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Lawsuit: Expelled Connecticut Students Being Denied Proper Education

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By Steven Goode

A lawsuit filed by the Center for Children's Advocacy contends that the state is denying expelled students their constitutionally protected right to an education.

The suit names Bloomfield, Hartford and Manchester's public school districts, the state Department of Education and the state Board of Education as defendants.

"Connecticut routinely pushes out students through disciplinary proceedings and relegates them to an inferior education that doesn't meet basic standards," said Marisa Halm, who oversees a juvenile justice project for the Center for Children's Advocacy. The lawsuit claims that the substandard alternative education offered to expelled children disproportionately affects students of color and violates equal protection guarantees of both the state and U.S. constitutions.

Halm cited data, compiled by the state, showing 850 students were expelled during the 2014-15 school year. African-American and Hispanic students make up 59 percent of school expulsions, though they represent only 35 percent of state students.

The suit focuses on two students, a black male who was expelled from Bloomfield public schools while in the eighth grade at Global Experiences Magnet School, and a black female who was expelled by Hartford public schools when she was in the sixth grade at SAND School.

The suit alleges that the male student, who lived in Manchester but attended GEMS through the Open Choice program, was illegally expelled from Bloomfield schools after an out-of-school arrest was reported to the school. The suit alleges that the allegations against the student were not substantiated. According to the suit, Manchester schools were identified as responsible for providing the student with an alternative educational opportunity during his expulsion. It alleges that he was offered two hours of daily supervised independent study, which ended abruptly after less than three months.

The student then moved to Hartford, according to the suit, and attempted to enroll in Hartford public schools the following school year but was illegally denied admission, even after his expulsion was completed. The suit alleges that by the time he was finally enrolled, the student had gone a full year with no education. He was required to repeat eighth grade and was offered no remedial support for the 12 months he was out of school, according to the suit.

Stan Simpson, spokesman for Bloomfield schools, said Wednesday the district declined to comment because of the pending litigation. A spokesman for Manchester schools also declined to comment.

Hartford schools spokesman Pedro Zayas said the district does not usually comment on pending litigation but added, "We have made great strides in our district in addressing issues of discipline, including decreasing out-of-school suspensions and expulsions."

Abbe Smith, spokeswoman for the state Department of Education, also declined to comment on the lawsuit, but in a statement said, "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."

She said the department is pleased that the number of suspensions and expulsions has declined by 17 percent from the 2009-10 school year to the 2013-14 school year.

According to the lawsuit, the sixth-grade student who was expelled from Hartford schools was offered a minimal education through an alternative program with less than three hours of instruction a day.

Although the student was supposed to receive age-appropriate work from her previous school, she received packets of work unrelated to her curriculum, and staff at the program told her the work she was completing didn't matter, the suit alleges.

After two months and repeated interventions by the student's mother, SAND School began providing her with schoolwork from some of the courses she had been taking, according to the suit.

The suit alleges that she had to complete the majority of work independently, with little to no direct instruction, and that despite completing all the work assigned to her, she never received any grades or account for the work completed while in the alternative program.

Hannah Benton Eidsath, an attorney for the National Center for Youth Law, said in a prepared release that the state can't pretend that a few hours of independent study a day in a handful of the subjects is an adequate and meaningful education for expelled students.

"Education is a right in Connecticut and that doesn't change for students who have been removed from their schools," she said.

The lawsuit calls on 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.

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