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## **OLR Bill Analysis**

### **sSB 380**

#### ***AN ACT CONCERNING SCHOOL DISCIPLINE.***

#### **SUMMARY**

This bill makes numerous changes to the laws addressing student suspensions and arrests and school climate efforts in schools.

It includes the following:

1. changes the out-of-school suspension standard for grades preschool to two, inclusive, to evidence showing that the student's conduct on school grounds is behavior that causes serious physical harm rather than of a violent or sexual nature (§ 1);
2. limits out-of-school suspensions for this grade group to no more than two school days (§ 1);
3. changes the range of student ages, from at least seven years of age but less than 21 to at least 10 but less than 21, when police must notify a school superintendent that a student from the superintendent's school district is arrested for certain offenses, and makes other notification changes (§ 2);
4. clarifies that when the school resource officer's (SRO) law enforcement agency does not have a chief of police who is Police Officer Standards and Training Council (POST) certified, then the SRO instead submits the reports to the superintendent (§ 3);
5. allows a school climate specialist to incorporate the model school climate improvement plan into his or her school climate improvement plan, and makes other changes to school climate law (§§ 4-7);

6. requires the State Department of Education's (SDE) annual report on school bullying to include the number of bullying acts directed at students based on the victim being an actual or perceived member of a protected class (§ 8); and
7. creates the new position of statewide school climate improvement director (§ 9).

EFFECTIVE DATE: July 1, 2024, except § 5, which is the same statutory section as § 4, but with a later effective date, is effective July 1, 2025.

### **§ 1 – STANDARD FOR EARLY GRADES OUT-OF-SCHOOL SUSPENSION**

The bill changes the standard for out-of-school suspensions for grades preschool to two, inclusive, to evidence that the student's conduct on school grounds is behavior that causes serious physical harm. Under current law, the standard is conduct of a violent or sexual nature that endangers persons.

Additionally under the bill in order to suspend a student in these grades, the school administration must (1) require that the student receives trauma-informed and developmentally appropriate services that align with any behavioral intervention plan, individualized education program, or Section 504 plan (Rehabilitation Act of 1973), when the student returns to school immediately following the suspension and (2) consider whether to convene a planning and placement team meeting to evaluate whether the student may need special education or related services.

It also limits out-of-school suspensions for this group to no more than two school days. By law, out-of-school suspensions are otherwise no more than 10 consecutive school days.

### **§ 2 – NOTIFICATION REQUIREMENTS FOLLOWING CERTAIN STUDENT ARRESTS**

The bill changes the range of student ages, from at least seven years of age but less than 21 to at least 10 but less than 21, when police must

notify a school superintendent that a student from the superintendent's school district is arrested for certain offenses.

It also makes changes to the offenses that trigger the notification and for one group of offenses, what actor makes the notification.

Under current law, if the student is charged with a felony, a class A misdemeanor, or possession of a facsimile firearm (class B misdemeanor) the arresting law enforcement agency, by the end of the weekday following the arrest, must orally notify the superintendent for the district where the student resides or attends school of the student's identity and the arrest offense. Within 72 hours of the arrest, a written notification must be provided that contains a brief description of the incident.

### ***Notification of Superintendent***

The bill creates two groups of crimes by separating possession of a firearm, as defined in federal law, from the above-mentioned crimes and it handles each group's notification requirement differently.

Under the bill, when a student is charged with possession of a firearm, as defined in federal law, on school grounds or at a school-sponsored activity, the notification process is the same as under current law (see above). Under federal law, firearm means (1) any weapon (including a starter gun) which will or is designed to fire a projectile by an explosive action; (2) any firearm muffler or silencer; or (3) any destructive device, which includes any explosive bomb, grenade, or mine.

When a student is charged with possession of a facsimile firearm, a class A misdemeanor, or a felony, other than possession of a firearm, the judicial branch's Court Support Services Division must, upon the arrest being presented to the court, provide a written report of the arrest to the superintendent of the school district in which the student resides or attends school. The report must include, at a minimum, (1) the student's identity, the arrest violation or violations, a brief description of the incident and, if applicable, the identity of the alleged victim if the victim

is another enrolled student, and (2) whether the person's arrest has been diverted to the community-based diversion system, screened, and found to be eligible for nonjudicial handling or dismissed by the court.

Once the superintendent receives either of the reports mentioned above, it must be kept confidential according to state juvenile and youth confidentiality laws and can only be disclosed as provided in this section and shall not be further disclosed.

***Allowed Disclosure of the Student Record***

As under current law, the superintendent can disclose either type of written report described above to only the principal of the school the student attends or to the principal or supervisory agent (i.e., an administrator) of any other school in which the superintendent knows the person is a student.

The bill maintains the current law requirement for what a principal may do with the report. This includes disclosing the report only to special services staff or a consultant (such as a psychiatrist, psychologist, or social worker) to (1) assess the risk of danger posed by the student to his or herself, other students, school employees, or school property and (2) institute an appropriate change of the student's educational plan or placement, and for disciplinary purposes. The bill includes a new requirement that the student cannot be prevented from attending class before an informal suspension hearing or an expulsion hearing is held.

***Expulsion Hearing Prohibited When Student Diverted to Community-Based Diversion System***

The bill prohibits holding an informal suspension hearing or expulsion hearing when the written report indicates the student's arrest has been diverted to the community-based diversion system and found eligible for nonjudicial handling or the court dismisses the case.

As under current law, if an expulsion hearing is held, police may testify and give reports if invited to testify by any of certain parties including the school board, the principal, or the student's parents or guardian.

### **§ 3 – SRO REPORTS**

Current law requires each SRO to give his or her agency’s police chief a report for each investigation or behavioral intervention the SRO conducts within five days after doing so. The law details what must be in the report and requires police chiefs to submit SROs’ reports to their school districts’ superintendents at least monthly.

The bill clarifies that when the SRO’s law enforcement agency does not have a chief of police who is POST certified, then the SRO instead submits the reports to the superintendent. (In some towns, by charter or municipal ordinance, the chief law enforcement officer is the first selectman.)

### **§§ 4 & 5 – SCHOOL CLIMATE SURVEYS AND CLIMATE IMPROVEMENT PLANS**

The bill requires the Social and Emotional Learning and School Climate Advisory Collaborative (i.e., “the collaborative”) to develop a (1) school climate survey standard and (2) model school climate improvement plan. The survey standards must include data collection standards on diversity, equity, and inclusion and how to reduce data collection disparities between school districts.

By law, the collaborative is tasked with numerous activities related to positive school climate including developing a statewide school climate survey and a model positive school climate policy.

### **§§ 6 & 7 – LOCAL SCHOOL CLIMATE STEPS**

Under current law, a “school climate survey” means a research-based, validated, and developmentally appropriate survey for students, school employees, and families of students, in the predominant languages of the school community, that measures and identifies school climate needs and tracks progress through a school climate improvement plan.

The bill adds to this definition the requirement that school climate surveys meet the collaborative survey standards or use the state-wide

school climate survey that the collaborative develops.

By law, the school climate specialist has numerous duties at the individual school level. The bill allows a school climate specialist to incorporate the model school climate improvement plan into his or her school climate improvement plan. Unchanged from current law, the school climate specialist must submit the plan to the school district's school climate coordinator for review and approval.

### **§ 8 – RECORDING ACTS OF BULLYING**

By law, SDE must annually report to the Education and Children's committees and legislative leadership on the status of its efforts to address school bullying. The report must include the number of verified bullying acts in the state. The bill additionally requires the report to include the number of bullying acts directed at students based on the bullying victim being an actual or perceived member of a protected class. (Presumably, this means protected class as defined in Connecticut human rights law.)

### **§ 9 – STATE DIRECTOR OF SCHOOL CLIMATE IMPROVEMENT**

The bill requires SDE to appoint a director of school climate improvement to serve as the statewide social and emotional learning and school climate expert. The director is given numerous duties including annually, beginning by January 1, 2026, submitting a report to the Education Committee on recommendations for best practices and school climate improvement strategies in the state.

At the state level, the bill requires the director to:

1. assist the collaborative to develop and implement tools and best practices for school climate and culture, including developing a model school climate survey and a model school climate improvement plan; and
2. in collaboration with the collaborative develop strategies to improve service delivery concerning social and emotional learning, skills building, and mental health supports.

At the local level, the bill requires the director to:

1. assist school boards with implementing the (a) state anti-bullying, school climate, and social and emotional learning policy and requirements and (b) Connecticut school climate policy;
2. provide information and assistance to school boards, students, and parents and guardians of students on the uniform bullying complaint form;
3. assist school climate coordinators (the districtwide school climate official) in developing a continuum of strategies to prevent, identify, and respond to challenging behavior; and
4. develop and provide technical assistance and recommendations, in collaboration with the collaborative, to school boards on school employee trainings for the purposes of school climate improvement.

### **COMMITTEE ACTION**

Education Committee

Joint Favorable Substitute

Yea 31 Nay 13 (03/20/2024)