



CONNECTICUT

INTRODUCTION

When a student is sexually assaulted at school, they and/or their parents/guardians/caregivers may want and expect the school to suspend or expel the student who harmed them. The reality is that in many jurisdictions, school discipline laws limit or prohibit suspension and expulsion in many circumstances. Attorneys and legal advocates who serve these survivors need to prepare them for this possibility.

This FAQ provides legal advocates and civil attorneys with a starting point for researching jurisdiction-specific school discipline laws that impact K-12 students (elementary, middle, and high school) who have been sexually assaulted by another student. We include legal citations so that you can read more about the laws and make sure they are current.

This FAQ is intended as a summary of relevant laws and may not include every relevant law. It is not legal advice. Legal advocates and civil attorneys who need 1:1 consultation or support can reach out to VRLC at TA@victimrights.org.

QUESTIONS AND ANSWERS

Q.1. Is a school permitted or required to suspend or expel a student who sexually assaults another student on school property or at an off-campus school-sponsored activity?

A.1. Suspension of a student in 2nd grade or below is permitted (but not required) if the sexual assault causes physical harm.

Suspension of a student in 3rd grade or above is permitted (but not required) if the sexual assault (1) endangers others at school, or (2) seriously disrupts the educational process.

Expulsion of a student in 3rd grade or above is permitted (but not required) if the sexual assault (1) violates the local school board's student conduct policy, and (2) seriously disrupts the educational process or endangers others at school.

Q&A 1. SOURCES:

[Conn. Gen. Stat. § 10-233c.](#) (a) Any local or regional board of education may authorize the administration of the schools under its direction to suspend from school privileges a pupil whose conduct on school grounds or at a school sponsored activity is violative of a publicized policy of such board or is seriously disruptive of the educational process or endangers persons or property.... In making a determination as to whether conduct is seriously disruptive of the educational process, the administration may consider, but such consideration shall not be limited to:

- (1) Whether the incident occurred within close proximity of a school;
- (2) whether other students from the school were involved or whether there was any gang involvement;
- (3) whether the conduct involved violence, threats of violence or the unlawful use of a weapon, as defined in section [29-38](#), and whether any injuries occurred; and
- (4) whether the conduct involved the use of alcohol....

(g) ... [A]ll suspensions pursuant to this section shall be in-school suspensions, except a local or regional board of education may authorize the administration of schools under its direction to impose an out-of-school suspension on any pupil in

- (1) grades three to twelve, inclusive, if ... (A) the administration determines that the pupil being suspended poses such a danger to persons or property or such a disruption of the educational process that the pupil shall be excluded from school during the period of suspension....

QUESTIONS AND ANSWERS

Q&A 1. SOURCES:

(2) grades preschool to two, inclusive, if ... the administration (A) determines that an out-of-school suspension is appropriate for such pupil based on evidence that such pupil's conduct on school grounds is behavior that causes physical harm....

[Conn. Gen. Stat. § 10-233d.](#) (a)(1) Any local or regional board of education ... may expel ... any pupil in grades three to twelve, inclusive, whose conduct on school grounds or at a school-sponsored activity is violative of a publicized policy of such board and is seriously disruptive of the educational process or endangers persons or property.... In making a determination as to whether conduct is seriously disruptive of the educational process, the board of education or impartial hearing board may consider, but such consideration shall not be limited to: (A) Whether the incident occurred within close proximity of a school; (B) whether other students from the school were involved or whether there was any gang involvement; (C) whether the conduct involved violence, threats of violence or the unlawful use of a weapon, as defined in section 29-38, and whether any injuries occurred; and (D) whether the conduct involved the use of alcohol.

Q.2. How long is a suspension for sexual assault?

A.2. For students in 2nd grade or below, a suspension can last up to 5 school days. For students in 3rd grade or above, a suspension can last up to 10 school days.

Q&A 2. SOURCES:

[Conn. Gen. Stat. § 10-233c.](#) (g) ... An out-of-school suspension imposed under subdivision (1) of this subsection [regarding students in 3rd through 12th grade] shall not exceed ten school days, and an out-of-school suspension imposed under subdivision (2) of this subsection [regarding students in 2nd grade or below] shall not exceed five school days.

Q.3. How long is an expulsion for sexual assault?

A.3. An expulsion can last anywhere from 11 school days in a row to one calendar year.

QUESTIONS AND ANSWERS

Q&A 3. SOURCES:

[Conn. Gen. Stat. § 10-233a.](#) (e) “Expulsion” means an exclusion from school privileges for more than ten consecutive school days ... such exclusion shall not extend beyond a period of one calendar year.

Q.4. Can a student be suspended or expelled for sexually assaulting another student if the sexual assault did not occur on school property or at an off-campus school-sponsored activity?

A.4. Suspension of a student in 3rd grade or above is permitted (but not required) for a sexual assault that did not occur on school property or at an off-campus school-sponsored activity if the sexual assault (1) endangers others at school, or (2) seriously disrupts the educational process. Expulsion of a student in 3rd grade or above is permitted (but not required) for a sexual assault that did not occur on school property or at an off-campus school-sponsored activity if the sexual assault (1) violates the local school board’s student conduct policy, and (2) seriously disrupts the educational process.

Q&A 4. SOURCES:

[Conn. Gen. Stat. § 10-233c.](#) (a) Any local or regional board of education may authorize the administration of the schools under its direction to suspend from school privileges a pupil ... whose conduct off school grounds is violative of such policy [publicized policy of local board of education] and is seriously disruptive of the educational process. In making a determination as to whether conduct is seriously disruptive of the educational process, the administration may consider, but such consideration shall not be limited to:

- (1) Whether the incident occurred within close proximity of a school; (2) whether other students from the school were involved or whether there was any gang involvement;
- (3) whether the conduct involved violence, threats of violence or the unlawful use of a weapon, as defined in section [29-38](#), and whether any injuries occurred; and (4) whether the conduct involved the use of alcohol....

QUESTIONS AND ANSWERS

Q&A 4. SOURCES:

(g) ... [A]ll suspensions pursuant to this section shall be in-school suspensions, except a local or regional board of education may authorize the administration of schools under its direction to impose an out-of-school suspension on any pupil in

(1) grades three to twelve, inclusive, if ... (A) the administration determines that the pupil being suspended poses such a danger to persons or property or such a disruption of the educational process that the pupil shall be excluded from school during the period of suspension, ... or

(2) grades preschool to two, inclusive, if ... the administration (A) determines that an out-of-school suspension is appropriate for such pupil based on evidence that such pupil's conduct on school grounds is behavior that causes physical harm....

[Conn. Gen. Stat. § 10-233d.](#) (a)(1) Any local or regional board of education ... may expel ... any pupil in grades three to twelve, inclusive, ... whose conduct off school grounds is violative of such policy [publicized policy of local board of education] and is seriously disruptive of the educational process.... In making a determination as to whether conduct is seriously disruptive of the educational process, the board of education or impartial hearing board may consider, but such consideration shall not be limited to: (A) Whether the incident occurred within close proximity of a school; (B) whether other students from the school were involved or whether there was any gang involvement; (C) whether the conduct involved violence, threats of violence or the unlawful use of a weapon, as defined in section 29-38, and whether any injuries occurred; and (D) whether the conduct involved the use of alcohol.

FAQs: Exclusionary School Discipline Laws Impacting K-12 Student Survivors: CONNECTICUT

QUESTIONS AND ANSWERS

Q.5. Are certain students exempt from suspension or expulsion for sexual assault?

A.5. Yes. Under federal law, a student with a disability who has a 504 Plan or an Individualized Education Program (IEP) is exempt from an expulsion or a suspension lasting longer than 10 school days in a row if the misconduct (including sexual assault) was caused by the student's disability or the school's failure to implement the student's 504 Plan or IEP. However, this exemption does not apply if the misconduct involved serious bodily injury or if the student is substantially likely to injure themselves or others in the future if they stay in school. In those cases, the school can move the student to an alternative school for up to 45 school days at a time. Also, under Connecticut law, all students in 2nd grade or below are exempt from expulsion unless the misconduct includes possession of a deadly weapon or sale or distribution of a controlled substance.

Q&A 5. SOURCES:

[U.S. Dep't of Ed. Office for Civil Rights Fact Sheet on Student Discipline Under Section 504 of the Rehabilitation Act of 1973](#) (issued July 19, 2022);

[U.S. Dep't of Ed. Office of Special Education and Rehabilitative Services Q&A on IDEA's Discipline Provisions](#) (issued July 19, 2022)

[Conn. Gen. Stat. § 10-233d.](#) (a)(1) Any local or regional board of education ... may expel ... any pupil in grades three to twelve, inclusive....

(2) Expulsion proceedings pursuant to this section ... shall be required for any pupil in grades kindergarten to twelve, inclusive, whenever there is reason to believe that any pupil (A) on school grounds or at a school-sponsored activity, was in possession of a firearm, ... or deadly weapon, dangerous instrument or martial arts weapon, as defined in section [53a-3](#), (B) off school grounds, did possess such a firearm in violation of section [29-35](#) or did possess and use such a firearm, instrument or weapon in the commission of a crime under chapter 952, or (C) on or off school grounds, offered for sale or distribution a controlled substance, as defined in section [21a-240](#), whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with intent to sell or dispense, offering, or administering is subject to criminal penalties under sections [21a-277](#) and [21a-278](#).

QUESTIONS AND ANSWERS

Q.6. Is a school required to report incidents of sexual assault to law enforcement?

A.6. Most, if not all, school administrators and employees must report sexual molestation or exploitation of any child (younger than 18) to the Department of Children and Families (DCF) or law enforcement. If DCF receives the report, it must then notify law enforcement.

Most, if not all, school administrators and employees must also report – to DCF or law enforcement - sexual assault committed by a school employee against any person (regardless of age) who is being educated by the Technical Education and Career System, a local public school system, or a nonpublic school. If DCF receives the report, it must then notify law enforcement.

Some school administrators and employees must report – to the Department of Developmental Services (DDS) - abuse of any adult (18 or older) who cannot protect themselves from abuse and has an intellectual disability or receives services from the Department of Social Services' Division of Autism Spectrum Disorder Services. Under certain circumstances, DDS must refer the report to the state's attorney and/or law enforcement.

Q&A 6. SOURCES:

Conn. Gen. Stat. § 17a-101a (a)(1) Any mandated reporter, as described in section 17a-101, who in the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that any child under the age of eighteen years (A) has been abused ... as described in section [46b-120](#), ... or (2) any school employee, as defined in section 53a-65, who in the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that any person who is being educated by the Technical Education and Career System, a local or regional board of education, other than as part of an adult education program, or a nonpublic school, is a victim [of sexual assault] under the provisions of section [53a-70](#), [53a-70a](#), [53a-71](#), [53a-72a](#), [53a-72b](#) or [53a-73a](#), and the perpetrator is a school employee shall report ... in accordance with the provisions of sections [17a-101b](#) to [17a-101d](#), inclusive.

QUESTIONS AND ANSWERS

Q&A 6. SOURCES:

[Conn. Gen. Stat. § 17a-101b](#) (a) ... An oral report made pursuant to this subsection shall be made by telephone or in person to the Commissioner of Children and Families or a law enforcement agency....

(c) If the Commissioner of Children and Families ... receives a report alleging sexual abuse ... including, but not limited to, a report that: ... (2) a child has been sexually assaulted; ... (4) a child has been sexually exploited ... the commissioner shall ... notify the appropriate law enforcement agency.

[Conn. Gen. Stat. § 17a-101](#) (b) The following persons shall be mandated reporters: ... (9) any school employee, as defined in section 53a-65....

[Conn. Gen. Stat. § 53a-65](#) (13) "School employee" means: (A) A teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, paraeducator or coach employed by a local or regional board of education or a private elementary, middle or high school or working in a public or private elementary, middle or high school; or (B) any other person who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in (i) a public elementary, middle or high school, pursuant to a contract with the local or regional board of education, or (ii) a private elementary, middle or high school, pursuant to a contract with the supervisory agent of such private school.

[Conn. Gen. Stat. § 46b-120](#) (5) A child may be found "abused" who ... (C) is in a condition that is the result of maltreatment, including, but not limited to, ... sexual molestation or exploitation....

[Conn. Gen. Stat. § 46a-11b](#) (a) Any ... school teacher, school principal, school guidance counselor, school counselor, paraeducator ... who has reasonable cause to suspect or believe that any person with intellectual disability or any person who receives services from the Department of Social Services' Division of Autism Spectrum Disorder Services has been abused ... shall ... report such information ... to the commissioner [of Developmental Services]....

[Conn. Gen. Stat. § 46a-11g](#) If, as a result of any investigation initiated under the provisions of sections 46a-11a to 46a-11f, inclusive, a determination is made that a caregiver or other person has abused a person with intellectual disability or a person receiving services from the Department of Social Services' Division of Autism Spectrum Disorder Services, the commissioner shall refer such information in writing to the appropriate office of the state's attorney....

QUESTIONS AND ANSWERS

Q&A 6. SOURCES:

If any initial investigation by the commissioner discloses evidence of an immediate and serious threat to the health or life of a person with intellectual disability or a person receiving services from the Department of Social Services' Division of Autism Spectrum Disorder Services, said department shall immediately refer the matter to state or local police....

[Conn. Gen. Stat. § 46a-11a](#) (1) "Abuse" means the willful infliction of physical pain or injury... (8) "Person with intellectual disability" means a person who: (A) Has intellectual disability, as provided in section [1-1g](#), (B) is at least the age of eighteen, ... and (C) is substantially unable to protect himself or herself from abuse and includes all such persons living in residential facilities under the jurisdiction of the Department of Developmental Services.

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