



House of Representatives

General Assembly

File No. 616

February Session, 2016

Substitute House Bill No. 5642

House of Representatives, April 14, 2016

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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:

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 Section 46b-133 of the general statutes is repealed and the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

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

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

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

52 appearance before the court, as demonstrated by the child's previous
53 failure to respond to the court process, or (iii) a need to hold the child
54 for another jurisdiction. No child shall be held in any detention center
55 unless an order to detain is issued by a judge of the Superior Court.

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

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

79 (e) [The court or detention supervisor may turn such child over to a
80 youth service program created for such purpose, if such course is
81 practicable, or] When a child is arrested for the commission of a
82 delinquent act and is placed in detention pursuant to subsection (c) of
83 this section, such child may be detained pending a hearing which shall
84 be held on the business day next following the child's arrest. No child

85 [shall] may be detained after such hearing [or held in detention
86 pursuant to a court order unless it appears from] unless the court
87 determines, based on the available facts, that (A) there is probable
88 cause to believe that the child has committed the acts alleged, (B) there
89 is no less restrictive alternative available, and [that] (C) through the
90 use of the detention risk assessment instrument developed pursuant to
91 section 2 of this act, that there is [(1) a strong probability that the child
92 will run away prior to the court hearing or disposition, (2) a strong
93 probability that the child will commit or attempt to commit other
94 offenses injurious to the child or to the community prior to the court
95 disposition, (3) probable cause to believe that the child's continued
96 residence in the child's home pending disposition poses a risk to the
97 child or the community because of the serious and dangerous nature of
98 the act or acts the child is alleged to have committed, (4) a need to hold
99 the child for another jurisdiction, (5) a need to hold the child to assure
100 the child's appearance before the court, in view of the child's previous
101 failure to respond to the court process, or (6) a finding by the court that
102 the child has violated one or more of the conditions of a suspended
103 detention order] (i) probable cause to believe that the child will pose a
104 risk to public safety if released to the community prior to the court
105 hearing or disposition; (ii) a need to hold the child in order to ensure
106 the child's appearance before the court, as demonstrated by the child's
107 previous failure to respond to the court process, or (iii) a need to hold
108 the child for another jurisdiction. Such probable cause may be shown
109 by sworn affidavit in lieu of testimony. No child shall be released from
110 detention who is alleged to have committed a serious juvenile offense
111 except by order of a judge of the Superior Court. The court may, in its
112 discretion, consider as an alternative to detention a suspended
113 detention order with graduated sanctions to be imposed based on the
114 detention risk assessment for such child, using the instrument
115 developed pursuant to section 2 of this act. Any child confined in a
116 community correctional center or lockup shall be held in an area
117 separate and apart from any adult detainee, except in the case of a
118 nursing infant, and no child shall at any time be held in solitary
119 confinement. When a female child is held in custody, she shall, as far

120 as possible, be in the charge of a woman attendant.

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

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

143 (h) The detention supervisor of a juvenile detention center in charge
144 of intake shall admit only a child who: (1) Is the subject of an order to
145 detain or an outstanding court order to take such child into custody,
146 (2) is ordered by a court to be held in detention, or (3) is being
147 transferred to such center to await a court appearance.

148 (i) Whenever a child is subject to a court order to take such child
149 into custody, or other process issued pursuant to this section or section
150 46b-140a, the Judicial Branch may cause the order or process to be
151 entered into a central computer system in accordance with policies and
152 procedures established by the Chief Court Administrator. The

153 existence of the order or process in the computer system shall
154 constitute prima facie evidence of the issuance of the order or process.
155 Any child named in the order or process may be arrested or taken into
156 custody based on the existence of the order or process in the computer
157 system and, if the order or process directs that such child be detained,
158 the child shall be held in a juvenile detention center.

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

165 Sec. 2. (NEW) (*Effective from passage*) (a) Not later than January 1,
166 2017, the Court Support Services Division of the Judicial Department
167 shall develop and implement a detention risk assessment instrument
168 to be used to determine, based on a score, whether there is: (1)
169 Probable cause to believe that a child will pose a risk to public safety if
170 released to the community prior to the court hearing or disposition, or
171 (2) a need to hold the child in order to ensure the child's appearance
172 before the court, as demonstrated by the child's previous failure to
173 respond to the court process. Such instrument shall be used when
174 assessing whether a child should be detained pursuant to section 46b-
175 133 of the general statutes, as amended by this act. Any detention risk
176 assessment shall be considered a mental health screening or
177 assessment pursuant to subsection (l) of section 46b-124 of the general
178 statutes, as amended by this act. No information derived from such
179 assessment, other than the score, shall be provided to the court, or to
180 any person or party.

181 (b) When a child is presented before the court and it appears from
182 the available facts there is probable cause to believe the child has
183 violated a valid court order, the court, after administering the
184 detention risk assessment instrument, may order the child to
185 participate in nonresidential programs for intensive wraparound

186 services, community-based residential services for short-term respite
187 or other services and interventions the court deems appropriate.

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

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

198 (l) Notwithstanding the provisions of subsection (d) of this section,
199 any information concerning a child that is obtained during any mental
200 health screening or assessment of such child, during the provision of
201 services pursuant to subsection (b) of section 46b-149, or during the
202 performance of an educational evaluation pursuant to subsection (e) of
203 section 46b-149, shall be used solely for planning and treatment
204 purposes and shall otherwise be confidential and retained in the files
205 of the entity providing such services or performing such screening,
206 assessment or evaluation. Such information may be further disclosed
207 only for the purposes of any court-ordered evaluation or treatment of
208 the child or provision of services to the child, or pursuant to sections
209 17a-101 to 17a-101e, inclusive, 17b-450, 17b-451 or 51-36a. Any
210 information concerning a child that is obtained during the
211 administration of the detention risk assessment instrument in
212 accordance with section 46b-133, as amended by this act, shall be used
213 solely for the purpose of making a recommendation to the court
214 regarding the detention of the child. Such information shall not be
215 subject to subpoena or other court process for use in any other
216 proceeding or for any other purpose.

217 Sec. 5. (NEW) (*Effective from passage*) (a) Not later than October 1,
218 2016, the executive director of the Court Support Services Division of

219 the Judicial Department and the Commissioner of Children and
220 Families shall jointly develop a plan for the provision of community-
221 based services to children who are diverted or released from detention
222 under the provisions of chapter 815t of the general statutes. Such plan
223 shall be informed by the comprehensive behavioral health
224 implementation plan developed pursuant to section 17a-22bb of the
225 general statutes, and shall address the needs of the child, concerning
226 (1) behavioral health, (2) intervention in the case of family violence, as
227 defined in section 46b-38a of the general statutes, and (3) identification
228 and means of resolution of precipitating behavioral factors that may be
229 exhibited by a child who may run away. Such services may include,
230 but need not be limited to, assessment centers, intensive care
231 coordination and respite beds. The executive director and the
232 commissioner shall jointly implement such plan not later than July 1,
233 2017.

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

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

243 (b) (1) In juvenile matters, the Superior Court shall have authority to
244 make and enforce such orders directed to parents, including any
245 person who acknowledges before the court paternity of a child born
246 out of wedlock, guardians, custodians or other adult persons owing
247 some legal duty to a child or youth therein, as the court deems
248 necessary or appropriate to secure the welfare, protection, proper care
249 and suitable support of a child or youth subject to the court's
250 jurisdiction or otherwise committed to or in the custody of the
251 Commissioner of Children and Families. The Superior Court may

252 order a local or regional board of education to provide to the court
253 educational records of a child or youth for the purpose of determining
254 the need for services or placement of the child or youth. In proceedings
255 concerning a child charged with a delinquent act or with being from a
256 family with service needs, records produced subject to such an order
257 shall be maintained under seal by the court and shall be released only
258 after a hearing or with the consent of the child. Educational records
259 obtained pursuant to this section shall be used only for dispositional
260 purposes. In addition, with respect to proceedings concerning
261 delinquent children, the Superior Court shall have authority to make
262 and enforce such orders as the court deems necessary or appropriate to
263 [punish the child] provide individualized supervision, care,
264 accountability and treatment to such child in a manner consistent with
265 public safety, deter the child from the commission of further
266 delinquent acts, [assure] ensure that the child is responsive to the court
267 process, ensure that the safety of any other person will not be
268 endangered and provide restitution to any victim. The Superior Court
269 shall also have authority to grant and enforce temporary and
270 permanent injunctive relief in all proceedings concerning juvenile
271 matters.

272 Sec. 7. (NEW) (*Effective from passage*) (a) The Commissioner of
273 Children and Families and the Juvenile Justice Policy and Oversight
274 Committee, established pursuant to section 46b-121n of the general
275 statutes, as amended by this act, shall jointly develop a preliminary
276 and a final plan for the closures of the Connecticut Juvenile Training
277 School and the Pueblo Unit for girls, which closures shall not be later
278 than July 1, 2018. Such plans shall (1) incorporate comments from
279 national experts and local stakeholders, (2) include community-based
280 secure and nonsecure congregate care settings, supervision and
281 programming based on nationally accepted best practices, (3) promote
282 public safety, youth rehabilitation and the elimination of racial and
283 ethnic disparity, and (4) ensure the optimal use of public resources.

284 (b) Not later than January 1, 2017, the commissioner and committee
285 shall report a preliminary plan and not later than January 1, 2018, the

286 commissioner and committee shall report a final plan developed
287 pursuant to subsection (a) of this section and recommendations for
288 legislation necessary to carry out said plans, if any, to the joint
289 standing committees of the General Assembly having cognizance of
290 matters relating to appropriations, judiciary and children, in
291 accordance with the provisions of section 11-4a of the general statutes.

292 Sec. 8. Subdivision (5) of section 46b-120 of the general statutes is
293 repealed and the following is substituted in lieu thereof (*Effective*
294 *August 15, 2017*):

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

307 Sec. 9. Section 10-198a of the 2016 supplement to the general statutes
308 is repealed and the following is substituted in lieu thereof (*Effective*
309 *August 15, 2017*):

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

315 (b) Each local and regional board of education shall adopt and
316 implement policies and procedures concerning truants who are
317 enrolled in schools under the jurisdiction of such board of education.

318 Such policies and procedures shall include, but need not be limited to,
319 the following: (1) The holding of a meeting with the parent of each
320 child who is a truant, or other person having control of such child, and
321 appropriate school personnel to review and evaluate the reasons for
322 the child being a truant, provided such meeting shall be held not later
323 than ten school days after the child's fourth unexcused absence in a
324 month or tenth unexcused absence in a school year, (2) coordinating
325 services with and referrals of children to community agencies
326 providing child and family services, (3) annually at the beginning of
327 the school year and upon any enrollment during the school year,
328 notifying the parent or other person having control of each child
329 enrolled in a grade from kindergarten to eight, inclusive, in the public
330 schools in writing of the obligations of the parent or such other person
331 pursuant to section 10-184, (4) annually at the beginning of the school
332 year and upon any enrollment during the school year, obtaining from
333 the parent or other person having control of each child in a grade from
334 kindergarten to eight, inclusive, a telephone number or other means of
335 contacting such parent or such other person during the school day, (5)
336 the implementation of a truancy intervention model identified by the
337 State Board of Education pursuant to section 10 of this act for any
338 school under its jurisdiction that has a disproportionately high rate of
339 truancy, as determined by the Commissioner of Education with the
340 assistance of and oversight by the Department of Education, and [(5)]
341 (6) a system of monitoring individual unexcused absences of children
342 in grades kindergarten to eight, inclusive, which shall provide that
343 whenever a child enrolled in school in any such grade fails to report to
344 school on a regularly scheduled school day and no indication has been
345 received by school personnel that the child's parent or other person
346 having control of the child is aware of the pupil's absence, a reasonable
347 effort to notify, by telephone and by mail, the parent or such other
348 person shall be made by school personnel or volunteers under the
349 direction of school personnel. [Such mailed notice shall include a
350 warning that two unexcused absences from school in a month or five
351 unexcused absences in a school year may result in a complaint filed
352 with the Superior Court pursuant to section 46b-149 alleging the belief

353 that the acts or omissions of the child are such that the child's family is
354 a family with service needs.] Any person who, in good faith, gives or
355 fails to give notice pursuant to subdivision [(5)] (6) of this subsection
356 shall be immune from any liability, civil or criminal, which might
357 otherwise be incurred or imposed and shall have the same immunity
358 with respect to any judicial proceeding which results from such notice
359 or failure to give such notice.

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

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

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

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

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

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

400 Sec. 11. Section 7-294h of the general statutes is repealed and the
401 following is substituted in lieu thereof (*Effective January 1, 2017*):

402 On and after [July 1, 1990] January 1, 2017: (1) Each police basic or
403 field training program conducted or administered by the Division of
404 State Police within the Department of Emergency Services and Public
405 Protection shall provide a minimum of twenty-seven hours of training
406 relative to the handling of juvenile matters which includes, but is not
407 limited to, the following: (A) Techniques for handling incidents
408 involving juveniles; (B) information relative to the processing and
409 disposition of juvenile matters; (C) applicable procedures in the
410 prosecution of cases involving juveniles; [and] (D) information
411 regarding resources of the juvenile justice system in the state; (E) the
412 use of graduated sanctions; (F) techniques for handling trauma; (G)
413 restorative justice practices; (H) adolescent development; (I) risk-
414 assessment and screening tools; and (J) emergency mobile psychiatric
415 services; (2) each police basic or field training program conducted or
416 administered by the Police Officer Standards and Training Council
417 established under section 7-294b or by a municipal police department
418 in the state shall provide a minimum of fourteen hours of training

419 relative to the handling of juvenile matters as provided in subdivision
420 (1) of this section; and (3) each police review training program
421 conducted or administered by the Division of State Police within the
422 Department of Emergency Services and Public Protection, by the Police
423 Officer Standards and Training Council established under section 7-
424 294b or by a municipal police department in the state shall provide a
425 minimum of one hour of training relative to the handling of juvenile
426 matters as provided in subdivision (1) of this section.

427 Sec. 12. (NEW) (*Effective from passage*) Not later than August 15,
428 2017, the Department of Education shall develop and implement a
429 plan for school-based diversion initiatives to reduce juvenile justice
430 involvement among children with mental health needs to be
431 introduced into schools and school districts with high rates of school-
432 based arrests, disproportionate minority contact, as defined in section
433 4-68y of the general statutes, and a high number of juvenile justice
434 referrals, as determined by the Commissioner of Education.

435 Sec. 13. Section 10-233d of the 2016 supplement to the general
436 statutes is repealed and the following is substituted in lieu thereof
437 (*Effective August 15, 2017*):

438 (a) (1) Any local or regional board of education, at a meeting at
439 which three or more members of such board are present, or the
440 impartial hearing board established pursuant to subsection (b) of this
441 section, may expel, subject to the provisions of this subsection, any
442 pupil in grades three to twelve, inclusive, whose conduct on school
443 grounds or at a school-sponsored activity is violative of a publicized
444 policy of such board or is seriously disruptive of the educational
445 process or endangers persons or property or whose conduct off school
446 grounds is violative of such policy and is seriously disruptive of the
447 educational process, provided a majority of the board members sitting
448 in the expulsion hearing vote to expel and that at least three
449 affirmative votes for expulsion are cast. In making a determination as
450 to whether conduct is seriously disruptive of the educational process,
451 the board of education or impartial hearing board may consider, but

452 such consideration shall not be limited to: (A) Whether the incident
453 occurred within close proximity of a school; (B) whether other students
454 from the school were involved or whether there was any gang
455 involvement; (C) whether the conduct involved violence, threats of
456 violence or the unlawful use of a weapon, as defined in section 29-38,
457 and whether any injuries occurred; and (D) whether the conduct
458 involved the use of alcohol.

459 (2) Expulsion proceedings pursuant to this section, except as
460 provided in subsection (i) of this section, shall be required for any
461 pupil in grades kindergarten to twelve, inclusive, whenever there is
462 reason to believe that any pupil (A) on school grounds or at a school-
463 sponsored activity, was in possession of a firearm, as defined in 18
464 USC 921, as amended from time to time, or deadly weapon, dangerous
465 instrument or martial arts weapon, as defined in section 53a-3, (B) off
466 school grounds, did possess such a firearm in violation of section 29-35
467 or did possess and use such a firearm, instrument or weapon in the
468 commission of a crime under chapter 952, or (C) on or off school
469 grounds, offered for sale or distribution a controlled substance, as
470 defined in subdivision (9) of section 21a-240, whose manufacture,
471 distribution, sale, prescription, dispensing, transporting or possessing
472 with intent to sell or dispense, offering, or administering is subject to
473 criminal penalties under sections 21a-277 and 21a-278. Such a pupil
474 shall be expelled for one calendar year if the local or regional board of
475 education or impartial hearing board finds that the pupil did so
476 possess or so possess and use, as appropriate, such a firearm,
477 instrument or weapon or did so offer for sale or distribution such a
478 controlled substance, provided the board of education or the hearing
479 board may modify the period of expulsion for a pupil on a case-by-
480 case basis, and as provided for in subdivision (2) of subsection (c) of
481 this section.

482 (3) Unless an emergency exists, no pupil shall be expelled without a
483 formal hearing held pursuant to sections 4-176e to 4-180a, inclusive,
484 and section 4-181a, provided whenever such pupil is a minor, the
485 notice required by section 4-177 and section 4-180 shall also be given to

486 the parents or guardian of the pupil at least five days before such
487 hearing. If an emergency exists, such hearing shall be held as soon
488 after the expulsion as possible. The notice shall include information
489 concerning the parent's or guardian's legal rights and concerning legal
490 services provided free of charge or at a reduced rate that are available
491 locally and how to access such services. An attorney or other advocate
492 may represent any pupil subject to expulsion proceedings. The parent
493 or guardian of the pupil shall have the right to have the expulsion
494 hearing postponed to allow time to obtain legal representation, except
495 that if an emergency exists, such hearing shall be held as soon after the
496 expulsion as possible.

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

505 (c) (1) In determining the length of an expulsion and the nature of
506 the alternative educational opportunity to be offered under subsection
507 (d) of this section, the local or regional board of education, or the
508 impartial hearing board established pursuant to subsection (b) of this
509 section, may receive and consider evidence of past disciplinary
510 problems that have led to removal from a classroom, suspension or
511 expulsion of such pupil.

512 (2) For any pupil expelled for the first time pursuant to this section
513 and who has never been suspended pursuant to section 10-233c, except
514 for a pupil who has been expelled based on possession of a firearm or
515 deadly weapon as described in subsection (a) of this section, the local
516 or regional board of education may shorten the length of or waive the
517 expulsion period if the pupil successfully completes a board-specified
518 program and meets any other conditions required by the board. Such

519 board-specified program shall not require the pupil or the parent or
520 guardian of the pupil to pay for participation in the program.

521 (d) [Notwithstanding the provisions of subsection (a) of section 10-
522 220, local and regional boards of education shall only be required to
523 offer an alternative educational opportunity in accordance with this
524 section.] Any pupil under sixteen years of age who is expelled shall be
525 offered an alternative educational opportunity, which shall be
526 equivalent to alternative education, as defined by section 10-74j, with
527 an individualized learning plan, during the period of expulsion,
528 provided any parent or guardian of such pupil who does not choose to
529 have his or her child enrolled in an alternative educational program
530 shall not be subject to the provisions of section 10-184. Any pupil
531 expelled for the first time who is between the ages of sixteen and
532 eighteen and who wishes to continue his or her education shall be
533 offered such an alternative educational opportunity if he or she
534 complies with conditions established by his or her local or regional
535 board of education. Such alternative educational opportunity may
536 include, but shall not be limited to, the placement of a pupil who is at
537 least seventeen years of age in an adult education program pursuant to
538 section 10-69. Any pupil participating in an adult education program
539 during a period of expulsion shall not be required to withdraw from
540 school under section 10-184. A local or regional board of education
541 shall count the expulsion of a pupil when he was under sixteen years
542 of age for purposes of determining whether an alternative educational
543 opportunity is required for such pupil when he is between the ages of
544 sixteen and eighteen. A local or regional board of education may offer
545 an alternative educational opportunity to a pupil for whom such
546 alternative educational opportunity is not required pursuant to this
547 section.

548 [(e) Notwithstanding the provisions of subsection (d) of this section
549 concerning the provision of an alternative educational opportunity for
550 pupils between the ages of sixteen and eighteen, local and regional
551 boards of education shall not be required to offer such alternative to
552 any pupil between the ages of sixteen and eighteen who is expelled

553 because of conduct which endangers persons if it is determined at the
554 expulsion hearing that the conduct for which the pupil is expelled
555 involved (1) possession of a firearm, as defined in 18 USC 921, as
556 amended from time to time, or deadly weapon, dangerous instrument
557 or martial arts weapon, as defined in section 53a-3, on school property
558 or at a school-sponsored activity, or (2) offering for sale or distribution
559 on school property or at a school-sponsored activity a controlled
560 substance, as defined in subdivision (9) of section 21a-240, whose
561 manufacture, distribution, sale, prescription, dispensing, transporting
562 or possessing with the intent to sell or dispense, offering, or
563 administration is subject to criminal penalties under sections 21a-277
564 and 21a-278.]

565 (e) If a pupil is expelled pursuant to this section for possession of a
566 firearm, [or deadly weapon] as defined in 18 USC 921, as amended
567 from time to time, or deadly weapon, dangerous instrument or martial
568 arts weapon, as defined in section 53a-3, the board of education shall
569 report the violation to the local police department or in the case of a
570 student enrolled in a technical high school to the state police. If a pupil
571 is expelled pursuant to this section for the sale or distribution of [such]
572 a controlled substance, as defined in subdivision (9) of section 21a-240,
573 whose manufacture, distribution, sale, prescription, dispensing,
574 transporting or possessing with the intent to sell or dispense, offering,
575 or administration is subject to criminal penalties under sections 21a-
576 277 and 21a-278, the board of education shall refer the pupil to an
577 appropriate state or local agency for rehabilitation, intervention or job
578 training, or any combination thereof, and inform the agency of its
579 action. [Whenever a local or regional board of education notifies a
580 pupil between the ages of sixteen and eighteen or the parents or
581 guardian of such pupil that an expulsion hearing will be held, the
582 notification shall include a statement that the board of education is not
583 required to offer an alternative educational opportunity to any pupil
584 who is found to have engaged in the conduct described in this
585 subsection.]

586 (f) Whenever a pupil is expelled pursuant to the provisions of this

587 section, notice of the expulsion and the conduct for which the pupil
588 was expelled shall be included on the pupil's cumulative educational
589 record. Such notice, except for notice of an expulsion of a pupil in
590 grades nine to twelve, inclusive, based on possession of a firearm or
591 deadly weapon as described in subsection (a) of this section, (1) shall
592 be expunged from the cumulative educational record by the local or
593 regional board of education if a pupil graduates from high school, or
594 (2) may be expunged from the cumulative educational record by the
595 local or regional board of education before a pupil graduates from
596 high school if (A) in the case of a pupil for which the length of the
597 expulsion period is shortened or the expulsion period is waived
598 pursuant to subdivision (2) of subsection (c) of this section, such board
599 determines that an expungement is warranted at the time such pupil
600 completes the board-specified program and meets any other
601 conditions required by such board pursuant to subdivision (2) of
602 subsection (c) of this section, or (B) such pupil has demonstrated to
603 such board that the conduct and behavior of such pupil in the years
604 following such expulsion warrants an expungement. A local or
605 regional board of education, in determining whether to expunge such
606 notice under subparagraph (B) of this subdivision, may receive and
607 consider evidence of any subsequent disciplinary problems that have
608 led to removal from a classroom, suspension or expulsion of such
609 pupil.

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

621 (h) Whenever a pupil against whom an expulsion hearing is
622 pending withdraws from school after notification of such hearing but
623 before the hearing is completed and a decision rendered pursuant to
624 this section, (1) notice of the pending expulsion hearing shall be
625 included on the pupil's cumulative educational record, and (2) the
626 local or regional board of education or impartial hearing board shall
627 complete the expulsion hearing and render a decision. If such pupil
628 enrolls in school in another school district, such pupil shall not be
629 excluded from school in the other district pending completion of the
630 expulsion hearing pursuant to this subsection unless an emergency
631 exists, provided nothing in this subsection shall limit the authority of
632 the local or regional board of education for such district to suspend the
633 pupil or to conduct its own expulsion hearing in accordance with this
634 section.

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

652 (j) An expelled pupil may apply for early readmission to school.
653 Except as provided in this subsection, such readmission shall be at the
654 discretion of the local or regional board of education. The board of

655 education may delegate authority for readmission decisions to the
656 superintendent of schools for the school district. If the board delegates
657 such authority, readmission shall be at the discretion of the
658 superintendent. Readmission decisions shall not be subject to appeal to
659 Superior Court. The board or superintendent, as appropriate, may
660 condition such readmission on specified criteria.

661 (k) Local and regional boards of education shall submit to the
662 Commissioner of Education such information on expulsions for the
663 possession of weapons as required for purposes of the Gun-Free
664 Schools Act of 1994, 20 USC 8921 et seq., as amended from time to
665 time.

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

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

684 (3) The Department of Education shall assist local and regional
685 boards of education in providing educational supports for any child,
686 whether or not such child was expelled, who returns to a school
687 district after participating in a diversionary program or having been

688 detained in a juvenile detention center or any residential placement or
689 having been on probation.

690 Sec. 14. (NEW) (*Effective from passage*) Not later than August 15,
691 2017, the Department of Education shall develop and implement
692 entrance requirements for the referral of students involved in the
693 juvenile justice system under chapter 815t of the general statutes to
694 appropriate opportunities for receiving alternative education, which
695 shall be similar or equivalent to alternative education, as defined by
696 section 10-74j of the general statutes, and which shall ensure that for
697 any child requiring special education pursuant to section 10-76a of the
698 general statutes, the provision of such alternative education
699 opportunity shall comply with the Individuals With Disabilities
700 Education Act, 20 USC 1400 et seq., as amended from time to time.

701 Sec. 15. (NEW) (*Effective from passage*) Not later than August 15,
702 2016, the Department of Education, with input from local and regional
703 boards of education, shall develop a remediation plan to address those
704 districts and schools that have higher than average out-of-school
705 suspension and expulsion rates, racial disparities or numbers of
706 students involved in the juvenile justice system under chapter 815t of
707 the general statutes. Such plan shall include restorative justice models.

708 Sec. 16. (NEW) (*Effective July 1, 2017*) No facility operated by the
709 Department of Children and Families, the Department of Correction or
710 the Court Support Services Division of the Judicial Department shall
711 impose an out-of-school suspension on any child residing in any such
712 facility, provided nothing in this section shall preclude the removal of
713 a child from a classroom for therapeutic purposes.

714 Sec. 17. Subsection (b) of section 17a-16a of the general statutes is
715 repealed and the following is substituted in lieu thereof (*Effective July*
716 *1, 2017*):

717 (b) (1) Whenever a child is placed in out-of-home care by the
718 department pursuant to an emergency order under subsection (e) of
719 section 17a-101g or an order of temporary custody or an order of

720 commitment under section 46b-129, and at any subsequent change in
721 out-of-home care, or whenever a child returns from placement in the
722 juvenile justice system under chapter 815t, any such child may, if it is
723 in the best interests of the child, as determined pursuant to subdivision
724 (3) of this subsection, continue to attend his or her school of origin.
725 Such child shall continue to be a resident of the school district in which
726 such school is located during such attendance for purposes of chapters
727 168 to 170, inclusive, 172 and 173. The board of education for the
728 school of origin shall continue to provide free school privileges to the
729 child and any services provided by such board shall be in accordance
730 with the provisions of subdivision (2) of subsection (e) of section 10-
731 76d and section 10-253. If the child continues to attend his or her
732 school of origin following placement in out-of-home care by the
733 department, the local or regional board of education of the school of
734 origin shall not be eligible to receive an excess cost grant pursuant to
735 subdivision (2) of subsection (e) of section 10-76d for the cost of such
736 education, including, but not limited to, tuition and transportation
737 costs. For the fiscal year ending June 30, 2013, and each fiscal year
738 thereafter, an excess cost grant pursuant to subdivision (2) of
739 subsection (e) of section 10-76d shall be available to the nexus school
740 district when the nexus school district pays the child's tuition to the
741 local or regional board of education of the school of origin. If the nexus
742 school district placed the child in a private school or regional
743 educational service center program prior to the child being removed
744 from the home by the department and the child continues to attend
745 such prior placement, the nexus school district, or, if the nexus school
746 district cannot be identified, the town where the child resides, shall be
747 eligible to receive the excess cost grant pursuant to section 10-76g.

748 (2) Every decision by the department to place a child into out-of-
749 home care under the provisions of subsection (e) of section 17a-101g
750 and section 46b-129, and any subsequent change in out-of-home care,
751 shall take into account the appropriateness of the school setting and
752 the proximity to the school of origin.

753 (3) (A) Whenever a child is placed in out-of-home care by the

754 department pursuant to an emergency order under subsection (e) of
755 section 17a-101g or an order of temporary custody or an order of
756 commitment under section 46b-129, and at any subsequent change in
757 out-of-home care, or whenever a child returns from placement in the
758 juvenile justice system under chapter 815t, the department shall
759 immediately determine whether it is in the best interests of the child to
760 remain in the school of origin. There shall be a presumption that it is in
761 the child's best interests to remain in the school of origin. The
762 department shall provide written notice of its decision to the parties
763 not later than three business days after the date on which the decision
764 is made. Such notice shall identify the factors that form the basis of the
765 department's decision. Any party may object to the department's
766 decision not later than three business days after receipt of such notice.
767 The child shall remain in the school of origin until the time for
768 objection has passed and until any disagreement is resolved, except as
769 provided in subparagraph (C) of this subdivision. The child shall be
770 transported to the school of origin pursuant to subsection (c) of this
771 section during any such disagreement except as provided in
772 subparagraph (C) of this subdivision. Such disagreements shall be
773 expeditiously resolved. The department shall bear the burden of proof
774 that the school placement decision is in the child's best interests.

775 (B) The school placement decision may be revisited at any time
776 during the child's out-of-home care, if circumstances change, in order
777 to ensure that the school placement decision remains in the best
778 interests of the child. Notice of any subsequent decision to change the
779 child's school placement decision shall be provided in accordance with
780 subparagraph (A) of this subdivision. Any school placement decision
781 made pursuant to this section may be challenged through the dispute
782 resolution process for treatment plans. The child shall remain in the
783 school of origin until any such disagreement is resolved, except as
784 provided in subparagraph (C) of this subdivision and shall be
785 provided with transportation in accordance with subsection (c) of this
786 section.

787 (C) If at any time the department determines that continued

788 placement in the school of origin will jeopardize the child's immediate
789 physical safety, the department may immediately remove the child
790 from the school and shall notify the child's attorney, parents, guardian
791 ad litem and surrogate parent, if any, by phone or by facsimile on the
792 same business day. Any party may object to the decision to change the
793 child's school placement not later than three business days after receipt
794 of such notice. If any party objects to the change in school placement,
795 the department shall hold an administrative hearing not later than
796 three business days after the objection.

797 Sec. 18. (NEW) (*Effective August 15, 2017*) (a) The Commissioner of
798 Education, in collaboration with the Commissioners of Children and
799 Families and Correction and the Judicial Department, shall, within
800 available resources, address educational deficiencies found in children
801 in the juvenile justice system pursuant to chapter 815t of the general
802 statutes through increased collaboration, monitoring and
803 accountability in order to improve educational service delivery and
804 outcomes. Local and regional boards of education shall provide for the
805 review of educational records for children in the juvenile justice
806 system pursuant to chapter 815t of the general statutes.

807 (b) Said commissioners and the Judicial Department shall research
808 nationally recognized models for effective education programming for
809 the juvenile justice population and shall consider such models in
810 carrying out the provisions of this section.

811 (c) Said commissioners and the Judicial Department shall
812 collaborate with local and regional boards of education to identify age-
813 appropriate assessment tools to be used consistently to measure
814 educational performances of children who transition from the juvenile
815 justice system pursuant to chapter 815t of the general statutes to
816 schools under the jurisdiction of local and regional boards of
817 education.

818 (d) Said commissioners and the Judicial Department shall ensure
819 that the child and the child's parent or guardian have input into
820 education plans developed by the state. The Department of Education

821 and local and regional Boards of Education shall solicit such input
822 concerning the provision of educational services to children in
823 congregate care settings.

824 (e) Said commissioners and the Judicial Department shall
825 collaborate with local and regional boards of education on professional
826 development specifically designed for educators who work with
827 children in the juvenile justice system pursuant to chapter 815t of the
828 general statutes.

829 Sec. 19. (NEW) (*Effective from passage*) Not later than January 1, 2017,
830 the Commissioner of Education, in collaboration with the
831 Commissioners of Children and Families and Correction and the
832 Judicial Department, shall develop and submit a plan with an
833 implementation date of not later than August 15, 2017, provided such
834 implementation is within available resources, to the Juvenile Justice
835 Policy and Oversight Committee for addressing the individualized
836 educational needs of youth reentering the community from public and
837 private juvenile justice facilities under chapter 815t of the general
838 statutes. Such plan shall include: (1) The establishment of transition
839 teams to reintegrate children exiting residential facilities to assist
840 children in having a timely and effective reconnection with
841 educational and alternative education services provided by the local
842 and regional board of education for the community to which the child
843 reenters in accordance with section 10-74j of the general statutes, and
844 ensure that any special education needs of the child are identified and
845 adequately met; (2) the designation of a reentry liaison for each local or
846 regional board of education to serve the district under the jurisdiction
847 of such board for children returning to the district to expedite the
848 enrollment in the school district and to ensure that such student
849 receives academic credit for work performed while in the juvenile
850 justice system pursuant to chapter 815t of the general statutes; and (3)
851 the costs for implementing an array of academic and vocational
852 transitional supports that are supported by research that include, but
853 are not limited to, tutors, educational surrogates, coaches and
854 advocates.

855 Sec. 20. Section 17a-64 of the general statutes is repealed and the
856 following is substituted in lieu thereof (*Effective from passage*):

857 (a) The Department of Children and Families, in consultation with
858 the Department of Education, and with input from the local boards of
859 education for Hartford, Bridgeport and New Haven, shall [establish]
860 continue the Raise the Grade [pilot program] initiative, to be
861 implemented in [the] said cities [of Hartford, Bridgeport and New
862 Haven for a two-year period beginning July 1, 2013,] to increase the
863 academic achievement of children and youth who live in the custody
864 of the Department of Children and Families or who are being served
865 by the Court Support Services Division in said cities.

866 (b) The program shall use full-time coordinators to (1) assist with
867 the identification of children or youth who are performing below
868 grade level and are (A) in state custody, or (B) under juvenile justice
869 supervision, and (2) develop plans, in collaboration with the child's or
870 youth's legal guardian, or educational surrogate or advocate, to
871 improve the child's academic performance. Coordinators shall help
872 facilitate the prompt transfer and review of educational records and
873 report to the Department of Children and Families and the educational
874 surrogate or advocate critical educational information, including, but
875 not limited to, (i) progress monitoring, (ii) absenteeism, and (iii)
876 discipline. Coordinators shall also help to support educational stability
877 for children as described in section 17a-16a, as amended by this act.

878 (c) [Upon the conclusion of the pilot program, the] Not later than
879 January 1, 2017, and January first of each year thereafter, the
880 Department of Children and Families, in coordination with the Court
881 Support Services Division and the [State] Department of Education,
882 shall report, in accordance with the provisions of section 11-4a, to the
883 academic achievement [gap] gaps task force established pursuant to
884 section 10-16mm and the Juvenile Justice Policy and Oversight
885 Committee established pursuant to section 46b-121n, as amended by
886 this act, the number and educational profile of children served by the
887 [program] initiative, the initiative's compliance with the Individuals

888 with Disabilities Education Act, 20 USC 1400 et seq., as amended from
889 time to time, and the impact on [their] the children's educational
890 performance, including on (1) achievement, (2) absenteeism, and (3)
891 adverse disciplinary measures.

892 Sec. 21. (NEW) (*Effective from passage*) Not later than January 1, 2017,
893 the Department of Children and Families and the Judicial Department
894 shall work with private providers of services to adopt and adhere to an
895 empirically supported recidivism reduction framework for the juvenile
896 justice system pursuant to chapter 815t of the general statutes. Such
897 framework shall: (1) Include risk and needs assessment tools; (2)
898 employ treatment matching protocols that assess the needs of the child
899 and risks such child faces; (3) employ cross-agency measurements of
900 program outcomes and training and quality assurance processes; (4)
901 employ program and practice monitoring and accountability; (5) draw
902 from best and evidence-based practices from an inventory of such
903 practices updated by the departments annually; (6) ensure sufficient
904 contract and quality assurance capacity between agencies and private
905 providers; and (7) ensure shared training between agencies and private
906 providers.

907 Sec. 22. (NEW) (*Effective from passage*) Not later than January 1, 2017,
908 the Department of Children and Families and the Judicial Department
909 shall:

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

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

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

919 Sec. 23. (NEW) (*Effective January 1, 2017*) The Secretary of the Office
920 of Policy and Management shall select a neutral agency that the
921 secretary deems to not have an active role in the effort to reduce
922 recidivism rates among children. The commissioner for such agency
923 shall track and analyze the rates of recidivism for children in this state.

924 Sec. 24. Section 46b-121n of the 2016 supplement to the general
925 statutes is repealed and the following is substituted in lieu thereof
926 (*Effective from passage*):

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

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

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

935 (2) The chairpersons and ranking members of the joint standing
936 committees of the General Assembly having cognizance of matters
937 relating to the judiciary, children, human services and appropriations,
938 or their designees;

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

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

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

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

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

948 designee;

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

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

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

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

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

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

960 (14) The Commissioner of Social Services, or the commissioner's
961 designee;

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

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

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

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

973 (19) Two parents or parent advocates, at least one of whom is the
974 parent of a child who has been involved with the juvenile justice

975 system, one of whom shall be appointed by the minority leader of the
976 House of Representatives, and one of whom shall be appointed by the
977 minority leader of the Senate;

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

979 ~~[(20)]~~ (21) The Child Advocate, or the Child Advocate's designee;
980 and

981 ~~[(21)]~~ (22) The Secretary of the Office of Policy and Management, or
982 the secretary's designee.

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

984 (d) The Secretary of the Office of Policy and Management, or the
985 secretary's designee, and a member of the General Assembly selected
986 jointly by the speaker of the House of Representatives and the
987 president pro tempore of the Senate from among the members serving
988 pursuant to subdivision (1) or (2) of subsection (b) of this section shall
989 be cochairpersons of the committee. Such cochairpersons shall
990 schedule the first meeting of the committee, which shall be held not
991 later than sixty days after June 13, 2014.

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

995 (f) Not later than January 1, 2015, the committee shall report, in
996 accordance with section 11-4a, to the joint standing committees of the
997 General Assembly having cognizance of matters relating to
998 appropriations, the judiciary, human services and children, and the
999 Secretary of the Office of Policy and Management, regarding the
1000 following:

1001 (1) Any statutory changes concerning the juvenile justice system
1002 that the committee recommends to (A) improve public safety; (B)
1003 promote the best interests of children and youths who are under the
1004 supervision, care or custody of the Commissioner of Children and

1005 Families or the Court Support Services Division of the Judicial
1006 Department; (C) improve transparency and accountability with respect
1007 to state-funded services for children and youths in the juvenile justice
1008 system with an emphasis on goals identified by the committee for
1009 community-based programs and facility-based interventions; and (D)
1010 promote the efficient sharing of information between the Department
1011 of Children and Families and the Judicial Department to ensure the
1012 regular collection and reporting of recidivism data and promote public
1013 welfare and public safety outcomes related to the juvenile justice
1014 system;

1015 (2) A definition of "recidivism" that the committee recommends to
1016 be used by state agencies with responsibilities with respect to the
1017 juvenile justice system, and recommendations to reduce recidivism for
1018 children and youths in the juvenile justice system;

1019 (3) Short-term goals to be met within six months, medium-term
1020 goals to be met within twelve months and long-term goals to be met
1021 within eighteen months, for the Juvenile Justice Policy and Oversight
1022 Committee and state agencies with responsibilities with respect to the
1023 juvenile justice system to meet, after considering existing relevant
1024 reports related to the juvenile justice system and any related state
1025 strategic plan;

1026 (4) The impact of legislation that expanded the jurisdiction of the
1027 juvenile court to include persons sixteen and seventeen years of age, as
1028 measured by the following:

1029 (A) Any change in the average age of children and youths involved
1030 in the juvenile justice system;

1031 (B) The types of services used by designated age groups and the
1032 outcomes of those services;

1033 (C) The types of delinquent acts or criminal offenses that children
1034 and youths have been charged with since the enactment and
1035 implementation of such legislation; and

1036 (D) The gaps in services identified by the committee with respect to
1037 children and youths involved in the juvenile justice system, including,
1038 but not limited to, children and youths who have attained the age of
1039 eighteen after being involved in the juvenile justice system, and
1040 recommendations to address such gaps in services; and

1041 (5) Strengths and barriers identified by the committee that support
1042 or impede the educational needs of children and youths in the juvenile
1043 justice system, with specific recommendations for reforms.

1044 (g) Not later than July 1, 2015, the committee shall report, in
1045 accordance with section 11-4a, to the joint standing committees of the
1046 General Assembly having cognizance of matters relating to
1047 appropriations, the judiciary, human services and children, and the
1048 Secretary of the Office of Policy and Management, regarding the
1049 following:

1050 (1) The quality and accessibility of diversionary programs available
1051 to children and youths in this state, including juvenile review boards
1052 and services for a child or youth who is a member of a family with
1053 service needs;

1054 (2) An assessment of the system of community-based services for
1055 children and youths who are under the supervision, care or custody of
1056 the Commissioner of Children and Families or the Court Support
1057 Services Division of the Judicial Department;

1058 (3) An assessment of the congregate care settings that are operated
1059 privately or by the state and have housed children and youths
1060 involved in the juvenile justice system in the past twelve months;

1061 (4) An examination of how the state Department of Education and
1062 local boards of education, the Department of Children and Families,
1063 the Department of Mental Health and Addiction Services, the Court
1064 Support Services Division of the Judicial Department, and other
1065 appropriate agencies can work collaboratively through school-based
1066 efforts and other processes to reduce the number of children and

1067 youths who enter the juvenile justice system as a result of being a
1068 member of a family with service needs or convicted as delinquent;

1069 (5) An examination of practices and procedures that result in
1070 disproportionate minority contact, as defined in section 4-68y, within
1071 the juvenile justice system;

1072 (6) A plan to provide that all facilities and programs that are part of
1073 the juvenile justice system and are operated privately or by the state
1074 provide results-based accountability;

1075 (7) An assessment of the number of children and youths who, after
1076 being under the supervision of the Department of Children and
1077 Families, are convicted as delinquent; and

1078 (8) An assessment of the overlap between the juvenile justice system
1079 and the mental health care system for children.

1080 (h) The committee shall complete its duties under this section after
1081 consultation with one or more organizations that focus on relevant
1082 issues regarding children and youths, such as the University of New
1083 Haven and any of the university's institutes. The committee may
1084 accept administrative support and technical and research assistance
1085 from any such organization. The committee shall work in collaboration
1086 with any results first initiative implemented pursuant to section 2-111
1087 or any public or special act.

1088 (i) The committee shall establish a time frame for review and
1089 reporting regarding the responsibilities outlined in subdivision (5) of
1090 subsection (f) of this section, and subdivisions (1) to (7), inclusive, of
1091 subsection (g) of this section. Each report submitted by the committee
1092 shall include specific recommendations to improve outcomes and a
1093 timeline by which specific tasks or outcomes must be achieved.

1094 (j) The committee shall implement a strategic plan that integrates
1095 the short-term, medium-term and long-term goals identified pursuant
1096 to subdivision (3) of subsection (f) of this section. As part of the
1097 implementation of such plan, the committee shall collaborate with any

1098 state agency with responsibilities with respect to the juvenile justice
1099 system, including, but not limited to, the Departments of Education,
1100 Mental Health and Addiction Services, Correction and Children and
1101 Families and the Labor Department and Judicial Department, and
1102 municipal police departments. Not later than January 1, 2016, the
1103 committee shall report such plan, in accordance with section 11-4a, to
1104 the joint standing committees of the General Assembly having
1105 cognizance of matters relating to appropriations, the judiciary, human
1106 services and children, and the Secretary of the Office of Policy and
1107 Management, regarding progress toward the full implementation of
1108 such plan and any recommendations concerning the implementation
1109 of such identified goals by any state agency with responsibilities with
1110 respect to the juvenile justice system or municipal police departments.
1111 The committee shall request information from such agencies involved
1112 in the strategic plan implementation, and such agencies shall provide
1113 such information necessary to determine outcomes and effectiveness of
1114 the strategic plan implementation.

1115 (k) The committee shall assess the juvenile justice system and make
1116 recommendations, if any, to improve the system. Not later than July 1,
1117 2016, July 1, 2017, and July 1, 2018, the committee shall report such
1118 assessment and recommendations, in accordance with section 11-4a, to
1119 the joint standing committees of the General Assembly having
1120 cognizance of matters relating to appropriations, the judiciary, human
1121 services and children, and the Secretary of the Office of Policy and
1122 Management, regarding the following:

1123 (1) Mental health and substance abuse treatment programs and
1124 services for children and youths involved with, or at risk of
1125 involvement with, the juvenile justice system;

1126 (2) Educational outcomes for children and youths involved with, or
1127 at risk of involvement with, the juvenile justice system;

1128 (3) Disproportionate minority contact, as defined in section 4-68y,
1129 with children and youths involved with the juvenile justice system;

1130 (4) Training on the juvenile justice system for state agencies and
1131 municipal police departments;

1132 (5) Diversion of at-risk children and youths from the juvenile justice
1133 system;

1134 (6) Recidivism tracking and policies and procedures to reduce
1135 recidivism;

1136 (7) Data sharing among public and private juvenile justice and other
1137 child services agencies, including the Department of Education, to
1138 evaluate the effectiveness and efficiency of the juvenile justice system;

1139 (8) Vocational educational opportunities for children and youths in
1140 the juvenile justice system until the child or youth reaches the age of
1141 twenty-one years of age;

1142 (9) Oversight and the reduction in the use of restraints for children
1143 and youths, and the reduction in the use of seclusion and room
1144 confinement in juvenile justice facilities;

1145 (10) Use of evidence-based positive behavioral support strategies
1146 and other evidence-based or research-informed strategies for reducing
1147 the reliance on restraints and seclusion; and

1148 (11) Programs and facilities using restraints or seclusion for children
1149 or youths and any data regarding such uses, including, but not limited
1150 to, the rate and duration of use for children and youths with
1151 disabilities.

1152 (l) Not later than January 1, 2017, the committee shall report, in
1153 accordance with section 11-4a, to the joint standing committees of the
1154 General Assembly having cognizance of matters relating to
1155 appropriations, the judiciary, human services and children and the
1156 Secretary of the Office of Policy and Management, regarding the
1157 development of a plan for a community-based diversion system that:

1158 (1) Diverts children who commit crimes, excluding serious juvenile

1159 offenses, from the juvenile justice system;

1160 (2) Identifies services that are evidence-based, trauma-informed and
1161 culturally and linguistically appropriate;

1162 (3) Expands the capacity of juvenile review boards to ensure state-
1163 wide coverage, accept referrals from municipal police departments
1164 and schools for children outside the juvenile justice system and
1165 implement restorative justice practices;

1166 (4) Expands the provision of prevention, intervention and treatment
1167 services by youth service bureaus;

1168 (5) Embeds into school districts a school-based diversion initiative
1169 to reduce juvenile justice involvement among youth with mental
1170 health needs;

1171 (6) Expands access to in-home and community-based services;

1172 (7) Identifies and expands services that are needed to support
1173 children who are truant or exhibiting behaviors defiant of school rules
1174 and enhance collaboration between school districts and community
1175 providers in order to best serve such children;

1176 (8) Expands the use of memoranda of understanding pursuant to
1177 section 10-233m between local law enforcement agencies and local and
1178 regional boards of education for the provision of school resource
1179 officers in schools and districts that do not have such an officer; and

1180 (9) Expands the use of memoranda of understanding between local
1181 and regional boards of education and community providers for
1182 provision of community-based services.

1183 (m) The committee shall establish a data working group to develop,
1184 implement and maintain a data integration process to link data related
1185 to children across executive branch agencies, through the Office of
1186 Policy and Management's integrated data system, and the Judicial
1187 Department through the Court Support Services Division, for purposes

1188 of evaluation and assessment of programs, services and outcomes in
1189 the juvenile justice system. Membership of the working group shall
1190 include, but not be limited to, the Commissioners of Children and
1191 Families, Correction, Education and Mental Health and Addiction
1192 Services, or their designees; the Chief State's Attorney, or the Chief
1193 State's Attorney's designee; the Chief Public Defender, or the Chief
1194 Public Defender's designee; the Secretary of the Office of Policy and
1195 Management, or the secretary's designee; and the Chief Court
1196 Administrator of the Judicial Branch, or the Chief Court
1197 Administrator's designee. Such working group shall:

1198 (1) Access relevant data on juvenile justice populations;

1199 (2) Link the data maintained by executive branch agencies and the
1200 Judicial Department for the purposes of facilitating the sharing and
1201 analysis of data;

1202 (3) Establish uniform provisions for protecting confidential
1203 information and enforcing state and federal confidentiality protections
1204 and ensure compliance with related state and federal laws and
1205 regulations;

1206 (4) Develop specific recommendations for the committee on the use
1207 of limited releases of client specific data sharing across systems,
1208 including with the Office of Policy and Management, the Division of
1209 Criminal Justice, the Departments of Children and Families, Education
1210 and Mental Health and Addiction Services, the Judicial Department
1211 and other agencies;

1212 (5) Develop a standard template for memoranda of understanding
1213 for data-sharing between executive branch agencies, the Judicial
1214 Department, and when necessary, researchers outside of state
1215 government; and

1216 (6) Carry out any other similar task, as directed by the committee.

1217 [(1)] (n) Not later than July 1, 2015, and quarterly thereafter until
1218 January 1, 2017, and annually thereafter, the committee shall submit a

1219 report, in accordance with section 11-4a, to the joint standing
1220 committees of the General Assembly having cognizance of matters
1221 relating to appropriations, the judiciary, human services and children,
1222 and the Secretary of the Office of Policy and Management, regarding
1223 progress made to achieve goals and measures identified by the
1224 committee pursuant to this section.

1225 (o) For submission of any report made pursuant to subsection (n) of
1226 this section on or after October 1, 2016, the committee shall study and
1227 include recommendations on issues concerning mental health and
1228 juvenile justice, including, but not limited to:

1229 (1) Recommendations to ensure that children in the juvenile justice
1230 system have access to a full range of community-based behavioral
1231 health services;

1232 (2) The reinvestment of cost savings associated with reduced
1233 incarceration rates for children and increased accessibility to
1234 community-based behavioral health services;

1235 (3) Recommendations for reimbursement policies that incentivize
1236 providers to deliver evidence-based practices to children in the
1237 juvenile justice system;

1238 (4) The promotion of common behavioral health screening tools in
1239 schools and communities;

1240 (5) Recommendations to ensure that probation and parole officers
1241 have access to licensed behavioral health clinicians to assist them in
1242 their work;

1243 (6) Recommendations to ensure that secure facilities operated by the
1244 Department of Children and Families or the Court Support Services
1245 Division of the Judicial Department and private service providers
1246 contracting with said department or division to screen children in such
1247 facilities for behavioral health issues; and

1248 (7) Recommendations to expand service capacities, retain staff and

1249 deliver evidence-based practices to all children, whether or not a child
 1250 is involved with the juvenile justice system, informed by an
 1251 examination of grant funds and federal Medicaid reimbursement rates.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2017</i>	46b-133
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>January 1, 2017</i>	46b-124(l)
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>October 1, 2016</i>	46b-121(b)(1)
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>August 15, 2017</i>	46b-120(5)
Sec. 9	<i>August 15, 2017</i>	10-198a
Sec. 10	<i>from passage</i>	New section
Sec. 11	<i>January 1, 2017</i>	7-294h
Sec. 12	<i>from passage</i>	New section
Sec. 13	<i>August 15, 2017</i>	10-233d
Sec. 14	<i>from passage</i>	New section
Sec. 15	<i>from passage</i>	New section
Sec. 16	<i>July 1, 2017</i>	New section
Sec. 17	<i>July 1, 2017</i>	17a-16a(b)
Sec. 18	<i>August 15, 2017</i>	New section
Sec. 19	<i>from passage</i>	New section
Sec. 20	<i>from passage</i>	17a-64
Sec. 21	<i>from passage</i>	New section
Sec. 22	<i>from passage</i>	New section
Sec. 23	<i>January 1, 2017</i>	New section
Sec. 24	<i>from passage</i>	46b-121n

Statement of Legislative Commissioners:

In Sections 1(c), 2 and 6, references to "assure" were changed to "ensure" for accuracy, Section 1(j) was rewritten for clarity, Section 9(b)(5) was rewritten for clarity, "or whenever a child returns from placement in the juvenile justice system under chapter 815t," in Section 17(b)(3)(A) for internal consistency, "workgroup" was changed to "working group" in Section 24(m) for consistency with the general statutes.

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 17 \$	FY 18 \$
Education, Dept.	GF - Cost	152,748	152,748
State Comptroller - Fringe Benefits ¹	GF - Cost	61,008	61,008
Education, Dept.	GF - Cost	50,000	50,000
Children & Families, Dept.	GF - Cost	360,000	360,000
Children & Families, Dept.; Correction, Dept.; Education, Dept.; Judicial Dept.; Mental Health & Addiction Serv., Dept.; Criminal Justice, Div.; Pub. Defender Serv. Com.; Policy & Mgmt., Off.	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 17 \$	FY 18 \$
Local and Regional School Districts	STATE MANDATE - Cost	Potential	Potential

Explanation

State Department of Education (SDE) Costs

The bill requires the State Department of Education (SDE) to expand duties in a number of areas, including: truancy, school-based diversion initiatives, school expulsion, alternative education, and remediation plans. The bill also requires the Commissioner of Education to address

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 39.94% of payroll in FY 17 and FY 18.

deficiencies found in the juvenile justice system and to develop a plan to address educational needs of youth reentering the community.

The additional requirements will result in the need for two additional Education Service Specialists, with an average salary of \$76,374 and corresponding fringe benefits of \$30,504; for a total cost of \$152,748 to SDE and \$61,008 to the State Comptroller. Additionally, SDE will require additional funds totaling \$50,000 for research, policy development, professional development and training, and meeting facilitation.

Additionally, the new requirements will also result in a cost to local and regional school districts. The additional costs will depend on the size of the district, the number of additional notices the district must issue, the number of additional meetings the district must hold, and the truancy plan the district chooses to implement.

Department of Children and Family (DCF) Costs

The bill results in a cost to DCF of \$360,000 annually. It requires DCF to implement a Raise the Grade program, which was previously budgeted for in the FY 14 and FY 15 Biennial Budget as a pilot program for \$300,000 in each fiscal year. Actual FY 15 expenditures were \$352,679, which supported three full-time coordinators, one for each of the three cities (Hartford, Bridgeport, and New Haven).

Juvenile Justice Policy and Oversight Committee (JJPOC) Data Working Group Costs

The bill creates a data working group of the JJPOC and requires various agencies to serve on the group. They are required to develop, implement, and maintain a data integration process linking data on children across executive branch agencies (through the Office of Policy and Management's integrated data system) and the Judicial Branch (through the Court Support Services Division). In addition, they are required to develop recommendations for use and access to such data. To the extent that this will require the utilization of technology or

other consultants, the bill will result in a cost to the affected agencies.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 5642*****AN ACT CONCERNING THE RECOMMENDATIONS OF THE JUVENILE JUSTICE POLICY AND OVERSIGHT COMMITTEE.*****SUMMARY:**

This bill makes several changes affecting juvenile detention and other juvenile justice matters, children returning to school after a juvenile justice placement, and other school disciplinary and related matters. In regards to juvenile detention, it:

1. requires the Court Support Services Division (CSSD) to develop and implement a detention risk assessment instrument and adopt release policies and procedures;
2. limits the conditions under which a child may be detained and allows graduated sanctions as an alternative to detention;
3. requires CSSD and the Department of Children and Families (DCF) to develop and implement a plan to provide community-based services for children leaving juvenile detention; and
4. requires DCF and the Juvenile Justice Policy and Oversight Committee (JJPOC) to develop a plan to close the Connecticut Juvenile Training School (CJTS) and the Pueblo Unit for girls by July 1, 2018.

The bill prohibits state-operated juvenile justice residential facilities from imposing out-of-school suspensions.

It adds the victim advocate, or his designee, to the JJPOC. It requires the JJPOC to report on a plan for a community-based diversion system and establish a data integration working group. It makes other changes affecting the JJPOC's existing responsibilities.

The bill makes various changes affecting schools, such as:

1. requiring schools to offer an alternative educational opportunity to a larger category of expelled students;
2. eliminating a child's truancy as permissible grounds for a family with service needs complaint;
3. requiring schools with a disproportionately high truancy rate to implement an approved intervention model;
4. requiring the State Department of Education (SDE), alone or in collaboration with other agencies, to develop plans on certain matters, such as school-based diversion initiatives and addressing the educational needs of children returning from a juvenile justice placement; and
5. continuing the "Raise the Grade" program for Bridgeport, Hartford, and New Haven, formerly a two-year pilot program.

The bill also includes provisions on, among other matters, addressing educational deficiencies among children in the juvenile justice system, police training, a recidivism reduction framework, and training on and monitoring of de-escalation efforts.

A section-by-section summary appears below.

EFFECTIVE DATE: Various, see below.

§ 1 – JUVENILE DETENTION

Juvenile Court Jurisdiction Based on Child's Residence

The bill specifies that the juvenile court where the child resides has jurisdiction over juvenile matters if the child's residence can be determined. By law, when a child is brought before a Superior Court judge, the judge must immediately proceed with the case as a juvenile matter and determine whether to release or detain the child.

Determining Release or Detention

Current law requires an officer who brings a child into detention to first notify, or make reasonable effort to notify, the child's parents or guardian of the intended action and file, at the detention center, a copy of a signed statement of the child's alleged delinquent conduct. The bill requires such officer to also file the order to detain the child.

Under existing law, the child may be released to the custody of his or her parents, guardian, or other suitable person or agency. Before the child may be released, the bill requires the child to be assessed using CSSD's detention risk assessment instrument and may be released in accordance with CSSD's release policies and procedures (see below). As is the case under existing law, this does not apply if the child was arrested for a serious juvenile offense or an order not to release is noted on the records.

Conditions Under Which a Child May be Placed in Detention

The bill limits the conditions under which the court may issue an order to detain a child in a juvenile detention center to (1) when an arresting officer requests it or (2) after a detention hearing.

Under existing law, unchanged by the bill, a child may not be placed in detention unless a Superior Court judge determines based on available facts, that there is:

1. probable cause to believe that the child has committed the acts alleged;
2. no less restrictive alternative available;
3. a need to hold the child in order to ensure his or her appearance before the court, as demonstrated by the child's previous failure to respond to the court process; and
4. a need to hold the child for another jurisdiction.

The bill allows the judge also to issue an order to detain the child if the judge determines that there is probable cause to believe that the child will pose a risk to public safety if released to the community

before the court hearing or disposition. Current law also allows the judge to issue an order to detain the child if the judge determines that there is:

1. a strong probability that the child will run away before 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 before the court disposition,
3. probable cause to believe that the child's continued residence in his or her 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, or
4. a finding by the court that the child has violated any condition of a suspended detention order.

Detention Period

The bill establishes the maximum amount of time a child may be held in detention. An order to detain a child must not exceed the shorter of seven days or until the dispositional hearing. After a detention review hearing, a renewal period must not exceed the same time limit.

Suspended Detention With Graduated Sanctions

Under the bill, the court, as an alternative to detention, may issue a suspended detention order with graduated sanctions imposed based on the CSSD detention risk assessment instrument described below.

EFFECTIVE DATE: January 1, 2017

§ 2 – CSSD – DETENTION RISK ASSESSMENT INSTRUMENT

Development, Implementation, and Use

The bill requires CSSD, by January 1, 2017, to develop and implement a detention risk assessment instrument. CSSD must use the

instrument to determine, based on a score, whether there is:

1. probable cause to believe that a child will pose a risk to public safety if released to the community before a court hearing or disposition, or
2. a need to hold the child in order to ensure the child's appearance before the court, given the child's failure to respond to the court process before.

Under the bill, a detention risk assessment is considered a mental health screening or assessment and thus confidential. The bill prohibits CSSD from disclosing any information derived from the detention risk assessment, other than the score, to the court or anyone else.

Assessing Whether a Child Should be Detained

Under the bill, the court must use the detention risk assessment instrument when assessing whether a child should be detained.

If it appears from the available facts that there is probable cause to believe a 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.

EFFECTIVE DATE: Upon passage

§ 3 – CSSD – RELEASE POLICIES AND PROCEDURES

The bill requires CSSD, by January 1, 2017, to adopt policies and procedures setting out the parameters under which the division's staff may release a child from detention. The division may update such parameters as it deems necessary.

EFFECTIVE DATE: Upon passage

§ 4 – PROTECTION OF INFORMATION OBTAINED THROUGH RISK ASSESSMENT

Under the bill, the information about a child obtained using the detention risk assessment instrument must be used only to make a recommendation to the court about the child's detention. The information is not subject to subpoena or other court process for use in any other proceeding, or for any other purpose.

EFFECTIVE DATE: January 1, 2017

§ 5 – CSSD AND DCF - COMMUNITY-BASED SERVICES PLAN***Plan Development***

The bill requires the CSSD executive director and the DCF commissioner, by October 1, 2016, to jointly develop a plan to provide community-based services to children diverted or released from juvenile detention.

The plan must be based on DCF's existing comprehensive behavioral health implementation plan and must address children's needs regarding:

1. behavioral health;
2. intervention, in a case of family violence; and
3. the identification and resolution of behavioral factors exhibited by a child who may run away.

The community-based services may include assessment centers, intensive care coordination, and respite beds.

Plan Implementation and Report to JJPOC

The bill requires the executive director and the commissioner to (1) implement the plan by July 1, 2017 and (2) report to JJPOC on the plan's implementation by January 1, 2017. (Presumably this is an implementation progress report.)

EFFECTIVE DATE: Upon passage

§ 6 – JUVENILE COURT’S AUTHORITY

Under current law, in delinquency proceedings, the court may make and enforce any order it deems necessary or appropriate to (1) punish the child and (2) deter the child from committing more delinquent acts. Under the bill, the purpose of the court’s orders must instead be to (1) provide individualized supervision, care, accountability, and treatment to the child in a manner consistent with public safety and (2) ensure that the child is responsive to the court process.

Under the law, unchanged by the bill, the court has authority to make and enforce orders that, among other things, (1) ensure the safety of others and (2) provide restitution to victims.

By law, the court has authority to grant and enforce temporary and permanent injunctive relief in all juvenile proceedings.

EFFECTIVE DATE: October 1, 2016

§ 7 – PLAN TO CLOSE CONNECTICUT JUVENILE TRAINING SCHOOL AND PUEBLO UNIT

The bill requires the DCF commissioner and the JJPOC to jointly develop preliminary and final plans to close CJTS and the Pueblo Unit for girls by July 1, 2018.

The plans must:

1. incorporate comments from national experts and local stakeholders;
2. include community-based secure and nonsecure congregate care settings (i.e., group residential facilities), supervision, and programming based on nationally accepted best practices;
3. promote public safety, youth rehabilitation, and the elimination of racial and ethnic disparities; and
4. ensure the optimal use of public resources.

Under the bill, the commissioner and JJPOC must report on the

preliminary plan by January 1, 2017 and the final plan by January 1, 2018, to the Appropriations, Children's, and Judiciary committees. The report must include recommendations for any legislation needed to carry out the plans.

EFFECTIVE DATE: Upon passage

§§ 8-10 – TRUANCY

Family with Service Needs

The bill eliminates, from the permissible grounds for a family with service needs (FWSN) complaint, a child being a truant, habitual truant, or continuously and overtly defying school rules and regulations. It makes corresponding changes by eliminating requirements that:

1. school notices on unexcused absences for K-8 students contain a warning that a specified number of such absences may lead to a FWSN complaint and
2. superintendents file a FWSN complaint within 15 calendar days after a parent or other person with control of a child (a) fails to attend a meeting with school officials to discuss the child's truancy or (b) otherwise fails to cooperate in addressing the child's school absences.

Under existing law, a student is a truant if he or she has four unexcused absences in a month or 10 unexcused absences in a school year.

EFFECTIVE DATE: August 15, 2017

Effective Truancy Intervention Models

The bill requires the State Board of Education (SBE) to identify effective truancy intervention models for school boards to implement as set forth below. By August 15, 2017, SBE must make available a list of the models it approves.

Existing law requires school boards to adopt and implement policies

and procedures on truancy. The bill requires the policies and procedures to require any schools with a disproportionately high truancy rate to implement a truancy intervention model on SBE's list. The SDE commissioner must determine which schools have such a truancy rate. (The bill specifies that SDE must assist and oversee the commissioner in making this determination.)

EFFECTIVE DATE: Upon passage, except August 15, 2017 for the provision on school boards adding truancy intervention models to their truancy policies.

§ 11 – POLICE TRAINING ON HANDLING JUVENILE MATTERS

Under existing law, police basic training programs must include training on handling juvenile matters, including at least:

1. 27 hours of such training, if the program is conducted or administered by the State Police, and
2. 14 hours of such training, if the program is conducted or administered by the Police Officer Standards and Training Council or a local police department.

Police review training programs by any such entity must include one hour of this training.

The bill extends these requirements to police field training programs. It also adds the following to the required training components:

1. using graduated sanctions,
2. techniques for handling trauma,
3. restorative justice practices,
4. adolescent development,
5. risk-assessment and screening tools, and

6. emergency mobile psychiatric services.

EFFECTIVE DATE: January 1, 2017

§ 12 – SCHOOL-BASED DIVERSION INITIATIVES

The bill requires SDE, by August 15, 2017, to develop and implement a plan for school-based diversion initiatives to reduce juvenile justice involvement among children with mental health needs. The initiatives are for schools and districts with high rates of school-based arrests, disproportionate minority contact (i.e., a disproportionate number of minority group members coming into contact with the juvenile justice system), and a high number of juvenile justice referrals, as the SDE commissioner determines.

EFFECTIVE DATE: Upon passage

§ 13 – SCHOOL EXPULSION

The bill makes various changes concerning school expulsion. By law, an “expulsion” is the exclusion from school privileges for between 11 days and one year.

Notice of Hearing and Right to an Attorney or Advocate

By law, except in emergencies, a school board must hold a formal hearing before expelling a student. If the student is a minor, the school board must give the parent or guardian notice of the hearing.

The bill requires school boards to provide the notice to the student’s parents or guardian at least five days before the hearing. It requires the notice to include information on the parent’s or guardian’s legal rights. The law already requires the notice to include information on free or low-cost legal services and how to obtain them.

The bill specifies that an attorney or advocate may represent any student subject to expulsion proceedings. It allows the parent or guardian to postpone the hearing to provide time to find legal representation, except for emergencies.

Under existing law and the bill, in an emergency, the hearing must

be held as soon after expulsion as possible. An emergency is when the student's continued presence poses such a danger or disruption as to require a pre-hearing exclusion from school, with the hearing held as soon as possible after the exclusion.

Alternative Education for Expelled Students

Existing law requires school boards to offer an alternative educational opportunity to expelled students under age 16. Generally, students between ages 16 and 18 who are expelled for the first time must also be offered this opportunity, if they comply with conditions set by the school board.

The bill applies an existing definition of "alternative education" to these provisions. Under that definition, an alternative education is a school or program maintained and operated by a school board that is offered to students in a nontraditional setting and addresses their social, emotional, behavioral, and academic needs.

Under the bill, school boards must offer an individualized learning plan as part of the alternative education for expelled students under age 16.

The bill also expands the category of expelled students who must be offered an alternative educational opportunity. It does so by repealing a provision that allows school boards to deny this opportunity to a student between ages 16 and 18 who is expelled for conduct that endangered others and involved the following, on school grounds or at a school-sponsored event:

1. possession of a firearm, deadly weapon, dangerous instrument, or martial arts weapon or
2. offering an illegal drug for sale or distribution.

Reports to Police

Under current law, if a student is expelled for possessing a firearm or deadly weapon, the school board must report the violation to the

local police, or the State Police if the student was enrolled in a technical high school. The bill specifies that this reporting requirement also applies to expulsions for possessing dangerous instruments or martial arts weapons. (Generally, “dangerous instruments” are those that can be used to cause death or serious physical injury.)

Returning to School After Placement in Juvenile Justice System

Under the bill, if a student who committed an expellable offense was not expelled and is seeking to return to school after participating in a diversionary program, the school district must (1) allow the student to re-enroll and (2) not expel the student for additional time for the offense. This already applies to such students seeking to re-enroll after being in a juvenile detention center, the Connecticut Juvenile Training School, or any other residential placement.

The bill also requires SDE to help school boards provide educational supports for children returning to school after participating in a diversionary program, being detained in a juvenile detention center or any residential placement, or being on probation. This applies regardless of whether the child was expelled.

EFFECTIVE DATE: August 15, 2017

§ 14 – ALTERNATIVE EDUCATION ENTRANCE REQUIREMENTS

The bill requires SDE, by August 15, 2017, to develop and implement entrance requirements for referring students involved in the juvenile justice system to appropriate alternative educational opportunities similar or equivalent to alternative education as defined in existing law (see above).

The bill specifies that for any child requiring special education under law, the alternative education must comply with the federal Individuals With Disabilities Education Act (IDEA).

EFFECTIVE DATE: Upon passage

§ 15 – REMEDIATION PLANS

The bill requires SDE, by August 15, 2016 and with input from school boards, to develop a remediation plan for districts and schools with higher than average (1) out-of-school suspension and expulsion rates, (2) racial disparities, or (3) numbers of students involved in the juvenile justice system. The plan must include restorative justice models.

EFFECTIVE DATE: Upon passage

§ 16 – OUT-OF-SCHOOL SUSPENSIONS IN JUVENILE JUSTICE RESIDENTIAL FACILITIES

The bill prohibits facilities operated by DCF, DOC, or CSSD from imposing an out-of-school suspension on a child residing in the facility. This provision does not prevent these facilities from removing a child from a classroom for therapeutic purposes.

EFFECTIVE DATE: July 1, 2017

§ 17 – REENTRY INTO SCHOOL FOLLOWING JUVENILE JUSTICE PLACEMENT

By law, when DCF places a child in out-of-home care, such as a relative's or foster parent's home, or changes such a placement, there is a presumption that it is in the child's best interest to continue to attend the school he or she attended before the placement ("school of origin"). DCF must immediately determine whether it is in the child's best interest to remain in that school.

The bill applies these and related provisions to children returning from placement in the juvenile justice system.

EFFECTIVE DATE: July 1, 2017

§ 18 – EDUCATIONAL DEFICIENCIES IN THE JUVENILE JUSTICE SYSTEM

The bill requires the SDE commissioner, within available resources, to address educational deficiencies found in children in the juvenile justice system. She must do this in collaboration with the DCF and DOC commissioners and the Judicial Branch. They must do this

through increased collaboration, monitoring, and accountability, to improve educational service delivery and outcomes.

Under the bill, the commissioners and the Judicial Branch must:

1. research nationally recognized models for effective education programming for the juvenile justice population and consider these models in complying with the bill's requirements to address such educational deficiencies;
2. collaborate with school boards to identify age-appropriate assessment tools for consistent measurements of educational performances of children transitioning from the juvenile justice system to schools under the boards' jurisdiction;
3. ensure that the child and parent or guardian have input into education plans the state develops for the child (SDE and school boards must solicit this input on the provision of educational services to children in congregate care settings); and
4. collaborate with school boards on professional development specifically designed for educators who work with children in the juvenile justice system.

The bill requires school boards to provide for the review of educational records of children in the juvenile justice system.

EFFECTIVE DATE: August 15, 2017

§ 19 – PLAN FOR EDUCATIONAL NEEDS OF YOUTH REENTERING COMMUNITY

The bill requires the SDE commissioner, by January 1, 2017 and in collaboration with the DCF and DOC commissioners and the Judicial Branch, to develop and submit a plan to the JJPOC to address the individualized educational needs of youth reentering the community from public and private juvenile justice facilities. The plan must be implemented within available resources and have an implementation date no later than August 15, 2017.

The plan must include:

1. establishing transition teams to reintegrate children exiting residential facilities to help them have a timely and effective reconnection with educational and alternative education services provided by the applicable school board, and ensure that any special education needs of the child are identified and adequately met;
2. designating a reentry liaison for each school board for children returning to the district, to expedite their enrollment and ensure that they receive academic credit for work performed while in the juvenile justice system; and
3. the costs for implementing an array of research-supported academic and vocational transitional supports, including tutors, educational surrogates, coaches, and advocates.

EFFECTIVE DATE: Upon passage

§ 20 – RAISE THE GRADE

Existing law required DCF, in consultation with SDE, to establish a two-year “Raise the Grade” pilot program in Bridgeport, Hartford, and New Haven, starting in July 2013. The program’s purpose was to increase the academic achievement of children and youth in DCF custody or being served by CSSD in these cities.

The bill requires DCF to continue the initiative, with input from the applicable school boards. It also extends and expands upon the existing reporting requirement.

Under current law, DCF, in coordination with CSSD and SDE, was required to report to the Achievement Gap Task Force upon the program’s conclusion. The bill requires annual reporting, starting January 1, 2017, and requires the report to also go to the JJPOC. It requires the reports to address the program’s compliance with the federal IDEA, in addition to the existing requirements, which included

the number and educational profile of children served and the program's impact on their educational performance.

EFFECTIVE DATE: Upon passage

§ 21 – RECIDIVISM REDUCTION FRAMEWORK

The bill requires DCF and the Judicial Branch, by January 1, 2017, to work with private service providers to adopt and adhere to an empirically supported recidivism reduction framework for the juvenile justice system. The framework must:

1. include risk and needs assessment tools,
2. use treatment matching protocols that assess a child's needs and the risks a child faces,
3. use cross-agency measurements of program outcomes and training and quality assurance processes,
4. use program and practice monitoring and accountability,
5. draw from best and evidence-based practices from an inventory DCF and the Judicial Branch annually update, and
6. ensure sufficient contract and quality assurance capacity and shared training between agencies and private providers.

EFFECTIVE DATE: Upon passage

§ 22 – DCF AND JUDICIAL BRANCH STAFF TRAINING AND DATA MONITORING

The bill requires DCF and the Judicial Branch, by January 1, 2017, to:

1. develop, provide, and monitor staff training on policies and practices in secure and congregate care settings that promote de-escalation;
2. monitor and track successful and unsuccessful de-escalation efforts used in these settings;

3. collect baseline data on the number and rate of arrests in these settings, tracked by race and gender and whether the child is considered to be at risk for recidivism; and
4. track and analyze recidivism rates of all children involved with the juvenile justice system.

EFFECTIVE DATE: Upon passage

§ 23 – RECIDIVISM REDUCTION

Under the bill, the Office of Policy and Management (OPM) secretary must select a neutral agency that he deems to not have an active role in recidivism reduction efforts for children. The bill requires the selected agency's commissioner to track and analyze recidivism rates for children in the state. (Presumably this refers to a state agency.)

EFFECTIVE DATE: January 1, 2017

§ 24 – JJPOC

By law, the JJPOC is charged with evaluating and reporting on (1) juvenile justice system policies and (2) the extension of juvenile jurisdiction to 16- and 17-year-olds (see BACKGROUND – *Related Bill*).

Under current law, the JJPOC has over 40 members. The bill adds the victim advocate, or his designee, to the committee.

Strategic Plan

By law, the JJPOC must implement a strategic plan integrating short-, medium-, and long-term goals for itself and state agencies with juvenile justice system responsibilities. In doing so, the JJPOC must collaborate with (1) any such state agencies, including the Judicial Branch, DCF, SDE, DOC, and the departments of Labor and Mental Health and Addiction Services (DMHAS), and (2) municipal police departments.

Under the bill, the JJPOC must request information from these agencies, which must provide information needed to determine the

outcomes and effectiveness of implementing the strategic plan.

Committee-Based Diversion System

The bill requires the JJPOC to report on developing a plan for a community-based diversion system. The committee must report by January 1, 2017 to the Appropriations, Children's, Human Services, and Judiciary committees and the OPM secretary.

The diversion system described in the report must:

1. divert children who commit crimes from the juvenile justice system, other than those committing serious juvenile offenses;
2. identify evidence-based and trauma-informed services that are culturally and linguistically appropriate;
3. expand the capacity of juvenile review boards to cover the entire state, accept referrals from local police departments and schools outside the juvenile justice system, and implement restorative justice practices;
4. expand prevention, intervention, and treatment services by youth service bureaus;
5. include a school-based diversion initiative to reduce juvenile justice involvement of youth with mental health needs;
6. expand access to in-home and community services;
7. identify and expand services for children who are truant or defying school rules and increase collaboration between school districts and community providers to best serve these children;
8. expand the use of memoranda of understanding (MOUs) under law between local police and school boards for providing school resource officers in schools and districts that do not have them;
and
9. expand the use of MOUs between school boards and

community providers for community-based services.

Data Working Group

The bill requires the JJPOC to establish a data working group to develop, implement, and maintain a data integration process linking data on children across executive branch agencies (through OPM's integrated data system) and the Judicial Branch (through CSSD). The purpose of this data integration is to evaluate and assess juvenile justice system programs, services, and outcomes.

The working group must include the following, or their designees:

1. the DCF, DOC, SDE, and DMHAS commissioners;
2. the chief state's attorney;
3. the chief public defender;
4. the OPM secretary; and
5. the chief court administrator.

The bill requires the working group to:

1. access relevant data on juvenile justice populations;
2. link executive and judicial branch data to facilitate data sharing and analysis;
3. establish uniform provisions for protecting confidential information and enforcing and ensuring compliance with state and federal confidentiality protections;
4. develop specific recommendations for the JJPOC on using limited releases of client specific data sharing across systems, including with OPM, the Division of Criminal Justice, DCF, SDE, DMHAS, the Judicial Branch, and other agencies;
5. develop a standard MOU template for data-sharing between

executive and judicial branch agencies, and when necessary, outside researchers; and

6. perform similar tasks as JJPOC directs.

Mental Health Reporting and Recommendations

Existing law requires the JJPOC to report on its progress in achieving its goals and measures, quarterly until January 1, 2017 and annually after that. It must report to the Appropriations, Children's, Human Services, and Judiciary committees and the OPM secretary.

Starting with the report due October 1, 2016, the bill requires JJPOC to study and include recommendations on mental health and juvenile justice issues, including recommendations:

1. to ensure that children in the juvenile justice system have access to a full range of community-based behavioral health services;
2. on reimbursement policies that give providers incentives to deliver evidence-based practices to these children;
3. to ensure that probation and parole officers have access to assistance from licensed behavioral health clinicians;
4. to ensure that secure facilities operated by DCF and CSSD, and private providers contracting with them, screen children in the facilities for behavioral health issues; and
5. to expand service capacities, retain staff, and deliver evidence-based practices to all children, whether or not in the juvenile justice system, informed by examining grant funds and federal Medicaid reimbursement rates.

Under the bill, the reports also must address:

1. reinvesting cost savings associated with reduced childhood incarceration rates and increased accessibility to community-based behavioral health services and

2. promoting common behavioral health screening tools in schools and communities.

EFFECTIVE DATE: Upon passage

BACKGROUND

Connecticut Juvenile Training School (CJTS)

CJTS is a secure facility to which male youths age 12 to 20 may be committed (1) following a juvenile delinquency conviction, (2) if parole services are not adequate for a youth, or (3) from a DCF residential facility or hospital if the DCF commissioner feels that the facility cannot safely hold the youth or the youth is a danger to himself or others. The Pueblo Unit is a similar facility for female youths.

Related Bill

sSB 18, reported favorably by the Judiciary Committee, raises the age of the juvenile justice jurisdiction and makes several changes to various laws related to juvenile matters to reflect the age increase. In doing so, it creates a new category of individuals within the juvenile justice system, “young adults,” which includes 18-year-olds, beginning July 1, 2017; 19-year-olds, beginning July 1, 2018; and 20-year-olds, beginning July 1, 2019. It thereby makes existing delinquency proceedings generally applicable to young adults.

The bill requires the JJPOC to plan for the implementation of any changes required to the juvenile justice system to extend the juvenile court’s jurisdiction to include 18-, 19-, and 20-year-olds; allows JJPOC to form workgroups to carry out its duties; and requires the committee to report its findings and recommendations to the governor and the General Assembly by January 1, 2017.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 41 Nay 4 (03/30/2016)