16), the General Assembly in 2015 enacted restrictions on the use of suspensions and expulsions for young children.

I. Suspensions

A. Preschool

Under the applicable statutes as amended by Public Act 15-96, in cases where a school has determined that a suspension is necessary for a child attending certain preschool programs, an out-of-school suspension is prohibited; only an in-school suspension may be imposed. Section 10-233l of the General Statutes, which was enacted specifically to address the use of exclusionary discipline in preschools, categorically prohibits the use of out-of-school suspension for students attending preschool programs operated by local or regional boards of education, charter schools or interdistrict magnet schools.¹

If a preschool program is funded by the Office of Early Childhood (OEC), school districts are encouraged to contact the OEC for available supports and guidance in an effort to provide positive, pro-social supports to young children in their care.

¹ While the general suspensions statute, Section 10-233c of the General Statutes, continues to include preschool in the grade range for which out-of-school suspensions are permissible, this reference was most likely inadvertent in view of the explicit prohibition, in Section 10-233l, of out-of-school suspensions for students in preschool programs operated by boards of education, charter schools or interdistrict magnet schools. As noted, in contrast to Section 10-233c, Section 10-233l is concerned specifically with exclusionary discipline in certain preschool environments. Because a specific statute normally controls when it conflicts with a general one, CSDE has concluded that out-of-school suspensions are prohibited for preschool students in programs operated by school districts, charter schools and magnet schools.

B. Kindergarten to Grade 2

For students in kindergarten to Grade 2, Section 10-233c of the General Statutes provides that an out-of-school suspension may be used in rare situations involving conduct on school grounds. An out-of-school suspension is permissible only if it is determined that an out-of-school suspension is appropriate based on evidence that the student's conduct (on school grounds) was of a violent or sexual nature that endangers persons. In all other situations where a suspension is necessary for a child in kindergarten to Grade 2, the law requires the school to use an in-school suspension.

C. Grades 3-12

For students in Grades 3-12, all suspensions must be in-school suspensions except in the following situations, as described in subsection (g) of Section 10-233c of the General Statutes.

An out-of-school suspension is permissible if, during the hearing required under the suspension law, the administration finds either of the following: (1) the student poses such a danger to persons or property or such a disruption of the educational process that the student shall be excluded from school during the period of the suspension; or (2) an out-of-school suspension is appropriate for the student, based on evidence of (i) previous disciplinary problems that have led to suspensions or expulsions of the student, and (ii) efforts made by the administration to address the disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies.

II. Expulsions

The General Assembly has also restricted the use of expulsions for younger children in two key respects.

A. Preschool

First, local/regional boards of education, charter schools and magnet schools may not expel preschool students. The only exception is that an expulsion hearing is required whenever there is reason to believe that any child enrolled in the preschool program was in possession of a firearm – as that term is defined under federal law ([18 U.S.C. § 921](#)) – on or off school grounds or at a preschool program sponsored event. If it is determined, after holding the hearing, that the child did in fact possess a firearm, the default period of the expulsion is one calendar year but the school may modify this period on a case-by-case basis.

B. Kindergarten to Grade 12

Second, the non-mandatory, or “discretionary,” grounds for expulsion now only apply to students in Grades 3-12. Section 10-233d of the General Statutes, *Expulsion of pupils*, has long provided that boards of education may, at their discretion, expel a student if it is determined, after holding the required expulsion hearing, that the student's conduct “on school grounds or at a school-sponsored activity is violative of a publicized policy of such board or is seriously disruptive of the educational process or endangers persons or property or whose conduct off school grounds is violative of such policy and is seriously disruptive of the educational process.” These provisions relating to discretionary expulsions are no longer applicable to students in preschool programs or grades K-2.

In specified limited circumstances involving possession of a dangerous weapon or drug distribution (as set forth in subsection (a)(2) of Section 10-233d), expulsion proceedings are required for students in kindergarten to Grade 2. Even in these situations, however, the law makes clear that school districts may modify the period of an expulsion on a case-by-case basis. Furthermore, school districts may, for students who have never been expelled or suspended before (except those expelled for possession of a firearm or deadly weapon), waive expulsion if the student successfully completes a district specified program and any other conditions set by the district.

Summary of situations in which expulsion proceedings are required for students in Grades 3-12:

- On school grounds or at a school-sponsored activity: the student was in possession of a firearm or other deadly weapon or dangerous instrument as outlined in Section 10-233d of the General Statutes.
- Off school grounds: the student possessed a firearm or possessed and used a firearm or certain other dangerous instruments in the commission of certain crimes defined in the law.
- On or off school grounds: the student offered for sale or distribution certain controlled substances as defined under the law.

III. Conclusion and Next Steps

The early years of a child's life are critical building blocks for social/emotional and behavioral development and creating positive learning experiences. Our laws concerning student discipline aim to ensure that challenging behaviors exhibited by children are addressed within the context of a comprehensive systems approach and restorative practices. Moreover, districts need to provide support that is designed to teach, nurture and encourage prosocial behavioral outcomes. The practice of removing students from class or school for all or part of a day due to behavioral or disciplinary reasons does not support school connectedness and learning. Suspensions and expulsions are only permitted under the circumstances described above when districts follow the appropriate procedures, summarized above and detailed in the applicable statutes.

Administrators should carefully review the requirements of Sections 10-233a through 10-233f and 10-233l of the General Statutes and work with staff in their districts, and with their attorneys, to implement and comply with the provisions therein. Furthermore, leaders should engage in a regular review and analysis of discipline data at the district and school level and support professional development for all school personnel focused on classroom management and alternative discipline practices. To support these efforts, the CSDE has attached a list of national and state resources.

If you have questions or need further clarification or information, please contact Kimberly Traverso, at 860-807-2057 or kimberly.traverso@ct.gov.

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Attachment

The Connecticut State Department of Education Resource List

Federal Resources

1. [Guiding Principles: A resource guide for Improving School Climate and Discipline](#)
2. [Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings](#)
3. [School Climate and Discipline Guidance Package](#)
4. [Standing Together Against Suspension & Expulsion in Early Childhood](#)

State Resources

1. [Ensuring Equity and Excellence for All Connecticut Students: The CT State Board of Education's Five-year Comprehensive Plan, 2016-21](#)
2. [Help Me Grow](#)

Current Related Connecticut Public Acts

1. [Public Act 15-14- AN ACT CONCERNING SECLUSION AND RESTRAINT IN SCHOOLS](#)
2. [Public Act 15-168- AN ACT CONCERNING COLLABORATION BETWEEN BOARDS OF EDUCATION AND SCHOOL RESOURCE OFFICERS AND THE COLLECTION AND REPORTING OF DATA ON SCHOOL-BASED ARRESTS](#)
3. [Public Act 15-232- AN ACT CONCERNING TRAUMA-INFORMED PRACTICE TRAINING FOR TEACHERS, ADMINISTRATORS AND PUPIL PERSONNEL](#)
4. [Public Act 15-225- AN ACT CONCERNING CHRONIC ABSENTEEISM](#)

Programs and Strategies to Support Positive Approaches to Behavior

1. [Center on the Social and Emotional Foundations for Early Learning \(CSEFEL\)](#)
2. [The Early Childhood Consultation Partnership \(ECCP\)](#)
3. [Technical Assistance Center on Social Emotional Intervention](#)