

Advocacy Group Sues State Officials Over School Expulsion Policies

Christian Nolan, The Connecticut Law Tribune
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A Connecticut children's advocacy group has filed a lawsuit against the state, governor and educators claiming that students expelled from public schools are being denied their constitutionally protected right to an education.

The lawsuit argues that expelled children receive an inferior education and that expelled children are disproportionately students of color. In short, the Center for Children's Advocacy says, school expulsion policies violate equal protection guarantees of both the state and U.S. Constitutions.

The lawsuit names Gov. Dannel Malloy, the state Department of Education, the state Board of Education, the state Education Commissioner and the superintendents of the Manchester, Bloomfield and Hartford school districts. Assisting the Center for Children's Advocacy with the lawsuit is the National Center for Youth Law and attorneys with the global law firm K&L Gates.

"Connecticut routinely pushes out students through disciplinary proceedings and relegates them to an inferior education that doesn't meet basic standards," said Marisa Halm, an attorney with the Center for Children's Advocacy. "This is not specific to Hartford or the Hartford region, it's a statewide problem."

Halm cited statistics that during the 2014-15 school year 850 students were expelled statewide. African-American and Hispanic students made up 59 percent of those expelled, though they represent only 35 percent of the state's students.

One of the plaintiffs is an African-American eighth-grader who was expelled from the Bloomfield district. While out of school, he was offered two hours of daily supervised independent study through the neighboring Manchester school district. Before being expelled, he had access to science labs and participated in a science fair, according to the lawsuit. However, the plaintiffs said, science was not included in his independent study.

After three months, the support for the boy's independent study abruptly stopped and Manchester offered no further education for the remainder of the school year. He moved to Hartford and attempted to enroll there the following school year but was initially denied readmission, even after his expulsion was over, according to attorneys. By law, an expulsion in Connecticut lasts for 180 school days.

When he was finally enrolled, he had gone a full year with no education at all. He was required to repeat his eighth-grade year, and was given no remedial support for the 12 months he was out of school, the lawsuit states.

A second plaintiff is a female African-American student who was expelled from Hartford schools in sixth grade for getting in a fight. According to the complaint, although the student was supposed to receive age-appropriate work from her school, she received packets of work unrelated to the curriculum. Two months later, and only after repeated requests by the student's mother, the school began providing the student with schoolwork, according to the lawsuit. And even then, the work provided to her reportedly did not cover all the courses the student was taking at her school. Further, the student allegedly had to complete the majority of work independently, with little to no direct instruction. And even though she completed all the work, attorneys say the student never received any grades or account for the work she completed while in the alternative program.

Legislative Resolution?

The lawsuit, filed in Hartford Superior Court, asks the court to affirm the plaintiffs' constitutional right to a meaningful education and to prohibit the practice of offering independent study as an alternative educational opportunity. It further asks the court to order the state to establish guidance for districts in educating students who have been expelled or otherwise removed from school.

Halm said they would welcome legislative action as a means of resolving the dispute. "We've been trying to resolve it legislatively," said Halm. "The interest hasn't been there... We felt like we had to file this complaint to move things forward." The state Attorney General's Office is expected to defend the lawsuit. A spokeswoman said the office was "reviewing the complaint and will respond at the appropriate time in court." A spokesman for Malloy referred comment to the state Department of Education.

Abbe Smith, the state Department of Education's director of communications, declined to comment on the specific allegations but did issue a statement. "It is our responsibility to ensure that all students have access to the kind of education that prepares them for success in life and part of that obligation includes working with and supporting districts to find ways to reduce suspensions and expulsions, address behavioral problems, and make sure students are safe in school, learning and growing," said Smith.

Smith said that from the 2009-10 school year to the 2013-14 school year, the total number of suspensions and expulsions in Connecticut was reduced by 17 percent and the numbers continue to decline.

"The decline in suspensions and expulsions is a testament to the work being done to address the problem by engaging partners, identifying best practices in behavioral management, and providing training on family engagement, mental health referrals, de-escalating confrontation and restorative justice," said Smith.

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