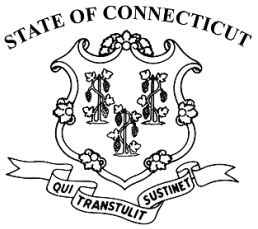


***Substitute House Bill No. 5642***

# *Public Act No. 16-147*

## *AN ACT CONCERNING THE RECOMMENDATIONS OF THE JUVENILE JUSTICE POLICY AND OVERSIGHT COMMITTEE.*

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 46b-133 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2017*):

(a) Nothing in this part shall be construed as preventing the arrest of a child, with or without a warrant, as may be provided by law, or as preventing the issuance of warrants by judges in the manner provided by section 54-2a, except that no child shall be taken into custody on such process except on apprehension in the act, or on speedy information, or in other cases when the use of such process appears imperative. Whenever a child is arrested and charged with a **[**crime**]** delinquent act, such child may be required to submit to the taking of his photograph, physical description and fingerprints. Notwithstanding the provisions of section 46b-124, the name, photograph and custody status of any child arrested for the commission of a capital felony under the provisions of section 53a-54b in effect prior to April 25, 2012, or class A felony may be disclosed to the public.

(b) Whenever a child is brought before a judge of the Superior

Court, which court shall be the court that has jurisdiction over juvenile matters where the child resides if the residence of such child can be determined, such judge shall immediately have the case proceeded upon as a juvenile matter. Such judge may admit the child to bail or release the child in the custody of the child's parent or parents, the child's guardian or some other suitable person to appear before the Superior Court when ordered. If detention becomes necessary, such detention shall be in the manner prescribed by this chapter, provided the child shall be placed in the least restrictive environment possible in a manner consistent with public safety.

(c) Upon the arrest of any child by an officer, such officer may (1) release the child to the custody of the child's parent or parents, guardian or some other suitable person or agency, (2) at the discretion of the officer, release the child to the child's own custody, or (3) seek a court order to detain the child in a juvenile detention center. No child **[**shall**]** may be placed in detention unless **[**it appears from**]** a judge of the Superior Court determines, based on the available facts, that (A) there is probable cause to believe that the child has committed the acts alleged, (B) there is no less restrictive alternative available, and (C) there is **[**(A) a strong probability that the child will run away prior to the court hearing or disposition, (B) a strong probability that the child will commit or attempt to commit other offenses injurious to the child or to the community prior to the court disposition, (C) probable cause to believe that the child's continued residence in the child's home pending disposition poses a risk to the child or the community because of the serious and dangerous nature of the act or acts the child is alleged to have committed, (D) a need to hold the child for another jurisdiction, (E) a need to hold the child to assure the child's appearance before the court, in view of the child's previous failure to respond to the court process, or (F) a finding by the court that the child has violated one or more of the conditions of a suspended detention order**]** (i) probable cause to believe that the child will pose a risk to

public safety if released to the community prior to the court hearing or disposition, (ii) a need to hold the child in order to ensure the child's appearance before the court, as demonstrated by the child's previous failure to respond to the court process, or (iii) a need to hold the child for another jurisdiction. No child shall be held in any detention center unless an order to detain is issued by a judge of the Superior Court.

(d) (1) When a child is arrested for the commission of a delinquent act and the child is not placed in detention or referred to a diversionary program, an officer shall serve a written complaint and summons on the child and the child's parent, guardian or some other suitable person or agency. If such child is released to the child's own custody, the officer shall make reasonable efforts to notify, and to provide a copy of a written complaint and summons to, the parent or guardian or some other suitable person or agency prior to the court date on the summons. If any person so summoned wilfully fails to appear in court at the time and place so specified, the court may issue a warrant for the child's arrest or a capias to assure the appearance in court of such parent, guardian or other person. If a child wilfully fails to appear in response to such a summons, the court may order such child taken into custody and such child may be charged with the delinquent act of wilful failure to appear under section 46b-120, as amended by this act. The court may punish for contempt, as provided in section 46b-121, as amended by this act, any parent, guardian or other person so summoned who wilfully fails to appear in court at the time and place so specified.

(2) Upon the arrest of any youth by an officer for a violation of section 53a-82, such officer shall report suspected abuse or neglect to the Department of Children and Families in accordance with the provisions of sections 17a-101b to 17a-101d, inclusive.

(e) **[**The court or detention supervisor may turn such child over to a youth service program created for such purpose, if such course is

practicable, or**]** When a child is arrested for the commission of a delinquent act and is placed in detention pursuant to subsection (c) of this section, such child may be detained pending a hearing which shall be held on the business day next following the child's arrest. No child **[**shall**]** may be detained after such hearing **[**or held in detention pursuant to a court order unless it appears from**]** unless the court determines, based on the available facts, that (A) there is probable cause to believe that the child has committed the acts alleged, (B) there is no less restrictive alternative available, and **[**that**]** (C) through the use of the detention risk assessment instrument developed pursuant to section 2 of this act, that there is **[**(1) a strong probability that the child will run away prior to the court hearing or disposition, (2) a strong probability that the child will commit or attempt to commit other offenses injurious to the child or to the community prior to the court disposition, (3) probable cause to believe that the child's continued residence in the child's home pending disposition poses a risk to the child or the community because of the serious and dangerous nature of the act or acts the child is alleged to have committed, (4) a need to hold the child for another jurisdiction, (5) a need to hold the child to assure the child's appearance before the court, in view of the child's previous failure to respond to the court process, or (6) a finding by the court that the child has violated one or more of the conditions of a suspended detention order**]** (i) probable cause to believe that the child will pose a risk to public safety if released to the community prior to the court hearing or disposition; (ii) a need to hold the child in order to ensure the child's appearance before the court, as demonstrated by the child's previous failure to respond to the court process, or (iii) a need to hold the child for another jurisdiction. Such probable cause may be shown by sworn affidavit in lieu of testimony. No child shall be released from detention who is alleged to have committed a serious juvenile offense except by order of a judge of the Superior Court. The court may, in its discretion, consider as an alternative to detention a suspended detention order with graduated sanctions to be imposed based on the

detention risk assessment for such child, using the instrument developed pursuant to section 2 of this act. Any child confined in a community correctional center or lockup shall be held in an area separate and apart from any adult detainee, except in the case of a nursing infant, and no child shall at any time be held in solitary confinement. When a female child is held in custody, she shall, as far as possible, be in the charge of a woman attendant.

(f) The police officer who brings a child into detention shall have first notified, or made a reasonable effort to notify, the parents or guardian of the child in question of the intended action and shall file at the detention center a signed statement setting forth the alleged delinquent conduct of the child **[**. Unless the arrest was**]** and the order to detain such child. Upon admission, the child shall be administered the detention risk assessment instrument developed pursuant to section 2 of this act, and unless the child was arrested for a serious juvenile offense or unless an order not to release is noted on the take into custody order, arrest warrant or order to detain, the child may be released **[**by a detention supervisor**]** to the custody of the child's parent or parents, guardian or some other suitable person or agency in accordance with policies adopted by the Court Support Services Division of the Judicial Department pursuant to section 3 of this act.

(g) In conjunction with any order of release from detention, the court may, when it has reason to believe a child is alcohol-dependent or drug-dependent as defined in section 46b-120, as amended by this act, and where necessary, reasonable and appropriate, order the child to participate in a program of periodic alcohol or drug testing and treatment as a condition of such release. The results of any such alcohol or drug test shall be admissible only for the purposes of enforcing the conditions of release from detention.

(h) The detention supervisor of a juvenile detention center in charge of intake shall admit only a child who: (1) Is the subject of an order to

detain or an outstanding court order to take such child into custody, (2) is ordered by a court to be held in detention, or (3) is being transferred to such center to await a court appearance.

(i) Whenever a child is subject to a court order to take such child into custody, or other process issued pursuant to this section or section 46b-140a, the Judicial Branch may cause the order or process to be entered into a central computer system in accordance with policies and procedures established by the Chief Court Administrator. The existence of the order or process in the computer system shall constitute prima facie evidence of the issuance of the order or process. Any child named in the order or process may be arrested or taken into custody based on the existence of the order or process in the computer system and, if the order or process directs that such child be detained, the child shall be held in a juvenile detention center.

(j) In the case of any child held in detention, the order to detain such child shall be for a period that does not exceed seven days or until the dispositional hearing is held, whichever is shorter, unless, following a detention review hearing, such order is renewed for a period that does not exceed seven days or until the dispositional hearing is held, whichever is shorter.

Sec. 2. (NEW) (*Effective from passage*) (a) Not later than January 1, 2017, the Court Support Services Division of the Judicial Department shall develop and implement a detention risk assessment instrument to be used to determine, based on the risk level, whether there is: (1) Probable cause to believe that a child will pose a risk to public safety if released to the community prior to the court hearing or disposition, or (2) a need to hold the child in order to ensure the child's appearance before the court, as demonstrated by the child's previous failure to respond to the court process. Such instrument shall be used when assessing whether a child should be detained pursuant to section 46b-133 of the general statutes, as amended by this act. Any detention

screening shall be subject to the protections of subsection (l) of section 46b-124 of the general statutes, as amended by this act.

(b) When a child is presented before the court and it appears from the available facts there is probable cause to believe the child has violated a valid court order, the court, after administering the detention risk assessment instrument, may order the child to participate in nonresidential programs for intensive wraparound services, community-based residential services for short-term respite or other services and interventions the court deems appropriate.

Sec. 3. (NEW) (*Effective from passage*) Not later than January 1, 2017, the Court Support Services Division of the Judicial Department shall adopt policies and procedures setting out the parameters under which Court Support Services Division staff may release a child from detention pursuant to subsection (f) of section 46b-133 of the general statutes, as amended by this act. The division may update such parameters at such times as the division deems necessary.

Sec. 4. Subsection (l) of section 46b-124 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2017*):

(l) Notwithstanding the provisions of subsection (d) of this section, any information concerning a child that is obtained during any <u>detention screening or</u> mental health screening or assessment of such child, during the provision of services pursuant to subsection (b) of section 46b-149, or during the performance of an educational evaluation pursuant to subsection (e) of section 46b-149, shall be used solely for planning and treatment purposes and shall otherwise be confidential and retained in the files of the entity providing such services or performing such screening, assessment or evaluation. Such information may be further disclosed only for the purposes of any court-ordered evaluation or treatment of the child or provision of

services to the child, or pursuant to sections 17a-101 to 17a-101e, inclusive, 17b-450, 17b-451 or 51-36a. Any information concerning a child that is obtained during the administration of the detention screening instrument in accordance with section 46b-133, as amended by this act, shall be used solely for the purpose of making a recommendation to the court regarding the detention of the child. Such information shall not be subject to subpoena or other court process for use in any other proceeding or for any other purpose.

Sec. 5. (NEW) (*Effective from passage*) (a) Not later than October 1, 2016, the executive director of the Court Support Services Division of the Judicial Department and the Commissioner of Children and Families shall jointly develop a plan for the provision of community-based services to children who are diverted or released from detention under the provisions of chapter 815t of the general statutes. Such plan shall be informed by the comprehensive behavioral health implementation plan developed pursuant to section 17a-22bb of the general statutes, and shall address the needs of the child, concerning (1) behavioral health, (2) intervention in the case of family violence, as defined in section 46b-38a of the general statutes, and (3) identification and means of resolution of precipitating behavioral factors that may be exhibited by a child who may run away. Such services may include, but need not be limited to, assessment centers, intensive care coordination and respite beds. The executive director and the commissioner shall jointly implement such plan not later than July 1, 2017.

(b) Not later than January 1, 2017, the executive director and the commissioner shall jointly report, in accordance with the provisions of section 11-4a of the general statutes, on the implementation of the plan pursuant to subsection (a) of this section, to the Juvenile Justice Policy and Oversight Committee established pursuant to section 46b-121n of the general statutes, as amended by this act.

Sec. 6. Subdivision (1) of subsection (b) of section 46b-121 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(b) (1) In juvenile matters, the Superior Court shall have authority to make and enforce such orders directed to parents, including any person who acknowledges before the court paternity of a child born out of wedlock, guardians, custodians or other adult persons owing some legal duty to a child **[**or youth**]** therein, as the court deems necessary or appropriate to secure the welfare, protection, proper care and suitable support of a child **[**or youth**]** subject to the court's jurisdiction or otherwise committed to or in the custody of the Commissioner of Children and Families. The Superior Court may order a local or regional board of education to provide to the court educational records of a child **[**or youth**]** for the purpose of determining the need for services or placement of the child. **[**or youth.**]** In proceedings concerning a child charged with a delinquent act or with being from a family with service needs, records produced subject to such an order shall be maintained under seal by the court and shall be released only after a hearing or with the consent of the child. Educational records obtained pursuant to this section shall be used only for dispositional purposes. In addition, with respect to proceedings concerning delinquent children, the Superior Court shall have authority to make and enforce such orders as the court deems necessary or appropriate to **[**punish the child**]** provide individualized supervision, care, accountability and treatment to such child in a manner consistent with public safety, deter the child from the commission of further delinquent acts, **[**assure**]** ensure that the child is responsive to the court process, ensure that the safety of any other person will not be endangered and provide restitution to any victim. The Superior Court shall also have authority to grant and enforce temporary and permanent injunctive relief in all proceedings concerning juvenile matters.

Sec. 7. Subdivision (5) of section 46b-120 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective August 15, 2017*):

(5) "Family with service needs" means a family that includes a child who is at least seven years of age and is under eighteen years of age who (A) has without just cause run away from the parental home or other properly authorized and lawful place of abode, (B) is beyond the control of the child's or youth's parent, parents, guardian or other custodian, (C) has engaged in indecent or immoral conduct, or (D) **[**is a truant or habitual truant or who, while in school, has been continuously and overtly defiant of school rules and regulations, or (E)**]** is thirteen years of age or older and has engaged in sexual intercourse with another person and such other person is thirteen years of age or older and not more than two years older or younger than such child; **[**or youth;**]**

Sec. 8. Section 10-198a of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective August 15, 2017*):

(a) For purposes of this section and sections 10-198c and 10-220, "truant" means a child age five to eighteen, inclusive, who is enrolled in a public or private school and has four unexcused absences from school in any one month or ten unexcused absences from school in any school year.

(b) Each local and regional board of education shall adopt and implement policies and procedures concerning truants who are enrolled in schools under the jurisdiction of such board of education. Such policies and procedures shall include, but need not be limited to, the following: (1) The holding of a meeting with the parent of each child who is a truant, or other person having control of such child, and appropriate school personnel to review and evaluate the reasons for

the child being a truant, provided such meeting shall be held not later than ten school days after the child's fourth unexcused absence in a month or tenth unexcused absence in a school year, (2) coordinating services with and referrals of children to community agencies providing child and family services, (3) annually at the beginning of the school year and upon any enrollment during the school year, notifying the parent or other person having control of each child enrolled in a grade from kindergarten to eight, inclusive, in the public schools in writing of the obligations of the parent or such other person pursuant to section 10-184, (4) annually at the beginning of the school year and upon any enrollment during the school year, obtaining from the parent or other person having control of each child in a grade from kindergarten to eight, inclusive, a telephone number or other means of contacting such parent or such other person during the school day, (5) on or before August 15, 2018, the implementation of a truancy intervention model identified by the Department of Education pursuant to section 9 of this act for any school under its jurisdiction that has a disproportionately high rate of truancy, as determined by the Commissioner of Education, and **[**(5)**]** (6) a system of monitoring individual unexcused absences of children in grades kindergarten to eight, inclusive, which shall provide that whenever a child enrolled in school in any such grade fails to report to school on a regularly scheduled school day and no indication has been received by school personnel that the child's parent or other person having control of the child is aware of the pupil's absence, a reasonable effort to notify, by telephone and by mail, the parent or such other person shall be made by school personnel or volunteers under the direction of school personnel. **[**Such mailed notice shall include a warning that two unexcused absences from school in a month or five unexcused absences in a school year may result in a complaint filed with the Superior Court pursuant to section 46b-149 alleging the belief that the acts or omissions of the child are such that the child's family is a family with service needs.**]** Any person who, in good faith, gives or fails to

give notice pursuant to subdivision **[**(5)**]** (6) of this subsection shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding which results from such notice or failure to give such notice.

**[**(c) If the parent or other person having control of a child who is a truant fails to attend the meeting held pursuant to subdivision (1) of subsection (b) of this section or if such parent or other person otherwise fails to cooperate with the school in attempting to solve the truancy problem, such policies and procedures shall require the superintendent of schools to file, not later than fifteen calendar days after such failure to attend such meeting or such failure to cooperate with the school attempting to solve the truancy problem, for each such truant enrolled in the schools under his jurisdiction a written complaint with the Superior Court pursuant to section 46b-149 alleging the belief that the acts or omissions of the child are such that the child's family is a family with service needs.**]**

**[**(d)**]** (c) Nothing in subsections (a) **[**to (c), inclusive,**]** and (b) of this section shall preclude a local or regional board of education from adopting policies and procedures pursuant to this section which exceed the requirements of said subsections.

**[**(e)**]** (d) The provisions of this section shall not apply to any child receiving equivalent instruction pursuant to section 10-184.

**[**(f)**]** (e) A child, age five to eighteen, inclusive, who is enrolled in a public or private school and whose parent or legal guardian is an active duty member of the armed forces, as defined in section 27-103, and has been called to duty for, is on leave from or has immediately returned from deployment to a combat zone or combat support posting, shall be granted ten days of excused absences in any school year and, at the discretion of the local or regional board of education,

additional excused absences to visit such child's parent or legal guardian with respect to such leave or deployment of the parent or legal guardian. In the case of excused absences pursuant to this subsection, such child and parent or legal guardian shall be responsible for obtaining assignments from the student's teacher prior to any period of excused absence, and for ensuring that such assignments are completed by such child prior to his or her return to school from such period of excused absence.

Sec. 9. (NEW) (*Effective from passage*) The Department of Education shall identify effective truancy intervention models for implementation by local and regional boards of education pursuant to subsection (b) of section 10-198a of the general statutes, as amended by this act. Not later than August 15, 2017, a listing of such approved models shall be available for implementation by local and regional boards of education pursuant to said subsection (b).

Sec. 10. Section 7-294h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2017*):

On and after **[**July 1, 1990**]** January 1, 2017: (1) Each police basic or field training program conducted or administered by the Division of State Police within the Department of Emergency Services and Public Protection shall provide a minimum of twenty-seven hours of training relative to the handling of juvenile matters which includes, but is not limited to, the following: (A) Techniques for handling incidents involving juveniles; (B) information relative to the processing and disposition of juvenile matters; (C) applicable procedures in the prosecution of cases involving juveniles; **[**and**]** (D) information regarding resources of the juvenile justice system in the state; (E) the use of graduated sanctions; (F) techniques for handling trauma; (G) restorative justice practices; (H) adolescent development; (I) risk-assessment and screening tools; and (J) emergency mobile psychiatric services; (2) each police basic or field training program conducted or

administered by the Police Officer Standards and Training Council established under section 7-294b or by a municipal police department in the state shall provide a minimum of fourteen hours of training relative to the handling of juvenile matters as provided in subdivision (1) of this section; and (3) each police review training program conducted or administered by the Division of State Police within the Department of Emergency Services and Public Protection, by the Police Officer Standards and Training Council established under section 7-294b or by a municipal police department in the state shall provide a minimum of one hour of training relative to the handling of juvenile matters as provided in subdivision (1) of this section.

Sec. 11. (NEW) (*Effective from passage*) Not later than August 15, 2017, the Departments of Education, Children and Families and Mental Health and Addiction Services and the Court Support Services of the Judicial Department shall develop a plan that includes cost options for school-based diversion initiatives to reduce juvenile justice involvement among children with mental health needs to be introduced into schools and school districts with high rates of school-based arrests, disproportionate minority contact, as defined in section 4-68y of the general statutes, and a high number of juvenile justice referrals, as determined by the Commissioner of Education.

Sec. 12. Section 10-233d of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective August 15, 2017*):

(a) (1) Any local or regional board of education, at a meeting at which three or more members of such board are present, or the impartial hearing board established pursuant to subsection (b) of this section, may expel, subject to the provisions of this subsection, 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 or is seriously disruptive of the educational

process or endangers persons or property or whose conduct off school grounds is violative of such policy and is seriously disruptive of the educational process, provided a majority of the board members sitting in the expulsion hearing vote to expel and that at least three affirmative votes for expulsion are cast. 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.

(2) Expulsion proceedings pursuant to this section, except as provided in subsection (i) of 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, as defined in 18 USC 921, as amended from time to time, 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 subdivision (9) of 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. Such a pupil shall be expelled for one calendar year if the local or regional board of education or impartial hearing board finds that the pupil did so possess or so possess and use, as appropriate, such a firearm,

instrument or weapon or did so offer for sale or distribution such a controlled substance, provided the board of education or the hearing board may modify the period of expulsion for a pupil on a case-by-case basis, and as provided for in subdivision (2) of subsection (c) of this section.

(3) Unless an emergency exists, no pupil shall be expelled without a formal hearing held pursuant to sections 4-176e to 4-180a, inclusive, and section 4-181a, provided whenever such pupil is a minor, the notice required by section 4-177 and section 4-180 shall also be given to the parents or guardian of the pupil at least five business days before such hearing. If an emergency exists, such hearing shall be held as soon after the expulsion as possible. The notice shall include information concerning the parent's or guardian's and the pupil's legal rights and concerning legal services provided free of charge or at a reduced rate that are available locally and how to access such services. An attorney or other advocate may represent any pupil subject to expulsion proceedings. The parent or guardian of the pupil shall have the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation, except that if an emergency exists, such hearing shall be held as soon after the expulsion as possible.

(b) For purposes of conducting expulsion hearings as required by subsection (a) of this section, any local or regional board of education or any two or more of such boards in cooperation may establish an impartial hearing board of one or more persons. No member of any such board or boards shall be a member of the hearing board. The hearing board shall have the authority to conduct the expulsion hearing and render a final decision in accordance with the provisions of sections 4-176e to 4-180a, inclusive, and section 4-181a.

(c) (1) In determining the length of an expulsion and the nature of the alternative educational opportunity to be offered under subsection

(d) of this section, the local or regional board of education, or the impartial hearing board established pursuant to subsection (b) of this section, may receive and consider evidence of past disciplinary problems that have led to removal from a classroom, suspension or expulsion of such pupil.

(2) For any pupil expelled for the first time pursuant to this section and who has never been suspended pursuant to section 10-233c, except for a pupil who has been expelled based on possession of a firearm or deadly weapon as described in subsection (a) of this section, the local or regional board of education may shorten the length of or waive the expulsion period if the pupil successfully completes a board-specified program and meets any other conditions required by the board. Such board-specified program shall not require the pupil or the parent or guardian of the pupil to pay for participation in the program.

(d) **[**Notwithstanding the provisions of subsection (a) of section 10-220, local and regional boards of education shall only be required to offer an alternative educational opportunity in accordance with this section.**]** Any pupil under sixteen years of age who is expelled shall be offered an alternative educational opportunity, which shall be equivalent to alternative education, as defined by section 10-74j, with an individualized learning plan, during the period of expulsion, provided any parent or guardian of such pupil who does not choose to have his or her child enrolled in an alternative educational program shall not be subject to the provisions of section 10-184. Any pupil expelled for the first time who is between the ages of sixteen and eighteen and who wishes to continue his or her education shall be offered such an alternative educational opportunity if he or she complies with conditions established by his or her local or regional board of education. Such alternative educational opportunity may include, but shall not be limited to, the placement of a pupil who is at least seventeen years of age in an adult education program pursuant to

section 10-69. 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. A local or regional board of education shall count the expulsion of a pupil when he was under sixteen years of age for purposes of determining whether an alternative educational opportunity is required for such pupil when he is between the ages of sixteen and eighteen. A local or regional board of education may offer an alternative educational opportunity to a pupil for whom such alternative educational opportunity is not required pursuant to this section.

**[**(e) Notwithstanding the provisions of subsection (d) of this section concerning the provision of an alternative educational opportunity for pupils between the ages of sixteen and eighteen, local and regional boards of education shall not be required to offer such alternative to any pupil between the ages of sixteen and eighteen who is expelled because of conduct which endangers persons if it is determined at the expulsion hearing that the conduct for which the pupil is expelled involved (1) possession of a firearm, as defined in 18 USC 921, as amended from time to time, or deadly weapon, dangerous instrument or martial arts weapon, as defined in section 53a-3, on school property or at a school-sponsored activity, or (2) offering for sale or distribution on school property or at a school-sponsored activity a controlled substance, as defined in subdivision (9) of section 21a-240, whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with the intent to sell or dispense, offering, or administration is subject to criminal penalties under sections 21a-277 and 21a-278.**]**

(e) If a pupil is expelled pursuant to this section for possession of a firearm, **[**or deadly weapon**]** as defined in 18 USC 921, as amended from time to time, or deadly weapon, dangerous instrument or martial arts weapon, as defined in section 53a-3, the board of education shall

report the violation to the local police department or in the case of a student enrolled in a technical high school to the state police. If a pupil is expelled pursuant to this section for the sale or distribution of **[**such**]** a controlled substance, as defined in subdivision (9) of section 21a-240, whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with the intent to sell or dispense, offering, or administration is subject to criminal penalties under sections 21a-277 and 21a-278, the board of education shall refer the pupil to an appropriate state or local agency for rehabilitation, intervention or job training, or any combination thereof, and inform the agency of its action. **[**Whenever a local or regional board of education notifies a pupil between the ages of sixteen and eighteen or the parents or guardian of such pupil that an expulsion hearing will be held, the notification shall include a statement that the board of education is not required to offer an alternative educational opportunity to any pupil who is found to have engaged in the conduct described in this subsection.**]**

(f) Whenever a pupil is expelled pursuant to the provisions of this section, notice of the expulsion and the conduct for which the pupil was expelled shall be included on the pupil's cumulative educational record. Such notice, except for notice of an expulsion of a pupil in grades nine to twelve, inclusive, based on possession of a firearm or deadly weapon as described in subsection (a) of this section, (1) shall be expunged from the cumulative educational record by the local or regional board of education if a pupil graduates from high school, or (2) may be expunged from the cumulative educational record by the local or regional board of education before a pupil graduates from high school if (A) in the case of a pupil for which the length of the expulsion period is shortened or the expulsion period is waived pursuant to subdivision (2) of subsection (c) of this section, such board determines that an expungement is warranted at the time such pupil completes the board-specified program and meets any other

conditions required by such board pursuant to subdivision (2) of subsection (c) of this section, or (B) such pupil has demonstrated to such board that the conduct and behavior of such pupil in the years following such expulsion warrants an expungement. A local or regional board of education, in determining whether to expunge such notice under subparagraph (B) of this subdivision, may receive and consider evidence of any subsequent disciplinary problems that have led to removal from a classroom, suspension or expulsion of such pupil.

(g) A local or regional board of education may adopt the decision of a pupil expulsion hearing conducted by another school district provided such local or regional board of education or impartial hearing board shall hold a hearing pursuant to the provisions of subsection (a) of this section which shall be limited to a determination of whether the conduct which was the basis for the expulsion would also warrant expulsion under the policies of such board. The pupil shall be excluded from school pending such hearing. The excluded student shall be offered an alternative educational opportunity in accordance with the provisions of subsections (d) and (e) of this section.

(h) Whenever a pupil against whom an expulsion hearing is pending withdraws from school after notification of such hearing but before the hearing is completed and a decision rendered pursuant to this section, (1) notice of the pending expulsion hearing shall be included on the pupil's cumulative educational record, and (2) the local or regional board of education or impartial hearing board shall complete the expulsion hearing and render a decision. If such pupil enrolls in school in another school district, such pupil shall not be excluded from school in the other district pending completion of the expulsion hearing pursuant to this subsection unless an emergency exists, provided nothing in this subsection shall limit the authority of

the local or regional board of education for such district to suspend the pupil or to conduct its own expulsion hearing in accordance with this section.

(i) Prior to conducting an expulsion hearing for a child requiring special education and related services described in subparagraph (A) of subdivision (5) of section 10-76a, a planning and placement team shall convene to 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 child shall not be expelled. The planning and placement team shall reevaluate the child for the purpose of modifying the child's individualized education program to address the misconduct and to ensure the safety of other children and staff in the school. If it is determined that the misconduct was not caused by the child's disability, the child may be expelled in accordance with the provisions of this section applicable to children who do not require special education and related services. Notwithstanding the provisions of subsections (d) and (e) of this section, whenever a child requiring such special education and related services is expelled, an alternative educational opportunity, consistent with such child's educational needs shall be provided during the period of expulsion.

(j) An expelled pupil may apply for early readmission to school. Except as provided in this subsection, such readmission shall be at the discretion of the local or regional board of education. The board of education may delegate authority for readmission decisions to the superintendent of schools for the school district. If the board delegates such authority, readmission shall be at the discretion of the superintendent. Readmission decisions shall not be subject to appeal to Superior Court. The board or superintendent, as appropriate, may condition such readmission on specified criteria.

(k) Local and regional boards of education shall submit to the Commissioner of Education such information on expulsions for the

possession of weapons as required for purposes of the Gun-Free Schools Act of 1994, 20 USC 8921 et seq., as amended from time to time.

(l) (1) Any student who commits an expellable offense and is subsequently committed to a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement for such offense may be expelled by a local or regional board of education in accordance with the provisions of this section. The period of expulsion shall run concurrently with the period of commitment to a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement.

(2) If a student who committed an expellable offense seeks to return to a school district after **[**having been**]** participating in a diversionary program or having been detained in a juvenile detention center, the Connecticut Juvenile Training School or any other residential placement and such student has not been expelled by the local or regional board of education for such offense under subdivision (1) of this subsection, the local or regional board of education for the school district to which the student is returning shall allow such student to return and may not expel the student for additional time for such offense.

Sec. 13. (NEW) (*Effective July 1, 2017*) No facility operated by the Department of Children and Families, the Department of Correction or the Court Support Services Division of the Judicial Department shall impose an out-of-school suspension on any child residing in any such facility, provided nothing in this section shall preclude the removal of a child from a classroom for therapeutic purposes.

Sec. 14. (NEW) (*Effective from passage*) (a) Not later than August 15, 2017, the Departments of Education, Children and Families and Correction and the Judicial Department shall collaborate to develop

and submit a plan with an implementation date of not later than August 15, 2018, provided such implementation is within available resources, to the Juvenile Justice Policy and Oversight Committee for assessing and addressing the individualized educational needs and deficiencies of children in the justice system and those reentering the community from public and private juvenile justice and correctional facilities.

(b) In developing such plan the departments shall: (1) Research nationally recognized models for effective education programming continuity for children in the justice system and incorporate such models as appropriate into the implementation plan developed pursuant to this section; and (2) consult with local and regional boards of education to identify (A) appropriate assessment tools to be used consistently to measure the educational performance of children who are in the justice system and those transitioning into and out of juvenile justice and correctional facilities, and (B) professional development specifically designed for educators who work with children in the justice system. The departments shall make an oral report to the committee on the progress of such effort in January, 2017.

(c) The implementation plan developed pursuant to this section shall include: (1) Increased collaboration, monitoring and accountability among state agencies and between state agencies and local and regional boards of education in order to improve educational service delivery and outcomes for children in the justice system and those transitioning from out-of-state and private juvenile justice and correctional facilities, including the prompt sharing of education records, (2) provide for children involved in the justice system and those transitioning out of public and private juvenile justice and correctional facilities, and a parent or guardian of such children, to have input into education plans developed by the state and local boards of education for such children, (3) the establishment of

transition teams to reintegrate children exiting residential facilities by (A) assisting in a timely and effective reconnection with educational and alternative education services provided by the local and regional board of education for the community to which the child reenters, in accordance with section 10-74j of the general statutes, and (B) coordinating the identification and adequate provision of any special education needs of the child, (4) the designation of a reentry liaison for each local or regional board of education to serve the district under the jurisdiction of such board for children returning to the district to expedite the enrollment in the school district, who will provide that any such child receives appropriate academic credit for work performed while in the juvenile justice system pursuant to chapter 815t of the general statutes, and (5) the costs for implementing an array of academic and vocational transitional supports that are supported by research that include, but are not limited to, tutors, educational surrogates, coaches and advocates.

Sec. 15. (NEW) (*Effective from passage*) Not later than January 1, 2017, the Department of Children and Families and the Judicial Department shall work with private providers of services to adopt and adhere to an empirically supported recidivism reduction framework for the juvenile justice system pursuant to chapter 815t of the general statutes. Such framework shall: (1) Include risk and needs assessment tools; (2) employ treatment matching protocols that assess the needs of the child and risks such child faces; (3) employ cross-agency measurements of program outcomes and training and quality assurance processes; (4) employ program and practice monitoring and accountability; (5) draw from best and evidence-based practices from an inventory of such practices updated by the departments annually; (6) ensure sufficient contract and quality assurance capacity between agencies and private providers; and (7) ensure shared training between agencies and private providers.

Sec. 16. (NEW) (*Effective from passage*) Not later than January 1, 2017, the Department of Children and Families and the Judicial Department shall:

(1) Develop, provide and monitor the training of their staffs on policies and practices in secure and congregate care settings that promote deescalation and monitor and track successful and unsuccessful deescalation efforts employed in such settings;

(2) Collect baseline data on the number and rate of arrests in secure and congregate care settings based on a child's race and gender and whether the child is considered to be at-risk for recidivism; and

(3) Track and analyze the recidivism rates of all children who have involvement with the juvenile justice system.

Sec. 17. (NEW) (*Effective January 1, 2017*) The Secretary of the Office of Policy and Management shall track and analyze the rates of recidivism for children in this state.

Sec. 18. Section 46b-121n of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There is established a Juvenile Justice Policy and Oversight Committee. The committee shall evaluate policies related to the juvenile justice system and the expansion of juvenile jurisdiction to include persons sixteen and seventeen years of age.

(b) The committee shall consist of the following members:

(1) Two members of the General Assembly, one of whom shall be appointed by the speaker of the House of Representatives, and one of whom shall be appointed by the president pro tempore of the Senate;

(2) The chairpersons and ranking members of the joint standing

committees of the General Assembly having cognizance of matters relating to the judiciary, children, human services and appropriations, or their designees;

(3) The Chief Court Administrator, or the Chief Court Administrator's designee;

(4) A judge of the superior court for juvenile matters, appointed by the Chief Justice;

(5) The executive director of the Court Support Services Division of the Judicial Department, or the executive director's designee;

(6) The executive director of the Superior Court Operations Division, or the executive director's designee;

(7) The Chief Public Defender, or the Chief Public Defender's designee;

(8) The Chief State's Attorney, or the Chief State's Attorney's designee;

(9) The Commissioner of Children and Families, or the commissioner's designee;

(10) The Commissioner of Correction, or the commissioner's designee;

(11) The Commissioner of Education, or the commissioner's designee;

(12) The Commissioner of Mental Health and Addiction Services, or the commissioner's designee;

(13) The Labor Commissioner, or the commissioner's designee;

(14) The Commissioner of Social Services, or the commissioner's

designee;

(15) The Commissioner of Public Health, or the commissioner's designee;

(16) The president of the Connecticut Police Chiefs Association, or the president's designee;

(17) The chief of police of a municipality with a population in excess of one hundred thousand, appointed by the president of the Connecticut Police Chiefs Association;

(18) Two child or youth advocates, one of whom shall be appointed by one chairperson of the Juvenile Justice Policy and Oversight Committee, and one of whom shall be appointed by the other chairperson of the Juvenile Justice Policy and Oversight Committee;

(19) Two parents or parent advocates, at least one of whom is the parent of a child who has been involved with the juvenile justice system, one of whom shall be appointed by the minority leader of the House of Representatives, and one of whom shall be appointed by the minority leader of the Senate;

(20) The Victim Advocate, or the Victim Advocate's designee;

**[**(20)**]** (21) The Child Advocate, or the Child Advocate's designee; and

**[**(21)**]** (22) The Secretary of the Office of Policy and Management, or the secretary's designee.

(c) Any vacancy shall be filled by the appointing authority.

(d) The Secretary of the Office of Policy and Management, or the secretary's designee, and a member of the General Assembly selected jointly by the speaker of the House of Representatives and the

president pro tempore of the Senate from among the members serving pursuant to subdivision (1) or (2) of subsection (b) of this section shall be cochairpersons of the committee. Such cochairpersons shall schedule the first meeting of the committee, which shall be held not later than sixty days after June 13, 2014.

(e) Members of the committee shall serve without compensation, except for necessary expenses incurred in the performance of their duties.

(f) Not later than January 1, 2015, the committee shall report, in accordance with section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations, the judiciary, human services and children, and the Secretary of the Office of Policy and Management, regarding the following:

(1) Any statutory changes concerning the juvenile justice system that the committee recommends to (A) improve public safety; (B) promote the best interests of children and youths who are under the supervision, care or custody of the Commissioner of Children and Families or the Court Support Services Division of the Judicial Department; (C) improve transparency and accountability with respect to state-funded services for children and youths in the juvenile justice system with an emphasis on goals identified by the committee for community-based programs and facility-based interventions; and (D) promote the efficient sharing of information between the Department of Children and Families and the Judicial Department to ensure the regular collection and reporting of recidivism data and promote public welfare and public safety outcomes related to the juvenile justice system;

(2) A definition of "recidivism" that the committee recommends to be used by state agencies with responsibilities with respect to the

juvenile justice system, and recommendations to reduce recidivism for children and youths in the juvenile justice system;

(3) Short-term goals to be met within six months, medium-term goals to be met within twelve months and long-term goals to be met within eighteen months, for the Juvenile Justice Policy and Oversight Committee and state agencies with responsibilities with respect to the juvenile justice system to meet, after considering existing relevant reports related to the juvenile justice system and any related state strategic plan;

(4) The impact of legislation that expanded the jurisdiction of the juvenile court to include persons sixteen and seventeen years of age, as measured by the following:

(A) Any change in the average age of children and youths involved in the juvenile justice system;

(B) The types of services used by designated age groups and the outcomes of those services;

(C) The types of delinquent acts or criminal offenses that children and youths have been charged with since the enactment and implementation of such legislation; and

(D) The gaps in services identified by the committee with respect to children and youths involved in the juvenile justice system, including, but not limited to, children and youths who have attained the age of eighteen after being involved in the juvenile justice system, and recommendations to address such gaps in services; and

(5) Strengths and barriers identified by the committee that support or impede the educational needs of children and youths in the juvenile justice system, with specific recommendations for reforms.

(g) Not later than July 1, 2015, the committee shall report, in accordance with section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations, the judiciary, human services and children, and the Secretary of the Office of Policy and Management, regarding the following:

(1) The quality and accessibility of diversionary programs available to children and youths in this state, including juvenile review boards and services for a child or youth who is a member of a family with service needs;

(2) An assessment of the system of community-based services for children and youths who are under the supervision, care or custody of the Commissioner of Children and Families or the Court Support Services Division of the Judicial Department;

(3) An assessment of the congregate care settings that are operated privately or by the state and have housed children and youths involved in the juvenile justice system in the past twelve months;

(4) An examination of how the state Department of Education and local boards of education, the Department of Children and Families, the Department of Mental Health and Addiction Services, the Court Support Services Division of the Judicial Department, and other appropriate agencies can work collaboratively through school-based efforts and other processes to reduce the number of children and youths who enter the juvenile justice system; **[**as a result of being a member of a family with service needs or convicted as delinquent;**]**

(5) An examination of practices and procedures that result in disproportionate minority contact, as defined in section 4-68y, within the juvenile justice system;

(6) A plan to provide that all facilities and programs that are part of

the juvenile justice system and are operated privately or by the state provide results-based accountability;

(7) An assessment of the number of children and youths who, after being under the supervision of the Department of Children and Families, are convicted as delinquent; and

(8) An assessment of the overlap between the juvenile justice system and the mental health care system for children.

(h) The committee shall complete its duties under this section after consultation with one or more organizations that focus on relevant issues regarding children and youths, such as the University of New Haven and any of the university's institutes. The committee may accept administrative support and technical and research assistance from any such organization. The committee shall work in collaboration with any results first initiative implemented pursuant to section 2-111 or any public or special act.

(i) The committee shall establish a time frame for review and reporting regarding the responsibilities outlined in subdivision (5) of subsection (f) of this section, and subdivisions (1) to (7), inclusive, of subsection (g) of this section. Each report submitted by the committee shall include specific recommendations to improve outcomes and a timeline by which specific tasks or outcomes must be achieved.

(j) The committee shall implement a strategic plan that integrates the short-term, medium-term and long-term goals identified pursuant to subdivision (3) of subsection (f) of this section. As part of the implementation of such plan, the committee shall collaborate with any state agency with responsibilities with respect to the juvenile justice system, including, but not limited to, the Departments of Education, Mental Health and Addiction Services, Correction and Children and Families and the Labor Department and Judicial Department, and

municipal police departments. Not later than January 1, 2016, the committee shall report such plan, in accordance with section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations, the judiciary, human services and children, and the Secretary of the Office of Policy and Management, regarding progress toward the full implementation of such plan and any recommendations concerning the implementation of such identified goals by any state agency with responsibilities with respect to the juvenile justice system or municipal police departments.

**[**(k) The committee shall assess the juvenile justice system and make recommendations, if any, to improve the system. Not later than July 1, 2016, July 1, 2017, and July 1, 2018, the committee shall report such assessment and recommendations, in accordance with section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations, the judiciary, human services and children, and the Secretary of the Office of Policy and Management, regarding the following:

(1) Mental health and substance abuse treatment programs and services for children and youths involved with, or at risk of involvement with, the juvenile justice system;

(2) Educational outcomes for children and youths involved with, or at risk of involvement with, the juvenile justice system;

(3) Disproportionate minority contact, as defined in section 4-68y, with children and youths involved with the juvenile justice system;

(4) Training on the juvenile justice system for state agencies and municipal police departments;

(5) Diversion of at-risk children and youths from the juvenile justice system;

(6) Recidivism tracking and policies and procedures to reduce recidivism;

(7) Data sharing among public and private juvenile justice and other child services agencies, including the Department of Education, to evaluate the effectiveness and efficiency of the juvenile justice system;

(8) Vocational educational opportunities for children and youths in the juvenile justice system until the child or youth reaches the age of twenty-one years of age;

(9) Oversight and the reduction in the use of restraints for children and youths, and the reduction in the use of seclusion and room confinement in juvenile justice facilities;

(10) Use of evidence-based positive behavioral support strategies and other evidence-based or research-informed strategies for reducing the reliance on restraints and seclusion; and

(11) Programs and facilities using restraints or seclusion for children or youths and any data regarding such uses, including, but not limited to, the rate and duration of use for children and youths with disabilities.**]**

(k) Not later than January 1, 2017, the committee shall submit a report, in accordance with section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations, the judiciary, human services and children and the Secretary of the Office of Policy and Management, regarding a plan that includes cost options for the development of a community-based diversion system. Such plan shall include recommendations to address issues concerning mental health and juvenile justice. The plan shall include recommendations regarding the following:

(1) Diversion of children who commit crimes, excluding serious

juvenile offenses, from the juvenile justice system;

(2) Identification of services that are evidence-based, trauma-informed and culturally and linguistically appropriate;

(3) Expansion of the capacity of juvenile review boards to accept referrals from municipal police departments and schools and implement restorative practices;

(4) Expansion of the provision of prevention, intervention and treatment services by youth service bureaus;

(5) Expansion of access to in-home and community-based services;

(6) Identification and expansion of services needed to support children who are truant or exhibiting behaviors defiant of school rules and enhance collaboration between school districts and community providers in order to best serve such children;

(7) Expansion of the use of memoranda of understanding pursuant to section 10-233m between local law enforcement agencies and local and regional boards of education;

(8) Expansion of the use of memoranda of understanding between local and regional boards of education and community providers for provision of community-based services;

(9) Recommendations to ensure that children in the juvenile justice system have access to a full range of community-based behavioral health services;

(10) Reinvestment of cost savings associated with reduced incarceration rates for children and increased accessibility to community-based behavioral health services;

(11) Reimbursement policies that incentivize providers to deliver

evidence-based practices to children in the juvenile justice system;

(12) Recommendations to promote the use of common behavioral health screening tools in schools and communities;

(13) Recommendations to ensure that secure facilities operated by the Department of Children and Families or the Court Support Services Division of the Judicial Department and private service providers contracting with said department or division to screen children in such facilities for behavioral health issues; and

(14) Expansion of service capacities informed by an examination of grant funds and federal Medicaid reimbursement rates.

(l) The committee shall establish a data working group to develop a plan for a data integration process to link data related to children across executive branch agencies, through the Office of Policy and Management's integrated data system, and the Judicial Department through the Court Support Services Division, for purposes of evaluation and assessment of programs, services and outcomes in the juvenile justice system. Membership of the working group shall include, but not be limited to, the Commissioners of Children and Families, Correction, Education and Mental Health and Addiction Services, or their designees; the Chief State's Attorney, or the Chief State's Attorney's designee; the Chief Public Defender, or the Chief Public Defender's designee; the Secretary of the Office of Policy and Management, or the secretary's designee; and the Chief Court Administrator of the Judicial Branch, or the Chief Court Administrator's designee. Such working group shall include persons with expertise in data development and research design. The plan shall include cost options and provisions to:

(1) Access relevant data on juvenile justice populations;

(2) Coordinate the handling of data and research requests;

(3) Link the data maintained by executive branch agencies and the Judicial Department for the purposes of facilitating the sharing and analysis of data;

(4) Establish provisions for protecting confidential information and enforcing state and federal confidentiality protections and ensure compliance with related state and federal laws and regulations;

(5) Develop specific recommendations for the committee on the use of limited releases of client specific data sharing across systems, including with the Office of Policy and Management, the Division of Criminal Justice, the Departments of Children and Families, Education and Mental Health and Addiction Services, the Judicial Department and other agencies; and

(6) Develop a standard template for memoranda of understanding for data-sharing between executive branch agencies, the Judicial Department, and when necessary, researchers outside of state government.

**[**(l) Not later than July 1, 2015, and quarterly thereafter until January 1, 2017, and annually thereafter, the committee shall submit a report, in accordance with section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations, the judiciary, human services and children, and the Secretary of the Office of Policy and Management, regarding progress made to achieve goals and measures identified by the committee pursuant to this section.**]**

Approved June 10, 2016