

LEGAL MAILBAG – MAY 30, 2024



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The “Legal Mailbag Question of the Week” is a regular feature of the CAS Weekly NewsBlast. We invite readers to submit short, law-related questions of practical concern to school administrators. Each week, we will select a question and publish an answer. While these answers cannot be considered formal legal advice, they may be of help to you and your colleagues. We may edit your questions, and we will not identify the authors. Please submit your questions to: legalmailbag@casciac.org.

Dear Legal Mailbag,

As the days get longer and the weather gets warmer, we all look forward to the end of the school year and the respite of an all-too-brief summer break. But first we must get through the rest of the school year!

As we look ahead to the inevitable disciplinary actions, I hope that Legal Mailbag can give me good news about the rules on suspension. I understand that administrators can suspend students out of school for up to ten days, and any exclusion for more than ten days requires expulsion procedures. But what troubles me is the rumor that any suspension we impose for end-of-year misconduct cannot extend into the following school year. Why should disciplinary consequences be limited when students engage in their mischief at the very end of the school year?

Signed,
Say It Ain't So

Dear Say:

Indeed, it is so. Conn. Gen. Stat. § 10-233a defines “suspension” as follows:

(d) “Suspension” means an exclusion from school privileges or from transportation services only for no more than ten consecutive school days, ***provided such exclusion shall not extend beyond the end of the school year in which such suspension was imposed.*** (Emphasis added).

As you can see, the “rumor” that suspensions cannot extend beyond the end of the then-current school year is true. It may seem unfair that the same act of misconduct can result in a ten-day suspension if committed two weeks before the school year, but must result in fewer days of suspension if committed closer to the end of the school year. The only way that school officials can impose an exclusion from school that would extend into the subsequent school year is by following the procedures required for expulsion.

While we are on the subject of school discipline, it may be helpful for Legal Mailbag to describe changes in the discipline statutes that were enacted into law after the recently concluded legislative session.

To start, Legal Mailbag notes that school officials are able to impose an in-school suspension for up to ten days under current law. However, Public Act 24-45, effective July 1, 2024, changes the law to provide that in-school suspensions may only be imposed for up to five consecutive school days during the school year in which the in-school suspension is imposed. The annual limit of no more than fifteen in-school suspensions or fifty days of such in-school suspension, however, is unchanged.

Public Act 24-45 also addresses the rare circumstance when a student in grades pre-K through 2 may be suspended out of school. Effective July 1, 2024, such suspensions are permitted only when a student engages in “behavior that causes physical harm,” and they are limited to five days. Moreover, in such cases, school officials must assure that the student “receives services that are trauma-informed and developmentally appropriate and align with any behavioral intervention plan, individualized education program or plan pursuant to Section 504” when the student returns from the out-of-school suspension, and they must consider “whether to convene a planning and placement team meeting for the purposes of conducting an evaluation to determine whether such pupil may require special education or related services.”

Public Act 24-93 also addresses student misconduct, again effective July 1, 2024. Section 11 amends Conn. Gen. Stat. § 10-236c to impose the following new requirement on administrators when students engage in specified misconduct:

(a) A school principal or other school administrator shall notify a parent or guardian of a student whose behavior has caused a serious disruption to the instruction of other students, caused self-harm or caused physical harm to a teacher, another student or other school employee not later than twenty-four hours after such behavior occurs. Such notice shall include, but not be limited

to, informing such parent or guardian that the teacher of record in the classroom in which such behavior occurred may request a behavior intervention meeting, as described in subsection (b) of this section.

In appropriate cases, administrators may combine this new notification requirement with the obligation set forth in Conn. Gen. Stat. § 10-233e, which has long provided:

Each board shall further provide an effective means of notifying the parents, guardian or surrogate parent, if appointed, of any minor pupil against whom the disciplinary action authorized by the provisions of this section and sections 10-233a to 10-233d, inclusive, has been taken. ***Such notice shall be given within twenty-four hours of the time such pupil has been excluded.*** (Emphasis added).

Conn. Gen. Stat. 10-236c, enacted in 2022, already requires that school officials convene a behavior intervention meeting of the school's crisis intervention team upon the request of "classroom teacher of record" when a student engages in the behavior described above. The new law now requires that school officials notify the parents when such a meeting is convened and further that they must provide the following information to parents:

Not later than seven days after the behavior intervention meeting, the crisis intervention team shall submit to the parent or guardian of such student, in the dominant language of such parent or guardian, a written summary of such meeting, including, but not limited to, the resources and supports identified.

In addition, Section 12 of Public Act 24-93 clarifies the expulsion hearing process by providing that the required five business days for notice in advance of the hearing may not include the hearing day itself.

Every legislative session presents new obligations and challenges for school administrators. Legal Mailbag wishes school administrators the best as the school year draws to a close with the hope that neither student suspensions nor expulsions will be necessary this spring.