

Overview of Connecticut's School Expulsion and Suspension Laws

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Issue

Provide an overview of Connecticut's school expulsion and suspension laws.

Summary

In Connecticut, there are mandatory expulsion laws which require students to be expelled in specified scenarios involving weapons or drugs, as well as discretionary expulsion laws which give school boards the authority to expel a student for scenarios not included in the state's mandatory expulsion laws. Connecticut law prohibits students from being expelled without a formal hearing unless an emergency exists (in which case the hearing must follow soon after).

Additionally, the law outlines the due process and related matters of expulsion procedures, including requirements regarding hearing notices, hearing board members, alternative educational opportunities, expulsion notices in school records, and expulsion expungement, among others.

Regarding suspensions, schools have the authority to suspend students and determine what types of student conduct will result in a suspension. However, state law does specify that a student cannot be suspended (1) without an informal hearing and (2) more than a certain number of times. Also, by law suspensions generally must be in-school.

Connecticut's Expulsion Laws

In Connecticut, there are two categories of expulsion: (1) mandatory expulsion, which requires by law students to be expelled when certain criteria are met, and (2) discretionary expulsion, which

gives school boards the authority to expel a student if they determine the student's conduct to have violated certain policies.

By law, an expulsion means an exclusion from school privileges for more than 10 consecutive school days and must include, but is not limited to, exclusion from the student's school as long as this exclusion does not extend beyond a period of one calendar year ([CGS § 10-233a\(e\)](#)).

State law also prescribes the due process that students are entitled to before, during, and after expulsion proceedings, such as notice, hearing, and expungement requirements.

Expulsion of Preschool-Age Children

By law, children enrolled in a preschool program generally cannot be expelled. However, an expulsion hearing must be held when there is reason to believe a preschool-aged child possessed a firearm on or off school grounds or at a preschool program-sponsored event (which constitutes a mandatory expulsion as discussed further below). If it is determined in the hearing the child was in possession of a firearm, they will be expelled for one calendar year. The preschool program provider can modify the expulsion period on a case-by-case basis ([CGS § 10-233l\(b\)\(1\)](#)).

Expulsion of Special Education Students.

Before conducting an expulsion hearing for a special education student, a planning and placement team (PPT) must determine whether the misconduct was caused by the child's disability. If it is determined that the misconduct was caused by the child's disability, the student cannot be expelled. If it is determined otherwise, the student can be expelled through the same process as for a student who does not require special education services.

If the special education student cannot be expelled, the student's PPT must reevaluate the student's individualized education program (IEP) to address the misconduct and ensure the safety of other students and staff in the school ([CGS § 10-233d\(i\)](#)).

Mandatory Expulsion Laws

By law, expulsion is generally mandatory (except for special education students in certain cases as described above) if a student between grades kindergarten and 12:

1. on school grounds or at a school-sponsored activity, possessed a firearm, deadly weapon (for example, certain knives), dangerous instrument (any object that is used in such a way as to inflict serious physical injury), or martial arts weapon;

2. off school grounds, illegally carried a firearm or possessed and used any of the above weapons in a crime; or
3. on or off school grounds, illegally sold or distributed drugs ([CGS § 10-233d\(a\)\(2\)](#)).

Additionally, Connecticut law requires that municipal or state police notify the superintendent of a student's school district, both orally and in writing, when a student aged 7 through 20 has been arrested for a felony, a class A misdemeanor, or one particular class B misdemeanor ([CGS § 53-206c](#), involving facsimile firearms) ([CGS § 10-233h](#)). The superintendent must expel the student if the act is listed in state law as one that requires mandatory expulsion.

Discretionary Expulsion Law

Connecticut law gives school boards (directly or through impartial hearing boards, see below) the discretionary power to expel a student between grades 3 and 12 if their conduct on school grounds or at a school-sponsored activity (1) violates a publicized school board policy and (2) seriously disrupts the educational process or endangers people or property. A board may also expel a student for conduct outside of school if it violates a publicized board policy and seriously disrupts the educational process.

In its determination on whether a student's conduct "seriously disrupts the educational process," a board can choose to consider (among other reasons) if (1) the incident occurred close to a school; (2) other students from the school were involved; (3) there was any gang involvement; (4) the conduct involved violence, threats of violence, or weapon usage; (5) any injuries occurred; and (6) the conduct involved alcohol usage ([CGS § 10-233d\(a\)\(1\)](#)).

Expulsion Due Process Laws

Connecticut law prohibits students from being expelled without a formal hearing unless an emergency exists. If an emergency resulted in the student not receiving a hearing prior to their expulsion, they must receive a hearing as soon as is possible ([CGS § 10-233d\(a\)\(3\)](#), as amended by [PA 25-21](#), § 5).

By law, certain requirements must be met before, during, and after expulsion hearing proceedings. These procedures are outlined below.

Notification of Hearing. The school board is required to notify the student (and if the student is a minor, the student's parent or other legal guardian) of the hearing at least five business days in advance to its scheduled date, and the student's legal guardian can decide to postpone the hearing

for up to one week, to have time to get representation ([CGS § 10-233d\(a\)\(3\)](#)), as amended by [PA 25-21](#), § 5).

Hearing Board Members. Expulsion hearings are conducted by either (1) the school board at a meeting where three or more board members are present or (2) an impartial hearing board ([CGS § 10-233d\(a\)\(1\)](#)). School boards may establish an impartial hearing board of one or more individuals for the purposes of conducting expulsion hearings and rendering final decisions regarding a student's expulsion; school board members are not allowed to serve on the impartial hearing board ([CGS § 10-233d\(b\)](#)). Additionally, for mandatory expulsion hearings involving preschool-aged children, the hearing can also be conducted by the preschool program provider ([CGS § 10-233l\(b\)\(2\)](#)).

Expulsion Length Determination. When making the determination on expulsion length and the type of alternative educational opportunity (see below), the school or impartial hearing board may consider evidence of past disciplinary problems that have led to the student's removal from a classroom, suspension, or expulsion ([CGS § 10-233d\(c\)\(1\)](#)). As discussed previously, an expulsion cannot last more than one calendar year.

Mandatory expulsions (see above) generally are for one calendar year, but the school board or hearing board may modify the term on a case-by-case basis ([CGS § 10-233d\(a\)\(2\)](#)).

Generally, for any student expelled for the first time and who has never been suspended, the school board may shorten the length of or waive the expulsion period if the student successfully completes a board-specified program and meets any other conditions required by the board. These changes to expulsion length do not apply to expulsions related to possession of a firearm or deadly weapon ([CGS § 10-233d\(c\)\(2\)](#)).

Alternative Educational Opportunities for Students. School boards are required to offer an alternative educational opportunity to all expelled students under age 16 and certain expelled students between ages 16 to 18.

For expelled students under age 16, the opportunity must be:

1. alternative education (defined as a school or program operated by a school board that is offered to students in a nontraditional educational setting and addresses their social, emotional, behavioral, and academic needs ([CGS § 10-74j](#)), with an individualized learning plan, or
2. in line with the standards adopted by the State Board of Education (the standards require, among other things, a full-time, comprehensive experience, where learning is comparable to

what the student would experience in a regular school environment, and an individualized learning plan).

Legal guardians can choose for their child to not participate in the offered alternative educational opportunity.

Students who are between the ages of 16 and 18 and (1) have been expelled for the first or second time and (2) wish to continue their education must be offered an alternative education opportunity, contingent on the student complying with any conditions established by the school board. This alternative educational opportunity may include placing a student aged 17 and above in an adult education program.

School boards generally are not required to offer an alternative education opportunity to students between the ages of 16 and 18 who have been expelled more than twice (previous expulsions may have been at any age). However, a school board can choose to offer an alternative educational opportunity to students even if they do not meet the criteria of requiring one under the law ([CGS § 10-233d\(d\)](#), as amended by [PA 26-1](#), § 41).

Schools are required to offer alternative educational opportunities to all special education students who are expelled (regardless of their age) ([CGS § 10-233d\(i\)](#)).

Expulsion Record and Expungement. When a student is expelled, an expulsion notice that includes information on the conduct for which the student was expelled must be included on the student's cumulative educational record. Generally, this notice either:

1. must be expunged from the cumulative educational record by the school board if the student graduates from high school; or
2. may be expunged before then if:
 - a. the school board determines expungement is warranted for a student who completes board-specified conditions and whose expulsion period is shortened or waived (see above) or
 - b. the student has demonstrated to the board that their conduct and behavior in the years following the expulsion warrants an expungement. (A board, to make this determination, can consider evidence of any subsequent disciplinary problems that have led to the student being removed from a classroom, suspended, or expelled.)

The above information on expunging the expulsion notice does not apply to expulsions related to possession of a firearm or deadly weapon of a student in grades 9 through 12 ([CGS § 10-233d\(f\)](#)).

Readmission of Expelled Students. An expelled student can apply for early readmission to school at the discretion of the school board or the district's superintendent (if the school board chooses to delegate authority for readmission decisions to the superintendent). The board or superintendent can condition readmission on specified criteria.

Readmission decisions cannot be subject to appeal to Superior Court ([CGS § 10-233d\(j\)](#)).

Connecticut's Suspension Laws

By law, schools are responsible for determining the specific types of conduct that result in suspension. School boards may authorize schools under their direction to suspend students whose conduct on school grounds or at a school-sponsored activity (1) violates a board's publicized policy, (2) seriously disrupts the educational process, or (3) endangers people or property. School boards can also suspend students whose conduct off school grounds violates a board's policy and seriously disrupts the educational process.

In its determination on whether a student's conduct "seriously disrupts the educational process," a school can choose to consider (among other reasons) if (1) the incident occurred close to a school; (2) other students from the school were involved; (3) there was any gang involvement; (4) the conduct involved violence, threats of violence, or weapon usage; (5) any injuries occurred; and (6) the conduct involved alcohol usage.

By law, a suspension means an exclusion from school privileges or from transportation services only, provided this exclusion does not extend beyond the end of the school year in which the suspension was imposed ([CGS § 10-233a\(d\)](#)).

Generally, a student cannot be suspended (1) without an informal hearing by the school board and (2) more than 10 times or a total of 50 days in one school year (whichever results in fewer days), unless the pupil is granted a formal hearing. In an emergency, the required hearing can occur as soon after the suspension as possible.

By law, all suspensions generally must be in-school suspensions. However, school boards may authorize an out-of-school suspension if the student is in grades 3 through 12 and either:

1. is deemed to be such a danger to people or property, or so disruptive of the educational process, as to require the student's exclusion from school or
2. has a history of disciplinary problems that previously resulted in suspensions or expulsions (with previous efforts made to address these issues through alternatives to out-of-school suspension or expulsion), making out-of-school suspension appropriate ([CGS § 10-233c](#)).

While [CGS § 10-233l\(c\)](#) requires all suspensions to be in-school for preschool-aged students, [CGS § 10-233c\(g\)\(2\)](#) (as amended by [PA 26-1](#), § 40) allows school boards to authorize out-of-school suspensions for preschool-aged students (along with first- and second-grade students) if a student's conduct on school grounds resulted in serious physical harm and certain other criteria are met. However, in agency practice, the State Department of Education adheres to [CGS § 10-233l\(c\)](#) as to preschool students.

Suspension Record and Expungement. When a student is suspended, a notice that includes information on the conduct for which the student was suspended must be included on the student's cumulative educational record. This notice must be expunged from the record if the student graduates from high school, and under some conditions, the school may choose to expunge the record earlier ([CGS § 10-233c\(f\)](#)).

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