



May 30, 2018

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Dannel P. Malloy
Governor
State of Connecticut
210 Capitol Avenue
Hartford, CT 06106

Re: Public Act 18-89:
An Act Concerning Classroom Safety and Disruptive Behavior

Dear Governor Malloy:

We are writing to you to urge you to veto **Public Act 18-89: An Act Concerning Classroom Safety and Disruptive Behavior (P.A. 18-89)**. Permitting the passage of this Act would detrimentally and unnecessarily **interfere with the fundamental rights to which students are entitled** under both the Individuals with Disabilities in Education Act ("IDEA") and the Family Education Rights and Privacy Act ("FERPA"). Moreover, the passage of the Act would serve **as a significant step backwards in fostering the development of a safe, nurturing and inclusive school climate** in Connecticut's schools.

We believe that P.A. 18-89 creates an irrevocable legal conflict with existing federal law for the following reasons:

First, P.A. 18-89 empowers teachers to remove students from their classroom for certain behaviors regardless of that individual student's needs or situation. This is legally suspect because P.A. 18-89 encourages teachers to first remove children with certain behaviors from their classroom rather than creating a supportive system for teachers to seek the necessary supports to maintain those children in class. At the same time, P.A. 18-89 creates significant barriers to the student's return, permissible only upon consent of the teacher or clearance of a crisis intervention team.

In addition to establishing poor educational practice in classroom management, P.A. 18-89 blatantly infringes upon the rights of those students with disabilities by engendering a scheme which completely disregards and undermines the protections established for their benefit under IDEA. The entire intent behind the IDEA – to develop an individualized program and plan with necessary protections for every student with a disability by maximizing their time in school and ensuring they make meaningful educational progress, would be frustrated by P.A. 18-89 if it were to be passed into law. For these students, including those students with challenging behaviors, their Individual Education Program ("IEP") is the "centerpiece of their education." If passed into law, P.A.

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18-89 would allow teachers to effectively disregard students' IEPs and would create a de facto opportunity for schools to routinely and repeatedly violate a student's right to a free and appropriate education ("FAPE").

Second, P.A. 18-89 requires school administration to notify the parents of students who witness the act of another student that causes that student to be removed from the classroom. Such notification would regularly and consistently create the opportunity for those receiving such notice to deduce the identity of the subject of the notice through conversation with their child, other families or school staff. In short, P.A. 18-89 requires schools to, in essence, violate the FERPA rights of children engaging in behaviors considered to be unsafe by an individual teacher. P.A. 18-89 would result in a legally questionable disregard for a student's rights to confidentiality, while also creating the opportunity for students with disabilities to ultimately be blamed and suffer the consequences of a teacher's poor classroom management skills or a school's lack of resources. In lieu of passing P.A. 18-89, we should instead all work together to craft a more meaningful way to protect the health and safety of educators in our public schools, while also maintaining the critically important legal rights of our students.

For the benefit of Connecticut's most vulnerable students, and to preserve the future of safe school climate in our State for **all of our** students, we **urge you to veto P.A. 18-89**.

We appreciate your consideration of this request.

Sincerely,

/s/

Jay Sicklick, Esq.

Deputy Director

Marisa Halm, Esq.

Director, TeamChild Juvenile Justice Project

Cc: Karen Buffkin, General Counsel
Liz Donohue, Policy Director
Emma Cimino, Legislative Director