

## **Pullman & Comley's 2016-17 Superintendents' Legal Issues Forum - Session Two Recap**

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### **Education Law Notes**

12.07.2016

The second meeting of Pullman & Comley's 2016-17 Superintendents' Legal Issues Forum was held on November 10, 2016. It had, as its primary focus, a roundtable discussion concerning the impact of amendments to the student expulsion statute which will take effect August 15, 2017. (See P.A. 16-147, Sec.12 and C.G.S. Section 10-233d(d)). Attorney Melinda Kaufmann led our discussion. As counsel to the Hartford Board of Education, Melinda has considerable experience dealing with this student population and has represented the Hartford Board in litigation which, in some ways, served as the backdrop to the legislation in question. One of the invited speakers, Don Slater, from the Hartford school system, explained in detail the alternative educational opportunities which Hartford has been, and will be offering, to expelled students. Of note, anecdotal reports from Hartford regarding its alternative programs indicated very few discipline problems.

Some aspects of the new law remain unclear, particular with respect to how a student will access his or her 900-hour program. Is it the family's responsibility or the district's? Typically, expulsion includes exclusion from a Board of Education's transportation services during the expulsion period, even when an alternative program is offered. In Hartford, the City transit system solves that problem, but what will be the solution in rural communities? Also, what happens if the student elects not to avail him or herself of the opportunity to receive the 900 hours of instruction, or only participates sporadically?

Other invited speakers included Kathy White, Chief Administrator/Education Director for the Academy at Mount St. John in Deep River; Brian Edwards, the Chief Executive Officer for Futures, who was accompanied by Dave Larson, the former Executive Director of CAPSS; and Jeff Kitching, Executive Director of EdAdvance in Litchfield, representing his Regional Educational Service Center. Odysseyware, a leading provider of fully customizable online curriculum and instructional solutions also provided helpful handouts. A variety of options and approaches were discussed, including: adult education programs, placement at a public or private school facility, educating within the district in a restricted setting, tutoring at home or at a local public library, educating through an alternative education program, educating through remote learning, and using commercially available software programs delivered to the student's computer, at home or elsewhere. As is true with most things, cost is a major concern as these superintendents begin the process of putting together a budget for next year.

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In our final segment, Mike McKeon updated the group on the Gloucester County School Board case involving that local school board's policy on transgender student rights, and a United States Department of Education "opinion" regarding such rights under Title IX. On October 28, the Supreme Court agreed to grant *certiorari* and review the decision from the Fourth Circuit Court of Appeals. Mike, who has frequently spoken and written on this topic, shared his well-informed insights with the Forum participants regarding the potential significance of the Supreme Court's review.

**The next Forum meeting is on March 16, 2017.**

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