

STATE OF CONNECTICUT
EXECUTIVE CHAMBERS

DANNEL P. MALLOY
GOVERNOR

GOVERNOR'S OFFICE

June 7, 2018

BILL NOTIFICATION
RELEASE No. 14

For Immediate Release

Governor Dannel P. Malloy signed the following legislation of the 2018 Regular Session on June 7:

- HB 5175 AN ACT CONCERNING APPEALS UNDER THE FREEDOM OF INFORMATION ACT AND PETITIONS FOR RELIEF FROM VEXATIOUS REQUESTERS.
PA 18-95 This bill takes effect October 1, 2018.
- HB 5130 AN ACT CONCERNING THE SEWAGE SPILL RIGHT-TO-KNOW ACT AND EXPANDING CONTINUING EDUCATION PROGRAMS FOR WASTEWATER OPERATORS.
PA 18-97 This bill has various effective dates.
- HB 5241 AN ACT CONCERNING PHARMACIST AND PRACTITIONER COMPLIANCE RATES AND THE ELECTRONIC PRESCRIPTION DRUG MONITORING PROGRAM.
PA 18-100 This bill is effective from passage.
- HB 5129 AN ACT ESTABLISHING A "SAVE OUR LAKES" NUMBER PLATE TO COMBAT AQUATIC INVASIVE SPECIES AND CYANOBACTERIA BLOOMS.
PA 18-101 This bill takes effect October 1, 2018.
- HB 5239 AN ACT CONCERNING ELIGIBILITY FOR CERTAIN VETERANS' PROPERTY TAX EXEMPTIONS.
PA 18-102 This bill takes effect October 1, 2018.
- HB 5032 AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL REVISIONS TO THE HIGHER EDUCATION STATUTES.
PA 18-103 This bill has various effective dates.
- HB 5233 AN ACT CONCERNING RECORDKEEPING DUTIES OF THE ADJUTANT GENERAL.
PA 18-104 This bill takes effect July 1, 2018.
- HB 5234 AN ACT CONCERNING MILITARY DEPARTMENT VOLUNTEERS.
PA 18-106 This bill takes effect July 1, 2018.

HB 5229 AN ACT CONCERNING REIMBURSEMENT FOR THE PURCHASE OF
PA 18-107 DASHBOARD CAMERAS WITH A REMOTE RECORDER AND DIGITAL DATA
STORAGE DEVICES OR SERVICES.
This bill is effective from passage.

HB 5375 AN ACT CREATING A WORKING GROUP TO STUDY HOUSING OPTIONS FOR
SA 18-14 PERSONS REENTERING THE COMMUNITY AFTER INCARCERATION.
This bill is effective from passage.

HB 5439 AN ACT CONCERNING INFORMATION RELATING TO BIOSCIENCE AND
SA 18-16 CROWDFUNDING ON THE DEPARTMENT OF ECONOMIC AND COMMUNITY
DEVELOPMENT WEB SITE.
This bill is effective from passage.

HB 5440 AN ACT CONCERNING BUSINESS REGISTRATION, LICENSING AND
SA 18-17 PERMITTING THROUGH THE STATE'S ELECTRONIC BUSINESS PORTAL.
This bill is effective from passage.

HB 5407 AN ACT ESTABLISHING A TASK FORCE TO PROMOTE EFFICIENCIES IN THE
SA 18-18 FILING OF HABEAS CORPUS MATTERS.
This bill is effective from passage.

HB 5293 AN ACT CONCERNING THE SALE OF ELECTRONIC NICOTINE DELIVERY
PA 18-109 SYSTEMS AND VAPOR PRODUCTS.
This bill is effective October 1, 2018.

HB 5283 AN ACT CONCERNING NEIGHBORHOOD REVITALIZATION ZONES.
PA 18-110 This bill is effective July 1, 2018.

HB 5332 AN ACT CONCERNING THE RECOMMENDATIONS OF THE DEPARTMENT OF
PA 18-111 CHILDREN AND FAMILIES.
This bill has various effective dates.

HB 5364 AN ACT CONCERNING THE PROTECTION OF HORSESHOE CRABS.
PA 18-112 This bill is effective from passage.

HB 5356 AN ACT CONCERNING EMERGENCY ACTION PLANS FOR DAMS.
PA 18-113 This bill takes effect October 1, 2018.

HB 5354 AN ACT CONCERNING SNAPPING TURTLES AND RED-EARED SLIDER
PA 18-114 TURTLES.
This bill takes effect October 1, 2018.

HB 5453 AN ACT CONCERNING THE RENEWAL OF LIABILITY INSURANCE POLICIES
PA 18-118 FOR UNDERGROUND STORAGE TANKS.
This bill is effective from passage.

- HB 5424 AN ACT CONCERNING CERTAIN CANDIDATES FOR THE OFFICE OF
PA 18-120 REGISTRAR OF VOTERS AT REGULAR ELECTIONS.
This bill is effective from passage.
- HB 5438 AN ACT CONCERNING MINOR AND TECHNICAL CHANGES TO COMMERCE-
PA 18-122 RELATED STATUTES.
This bill is effective from passage.
- HB 5450 AN ACT CONCERNING THE STAFF QUALIFICATIONS REQUIREMENT FOR
PA 18-123 EARLY CHILDHOOD EDUCATORS.
This bill has various effective dates.
- HB 5444 AN ACT CONCERNING REVISIONS TO THE STUDENT DATA PRIVACY ACT.
PA 18-125 This bill has various effective dates.
- HB 5258 AN ACT ADOPTING THE REVISED UNIFORM ARBITRATION ACT.
PA 18-94 His bill takes effect October 1, 2018.
- HB 5517 AN ACT CONCERNING EXECUTIVE BRANCH AGENCY DATA MANAGEMENT
PA 18-175 AND PROCESSES, THE TRANSMITTAL OF TOWN PROPERTY ASSESSMENT
INFORMATION AND THE SUSPENSION OF CERTAIN REGULATORY
REQUIREMENTS.
This bill has various effective dates.

Governor Dannel P. Malloy vetoed the following legislation of the 2018 Regular Session on June 7:

- SB 453 AN ACT CONCERNING CLASSROOM SAFETY AND DISRUPTIVE BEHAVIOR.
PA 18-89 This bill would have taken effect July 1, 2018. The Governor vetoed the bill.
***Scroll down to read the Governor's veto message.*
- HB 5426 AN ACT CONCERNING ELECTION DAY REGISTRATION LOCATIONS.
PA 18-119 This bill would have been effective from passage. The Governor vetoed the bill.
***Scroll down to read the Governor's veto message.*

As of this date, the Governor has signed one hundred and forty (140) bills, vetoed four (4) bills, and left unsigned one (1) bill of the 2018 Regular Session.



Dannel P. Malloy

GOVERNOR
STATE OF CONNECTICUT

June 7, 2018

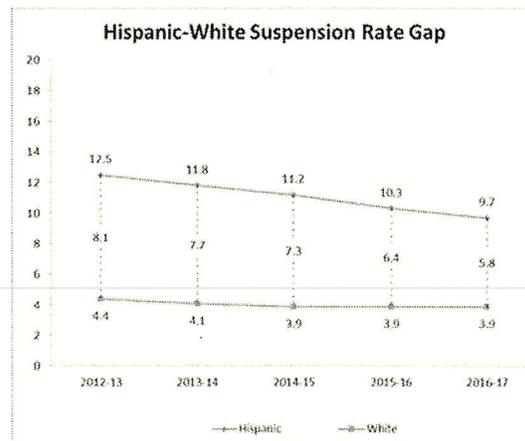
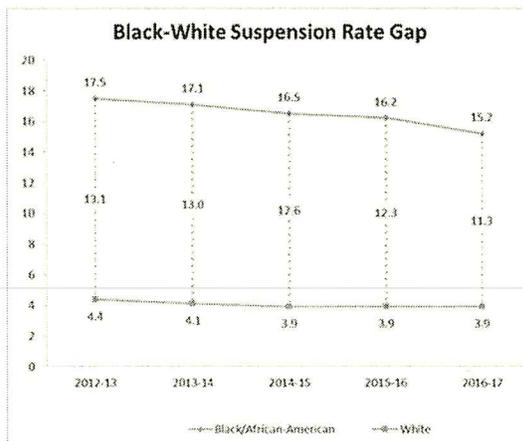
The Honorable Denise W. Merrill
Secretary of the State
30 Trinity Street
Hartford, CT 06106

Dear Madam Secretary:

I hereby return, without my signature, Substitute Senate Bill 453, *An Act Concerning Classroom Safety and Disruptive Behavior*. This bill would create a new process to remove students from their classrooms who are alleged to have been involved in a situation where a student or teacher is injured, and would establish significant barriers to their return to the classroom without providing a framework to guarantee their continued learning.

As written, this bill creates too great a risk that students of color and those with disabilities will be disproportionately affected by its new removal powers. In fact, it runs counter to the ongoing efforts of Connecticut's dedicated educators and my administration to reduce exclusion from the classroom and to cut off the school-to-prison pipeline. It also creates significant risks of litigation and federal penalties that could result in disastrous financial sanctions.

Research confirms that the best way to keep at-risk children from getting into legal trouble later in life is to maximize instruction time by reducing exclusionary discipline. Connecticut's educators have made significant progress in providing children more time in the classroom, and continue to work toward the goal of reducing the racial disparities in suspensions, expulsions, and other forms of exclusion, as the charts below illustrate.



Nevertheless, in a state where 92 percent of teachers are white, and 42 percent of students are minorities, these disparities still exist, and so we have much more to do. With a disproportionate rate of both students of color and disabled students being involved in incidents that could fall under the broad definitions of this bill, there is too much risk that this legislation moves us backward and unintentionally exacerbates a problem that we have not yet fully resolved. A wealth of peer-reviewed research shows that teachers assess the behavior of students of their own race more leniently, and students of color are subjected to harsher discipline and lower expectations of their potential.^{1 2} This unacceptable reality, which so many educators and others are trying to correct, is especially troubling in view of the fact that there is no evidence that students of color are any more likely than their classmates to engage in behavior warranting discipline or exclusion from class.³

Reforming disciplinary practices and effectively implementing restorative practices is difficult work that takes time. Our students cannot afford for us to reverse course to a policy that establishes student removal as the default. That would represent a return to the failed “zero-tolerance” approaches of the past, and runs counter to our character as a state.

The closest analogue to this legislation is a Texas law passed in 2005, and their students’ experience is a warning to us. An analysis of exclusionary discipline in Texas shows that African Americans make up only 13% of the Pre-K and elementary student populations in Texas, but account for 47% of all out-of-school suspensions. Special education students represent 9 percent of the student population, but account for 21 percent of out-of-school suspensions. A 2011 study by the Council of State Governments of more than one million Texas students found that African American and Hispanic students were much more likely to be removed from their classrooms than white students for discretionary reasons.⁴ Almost three fourths of students who qualified for special education services had been suspended or expelled at least once.⁵ Not surprisingly, these students were much more likely to be held back in school and much more likely to enter the juvenile justice system.⁶ Connecticut does not want to emulate Texas – it is not the way of Connecticut public education.

It is the vague and discretionary language in this bill that poses the greatest risk to our students. First, it creates new powers for teachers to remove students based on violations of “daily classroom safety,” a new term defined as “a classroom environment in which students and school employees are not physically injured by other students . . . or exposed to such physical injury to others.” Second, it makes no distinction between accidents and intentional acts, nor any distinction between minor and serious injuries. Third, it does not define what constitutes a violation of daily classroom safety.

¹ Dee, 2005; McGrady & Reynolds, 2013; Downey & Pribesh, 2004.

² Skiba, Michael, Nardo, & Peterson, 2002; Skiba et. al, 2011; Wald & Losen, 2003; Skiba et. al, 2002.

³ Skiba & Williams, 2014

⁴ Council of State Governments, *BREAKING SCHOOLS’ RULES: A STATEWIDE STUDY OF HOW SCHOOL DISCIPLINE RELATES TO STUDENTS’ SUCCESS AND JUVENILE JUSTICE INVOLVEMENT* (JULY 2011).

⁵ *Id.*

⁶ *Id.*

In addition, the bill presupposes that a teacher may remove any student from the classroom on the basis of a violation of the classroom safety policy – in the teacher’s sole discretion. There are no limits in the bill on the ability to remove a student once the teacher perceives that the policy has been violated. This reduces the incentive to deescalate a situation – a logical expectation for any adult in an authority position over children.

And while the bill places no barriers to removal once a violation is alleged, it allows a student’s return to the classroom only where the teacher consents or where specific findings have been made by either the school’s crisis intervention team or a third group appointed by the principal. I understand that this provision is meant to create certainty that students will receive the help they need to address behavioral or emotional issues, but it does not require an intervention to improve the student’s learning, and it creates serious legal concerns by running afoul of federal protections for due process and civil rights and specific mandates of the federal Individuals with Disabilities Education Act (IDEA).

Under the bill, a crisis intervention team or another group appointed by the principal *could* make findings that result in a return to the classroom, but the bill prevents a student’s return unless those findings are made. And the bill does nothing to provide the guidelines for what constitutes the appropriate interventions and safeguards that such findings would require. It is true that such principal-appointed group could be the Planning and Placement Team (PPT) mandated by IDEA, but the requirement for findings beforehand creates a barrier to return not contemplated by IDEA, on top of the minimum of five days of lost classroom instruction necessitated by the requirement to give parents five days’ notice before the PPT meeting. The lack of any explicit mandate that this new process follow the dictates of IDEA and other federal laws on discipline and civil rights, combined with the vagueness of the bill’s allowed “alternative educational setting” and lack of clear guidance on what supports a removed student must receive, creates uncertainty and the potential for inconsistency as districts independently develop their own classroom safety policies, and as individual teachers interpret differently what it means to violate daily classroom safety. These uncertainties could expose educators, school districts, and the state to litigation and significant federal penalties.

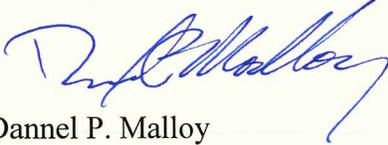
Furthermore, the bill provides for protection for a person to report alleged violations of the policy without setting parameters on such protection or establishing consequences for false reporting, in the context of all the definitional problems posed by the underlying terms.

Even though this bill is not in the best interest of our students and educators, nor a reflection of the values and excellence we espouse as a proud leader in public education, the proponents of the bill have raised important concerns that we should address together to refine and improve our restorative practices policy. I have asked the Commissioner of Education to convene a working group of teachers and administrators to address these concerns and improve support structures for students and teachers in the implementation of these new restorative practices, including potential legislation that can achieve the underlying goals of this bill without the significant legal and funding risks. Working together in a transparent and cooperative process, I feel confident that a better bill can be crafted, one that specifically addresses classroom violence, explicitly acknowledges the requirements of the IDEA, and strikes the right balance between concerns

about safety and equality, racial justice, and access to education. This bill, however, does not strike that balance.

For all of these reasons, I disapprove of Substitute Senate Bill 453, *An Act Concerning Classroom Safety and Disruptive Behavior*. Pursuant to Section 15 of Article Fourth of the Constitution of the State of Connecticut, I am returning Substitute Senate Bill 453 without my signature.

Sincerely,



Dannel P. Malloy
Governor



Dannel P. Malloy

GOVERNOR
STATE OF CONNECTICUT

June 7, 2018

The Honorable Denise W. Merrill
Secretary of the State
30 Trinity Street
Hartford, CT 06106

Dear Madam Secretary:

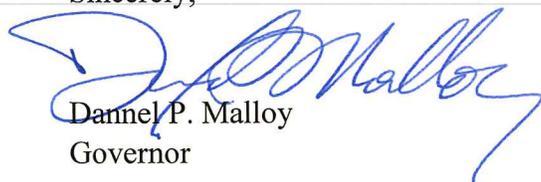
I hereby return, without my signature, Substitute House Bill 5426, *An Act Concerning Election Day Registration Locations*. This bill allows for the town clerk to designate a municipality's election day registration location in the event that the registrars of voters of said municipality fail to agree on a location by the thirty-first day prior to election day.

While I understand the reasons behind this proposal and the logistical hurdles that municipalities face, I cannot support it. The bedrock of our electoral system is the election of two registrars of voters, one from each major party, to oversee each other. This balance provides the public with confidence that our elections are administered freely and fairly and without the undue influence of politics. Allowing a third municipal official, who is also a partisan elected official in the overwhelming number of instances in our state, tilts the scales in favor of that official's political party and potentially leads to the destruction of public faith in our electoral system.

In this day and age when political calculation appears to the public to permeate every decision government officials make, from the scourge of gerrymandering to biased voter roll purges, we simply cannot afford to give this authority to a single partisan official with no oversight whatsoever. If there is truly an intractable disagreement between the registrars of voters, the decision should be placed before the elected legislative body of the municipality or, in the absence of such a body, before the courts for a truly impartial and transparent resolution.

For this reason, I disapprove of Substitute House Bill 5426, *An Act Concerning Election Day Registration Locations*. Pursuant to Section 15 of Article Fourth of the Constitution of the State of Connecticut, I am returning Substitute House Bill 5426 without my signature.

Sincerely,


Dannel P. Malloy
Governor