

CONNECTICUT STATE BOARD OF EDUCATION Hartford

TO: State Board of Education
FROM: Dr. Dianna R. Wentzell, Commissioner of Education
DATE: December 6, 2017
SUBJECT: Understanding School Expulsions in Connecticut

Executive Summary

Purpose

This presentation will address current trends in expulsion including data concerning the demographics of students who have been expelled, lengths of expulsions, and student behaviors resulting in expulsion in Connecticut public schools. In addition, the long-term implications of an expulsion will be addressed. The presentation will also include a discussion of various subjects addressed by laws pertaining to expulsions in Connecticut, including expulsion procedures, grounds for expulsions and the authority of local education agencies (LEAs) to set the length of an expulsion. This discussion will note recent amendments to the expulsions statute in Public Act 16-147, *An Act Concerning the Recommendations of the Juvenile Justice Policy and Oversight Committee*, and Public Act 17-220, *An Act Concerning Education Mandate Relief*.

Background Information

National research shows that discipline practices that exclude students from instruction, such as suspensions and expulsions, do not help to improve either student behavior or school climate.ⁱⁱⁱ Exclusionary discipline has negative consequences for students including increased risk for grade-level retention, dropping out of school, and involvement with the juvenile justice system.ⁱⁱⁱ Moreover, research nationally and in Connecticut has found that low-income students, students receiving special education services, and students of color are significantly more likely to be excluded from school than their peers.^{iv}

In alignment with the State Board of Education's (SBE) Five-year Comprehensive Plan 2016-21-*Ensuring Equity and Excellence for All Connecticut Students* and with the support of the Connecticut State Department of Education (CSDE), local education agencies statewide are implementing restorative discipline practices, multi-tiered systems of support and community-based diversion models. These initiatives are designed to address exclusionary discipline including expulsions.

Follow-up Activities

The SBE's continued engagement is important as we remain focused on addressing the issue of expulsions and exclusionary discipline. Research demonstrates that exclusionary discipline practices are harmful to students and deleterious to ensuring equity and excellence for all children. The CSDE will continue to update and inform the SBE on progress and outcomes made in reducing expulsions and exclusionary discipline, including expulsions, in all of Connecticut's schools and districts.

Prepared by: _____
Kimberly Traverso, Education Consultant

Approved by: _____
Charlene Russell-Tucker, Chief Operating Officer

Notes

ⁱ Academic studies rarely distinguish between suspension and expulsion. They generally consider them together, known as exclusionary discipline practices.

ⁱⁱ Russell Skiba, et al. “Reforming school discipline and reducing disproportionality in suspension and expulsion” in S. R. Jimerson, A. B. Nickerson, M. J. Mayer, M. J. Furlong (Eds.), *The Handbook of School Violence and School Safety: International Research and Practice* (2nd Ed.) (pp. 515-528). New York: Routledge.

ⁱⁱⁱ Tony Fabelo, Michael Thompson, Martha Plotkin, et. al., “Breaking Schools’ Rules: A Statewide Study of How School Discipline Relates to Students’ Success and Juvenile Justice Involvement” (2011). Council of State Governments Justice Center, available at:

http://knowledgecenter.csg.org/drupal/system/files/Breaking_School_Rules.pdf

^{iv} US Department of Education Civil Rights Data Collection, 2011-2012. Connecticut State Department of Education EdSight, 2011-2016. US Department of Education Office for Civil Rights and US Department of Justice Civil Rights Division, “Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline” (8 January 2014)., available at

<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html#note14>.

^v Studies have found that racial disparities in out-of-school suspension cannot be accounted for by socioeconomic disadvantage or differential rates of behavior. Michael Rausch and Russell Skiba, “The academic cost of discipline: The contribution of school discipline to achievement.” Paper presented at the annual meeting of the American Educational Research Association, Montreal, Quebec. Available at <http://www.indiana.edu/~atlantic/wp-content/uploads/2014/03/Academic-Cost-of-School-Discipline.pdf>.



CONNECTICUT STATE
DEPARTMENT OF EDUCATION

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Understanding School Expulsions in Connecticut

Presentation to the State Board of Education
December 6, 2017

Presentation Focus

- What is the **trend** for school expulsions in Connecticut?
- **Who** is expelled? Do expulsions vary by local educational agency (LEA) types, race/ethnicity, gender and grade?
- **Why** are students being expelled?



Presentation Focus

- **How long** do expulsions last? What education is provided for students who are expelled?
- What are the **laws** regarding expulsions in Connecticut?
- What is the **impact** of expulsion on student success?



Definition



What is an expulsion?

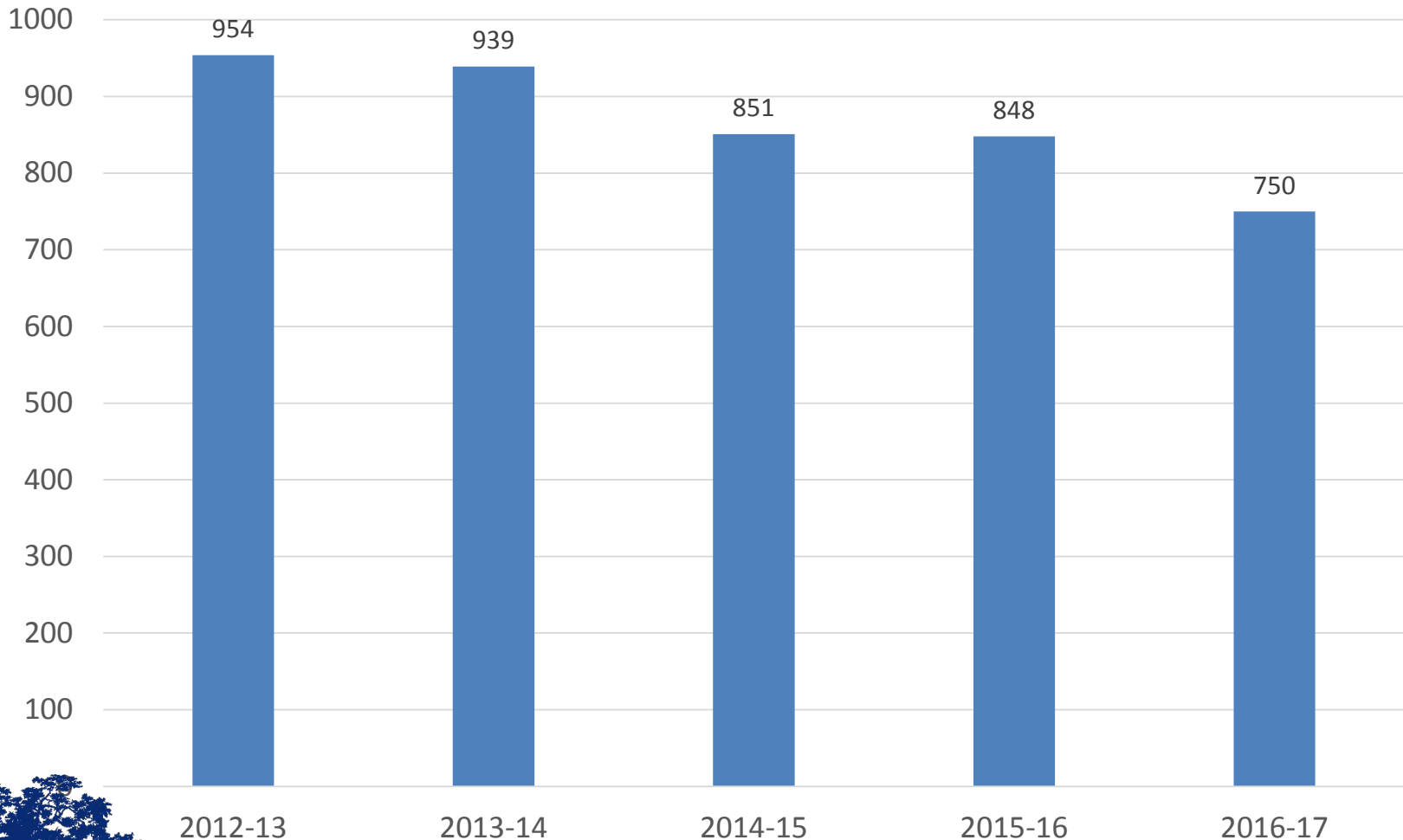
- Legal Definition in Statute:
 - Conn. Gen. Stat. § 10-233a(e) “Expulsion” means an exclusion from school privileges for more than ten consecutive school days and shall be deemed to include, but not be limited to, exclusion from the school to which such pupil was assigned at the time such disciplinary action was taken, provided such exclusion shall not extend beyond a period of one calendar year.
 - Any exclusion of longer than 10 consecutive school days
 - Generally, expulsion applies to all schools in a district. Reassignment is not considered an expulsion/suspension.
 - Maximum length of expulsion = one calendar year



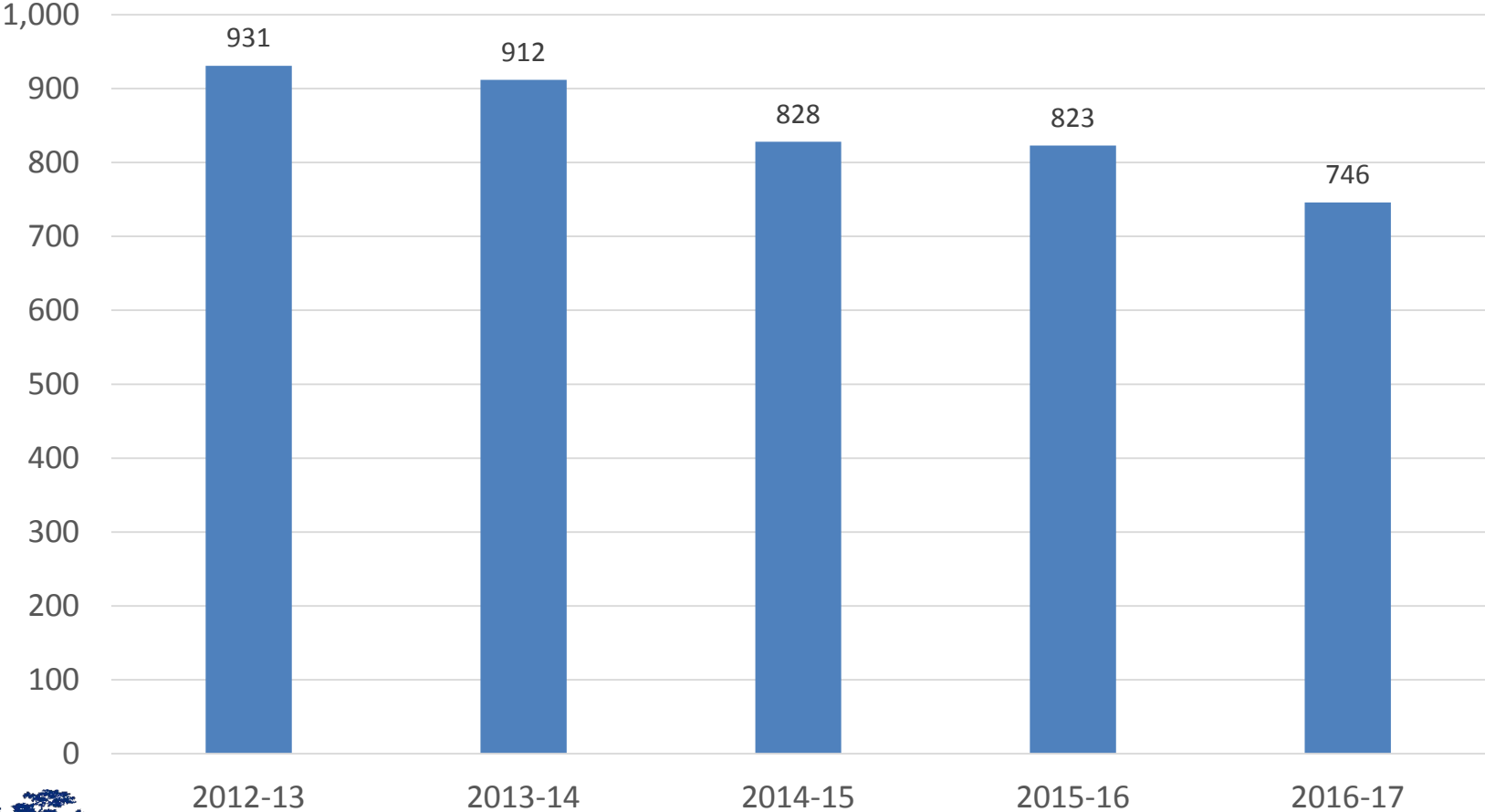
Data Regarding Expulsions



Total Number of Expulsions (duplicated count)



Unduplicated Number of Students Receiving an Expulsion



LEA Information

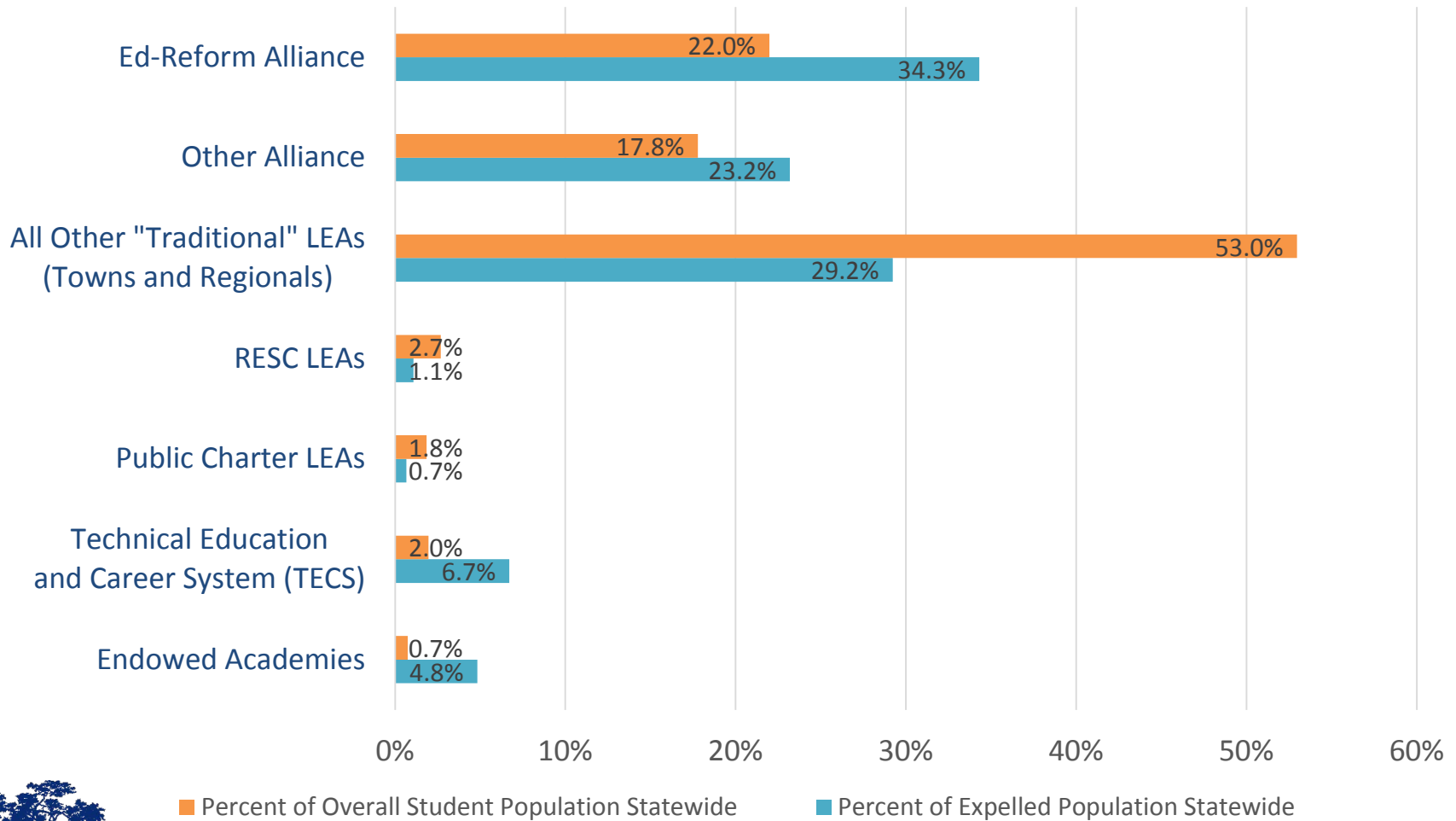
- ***Educational Reform Alliance Districts***
 - They are 10 (a subset of 30) Alliance Districts with the lowest performance statewide.
 - They are Bridgeport, East Hartford, Hartford, Meriden, New Britain, New Haven, New London, Norwich, Waterbury and Windham.
- ***Other Alliance Districts***
 - These are the remaining 20 Alliance Districts.
 - They are Ansonia, Bloomfield, Bristol, Danbury, Derby, East Haven, East Windsor, Hamden, Killingly, Manchester, Middletown, Naugatuck, Norwalk, Putnam, Stamford, Vernon, West Haven, Winchester, Windsor and Windsor Locks.
- ***All Other Districts***
 - All remaining local and regional school districts.
- ***Regional Educational Service Centers (RES-C)***
 - They are ACES, CES, CREC, EASTCONN, EdAdvance, and LEARN, which are LEAs
- ***Public Charter Districts***
 - There are 24 public charter school LEAs.
- ***Technical Education and Career System (TECS)***
 - There are 17 schools in the TECS.

Endowed Academies

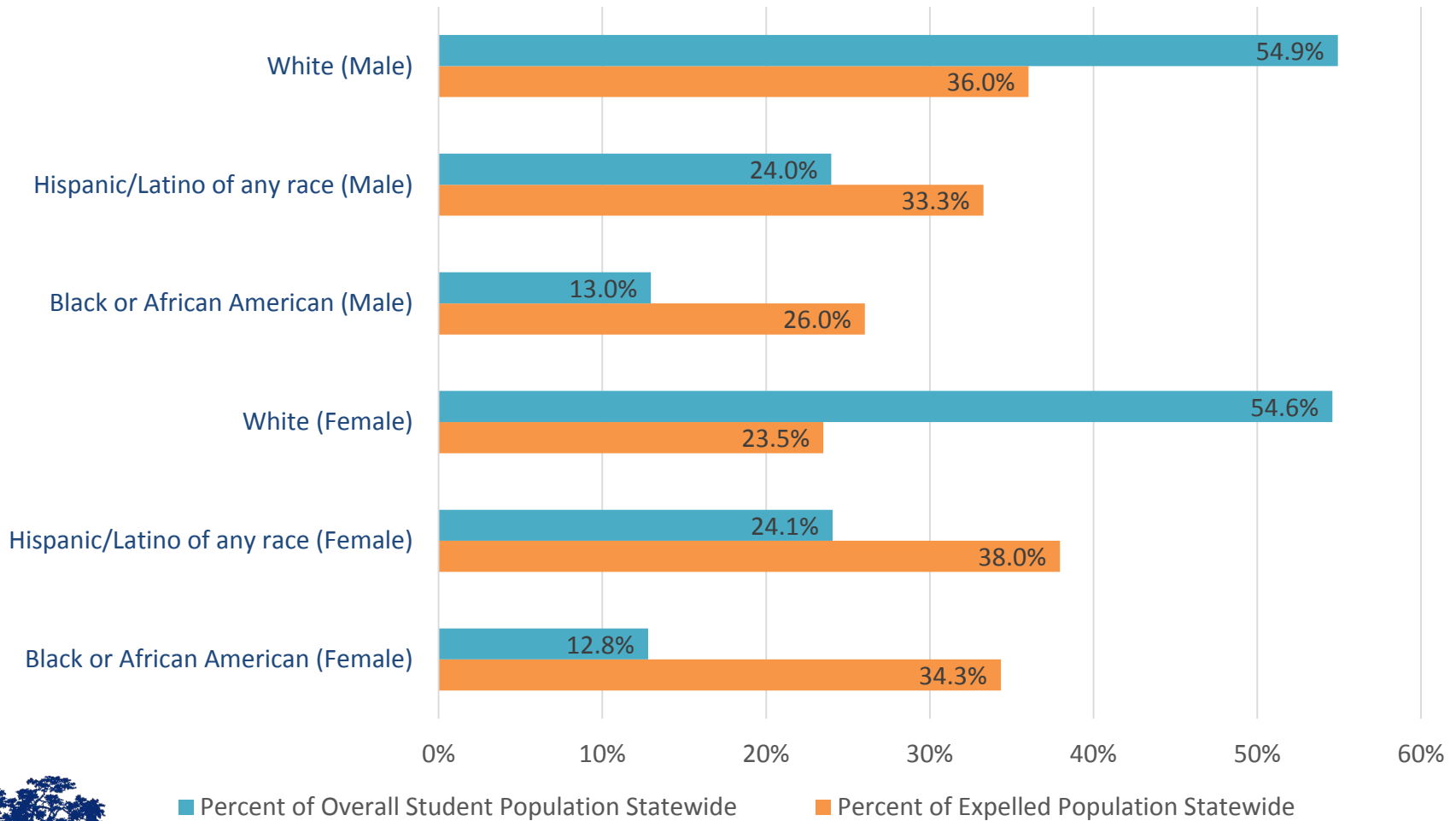
- They are the Norwich Free Academy, The Gilbert School and Woodstock Academy.



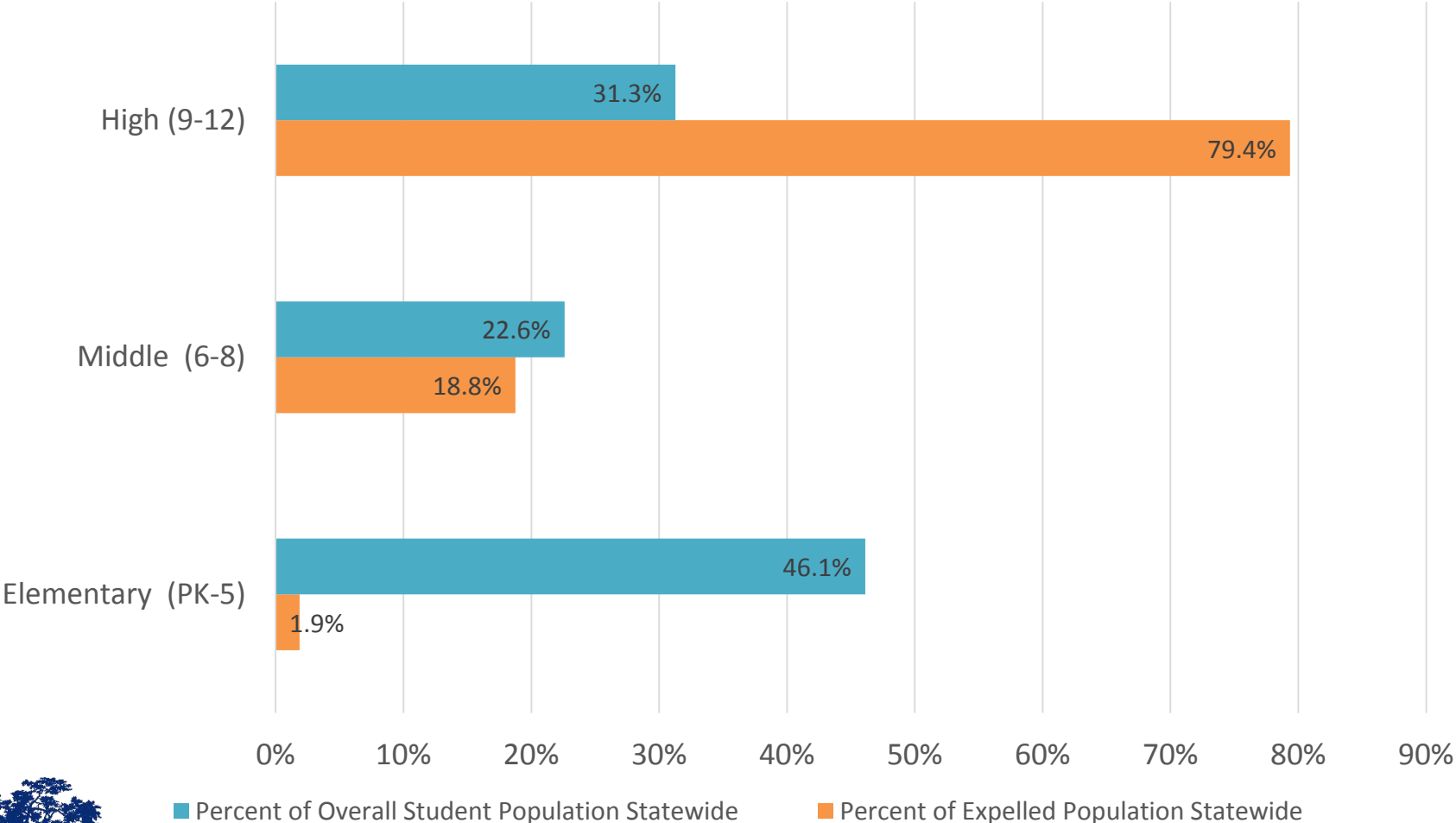
Expulsions Compared by District Type Enrollment: 2016-17



Disproportionality of Expulsions by Race/Ethnicity: 2016-17



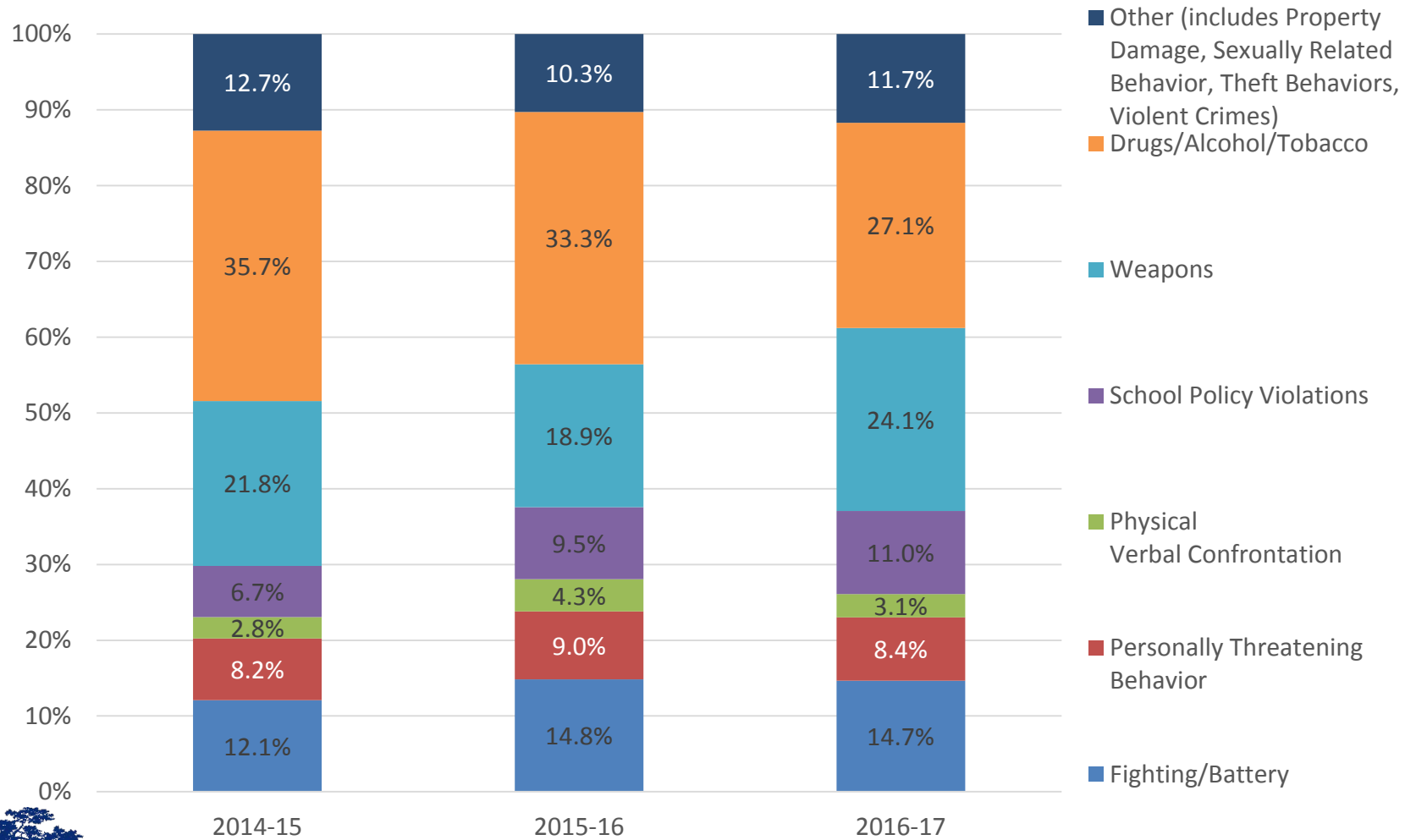
Expulsions Compared to Total Enrollment by Grade Range: 2016-17



Why are students expelled?



Incident Types (Offenses) Resulting in Expulsion



How long are the sanctions and what education is provided?



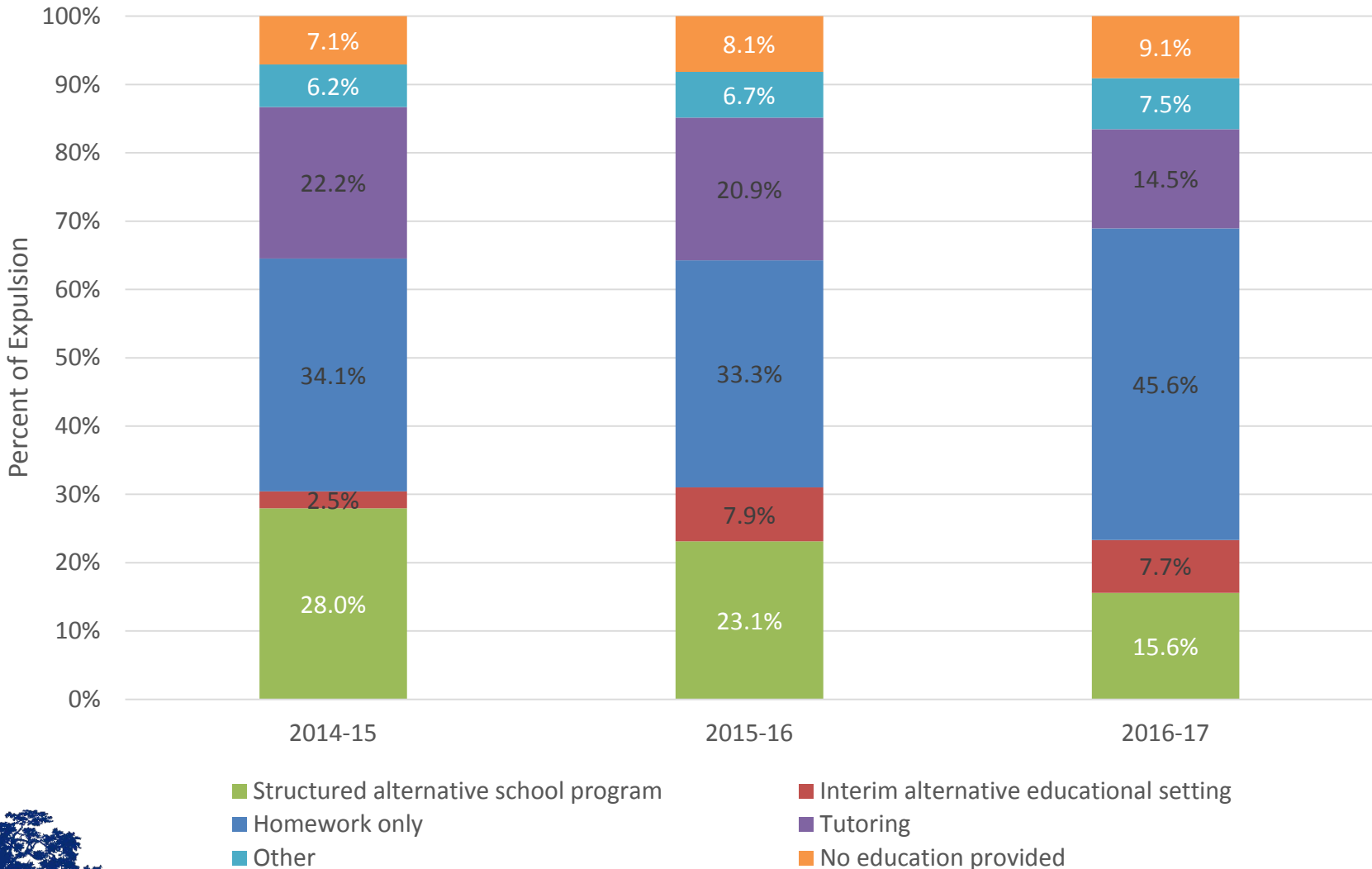
Average Number of Days Expelled

District	2014-15	2015-16	2016-17
Ed-Reform Alliance-10	118.58	114.19	117.07
Other Alliance-20	143.26	131.78	131.27
All Other LEAs	123.42	119.19	109.37
RESC LEAs	-----	8.1	15.13
Public Charters	.11	51.16	60.80
Technical Ed. and Career System	68.17	76.1	90.50
Endowed Academies	116.85	69.52	128.44
Statewide	119.82	110.45	115.48

*The number of days sanctioned for an expulsion is determined pursuant to an expulsion hearing as prescribed in C.G.S 10-233d. Expulsion days may be carried over and served in the next school year.



Education Provided for Expulsions



In summary, what are the data telling us?

- The number of expulsions has been decreasing steadily for the past five years.
- One-third of all expulsions are occurring in the 10 lowest performing districts (i.e., Educational Reform) while 22 percent of all students are enrolled in these districts.
- Greater disproportionalities are evidenced among students whose race/ethnicities are identified as black/African American or Hispanic/Latino.
- The vast majority (nearly 80 percent) of all expulsions occur in high school.



In summary, what are the data telling us?

- “Homework only” is the education option provided to over 45 percent of all expulsions. This is at its highest in the past three years.
- The proportion of expulsions resulting from drugs/alcohol/tobacco-related behavior has been declining, while those resulting from weapons-related issues has increased.



Laws Pertaining to Expulsions



Expulsions – Legal Overview

- How does the expulsion process start?
- A school official learns about student behavior that may call for discipline and investigates.
- After getting the facts, school officials need to decide what to do.
- For purposes of considering whether to seek an expulsion, there are three key categories of cases under CT law:
 - In some cases, initiating the expulsion process is required by law.
 - In other cases, depending on the conduct at issue and the student's grade level, expulsion may be *prohibited* by law.
 - In the remaining cases, whether to seek an expulsion or some other response is a discretionary decision of the LEA.
- Under CT law, the expulsion process involves a formal hearing, and the LEA must give advance written notice to the student and parent/guardian except in emergency cases.



The Expulsion Process

- To initiate the expulsion process, the LEA must give written notice to parent/guardian at least five business days before the hearing. (CGS § 10-233d(a)(3))
- The notice must include information on the student's legal rights and local options for free or low cost legal representation. (CGS § 10-233d(a)(3))
- The student has the right to be represented by a lawyer/advocate, and the right to a one-week extension if needed to obtain representation. (CGS § 10-233d(a)(3))
- The expulsion hearing is a formal adversarial hearing with:
 - Witness testimony under oath and cross examination;
 - An impartial decision-maker (Board of Education (BOE) members or hearing officer); and
 - A complete record of the hearing (transcript or audio).
- In cases of emergency, the law allows the LEA to hold the hearing after expelling the student. (CGS § 10-233d(a)(3))



Expulsions Law: Overview by Grade Level

Grade Level	Is an LEA ever required to initiate the expulsion process?	Is an LEA <i>permitted</i> to initiate the expulsion process in any other situation?
Pre-K	Yes, but <u>only</u> if there is reason to believe that the student possessed a firearm (as defined in federal statute) at school/school-sponsored event.	No (CGS § 10-233l(b))
K-2	Yes, if there is reason to believe that the student engaged in certain conduct involving weapons or illegal drugs as specified in statute.	No (CGS § 10-233d(a)(2))
3-12	Yes, same as for K-2.	Yes, if there is reason to believe that the student's conduct meets certain criteria in statute. (CGS § 10-233d(a)(1))



When is an LEA *Required* to initiate the expulsion process for a student in K-12?

- When there is reason to believe that the student...

Location	Conduct
On school grounds/ school-sponsored activity	Possessed a firearm (as defined in a federal law, 18 USC § 921) Or Possessed a deadly weapon, dangerous instrument or martial arts weapon (as defined in a state law, CGS § 53a-3) (CGS § 10-233d(a)(2))
Off school grounds	Possessed a firearm without a permit (outside the home) in violation of CGS § 29-35, unless one of the exceptions applies Or <i>Used</i> firearm/deadly weapon/dangerous instrument/martial arts weapon while committing certain crimes (CGS § 10-233d(a)(2))
Anywhere	Offered for sale/distribution certain controlled substances that are prohibited from being sold/distributed/etc. by criminal laws (see CGS §§ 21a-240(9), 21a-277, 21a-278)



When is an LEA *Permitted* to initiate the expulsion process for a student in 3-12?

- When there is reason to believe that the student's conduct...

Location	Conduct
On school grounds/ School-sponsored activity	Violated a publicized policy of the LEA Or Was seriously disruptive of the educational process Or Endangered persons or property (CGS § 10-233d(a)(1))
Off school grounds	Violated a publicized policy of the LEA And Was seriously disruptive of the educational process (CGS § 10-233d(a)(1))



The Expulsion Decision

- Only the BOE has the authority to expel a student
- No right of appeal to Court
- CGS § 10-233d(b) gives the BOE two options:
 - BOE itself can handle the expulsion hearing, if at least 3 BOE members are present. Any decision to expel must have at least three votes in favor. (CGS § 10-233d(a)(1))

OR

- BOE can delegate its authority to an “impartial hearing board of one or more persons.” The impartial hearing board presides over the hearing and makes the expulsion decision. Usually, there is one hearing officer. Typically, this is a lawyer on contract with the BOE to handle hearings. BOE members may not serve as an expulsion hearing officer. (CGS § 10-233d(b))



Expulsion Process for Students with Disabilities – CGS § 10-233d(i)

- Prior to conducting an expulsion hearing for a student requiring special education and related services, a planning and placement team (PPT) must convene to determine whether the student's behavior was caused by his/her disability.
- If the PPT determines that the behavior was caused by the student's disability:
 - The LEA shall not expel the student; and
 - The PPT shall reevaluate the student to modify the individualized education program (IEP) to address the behavior and ensure the safety of other children and staff in the school.
- If the PPT determines that the behavior was not caused by the student's disability, the standard expulsion process applies.



Length of Expulsions

- In cases where expulsion proceeding is required by law:
 - Does the evidence at the hearing establish that the student engaged in the prohibited behavior? If yes, then:
 - General rule: student “shall be expelled for one calendar year”
 - Exceptions:
 - BOE/Impartial Hearing Board may modify length of expulsion on a case-by-case basis (CGS § 10-233d(a)(2); see Gun-Free Schools Act § 4141(b)(1)).
 - BOE/Impartial Hearing Board may shorten or waive the expulsion if the student: (a) has not previously been suspended; (b) is being expelled for the first time; (c) did not possess firearm/deadly weapon; and (d) successfully completes a BOE-specified program and meets any other conditions set by BOE (CGS § 10-233d(c)(2)).



Length of Expulsions

- In cases where expulsion is permissible but not required:
 - Length of expulsion is left to the discretion of the BOE/Impartial Hearing Board, up to the 1-year maximum.
- In all cases, what does the law have to say about how to decide appropriate length of an expulsion?
- “In determining the length of an expulsion . . . the local or regional [BOE] or the impartial hearing board . . . may receive and consider evidence of past disciplinary problems that have led to removal from a classroom, suspension or expulsion of such pupil.”(CGS § 10-233d(c)(1)).



Expulsions – Additional Legal Issues

- Impact for the student's educational records
- Alternative Educational Opportunity
- Right to apply for early readmission to school



What is the impact of expulsion on student success?



Negative Impact on **Students**

- Increased behavioral problems
- Higher risk of violence and substance abuse
- Greater likelihood of academic failure
- Higher rates of dropout
- Contact with the law (Juvenile Justice)
- Failure to graduate on time
- Decreased academic engagement
- Future disciplinary exclusion



Negative Impact on **Schools**

- Less satisfactory ratings of school climate
- Less satisfactory school governance structures
- Spending a disproportionate amount of time on disciplinary matters
- Lower schoolwide academic achievement



References

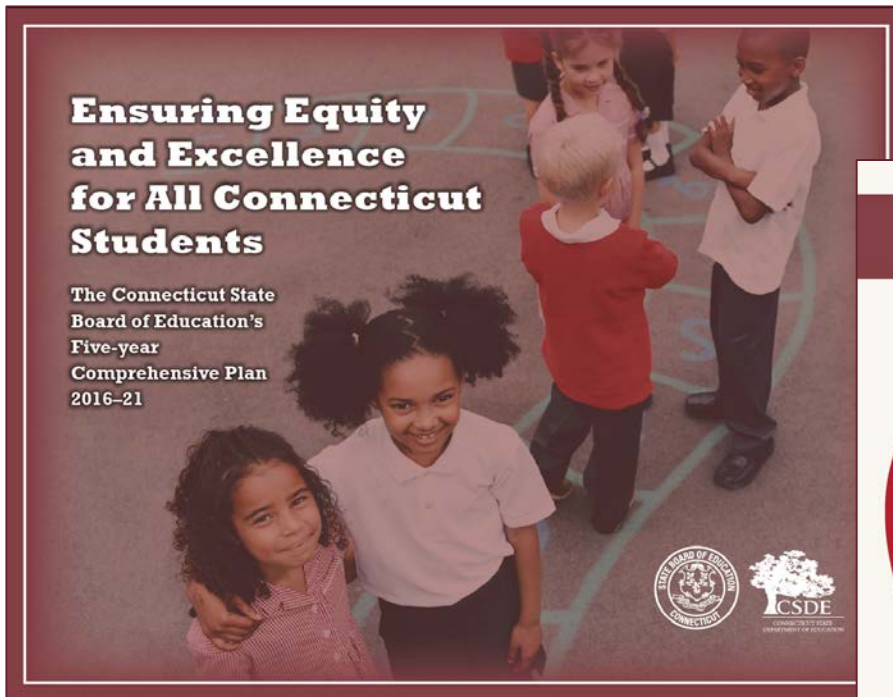
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- Bickel & Qualls, 1980; Wu et. al, 1982; Scott & Barrett, 2004; J. E. Davis & Jordan, 1994; Raffaele-Mendez, 2003; Skiba & Rausch, 2006
- American Institute for Research, 2014
- Bradshaw, C., Koth, C.W., Thornton, L.A., & Leaf, P.J., 2009
- The 2017 Brown Center Report on American Education
- Council of State Governments Justice Center, 2011
- Education Development Center, Inc., May 2011
- American Psychological Association Zero Tolerance Task Force, 2008



Addressing Expulsions




Alignment with Comprehensive Plan



Ensuring Equity and Excellence for All Connecticut Students

The Connecticut State Board of Education's Five-year Comprehensive Plan 2016-21



At the Connecticut State Department of Education, **students are at the core** of everything we do.



OUR PROMISE TO OUR STUDENTS

- Ensuring their non-academic needs are met so they are healthy, happy, and ready to learn. (Mental health, nutrition, after-school programs)
- Supporting their school and district in staying on target with learning goals. (Education Cost Sharing - ECS, Alliance Districts, Commissioner's Network, School Choice)
- Giving them access to great teachers and school leaders.
- Making sure they learn what they need to know to succeed in college, career, and life.



[The Connecticut State Board of Education's Five-year Comprehensive Plan 2016-21](#)

Considerations

- Policy alignment to practice
- Data-informed and student-centered practices
- Alternative programming
- Systems of supports



Spotlighting Local Implementation: New Haven and Plainfield



Spotlighting Local Implementation

- Based on who is expelled, what are your priority strategy/approach to address expulsions in your district?
- What have you learned from review of the data?
- What challenges have you faced?



Total Number of School Expulsions

District	2016-17 Expulsions	Total Student Enrollment	2015-16 to 2016-17 Change Summary
Achievement First Hartford Academy Inc. District	*	1,066	↓ decreased
Ansonia School District (Alliance District)	18	2,364	↑ increased
Area Cooperative Educational Services	*	1,947	↑ increased
Avon School District	*	3,288	* suppressed
Bethel School District	*	2,996	↓ decreased
Bloomfield School District (Alliance District)	8	2,157	↓ decreased
Bolton School District	*	820	↑ increased
Branford School District	*	2,983	↑ increased
Bridgeport Achievement First District	*	1,044	↓ decreased
Bridgeport School District (Alliance District)	90	21,222	↑ increased
Bristol School District (Alliance District)	*	8,073	* suppressed
Brookfield School District	*	2,673	↑ increased
Cheshire School District	*	4,358	* suppressed
Clinton School District	*	1,790	* suppressed
Common Ground High School District	*	200	* suppressed
Connecticut Technical High School System	50	10,556	↓ decreased
Danbury School District (Alliance District)	6	11,371	↑ increased
Darien School District	*	4,828	* suppressed
Derby School District (Alliance District)	11	1,387	↓ decreased
East Hartford School District	13	6,734	↑ increased
East Lyme School District	10	2,782	↑ increased
East Windsor School District (Alliance District)	8	1,049	↑ increased
Ellington School District	*	2,647	↓ decreased
Enfield School District	16	5,249	↑ increased
Fairfield School District	*	10,027	↓ decreased
Franklin School District	*	163	↓ decreased
Granby School District	*	1,880	* suppressed
Greenwich School District	7	8,971	↑ increased
Griswold School District	*	1,848	↓ decreased
Groton School District	*	4,461	* suppressed
Guilford School District	*	3,413	* suppressed
Hamden School District (Alliance District)	*	5,493	* suppressed
Hartford School District (Alliance District)	65	20,891	↓ decreased
Learn	6	2,421	↓ decreased
Ledyard School District	*	2,394	↑ increased
Madison School District	*	2,941	* suppressed
Manchester School District (Alliance District)	11	6,290	↑ increased
Meriden School District (Alliance District)	6	7,950	↑ increased
Milford School District	9	5,926	↑ increased
Monroe School District	*	3,189	↑ increased
Montville School District	*	2,210	* suppressed
Naugatuck School District (Alliance District)	13	4,281	↑ increased
New Britain School District (Alliance District)	*	10,144	↓ decreased

Total Number of School Expulsions

District	2016-17 Expulsions	Total Student Enrollment	2015-16 to 2016-17 Change Summary
New Haven School District (Alliance District)	17	21,981	↓ decreased
New London School District (Alliance District)	15	3,559	↓ decreased
New Milford School District	7	4,217	↓ decreased
Newington School District	*	4,069	↑ increased
Newtown School District	*	4,470	* suppressed
North Branford School District	*	1,842	↓ decreased
North Haven School District	*	3,162	↓ decreased
North Stonington School District	*	731	* suppressed
Norwalk School District (Alliance District)	23	11,498	↓ decreased
Norwich Free Academy District	27	2,338	↑ increased
Norwich School District (Alliance District)	7	3,652	↓ decreased
Old Saybrook School District	*	1,317	↓ decreased
Oxford School District	*	1,952	* suppressed
Path Academy District	*	157	* suppressed
Plainfield School District	*	2,292	* suppressed
Putnam School District	*	1,188	* suppressed
Regional School District 01	*	426	↑ increased
Regional School District 05	*	2,248	* suppressed
Regional School District 09	*	970	↑ increased
Regional School District 10	*	2,366	↓ decreased
Regional School District 13	*	1,745	↓ decreased
Regional School District 14	*	1,768	↑ increased
Regional School District 15	*	3,729	* suppressed
Regional School District 16	*	2,211	↓ decreased
Regional School District 17	7	2,117	↑ increased
Regional School District 18	8	1,308	↑ increased
Rocky Hill School District	*	2,621	↓ decreased
Shelton School District	7	4,815	↑ increased
Simsbury School District	*	4,161	* suppressed
South Windsor School District	10	4,188	↑ increased
Southington School District	*	6,582	↓ decreased
Stafford School District	*	1,526	↑ increased
Stamford School District	30	16,100	↑ increased
Stonington School District	*	2,108	* suppressed
Suffield School District	*	2,281	* suppressed
The Bridge Academy District	*	281	* suppressed
Thomaston School District	8	898	↑ increased
Thompson School District	*	1,018	↑ increased
Torrington School District	8	4,201	↓ decreased
Trumbull School District	7	6,685	↑ increased
Vernon School District	*	3,224	* suppressed
Wallingford School District	9	5,908	↑ increased
Waterford School District	*	2,535	* suppressed
Watertown School District	*	2,782	↑ increased

Total Number of School Expulsions

District	2016-17 Expulsions	Total Student Enrollment	2015-16 to 2016-17 Change Summary
West Hartford School District	*	9,765	↓ decreased
West Haven School District	15	5,786	↓ decreased
Weston School District	*	2,374	* suppressed
Westport School District	*	5,623	↑ increased
Wilton School District	*	4,078	* suppressed
Windham School District	20	3,337	↑ increased
Windsor Locks School District	13	1,572	↑ increased
Windsor School District	7	3,212	↑ increased
Woodstock Academy District	9	1,065	↑ increased

*** Represents data suppressed for student privacy (1-5 expulsions)**

Source: EdSight