

PA 11-126

HB6433

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**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**EDUCATION  
PART 2  
343 – 672**

**2011**

REP. FLEISCHMANN: Thank you for your testimony and your advocacy. Are there questions, comments? If not, thank you.

LYNN WARNER: Thank you.

REP. FLEISCHMANN: Michelle Fica of Connecticut Legal Services to be followed by Cheri Bragg of Keep The Promise Coalition.

MICHELLE FICA: Good afternoon, Representative Fleischmann and esteemed members of the Education Committee. My name is Michelle Fica and I'm a staff attorney at Connecticut Legal Services. I represent low income children and their families who are trying to get the best educational opportunities for those children.

I'm here to testify in support of House Bill 6433, AN ACT CONCERNING ADULT EDUCATION and also, Senate Bill 1038, AN ACT CONCERNING INDIVIDUALIZED EDUCATION PROGRAMS.

House Bill 6433 would end the practice of requiring students to withdraw from school to attend adult education during their period of expulsion. Under current law, school districts are obligated to offer alternative educational placement for the majority of children who are over the age of 16 during their expulsion period.

For those who are over the age of 16, adult education can be one of those opportunities. Additionally, school districts only have the authority to expel students for up to one calendar year. Unfortunately, districts throughout Connecticut are requiring that students who attend adult education because it is their only opportunity for an education during that period of expulsion withdraw from school.

My client's story is just one example. When I met George, he was an unusually bright 15-year-old. And he had recently been expelled from a school district. Initially, since he was 15 at the time of his expulsion, he was getting two hours of tutoring a day. When he turned 16 he received a letter from the district saying that if he wanted to continue to get an education during his period of expulsion he would have to attend adult education. When his mother went to sign him up, the school district -- the adult education program and also the school district told him that he would have to withdraw from school in order to have attendance at the adult education program.

Luckily in this situation his mother called me and I got involved. Despite my being a lawyer and having numerous contacts at the school district, it took me almost a full year to gain him reentry into his prior school. And during that whole time the district argued that it would not be possible. I ended up getting a letter from the state Department of Education. That was some assistance and also I was able to it through the PPT process. But without my involvement he would still be in adult education to this day.

George's district is not the only one that has this running misinterpretation. They rely on -- the districts rely on Connecticut General Statutes 169 as their authority, which is the adult education statute. This statute is ambiguous in that it doesn't address the situation of adult education as an alternative educational placement.

Basically what this bill would do is clarify the existing adult education statute so that it specifically addresses what to do when the

child is entering only because it's a period of expulsion. It would not allow the districts to require withdrawal in order to gain entry.

I'm available for questions.

REP. FLEISCHMANN: Thank you, not only for your testimony, but for bringing this issue to the attention of the committee. I'm just curious in the story that you described, during that year when you were back and forth with the school district over the child's status, was the child in adult ed or receiving tutoring?

MICHELLE FICA: The child was only receiving tutoring for the first two months, and that was prior to their 16th birthday. After that he received adult education and for awhile actually missed out on the adult education. But that was the only offer for an educational opportunity during that time.

REP. FLEISCHMANN: And under our statutes the district theoretically could have offered tutoring after the child turned 16, but it preferred to try and have the child enter adult ed and leave -- withdraw from the school system, is that right?

MICHELLE FICA: Basically, what I think happens in a lot of districts is that even though adult education is only one of the options that can be offered because it's something that's already set up and in place it seems to be an economical option for the school district. That's usually the offer after 16.

REP. FLEISCHMANN: Are there questions?  
Representative Johnson.

REP. JOHNSON: Thank you, Mr. Chair and thank you for your testimony today. I was just

concerned. If the child wasn't able to function properly in the regular educational system what made the school system think that this child would do well in an adult education setting or that that would be an appropriate setting?

MICHELLE FICA: That's a very good question. I mean, that's one of the things -- reasons why this requirement of the withdrawal is harmful. If a child is having problems attending regular school, then you're probably going to have more problems in adult education. And although I don't have the numbers, in my personal experience with my client, students, even though they are sent to adult education during their period of expulsion, many of them drop off because they don't have the supports in place that a normal high school would have.

REP. JOHNSON: Thank you for your testimony. Thank you, Mr. Chair.

REP. FLEISCHMANN: Thank you. Other questions. Representative Srinivasan.

REP. SRINIVASAN: Thank you very much, Chairman. Thank you for your testimony. When the child is expelled from school and goes into adult education and then when the time is up, the one year or whatever the time frame of the expulsion is, am I to understand from what you said that you had difficulty getting the child back into the school to that point in time when the expulsion was over? Is that the point of contention?

MICHELLE FICA: That's true. Basically what had happened is since it had been offered -- the adult education had been offered as an alternative educational placement. Everyone from the district assumed that that meant,

well, the student now is going to finish out whatever their education is in adult education. Because normally when a child goes there voluntarily that's their plan. Their plan is to terminate their normal high school experience and go to adult education. And people have a hard time understanding why this situation is different. It should only be for a year.

REP. SRINIVASAN: Right. I mean, this would be that understanding that for a year during the expulsion and once the expulsion is over, that time frame is over, they come back to whatever school system they belong to. But that is where you're having the difficulty.

MICHELLE FICA: We were having the difficulty, and I mean, one of the things is that even though the adult education statute mentioned that withdrawal is a necessary prerequisite, it also allows for a different method and that is through the commission of the principal, but that method never gets used. People normally rely on the withdrawal. And somehow saying "I'm leaving school, I'm withdrawing from school," it gives the impression, "I'm never coming back."

REP. SRINIVASAN: Thank you. Thank you, Chairman.

REP. FLEISCHMANN: Thank you. Representative Johnson.

REP. JOHNSON: Just one more question. Under what circumstance is expulsion from school for a year appropriate if at all?

MICHELLE FICA: basically, I mean, there's a lot of discretion given to the school district and expulsion for a year is very common since that is the maximum allowable period. There are

some methods of gaining reentry earlier on but they're very cumbersome and there's not a lot of information given to the parents and so the typical situation is that a student will be expelled for a full calendar year.

REP. JOHNSON: And how old do they have to be to be expelled for a whole calendar year.

MICHELLE FICA: Actually there's no date. Young children, middle school students that I have represented have been expelled for a calendar year. And in those situations it's different because these are under the age of 16. They can receive tutoring. Sometimes if a school district has an alternative educational placement a school or a program for expelled kids, they'll go there. But they can be expelled for up to a calendar year.

REP. JOHNSON: And what about special education students, can they be expelled for a year?

MICHELLE FICA: Oh, yes. If they have had a manifestation determination which basically says that -- and the end result of that meeting is that the behavior that got this child expelled is not a manifestation of their disability it can be disciplined just like any other student.

And in this case actually, there was plenty of evidence to show that this child should have been referred for special education years prior, but since they hadn't done an official referral prior to the expulsion we basically had to -- you know, he was already expelled and during his year of expulsion I got him identified as special ed.

REP. JOHNSON: So in a circumstance where someone, say, does not like this particular student, but



they have been identified as special ed, they have a special ed plan, individual plan, did they have to follow that during the expulsion with tutoring and that sort of thing? Is that how it's addressed?

MICHELLE FICA: What should happen is that if they -  
- if the student -- if it's found that the behavior is not a manifestation of the disability and he can be -- the student can be disciplined like any other student. After the expulsion there should be a PPT meeting to discuss how there can be a modified FAE, you know, the free and appropriate education, given the circumstance of the expulsion. So it's possible that a PPT -- ha a team can decide adult education is not exactly appropriate so we're going to do this. The reality though is that most of what happens is that the PPT will adopt the decision of the board of education, the expulsion decision, and usually that will have some guidance and usually that will say since this student is over the age of 16 they're going to adult ed. That gets adopted and sometimes there is no PPT in the afterwards and even in cases where there is one, they'll just adopt that decision and there is little modification made to it.

REP. JOHNSON: Do you have an opinion about expulsions that last up to a year?

MICHELLE FICA: I think expulsion is overused. And the length of it overused. It's a tough situation when you have mostly high risk children with a large percentage of them with undiagnosed disabilities getting expelled and missing out on even more of their education.

REP. JOHNSON: Thank you for your testimony. Thank you, Mr. Chair.

REP. FLEISCHMANN: Thank you. Other questions? Mr. Vice Chairman, Doug McCrory.

REP. MCCRORY: In the case that you reference of the young person who's 15 turning 16, I think you mentioned that the requirements should be two years -- I mean, two hours a day of tutoring. How come this student wasn't allowed to continue the two hour tutoring even though they turned 16 years old, because they still technically -- they're still considered a student at the age of 16. Why didn't they continue the two hours of tutoring as opposed to going to adult ed?

MICHELLE FICA: Basically, because that's what the statute allows. The statute says that over the age of 16 the school district is allowed to offer adult education as alternative education opportunity and since that seems to be a much more economical way -- it's a lot cheaper to offer that than the tutoring.

REP. MCCRORY: You said the state statute or the local statute?

MICHELLE FICA: The state statute requires that students who are expelled -- most students who are expelled get an educational opportunity during their period of expulsion -

REP. MCCRORY: Right and it's normally two hours of education a day.

MICHELLE FICA: It's -- well -

REP. MCCRORY: If you're saying that the school district doesn't offer that, they can offer alternative -- they can offer adult ed?

MICHELLE FICA: What happens is that there's a cutoff at 16. If you're in high school and

you're under the age of 16, the most difficult situation is that you get two hours of tutoring a day. When you turn 16, the statute says that school districts are allowed to offer adult education as their alternative educational opportunity. So there's that magic age. So before then the school district's offer is -- the school district is required to offer more. After that, they can offer the adult ed.

REP. MCCRORY: Okay. Maybe we could attack this by increasing the age that the student can be offered adult -- I think it should be 17 now because you can't drop out until you're 17. And I think that was congruent with what the drop out age was, that's why it was 16.

MICHELLE FICA: Actually, I do think that that's very important supplement. There's great research that says as much, but I do think that it does make sense that if now we as a state are saying that you have to wait longer to voluntarily go into one of these programs -- I mean, it doesn't seem like it's appropriate before that age during that expulsion period.

REP. MCCRORY: So let's say how do you account for in adult educational credits if a kid -- let's say if they continue to offer this adult ed as an alternative educational program. How do you relate the academic credits that a student earns in adult ed to what they would traditionally get in a traditional public school system? Because in adult ed, they do not offer credits. They're just preparing themselves for a test.

MICHELLE FICA: Right now, there is no uniform system of rewarding credit for a child's time spent in adult education. There's also a lot of variety in the kinds of curriculum and programs within adult education between

districts. So there are certain districts that only have a GED program, others have the high school credit diploma program, which is probably the thing that is maybe most appropriate for a student who plans on returning to high school. But from my initial research it seems like there are issues in translating credit for credit, even in classes taken at the adult high school diploma back into a normal high school.

REP. MCCRORY: Yes, that's the issue. How do you account for it.

MICHELLE FICA: I'm actually researching possible ways to do this. It's a very, very complicated issue because the hours don't translate and the curriculum from my initial review does not seem to be equivalent. And so we don't want to just haphazard -- very quickly create a system where they're getting that credit, but then they're at a disadvantage when they return back to their high school. So I do think it's something that requires very serious review. But there's not enough information out there at this time.

REP. MCCRORY: Thank you.

REP. FLEISCHMANN: Any questions? Hearing none, we move on -- and, Michelle, thank you very much for your time.

MICHELLE FICA: Thank you for this opportunity.

REP. FLEISCHMANN: -- to Cheri Bragg of the Keep the Promise Coalition to be followed by Sheila Harris.

CHERI BRAGG: Good afternoon, Senator Stillman, Representative Fleischmann and members of the Education Committee, my name is Cheri Bragg,

SB 1038  
HB 0432

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**EDUCATION  
PART 3  
673 – 986**

**2011**



STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION



January 18, 2011

Attorney Michelle Fica  
Connecticut Legal Services  
85 Central Avenue  
Waterbury, CT 06702

Re: Student Discipline

Dear Attorney Fica:

HB1433

This is in response to your letter addressed to me dated January 3, 2011, regarding the placement of an expelled student in adult education as the alternative educational opportunity provided by a local or regional board of education subsequent to expulsion proceedings held pursuant to Connecticut General Statutes Section 10-233d (hereinafter "Conn. Gen. Stat."). While your letter asks for my opinion in order to clarify the implementation of expulsion laws, please be advised that the following is not a legal opinion of the State Department of Education but is merely a response addressing the understanding by the Division of Legal and Governmental Affairs pertaining to the pertinent laws concerning your inquiry.

According to the scenario contained in your letter, a student is expelled from high school shortly before his/her sixteenth birthday. The decision of the board of education states that after the student's sixteenth birthday, for the remaining balance of the expulsion period, the alternative educational opportunity provided by the board changes to placement in adult education. The parent is told that the student must be withdrawn from the school he/she attended when expelled before the student can access adult education. When the student has completed the expulsion period expressed in the decision of the board of education and seeks to return to the school, the school district administration informs the parent that the student cannot re-enroll in the high school due to the withdrawal from school by the parent.

While the scenario addresses the continuation of an alternative educational opportunity to a student who turns sixteen years of age during the period of expulsion, the gravamen of your inquiry concerns the alternative educational opportunity provided in the form of placement in the adult education program for the balance of the expulsion period. The continuation of the alternative educational opportunity is in fact being provided by the board of education.

Historically, Public Act 95-303, An Act Concerning School Safety, amended Conn. Gen. Stat. Section 10-233d in a number of ways in order to address truancy, suspension and expulsion, alternative education and notification of arrested students. A student expelled for the first time between the ages of sixteen to eighteen and who wishes to continue his or her education shall be offered an alternative educational opportunity. Offering an alternative educational opportunity to other expelled students who are at least sixteen years of age is permissive. The amendment established the option of "...placement of a pupil who is at least sixteen years of age in an adult education program operated pursuant to Conn. Gen. Stat. Section 10-69...." Conn. Gen. Stat. Section 10-69(a) was amended to define an "Adult" as a "student enrolled in school who was assigned to an adult class pursuant to subsection (d) of Section 10-233d".

Student Discipline  
January 18, 2011  
Page 2

The amendments established in Public Act 95-303 addressed special education students. Pursuant to Conn. Gen. Stat. Section 10-76(i), for all students receiving special education and related services under Conn. Gen. Stat. Section 10-76a, a planning and placement team shall convene to determine whether the misconduct was caused by the student's disability. If the misconduct was caused by the disability, the student shall not be expelled. If the misconduct was not caused by the disability, the student may be expelled. Whenever a student requiring special education and related services is expelled, the alternative educational opportunity shall be provided during the period of exclusion that is consistent with the student's educational needs.

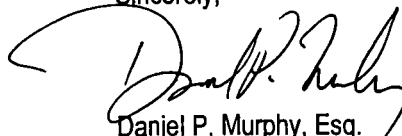
A strict construction of the statutory language is appropriate. Conn. Gen. Stat. Section 10-233d articulates the "placement" of an expelled student at least sixteen years of age in adult education program. Conn. Gen. Stat. Section 10-69(a) articulates that the student is "assigned". Read together, these two laws clearly state that the expelled student is "enrolled" in school while receiving a "placement" or is "assigned" in the adult class. The student is not enrolled in the adult education program pursuant to the laws concerning adult education. This placement is for the period of the expulsion only. Upon conclusion of the expulsion period, the student is eligible to return to the high school as a student in regular standing pursuant to Conn. Gen. Stat. Section 10-233d.

The express law does not contemplate a cessation of enrollment while receiving an alternative educational opportunity. Conn. Gen. Stat. Section 10-233d does not expressly reference nor articulate a procedure for the withdrawal of a student at least sixteen years of age who is offered an alternative educational opportunity. If withdrawal of a student at least sixteen years of age was contemplated, the law would expressly reference the withdrawal procedures established in Conn. Gen. Stat. Section 10-184.

Establishing a prerequisite of the withdrawal of an expelled student at least sixteen years of age as a condition of the provision of an alternative educational opportunity is contrary to the concept of student safety in public schools and the receipt of public school accommodations generally. The laws concerning student discipline by expulsion are intended to exclude a student from school for a specific period of time not to exceed one calendar year. The exclusion of the student during the expulsion period protects both the student and the student body at the high school. The establishment of such a prerequisite would effectively nullify the laws protecting the right of a student to return to school upon completion of the expulsion period.

Therefore, a board of education is not expressly authorized by law to require students or parents to officially withdraw from school as a condition of placement in an adult education program constituting an alternative educational opportunity. The issues of facilitation and the accrual of credit for expelled students placed in the adult education program is a local matter implemented consistent with state law.

Sincerely,



Daniel P. Murphy, Esq.  
Director, Division of Legal and Governmental Affairs

DPM:jd

Education Committee  
February 28, 2011

TESTIMONY OF

GEORGE A. COLEMAN, ACTING COMMISSIONER OF EDUCATION

ON

RAISED BILLS 1038, 6432, 6431, 6433, 1039, 1040, 6422

RAISED BILL 1038: AN ACT CONCERNING INDIVIDUALIZED EDUCATION PROGRAMS

The State Department of Education (CSDE) **opposes in part and supports in part** S.B. No. 1038, AAC Individualized Education Programs, to improve the dissemination and communication of information regarding individualized education programs to parents and guardians and to improve the quality of education for teachers in the implementation of individualized education programs, as written.

While CSDE believes that the process for dissemination and communication of information regarding the individualized education programs (IEPs) to parents and guardians is vital, it is equally important that the process by which this information is communicated does not impair the ability of the district to provide services to the child in a timely fashion.

CSDE has concerns with the language in Section 1(8)(B) that would require the Planning and Placement Team (PPT) to meet with the parents before the PPT meeting to go over the evaluations. When a child is evaluated, the evaluations or reports must be considered at a PPT meeting for the purpose of identification or reviewing, revising or writing the IEP. Requiring an additional meeting to do the same thing that is required at a PPT is a burden to a system that has to meet very rigid timelines for the completion of evaluations and the writing and implementing of IEPs.

The CSDE also has concerns with the language in Section 1(8)(G) requiring that copies of the assessments and evaluations used in the determination of eligibility be provided to the parent five school days before the initial PPT meeting for the child for the initial determination of eligibility. The Federal Individuals with Disabilities Education Act (IDEA) requires that parents receive a copy of the evaluation report, but does not stipulate when the report must be provided to the parents. Districts would be required to schedule the initial PPT meeting around the availability of reports and evaluations which would compromise the district's ability to meet timeline requirements for the completion of evaluations.

The CSDE would also recommend adding language to address the use of an outside evaluator during the initial evaluation process: if an outside evaluator is used, the probability of being able to get a copy of the report before the PPT meeting is unlikely. This would severely restrict access to outside evaluators and might deny children with appropriate evaluations.

The CSDE would be in support of this proposal if the timelines for referral and identification were changed to the IDEA standard, that is, the initial evaluation must be completed no later than



Education Committee  
February 28, 2011

**RAISED BILL 6433: AN ACT CONCERNING ADULT EDUCATION**

The State Department of Education (CSDE) **supports in part and opposes in part** H.B. No. 6433, *An Act Concerning Adult Education*, to allow students who have been expelled from school to participate in adult education programs without being required to officially withdraw from school.

CSDE supports section 1 this bill with the following suggested revision, "Any pupil participating in an adult education program during a period of expulsion shall [not be required to withdraw from school under section 10-184] continue to be enrolled in school subject to such disciplinary action."

CSDE has concerns with section 2 of this bill because C.G.S. Section 10-67(1) already permits a student who is 16 years of age or older and **still enrolled in school** to be assigned to an adult class pursuant to subsection (d) of section 10-233d. Therefore, students who have been expelled from school **can** participate in adult education programs without being required to officially withdraw from school as outlined in C.G.S. Section 10-184.

As such, CSDE **opposes in part and supports in part** Raised Bill 6433 because expelled students are already permitted to participate in adult education programs without being required to officially withdraw from school.

**RAISED BILL 1039: AN ACT CONCERNING EDUCATION ISSUES**

The State Department of Education (CSDE) **strongly supports** S.B. No. 1039, *AAC Education Issue*, as it represents a number of the State Board of Education's Legislative proposals for this Legislative session.

Section 1 of this bill clarifies the status of the State Education Resource Center (SERC) as a nonstock corporation and nonprofit tax exempt organization within CSDE. Current law is not clear as to SERC's legal relationship to CSDE.

Section 2 of this bill seeks to allow certain medical professionals from military bases who are not licensed by the state to conduct health assessments in schools. Current law requires that a legally qualified practitioner of medicine who conducts a health assessment for children enrolled in public school must be licensed in Connecticut. As a result, qualified practitioners of medicine, advanced practice registered nurses, or physician assistants stationed at military bases, domestic or overseas, may not have a license to practice in the state of Connecticut, thereby precluding health assessments conducted by such military personnel for students enrolling in Connecticut public schools.

Sections 3 and 4 of this bill seeks to eliminate an expenditure requirement for regional educational service centers (RESCs) and the requirement that RESCs collect and analyze data on school efforts to reduce racial, ethnic and economic isolation; and to eliminate the requirement


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**TESTIMONY OF CONNECTICUT LEGAL SERVICES, INC.  
 IN SUPPORT OF  
 H.B. 6433, AN ACT CONCERNING ADULT EDUCATION AND  
 SB 1038, AN ACT CONCERNING INDIVIDUALIZED EDUCATION  
 PROGRAMS**

Good afternoon Senator Stillman, Representative Fleischmann, and esteemed members of the Education Committee. My name is Michelle Fica and I am a staff attorney in the Children at Risk unit of Connecticut Legal Services (CLS). The Children at Risk unit at CLS provides legal representation to low-income families who have children with disabilities, primarily to assist in obtaining appropriate educational and behavioral health services.

**I am here to testify in support of H.B. 6433, An Act Concerning Adult Education and SB 1038, An Act Concerning Individualized Education Programs.**

H.B. 6433 would end the practice of requiring students to withdraw from school to attend adult education during their period of expulsion. Under current law, school districts are obligated to offer alternative educational opportunities to the majority of children during their school expulsion period.<sup>1</sup> For children over the age of sixteen, districts are allowed to offer adult education as that opportunity.<sup>2</sup> Additionally, school districts may only expel children for up to one calendar year.<sup>3</sup>

Unfortunately, districts throughout Connecticut are requiring that students, who attend adult education because it is their only opportunity for an education during their period of expulsion, withdraw from school.

My client's story is just one example of how this occurs. When I first met "George", he was an unusually bright fifteen year old sophomore who had recently been expelled for one year. He was getting two hours of tutoring a day as his alternative educational placement, but was concerned because the tutoring was set to expire on his sixteenth birthday. After that, his only option

<sup>1</sup> Conn. Gen. Stat. §10-233d(d).

<sup>2</sup> Id.

<sup>3</sup> Conn. Gen. Stat. §10-233a(d).

was to attend adult education. When his mother went to the adult education program, they told her that they would not accept George until he withdrew from school. At that point, she called me. Despite my being a lawyer and having numerous contacts with the district, it took me almost a year to convince them that adult education during a year of expulsion does not mean expulsion to adult education forever. During that entire year, George worried that his mistake at age fifteen would deprive him of a normal high school experience and his dream of attending college.

George's district is not the only one that has this erroneous interpretation. George's and other districts in Connecticut cite Conn. Gen. Stat. § 10-69(a) as their authority, which ambiguously does not address the situation of adult education during a period of expulsion. Numerous adult education programs even state, directly in their websites, that a prerequisite of attendance is proof of withdrawal from high school.

This practice is unlawful because it effectively expels children for more than one calendar year. It is harmful because it creates tremendous obstacles for high-risk children who desperately need and want the benefits of attending high school. In response to my request for guidance on this issue, the State Department of Education issued a letter confirming that the practice is contrary to current state law.<sup>4</sup>

H.B. 6433, An Act Concerning Adult Education, solves this problem by amending Conn. Gen. Stat. §10-233d(d), which describes alternative educational opportunities during a period of expulsion. The proposed language prevents school districts from requiring children to withdraw from school just so that they can access their alternative educational opportunity. This clarification is essential because it brings adult education, when used for the limited situation of expulsion placements, into compliance with our expulsion law.

To prevent children like George from being pushed out of their education, **CLS strongly urges the Education Committee to support H.B. 6433.**

**We also urge the Education Committee to support SB 1038, An Act Concerning Individualized Education Programs**, which would require school districts to provide parents with the evaluations done to determine eligibility for special education 5 days before the initial PPT meeting. Federal law requires that parents are afforded the opportunity for meaningful participation in the special education process. It can be overwhelming for a parent to attend a PPT meeting for their child who is struggling in school and to see for the first time complicated evaluations that are often many pages long. The parents, who are always greatly outnumbered in the room by school administrators and teachers, are not given the time to read the evaluations or consult with their own experts. In order for parents to understand and meaningfully participate in

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<sup>4</sup> Letter from Daniel Murphy is attached.

**H – 1102**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2011**

**VOL.54  
PART 11  
3438 – 3771**

cd/rgd  
HOUSE OF REPRESENTATIVES

70  
May 19, 2011

the Clerk will take a tally. The Clerk will please announce the tally.

THE CLERK:

House Bill 6440 as amended by House "A."

Total Number voting 143

Necessary for adoption 72

Those voting Yea 143

Those voting Nay 0

Those absent and not voting 8

DEPUTY SPEAKER ARESIMOWICZ:

The bill as amended is passed.

Will the Clerk please call Calendar Number 210.

THE CLERK:

On page 9, Calendar 210, House Bill Number 6433,  
AN ACT CONCERNING ADULT EDUCATION, favorable report of  
the Committee on Education.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fleischmann of West Hartford, you  
have the floor, sir.

REP. FLEISCHMANN (18th):

Thank you, Mr. Speaker.

Mr. Speaker, I move acceptance of the joint  
committee's favorable report and passage of the bill.

DEPUTY SPEAKER ARESIMOWICZ:

The question is on acceptance of the joint committee's favorable report and passage of the bill.

Will you remark, sir?

REP. FLEISCHMANN (18th):

Yes, Mr. Speaker.

This measure before us regarding adult education really does something quite simple. It ensures that a student who attends adult education during a period of expulsion is not required to withdraw from their school system in order to do so.

This addresses a real problem that was brought to our attention where students are expelled. They want to continue their education. They go to adult ed. Adult ed says, sure, you can attend. Just sign the following papers. And they and their parents do. And then when the expulsion is over they go to return to their public school system and discover they cannot do so because they've been withdrawn from their public school system. That, Mr. Speaker is not good education policy.

We want students to get their education. We don't want them pushed out of school. That's why this bill received unanimous support of the Education Committee. And I'm hoping it will do so today on the

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floor of the House.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Thank you very much, sir.

Representative Giuliano of the 23rd, you have the floor, madam.

REP. GIULIANO (23rd):

Mr. Speaker, thank you very much.

I want to align my remarks with those of my colleague, the chairman of the House Education Committee.

This bill does create an important thread back for students who have left high school via expulsion and then were -- felt to be moved into other educational circumstances, not necessarily of their choice. It's a correction that is necessary to provide that kind of thread back into a more normalized high school experience and I urge my colleagues to support this bill.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Thank you very much, madam.

Will you remark further on the bill before us?

Representative Miner of the 66th, you have the

floor, sir.

REP. MINER (66th):

Thank you, Mr. Speaker.

If I might, just a couple of questions to the proponent of the bill.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fleischmann, please prepare yourself.

Will the Chamber please lower the noise a little bit so the question can be adequately heard by the Representative.

Please proceed, Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker.

So the way the bill is drafted, the intention is that once the individual who has been expelled has stayed out of the school system for the period of time that they would have had to through that process, they would then be able to enter the educational process through the adult education, not before the penalty was served. Is that correct?

Through you.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fleischmann.



REP. FLEISCHMANN (18th):

Thank you, Mr. Speaker.

No. That is not my understanding. My understanding is this, when a student is expelled --

DEPUTY SPEAKER ARESIMOWICZ:

I know there's a lot of other business being done, but please keep the noise level down. The Representatives are not that far away from each and are having difficulty hearing.

Representative Fleischmann, please continue.  
Sorry for the interruption, sir.

REP. FLEISCHMANN (18th):

Thank you, Mr. Speaker.

When a student is expelled they maintain their constitutional right to an education here in Connecticut. And so districts are required to provide some sort of alternate form of education. That can take the form of a couple hours of tutoring a day. It can mean an alternative education program or it can mean adult education.

There have been many instances brought to the attention of the Education Committee where a student chooses adult education during their expulsion. They attend adult ed classes. They feel that they're

moving forward. Their expulsion period ends. They go to return to their high school or middle school and discover they're not permitted to because in agreeing to attend adult education they were forced to withdraw permanently from their school system.

Most students are shocked and surprised to discover that this was a price that they payed to attend adult ed. They never expected to be permanently knocked out of their high school. So this bill addresses the challenge.

Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker.

So if an individual were expelled from the Litchfield school system, if -- let me ask this question. If an individual brought a weapon to school, what would the be process be for that person to be removed? Is that expulsion?

Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker.

Yes. Not only is that an expellable offense, but that's a unique situation. If a student is found to be possessing a weapon or selling drugs, that requirement to offer alternative education does not come into play.

Those crimes are considered so serious that, in fact, those students are expelled without the requirement on the local school system to provide alternate education.

Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Miner.

REP. MINER (66th):

So in these cases, under this bill, would those individuals be allowed to enroll in Adult Education during the period of time that they would have otherwise been expelled?

Through you.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker.

This bill doesn't address that situation in any

way. I believe that the local school system has discretion. They are not required to provide any education whatsoever to the student who's committed that serious offense. They may do so if they wish to. We leave that to local control.

Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker.

And lastly, there's nothing in this bill that would obligate a municipality to provide that opportunity.

Through you.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker.

That is correct.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker.

And I thank the gentleman for his answer.

DEPUTY SPEAKER ARESIMOWICZ:

Thank you, sir.

Will you remark further?

Representative Miller of the 122nd, you have the floor, sir.

REP. L. MILLER (122nd):

Thank you, Mr. Speaker.

Just one question to the proponent. If the child is not willing to go back to school, he's not required to go to adult education classes.

Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker.

I'm clear on the fact that the school district must provide alternate education to the student. I don't believe that the student has to accept that alternate education. I think the duty is that the school system provide it, but if that expelled student doesn't choose to take it and they are, say, 17 years old, right now I think they're allowed to dodge it.

There's a little vagueness due to a drafting error in a bill that we passed a bill a couple of

years ago, but I believe that the responsibility is that the alternative be offered and I believe the student can decline it.

Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Miller.

REP. L. MILLER (122nd):

Thank you for the answer.

And I thank you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Thank you very much, sir.

Will you remark further?

Representative Hetherington of the 125th, you have the floor, sir.

REP. HETHERINGTON (125th):

Thank you, Mr. Speaker.

A question or two to the proponent, if I may?

DEPUTY SPEAKER ARESIMOWICZ:

Please proceed, sir.

REP. HETHERINGTON (125th):

Through you, Mr. Speaker.

Would the adult education courses taken by the expelled students be of the nature of courses typically part of the high school curriculum?

Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker.

That depends. But typically, yes. Students aim to go ahead and pick up where they left off and pursue coursework which is parallel to that, which they were pursuing in high school.

Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you.

Through you, Mr. Speaker, and would the courses taken during expulsion be counted for academic credit upon being reinstated in high school?

Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker.

This legislation does not directly speak to that, which means that such decisions are left to local

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control.

Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Hetherington.

REP. HETHERINGTON (125th):

I thank the proponent.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Thank you for your questions and comments, sir.

Will you remark further?

Representative Hoydick of the 120th, you have the floor, madam.

REP. HOYDICK (120th):

Thank you, Mr. Speaker.

A few questions to the proponent of the bill, through you, please.

DEPUTY SPEAKER ARESIMOWICZ:

Please proceed, madam.

REP. HOYDICK (120th):

Thank you.

Mr. Speaker, I'm curious. Currently can a board of education allow an expelled student to participate in adult education as -- or is this just a means to allow them to do this? Is that what this bill enables

to do?

Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker.

Under our current statutory framework, adult education is one of the alternate types of education that a school system offers to a student who is expelled. They can offer an alternate high school. They can offer tutoring or they can offer adult education.

Under our current statutes, if they offer adult education the student has to withdraw from the school system. So that when the period of expulsion is done and a student goes back to the high school to say, my expulsion is over. I'm ready to come back, if they have participated in adult ed, that school door is barred to them and this is usually a surprise to the student who is affected.

So all this bill seeks to do is to make it clear that if the alternative education provided to the student is adult ed, that the student is able to return to their school after the period of the

expulsion.

Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Hoydick.

REP. HOYDICK (120th):

Thank you, Representative Fleischmann.

Mr. Speaker, having served on the board of education for several years and served as chairperson of expulsions, I was a little surprised to understand that when a student disenrolls they are not -- they don't have the option to reenroll. Because in my community they did have that option to reenroll.

So another question to the proponent of the bill, is this pervasive throughout Connecticut or -- which would be the result of this legislation? Or is this just certain communities that operate this way?

Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker.

It was brought to the attention of the Education Committee that there are a number of communities in Connecticut that take that withdrawal of a student

from the school system to pursue adult education as permanent, and say, sorry. You're withdrawn. You're not permitted back.

I'm pleasantly surprised to hear that your community is an exception to that. I think your community is pursuing the better educational policy, but it is absolutely crystal clear that there are some communities that are not as enlightened as yours and that are not permitting students back into their schools if they have gone over to adult ed.

Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Hoydick.

REP. HOYDICK (120th):

Thank you, Mr. Speaker.

And I thank Representative Fleischmann for his kind words and the complement.

I'm curious, through you, though, Mr. Speaker, why we feel the need to legislate this instead of just make this administrative advisory through CAFE or other board of education and superintendent caps, societies and associations.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker.

As my good colleague probably is aware from her previous public service on a board of education, an advisory from the Connecticut Association of Boards of Education, it would have advisory powers. It would help guide districts, but it would not require districts to follow a certain policy.

And the Education Committee, on a bipartisan basis, felt strongly that this is something that ought to be consistent statewide policy. That we have in our Constitution a student's right to an education and that in essence by barring the school door for the child who went and pursued adult education during expulsion, we're really not respecting the spirit as well as the letter of our Constitution.

So we don't want it to be an advisory. We don't want it to be guidance. We'd like all districts to clearly follow the policy that my good colleague's district already follows.

Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Hoydick.

REP. HOYDICK (120th):

Thank you, Mr. Speaker.

And thank you, Representative Fleischmann.

The boards of education are elected locally. Are they not? And are they responsible for managing and running and the fiduciary -- they have the fiduciary responsibility of the district. Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker.

In most cases, yes. In some cases members of boards of eds are actually appointed by the mayor or first selectperson of a community, but they are given the role of overseeing their school district. That school district and that municipality are political subdivisions of the State of Connecticut.

Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Hoydick.

REP. HOYDICK (120th):

Thank you, Mr. Speaker.

So this would be limiting local control, if I

understand it correctly.

Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker.

This would be setting a clear statewide policy regarding what happens after a student is expelled and attends adult education.

Some of the testimony before the Education Committee made it clear that there are districts that are seeking to push children out of their schools through this backdoor route of saying, go ahead and attend adult ed; good option for you, not making it clear to the students that they will never be permitted back in their school.

That, Mr. Speaker, seemed like poor public policy to the entirety of the Education Committee and that is the reason this bill is before us.

Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Hoydick.

REP. HOYDICK (120th):

Thank you, Mr. Speaker.

I thank the kind gentleman for his time.

DEPUTY SPEAKER ARESIMOWICZ:

Thank you very much, madam.

Will you remark further on the bill before us?

Will you remark further on the bill before us? If not, will all staff and guests please come to the well of the House. Members please take your seat. The machine will be open.

THE CLERK:

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

DEPUTY SPEAKER ARESIMOWICZ:

Have all the members voted? Have all the members voted? Will the members please check the board to ensure that their vote has been properly cast. 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.

THE CLERK:

House Bill 6433.

Total Number voting	141
Necessary for adoption	71
Those voting Yea	135



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Those voting Nay 6  
Those absent and not voting 10

DEPUTY SPEAKER ARESIMOWICZ:

The bill passes.

Will the Clerk please call Calendar Number 403.

THE CLERK:

On page 22, Calendar 403, Senate Bill Number 933,  
AN ACT CONCERNING SUBSTITUTE TEACHERS, favorable  
report of the Committee on Education.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fleischmann, you have the floor,  
sir.

REP. FLEISCHMANN (18th):

Thank you, Mr. Speaker.

Mr. Speaker, I move acceptance of the joint  
committee's favorable report and passage of the bill.

DEPUTY SPEAKER ARESIMOWICZ:

The question is on acceptance of the joint  
committee's favorable report and passage of the bill.

Representative Fleischmann, you have the floor.

REP. FLEISCHMANN (18th):

Thank you, Mr. Speaker.

In essence this measure before us would restore  
power that the education commissioner of Connecticut

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Move to place this item on the Consent  
Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

The final item on calendar page 18, Calendar  
548, House Bill Number 6471.

Move to place this item on the Consent  
Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Moving now to calendar page 19, where we also  
have several items. First: Calendar 550, House Bill  
Number 6, excuse me, House Bill Number 5802.

Madam President, move to place this item on the  
Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Calendar 551, House Bill Number 6433.

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Move to place the item on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Calendar 552, House Bill Number 6413.

Move to place the item on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Continuing calendar page 19, Calendar 553,

House Bill Number 6227.

Move to place the item on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Moving to calendar page 20, Calendar 554, House  
Bill Number 5415.

Move to place the item on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

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Mr. Clerk.

THE CLERK:

Immediate roll call's been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber. Immediate roll call's been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

THE CLERK:

Madam President, the items placed...

THE CHAIR:

I would ask the Chamber to be quiet please so we can hear the call of the Calendar for the Consent Calendar.

Thank you.

Please proceed, Mr. Clerk

THE CLERK:

Madam President, the items placed on the first Consent Calendar begin on calendar page 5, Calendar 336, House Bill 5697.

Calendar page 7, Calendar 421, Substitute for House Bill 6126.

Calendar page 8, Calendar 449, Senate Bill 1149.

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Calendar page 10, Calendar 470, Substitute for House Bill 5340. Calendar 474, Substitute for House Bill 6274. Calendar 476, House Bill 6635.

Calendar page 12, Calendar 499, Substitute for House Bill 6638. Calendar 500, House Bill 6614. Calendar 508, House Bill 6222.

Calendar page 13, Calendar 511, House Bill 6356. Calendar 512, Substitute for House Bill 6422. Calendar 514, House Bill 6590. Calendar 515, House Bill 6221. Calendar 516, House Bill 6455.

Calendar page 14, Calendar 517, House Bill 6350. Calendar 519, House Bill 5437. Calendar 522, House Bill 6303.

Calendar page 15, Calendar 523, Substitute for House Bill 6499. Calendar 524, House Bill 6490. Calendar 525, House Bill 5780. Calendar 526, House Bill 6513. Calendar 527, Substitute for House Bill 6532.

Calendar page 16, Calendar 528, House Bill 6561. Calendar 529, Substitute for House Bill 6312. Calendar 530, Substitute for House Bill 5032. Calendar 532, House Bill 6338.

Calendar page 17, Calendar 533, Substitute for House Bill 6325. Calendar 534, House Bill 6352.

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Calendar 536, House Bill 5300. Calendar 537, House  
Bill 5482.

calendar page 18, Calendar 543, House Bill 6508.

Calendar 544, House Bill 6412. Calendar 546,  
Substitute for House Bill 6538. Calendar 547,  
Substitute for House Bill 6440. Calendar 548,  
Substitute for House Bill 6471.

Calendar page 19, Calendar 550, Substitute for  
House Bill 5802. Calendar 551, House Bill 6433.  
Calendar 552, House Bill 6413. Calendar 553,  
Substitute for House Bill 6227.

Calendar page 20, Calendar 554, Substitute for  
House Bill 5415. Calendar 557, Substitute for House  
Bill 6318. Calendar 558, Substitute for House Bill  
6565.

Calendar page 21, Calendar 559, Substitute for  
House Bill 6636.

Calendar page 22, Calendar 563, Substitute for  
House Bill 6600. Calendar 564, Substitute for House  
Bill 6598. Calendar 566, House Bill 5585.

Calendar page 23, Calendar 568, Substitute for  
House Bill 6103. Calendar 570, Substitute for House  
Bill 6336. Calendar 573, Substitute for House Bill  
6434.

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Calendar page 24, Calendar 577, Substitute for  
House Bill 5795.

Calendar page 25, Calendar 581, House Bill  
6354.

Calendar page 26, Calendar 596, Substitute for  
House Bill 6282. Calendar 598, Substitute for House  
Bill 6629.

Calendar page 27, Calendar 600, House Bill  
6314. Calendar 601, Substitute for House Bill 6529.  
Calendar 602, Substitute for House Bill 6438.  
Calendar 604, Substitute for House Bill 6639.

Calendar page 28, Calendar 605, Substitute for  
House Bill 6526. Calendar 608, House Bill 6284.

Calendar page 30, Calendar number 615,  
Substitute for House Bill 6485. Calendar 616,  
Substitute for House Bill 6498.

Calendar page 31, Calendar 619, Substitute for  
House Bill 6634. Calendar 627, Substitute for House  
Bill 6596.

Calendar page 32, Calendar 629, House Bill  
5634. Calendar 630, Substitute for House Bill 6631.  
Calendar 631, Substitute for House Bill 6357.  
Calendar 632, House Bill 6642.



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Calendar page 33, Calendar 634, Substitute for House Bill 5431. Calendar 636, Substitute for House, correction, House Bill 6100.

Page 34, Calendar 638, Substitute for House Bill 6525.

Calendar page 48, Calendar 399, Substitute for Senate Bill 1043.

Calendar page 49, Calendar 409, Substitute for House Bill 6233. Calendar 412, House Bill 5178. Calendar 422, Substitute for House Bill 6448.

Calendar page 52, Calendar 521, Substitute for House Bill 6113.

Madam President, that completes the item placed on the first Consent Calendar.

THE CHAIR:

Thank you, sir.

We call for another roll call vote. And the machine will be open for Consent Calendar number 1.

THE CLERK:

The Senate is now voting by roll on the Consent Calendar. Will all Senators please return to the Chamber. The Senate is now voting by roll on the Consent Calendar, will all Senators please return to the Chamber.

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Senator Cassano, would you vote, please, sir.

Thank you.

Well, all members have voted. All members have voted. The machine will be closed, and Mr. Clerk, will you call the tally?

THE CLERK:

Motion is on option Consent Calendar Number 1.

Total Number Voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar Number 1 has passed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

We might stand at ease for just a moment as we prepare the next item..

THE CHAIR:

The Senate will stand at ease.

(Chamber at ease.)