

Legislative History for Connecticut Act

SB 202 P.A. 221 2004

Senate 902-907, 1184-1195, 1213-1215,
2861-2862, 2944-2945 (25)

House 6573-6632, 6638-6705 (128)

Education: 183-185, 209-211, 221-222,
239-241, 258-262, 281-287,
329-338, 405-409 (38)

(191p)

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate
and House of Representatives Proceedings

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S-362

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1994

VOL. 37
PART 3
715-1081

000902

WEDNESDAY
April 13, 1994

83
tcc

Amendment "A", on the Consent Calendar? Is there any
objection? Hearing none, so ordered.

THE CLERK:

Calendar No. 180, File No. 213, Substitute for
Senate Bill No. 292, AN ACT CONCERNING SCHOOL
DISCIPLINE AND SECURITY.

Favorable Report of the Committee on Education.

The Clerk is in possession of two amendments.

THE CHAIR:

Thank you very much. The Chair would recognize
Senator Sullivan.

SENATOR SULLIVAN:

Thank you, Madam President. I move acceptance of
the Joint Committee's Favorable Report and passage of
the bill. I would ask the Clerk to please call LCO No.
1788.

THE CHAIR:

Thank you very much.

THE CLERK:

LCO1788, which will be designated Senate Amendment
Schedule "A". It's offered by Senator Sullivan of the
5th District.

THE CHAIR:

Thank you very much, Mr. Clerk. The Chair would
again recognize Senator Sullivan.

000903

WEDNESDAY
April 13, 1994

84
tcc

SENATOR SULLIVAN:

Thank you, Madam President. I move adoption of the amendment and request permission to summarize.

THE CHAIR:

Please proceed, Senator.

SENATOR SULLIVAN:

Thank you. This amendment, in two parts, principally clarifies the ability of Boards of Education to adopt policies prohibiting firearms from being in the possession of students on school premises or at school activities. Second, it voids a problem of fiscal impact by continuing only to deal with pre-employment background checks for school employees, and third, it clarifies that the reporting by police of incidents must include not only the identity of the student, but the nature of the offense.

THE CHAIR:

Thank you very much, Senator. Would anybody else wish to remark on Senate Amendment "A"?

SENATOR FLEMING:

Madam President.

THE CHAIR:

Senator Fleming.

SENATOR FLEMING:

Yes, thank you, Madam President. If I might, a

WEDNESDAY
April 13, 1994

000904

85
tcc

question to the proponent.

THE CHAIR:

Certainly, sir.

SENATOR FLEMING:

On the amendment, will this allow current -- this will now allow current employees to have a background checked on? Is that --?

THE CHAIR:

Senator Sullivan.

SENATOR SULLIVAN:

If I may, thank you, to respond, as I understand it, you will recall the legislation we enacted last year which is yet to go into effect. It goes into effect shortly, requiring that all prospective employees be asked about their criminal background. If they disclose, they can act upon that. They may then, if not, upon being hired, be subjected to a background check. If there is a conflict between what they said and what the check shows, there are certain procedures for terminating their employment.

There was a point in time when consideration was given to extending this at this time to all existing employees. There are two problems with that, one of which the volume of work that that might well constitute, and two, the fact that there is apparently

WEDNESDAY
April 13, 1994

000905

86
tcc

contemplating being given to charging for those fees, thus a \$10,000 to \$20,000 fiscal note. Our choice is to proceed at this time to do what we said we would do last year and revisit this issue at another point in time.

THE CHAIR:

Senator Fleming, does that answer your question, sir?

SENATOR FLEMING:

Yes, it does, and just a question, procedurally. This -- after this is amended, this bill would be sent to committee. Is that correct, through you, Madam President?

THE CHAIR:

Senator Sullivan.

SENATOR SULLIVAN:

Yes, it is my intention as soon as hopefully this amendment is adopted to move, as is appropriate, that this be referred to the Judiciary Committee where we are certain it will be back from that wonderful august committee for our further consideration in the Circle.

SENATOR FLEMING:

Well, I hope so, because I have a wonderful addition to it and I just want to get another shot at it. Thank you, Madam President.

000906

WEDNESDAY
April 13, 1994

87
tcc

THE CHAIR:

Thank you, Senator Fleming. Would anybody else wish to remark on LCO No. 1788, Senate Amendment "A"? Are there any further remarks? If not then, please let me know your mind. All those in favor of LCO No. 1788, Senate Amendment "A", please signify by saying aye.

SENATORS:

Aye.

THE CHAIR:

Those opposed.

The ayes have it.

Senate "A" is adopted.

Senator Sullivan, you now have before you the bill as amended?

THE CHAIR:

Yes, thank you, Madam President. I would at this time move that this bill be referred to the Judiciary Committee.

THE CHAIR:

Thank you very much. You have before you Senator Sullivan's motion to refer this bill as amended to the Judiciary Committee. Is there any objection to that referral? Is there any objection to that referral? Hearing none then, Senate Calendar 180, Substitute for Senate Bill 292, as amended by Senate Amendment "A",

000907

WEDNESDAY
April 13, 1994

88
tcc

will be referred to the Judiciary Committee.

THE CLERK:

Calendar Page 7, Calendar No. 186, File No. 220,
Substitute for House Bill 245, AN ACT CONCERNING NOTICE SB245
TO MUNICIPALITIES OF APPLICATIONS FOR FINANCIAL
ASSISTANCE UNDER THE COMMUNITY HOUSING LAND BANK AND
LAND TRUST PROGRAM.

Favorable Report of the Committee on Planning and
Development.

THE CHAIR:

Thank you very much. The Chair would recognize
Senator Milner.

SENATOR MILNER:

Madam President, I move acceptance of the Joint
Committee's Favorable Report and passage of the bill.

THE CHAIR:

Thank you very much, Senator. Do you wish to
remark further?

SENATOR MILNER:

Yes, Madam President. This program basically helps
nonprofit organizations acquire, hold, and manage
property for low and moderate income housing. This
bill actually requires the Housing commissioner to
notify the chief executive official of the
municipality, excuse me, in which a partially

S-363

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1994

VOL. 37
PART 4
1082-1450

WEDNESDAY
April 20, 1994

001184

53
tcc

obligatory for the secretary to require towns and municipal agencies to notify him of their applications for federal financial assistance.

And finally, it changes from July 1st to July 15th the date for calculating the eligibility index for public investment communities. I move passage.

THE CHAIR:

Thank you very much, Senator. Would anybody else wish to remark on Senate Calendar No. 61? Are there any further remarks on Senate Calendar 61? If not, Senator Milner, if there's no objection, would you like this item placed on the Consent Calendar?

SENATOR MILNER:

Yes, Madam President. I'd like to see it on Consent.

THE CHAIR:

Thank you very much, Senator. Is there any objection to placing Senate Calendar 61, Substitute for Senate Bill No. 141, on the Consent Calendar? Is there any objection? Any objection? Hearing none, so ordered. Mr. Clerk.

THE CLERK:

Calendar Page 18, Calendar No. 180, File No. 213, Substitute for Senate Bill 292, AN ACT CONCERNING SCHOOL DISCIPLINE AND SECURITY, as amended by Senate

WEDNESDAY
April 20, 1994

001185

54
tcc

Amendment Schedule "A".

Favorable Report of the Committee on Judiciary.

The committee recommends rejection of Senate
Amendment Schedule "A".

The Clerk is in possession of three additional
amendments.

THE CHAIR:

Thank you very much. The Chair would recognize
Senator Sullivan.

SENATOR SULLIVAN:

Thank you, Madam President. I would again move for
acceptance of the Joint Committee's Favorable -- the
Education Committee's Favorable Report, passage of the
bill and ask that the Clerk call LCO5628. Passage of
the bill, I might add, as previously amended.

THE CHAIR:

As so, we retain Senate Amendment "A".

SENATOR SULLIVAN:

Yes.

THE CHAIR:

Thank you very much. Mr. Clerk.

THE CLERK:

LCO5628, which will be designated Senate Amendment
Schedule "B". It's offered by Senator Sullivan of the
5th District.

WEDNESDAY
April 20, 1994

001186
55
tcc

THE CHAIR:

Thank you very much. The Chair would recognize Senator Sullivan.

SENATOR SULLIVAN:

I move adoption of the amendment and request permission to summarize.

THE CHAIR:

Please proceed, Senator.

SENATOR SULLIVAN:

Thank you, Madam President. This amendment goes to what might be called the right to know for school personnel. One of the problems right now in terms of dealing with issues of school violence, and particularly crime, is that students may well be arrested for serious offenses and principals and superintendents and teachers and others may have absolutely no knowledge that that has taken place and no ability to prepare, no ability to deal with that.

This was one of the principle issues that was requested by the principals in terms of strengthening their hand in dealing with the students. It says that this information will be provided to the superintendents and to the principals. They, indeed, can share it with others, including teachers, so that they know how to correctly set up a program or a

001187

WEDNESDAY
April 20, 1994

56
tcc

placement, deal with this problem in terms of school discipline, and more importantly, protect the safety and security of the school.

THE CHAIR:

Thank you very much, Senator. Would anybody else wish to remark on Senate Amendment "B", LCO No. 5628?

Senator Cook.

SENATOR COOK:

Thank you, Madam President. Through you, a question to the proponent of the amendment.

THE CHAIR:

Certainly, Senator.

SENATOR COOK:

Senator Sullivan, would this include notification of the Board of Education in Executive Session regarding student personnel records that such an arrest was made and they had a student in the system that may require special education placement?

THE CHAIR:

Senator Sullivan.

SENATOR SULLIVAN:

If the question is whether it requires it, the answer is no. If the question is whether it allows it, the answer is yes. The superintendent is given the authority to receive the information because one person

WEDNESDAY
April 20, 1994

001188

57
tcc

needs to be designated.

That individual has the ability to disclose and must disclose that to school principals, may indeed disclose it to the board as long as the confidentiality is still protected.

SENATOR COOK:

Very good. Thank you. That answers my questions.

THE CHAIR:

Thank you very much, Senator Cook. Yes, Senator Fleming.

SENATOR FLEMING:

Yes, thank you, Madam President. Madam President, I stand in support of the amendment. In testimony, not only on the Education Committee where I served, but on the Public Safety Committee where I serve as well. One of the major problems that we're facing in our schools today is there's a great deal of turnover. For example, in East Hartford High School, almost half of the students in any year are new students and so unlike perhaps some of the rural or suburban school systems that some of the senators may be familiar with, teachers don't know the students as well.

What this amendment will do is make sure that they're aware of a student that could be a potential danger both to other students and to the teacher as

WEDNESDAY
April 20, 1994

001189
58
tcc

well. I think there are adequate safeguards built in here to protect the confidentiality of students, but I think it's important to realize that we are dealing with here, at least in testimony that I heard from the state's attorneys that in some cases we have students on home release with ankle bracelets on in our school systems.

We also have students that may have been at some point convicted of taking a life of another individual in our school system. So I think it's important for the teachers when the superintendent and the principal deem it necessary to make that information available to keep our schools as safe as possible and so I would urge the members to support the amendment and I think it's a good one.

THE CHAIR:

Thank you very much, Senator Fleming. Would anybody else wish to remark on Senate Amendment "B", LCO No. 5628? Are there any further remarks? If not then, please let me know your mind. All those in favor of Senate Amendment "B", LCO No. 5628, please signify by saying aye.

SENATORS:

Aye.

THE CHAIR:

WEDNESDAY
April 20, 1994

001190
59
tcc

Opposed.

The ayes have it.

The amendment is adopted.

Mr. Clerk, do you have further amendments?

THE CLERK:

Madam President, it's my understanding that the remaining amendments are not to be called.

THE CHAIR:

Senator Sullivan, you now have before you Substitute for Senate Bill No. 292, as amended by Senate Amendments "A" and "B".

SENATOR SULLIVAN:

Thank you, Madam President. Let me amplify the remarks of my colleague, Senator Fleming, and also thank him for his help in working on this bill as a member of the Education Committee and today on the floor of the Senate.

Let me also thank Senator Penn, whose work as the co-chair of the task force on gangs, as well as the work we've done in education, I think has brought to the forefront in the knowledge of this legislature and the people of the State of Connecticut, the degree to which an extraordinary degree of routine violence and fear has become too much the common experience of children and teachers and school personnel throughout

WEDNESDAY
April 20, 1994

001191

60
tcc

the school systems of the State of Connecticut and in large measure, it is not only the extreme violence and the extraordinary acts we read about every day, it is the degree to which some notions of soft-headedness, I would suggest, have allowed us to have creep into our schools and the level of tolerance for routine disorder and disrespect. It does not create an environment in which any child can learn and which any teacher can teach.

So because of the work of Senator Penn and others, because of the requests of the school principals who principally were involved in bringing this to our attention and helping to shape this legislation, Connecticut, with this bill, I think joins what is a growing nationwide movement to take back the schools for those kids who want to learn and those teachers who want to teach.

How does this bill do that first? It strengthens the authority of school districts, Boards of Education, teachers and others, under the suspension and expulsion statutes of Connecticut.

Second, it assures that parents will be informed of what the rules are and expect it to support the schools in making sure that those rules are followed.

Third, it links the police and the courts and the

WEDNESDAY
April 20, 1994

001192

61
tcc

schools in a way that is now not true, in a way that now allows kids, problems, risks to fall through the cracks, never be recognized, never be dealt with, never be faced.

It's particularly true in strengthening the role of schools in having a say when unfortunately from time to time some of courts seem to believe that the school is an appropriate place to sentence children, simply because there's nowhere else to deal with them, placing back in the school the problem that began in the school in the first place.

The bill also says in a very clear way that there are to be no guns in schools and at school activities for any student for any reason.

And finally, it says that teachers in the State of Connecticut need to be helped to be trained and informed and strengthened in their ability to deal with violence prevention and to deal with issues of conflict resolution in a way that helps kids and others get ahead of the problems that this bill is talking about.

I'm pleased that this bill is here today. I hope it will move quickly through the House. I think it allows us to send the clear message that we believe that the opportunity to teach and learn is premised

WEDNESDAY
April 20, 1994

001193

62
tcc

fundamentally on the safe and secure school. Thank you, Madam President.

THE CHAIR:

Thank you very much, Senator. Would anybody else wish to remark on Senate Calendar 180, as amended?

SB292

Senator Scarpetti.

SENATOR SCARPETTI:

Thank you, Madam President. Madam President, I am very pleased to see this bill come out, Senator Sullivan. I know Senator Harper, Representative Keeley, they chair a Youth Task Force Committee and we also did hear from the principals, from the students and this will -- in fact, it's ironic, Madam President, the students did come and say they wanted discipline. They were there and they said these things should be done and I'm very glad to hear -- to see that it is here and I truly applaud you. Thank you.

THE CHAIR:

Senator Penn.

SENATOR PENN:

Thank you, Madam President. I'm guess I'm going to be speaking enough on the gang and activity that we went through for the last several months, but also I do want to thank Senator Sullivan and concur with his remarks as far as this bill is concerned.

001194

WEDNESDAY
April 20, 1994

63
tcc

It's been long known that the school grounds have been breeding, and I say that literally, breeding gangs and gang activity. I think this bill goes a long way to eradicating some of those moves that we have to make stringent and make very stringent as far as saving our children.

Again, I'll be speaking quite on long time on some of the bills that will be coming before you, but thank you, Senator Sullivan, for the record, what you've done with this and I'm glad to be associated with this bill. Thank you.

THE CHAIR:

Thank you very much. Senator Genuario.

SENATOR GENUARIO:

Thank you, Madam President. I just didn't want this opportunity to pass to lend my support to this bill as well. There has been a fair amount of discussion this year, which I expect to continue, about education and what is right with our schools and what is wrong with our schools and there's a fair amount of honest debate about that. There is no debate, however, about the issue that children cannot learn when children are not safe and that children cannot learn when order does not prevail.

I think bill moves us substantially in that

WEDNESDAY
April 20, 1994

001195

64
tcc

direction. It is a good bill and it ought to pass quickly. Thank you.

THE CHAIR:

Thank you very much, Senator Genuario. Would anybody else wish to remark? Are there any further remarks on Senate Calendar No. 180, Senate Bill 292? Senator Sullivan.

SENATOR SULLIVAN:

Thank you, Madam President. If there is no objection then, I would ask that this be placed on the Consent Calendar.

THE CHAIR:

Thank you very much. Is there any objection to placing Senate Calendar No. 180, Substitute for Senate Bill 292, as amended by Senate Amendment "A" and "B" on the Consent Calendar? Is there any objection to placing that on the Consent Calendar? Any objection? Hearing none, so ordered.

THE CLERK:

Calendar No. 182, File No. 209, Substitute for Senate Bill No. 404, AN ACT CLARIFYING THE STATUS OF REGIONAL ADMINISTRATORS AND THE EXECUTIVE DIRECTOR OF THE COMMISSION ON AGING AND THE DEPARTMENT OF SOCIAL SERVICES.

Favorable Report of the Committee on Government

WEDNESDAY
April 20, 1994

001213

82
tcc

Calendar?

THE CLERK:

Madam President, the first Consent Calendar begins on Calendar Page 2, Calendar No. 169, Substitute for Senate Bill No. 22. Calendar 172, Substitute for Senate Bill No. 23.

Calendar Page 3, Calendar 177, Substitute for Senate Bill 187.

Calendar Page 10, Calendar No. 279, Substitute for House Bill No. 5472.

Calendar Page 13, Calendar No. 299, Substitute for House Bill 5499.

Calendar Page 16, Calendar No. 53, Senate Bill 161. Calendar 61, Substitute for Senate Bill 141.

Calendar Page 18, Calendar No. 180, Substitute for Senate Bill 292.

Calendar Page 19, Calendar 216, Substitute for Senate Bill 413.

And Calendar Page 20, Calendar No. 286, House Joint Resolution No. 26. Calendar No. 287, Substitute for House Joint Resolution 27 and Calendar 301, House Joint Resolution No. 21.

And, Madam President, I believe that completes the Consent Calendar.

WEDNESDAY
April 20, 1994

001214

83
tcc

THE CHAIR:

Thank you very much. Senator Kissel.

SENATOR KISSEL:

Madam President, I have a question that I have given over to Senator Jepsen regarding Calendar No. 287, which -- and I'd just like to have it taken off the Consent.

THE CHAIR:

There is an objection then to having Senate Calendar 287 on the Consent Calendar. Mr. Clerk. Senate Calendar No. 287. It's on Page 20, it's File No. 309, House Joint Resolution 27, that that item has been taken off the Consent Calendar. Are you all set?

THE CLERK:

Done.

THE CHAIR:

Thank you very much. You have heard all of the items on Consent Calendar No. 1 for today, April 20, 1994. There has been a deletion. That deletion is Senate Calendar No. 287, but everything else is on there. The machine is open. You may record your vote.

Have all Senators voted and are your votes properly recorded? Have all Senators voted and are your votes properly recorded? The machine is closed.

The result of the vote:

WEDNESDAY
April 20, 1994

001215
84
tcc

35 Yea
0 Nay
1 Absent

The Consent Calendar is adopted.

Senator DiBella.

SENATOR DIBELLA:

Thank you, Madam President. On Page 10, Calendar Item No. 279, Substitute for House Bill No. 5472, we just adopted on the Consent Calendar. I'd ask that this be immediately transmitted to the governor.

THE CHAIR:

Thank you very much. You have a motion before you to immediately transmit Senate Calendar 279 to the governor. Is there any objection to that motion? Any objection? Hearing none, so ordered. Senator DiBella.

SENATOR DIBELLA:

Thank you, Madam President. For the second Go List. On Page 2, Calendar Item No. 174, Go.

On Page 3, Calendar Item No. 187 is a Go.

On Page 8, Calendar Item No. 264 is a Go.

On Page 11, Calendar Item No. 285 is a Go.

On Page 17, Calendar Item No. 136 is a Go.

Thank you, Madam President. What we will do is we are still awaiting fiscal notes and amendments and after we do the five bills, we will reassess our

S-367

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1994

VOL. 37
PART 8
2565-2954

002861

WEDNESDAY
May 4, 1994

142
tcc

THE CHAIR:

Is there any objection to placing Senate Calendar
475, Substitute for House Bill 5625, on the Consent
Calendar? Is there any objection? Hearing none, so
ordered.

SENATOR DIBELLA:

One more, Madam President.

THE CHAIR:

Yes, just go slowly. I'm not fast enough.

SENATOR DIBELLA:

On Page 20.

THE CHAIR:

Yes, sir.

SENATOR DIBELLA:

Calendar Item 180.

THE CHAIR:

Yes.

SENATOR DIBELLA:

Substitute for Senate Bill --.

THE CHAIR:

292?

SENATOR DIBELLA:

292. I would ask that this be placed on the
Consent Calendar.

THE CHAIR:

002862

WEDNESDAY
May 4, 1994

143
tcc

Is there any objection on Page 20, Senate Calendar
180, Substitute for Senate Bill No. 292, is there any
objection to placing that item on the Consent Calendar?
Is there any objection? Any objection? Hearing none,
so ordered. Any more? No? Senator Somma.

SENATOR SOMMA:

Thank you, Madam President. Just for a Point of Personal Privilege. I see that we've been joined today by the distinguished Mayor of the City of Waterbury, Edward Bergin and the Comptroller, Michael Monsel. Would the Chamber please give them a warm welcome.

APPLAUSE

THE CHAIR:

Thank you very much, Senator Somma. Senator Upson.
Senator Upson.

SENATOR UPSON:

Also in the balcony is a good friend of mine, Barbara Chain. When I first ran for Congress, many a time I was up at her house in Suffield and I thank you for that and congratulations, you're here. Bye-bye.

APPLAUSE

THE CHAIR:

Thank you, Senator Upson. Mr. Clerk.

WEDNESDAY
May 4, 1994

002944

225
tcc

Bill 5712. Calendar 463, Substitute for House Bill
5563.

Calendar Page 11, Calendar 465, Substitute for
House Bill 5123. Calendar 466, Substitute for House
Bill 5500. Calendar 468, Substitute for House Bill
5680.

Calendar Page 13, Calendar 474, Substitute for
House Bill 5755. Calendar 475, Substitute for House
Bill 5625. Calendar 478, Substitute for House Bill
5830.

Calendar Page 14, Calendar 481, Substitute for
House Bill 5410.

Calendar Page 16, Calendar 198, Substitute for
Senate Bill 275.

Calendar Page 17, Calendar 295, Substitute for
House Bill 5614.

Calendar Page 20, Calendar No. 180, Substitute for
Senate Bill 292. Calendar 216, Substitute for Senate
Bill 413. Calendar 222, Substitute for House Bill
5537. Calendar 235, Senate Bill No. 414.

Calendar Page 21, Calendar 254, Substitute for
Senate Bill 364. Calendar 306, Substitute for House
Bill 5754. Calendar 309, Substitute for Senate Bill
277. Calendar 311, Substitute for Senate Bill 362.

Calendar Page 22, Calendar No. 246, Substitute for

WEDNESDAY
May 4, 1994

002945

226
tcc

House Bill 5496.

Mr. President, I believe that completes the Consent Calendar.

THE CHAIR:

Are there any corrections? Any deletions or additions? Yes, Senator Fleming.

SENATOR FLEMING:

Mr. President, I just -- did I hear the Clerk correct that Calendar No. 196 was on the Consent Calendar? I thought it had been P-T'd? Senator DiBella. Senator DiBella.

SENATOR DIBELLA:

Mr. President, this was Passed Temporarily that bill. It was not put on the Consent Calendar.

THE CHAIR:

Any other corrections, additions or deletions? The machine is open. Please cast your vote. Has everyone voted? Senator Penn. Has everyone voted. The machine is closed. The Clerk please tally the vote.

The result of the vote:

36	Yea
0	Nay
0	Absent

The Consent Calendar is adopted.

The Clerk please call the next item.

H-709

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1994

VOL. 37
PART 18
6301-6707

006573

kfh

238

House of Representatives

Monday, May 2, 1994

Will everybody please check the roll call machine to see that your vote is properly cast. If it has, the machine will be locked and the Clerk will please take the tally. The Clerk please announce the tally.

CLERK:

House Bill 5791 as amended by House "A".

Total number voting 146

Necessary for passage 74

Those voting yea 145

Those voting nay 1

Those absent and not voting 5

SPEAKER RITTER:

The bill passes. The Clerk please continue with Calendar 474.

It would be appropriate if we would have a little order here. Why don't we (Gavel) --

CLERK:

Please turn to Page 6, Calendar 474, Substitute for Senate Bill 292, AN ACT CONCERNING SCHOOL DISCIPLINE AND SECURITY, as amended by Senate "A" and "B". Favorable Report of the Committee on Judiciary.

SPEAKER RITTER:

The Honorable Representative from Bristol, Representative Kosta Diamantis from the 79th, you have the floor, Sir.

006574

239

kfh

House of Representatives

Monday, May 2, 1994

REP. DIAMANTIS: (79th)

Mr. Speaker, I move adoption of the Joint Favorable Report and passage of the bill in concurrence with the Senate.

SPEAKER RITTER:

Motion is on acceptance and passage in concurrence with the Senate. Please proceed, Sir.

REP. DIAMANTIS: (79th)

Thank you, Mr. Speaker. May the Clerk please call LCO Number 1788 marked Senate Amendment "A".

SPEAKER RITTER:

The Clerk has amendment 1788 previously designated as Senate "A".

SPEAKER RITTER:

The Clerk may call. Representative Diamantis would like to summarize.

CLERK:

LCO1788, Senate "A".

SPEAKER RITTER:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Thank you, Mr. Speaker. In fact what this does is make technical revisions in the file copy, removing certain brackets and allowing for the lawful possession of firearms on school property to traverse

006575
240

kfh

House of Representatives

Monday, May 2, 1994

for hunting grounds etc., to go to hunting areas, but in fact what it does do is prohibit the possession of firearms by students on school grounds or at other alternative school programs.

And it also modifies a certain possession, certain crimes or serious offenses to be an A misdemeanor. I move adoption, Mr. Speaker.

SPEAKER RITTER:

The question is on adoption of Senate "A". Will you remark further on Senate "A". Will you remark further? Representative Knierim, Sir, you have the floor.

REP. KNIERIM: (16th)

Thank you, Mr. Speaker. Through you, a question to the proponent of the amendment.

SPEAKER RITTER:

Please proceed, Sir.

REP. KNIERIM: (16th)

Thank you, Mr. Speaker. The material on Page 2 of Senate "A" before us, would have the effect of deleting the authorization for boards of education to conduct background checks of existing staff and also doing the same for nonpublic schools. And through you, Mr. Speaker, I'd like what's the rationale for deleting that provision.

006576
241

kfh

House of Representatives

Monday, May 2, 1994

REP. DIAMANTIS: (79th)

Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Diamantis.

REP. DIAMANTIS: (79th)

The rationale was to remain consistent with some of the other legislation through the House which would allow the background checks of new hires as well as, I believe, superintendent, which many school districts do right now. And status quo, with respect to existing teachers already in the system.

Otherwise, we would have to go backwards in time and do background checks of teachers that have already been in the system for quite some period of time.

SPEAKER RITTER:

Representative Knierim.

REP. KNIERIM: (16th)

Through you, Mr. Speaker, I'm not sure that I understand that as an explanation of the rationale. This legislation since it came through the Education Committee, has had the provision to expand the authorization, not a mandate, but to expand the authorization so that school boards would be able to conduct background checks on existing employees.

Now, what would be the rationale for not allowing

006577

242

kfh

House of Representatives

Monday, May 2, 1994

them to do that? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Diamantis.

REP. DIAMANTIS: (79th)

I believe, through you, Mr. Speaker, that in fact if the school board wishes to do that through their contractual basis at this time, I think they'll be able to do that with teachers already into the system.

Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Knierim.

REP. KNIERIM: (16th)

Thank you, Mr. Speaker. I'd just make the comment. I oppose this amendment. I think one of the important components of this bill has been the provision that would allow both nonpublic schools and the public schools to conduct background checks of existing teachers.

Again, this provision was not a mandate, it was simply authorizing language and the evidence that we had in front of the Education Committee suggested that it could not be handled on a contractual basis but that a statutory authorization was necessary.

And inasmuch as I think local boards of education ought to have the ability to determine whether staff

006578

243

kfh

House of Representatives

Monday, May 2, 1994

that they have has a criminal background problem, I'd urge the Chamber to reject this amendment.

SPEAKER RITTER:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Mr. Speaker, as we are aware, there have been recent incidents in which the background information of teachers or substitute teachers who are considered teachers under our statutes, have been checked where there's been reasonable cause to do so or there's been a policy to do so within the various boards of education and therefore, I would move adoption of Senate Amendment "A", Mr. Speaker.

SPEAKER RITTER:

Will you remark further? Representative Ward.

REP. WARD: (86th)

Mr. Speaker, I, too rise to oppose Senate "A" for the very sections that were referred to by Representative Knierim. It makes good sense to authorize a school board, without having to go through now the whole collective bargaining process and reopen a contract to recheck the background of teachers if they think it's appropriate. We're not telling them they have to check on every one, but they shouldn't have to go through the whole collective bargaining

006579
244

kfh

House of Representatives

Monday, May 2, 1994

process if they think there's a reasonable basis to do it.

Apparently, our statute's been interpreted to be so strict that they cannot do it. Even if that might be a bit unclear in the law, our policy ought to be to make it clear. The protection of children in the school, I think, outweighs the interest of a certified teacher not to have his or her background looked into.

If you have to weigh those two issues, the protection of the child or current teacher's right to privacy of their background, all it is, is authorizing a check. I can't imagine any school board going on about witch hunts if they don't think there's some basis, but they shouldn't have the burden of our statute to get around if they think there's a reasonable basis to do it. I urge the Chamber to reject Senate Amendment "A".

SPEAKER RITTER:

Will you remark further on Senate Amendment "A"?
Representative Powers.

REP. POWERS: (151st)

Thank you, Mr. Speaker. I also rise to speak against Senate Amendment "A". I asked for this language back in January. We had it for public hearing. The Department urged us, positive consideration of this

006580

245

kfh

House of Representatives

Monday, May 2, 1994

language. We were asked to check whether this was, in fact, necessary.

We went to the attorney general's office. He said, indeed, because our statutes were not completely clear on this and that there was some concern among the boards of education as to whether or not they have the authority to do this, that this language was very important.

We did a piece of this last year when we authorized school boards to check new hires. I don't think I have to remind anyone in this Chamber of the cases in the last year, of teachers and administrators who were not as they represented themselves.

This is extremely important. I think we need to be sure that our children are given every advantage in terms of protection and assurance to the parents that the school staff are indeed who they represent themselves to be.

I strongly urge my colleagues on both sides of the aisle to turn down Senate Amendment "A". Thank you, Mr. Speaker.

SPEAKER RITTER:

Representative Norton.

REP. NORTON: (48th)

Thank you, Mr. Speaker. Mr. Speaker, through you a

006581

kfh

246

House of Representatives

Monday, May 2, 1994

question to the proponent of the amendment, if I may? We had an incident in Colchester where there was some question as to illegal activity on the part of someone who worked for the school system. I'm not sure if it would come into this section, but it alerted me and many people in the town to concerns about the criminal activity of school board employees, and in this case the criminal activity, the accused criminal activity, the alleged criminal activity was the sexual abuse of a child.

Is it true that with this amendment, well, I plainly read the language in lines 342 through lines 345 that are being deleted. So is the effect of this amendment that, for example, if a superintendent or board member heard, through let's say a reliable source, that an employee of the school had been a sexual offender, that whereas under this language they could do a background check, would the passage of this amendment, that superintendent or principal or chamber of the board of ed now in fact would not be able to do a background check on someone they had good reason to believe was a sexual offender? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Diamantis.

006582
247

kfh

House of Representatives

Monday, May 2, 1994

REP. DIAMANTIS: (79th)

Through you, Mr. Speaker, clearly not. When we look at educational statutes and we're talking specifically about an issue such as sexual abuse, please be advised that it is my belief that you must look at other statutes to include 17a-101 which deals with mandated reporting, and we all know that teachers are, as are other members.

So in fact, if there's reason to believe that an incident like that occurs, you would have to refer back to that. In fact, a report would have to be made, and investigation to be done with respect to that. Through you, Mr. Speaker.

REP. NORTON: (48th)

Through you, Mr. Speaker, actually I wasn't asking if such an incident occurs. I'm wondering if in fact a sitting employee of the school board, I don't mean if they commit a crime or sexual offense right now and you ought to report it.

I mean to say if it was in their history, a conviction of this, or I'll say some other crime, bank robbery, too, assault. Is it the case that this amendment will stop this proposed law from allowing school boards to do background checks on someone's previous convictions for a sexual offense or robbery or

006583
248

kfh

House of Representatives

Monday, May 2, 1994

manslaughter or assault. Through you, Mr. Speaker.

REP. DIAMANTIS: (79th)

Through you, Mr. Speaker, no.

REP. NORTON: (48th)

Through you, Mr. Speaker, then what is the point of removing the language on lines 342 to 345? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Through you, Mr. Speaker, the first matter is because of the previous answer, it would be redundancy in that specific case and what we would like to do is let them know that whether or not you hear of these types of circumstances, when it's a new applicant coming into the school system that you may in fact check anyone who comes in, rather than in the circumstance that we just spoke about recently. Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Norton.

REP. NORTON: (48th)

From the answer you just gave me, it makes it sound like there is a difference in the ability of an employer, the school board, the superintendent, there

006584
249

kfh

House of Representatives

Monday, May 2, 1994

is a difference in their ability to look at someone's background if they are going to be hired, as opposed to if they had been working for the school system for five years.

Are you in fact describing a difference between the school board's ability to look into the background of someone who is already hired, as opposed to somebody who is being hired? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Through you, Mr. Speaker, yes.

SPEAKER RITTER:

Representative Norton.

REP. NORTON: (48th)

So then it is the case, that this amendment would stop us from enacting into law, stop us from enacting into law, the allowance, the ability of a superintendent or school board from getting a background check on the criminal behavior of a teacher who's been working there for 10 years.

Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Diamantis.

REP. DIAMANTIS: (79th)

006585

250

kfh

House of Representatives

Monday, May 2, 1994

Through you, Mr. Speaker, no.

SPEAKER RITTER:

Representative Norton.

REP. NORTON: (48th)

Okay. I'm going to think about how to pose this question because I feel like I'm getting different answers and I don't mean to say that I'm suspicious, I'm just not getting an understanding of this.

So I guess I have to repeat a question. If this amendment passes and the bill becomes law, will the law treat differently a school board's ability to look into the criminal background, treat differently, of a sitting teacher as opposed to a teacher they are about to hire. Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Through you, Mr. Speaker, I can only answer the question if I have an understanding better of the question. If you're saying someone has a criminal background, then the answer is no, they can in fact review that.

If you're talking about anyone who doesn't have a criminal background and merely they want to pry, the answer is no.

006586

251

kfh

House of Representatives

Monday, May 2, 1994

SPEAKER RITTER:

Representative Norton.

REP. NORTON: (48th)

So if I know someone has a criminal background, I get to do a criminal check, but if I have reason to believe they have a criminal background, I can't do a check. Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Through you, Mr. Speaker, I believe that as the board's policies can be now, if you have reason to believe, the answer would be yes to your question.

SPEAKER RITTER:

Representative Norton.

REP. NORTON: (48th)

I'm starting to get a handle on what, through you, Mr. Speaker, could you cite me the statutory authority a board of education or a superintendent would have, under current law, since you propose to delete this provision, under current law, whereby they could investigate the criminal history, or history of convictions on the part of a sitting teacher in a school system. Through you, Mr. Speaker.

SPEAKER RITTER:

006587

252

kfh

House of Representatives

Monday, May 2, 1994

Representative Diamantis.

REP. DIAMANTIS: (79th)

One such section that comes to mind immediately would be 17a-101. Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Norton.

REP. NORTON: (48th)

If you don't mind for a second, I'm just going to look at that statute.

SPEAKER RITTER:

Absolutely. The Chamber will stand at ease for a minute.

REP. NORTON: (48th)

Mr. Speaker, am I correct, as I quickly -

SPEAKER RITTER:

The House will come to order. Representative Norton.

REP. NORTON: (48th)

Through you, Mr. Speaker, as I quickly scan this statute, that this is the statute which commands someone to report an abuse? This looks like the one we were working on the other day with clergymen and abuse which someone has reason to believe is going on now, for example, like you just heard of someone abusing a child, and so a podiatrist or a school guidance

006588
253

kfh

House of Representatives

Monday, May 2, 1994

counselor, that seems to me to be the mandatory reporting statute of suspected child abuse.

Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Diamantis.

REP. DIAMANTIS: (79th)

I'm sorry, Mr. Speaker, as I was reading also, I did not hear the question.

SPEAKER RITTER:

Hang on for a second. It's getting a bit noisy in here. (Gavel) If the Chamber could please come to order. Seriously, the one thing that all of our guest speakers have commented on is how noisy it is once you get up here. Really, it's very difficult, and everybody would like to hear how bad it is once you get up here, I'd welcome you to join everybody else.

But clearly, we've had late nights and we have some long hours ahead of us. Let's try to get our work done as expeditiously as possible and be courteous of our fellow legislators as a good first step.

Representative Norton. Can you repeat the question again, Sir, Representative Diamantis couldn't hear it.

REP. NORTON: (48th)

As I quickly scan this statute, it seems to me to be the statute, the mandatory reporting statute, if a

006589

kfh

254

House of Representatives

Monday, May 2, 1994

person in a professional capacity, a guidance counselor, a social worker, a psychiatrist, this is the part that I think used to say priest, observes, has reason to believe that child abuse is going on, or has just occurred, like the child had bruises or something like that, if you are in a position of responsibility must report it.

Does this statute, because I haven't read it all, does this statute talk about the ability of a school board to investigate the background, the criminal background of a sitting employee? Through you, Mr. Speaker, and if so, where?

REP. DIAMANTIS: (79th)

Through you, Mr. Speaker, what I emphatically, and it doesn't come out explicitly and indicate to you, but I can merely say that there has been instances in case law which would allow, an administrative procedure which would allow, in fact, that to occur.

And I would also like to bring to your attention that just this year we had passed an act concerning criminal background checks, which would allow that type of an investigation process, anyway, through the SBIA for background checks. And that information is available, will be available, assuming the legislation takes place.

006590
255

kfh

House of Representatives

Monday, May 2, 1994

So it is legislation that we are constantly building on.

REP. NORTON: (48th)

Through you, Mr. Speaker, if I could ask the bill that we passed already, I take it was passed by both Chambers? I'm just unaware of that bill. What did that bill allow in regards to employers of school personnel? Or any employer? Through you, Mr. Speaker.

REP. DIAMANTIS: (79th)

Through you, Mr. Speaker, it would allow.

REP. NORTON: (48th)

So you are saying that a law this Chamber previously passed, makes provision and allows a school board or a superintendent to do fully, and exactly, that which lines 342 to 345 allow them to do. Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Through you, Mr. Speaker, yes.

SPEAKER RITTER:

Representative Norton.

REP. NORTON: (48th)

I guess what I'll do is I'll put down the mike after that question and just ask for what that bill

006591
256

kfh

House of Representatives

Monday, May 2, 1994

was, and I'll read that. Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Through you, Mr. Speaker, I believe it was AN ACT
CONCERNING CRIMINAL RECORDS.

SPEAKER RITTER:

Will you remark further?

REP. DIAMANTIS: (79th)

Mr. Speaker, I would ask for a roll call vote.

SPEAKER RITTER:

Representative Diamantis has asked for a, I'm
sorry, I thought you were giving up the floor, Sir.

REP. NORTON: (48th)

I don't think I had stopped. I did say that was my
last question. In fact, I had one more.

SPEAKER RITTER:

Oh, you have the floor. Let me clarify where we
are. The motion is properly before us. I thought Andy
said he was giving it up, so you have the floor, Sir.

REP. NORTON: (48th)

Yes. On line 370, it says the supervisory agent of
a private school may require any applicant for a
position in such school, to submit to state and
national criminal history records checks. Why are we

006592

257

kfh

House of Representatives

Monday, May 2, 1994

keeping that language in, if in fact the bill you referred to gives all these powers, AN ACT CONCERNING CRIMINAL RECORDS. Why do you maintain those lines in the bill, or Senator Sullivan. Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Through you, Mr. Speaker, I believe that to be for new teachers being hired. Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Norton.

REP. NORTON: (48th)

So that the criminal records bill would have, if it becomes law, and I suspect it's an if, allows a board or a superintendent to do a criminal background check on a sitting employee, but that law did not go, actually not even that far, but did not include the ability to do that check on someone who is about to be hired? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Diamantis.

REP. DIAMANTIS: (79th)

I believe it would include them as well, Your Honor. Through you, Mr. Speaker.

006593

258

kfh

House of Representatives

Monday, May 2, 1994

SPEAKER RITTER:

Don't ever accuse me of that job. Representative Norton.

REP. NORTON: (48th)

I'm going to try to find that bill and read it, but I'm nervous. Let me just say that we had an incident in Colchester, again, which I don't mean to say it fits exactly into this proposed law change, but it heightened quite a bit of awareness in our community about people who were, in this case, you know, he made reference to the statute we just read about which is mandatory reporting. It doesn't have anything to do with someone who was charged with assault or bank robbery or fraud or manslaughter, but nonetheless, I'll go look at the other bill.

But if you've got someone, if someone comes up to the superintendent and the superintendent has reason to believe someone may have been convicted, and maybe even convicted more than once, of sexual assault or sexual assault of a minor, and we're going to not pass a law which would allow them to do that, that seems to me to be incredibly insensitive to the feelings that parents have nowadays, and perhaps a very bad move.

But, through you, Mr. Speaker, I guess I'll be done for now, but I'm going to yield to Representative Ward.

006594
259

kfh

House of Representatives

Monday, May 2, 1994

Through you, Mr. Speaker.

SPEAKER RITTER:

I will ask Representative Ward. But I will just caution the members here that, as Representative Farr pointed out at the beginning of the year, let me try to call them for you. But obviously, you have the right to do that. Representative Ward, do you accept the yield.

REP. WARD: (86th)

Yes, Mr. Speaker. And I hadn't heard him mention a yield. I thought he asked me a question. I did intend to speak in any event, Mr. Speaker.

SPEAKER RITTER:

And I would have called on you anyway. It's preferable to try to do it the other way. You have the floor, Sir.

REP. WARD: (86th)

Thank you, Mr. Speaker. Mr. Speaker, the other bill that was referred to, we tracked the computer. It's on the Senate Calendar. It's been there a week. It got tied up with an FOI bill down here and has another amendment that has to do with FOI up there. I don't know what's going to happen to that bill. I wouldn't want to predict anything in terms of whether another bill is going to pass.

006595

kfh

260

House of Representatives

Monday, May 2, 1994

I guess the issue is, do you think you should treat differently, for the purpose of examining criminal history records, a teacher who's already on the staff and one who is about to be hired.

I can't think of any reason in logic or fairness to treat them differently. I understand grandfather provisions for somebody who has had a job, not make them meet a new job qualification. I understand if you change the rules of the game when somebody's already there you don't apply it to them.

But we're not trying to change teacher certification standards. We're not trying to change what kind of test you take before you can teach. We're trying to say, can we close a loophole in the law that hides certain criminal records.

It's my understanding that the State Department strongly supported this provision when it was before the Education Committee and I haven't heard anybody indicate that the State Department of Education thought it was now a mistake. I don't know what happened to change some minds between the time the Education Committee reported out favorable and the Senate acted on it.

But all I've heard here today to vote against it is, it might be covered in another bill that may or may

006596

kfh

261

House of Representatives

Monday, May 2, 1994

not become the law.

I also heard an argument that it somehow is covered by the mandatory reporting sections in title 17. Well, I've relooked at it. It doesn't remotely apply to this set of circumstances. That applies to reporting abuse. And teachers are mandatory reporters of abuse. That doesn't mean because one teacher reported abuse that you somehow get to look at the criminal history of another. I don't understand that argument.

I think it's quite simple. Balance the public safety interest with the right of privacy interest and vote for the public safety interest. Allow if there's, if you believe your board is unreasonable, ask every teacher for fingerprints and start running things with no reason. No. It's expensive. They're going to do it when they think there's a reasonable basis to do it.

With the incidents that have been reported in the past, it seems to me the common sense approach is, correct the bill from a couple of years ago, allow these background checks in all cases.

There was also an indication that the bill that's up in the Senate might cover this. I believe it had to do with the records that were at our state police bureau. I'm not sure it had to do with the FBI records. Now, I'm not exactly certain, but I'm not

006597

kfh

262

House of Representatives

Monday, May 2, 1994

certain, my recollection is it did the other.

But whether it did nor not, let's pass this bill so we're sure that it does cover it. Let's correct the Senate's error and send this bill back upstairs. Thank you, Mr. Speaker.

REP. VARESE: (112th)

Mr. Speaker.

SPEAKER RITTER:

Representative Varese.

SPEAKER RITTER:

I always wanted to say since I called you, the Don Chaney style Representative Varese. You have the floor, Sir.

REP. VARESE: (112th)

Thank you, Mr. Speaker.

SPEAKER RITTER:

The coach at Temple, what's his first name? Who's the basketball coach at Temple?

REP. VARESE: (112th)

I don't know. That's the guy who has the style with a tie. That's what I wanted to say. All right. You have the floor, Sir.

REP. VARESE: (112th)

Thank you, Mr. Speaker. Through you, Mr. Speaker, a question to the proponent of this amendment.

006598

kfh

263

House of Representatives

Monday, May 2, 1994

SPEAKER RITTER:

Please proceed, Sir.

REP. VARESE: (112th)

Through you, Mr. Speaker, if indeed a teacher who is presently employed in a Connecticut school system or some other school employee were to go to Omaha, Nebraska during the summer and were arrested and convicted of selling drugs to someone in Omaha, Nebraska, under this proposed amendment, would the school officials be able to obtain any information pertaining to this type of arrest? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Through you, Mr. Speaker, what we're doing right now is state, in this bill, ours does not deal with federal statute unless the other one, the act involving criminal record checks would.

I'm also not sure what the requirements are in Oklahoma. Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Varese.

REP. VARESE: (112th)

Excuse me, Mr. Speaker, but it's my understanding

006599

kfh

264

House of Representatives

Monday, May 2, 1994

that the good Representative may wish to make a statement regarding this particular amendment, and I'll yield to him for that purpose.

SPEAKER RITTER:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Thank you, Mr. Speaker. At this time, what I would like to do is ask everyone to vote no on the acceptance of the amendment.

SPEAKER RITTER:

Okay, I guess we seem to have a meeting of the minds. And that's why we listen to debate. At this time, I'd like to try your minds. All in favor signify by saying aye.

Opposed, no.

REPRESENTATIVES:

No.

SPEAKER RITTER:

The amendment is rejected, it fails, I guess.

Would you remark further? Representative Diamantis.

REP. DIAMANTIS: (79th)

Yes, Mr. Speaker. Mr. Speaker, I would ask the Clerk call LCO5628 marked Senate "B".

SPEAKER RITTER:

The Clerk has amendment LCO5628 previously

006600

kfh

265

House of Representatives

Monday, May 2, 1994

designated Senate "B". If he may call, Representative Diamantis would like to summarize.

CLERK:

LCO5628, Senate "B".

SPEAKER RITTER:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Thank you, Mr. Speaker. At this time I'd like to move rejection of Senate "B".

SPEAKER RITTER:

The question is on rejection of Senate "B". Will you remark further? Will you remark further? The House will stand at ease for a moment. Representative Mazzoccoli says he hasn't seen the amendment. We'll stand at ease.

SPEAKER RITTER:

We'll come back into session. Representative Diamantis, Sir, you have the floor.

REP. DIAMANTIS: (79th)

Thank you, Mr. Speaker. I am asking rejection of Senate Amendment "B". It makes some incorrect assumptions in procedural aspect. I believe what will happen should rejection occur is House Amendment "A" which will clarify that language.

SPEAKER RITTER:

006601

266

kfh

House of Representatives

Monday, May 2, 1994

Thank you, Sir. Will you remark further on rejection of Senate "B". If not, I'll try your minds. all in favor of rejection, signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER RITTER:

Opposed, no. Senate "B" is hereby rejected.

Representative Diamantis.

REP. DIAMANTIS: (79th)

Thank you, Mr. Speaker. I would ask the Clerk to please call LCO Number 4285.

SPEAKER RITTER:

The Clerk has LCO4285 which will be designated as House "A". If the Clerk can call it for his buddy and Representative Diamantis will summarize.

CLERK:

LCO4285, House "A" offered by Representative
Diamantis.

SPEAKER RITTER:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Thank you, Mr. Speaker. In fact, what this amendment currently will do is make it, allow authority for the police department to report offenses committed by students between the ages of 7 and 21 of any felony

006602

267

kfh

House of Representatives

Monday, May 2, 1994

committed while they are students, to the superintendent of schools. And at that point, the information will be disclosed to the principal of the school that is attended, or the supervisory agent of the private school.

The purpose of that information would be to allow the schools to do an assessment of risk of endangerment of the child, to himself, to other staff members, or to property and that assessment would be concluded by the end of the next school day. The police in fact would make their report orally within 24 hour period and then within 72 hours supply a written brief description of that.

The purpose of the assessment would be to see if we needed to make a modification of the educational plan or disciplinary action, which would be necessary. It also changes the file copy which ordinarily would require police to notify of A misdemeanors and felonies. This amendment would make a change for felonies only. The reason for that is, it would be quite an onerous task for police departments throughout the city to report all misdemeanors because there are many of them and we felt that it was a very serious offense that we needed to deal with, and those being the felony arrests.

006603

268

kfh

House of Representatives

Monday, May 2, 1994

We also had to make changes to the confidentiality statutes because as we know, children and confidentiality are hand in hand with one another, so we needed to modify the section dealing with confidentiality, 46b-124, to allow us authority to do so. It is my understanding having reviewed this with the court administrators as well as other members of the Judiciary Department, in fact it would comply and stay consistent with constitutionality and procedure.

Mr. Speaker, I move adoption of the amendment.

SPEAKER RITTER:

The question is on adoption of House "A". Will you remark further on House "A". Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Thank you, Mr. Speaker, a question, if I may, to the proponent of the amendment.

SPEAKER RITTER:

Absolutely, Sir.

REP. RADCLIFFE: (123rd)

On line 19, Representative Diamantis, I see that the language is much clearer in this amendment than in the Senate version. You use the term felony. If an individual is a juvenile, because this deals with individuals between the ages of 7 and 21, and is charged with a serious juvenile offense, I would assume

006604
269

kfh

House of Representatives

Monday, May 2, 1994

that that would come within the definition of felony as used in this section. Is that correct? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Through you, Mr. Speaker, yes.

REP. RADCLIFFE: (123rd)

So, through you, Mr. Speaker, if an individual aged 14 was charged with an act, which if that individual were an adult or were over 16 years of age, would constitute a Class D felony or above, that individual's superintendent would be notified, notwithstanding the fact that it is a serious violation and not a felony under the juvenile statutes. Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Through you, Mr. Speaker, the answer to that would be yes as well.

SPEAKER RITTER:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Thank you. Mr. Speaker, I notice also on line 23 that the superintendent is to be notified orally and

006605

270

kfh

House of Representatives

Monday, May 2, 1994

then subsequent to that oral notification, that is to be followed up with a written notification to the superintendent and then says, lists the specific group of individuals to whom he can disclose this information one would be the principal of the school or the principal of another school.

Through you, Mr. Speaker, are there any other individuals to whom this information could be disclosed?

SPEAKER RITTER:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Yes, and that would be, through you, Mr. Speaker, that would be social workers, psychiatrist, psychologists, any consultants that the school uses to do an assessment of that child, and if necessary, any teachers that would be involved in that process.

Our concern was at the time, to allow personnel within a school to know of the existence of any endangerment within a school, but at the same token, not allow it to go too far where it became the town crier news. Through you, Mr. Speaker.

REP. RADCLIFFE: (123rd)

Thank you. Thank you. Mr. Speaker, my concern is the language on line 33, if I might, if the other

006606
271

kfh

House of Representatives

Monday, May 2, 1994

sections to which you make reference, 46b-124 as amended by Public Act 93-48 were the only language, I would agree. I'm concerned about the fact that the superintendent is told under this particular statute, that he may disclose the information only to the principal of the school or the supervisory agent of another school, and those are the only two individuals listed in the amendment.

Through you, Mr. Speaker, can the gentleman point me to any language that would allow the superintendent to disclose the information to any other third parties, other than the two specifically mentioned? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Through you, Mr. Speaker, there is no particular language in here that would show that. In fact, we were very careful to insure that because superintendents in many cases do not have direct access to students within the school system, and having knowledge of that, what we wanted to do was bring in the principal into the process and allow the principal to suggest other members that would be needed to clarify and do an assessment of the risk of

006607

kfh

272

House of Representatives

Monday, May 2, 1994

endangerment, and we believe the principals had a better idea of who those people may very well need to be. Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Thank you, Mr. Speaker. And I notice those are the individuals listed in line 37. Nowhere specifically is the employer of the superintendent, and that is the board of education listed. Through you, Mr. Speaker, in executive session as provided by the Freedom of Information Act, may this information be provided to a local board of education? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Through you, Mr. Speaker, if the assessment that is conducted by that group under the confidentiality statutes expel the child, then by virtue of the statutes dealing with the expulsion portion, the board of education will be notified.

However, if we're specifically dealing about social conditions of that child or any treatment that the child may need, in fact it will be determined on the procedures within the school district and may not

006608

273

kfh

House of Representatives

Monday, May 2, 1994

involve the board of education.

SPEAKER RITTER:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Thank you, well then let me pose the question this way. If a member of the board of education knew of an arrest of a 16 year old or a 17 year old, which is quite possible, the superintendent had receive oral notification, had then received the written notification within 72 hours, and a member of the board of education goes to the superintendent and says, I understand there was some violent behavior involved here, I'd like to see the incident report, or I'd like to see the report which you've received, could the superintendent under this statute give that information to a member of the board of education? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Through you, Mr. Speaker, no.

SPEAKER RITTER:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Thank you. That's a little bit troubling because

006609
274

kfh

House of Representatives

Monday, May 2, 1994

we're giving this information to people within the school system. We're giving this information to school staff, consultants, psychiatrists, social workers and yet the individuals who employ the superintendent of schools, the members of the board of education are going to be denied that information apparently, unless and until it results in a potential expulsion.

Now, is the reason for that the fact that the board of education might have to sit and might have to adjudicate the potential expulsion? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Through you, Mr. Speaker, that is correct. That is one of the reasons.

SPEAKER RITTER:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Through you, Mr. Speaker, what are the other reasons?

SPEAKER RITTER:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Through you, Mr. Speaker, in certain cases, and

006610
275

kfh

House of Representatives

Monday, May 2, 1994

that being of course the foremost one and the other being that there may be sensitive information with respect to medical background information that may be divulged which ordinarily boards of education do not get their hands on and do not necessarily deal with. Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Thank you, Mr. Speaker. I think some of the questions that were raised by the Senate amendment you know, quite properly were called attention to here, have been addressed. I only wish it was a little bit clear in terms of the persons to whom this information could be given. Because of the duties of the superintendent of schools, I hate to put people in the position, particularly a superintendent, of having to report to employers, of having to be evaluated by a board, and not being able to share information fully and completely with that board, I think that's why we have executive sessions and even in a non-expulsion case, I think the board of education certainly should have this information, but the amendment does address most of the problems previously alluded to.

SPEAKER RITTER:

006611

276

kfh

House of Representatives

Monday, May 2, 1994

Thank you, Representative Radcliffe. Will you remark further? Representative Knierim.

REP. KNIERIM: (16th)

Thank you, Mr. Speaker. I'd like to follow up just a little bit on Representative Radcliffe's questions with respect to who this information would be available to, and particular with respect to teachers. So if I could ask, through you, Mr. Speaker, if Representative Diamantis could please clarify for us, under what circumstances teachers would be allowed access to information about a felony offense by a student.

SPEAKER RITTER:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Through you, Mr. Speaker, in some circumstances, my understanding is in some schools the teachers are part and parcel to any assessment that is done with respect to a child's educational plan. In that case when the assessment is done within the first 24 hours or by the completion of the next school day, that teacher would be involved in the assessment.

However, every teacher that would actually have access to that child would be part of that assessment. The idea of course is protecting any tainting of that activity by that child where it's not needed. Through

006612

277

kfh

House of Representatives

Monday, May 2, 1994

you, Mr. Speaker.

SPEAKER RITTER:

Representative Knierim.

REP. KNIERIM: (16th)

Well, through you, Mr. Speaker, if the assessment team were to make a determination that there are safety issues that arise from a student's attendance at class, would the assessment team be able to communicate to teachers who have that student in class, material about the potential safety issues. Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Through you, Mr. Speaker, I would hope that if an assessment were done determining that the child were in fact a risk of endangerment to himself or others, that that child be placed in another environment that would be conducive to the particular problems, or if necessary, expelled. That would be depending upon the seriousness of that offense or that endangerment, for that matter. So I don't think that he would be an issue for other teachers because I would hope the professionals would remove the child. Through you, Mr. Speaker.

SPEAKER RITTER:

006613

278

kfh

House of Representatives

Monday, May 2, 1994

Representative Knierim.

REP. KNIERIM: (16th)

Thank you, Mr. Speaker. Well, I certainly concur that there are going to be circumstances where another environment would be appropriate, but assuming that other environment is an educational one. But my question is, would the persons responsible for the student in that alternative educational situation have access to information?

SPEAKER RITTER:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Through you, Mr. Speaker, in fact if there was an alternative educational process, those teacher or that teacher would be in fact informed, yes.

REP. KNIERIM: (16th)

Thank you, Mr. Speaker.

SPEAKER RITTER:

Thank you, Sir. Representative San Angelo.

REP. SAN ANGELO: (131st)

Thank you, Mr. Speaker. A question, through you to the proponent, please.

SPEAKER RITTER:

Please proceed.

REP. SAN ANGELO: (131st)

006614

kfh

279

House of Representatives

Monday, May 2, 1994

If a student is deemed, well, let me ask it this way, if a teacher knows or a teacher or a principal knows that a student has this kind of a problem, has been arrested for this kind of a safety issue, and if this child once again committed some kind of violence upon another child in the school system, what would be the liability of a parent or principal that had this information and didn't disclose it to the parents of that second child?

SPEAKER RITTER:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Mr. Speaker, I'm not sure if it was because of the noise or I didn't understand the question, but I would like if it can be repeated, please.

SPEAKER RITTER:

Well, wait one second. Let the Chamber come to order. (Applause)

REP. SAN ANGELO: (131st)

Thank you, Mr. Speaker. Once again, I'll try to make it clear, and I'm having a problem with my voice today. If a child, a principal or teacher had information on a particular child, that child went out and committed a second offense against another child, the principal or the teachers had that information that

006615

280

kfh

House of Representatives

Monday, May 2, 1994

this child was a possible hazard in a classroom, would the parents of the second child now be able to go to that principal and teacher and sue them for not disclosing that information to the parents of the second child?

SPEAKER RITTER:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Through you, Mr. Speaker, I would think that the parents could sue them. I mean, they could do that now, in fact, if a child is injured in a fight by another child within the school. Through you, Mr. Speaker.

SPEAKER RITTER:

Representative San Angelo.

REP. SAN ANGELO: (131st)

Could the parents of that child sue the board of education, who would not even have this information? Is that possible under this?

SPEAKER RITTER:

Representative Diamantis.

REP. DIAMANTIS: (79th)

I'm sure, through you, Mr. Speaker, that attorneys could very well attempt to sue the board of education and name them in a complaint. Through you, Mr. Speaker.

006616

kfh

281

House of Representatives

Monday, May 2, 1994

SPEAKER RITTER:

Sounds like Saturday night again. Representative San Angelo.

REP. SAN ANGELO: (131st)

I guess that's it. Thank you, Mr. Speaker.

SPEAKER RITTER:

Anybody else? Representative Mattiello.

REP. MATTIELLO: (65th)

Thank you, Mr. Speaker. Questions through you, to the proponent of the amendment.

SPEAKER RITTER:

Please proceed, Sir.

REP. MATTIELLO: (65th)

Thank you, I appreciate it. Representative Diamantis, the amendment speaks to arrest. Is there an implied obligation on the part of the school system, though, if it later learns that there isn't a conviction, perhaps misidentification, to strike from the file this information? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Through you, Mr. Speaker, in fact the amendment and the file copy itself, when adopted, in toto, will keep this information separate and distinct and in fact when

006617

282

kfh

House of Representatives

Monday, May 2, 1994

the issue is gone for that matter and if it's two years without an incident or in fact there is no basis, it were to find out through the assessment, then in fact that information would not be available to taint the child's future. Through you, Mr. Speaker.

REP. MATTIELLO: (65th)

I'll pose my second question in follow up. I guess I appreciate that. That's helpful to me. I'm just wondering about a situation where perhaps there is an arrest and, but I mentioned a misidentification. And there is no conviction within a 3, 4 month period or whatever, we learn, that becomes a fact, but the school system perhaps hasn't learned that. This information of the arrest is shared. That is a concern of mine. Can you speak to that a little more directly? Through you, Mr. Speaker.

REP. DIAMANTIS: (79th)

Through you, Mr. Speaker, that is precisely one of the reasons why we wanted to keep that assessment team as confidential as possible and keep that information limited as much as possible, to only at least insure the safety of the school personnel and other children.

So I would hope that since that information is kept confidential and separate and distinct, that when that arises, and I'm certain if the assessment is properly

006618

kfh

283

House of Representatives

Monday, May 2, 1994

conducted, in fact the outcome of that child's situation should also be brought forward to the superintendent and/or the principal of the school. So I would think they would have access to that misidentification should that be the case. Through you, Mr. Speaker.

REP. MATTIELLO: (65th)

Thank you. I appreciate that.

REP. MAZZOCOLI: (27th)

Mr. Speaker. Mr. Speaker.

SPEAKER RITTER:

Representative Mazzoccoli. Representative Lescoe.

REP. LESCOE: (49th)

Thank you, Mr. Speaker. A question, through you to Representative Diamantis. Looking at this amendment, it's very, very important, but as I read down to line 22, 23, when there is an incident it has to be reported not later than the end of the next school day.

If you go down to line 25, 26, it says also, a written document will be given within 72 hours of such arrest.

It goes down to line 28, it says superintendent shall maintain, and what I'm concerned about is, what happens if the superintendent is out of state, out of the country, ill. I notice in this amendment that

006619

284

kfh

House of Representatives

Monday, May 2, 1994

there's a certain relationship here, the superintendent certain powers, things he can be told, not the principal. So my concern is, many of the school systems have part-time superintendents and they also, I'd like to know, through you, Mr. Speaker, the superintendent is nowhere to be found, or as an example, out of state or out of the country. Who's next in line or else will this process break down. Thank you. Through you, Mr. Speaker.

REP. DIAMANTIS: (79th)

Through you, Mr. Speaker, I would assume as is the case at least in our town of Bristol and in the other town of Southington, there's usually a designee in the event by virtue of authority, that if a superintendent leaves the country for that matter, there is someone there with the authority and assumes the authority of the superintendent, and in fact it would be that person. Through you, Mr. Speaker.

REP. LESCOE: (49th)

Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Lescoe.

REP. LESCOE: (49th)

Usually that person is generally in most school systems is the principal.

006620

285

kfh

House of Representatives

Monday, May 2, 1994

Through you, Mr. Speaker, would this make a difference?

SPEAKER RITTER:

Representative Diamantis.

REP. DIAMANTIS: (79th)

If the principal assumes the role of assistant superintendent, then I would assume they would be one and the same. Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Lescoe.

REP. LESCOE: (49th)

All right, fine. Thank you, Mr. Speaker.

SPEAKER RITTER:

Thank you. Representative Mazzoccoli.

REP. MAZZOCCOLI: (17th)

Thank you, Mr. Speaker. In the same area, a question, through you to the proponent of the bill.

SPEAKER RITTER:

Please proceed.

REP. MAZZOCCOLI: (17th)

On line 23, specifically states orally notify the superintendent of schools. Are you saying, or does this mean that they will only orally notify, or at least orally notify? Through you, Mr. Speaker.

SPEAKER RITTER:

006621

kfh

286

House of Representatives

Monday, May 2, 1994

Representative Diamantis.

REP. DIAMANTIS: (79th)

At least orally notify. Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Mazzoccoli.

REP. MAZZOCCOLI: (17th)

Okay. Again, and the concern here is, for instance, notification may come through an office, it may be a clerk who receives notification. Is that satisfactory to you under this provision, that workers in the office would be maybe aware of this information? Through you, Mr. Speaker. Or is it the intention that the only persons to be notified, or have notification would be the principal, exclusive of any clerical staff? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Through you, Mr. Speaker, I would assume that there is a procedure that a superintendent adopts in his own administration for the acceptance of confidential information, and whatever that procedure would be that he received that information. Through you, Mr. Speaker.

REP. MAZZOCCOLI: (17th)

006622

kfh

287

House of Representatives

Monday, May 2, 1994

Again, through you, what you're saying here does not exclude the normal process of administration from taking place, that whatever that procedure within the office is, is acceptable so long as there's confidentiality maintained.

SPEAKER RITTER:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Through you, Mr. Speaker, the answer is yes.

REP. MAZZOCOLI: (17th)

Thank you, Mr. Speaker.

SPEAKER RITTER:

Thank you, Sir. Anybody else who would like to speak on this amendment? Representative Varese. And I will not make any reference to what I said before.

REP. VARESE: (112th)

Mr. Speaker, I did try to button my top button, but because of all the legislative junk food I've had for the past three months, it doesn't seem to work.

SPEAKER RITTER:

I'm glad you added the word food after junk.

REP. VARESE: (112th)

Thank you, Sir.

SPEAKER RITTER:

006623
288

kfh

House of Representatives

Monday, May 2, 1994

Please proceed.

REP. VARESE: (112th)

A question to the proponent of the amendment. In line 43, we talk about disciplinary purposes. And my question to you is, the way that I read this, it seems that the police may notify the superintendent who may notify the principals, who then may take appropriate action. And the question I have is, if someone were just arrested and not convicted of a crime, what disciplinary action could the school take if this didn't happen within the school grounds? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Through you, Mr. Speaker, clearly there is a distinction between criminal procedure and administrative procedure that is allowed for within school districts, and many times is the case, or at least as I've experienced personally, an expulsion could take place far in advance of any conviction of a child with a weapon, since the standards are different.

So a conviction and expulsion proceedings are not hand in hand with one another. Through you, Mr. Speaker.

006624

289

kfh

House of Representatives

Monday, May 2, 1994

SPEAKER RITTER:

Representative Varese.

REP. VARESE: (112th)

Thank you, Mr. Speaker. Through you, Mr. Speaker, if an individual were arrested for allegedly sticking up a 7-11 store, would that individual then be subject to school suspension? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Through you, Mr. Speaker, it depends on what the outcome of what the assessment would be as to whether or not the child was a risk of endangerment to himself or others or teachers within the school system.

Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Varese.

REP. VARESE: (112th)

Through you, Mr. Speaker. If this were to have taken place at 11:00 o'clock at night, when there was no requirement that the youngster be in school, how, I'm finding it difficult to determine how the disciplinary action would then take place. That's the concern that I have. I could see them disciplining them if it happened when he should have been in school,

006625

290

kfh

House of Representatives

Monday, May 2, 1994

or she should have been in school.

I could see the person being disciplined if they were on school property with a weapon or with drugs or anything else. I could see a youngster being disciplined if they went to a school event and at the school event they had some type of paraphernalia or weapons.

I could see a youngster being disciplined if maybe on the way to the event, or on the way home from the event, something happened. But I guess my concern is, this is very broadly written, as I read it at least, and what indeed would happen, or how would you tie it to the school if a youngster were arrested for something, not convicted, and it happened totally outside the realm of the school. Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Through you, Mr. Speaker, it's my understanding and I don't recall from which particular case most recently has come down, where it does allow for the reporting of activities of students off school grounds, outside school hours, to be reported, in fact, to school personnel because there has been a movement that that

006626

291

kfh

House of Representatives

Monday, May 2, 1994

information in the opening of systems between the Judicial system and the Education system, is important if we are going to maintain some safety within our schools. Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Varese.

REP. VARESE: (112th)

And through you, Mr. Speaker, that I understand, I appreciate and I respect. However, there's a distinction between the notification and allowing disciplinary action to occur. And I guess, again, my question, if the Representative desires to answer it, through you, Mr. Speaker, is, would there be any disciplinary action or any purpose for a disciplinary action if a student allegedly, because he hasn't yet been convicted, committed a crime outside the totality of the parameters of the school system. Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Through you, Mr. Speaker, if I'm being asked to place myself within that assessment team, then I would think that if an activity occurred outside the school, and the assessment team was to determine that the child

006627

292

kfh

House of Representatives

Monday, May 2, 1994

within the school environment did not pose a risk to himself or to the other students, or personnel, that they would not in fact discipline him for any reason, but would have knowledge that if there is a propensity, they at least would be alerted that there may be a problem. But I don't think necessarily that they would discipline the child. I would hope not, as professionals. Through you, Mr. Speaker.

SPEAKER RITTER:

You have the floor, Representative Varese.

REP. VARESE: (112th)

Thank you, Mr. Speaker. Mr. Speaker, this is a good bill. The amendment for the most part is not bad. The concern I have though is under line 43 because I would have to have us carry this so far that a youngster who was merely arrested for allegedly committing a crime is going to be ousted from school or disciplined in another way before he's had the ability to go through the court process and have his rights protected.

And I think, if indeed it's the intention that the school system can discipline a youngster before he's even been convicted, then we're heading in the wrong direction. This does not deal with a crime that was committed remember now, on school property, or during

006628

293

kfh

House of Representatives

Monday, May 2, 1994

school time. This is just in regard to any type of crime committed and I think our intention and our purpose should be to keep the kids in school and to maintain discipline in school and to certainly have a nexus between the police and the school system, but not to necessarily penalize a youngster before he's had an opportunity to go through the constitutional process.

Thank you, Mr. Speaker.

SPEAKER RITTER:

Will you remark further on this amendment? Will you remark further? If not, I'll try your minds. I'm sorry, Representative LeBeau.

REP. LEBEAU: (11th)

Mr. Speaker, I'd like to speak in favor of this amendment. I believe it's intelligent, well drafted. It allows a sliver of sunlight to shine in to illuminate some of the problems that children bring to school with them, both for the protection of the child, his or her peers, and the school staff.

I believe it's a good amendment and we ought to pass it. Thank you, Mr. Speaker.

SPEAKER RITTER:

Will you remark further? If not, I'll try your minds. All in favor signify by saying aye.

REPRESENTATIVES:

006629

294

kfh

House of Representatives

Monday, May 2, 1994

Aye.

SPEAKER RITTER:

Opposed, no.

REPRESENTATIVES:

No.

SPEAKER RITTER:

The ayes have it. The amendment is adopted. Will you remark further on this bill as amended? Will you remark further? Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Thank you, Mr. Speaker. The Clerk has an amendment, LCO5361. May she please call and read.

SPEAKER RITTER:

The Clerk has an amendment, 5361. If you may call it and read it.

CLERK:

LCO5361, House "B" offered by Representative Radcliffe.

SPEAKER RITTER:

Would the Clerk please read it. Please read the amendment.

CLERK:

After line 975 insert the following:

Sec. 1. NEW. No court of this state shall issue any order, decree or judgment in any case which would

006630
295

kfh

House of Representatives

Monday, May 2, 1994

compel any public, elementary or secondary school student residing in one municipality or regional school district to attend any public, elementary or secondary school district, located in any other municipality or regional school district. Nothing herein shall prohibit any municipality or regional school district from engaging in cooperative ventures with any other municipality or school district resulting in the voluntary attendance of students residing in one municipality or regional school district at an elementary or secondary school located in any other municipality or regional school district.

SPEAKER RITTER:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

I move adoption, Mr. Speaker, and it was much shorter than the other evening.

SPEAKER RITTER:

Yeah, I know. I was only having fun. You have the floor, Sir.

REP. RADCLIFFE: (123rd)

Thank you, Mr. Speaker. Mr. Speaker, this amendment like the underlying file copy, deals with the interaction between the courts and our public school system.

006631
296

kfh

House of Representatives

Monday, May 2, 1994

Now what the amendment would do is, it would prevent a court by judicial fiat, from doing that which, as I've listened to the public debate in this Chamber and in other locations for many months, is what everyone says is not wanted, not needed, not necessary.

At all of the diversity hearings that I've attended -- Mr. Speaker, Mr. Speaker, in deference to the hour and with the understanding that this matter will be recalled after the break, I would yield to the Deputy Majority Leader at this time for the purpose of making a motion to pass this matter and retain its place on the Calendar.

Excuse me, Mr. Speaker, may I yield to the Majority Leader who I see is now in the Chamber.

SPEAKER RITTER:

Representative Luby. Representative Luby, do you accept the yield, Sir?

REP. LUBY: (82nd)

I do, thank you, Mr. Speaker. Mr. Speaker, I move we pass temporarily this matter only because we need to recess briefly in order to allow Committees to meet, and then when we come back from the recess, we'll pick up this bill where we left off.

SPEAKER RITTER:

Without objection, this item will be passed

006632

kfh

297

House of Representatives

Monday, May 2, 1994

temporarily. Are there any announcements or points of personal privilege? Representative Fritz.

REP. FRITZ: (90th)

Thank you, Mr. Speaker. The Public Safety Committee will meet in the far left hand corner of the House to take up bills referred from the floor. Thank you.

SPEAKER RITTER:

Representative Dyson.

REP. DYSON: (94th)

Mr. Speaker, for purposes of an announcement, please.

SPEAKER RITTER:

Please proceed, Sir.

REP. DYSON: (94th)

The Appropriations Committee will meet tomorrow, tomorrow, fifteen minutes before the session.

Appropriations Committee. Thank you.

SPEAKER RITTER:

Representative Tulisano.

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER RITTER:

Where will it meet, Sir?

REP. DYSON: (94th)

006638

303

kfh

House of Representatives

Monday, May 2, 1994

in Hartford and I hope the House joins me with offering him a round of applause. John O'Toole. (Applause)

DEPUTY SPEAKER LYONS:

Are there additional announcements or points of personal privilege? Are there additional announcements? Hearing none, will the Clerk please return to the Call of the Calendar, which is Calendar 474.

CLERK:

Please turn to Page 6, Calendar 474, Substitute for Senate Bill 290, AN ACT CONCERNING THE RECOMMENDATION OF THE STUDENT FINANCIAL AID TASK FORCE as amended by Senate "A". Favorable Report of the Committee on Appropriations.

DEPUTY SPEAKER LYONS:

Just for clarification of the Chamber, when this bill was first before us, it had been discussed. We had adopted House --

CLERK:

Excuse me. Excuse me. I called 484. I meant to call 474. Calendar 474, Substitute for Senate Bill 292, AN ACT CONCERNING SCHOOL DISCIPLINE AND SECURITY as amended by Senate Amendments "A" and "B". Favorable Report of the Committee on Judiciary.

House "A" has been adopted and House "B" has been

006639
304

kfh

House of Representatives

Monday, May 2, 1994

designated.

DEPUTY SPEAKER LYONS:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Thank you, Madam Speaker, I move for adoption and passage of the bill as amended by House "A".

DEPUTY SPEAKER LYONS:

The question before the Chamber is on acceptance and passage. Just for clarification, House "A" had been, when the bill was last before us, House "A" had been adopted. House "B" had been presented and designated to the General Assembly and I believe at that point, Representative Radcliffe had the floor.

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Madam Speaker, does the gentleman yield.

REP. DIAMANTIS: (79th)

Madam Speaker, I do yield.

DEPUTY SPEAKER LYONS:

Thank you, Sir. Representative Radcliffe accepts the yield, I assume.

REP. RADCLIFFE: (123rd)

I accept the yield, Madam Speaker. Prior to the recess, House "B" was designated and was read. And House "B" is a very simple amendment, which was

006640

305

kfh

House of Representatives

Monday, May 2, 1994

explained the other day. House "B" would prevent a court of this state by judicial fiat, from doing something that almost universally everyone involved in the subject of education, be that individual in the executive branch, legislative branch, the Department of Education, and the executive branch, agrees is not necessary, is not desirable and is not working.

Now I have attended several diversity hearings in this state and almost without exception at every hearing, someone raises the idea of judicially ordered, court ordered busing. And in each and every instance, individuals in charge of a quorum have indicated that this is not the intention. This is not the intention of the Governor. This is not the intention of the Commissioner of Education. This is not the intention of the board of education. This is not the proponents of the General Assembly. This is something that nobody wants and that really shouldn't concern people.

But nevertheless, the concern still seems to exist.

DEPUTY SPEAKER LYONS:

Representative Radcliffe. I apologize for doing this to you, but it is my understanding because the bill had not been adopted, or the amendment had not been adopted, you need to once again call it and then have Clerk, so it will be properly before

006641

306

kfh

House of Representatives

Monday, May 2, 1994

us and I do apologize for interrupting.

REP. RADCLIFFE: (123rd)

I will do so, then, Madam Speaker, and no apology is necessary. I would ask the Clerk then, to call LCO5361 and to read.

DEPUTY SPEAKER LYONS:

The Clerk has in his possession, LCO5361, which will be designated House "B". Would the Clerk please call. The gentleman has asked you to read it.

REP. RADCLIFFE: (123rd)

Permit me, Madam Speaker.

CLERK:

5632, previously today designated House "B".

Section 21. NEW. No court of this state shall issue any order, decree or judgment in any case which would compel any public, elementary or secondary school student residing in one municipality or regional school district to attend any public, elementary or secondary school district in any other municipality or regional school district. Nothing herein shall prohibit any municipality or regional school district from engaging in cooperative ventures with any other municipality or regional school district resulting in voluntary attendance of students residing in one municipality regional school district and elementary or secondary

006642

307

kfh

House of Representatives

Monday, May 2, 1994

school located in any other municipality or regional school district.

DEPUTY SPEAKER LYONS:

What is your pleasure, Sir?

REP. RADCLIFFE: (123rd)

I move adoption, Madam Speaker, and would have permission to remark.

DEPUTY SPEAKER LYONS:

The question is on adoption. Will you remark? Please do so, Sir.

REP. RADCLIFFE: (123rd)

Thank you, Madam Speaker. This amendment would, in essence, refuse to give the power to a court to do that which the other branches of government almost with one voice and frankly, unanimously, because I haven't heard anyone advocate this particular position. What other branches of government said should not have happened.

Now the question always arises in this instance, as to whether or not this is constitutional. I want to assure the members of the Chamber that this is definitely within the prerogatives of the General Assembly of the State of Connecticut to implement.

I would cite Article 8, Section 1 of our State Constitution that talks about free public elementary and secondary education in this state and goes on to

006643
308

kfh

House of Representatives

Monday, May 2, 1994

say that the General Assembly, General Assembly, not the courts the General Assembly, shall implement this principle by appropriate legislation.

I suggest that it is constitutional and we don't even need any of the elastic interpretations that have been advanced recently in this Chamber.

The second question is, do we have the power to limit the courts in this area? Once again, clearly, we do. Article 5, Section 1 of the Constitution of the State of Connecticut talks about the powers and the jurisdiction of the Supreme Court and the superior courts, and that section clearly says, the powers and jurisdictions of these courts shall be defined by law.

Well, that is precisely what this amendment does. It seeks to define, by law, the powers and jurisdiction of the judges of the superior court and the Supreme Court and it seeks to do so in an area in which the State Constitution has given this General Assembly primacy in terms of its ability to act.

The General Assembly shall implement by appropriate legislation. Now before explaining what this amendment would do, I believe I should explain to the members of the Chamber what the amendment does not do, because I'm certain there will be many who will misunderstand and misinterpret this amendment.

006644
309

kfh

House of Representatives

Monday, May 2, 1994

First of all, it will have no effect on current, regional educational programs. Such programs as the vocational agriculture program, one of which is located in my town, regional vocational technical schools, are not prohibited by this amendment. In fact, they are encouraged. The amendment specifically says that no regional or board of education, or no local board of education can be prevented from engaging in voluntary efforts, so it will not prevent a local or regional board of education from doing exactly what many are doing right now, and that is seeking to broaden the educational experience of the students, seeking to encourage diversity, seeking to encourage cooperation.

And it does not affect those efforts. In fact, I would suggest that it may even accelerate those attempts because individuals who will be much more likely to engage in those sorts of efforts once the possibility, however remote some individuals may feel that possibility is, the possibility of the sword of Damocles is removed in this area.

This amendment does nothing to prevent cooperation among school districts, municipal districts or regional districts in conjunction with the State Board of Education, to fund and to encourage magnet schools such as the six to six program in Bridgeport.

006645

310

kfh

House of Representatives

Monday, May 2, 1994

Magnet schools devoted to aquaculture, vocational agriculture was mentioned earlier. None of those efforts are discouraged by this amendment. In fact, I would suggest that all of them are actively encouraged and probably would be accelerated if the possibility or the prospect of judicial intervention were not present.

Now, what does this amendment do? It essentially says that decisions involving where students go to school and under what circumstances, just like the underlying bill which deals with the powers of the courts and the boards of education will be made by the people through their elected Representatives. They will not be imposed by judicial fiat in a court of law. And I think we can all agree with that.

The framers of our Constitution believed that the General Assembly should have the power to act in this area. The General Assembly shall implement free public education by appropriate legislation. This amendment is consistent with that.

This amendment also insures that at no time in the present or in the future, will the judges of the superior court either individually or by committee, be running the school system in the State of Connecticut, and again, that's something that our constitutional separation of powers insures.

006646

kfh

311

House of Representatives

Monday, May 2, 1994

So, Madam Speaker, in brief, what this amendment does is that it allows, it prohibits a court, it restricts a court from doing what the Governor says is not his intention or desire, what the Commissioner of Education says is not his intention or desire, what all individuals at each diversity hearing that I've attended have said, is not their intention or desire and which is not the intention, the desire, or the objective of members of local and regional boards of education, or certainly of taxpayers in any, or most of our municipalities. I thank you.

REP. LUBY: (82nd)

Madam Speaker.

DEPUTY SPEAKER LYONS:

Thank you, Sir. Will you remark further on the amendment? Representative Luby.

REP. LUBY: (82nd)

Madam Speaker, for a point of order, please.

DEPUTY SPEAKER LYONS:

Please proceed, Sir.

REP. LUBY: (82nd)

Madam Speaker, I believe this amendment, LC05361 is not germane. I believe under Rule 402 of Mason's, it is not relevant, appropriate, or in a natural or logical sequence to the subject matter of the original

006647

312

kfh

House of Representatives

Monday, May 2, 1994

proposal. I believe it deals with a different subject matter and therefore should not be considered in the context of this legislation.

DEPUTY SPEAKER LYONS:

Thank you, Sir. The House will stand at ease for one moment.

I would call the House to order once again. The issue that has presented before the House is an issue that the amendment before us is not germane. I would rule, Sir, that indeed, excuse me, I would rule, Representative Luby, that your point is well taken, that the amendment before us is not germane. It is not germane pertinent to the statute, or rather, to the reference you made in Mason's 402, Section 2, which does indeed say that the amendment must flow in a natural and logical sequence.

I would also call to the Chamber's attention, House Rule 31d which states that no independent new question may be introduced as an amendment.

I would call the members' attention to the underlying bill which deals with school discipline. House "A" deals with specifically notification and reporting requirements of juvenile offenses. It referenced juvenile matters under the juvenile criminal sections.

006648
313

kfh

House of Representatives

Monday, May 2, 1994

If I look at House "B", House "B" essentially restricts authorities of courts to issue orders compelling a student in one town to attend another town's school. It does not deal with school discipline. It does not deal with notification. It does not deal with criminal law under our juvenile statutes, thus, Representative Luby, my ruling is that the amendment is not germane.

Representative Radcliffe.

REP. LUBY: (82nd)

Madam Speaker, I would appeal from the decision of the Chair.

DEPUTY SPEAKER LYONS:

The question before the Chamber is on appeal of the decision of the Chair.

REP. KRAWIECKI: (78th)

I'll second that, Madam Speaker.

DEPUTY SPEAKER LYONS:

And has been properly seconded. Each individual in the Chamber may debate this issue only once.

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Madam Speaker. Madam Speaker, I would ask the Chair and the Chamber to reconsider the decision of the Chair, and I very respectfully suggest that the Chair's

006649

kfh

314

House of Representatives

Monday, May 2, 1994

ruling is not on all fours, is not consistent with previous rulings on subjects very similar.

I would call the Chair's attention to a ruling by Deputy Speaker Lavine in April of 1988 dealing with an education bill. That particular bill made many revisions to the education laws, seven amendments were introduced dealing with education. A subsequent amendment was introduced dealing with the rights of 15 year olds to work in restaurants under limited conditions.

The Deputy Speaker ruled that the point of order challenging germaneness in that area was not well taken and allowed the amendment.

In a similar vein, in May of 1987, a ruling by Speaker Stolberg also found the, an amendment germane under similar circumstances. In that situation, a bill requiring those who worked on asbestos abatement, excuse me, that bill required a study of the effectiveness of special education services.

House "A" was added concerning gifted and talented. House "B" was added, making the Town of Hartland eligible for funding. Both amendments were adopted and House "C" was allowed, which allowed those teaching out of state to teach in Connecticut for one year. And although the, not germane to the title of the bill,

006650

kfh

315

House of Representatives

Monday, May 2, 1994

Speaker Stolberg ruled at that time that the point of order was not well taken and that we're not dealing here simply with a study of special education, but that the point was germane, the point was not well taken and the amendment was in fact, allowed.

Another ruling by Speaker Stolberg, bills prohibiting judges from employing relatives in the court in paid jobs. An amendment was raised which prohibited judges from serving on advisory boards or boards of directors of banks, and after some discussion, the Speaker ruled that based solely on the bill's title, the amendment would not be germane. However, since it did deal with the powers of the court, the amendment was germane and the point of order in that case was not well taken.

Now, the silken thread found by Deputy Speaker Lavine and Speaker Stolberg on two occasions, is certainly present in this particular file copy. What we're dealing with here are the powers of the courts. Line 696 talks about the duties of the court and states that judges of the court, by way of a directive from the General Assembly, will make available to local and regional boards of education, dispositions in youthful offender cases.

So the underlying bill, the underlying file copy,

006651

kfh

316

House of Representatives

Monday, May 2, 1994

like the amendment, seeks to impose on the judges of the superior court, certain limitations and certain responsibilities that's on line 686.

The amendment deals with virtually all elementary and secondary students. The underlying file copy and House Amendment Schedule "A" clearly deals with those between the ages of 17 and 21 and again, imposes duties on regional boards of education.

Line 674 requires records of the local board of education to be made available to judges for the purposes of sentencing and again, Madam Speaker, in line 620, the underlying file copy states that the court shall make the identity of a child who is adjudged delinquent of a serious offense, available to the school district and the superintendent of the school.

So there is ample precedence in interpreting section, this section of Mason's to support germaneness in this case. There is also more than ample evidence in the file copy that what is being done here is, we are dealing with the inter-relationship between the judicial branch, the local boards of education and the respective powers and responsibility in both areas, and that is exactly what the amendment seeks to do.

So, in order that this long line of precedence from

006652

317

kfh

House of Representatives

Monday, May 2, 1994

such former distinguished speakers as Speaker Stolberg, and Deputy Speaker Lavine, as well as an opinion in 1992 by Deputy Speaker Polinsky, along the same lines, would be adhered to by this Chamber and that all issues, however controversial, would be freely, openly debated and that parliamentary technicalities would not stand in the way of a robust debate. I urge the Chamber to overturn the decision of the Chair.

REP. LUBY: (82nd)

Madam Chair.

DEPUTY SPEAKER LYONS:

Representative Luby.

REP. LUBY: (82nd)

Thank you, Madam Speaker. I rise on behalf of the ruling of the Chair. I believe the appeal of the Chair should be sustained. I believe that under Rule 402 of Mason's, this is clearly non-germane.

From the point of view of precedence, I, too, have found a precedent from our former distinguished Speaker, Irv Stolberg. Specifically, precedent number 137 in which the Speaker ruled the matter not germane. It dealt with education issues. In fact, it dealt with the reviser's bill. Education revisions.

And then an amendment was called that dealt with boards of education and it was ruled that although both

006653

318

kfh

House of Representatives

Monday, May 2, 1994

the bill and the amendment dealt with education, that was not an adequate enough silken thread to justify consideration.

I would also note, just from the point of view of consistency in the last few weeks. Last week, I believe, we had a bill dealing with school transportation, even more specifically related to this amendment than the file copy we're dealing with today and in that case the Chair ruled, quite properly, that this same amendment as being proposed now was not germane.

So not only based upon the history of Speaker Stolberg, but based upon recent precedent in this Chamber in this session. Now, I don't believe that this would be germane.

And finally, I would note that the major difficulty of the argument on behalf of germaneness is that if statutes and a bill deal with the courts, that is somehow a silken thread. But merely a reference to the third branch of government could not possibly be enough of a silken thread to justify germaneness, any more than a bill and an amendment that dealt with the executive branch in itself would justify germaneness.

So, Madam Speaker, I urge members of this Chamber to uphold the ruling of the Chair and sustain the

006654

319

kfh

House of Representatives

Monday, May 2, 1994

appeal.

DEPUTY SPEAKER LYONS:

Thank you, Sir. Will you remark further on the appeal to the Chair?

REP. KRAWIECKI: (78th)

Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Krawiecki.

REP. KRAWIECKI: (78th)

Thank you, Madam Speaker. I'm going to rise to support the motion to overrule your finding. And let me explain to you why, and I paid close attention to the distinguished Majority Leader's reasoning. And he just cited a recent precedent which happened to occur about two weeks go.

I'm going to cite one that happened about a week ago in this Chamber by Speaker Ritter and that was a finding on the youthful offender bill where an amendment was offered which had not a darned thing to do with the underlying copy at all, except that it happened to have in the logical sequence of things, the same thought process.

And the Speaker indicated in finding that the amendment was germane, that it had a silken thread and in my appeal of his finding at that point, I indicated

006655

kfh

320

House of Representatives

Monday, May 2, 1994

to the Speaker and to this Chamber, that if that was the ruling that we were going to live by during the last couple of weeks, this would be a most fascinating place to be, because people were going to be introducing amendments of all sizes, shapes and varieties.

I cautioned the Speaker at that time on his ruling. He is the current speaker. That was vintage one week ago and I think it is very unfair to have the issue of germaneness flip-flop, flip-flop when it's convenient. So, as such, with all due respect, I am going to appeal your ruling and let me just give you one piece of evidence that I think supports rationally, the purpose that Representative Radcliffe is suggesting.

And that's Mason's Section 402(3) which reads as follows: To be germane, the amendment is required only to relate to the same subject, which clearly this amendment does. It may entirely change the effect of, or be in conflict with, the spirit of the original motion or measure and still be germane to the subject.

Madam Speaker, I think that makes this amendment very germane, given the most current, I guess, finding of Speaker Ritter and I would suggest that perhaps we ought to overrule your finding, Madam.

DEPUTY SPEAKER LYONS:

006656

kfh

321

House of Representatives

Monday, May 2, 1994

Would you care to remark further on the issue that is before us, which is an appeal to the Chair?

Will you remark further on the appeal to the Chair? If not, I would like to explain to the Chamber what the vote would be. The motion before the Chamber is an appeal to the ruling of the Chair. Those who wish to appeal the ruling of the Chair will vote green. Those who wish to sustain the ruling of the Chair will vote red.

REP. LUBY: (82nd)

Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Luby.

REP. LUBY: (82nd)

I would ask for a roll call vote.

DEPUTY SPEAKER LYONS:

Yes, thank you, Representative Luby. Indeed, there would be a roll call vote to be ordered, since it is an appeal to the Chair. Hearing no other need for remarks, I would ask that staff and guests come to the well, that members take their seats. The machine will be opened.

CLERK:

The House of Representatives is voting by roll call. Members to the Chamber please. The House is

006657

kfh

322

House of Representatives

Monday, May 2, 1994

voting by roll call.

The House of Representatives is voting by roll call. Members please report to the Chamber.

DEPUTY SPEAKER LYONS:

Have all the members voted and would the members please check the board to make sure that their vote is properly recorded. If all the members have voted, the machine will be locked and the Clerk will take the tally.

The Clerk will please announce the tally.

CLERK:

Bill Number, Senate Bill 292 as amended by House "A" appealing the rule of the Chair.

Total number voting	149
Necessary to Overrule the Chair	75
Those voting yea	65
Those voting nay	84
Those absent and not voting	2

DEPUTY SPEAKER LYONS:

The motion on the appeal to the ruling of the Chair fails. Will you remark further on the bill that is before us?

REP. RENNIE: (14th)

Madam Speaker.

DEPUTY SPEAKER LYONS:

006658

323

kfh

House of Representatives

Monday, May 2, 1994

Representative Rennie.

REP. RENNIE: (14th)

Thank you, Madam Speaker. Madam Speaker, the Clerk has an amendment, LCO Number 6234. Would she call it and may I be allowed to summarize, please.

DEPUTY SPEAKER LYONS:

The Clerk has in her possession, LCO6234 which will be designated House "C". Will the Clerk please call. The Representative has asked leave to summarize.

CLERK:

House Amendment Schedule "C", LCO Number 6234 as offered by Representative Rennie.

DEPUTY SPEAKER LYONS:

Representative Rennie, you have the floor, Sir.

REP. RENNIE: (14th)

Thank you, Madam Speaker. Madam Speaker, this amendment simply adds on line 779 of the file copy, the words substitute teacher. And I move its adoption.

DEPUTY SPEAKER LYONS:

The question before the Chamber is on adoption. Will you remark?

REP. RENNIE: (14th)

Yes, Madam Speaker. Currently, teacher is defined in title 10 of our statutes and it is defined in that title to include substitute teacher. However this

006659

kfh

324

House of Representatives

Monday, May 2, 1994

section of the statutes that we have before us adds to the penal code, and the penal code as defined in Section 13 on line 779 does not include substitute teacher in its definition of teacher and I think that this just clarifies that in the event that there's ever any question.

I think there is some doubt as to whether or not the definition entitles --

DEPUTY SPEAKER LYONS:

Just a minute. (Gavel) I can't hear. I don't know how anyone can hear anything, even their own conversations in this Chamber. I recognize that we're all very tired but out of respect for the members that are trying to debate the bills, if we could please keep quiet and if you would just wait a moment, please, Sir.

Representative Rennie, you have the floor, Sir.

REP. RENNIE: (14th)

Thank you, Madam Speaker. I'll just finish by telling the Chamber that teacher defined in title 10 of our statutes does include substitute teacher, but this section of the bill before us doesn't include as part of the penal code, and therefore, it does not include that definition and this just clarifies any question that anyone might have should they have a reason to enforce or debate this law.

006660

325

kfh

House of Representatives

Monday, May 2, 1994

REP. DIAMANTIS: (79th)

Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Thank you, Madam Speaker. I rise in opposition of the amendment. Although I understand the intentions and it's a well-intentioned one, I believe section 10-145 of the general statutes is clear that any person employed in the school system below the superintendent in the teaching capacity is considered a teacher and therefore substitute teacher would be part and parcel to this and it already is included within our, the current language of the proposed bill and the language already adopted in the general statutes.

Therefore, I would oppose this amendment.

DEPUTY SPEAKER LYONS:

Thank you, Sir. Will you remark further on the amendment that is before us? Will you remark?

Representative Wollenberg.

REP. WOLLENBERG: (21st)

Madam Speaker, I don't question what the Representative just said. The whole point is that it's not in the criminal statute in 53a. It is missing in that and we are saying it should be in there.

006661

kfh

326

House of Representatives

Monday, May 2, 1994

We agree that it's in the civil statute in 10, but that doesn't qualify as a crime, then. That's the whole point of this, is to put it in the criminal statute and make that parallel the education statute.

DEPUTY SPEAKER LYONS:

Representative Wollenberg, is that a question you're posing.

REP. WOLLENBERG: (21st)

Yes, so maybe he could identify.

DEPUTY SPEAKER LYONS:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Thank you, Madam Speaker. As I read line 779 in which we are looking to adopt, within the way this bill is currently written, what we are doing is identifying that nature of the employees that would apply to the action, and clearly, where we list school employee means a teacher, at that point in time, we need to define what teacher is, and teacher, I submit has been defined already in our statutes as substitute teacher.

Through you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Thank you, Sir. Representative Wollenberg.

REP. WOLLENBERG: (21st)

Through you, Madam Speaker. But in title 10, it

006662

kfh

327

House of Representatives

Monday, May 2, 1994

does identify substitute teacher. Now you cannot interpolate that into the criminal statute. That's the problem, can you? It's always been my understanding that you could not interpolate civil statutes into the criminal statute and that's what you're saying we can do because it's identified in the civil statute, in 10.

Through you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Madam Speaker. In the event that the language is not clear with respect to that, it certainly would be my position to withdraw my opposition and support the amendment to clarify that language with respect to the criminal sec and I would consider it a friendly amendment.

DEPUTY SPEAKER LYONS:

Thank you, Sir.

REP. WOLLENBERG: (21st)

Thank you, Representative Diamantis. Thank you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Would you care to remark further on the amendment that is before us? If not, let me try your minds. All those in favor please signify by saying aye.

006663

328

kfh

House of Representatives

Monday, May 2, 1994

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER LYONS:

Those opposed, nay. The ayes have it. The amendment is adopted and ruled technical. Will you remark further on the bill that is before us?

REP. DIAMANTIS: (79th)

Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Madam Speaker, would the Clerk please call LCO5639 and allow me the opportunity to summarize.

DEPUTY SPEAKER LYONS:

The Clerk has in her possession, LCO5639 which will be designated House "D". Will the Clerk please call. The Representative has asked leave to summarize.

CLERK:

LCO Number 5369 designated House Amendment Schedule "D" offered by Representative Diamantis.

DEPUTY SPEAKER LYONS:

Representative Diamantis, you have the floor, Sir.

REP. DIAMANTIS: (79th)

Thank you, Madam Speaker. When Senate "A" at one point was rejected there was critical language in that

006664

kfh

329

House of Representatives

Monday, May 2, 1994

portion of the bill that needed to be clarified, specifically dealing with what is considered to be a weapon on school grounds or at school functions sponsored by schools and that carrying a weapon at those school sponsored activities would in fact be a crime by students in possession, as well as clarifying the language which would allow for the suspension of special ed students who also violate the requirements of no weapons on school grounds, or dangerous instruments on school grounds.

And it was important that this language be incorporated and Senate, and I'm sorry, LCO Number 5369 does in fact do this. I move for adoption.

DEPUTY SPEAKER LYONS:

The question before the Chamber is on adoption. will you remark? Will you remark on the amendment that is before us? If not, let me try your minds. All those in favor please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER LYONS:

Those opposed, nay. The ayes have it. The amendment is adopted and ruled technical. Will you remark further on the bill as amended? Will you remark?

006665

kfh

330

House of Representatives

Monday, May 2, 1994

REP. KYLE: (36th)

Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Kyle.

REP. KYLE: (36th)

Thank you, Madam Speaker. The Clerk has LCO1596. I'd like to please call that amendment and read the amendment, please.

DEPUTY SPEAKER LYONS:

The Clerk has in his possession LCO1596 which will be designated House "E". Would the Clerk please call and the Representative has asked leave to summarize.

CLERK:

LCO Number 1596, designated House Amendment
Schedule "E", offered by Representative Kyle.

After line 32, insert the following:

"(d) CHARGES MADE PURSUANT TO SUBSECTION (c) OF THIS SECTION SHALL NOT BE SUBJECT TO ANY PRETRIAL PLEA BARGAIN ARRANGEMENTS, ANY APPLICABLE MANDATORY SENTENCES MAY NOT BE REDUCED AT THE DISCRETION OF ANY COURT, AND ANY SENTENCES SO ASSIGNED SHALL NOT BE REDUCED BY PAROLE OR OTHER PROCEDURES."

DEPUTY SPEAKER LYONS:

Representative Kyle, what is your pleasure, Sir.

REP. KYLE: (36th)

006666

kfh

331

House of Representatives

Monday, May 2, 1994

Yes, thank you very much, Madam Speaker. I think there comes a time -- I move adoption of the amendment, please.

DEPUTY SPEAKER LYONS:

The question before the Chamber is on adoption. Will you remark?

REP. KYLE: (36th)

Yes, thank you, Madam Speaker. There comes a time, I think, when society and members of society must rise up and declare those actions which are acceptable and those actions which are not acceptable.

And I clearly think that the carnage that's going on in our streets and indeed in our schools, it is time for us as a state and as members of this legislative Body to rise up and say in very clear, precise, unambiguous terms that you shall not, as a matter of public policy, carry an unauthorized weapon to school, for whatever reason.

I have heard arguments against this point of view in that, well, what if my child just takes a gun to school by accident? Madam Speaker, there is no room in our society for that sort of dangerous and anti-social actions.

Therefore, I feel that this amendment is absolutely vital that we adopt it, make it a part of state law, as

006667

kfh

332

House of Representatives

Monday, May 2, 1994

a clear message to those who would take guns to school for any reason whatsoever, that they will in fact do the time as required for that.

And I'm well aware of all of the arguments that people would say, well, it would clog up the court systems. Yes, it may clog up the court systems. That it denies judges the opportunity to plea bargain a way and to clear their calendars. Yes, it may do that.

That it may clog our jails. Yes, it may do that. But I would say that the dangers of not taking all of those actions, of not clogging the court calendars, of not clogging the jails with these young people who I can consider nothing but hoodlums, that violate the moors of society, have forfeited, virtually their right to exist in our society. Once we set the rules, I think they should be very clear, it should be very clear in their minds that you break the rules that society sets and you will be put away for it.

I have no patience with people that don't obey the rules. I strongly urge the adoption of this amendment, Madam Speaker.

DEPUTY SPEAKER LYONS:

Will you remark? Representative Diamantis.

REP. DIAMANTIS: (79th)

Thank you, Madam Speaker. Madam Speaker, I rise in

006668

kfh

333

House of Representatives

Monday, May 2, 1994

opposition of the amendment. I think it is quite clear that one of the processes involved in the criminal court system, in fact, the ability for a prosecutor to plea bargain. There's many reasons for that.

First and foremost is that there is not and there should not be a presumption that in a charging document originally coming to court, that it is presumed accurate. Oftentimes when police officers are making initial arrests and charges are placed on there, sometimes, sometimes, the charges are somewhat tenuous or there may be finding by the prosecutor, even if a warrant is signed, that a basis has not been made for that charge.

The prosecuting authority needs the ability to be able to clarify the charging document, to clarify the charges, and be sure that when a plea is entered into, that in fact that plea fits the charge as being assumed. What we would be doing here is taking that power away.

In fact what it would require would be, you would put a defendant's back to the wall and force a trial to go on, and that also would therefore create a greater clog in the court docket rather than reduce it, because someone who would otherwise plea to a lesser offense, which could also include incarceration would no longer

006670

kfh

335

House of Representatives

Monday, May 2, 1994

REP. KYLE: (36th)

Through you, Madam Speaker to Representative Kirkley-Bey, I believe the statutes would apply, the overriding statute would be whether or not the offense, whether or not the individual would be in the criminal justice system as a juvenile or as an adult. There are statutes controlling that.

And I believe if they come under the statutes as a juvenile, they will be treated in that manner and those types of penalties would not be subject to plea bargain agreements and the penalties, whatever they may be, shall not be shortened.

However, if the perpetrator is tried under the adult statutes, then those penalties would apply. So it depends on the category that the person is on, whether juvenile or have attained the age of majority.

REP. KIRKLEY-BEY: (5th)

Madam Chair, through you. Give me what the sentence is if they were tried under either category.

DEPUTY SPEAKER LYONS:

Representative Kyle.

REP. KYLE: (36th)

It depends on the --

DEPUTY SPEAKER LYONS:

Representative Kyle, through the Chair.

006671

336

kfh

House of Representatives

Monday, May 2, 1994

Representative Kyle.

REP. KYLE: (36th)

I'm sorry, Madam Speaker. Through you to Representative Kirkley-Bey. It depends on the offense.

DEPUTY SPEAKER LYONS:

Representative Kirkley-Bey.

REP. KIRKLEY-BEY: (5th)

Madam Chair, through you, Representative Kyle, do you have a fiscal note on the cost this would be?

DEPUTY SPEAKER LYONS:

Representative Kyle.

REP. KYLE: (36th)

Yes, Madam Speaker, I do. The summary on the fiscal note is that the amendment would require the --

REP. KIRKLEY-BEY: (5th)

I can't hear you, Sir.

REP. KYLE: (36th)

The amendment would require the charges made related to possession of a weapon on school grounds one to five years imprisonment, up to a \$5,000 fine, could not be plea bargained or have the sentence reduced.

And the fiscal impact is that the municipal impact would be none. The state impact would be passage of the amendment would result in a workload impact on various criminal justice agencies, eliminating the

006672

337

kfh

House of Representatives

Monday, May 2, 1994

ability of the state to plea bargain certain cases would result in more trials and create additional pressures on the criminal justice system as prosecutors and public defenders are required to participate in such trials.

It would also be additional pressures placed on the Department of Corrections. The extent of such impact cannot be determined. Through you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Kirkley-Bey.

REP. KIRKLEY-BEY: (5th)

Madam Speaker, through you, that in my mind is a substantial amount of money, even though it's not specifically said. I thought just a few days ago we were here talking about sending and buying cells out of state and all that because we thought that we were overcrowding our judicial system and I think that this would just really make it horrendous.

Another question, through you to Representative Kyle. What if I'm a 16 year old, been threatened by gang members, I feel that the street in my neighborhood community can't protect me, so I go into school, not willingly, but in fear of my life with a weapon on me. Are you saying that there's no mitigating or aggravating factors that could be used? That I

006673

338

kfh

House of Representatives

Monday, May 2, 1994

automatically have to spend time? I've never done anything wrong in my life. Do I have to take the maximum sentence?

DEPUTY SPEAKER LYONS:

Representative Kyle.

REP. KYLE: (36th)

Through you, Madam Speaker to Representative Kirkley-Bey, I would suggest that if she wants to mitigate the seriousness of the crime because someone feels he has to carry, he or she has to carry a weapon for self-defense, that that perpetrates a degree of vigilantism that I'm not prepared to accept.

I think if we enact this amendment and make it absolutely clear and beyond doubt, that those who would endanger the person to whom you're referring, is going to be doing time for the offense, then probably the danger to that person would be mitigated, and there would be no need to carry a weapon. But yes, indeed, weapons should not be carried in school for whatever purpose, and that's what this says. Through you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Kirkley-Bey.

REP. KIRKLEY-BEY: (5th)

Yes, Madam Speaker. I have a great deal of concern

006674

kfh

339

House of Representatives

Monday, May 2, 1994

with that train of thought. Many of the youth who are in school who are trying to achieve something are not members of gangs. Most of the gang members have already dropped out of school, but they are still a menace to the streets and we know that based on what we've been hearing. And to be able not to allow for leniency or something like that, who would offer someone who's done something wrong out of fear for their own life I think is not right.

So I, along with my colleague, urge the people not pass this amendment.

DEPUTY SPEAKER LYONS:

Thank you, Madam. Will you remark further on the amendment that is before us? Will you remark?

Representative Tercyak.

REP. TERCYAK: (26th)

Madam Speaker. Parents, teachers, school officials and students are pleading for the kind of action reflected in this amendment. Enough is enough. Let us say we mean to go after those school disrupters and make them pay for their actions.

We need safe schools. Please, please support this amendment.

DEPUTY SPEAKER LYONS:

Will you remark further on the amendment that is

006675

kfh

340

House of Representatives

Monday, May 2, 1994

before us? Will you remark? Representative
Mazzoccoli.

REP. MAZZOCCOLI: (27th)

Thank you, Madam Speaker. Just a comment in
response to the comment by the good Representative from
Hartford. I hope that same logic holds true when we
start discussing the gun bill this evening, that people
do have a right to defend themselves and that at times
the ownership of a firearm is justified.

I don't think, in any case, that anyone should be
allowed to bring a handgun or any weapon on a school
property and it's about time we started sending a
consistent and viable message to these people.

But I just hope that we're consistent in our debate
on these issues that are very much inter-related.
Thank you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Thank you, Sir. Will you remark further on the
amendment? Representative Diamantis.

REP. DIAMANTIS: (79th)

Thank you, Madam Speaker. As a final note, in fact
what this bill does do with the amendments is, and as
cited earlier, it is a mandatory sentence on certain
gun offenses, and in fact if justice if what we're
looking for and what it is that we are seeking as what

006676

kfh

341

House of Representatives

Monday, May 2, 1994

the people want, and that is security in our schools, in fact this bill is accomplishing that in certain portions of these amendments that we've adopted, in fact do that?

It does not in any way, shape or form, allow criminals to escape the system. In fact what this amendment would do would tie up the system. It would preclude people from reaching judges in the courts. It would in fact clog up a jury system and not allow prosecutors, people that we've entrusted to see to it that criminals are being prosecuted, being tied up by virtue of tying up their ability to bargain in good faith and do what they believe is in the confines of the law, and therefore we are doing nothing more by rejecting this amendment in allowing our criminal justice system and our prosecutors to prosecute people that need to be prosecuted.

And again, Madam Speaker, I urge rejection of this amendment.

DEPUTY SPEAKER LYONS:

Thank you, Sir. Will you remark further on the amendment that is before us. Will you remark? If not, will staff and guests please come to the well. Will members take their seats. The machine will be opened.

006677

342

kfh

House of Representatives

Monday, May 2, 1994

CLERK:

The House of Representatives is voting by roll call. Members to the Chamber please. The House is taking a roll call vote. Members please report to the Chamber.

DEPUTY SPEAKER LYONS:

Have all the members voted and would the members please check the board to make sure that your vote is properly recorded. If all the members have voted, the machine will be locked and the Clerk will take a tally.

The Clerk will please announce the tally.

CLERK:

Senate Bill 292, voting on Amendment, House "E", as amended by House "A", "C" and "D".

Total number voting	149
Necessary for adoption	75
Those voting yea	61
Those voting nay	88
Those absent and not voting	2

DEPUTY SPEAKER LYONS:

The amendment fails. Will you remark further on the bill that we have before us. Representative Tavegia.

REP. TAVEGIA: (83rd)

Thank you, Madam Speaker. The Clerk has an

006678

343

kfh

House of Representatives

Monday, May 2, 1994

amendment, LCO5608. I ask that he call and read.

DEPUTY SPEAKER LYONS:

The Clerk has in her possession, LCO5608 which will be designated House "F". Would the Clerk please call. the Representative has asked leave to summarize.

CLERK:

LCO Number 5608 designated House Amendment Schedule "F".

DEPUTY SPEAKER LYONS:

Representative Tavegia, would you like to summarize, Sir.

REP. TAVEGIA: (83rd)

Thank you, Madam Speaker, yes, I will. In lines 88 and 96 we're making a very subtle change, changing the word shall to may, and I'll talk about that in a minute.

In line 206 we're taking out shall not and inserting may.

In line 269 we're inserting a period after school and striking out number 2.

In lines 270 and 272, we're striking out all of those sections pertaining to number 2.

In line 419 we're also adding the class B misdemeanor section to this amendment.

And in line 430 and in line 566, we're including

006679

kfh

344

House of Representatives

Monday, May 2, 1994

the superintendent shall have the final approving authority over any students return to school, and I move adoption.

DEPUTY SPEAKER LYONS:

The question before the Chamber is on adoption. Will you remark? Please proceed.

REP. TAVEGIA: (83rd)

Thank you, Madam Speaker. Ladies and gentlemen of the Chamber. The first section in here in lines 87 and 96 are very subtle changes in that I'm asking the Chamber to change shall to may, and I'm only asking them to do that because I think the section clearly indicates that there is some latitude by the local or regional boards of education requiring alternate schooling by the student, and I think we need to make it infinitely clear that by including this language of changing may in here, it does not change the legislative intent of this section.

We're simply making it clear that the local or regional boards of education must approve this student being given alternate education.

In lines 207, we're taking out shall not and putting may in there. And what I also want to make infinitely clear in this section is, that if a student enrolls in another school while an expulsion hearing is

006680

345

kfh

House of Representatives

Monday, May 2, 1994

going on, the receiving school has the authority not to allow that student to come back to school unless they deem it appropriate.

I think that's a very important point to make, that we do not want to mandate that another student has to take a student that has been expelled from another school and comes to a new school.

In lines 269, I'm inserting a period after school and I want to make it perfectly clear to all the students who decide that they want to be a discipline problem. If you're a discipline problem, that is going to stay on your record until you graduate from high school. And I want that in there, mainly because I do not want a student who may behave for two years and have this taken off his record, to be able to relocate to another school that may not understand the character of this student. I want them to be fully aware, not only academically, but of the behavior that this student exhibited in a prior school.

I also, in line 419, I'm asking that you also include a class B misdemeanor and I'm asking for this change mainly because I think that an offense that could carry 6 months in jail, or \$1,000 fine, is a significant offense for a school-aged child and I think that it should be deemed as important as a class A or a

006681

kfh

346

House of Representatives

Monday, May 2, 1994

felony conviction in this matter.

And then finally, in lines 430 and 566, I'm also asking that we clarify that a student who has been a disciplinary problem, that the superintendent is going to be the final authority in whether or not this child comes back to school.

And my colleagues in the Chamber, I think this is a very important point. We heard in Judiciary, the talk about levels of expectation, and we've talked about that in terms of telephone calls. And we debated the issue of whether or not a person who has a wire telephone has a certain level of expectation of privacy and then whether or not someone who has a mobile phone or a cordless phone, should from a legal standpoint, expect the same rights of privacy.

It was quite a debate in Judiciary to determine that if someone lets their transmission go out through the air waves, if that expectation of privacy is the same.

Well, I think for all of us who are parents, there is an expectation of safety within the school system. We send our children to school with the concept that it's safe, that they're not going to be hurt in school and that those children who are a discipline problem and who have a tendency to be violent, that somehow

006682

kfh

347

House of Representatives

Monday, May 2, 1994

they're not going to be in school.

Well, we know by the fact that this legislation is in this Chamber that that's not the case. We know that we are living in a society today where the level of youth violence in our schools is unprecedented. And the shooting of a student on the steps of New Britain High School is only one element that tells us we have a serious problem with youth violence and the behavior of youth in general.

Ladies and gentlemen, I'm urging you to join with me and accept these very subtle changes to this document because I think that this legislation is absolutely critical for our school system. We know we have a problem.

And my colleagues in the Chamber, I do not want to have happen what is currently going on in the State of Ohio, and specifically in the City of Cleveland, where they have had to create a separate department of public safety within the Cleveland public school system.

For my colleagues in the Chamber, that is almost a death knell for public education when we have finally reached a point when you've got to put a department of public safety in your school system.

I'm hoping that the message that we send with this amendment and the accompanying legislation sends a

006683

kfh

348

House of Representatives

Monday, May 2, 1994

clear message to students that go to public schools in the State of Connecticut, we are not going to tolerate crime. We're not going to tolerate violence in the schools, and we're going to make sure that you're accountable and we're going to make sure that that information stays on your record while you're in school and we hope that you graduate.

And I urge my colleagues to accept this amendment the way it's intended. Thank you.

DEPUTY SPEAKER LYONS:

Will you remark on the amendment? Representative Diamantis.

REP. DIAMANTIS: (79th)

Thank you, Madam Speaker. Clearly, I believe that the entire purpose of this bill and the various amendments that have been offered and accepted, have been for specific purpose of creating safe environments in schools, moving forward probably for the first time, not just in this state, but in many states throughout this country, to somewhat loosen up confidentiality laws to deal with the behavior of students in our society and in our school systems.

And I certainly hurt with respect to the shooting that occurred in New Britain at the steps of a school. But I would also like to bring to the attention of this

006684

349

kfh

House of Representatives

Monday, May 2, 1994

Chamber of another shooting that occurred today, in Bristol, Connecticut, of a young boy. My understanding to be at the age of 15, in front of the courthouse, which is on the second floor, and on the first floor happens to be the police department.

And I won't speculate as to the reasons or whether or not it was a gang violence or whether or not it was some sort of a plot, but I will say this. It is clearly my belief that we have adopted certain policies that seem to allow children, when they misbehave, to toss them in the street, similar to the way we take care of refuse in landfills.

I understand the issue for allowing children not to return to alternative ed programs is money. Clearly, money. We want local boards of education not to have to pay for a child who wants to go back to school in an alternative program, or once expelled to get tutoring, we want that parent, assuming the child has parents, to pay for that education. I understand it's dollars.

But I also understand that the life star helicopter that carried that child from the front of a courthouse to Hartford Hospital cost a heck of a lot more money than the tutoring of that child if we had worked with that child when we expelled him or her.

The physicians that are going to deal with that

006685

350

kfh

House of Representatives

Monday, May 2, 1994

child, and hopefully that child will survive, will be a far more expensive proposition than tutoring. I think a commitment to Long Lane School, which you're all familiar with, is somewhere in the neighborhood of \$40,000, \$50,000 per child and of course Somers has another price tag to it. It's more expensive than offering an alternative education program to that child.

And I would submit that if some of us look at our local boards of education budget and the cost of substitute teachers, meaning that when a teacher has already been paid a salary, decide to take the allotted amount of time off within their contract, and I can say in the City of Bristol I believe it to be \$240,000 in regular school time, and the good Representative White who is in the aisle could probably assist me on that particular number. It's far more expensive than the \$40,000 some odd that we presumed we were going to spend in alternative education program for those students that were expelled.

If we are going to take a preventative method and measure to save dollars for our communities, then it should be one that adopts this discipline within the schools, adopts respect for parents, family, elders. That's an old concept. And maybe we adopt a system in

006686

351

kfh

House of Representatives

Monday, May 2, 1994

which we educate children and we catch them early, similar to what we did in House "A".

If we're going to report a child that commits a crime, if that crime is serious enough to expel, then we expel. And when we expel, we find a program to see what sort of help these children need. We should not adopt a statewide policy that says, if you get expelled you lose the privilege of education. Meaning the privilege of not becoming an adult criminal, and stay and roam the streets.

Find a new family. Find a new family that could very well be your local gang, and maybe one of your housing developments or on one of the streets. Adopt the policy that is contrary to what we are looking to do, and that is to achieve and educate young people to be productive citizens in our community and that means getting them to work within the system, not outside the system.

Therefore, I would oppose this amendment because it would allow just that to happen, and it would also force the various police departments to report as far low as offenses, and I understand that some could be quite serious, A and B misdemeanors. And that would certainly cause a great deal of cost to the local municipalities with respect to reporting that because

006687

352

kfh

House of Representatives

Monday, May 2, 1994

there would be more crimes to report.

And we have considered A misdemeanors at one point in time. But after conversing with the Judiciary and the various police departments, as a matter of fact inviting and speaking with the chief in Hartford and some others and we found that it would be a good stepping stone, a good stepping ground to work with serious offenses to include felonies.

When looking at some of the B felonies we excluded those and we felt that we would accomplish the goal of having safe schools dealing with felonies. And therefore, Madam Speaker, I move rejection of this amendment wholeheartedly.

DEPUTY SPEAKER LYONS:

Thank you, Sir. Will you remark further?

REP. TAVEGIA: (83rd)

Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Tavegia.

REP. TAVEGIA: (83rd)

Thank you, Madam Speaker. I think Representative Diamantis has missed some of the points that are already in the bill and I would like to go back into lines 88 and 96 where the language, somewhat implies that there is still local authority by local regional

006688

353

kfh

House of Representatives

Monday, May 2, 1994

boards of ed, and all I am doing is further clarifying that language to make sure that the people understand that there is not going to be a mandate on your school system.

Your language already says it. Why do you say shall and then add an option of legislative prerogative. I don't understand it. By putting may in those sections only is clarifying that there is a local board option to reject.

And I think it's also very important, what I'm trying to say here, I want that student who is a disciplinary problem to get an education. But it is very important for us to understand that this child may not have the mind set in his head that school is important yet. And I want that school superintendent to be responsible for accepting that child, because I'm going to tell you what's going to happen.

You bring some child back into a school who has been a disciplinary problem and he hurts some other child and the parents in your town are going to be upset. They're going to say, in my town, Dr. Bruno, why did you let that kid back in school? This kid has a history of being a disciplinary problem and you let him back in, and now my child is hurt.

Representative Diamantis very ably speaks about

006689

kfh

354

House of Representatives

Monday, May 2, 1994

having these children be educated. I want that as much as you. But I do not want a mandate on our school systems that we're going to be forced, without consistent review, careful understanding of the issues, that we're not going to let this kid come back into school until that superintendent feels clear that that child is going to conduct himself in a proper manner. That's all I'm saying in this legislation.

And I certainly think, as I stated before, that a class B misdemeanor ought to be included in this. I think the six months in jail or \$1,000 fine is serious and I think that that ought to be a consideration in this legislation. I don't see any problem.

And I have to tell you, I had colleagues who said, you should have gone further. Well, those decisions are always arbitrary, how far you go. But I think that any child that has been arrested and may look at six months in jail or be fined \$1,000 is serious and I think it should be considered as part of this as well.

I feel very strongly that we should be making a very strong statement here because part of the problem that we have with the Scheff v. O'Neill case is that everybody gets a free and public education.

Look at what happens when we say that. Kids realize that it's a mandate and they have to go to school

006690

355

kfh

House of Representatives

Monday, May 2, 1994

whether they want to come or not, whether they care about coming or not. Because it's free. Well, it's not free. Everybody that pays taxes in Connecticut knows that a free and public education is kind of an oxymoron. It's very expensive to get an education here.

All I want to do by making these changes in this bill, is to make sure that your local school system has the right to understand when this child is coming back into school and if they feel in their heart of hearts that they need to talk to this family, that they're not mandated to do so until they feel comfortable that this child is not going to hurt the rest of the class, that's all I'm saying.

Give your school boards the power and the control that they need to protect your children. Make sure that we're not mandating that they do something that they may not feel comfortable with. I'm not sure that that's what the intent of this legislation was and I just want to make it clear. We want these children to be educated. We want them to come back, but we want them to know that if they've been violent, we're going to decide that.

It's not going to be by statute that they have to come back because we said that there's free and public

006691

356

kfh

House of Representatives

Monday, May 2, 1994

education. I want the superintendent to be responsible for safety in that school system, and I want him to be accountable because he is the chief accountability officer in every school for this legislation. He should have that final authority.

It should not be left up to some court where citizens in the town don't know what that is, or who made this decision. You know who your superintendent is. You know who the people are on your local board of ed. You trust them. That's why you elected them. And if you have a conflict with a decision that they make, you can go talk to them. But I don't want to have to go talk to them after some other kid got hurt.

I want them to understand that we're going to make them accountable. That's all that I'm saying in the changes that I'm asking for here. Make sure that the parents of that student who is violent understands who the lines of authority are. Make sure the parents of the other students understand that we're going to do all we can to make sure that their school is safe.

That's all I'm asking here is to help us make our schools safe. I know that that's what you intended when you drafted this legislation, which I fully support. We're only asking for some minor changes that can try to make schools a little bit safer and make

006692

357

kfh

House of Representatives

Monday, May 2, 1994

sure that the lines of responsibility are clearly defined.

Thank you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Thank you, Sir. Will you remark further on the amendment?

REP. WYMAN: (53rd)

Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Wyman.

REP. WYMAN: (53rd)

Thank you, Madam Speaker. I rise in opposition to this amendment, and there's many things that I really dislike about that what is being said here.

One is, if anybody looked at what now is being called a class B misdemeanor. Let me list some of the things that now a child could be thrown out of school for. Obscenity. I hope that child doesn't come into this Chamber at some time.

Issuing a bad check between \$251 and \$500. We're going to throw them out of school for?

The unlawful assembly, so if we have 5 kids going someplace, or 6 kids and they are not supposed to be standing around on the corner and they happen to be arrested, we're throwing them out of school?

006693

kfh

358

House of Representatives

Monday, May 2, 1994

I disagree with the Representative regarding the Scheff v. O'Neill case. That had nothing to do with that every child deserves a good education. That ruling came down well before Scheff v. O'Neill.

I also believe that the more you decide to throw kids out of school, instead of making sure they go to an alternative program, you will have more crime in your streets. You will have more kids in trouble. And enticing other kids out of school, and instead of trying to help students, instead of trying to help students, you say get rid of them, you leave them alone.

I'm sorry, this is one mandate that says you offer an alternative program if the local board of education, which has the flexibility of throwing the student out of school, or going out to an alternative program. Right now, a board of education can expel a student for 180 days if they deem it necessary. I don't believe that this amendment is in good meaning for students, for the safety of other students, or for the students that you think, because they're writing a bad check or because of obscenity laws, or because they had unlawful assembly, you're now going to throw them out of school and not keep them in there.

I believe this amendment is a poor amendment and at

006694

kfh

359

House of Representatives

Monday, May 2, 1994

this time I would ask for a roll call vote.

DEPUTY SPEAKER LYONS:

All those in favor of a roll call vote please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER LYONS:

In the opinion of the Chair, the roll call threshold has been met and we will have a roll call vote. Will you remark further on the amendment that is before us?

REP. MAZZOCCOLI: (27th)

Madam Chairman.

DEPUTY SPEAKER LYONS:

Representative Mazzoccoli.

REP. MAZZOCCOLI: (27th)

Thank you, Madam Speaker. I guess why don't we also say that all these kids that go to school are going to pass some tests, that they're really going to learn something? You know, I love this. We're going to force kids to go to school who don't want to learn, and it's good to do that. We want kids to go to school and learn.

The fact of the matter is we can't agree on standards in terms of what they have to learn before

006695

360

kfh

House of Representatives

Monday, May 2, 1994

they graduate school. We're assuming that they're in school. They're going to be learning. You know, all we're doing here is guaranteeing a babysitting service for some kids who are not going to be babysat. That's the simple fact of the matter, folks.

Giving your local board some options is reasonable, as the State Representative says. I just don't understand the argument that we're facing here. The fact of the matter is, year after year after year we're facing more and more problems because of a society that cannot deal with the issues of punishment, that when you commit a crime, that when you do something wrong, there's a price to be paid for it, and when you gamble with the issue of certainty in our society, and on these bills, the criminal wins almost every time. He gamble that he's not going to be punished. He can gamble because he's youthful. He can gamble because he's going to school and get away with it.

It's time that we say no, that it's great to offer alternative programs, but what's more important is that we send clear messages to people and not allow other students to suffer because of the misbehavior of other students. Mr. Tavegia has a very reasonable amendment that should be supported by this entire Assembly because it's time to put an end to this, as people have

006695

kfh

360

House of Representatives

Monday, May 2, 1994

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006696

361

kfh

House of Representatives

Monday, May 2, 1994

said. Thank you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Will you remark further on the amendment that is before us? Will you remark? If not, will staff and guests please come to the well. Will members take their seats. The machine will be opened.

CLERK:

The House of Representatives is voting by roll call. Members to the Chamber please. Members kindly report to the Chamber. The House is voting by roll call.

DEPUTY SPEAKER LYONS:

Have all the members voted and would the members please check the board to make sure that your vote is properly recorded? If all the members have voted, the machine will be locked and the Clerk will take a tally.

The Clerk will please announce the tally.

CLERK:

House "F" to Senate Bill 292.	
Total Number Voting	148
Necessary for Adoption	75
Those Voting Yea	63
Those voting Nay	85
Those absent and not Voting	3

006697

362

kfh

House of Representatives

Monday, May 2, 1994

DEPUTY SPEAKER LYONS:

The amendment fails.

Will you remark further on the bill as amended?

Representative Kirkley-Bey.

REP. KIRKLEY-BEY: (5th)

Yes, Madam Speaker, through you, to Representative Diamantis, I would like to ask a couple of questions.

DEPUTY SPEAKER LYONS:

Please proceed, madam.

REP. KIRKLEY-BEY: (5th)

In the discussion we had the other night relative to choice, there was a lot of discussion with regard to parental involvement and people felt that it was very important that parents are a part of the process. To what degree are parents a part of the process in the bill, as you have it crafted, through you, Madam Chair.

DEPUTY SPEAKER LYONS:

Thank you. Representative Diamantis.

REP. DIAMANTIS: (79th)

Through you, Madam Speaker, clearly what we're looking to do at one portion of this bill would involve that parents be notified of changes with respect to expulsion proceedings and weapons, rules, and any other type of notification that need to go out to that, to the student.

006698

363

kfh

House of Representatives

Monday, May 2, 1994

Clearly, and establishing an assessment of the child as far as risk of endangerment to himself or to others would involve the parent at some point of the process, seeing that the children are usually juveniles and we can't take action without parental involvement.

So in fact, what we're looking to do is even if a child is going to get expelled with an alternative program, the parent would be involved. If the child is kept in school and needs an alternative educational program or a modification of that program with discipline, the parent would be involved, as well as involving the parent with various rule changes, through you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Kirkley-Bey.

REP. KIRKLEY-BEY: (5th)

Yes, Madam Speaker. I'd just like to make a comment and then give my feeling about the bill. There is a book that's been around for a long time and in it there's a saying that says, spare the rod and spoil the child, and I know when I was growing up I tended to be a little rambunctious and I would get a spanking from time to time.

Today if you spank your child, you could go to jail for child abuse. So you know, it's very confusing to

006699

kfh

364

House of Representatives

Monday, May 2, 1994

me, as I listen to the debates here on different things where we look at the security of the child, how much the parent could punish the child, and I don't mean to extremes because I mean I would not for that, but these kids, you know, one of my daughters used to tell me what the number was for DCYS when it was DCYS when I would say to her, if you don't do your work, da-da-da, and I mean we have to make sure that we have laws that are consistent, that you have the right to punish your child in a way as a parent that you think is fair to teach discipline and respect and maybe some of the things they we're catching now as they grow older, for parents who have been lacking in doing that, would not exist and I'm not saying that's the only problem that is part of what has caused the social climate that we're in, but I think this bill is good. It gives an opportunity for the child to have alternatives if he gets into trouble, he or she. It provides an opportunity for the parent to be involved in the decision making as to what is the best course of action for that child. It lets the child know that the system is not going to tolerate conduct that is not becoming or not pertinent or relevant to the way he should be in school, and more importantly, it says to him, if you do try, meaning he or she, to do better and improve the

kfh

006700

365

House of Representatives

Monday, May 2, 1994

quality of your life, that you will have an opportunity to have a record erased and give the opportunity to succeed.

Many people have made mistakes when we were kids and some of them have gone up for the Supreme Court judges and they didn't make it because of things that they did in their youth. What they thought would not be harmful at that time, turned out to be something very bad later on and I'm not saying that some of these offenses are not bad, but cussing and a couple of other things that Representative Wyman said I do not believe deserve them not to have a chance in life. Thank you.

DEPUTY SPEAKER LYONS:

Thank you, madam. Will you remark further?

Representative Fritz.

REP. FRITZ: (90th)

Thank you, Madam Speaker. Speaking on the bill, I would urge the members of this Chamber to vote for this bill. We've talked over and over again in this session and in this Chamber about education reform and I honestly believe that this bill is the first step towards that reform. You cannot teach and you cannot learn until there's discipline in the schools. This is what parents are looking for. This is what teachers are looking for and I honestly believe that this is

006701

kfh

366

House of Representatives

Monday, May 2, 1994

what our children need to create an atmosphere for them to have the ability to learn.

No matter what we do in programs, no matter what we do in curricula, it will not make a bit of difference until we have this piece of legislation on the books and return sanity to our schools.

DEPUTY SPEAKER LYONS:

Thank you, madam. Representative Conway.

REP. CONWAY: (75th)

Madam Speaker, I'd like to rise to support this bill. I received over 500 signatures from the school department in the City of Waterbury, including the superintendent, the members of the Board of Education, the principals, teaches, members of the Waterbury delegation, asking for this bill and I'd like to publicly thank Mr. Martin Scully, the principal of the West Side Middle School, who was behind this driving force and this bill reflects their chief concern, calling for legislation to stem weapons, violence and gang activity as it relates to schools and I urge you to support this bill. Thank you very much.

DEPUTY SPEAKER LYONS:

Thank you, sir. Will you remark further on the bill that is before us? Will you remark?

Representative Diamantis.

006702

367

kfh

House of Representatives

Monday, May 2, 1994

REP. DIAMANTIS: (79th)

Thank you, Madam Speaker. We discussed the bill at great length, specifically dealing with the children and the aspects of expulsion and the alternative ed programs. There's another important factor and it goes beyond that and I think this Chamber should be aware that it opens up the court process. It gives an opportunity for the schools to become part of that probationary process, to make appropriate behavior in school and following school rules, conditions of probation if the offense is such that where probation has become part of the child's day-to-day obligations and violating those school's rules could in fact violate that probation and allow for some form of incarceration possibly.

It goes a step further and ensures that those people working within the school system, being part of the school system, conduct themselves appropriately, whether they be psychologists, social workers, professionals, paraprofessionals coming into the school system and in fact does a major change which would make any type of sexual activity for children in school between the ages of 16 and 18 a felony, a B felony in sexual contact.

We have answered, I believe, important steps in

006703

368

kfh

House of Representatives

Monday, May 2, 1994

providing that safe haven for our children and creating that environment for conducting the best education possible, not just in our state, but in this country, and it responds to the following statistics, and I'll close with that. 8,053 children were referred to Juvenile Court under the age of 16 years old in 1990. The newer stats aren't quite available. 1,641 children were reported sexually abused in 1991-92. 8,000 have been deemed at risk, neglected or physically abused.

Of those, 3,300 per year are placed outside their home. Those placements change for 30 percent of the children four times in any given one year. The effects of those statistics are that children are found to have emotional instability and lack the ability to function appropriately.

Those statistics support that the homicide and suicide rate for children between the ages of 15 and 19 rank second and third for deaths of those children, that 60 to 75 percent of all students in Long Lane School have been sexually abused, and that 31 percent of all crimes against students occur in schools.

Now what that means basically is our children go to school with a variety of problems that they've encountered through their lifetime, since their birth, whether it be physical abuse, sexual abuse, or any

kfh

006704

369

House of Representatives

Monday, May 2, 1994

other type of abuse, and clearly, this legislature is behind, I'm sure, any public policy to make sure that we don't harm those students and those children regardless of their age. This legislation does that. This legislation opens new doors to cooperation between all the agencies in our state, professional agencies in our state, who abide by confidentiality rules, takes a giant step forward to opening up those doors and bridging the gaps that we have created in the years gone by and I think and I believe that we'll save many a child to come in the next few years with this legislation and we'll create safe havens in our schools without turning them into prisons. With that, I urge passage.

DEPUTY SPEAKER LYONS:

Thank you, sir, for your remarks. Will you remark further on the bill that is before us? Will you remark? If not, will staff and guests please come to the well. Will members take your seats. The machine will be opened.

CLERK:

The House of Representatives is voting by roll call. Members to the Chamber please. Members kindly report to the Chamber. The House is taking a roll call vote.

006705

370

kfh

House of Representatives

Monday, May 2, 1994

DEPUTY SPEAKER PUDLIN:

If each and every member has voted, and your votes are properly recorded. Please look at the board to make sure you have voted correctly. The machine is locked. The Clerk will take the tally. The Clerk will announce that tally.

The Clerk will announce the tally.

CLERK:

Senate bill 292, as amended by House Amendment Schedules "A", "C" and "D".

Total Number Voting	148
Necessary for Passage	75
Those voting Yea	146
Those voting Nay	2
Those absent and not Voting	3

DEPUTY SPEAKER PUDLIN:

The bill, as amended, passes.

Are there any Points of Personal Privilege or announcements at this time? If not, return to the Call of the Calendar. Clerk, 308.

CLERK:

Page 16, Calendar 308, Substitute for House Bill No. 5755, AN ACT CONCERNING THE REVISIONS TO THE EDUCATION STATUTES.

Favorable Report of the Committee on Planning and

JOINT
STANDING
COMMITTEE
HEARINGS

EDUCATION
PART 1
1-295

1994
INDEX

000183

10
kg

EDUCATION

March 7, 1994

With regard to SB292 AN ACT CONCERNING SCHOOL DISCIPLINE AND SECURITY.

The Department supports these efforts to make our schools safer. We believe that there is much in this proposed act which in fact will be very helpful toward that end. We do have a few comments however, that we'd like to lay before you for your consideration.

For example, in section two of that proposal, the requirement that all board of education use hearing boards will eliminate the option of local boards acting as the hearing board and we have come concerns that the elimination of the local board as a potential hearing board, can in fact result in some increased costs for local districts. We would hope that that option would remain available to the local districts.

Also, within section 2, subsection E of the proposal deletes a provision exempting special education students from the states expulsion procedures.

I believe that the intention is to discipline all children equally where disability is not the route of their mis-behavior and we certainly can support that notion.

Unfortunately, the expulsion of a special education student amounts to a change in placement for that student which does require a very specific procedure to be followed as required by federal law. So, again, let me just point that out to you as something that needs to be addressed.

Under section 4, of the proposal, there is language requiring training and school violence prevention and conflict resolution prior to the issuance of initial educationer's certificate.

We believe this is an extremely difficult environment to enforce and would offer, as an alternative, that we might be better able to address this issue through a professional development office which must be provided by a

000184

11
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EDUCATION

March 7, 1994

local and regional board of education which is contained within section 10-28 in your proposed section 5.

So we are suggesting that we made that a requirement but place it into the professional development process rather than as a requirement for the initial certification.

Under section 6. This is the section that deals with the development of a school security plan and one of the issues that we'd like to raise with you is that while there aren't any really clear definitions as to what would be included in the plan, there may be, through the requirement of a plan being in place, some legal liability questions raised as a result of that plan being put in place.

Once boards are under an obligation to develop the school security plan, any breach of that plan may expose them to a potential lawsuit. So we have some concerns around that.

We are suggesting that the development of a plan be considered as an option for the Board of Education since there are some boards that might find the requirement burdensome.

And under Section 8, we do support giving school district the option of requiring all persons in their employ to submit criminal history record checks.

We think that is something that will be helpful. We would also suggest that you might want to continue providing this option to private schools as well in that we have heard, at least from one private school that has an interest in this, and in fact, we think it will protect all of our students in this state - both public and private by having this kind of a check in place.

Again, under that same bill, Section 11, we believe that this section would be very helpful to school districts who are concerned about students who are involved in serious criminal matters outside the school setting.

000185

12
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EDUCATION

March 7, 1994

We believe, in fact, it would make schools a much safer place if this information is provided to the school districts from law enforcement agencies.

Once again, we would suggest that you may want to consider extending this opportunity to the private schools as well in their work with their youngsters.

SEN. SULLIVAN: (inaudible - mic not on)

COMM. VINCENT FERRANDINO: Yes. We'll do it. Yes, I'll do it very quickly.

The HB5160 AN ACT CONCERNING EDUCATIONAL LEGALIZATION AID GRANTS.

We simply indicate to you that the ECS grant, as proposed by the Governor, is consistent with the Appropriations contained in the bi-annual budget and given the economic climate that we're engaged in, we understand the need to reduce the anticipated increase in the grant.

I will only make comment on the School to Work Program. We believe this is a significant piece of legislation for you. We believe that the work that has been done by the Legislative Committee, as well as the other agencies, have brought forward a very doable program for the State of Connecticut; one that, in fact, does tie together many elements of programs that were loosely coupled in the past with a focus on a Connecticut certificate.

We would hope that the Committee would support this initiative and allow us to put in place a truly worldclass program in school to work activities which would then enable us also to become involved eventually with the Federal School to Work activities that are forthcoming.

So, with that Senator, I will complete my testimony and move on.

SEN. SULLIVAN: Because we're on a ... thank you Commissioner ... fast track, there are a few questions I think ... not to be answered today but I know that March Stapleton and others are here.

000209

36
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EDUCATION

March 7, 1994

The bill would address the existing inequity that causes a few communities to cover expenses that result from state agency placements. Unfortunately, it is the budget for regular education expenditures that currently bears that burden in these communities.

A current example is that the Board of Education in East Windsor, with a total school district population of slightly over 1,000 currently has five special education placements that fit this category, which clearly they are having a very tough time bearing that at the cost of other educational existing programs.

CABE strongly opposes HB5160, THE ACT CONCERNING EDUCATIONAL EQUALIZATION AID GRANTS. Our Board of Education, as many across the state, anticipated a two year budget. We set our budgets on it. We are half or three-quarters of the way through the process right now and in order to be able to count on that, we supported the two year budget. The Governor's proposal takes away that certainty. Our district would lose almost a percent of what we were to receive in ECS funding. We would urge you to reject this proposal, which is both unfair and clearly fails to meet the educational needs of our towns and communities.

CABE generally supports SB292, THE ACT CONCERNING SCHOOL DISCIPLINE AND SECURITY. There are many provisions we do support, however, we would question the rationale for the proposal to eliminate the local Board of Education from serving as a hearing panel in expulsion cases and requiring the use of an impartial panel. Currently Boards of Education may either hear the proceedings themselves or appoint the impartial panel. We feel that that should be a right so that the local board may hear that appeal if they wish to do so.

Again, we would support HB5619, the impact date for foster care. We would oppose the Governor's ECS funding for this year as it is a change and we do in general support SB292, THE ACT CONCERNING SCHOOL DISCIPLINE, with that one condition that we would like local Boards of Education to have the right to continue to hear the expulsion hearings. Thank you.

000210

37
kg

EDUCATION

March 7, 1994

REP. WYMAN: Thank you. Are there any questions?
Representative Kyle.

REP. KYLE: Good morning.

ROBERT NORTON: How are you doing?

REP. KYLE: On SB292, your opposition to having an independent panel hearing the expulsion cases, don't you think there might possibly be a conflict of interest with the school board initiating the expulsion process and also having authority over the body that would hear the appeal process? Don't you think it might be a little cleaner and a little bit more open to do it with an external panel?

ROBERT NORTON: Right now there's the option to have either -- in other words, the local board may, if they feel that it's not a problem and they don't have prior information that they can handle the appeal process fairly. In my district, speaking for my district, Haddam and Killingworth, we don't get involved with that type of a day to day level. That's clearly an administrative function which we are not apprised of, specifically to keep us out so that we would be impartial and we do hear it. We're elected by the folks in the town to keep the overall perspective and not inside the schools on a day to day basis, so we also think that we're able to fairly respond to questions or hearings from those same folks who elected us if they wish to hear such an appeal.

So that it doesn't really get to be too much of a problem. It's very similar if we're hearing an employee's appeal for an issue, whether it's a grievance on a binding arbitration -- on a collective bargaining agreement interpretation or whatever. We still do that. We stay out of the day to day operating picture, if you will, so that we do keep that impartiality and we may, as you said, there may be times where if we do have inside information and we feel that it is something that could unfairly hamper our objectivity, then we would like to still be able to appoint that impartial hearing board.

REP. KYLE: How many cases like this does District 17 handle in a year?

000211

38
kg

EDUCATION

March 7, 1994

ROBERT NORTON: We have very few in our district. I think we're very fortunate, if you look at some of the problems that unfortunately we don't have to deal with, but clearly, many of the larger area Board of Educations do have to deal with.

REP. KYLE: Thank you. Thank you, Madam Chairman.

REP. WYMAN: Thank you, Representative Kyle. Are there any questions? Thank you, Mr. Norton. I appreciate it.

ROBERT NORTON: Thank you.

REP. WYMAN: Ron Taylor, followed by Michael Gerber.

: Representative, Ron Taylor has been delayed in class, so he won't be able to be here for his scheduled testimony, but we have written testimony which we will submit.

REP. WYMAN: Thank you very much. The next speaker is Mike Gerber, Joseph LaChance, Roselyn Rodriguez, Aneeka Angus.

MICHAEL GERBER: Well, Representative Wyman, it's a long time since I sat in the Governor's chair. It's nice to be back. It feels very good, but only for a very short time. For the record, my name is Michael Gerber. I'm the President of the Connecticut Conference of Independent Colleges. I want to present testimony on two bills, Raised SB290, regarding recommendations of the Student Financial Aid Task Force and SB98, concerning the Hope Scholarship Program. You have copies of my written testimony. They've been distributed to you this morning. Let me just make a few points on both of these bills rather than read the testimony.

First, with respect to the student financial aid bill, this results from the work of the legislative Task Force on Student Financial Aid. I'd like to go on the record this morning expressing the appreciation of CCIC to the members of that task force and particularly to Representative Wyman and Senator Sullivan for their hard work in co-chairing that task force.

000221

48
kg

EDUCATION

March 7, 1994

Every dollar spent on education is more than a dollar less spent on prisons and public assistance programs. I can assure you that the CSLA students would be happy to work with you to fine tune a bill that jointly represents their suggestions and that works within the budgetary confines of this committee. Thank you so much for your thoughtful consideration.

REP. WYMAN: Thank you, Donna, and I want to thank all the students for coming up. Your participation in this process is always welcome and always needed. Are there any questions from the committee? Thank you again and we will be in touch with you in the next day or so. Thank you.

DONNA THOMPSON: Thank you.

REP. WYMAN: The next speaker will be Dr. Thomas Galvin, followed by Joseph Dakers, Jr.

DR. THOMAS GALVIN: Thank you. I'd like to speak on behalf of Raised SB292. On behalf of the Connecticut Association of Schools, I'd like to express my support for the provisions of this bill to allow school officials to play active roles in actions involving students arrested or placed on probation for serious offenses.

We've taken the position that there is a pressing need to have legislation which will provide support for safe and secure schools for all of Connecticut's students. The provisions of this bill will help the schools meet this important need.

Currently students convicted of serious crimes or placed on probation for serious crimes can be in effect sentenced to school without the school's involvement or even knowledge. This results in the presence in school of a student who may represent a serious danger to the safety of others.

Without involvement or knowledge of this placement, the school is unable to take necessary precautions to maintain a safe environment. The precautions can include awareness and observations by staff,

000222

49
kg

EDUCATION

March 7, 1994

separate scheduling of certain students at risk, individual protective scheduling or possible separate placement.

The essential provisions of this bill will involve the school in establishing criteria for probation, including satisfactory attendance and academic performance in school. If these conditions are not met, they would be a violation of the conditions of probation.

At the present time, such a student may be involved in a lengthy disruption at school until corrective action is possible.

Finally, the current practice places students arrested for serious offense directly back into school without any formal communication. This is not fair to the rest of the population of the schools which may well be at risk. With information of their arrest, the schools will be able to take at least some reasonable steps to ensure the safety of students and staff. We heartily request your support for this bill and I would be happy to answer any questions if you would have any.

SEN. SULLIVAN: Thank you. Are there any questions from the committee members? Thank you very much and thanks for your help in bringing this bill here.

DR. THOMAS GALVIN: Thank you, Senator.

SEN. SULLIVAN: Joseph Dakers, to be followed by Donna Lambert. Another team effort. Is one of you speaking for all of you or are you all going to speak or might one of you speak for all of you?

JOSEPH DAKERS, JR.: We are going to talk just for a few seconds, that it doesn't take up a whole bunch of time.

SEN. SULLIVAN: That's what they all say, but you're welcome.

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EDUCATION

March 7, 1994

REP. WYMAN: Thank you, Michael, very much. Are there any questions? Representative Kolar.

REP. KOLAR: I'd like to say that was a nice speech. It's a little bit off the subject, among your fellow students, do you hear a lot of them saying that they're going to leave Connecticut because of our economy?

MICHAEL BOSCO: Some do, some don't. Some people have the view that going down south is where you'll find all the jobs. In the research, recently, I guess, I'm not up on it completely, I guess some of the southern states have more job opportunities and job openings, but I think if people became educated and could find jobs in the area to benefit Connecticut, it would be a good incentive for people to stay here in the state.

REP. KOLAR: I agree. Thank you.

REP. WYMAN: Thank you, Michael. No other questions. Thank you so much. Sallie Herson, followed by Robert McGinnis.

SALLIE HERSON: Thank you, Representative Wyman and your assistant in the office who helped me find out, Peggy, that this was occurring today, and members of the legislative committee. My name is Sallie Herson and I'm the Executive Director of Action for Education Inc., an educational nonprofit corporation. I am now a Windsor resident and have come to Connecticut with 25 years of teaching and counseling experience, much of which was with New York City's most challenging youth.

I appreciate your commitment, dedication and effort to have a positive impact on Connecticut's educational system and wish to present a program for your consideration which addresses attitude, behavior, disruption and violence. These ways of being issues are critical to the education of our students, to assist them in experiencing education as an opportunity.

Action for Education Inc. makes a distinction between learning these ways of being skills and academic achievement. Until a receptive attitude is in place, no real academic learning is possible.

000240

67
kg

EDUCATION

March 7, 1994

Our program includes a system to promote respect, responsibility and relationship, as important, three R's to be included in our educational process. We train teachers and students to utilize our support system for these qualities, leaving teachers to teach academics and students to be more receptive and responsible learners. Students are taught conflict resolution and peer mediation skills and are instrumental in the success our program offers.

Students appreciate and respond to the increased relatedness that comes from our providing more respect and responsibility for them to experience. Our system includes the clearingroom as a counseling classroom where supportive conversations are available at all times. This addresses the attitude behavior issues as they occur with a responsibility model that includes choice.

This method of referral is experience by the student as supportive. We tell the student, "the clearingroom is to support you in being clear that success in school and life depends primarily on your attitude and behavior." I liked seeing so many of you young people here.

This empowers students to be more cooperative, participatory and to see new possibilities. When the issue that prompted their referral is complete and the student has written and signed a statement of their commitment, they return to class. Teachers briefly review their plan and attitude and either accept them with the issue resolved or have them returned to the clearingroom for additional work.

As students are addressed with choice, responsibility and respect, they are generally not upset with the support. Some will need extra assistance, but the process establishes classrooms with "an atmosphere conducive to learning," our sixth national educational goal.

Our program provides facilitators who are trained by Action for Education Inc. These facilitators have demonstrated human relation skills and teach, model, demonstrate these important ways of being to students. These qualities and interpersonal skills

000241

68
kg

EDUCATION

March 7, 1994

are sorely needed in our schools and culture and are offered as a solution to the dramatic increase of disruption and violence in our schools.

We therefore request that you address these ideas and form a committee or task force to further investigate the attitude, behavior, disruption and violence that can no longer be ignored in education. We offer the expertise of Action for Education Inc. in this effort. This entire project can be regarded as an opportunity to provide the learning that will allow all our young people to be successful in their lives, thereby preventing suspensions, expulsions, juvenile justice and other costly ways of dealing with these problems, \$100,000 and \$150,000 per student would fund our three person program.

Let's find positive teaching solutions to these issues instead of looking for more of the punishment that has not been working. This is an opportunity to demonstrate a way to make a major impact on our schools in Connecticut and continue the leadership our state has provided for education. I, therefore, say that I support SB292 in its issue and looking to do something to solve it and its commitments of money for that, but I request that the committee be open to looking at a positive intervention that would make a larger impact on more students and in our schools. Thank you for allowing me to present. Are there any questions?

REP. WYMAN: Thank you, Sallie. Are there any questions? Thank you very much, Sallie, for coming up.

SALLIE HERSON: Thank you. You will get in your folder an additional brochure and a particular middle school model that addresses this issue very directly. Thank you.

REP. WYMAN: The next speaker is Robert McGinnis, followed by Petra Clark-Dufner. Robert McGinnis.

: He is not here.

REP. WYMAN: Petra Clark-Dufner, followed by Jim Finley.

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85
kg

EDUCATION

March 7, 1994

Thank you.

REP. WYMAN: Thank you Peg.

Are there any questions?

Thank you very much Peg.

The next speaker is Dave Manning followed by Anthony Marda.

DAVE MANNING: Senator Sullivan, Representative Wyman, members of the Education Committee.

I am appearing here as the Chairman of the Legislation Committee for the Connecticut Association of School to speak in support of SB292 AN ACT CONCERNING SCHOOL DISCIPLINE AND SECURITY.

A recent opinion survey that was circulated to our membership which consists of over 350 member schools in the state of Connecticut, as to what was their chief interest of concern in the forth coming General Assembly clearly indicated that this legislation; this proposed law, is very much welcome by Connecticut principals.

98% of the 283 school principals who responded to this survey stated --

(cass 3) (cassettes 1 and 2 don't connect, small gap)

-- and they stated that they wanted the General Assembly to pass legislation that will help us to restrict violence and improve in security in our schools.

When students, teachers, and principals come to school each day, concerned most of all about their personal safety, teaching and learning must shift for itself and the education process slowly grinds to a halt.

We simply can not devote our full energies to teaching and learning and improving student achievement until we tend to the business of providing a safe and secure learning environment for students and teachers in our school.

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EDUCATION

March 7, 1994

And we firmly believe that SB292 is a comprehensive and realistic approach that will give us the means to establish safe and secure schools for all Connecticut students.

We feel strongly that the blend of legislation that you have put in this measure is precisely the tools that we need to govern our schools effectively.

Specifically, we commend you for your strong statement on the possession of firearms on any portion of school property.

We also welcome the provision whereby we are notified within 12 hours by law enforcement agencies that a student has been arrested for a serious offense.

We welcome the opportunity to be able to educate students in alternate educational settings if it is deemed that they pose a threat to other persons or property within the school.

And finally, we think that we can play a very very important role in the probation of adjudicated students who are returned to a school setting by the court.

In summary, we commend you for your sagacity in developing this legislation and we pledge to you our complete support to enact SB292 into law.

Be assured that this legislative package will assist us enormously in our effort to provide safe and secure schools for all Connecticut kids.

Thank you very much.

SEN. SULLIVAN: Thank you Dave.

Dave, because .. and I haven't had a chance to ask anybody else who testified, I would like to ask you and maybe if you can't answer it you could get back to us.

What does a school do at this point if a mandated child; a special ed child ... let's take an example ... violates in some fashion the disciplinary rules of that particular school in an outrageous way and

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EDUCATION

March 7, 1994

on the example I was sort of asking the Commissioner about this morning was a child who might be dyslexic and therefore, learning disabled, who would bring a knife into school, and we know we can't go through explosion, what would you typically do?

DAVE MANNING: Yes Senator. My real job is Assistant Principal of Concord High School. So I can tell you exactly what ...

SEN. SULLIVAN: Despite having graduated from there, don't hold it against Dave.

DAVE MANNING: Yes.

What is done most typically and specifically what I have done in the situation and indeed we have had situations where mandated kids, a youngster with special needs has brought a weapon to the school.

I have created what I call a time out area where the special education teachers who deal with the youngster will work with this youngster on a very close supportive basis until the special education teacher deem that they are ready to get back into the mainstream of the school.

So, what we do is certainly we do not suspend the youngster, we do not expel the youngster, rather we put the youngster in a very intensive literally one to one relationship with their special education teachers and ask the special education teachers than to make the call when the youngster is ready to return to the mainstream of the school.

I call it time out areas Senator.

SEN. SULLIVAN: Is that the same thing you would do for a non-mandated student in the ...

DAVE MANNING: No.

SEN. SULLIVAN: In the same behavior.

DAVE MANNING: No. It might be, depending upon the gravity of the defense.

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EDUCATION

March 7, 1994

For example, if I were to learn as a result of the previous weekends exuberance or indiscretion that a number of our students had been involved in a series of (inaudible) in the town, more often than not, these things are not settled on the street.

Phase two comes into the school. So, knowing this in advance, I would probably take that youngster and simply put them in a general time out area of what we call uphamistically in school suspension in the school. Until things had a time to cool off and than when I thought we had finally settled the issue once and for all between the factious parties, I would return the youngster again.

We also use, of course, suspensions and, in a number of instances, we have expelled students from school too.

SEN. SULLIVAN: That would be true even if in the limited circumstance that the bill speaks to or tends to speak to where either it is drug dealing, possession or a dangerous weapon?

DAVE MANNING: Yes Senator.

SEN. SULLIVAN: Other questions?

Representative Beals.

REP. BEALS: Thank you.

If I could just follow up that same line of questioning.

So if you had a child who had been identified as special education, who was found to have brought drugs or drugs into the school, and than you've put the child into your time out room, would there be some effort tot make sure that the child was not still bringing guns and child into the school?

DAVE MANNING: Absolutely.

This is .. not only in relation to special education students, but to every student. We work closely with the parents. We work closely with police officials in that respect. Yes.

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EDUCATION

March 7, 1994

REP. BEALS: How would you be ...

DAVE MANNING: That is ongoing.

REP. BEALS: So how would you be sure that the child did not have a gun or a drug?

DAVE MANNING: For example, in the specific case that you indicate ... and then, I will ... this is personal experience. I asked the youngster to come in with the parent each day and than in the presence of the parent made sure that there was not a weapon on the youngster.

As far as drugs in school, like all school principals in the State of Connecticut, we're eyes and ears all the time. Always vigilant to this.

REP. BEALS: Thank you.

SEN. SULLIVAN: Other questions?

Alright. Thank you Dave. Appreciate your testimony.

Anthony Maida will be followed by Scott Holcomb.

ANTHONY MAIDA: Good afternoon Senator Sullivan, members of the Education Committee, I'm Anthony Maida. I am the Director of Special Education for Cooperative Educational Services.

I'm here to make a few statements that will hopefully lend to your support of the facility grant proposed by CES in SB283.

Our program for students with serious and severe emotionally disabilities had had since its inception, a primary goal of returning its students to a less restrictive educational place.

Over the past 4 years this has occurred for approximately 50% of the students discharged from our program.

It's important to emphasize that the school districts represented by CES have not resorted to

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EDUCATION

March 7, 1994

EVAN PITKOFF: Thank you Senator.

My name is Evan Pitkoff. I am a Principal at New Britain High School and I'm here today to support SB292.

I know that my colleagues from the Connecticut Association of Schools have been here today to speak on this bill.

What I bring to you though is a perspective of an urban high school principal.

I, unfortunately, had to live through one of my children/students being murdered in front of the high school in November. Obviously, safe and secure school is a very serious issue for all of us.

One of my major concerns in being the high school Principal and keeping a safe and secure school is the fact that we've experienced in New Britain, judges literally sentencing felons to school in lieu of going to jail. You get a choice - you go to jail or you go back to school.

I'm all for providing an education for these students. The only thing is that when a student is arrested and the judge sentences him back to school without telling the school, it creates a problem and I know that in a school of 1,800 students --

(Gap in cassette switching 3a to 3b)

-- currently we have about four students that we know of who are not only sentenced back to school in lieu of prison but are entering school with ankle bracelets on. Judges felt that it was so serious that their presence be monitored with an ankle bracelet but I guess not serious enough for the schools to know about that.

You know, we find out about it either by the students bragging to other friends about it or by the fact that they have been absent for a while and we question them and find out.

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EDUCATION

March 7, 1994

It's very important that the schools know what the students have experienced so that we can help them deal with it.

One of my concerns is that a student who has been arrested and has been through the penal system has needs that are very different from the other students in the school at that particular time.

Being arrested is a traumatic experience and it requires extra attention. Sometimes the schools - the public high schools don't have the facility or capability to deal with some of those needs and ulterior placements are necessary.

I support the bill very much so. I think the most important features for me are knowing that the students have been arrested. Giving the schools the authority to make judgements to deal with that. Sometimes we need to have the student removed from the public setting for their own good as well as for the good of the 1799 other students.

I would also ask that in the bill it states that we might, as principals and educators, play a role in helping the courts in determining the appropriate placements and settings for students.

I know that on several occasions when we've had crimes in the school with employees, they have applied for accelerated rehabilitation -- we've been given an opportunity to come and speak to the judge and help set the course for that person's future and for the benefit of the school.

I'm saying, we really need to do that for our students.

As educators, you know, we'll work hard for the student, to help them achieve and improve upon their lives, especially when they are in situations like this. But, quite frankly, we really can't do our jobs in being effective if we don't know what's going on.

So, again, I support this bill. Schools would like to know what's going on so we could make the school safe for all of our children.

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EDUCATION

March 7, 1994

Thank you Mr. Chairman.

SEN. SULLIVAN: Real good questions.

What is the practice in New Britain in respect to the Board performing this administrative function or it being assigned to a hearing panel?

Do you know?

EVAN PITKOFF: You mean if we have an expulsion?

SEN. SULLIVAN: How does New Britain handle expulsion proceedings?

EVAN PITKOFF: The building Principal makes a recommendation to the Superintendent who then passes the recommendation to the Board of Education. Then the Board holds a hearing, notifies the parents of the students, they are allowed to bring a legal representation and the Board meets in a special session and holds an administrative hearing and then decides whether or not the student will be expelled from school. Expulsion meaning more than a 10 day suspension and no more than one year.

Then the Board makes a determination if they do expel as to whether or not the Board has to pay for an education or an alternative education.

In some cases, particularly, when they are under 16, the Board has opted to hire a tutor who would either meet the expelled student at their home or depending upon the home situation, they might have that student meet them at the public library in which they would get 2 hours of tutoring a day.

In other instances, the Board has decided to place the student in a state facility; an ACES type of program.

And in some instances where the student is over 16 years old and the reason they were expelled was bringing a weapon to school, the Board has decided not to pay for an education for that student for a year.

SEN. SULLIVAN: So, one of the functions of having the Board ... I'm sort of not settled on how to proceed on this part of the particular bill and I just wanted to ask questions that Bob sort of raised.

I think the theory was that one is trying to see Board of Education restored more and more to their policy role and less involved in the kinds of administrative responsibilities Board tend to complain about but than are jealous giving up.

What policy function does it perform for the Board to conduct the hearings in New Britain and is it the determination ... because of the determination of what program to offer or is it because of the cost implications. Or, as they say, multiple choice tests -- C, all of the above?

EVAN PITKOFF: Perhaps, because of the way it's been done, but most districts have attendance policies and they set the codes and behaviour of the schools. All in all, I think it does behoove them to have a say in an expulsion which is kind of the most serious attendance and behavioural problem we would face.

SEN. SULLIVAN: (inaudible) not found to the extent that you may have been involved with students your school that this has been an impediment to the timely consideration and resolution of expulsion proceedings?

EVAN PITKOFF: No. No. We have time lines that we have to work with and it's a lot faster than the judicial system, I'll tell you that.

SEN. SULLIVAN: Representative Beals, followed by Representative Cafero.

REP. BEALS: Thank you.

Do I understand correctly from what you just said that the process you used for special education children is the same as for other children?

EVAN PITKOFF: No. I didn't say that. For special education students, we can't have an expulsion.

REP. BEALS: Okay. So there isn't that.

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EDUCATION

March 7, 1994

EVAN PITKOFF: No.

REP. BEALS: Okay.

EVAN PITKOFF: No. That is where it does become expensive though. When we can recommend, by holding a PPT, Placement Planning Team, with the parents, we can, you know, indicate that based on what has happened, we feel that it is in the child's best interest ... if that's what we feel, to place them elsewhere and then the Board of Education has to make a placement and pay the bill.

REP. BEALS: Have you had some experiences with special education children bringing weapons and drugs into school that you've had to deal with that way.

EVAN PITKOFF: Drugs no. Weapons yes.

REP. BEALS: And, how have you resolved that?

EVAN PITKOFF: The one student who brought his father's loaded 9 millimeter block to school, that student was placed through the ACES, which is Area Corp of Education Services -- they have a program for students with the kind of special education needs that he had and his parents felt it would be best for him to be removed from the New Britain High School situation at that time.

It was all agreeable.

REP. BEALS: Thank you.

SEN. SULLIVAN: Representative Cafero.

REP. CAFERO: Thank you Mr. Chairman.

Sir, I recently was appointed a partial hearing officer for the town of Norwalk.

One of the considerations in appointing a person outside of the Board of Education was a timeliness issue as referred to by Senator Sullivan and Senator Genaurio, in that by the time you could get a sufficient number of board members on a given evening to sit down to hear a case such as that, that time might have gone by sometimes to the prejudice against the student being disciplined.

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EDUCATION

March 7, 1994

Do you find that to be the case?

EVAN PITKOFF: Oh, absolutely not. In fact, what I find is that ... in the rare instances where I've recommended expulsion, I basically had to stop my entire agenda, cancel appointments and in some instances to get all the work done, the documentation because the timeline that the district has imposed is so strict that I have to move very quickly to get all the paperwork and all the testimony ready for this.

REP. CAFERO: And in your district, the Board hears the cases?

EVAN PITKOFF: That's correct.

REP. CAFERO: And they don't have any problems timing wise?

EVAN PITKOFF: No.

REP. CAFERO: In fact, they're ready before you are you're saying?

EVAN PITKOFF: No. They are very responsive to this. The Board of Ed in New Britain takes a very serious concern about the safety of the school. It's an urban school district, they have to.

I mean, their sense is, let's keep the school safe and by acting quickly and making strong statements we do so.

REP. CAFERO: Thank you.

SEN. SULLIVAN: Senator Genuario.

SEN. GENAURIO: If I could just follow up on that point.

Prior to the expulsion, there is a suspension proceeding where there can be a suspension proceeding where a student can be suspended by the Superintendent for up to 10 days.

EVAN PITKOFF: Or the Building Principal.

SEN. GENAURIO: Or the Building Principal.

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EDUCATION

March 7, 1994

So that if there is a particularly troublesome incident, a student, I would assume, would normally be suspended and then there would be a 10 day period during which time an expulsion proceeding would have to be begun?

EVAN PITKOFF: And completed.

SEN. GENAURIO: And completed.

EVAN PITKOFF: Because on the 11th day, the student has to ...

SEN. GENAURIO: Has to be allowed back if the expulsion has not taken place?

EVAN PITKOFF: That's correct.

SEN. GENAURIO: Thank you.

SEN. SULLIVAN: Just curious. I hate to keep you here longer than you want to.

With respect to the incident you recalled with a student bringing the parents loaded weapon to school, after you had dealt with the student, what did you all do with the parents, since I presume that student didn't go and say please unlock the weapon so that I can take the ammunition and load it but found it in an unlocked state and therefore was able to bring it with ammunition to school.

EVAN PITKOFF: Quite frankly, in that particular instance, the parent .. we met with the mother. It was the father whose weapon it was and the father worked for one of the law enforcement agencies of the state so my understanding is that they dealt with it.

SEN. SULLIVAN: (inaudible) made aware of this situation by the school system?

EVAN PITKOFF: Immediately.

SEN. SULLIVAN: Thank you.

EVAN PITKOFF: Thank you.

SEN. SULLIVAN: (inaudible - mic not on)

JOINT
STANDING
COMMITTEE
HEARINGS

EDUCATION
PART 2
296-616

1994

000329

SB 292

tape 3A
page 1
line 9

TO: Senator Kevin Sullivan
Representative Nancy Wyman, Co-chair
Members of the Joint Committee on Education

FROM: Dr. David Manning
Chairman, Legislation Committee
Connecticut Association of Schools

DATE: March 7, 1994

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RE: S.B. 292 AN ACT CONCERNING SCHOOL DISCIPLINE AND SECURITY

A recent opinion survey by the Legislation Committee of the Connecticut Association of Schools clearly indicates what is paramount in the minds of Connecticut school principals. 98% of the 283 Connecticut school principals responding to the survey clearly stated that they wanted the General Assembly to pass legislation that will help to restrict violence and improve security in our schools.

When students, teachers, and principals come to school each day concerned about their personal safety above all else, teaching and learning must shift for itself and the educational process grinds to a halt. We simply cannot devote our full energies to teaching and learning and improving student achievement until we tend to the business of providing a safe and secure learning environment for students and teachers in our schools.

The Connecticut Association of Schools believes that Senate Bill 292, An Act Concerning School Discipline and Security, is a comprehensive and realistic approach that will give us the means to establish safe and secure schools

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for all Connecticut students. The blend of legislation measures incorporated into S.B. 292 will greatly assist principals to suppress violence in our schools, to curtail the influence of gang activity, and to rid them of weapons.

Specifically, I will focus on four of the components of S.B. 292 that will enable us to make our schools safe and secure:

1. A person is guilty of possession of a weapon on school grounds whenever a firearm or deadly weapon is carried on to the real property of the school. If you bring a weapon on school grounds, it's a class D felony, a powerful but necessary message to students.
2. Notification within 12 hours by law enforcement agencies that a student has been arrested for a serious offense (Class A misdemeanor or felony)
3. Giving schools the absolute authority to expel students and/or place in alternative educational settings students whose conduct endangers persons or property or is seriously disruptive of the educational process.
4. Giving the school a role in setting the conditions of probation of adjudicated students who are returned to a school setting by the courts. The school in concert with the courts, can effectively monitor such conditions as regular school and class attendance, good citizenship and behavior, and satisfactory academic performance.

In summary, we commend the Joint Education Committee for your sagacity and courage in developing this legislation. We pledge you our support to enact S.B. 292 into law. Be assured that this legislative package will assist us enormously in our efforts to provide safe and secure schools for all Connecticut students.

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About Clearing Room founder
and Executive Director
Sallie Herson

Sallie Herson has 25 years of teaching and counseling experience in some of America's most challenging schools. Over a 13 year period, she developed and successfully used Clearing Room principles with highly disruptive students in New York, California and Connecticut public schools.

In California, Ms. Herson founded *Action for Education*, a nonprofit corporation established to implement and support the Clearing Room program. *Action for Education* has now been registered in Connecticut.

Ms. Herson holds a master's degree in human skills development and has done advanced work in special education.

"When are we going to hold students accountable and responsible? When are we going to stop blaming their homes, parents, poverty and other circumstances for their unproductive attitudes and behavior? High expectations have been proven time and time again to have a powerful impact on results."

Sallie A. Herson, M.S.
*Clearing Room Founder
and Executive Director*

Action for Education, Inc.
Board of Directors

President - Sallie Herson
Founder Clearing Room Program

Secretary - Gary Lambert
Businessman

Treasurer - Susan Selden
Businesswoman

The Clearing Room
is a program of
Action for Education, Inc.

6 Eno Street
Windsor, CT 06095
(203)688-2382

The Clearing Room

*A critical
difference
for our
schools*

A program of
Action for Education, Inc

What is happening in our schools?

Polls taken during the past 20 years consistently rank behavior problems as the number one concern of parents and teachers. From minor disruption to violent, life-threatening confrontations, student misbehavior is on everyone's mind. The impact has been staggering: deteriorating academic achievement, sliding attendance, escalating drop-out rates, ongoing faculty turnover, burgeoning repair costs and many other problems.

What is a Clearing Room?

A Clearing Room is a place as well as a program that powerfully addresses today's concerns about school discipline. A Clearing Room provides a school with a proven structure for successfully handling inappropriate student behavior in a positive way. Disruptive students become clear that success in school and in life depends -- more than anything -- on attitude and behavior. Because the Clearing Room program is based on a positive, nonpunitive approach, students learn to be open, to trust and to be trustworthy.

Are Clearing Rooms effective?

The concepts underlying the Clearing Room Program have been under development since 1978 and used in classrooms and counseling programs in New York, California, and Connecticut. Clearing Rooms teach students specific skills to enable them to take responsibility for their own learning. Studies of Clearing Room results have shown

disruption to have decreased by as much as 50%; attendance to have risen by 25%; and academic achievement to have similarly improved.

A recent survey of children in a Connecticut inner city Clearing Room school showed them experiencing a major shift in their self-respect, patience, ability to deal with feelings and ability to deal with others.

How does the Clearing Room work?

A Clearing Room works in tandem with administrators, faculty and staff in supporting school rules and achieving school goals.

Before a Clearing Room program begins, school personnel are trained to use the Clearing Room approach. They develop specific criteria for referring students to the Clearing Room. A quiet, pleasant room is designated the Clearing Room and is staffed with highly trained facilitators.

Disruptive students are given the choice of following school rules or going to the Clearing Room. Most students quickly comply with the rules and stay in their classrooms. Students who won't cooperate or go to the Clearing Room are channeled into the traditional disciplinary system.

Students who go to the Clearing Room work with the facilitator to understand the impact of their misbehavior on their teachers, their classmates, their school and themselves. The facilitator helps them decide on better ways to act when they return to their classrooms. Students complete a written behavior contract that must be approved by the facilitator and the referring teacher. Students who have returned to their classrooms have made clear choices to be responsible for their behavior.

Who benefits from the Clearing Room?

In a nutshell, everyone benefits from the Clearing Room.

Students: By experiencing a new degree of success in working with other people, students become more responsible, engaged, happy and successful. Their anger and resistance diminish as they become willing, open learners and cooperative with their teachers.

Teachers: Surveys show that as many as 50% of new teachers leave their profession within five years. The Clearing Room supports teachers in doing what they've trained to do and love to do...teach.

Schools: As a Clearing Room alters the attitudes of the whole school, administrators are able to focus on broader concerns. Beyond the school yard, families experience greater harmony and the community benefits from a strengthened educational system.

An opportunity for Connecticut

Because of Connecticut's declared intention of making a dramatic difference in its most troubled schools, Clearing Room founder and Executive Director Sallie Herson has targeted Connecticut for broad-based implementation of the Clearing Room program. Ms. Herson has established residency in Connecticut to be able to work personally with districts choosing to have the proven results of the Clearing Room in their schools.

000333

State of Connecticut

JUDICIAL BRANCH
OFFICE OF THE CHIEF COURT ADMINISTRATOR
Drawer N, Station A
Hartford, Connecticut 06106

EXTERNAL AFFAIRS DIVISION
Fax: (203) 566-3308

Director of External Affairs, (203) 566-8210
Director of Communications, (203) 566-8219
Staff Attorney, (203) 566-8210

Testimony of Deborah J. Fuller
Education Committee
March 7, 1994

S.B. 292, An Act Concerning School Discipline and Security

I appear before you today as a representative of the Judicial Branch to address S.B. 292, An Act Concerning School Discipline and Security. We are concerned that the bill, as drafted, creates an administrative problem for the courts. Section 15 of the bill mandates that, "if a child who is adjudicated as a delinquent as a result of a serious offense ... is enrolled in school, the court shall make the identity of such child known to the superintendent of schools ..." Section 16 imposes the same requirement on the court for a youth adjudged a youthful offender. We are concerned that the court will not necessarily know whether a child is enrolled in school, and that if they do have that information, the court may not know which school district the child is enrolled in. Because this information may not be a part of the court file, the court may be unable to comply with the bill's mandated notification of the superintendent of schools.

In addition, even if the court possesses the requisite information, because the notification of the superintendent of schools would be a manual process, we are concerned that it may place an administrative burden on the court that would be difficult to accommodate within current resources, particularly in the juvenile courts. Because of the way the bill defines "serious offense", which comprise ninety percent or more of our juvenile

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docket, this bill would have an impact on approximately 6000 - 7000 juvenile cases per year.

If it is the intent of the committee to target a smaller group of more serious offenders, we would suggest that the bill be amended to cover those who have committed a "serious juvenile offense," as defined in section C.G.S. 46b-120.

Thank you for your consideration of these issues.

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SB 292

Sallie A. Herson, Executive Director
ACTION For Education, Inc.
6 Eno Street
Windsor, CT 06095
203/688-2382

Dear Member of the Legislature's Education Committee:

SB 292

My name is Sallie Herson and I am the Executive Director of *ACTION For Education, Inc.*, an educational nonprofit corporation. I am now a Windsor resident and have come to Connecticut with twenty-five years of teaching and counseling experience, much of which was with New York City's most challenging youth.

I appreciate your commitment, dedication, and effort to have a positive impact on Connecticut's educational system and wish to present a program for your consideration which addresses attitude, behavior, disruption and violence. These ways of being issues are critical to the education of our students to assist them in experiencing education as an opportunity. *ACTION for Education, Inc.* makes a distinction between these ways of being skills and academic achievement. Until a receptive attitude is in place no real academic learning is possible.

Our program includes a system to promote Respect, Responsibility, and Relationship as important 3R's to be included in our educational process. We train teachers and students to utilize our support system for these qualities, leaving teachers to teach academics and students to be more receptive and responsible learners. Students are taught conflict resolution and peer mediation skills and are instrumental in the success our program offers. Students appreciate and respond to the increased relatedness that comes from our providing more respect and responsibility for them to experience.

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Our system includes The Clearing Room as a counseling classroom where supportive conversations are available at all times. This addresses the attitude/behavior issues as they occur with a responsibility model that includes choice. This method of referral is experienced by the student as supportive. We tell the student "The Clearing Room is to support you in being clear that success in school and life depends primarily on your attitude and behavior". This empowers students to be more cooperative, participatory, and to see new possibilities. When the issue that prompted their referral is complete and the student has written and signed a statement of their commitment, they return to class. Teachers briefly review their plan and attitude and either accept them with the issue resolved or have them return to The Clearing Room for additional work. As students are addressed with choice, responsibility, and respect they are generally not upset with the support. Some will need extra assistance but the process establishes classrooms with "an atmosphere conducive to learning", our 6th National Education Goal.

Our program provides Facilitators who are trained by *Action For Education, Inc.* These Facilitators have demonstrated human relations skills and teach, model, demonstrate these important ways of being to students. These qualities and interpersonal skills are sorely needed in our schools and culture and are offered as a solution to the dramatic increase of disruption and violence in our schools.

We therefore request that you address these issues and form a committee or task force to further investigate the attitude, behavior, disruption, and violence that can no longer be ignored in education. We offer the expertise of *ACTION For Education, Inc.* in this effort. This entire project can be regarded as an opportunity to provide the learning that will allow all our young people to be successful in their lives, thereby preventing suspensions, expulsions, juvenile justice and other costly ways of dealing with these problems. Let's find positive teaching solutions to these issues instead of looking for more of the punishment that has not been working. This is an opportunity to demonstrate a way to make a major impact on our schools in Connecticut and continue the leadership our state has provided for education.

000337

tape 2B
page 1
line 9

A CLEARING ROOM MODEL FOR MIDDLE SCHOOLS

"An Intervention in Disruption and Violence to Forward Respect, Responsibility, and Relationship and Demonstrate the Power of Attitude and Behavior For Schools That Work."

This model addresses attitude and behavior as a priority for student's success in middle schools. Teaching and modeling responsibility and the opportunity of an education will most directly intervene in a school atmosphere of disruption and violence.

Besides having Clearing Room nonpunitive support for disruptive behavior, the school will be restructured to emphasize the importance of cooperative and responsible attitude and behavior. Classes therefore will be established with that priority, so that the most cooperative and willing students will work together. They can either select themselves or be teacher determined. They will agree to perform required work, as well as take on extra learning, include school and community service, and sign it as a commitment. This class of "Hard Workers" will demonstrate a standard of possibility and excellence that will model a gifted and talented class. The responsibility demonstrated by these students will be respected and admired. One of the most detrimental aspects of education nowadays is students who appreciate and value learning being labeled "nerds".

The second group of students can be called "Workers", next "Initiators", then "Drifters", and finally "Players". This "Player" class will utilize Clearing Room support for their attitudes to change to "Improvers". When confronted directly in this way, students do see that an education is valuable, as is getting along with others. These students will most profit from this approach, but all students will get the assistance they need in their respective classes.

These attitude and behavior skills are easily documented with records of attendance, punctuality, homework and classwork completed, preparedness and cooperation. Students will become accountable for their participation and moved to a more or less responsible class by accessing their performance on a regular basis; at least every marking period or once a month.

Also provided will be training and coaching interested students as Peer Facilitators. Skills of conflict resolution and peer mediation will be taught and modeled. Students helping other students this way is one of the most powerful interventions available in a school's atmosphere. Once attitudes and behaviors are aligned for working together, the academic learning will be naturally enhanced. This model will then demonstrate a true transformation of education!

Sallie Herson, Executive Director
ACTION For Education, Inc.
6 Eno St., Windsor, CT 06095
(203) 688-2382

000338

SB 292

STATEMENT on the CLEARING ROOM MODEL

by Robert G. McGinnis

I served for five years on the Farmington Board of Education and have several friends who teach in the inner-city school system.

From my own experience and by listening to these teachers, there are students who seem not to want to learn. They make it difficult for the classroom teacher and their classmates by resorting to disruptive behavior, mocking or threatening other students, and sometimes resorting to violence.

In order for a student to learn, the individual must first confront him or her self and self-examine what is going on in one's life. To want to learn is a natural function of life. Then what is frustrating this basic tendency in this particular child?

The Clearing Room model approach is to help the child do an introspection in a non-punitive manner; to come to grips with one self, to seek a self-understanding and realization of what is going on within this person. Before one can love and respect others, one has to first love and respect one self. An "I am OK, you're OK" outlook.

The Clearing Room counselors are not there to teach religious values per se but rather to bring out healthy values and attitudes about one's self and others; to help build respect and dignity for one's person and other persons; to help clear away the baggage that is interfering with the student's natural learning abilities; to aid, assist, and reinforce those positive attitudes that are needed for an individual to believe that I can learn, I want to learn, and I want to improve myself; that I can make a difference.

The Clearing Room model is to return a student to the classroom where he/she can move on with his/her life and the ongoing lifelong learning process.

000405

TESTIMONY OF
VINCENT L. FERRANDINO, COMMISSIONER
CONNECTICUT STATE DEPARTMENT OF EDUCATION
ON

S.B. 292, AN ACT CONCERNING SCHOOL DISCIPLINE AND SECURITY

MARCH 7, 1994

The Department supports efforts to make our schools safer. To this end, there is much in this proposed act which would be helpful. I will highlight those provisions which directly affect the operation of the public schools and provide you with my comments.

Section 2

Requiring all boards of education to use hearing boards eliminates the option of local boards acting as a hearing board. It reduces both their discretion and could increase the cost of doing business. I recommend that the option be retained. Further, I would allow members of a board to serve on the impartial hearing board. In this way, options are retained and costs can be minimized.

Subsection (e) of Section 2 deletes a provision exempting special education students from the state's expulsion procedures. Clearly your intention is to punish all children equally where a disability is not the root of their misbehavior.

Unfortunately, the expulsion of a special education student amounts to a change of placement which requires a specific procedure to be followed as required by federal law. Your proposed change will not achieve your intended result until such time as the federal law changes. To reach the result intended by the elimination of the language contained in lines 126-128, you might consider alternative language which provides that special education students shall be subject to the same disciplinary

rules and regulations as all other students in the school system to the extent that the violation was not a consequence of their disability. This determination would be made by a planning and placement team. If the violation occurred as a consequence of the student's disability, then the Planning and Placement Team should revise the program of instruction designed for this student to minimize the possibility of reoccurrence of the violation.

Section 4

The additional language requiring training in school violence prevention and conflict resolution prior to the issuance of an initial education (sic) certificate is a difficult requirement to enforce. This training would ordinarily be given within the context of a college course and not appear as a discreet unit of training on a college transcript. The only way we could obtain enforcement of this provision is to ask an applicant if they have had training in this area and to accept their affirmation without supporting documentation. This concern is better addressed in the professional development offerings which must be provided by a local and regional board of education and contained within Section 10-220a as reflected in your proposed Section 5. Further, we can direct that this be considered by mentor and assessing teachers in our BEST Program when evaluating a teacher for continued certification.

Section 6

There is no definition of a school security plan and it would be helpful to have additional information as to the salient elements expected in any plan. This also may be creating an opportunity for legal liability which does not currently exist. Once boards of education are under an obligation to develop a school security plan, any breach of that plan may expose them to a potential lawsuit. The development of a school security plan should be considered as an option for a board of education, since there are many boards of education which might find this requirement burdensome.

Section 7

Advising parents and guardians of board policies governing student conduct and discipline makes a lot of sense.

Section 8

We support giving school districts the option of requiring all persons in their employ to submit to criminal history record checks. You should also consider providing this option to private schools. We have heard from at least one private school which is interested in having the same authority to perform criminal history record checks of its employees and employment applicants. There is a concern that once public school districts refuse employment to certain undesirable applicants, these applicants will seek employment in the private schools which are not given access to criminal background information. Making this optional for the state's private schools would be a benefit to all schoolchildren.

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-4-

Section 9

This section should be indicated as NEW.

Section 10

This section should be indicated as NEW.

Section 11

This would appear to be very helpful to school districts who are concerned about students who are involved in serious criminal matters outside the school setting. It should make schools a safer place. Again, you may consider making this a requirement for private schools, as well as public schools. Certainly, private school students would also be involved with criminal activities and the court would need information about their school attendance to fashion an appropriate punishment.

Section 13

In line 427, there is a provision which would qualify a child's probation upon a satisfactory academic performance in school. This is a very difficult matter to legislate.

With these minor reservations, I support this act as providing school districts with additional important information about deviant students and the opportunity to act on that information and make their schools safer.

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Connecticut Association of Boards of Education, Inc.
309 Franklin Avenue, Hartford, CT 06114-1851 • 203-296-8201 • FAX # 203-296-6719

tape 1B
page 4
line 23

TESTIMONY
Before
Education Committee
on

SB 292, An Act Concerning School Discipline And Security
HB 5160, An Act Concerning Educational Equalization Aid Grants
HB 5619, An Act Concerning Impact Aid for State Foster Care Placements

CABE strongly supports HB 5619, An Act Concerning Impact Aid For State Foster Care Placements, which would provide fiscal relief to those school districts with a significant percentage of foster home placements without nexus. The bill would address the existing inequity that causes a few communities to cover expenses that result from state agency placements. Unfortunately, it is the budget for regular education expenditures that currently bears that burden in these communities.

CABE strongly opposes HB 5160, An Act Concerning Educational Equalization Aid Grants. While recognizing the state's serious fiscal situation, we strongly urge you to restore the funding to the level committed to in the formula as adopted by this General Assembly last year. One of the great values of the state's move to a biennium budget was the alleged "certainty" for municipalities and school districts in planning their subsequent budgets. The data changes necessitated an increase in appropriations of \$8.5 million for the ECS grant. Rather than meeting this commitment, the Governor has proposed that each town's grant be prorated down in order to remain within the existing appropriation. We urge you to reject this proposal, which is both unfair and fails to meet the educational needs of our towns.

With respect to SB 292, An Act Concerning School Discipline And Security, CABE generally supports the provisions that would increase communications between the schools and the courts. However, we question the rationale for the proposal to eliminate the board of education from serving as the hearing panel in expulsion cases, and requiring the use of an impartial panel.
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