



House of Representatives

File No. 777

General Assembly

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Substitute House Bill No. 5642
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 30, 2016

***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 Section 46b-133 of the general statutes is repealed and the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 the risk level, 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
176 screening shall be subject to the protections of subsection (l) of section
177 46b-124 of the general statutes, as amended by this act.

178 (b) When a child is presented before the court and it appears from
179 the available facts there is probable cause to believe the child has
180 violated a valid court order, the court, after administering the
181 detention risk assessment instrument, may order the child to

182 participate in nonresidential programs for intensive wraparound
183 services, community-based residential services for short-term respite
184 or other services and interventions the court deems appropriate.

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

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193 repealed and the following is substituted in lieu thereof (*Effective*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

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

214 Sec. 5. (NEW) (*Effective from passage*) (a) Not later than October 1,
215 2016, the executive director of the Court Support Services Division of
216 the Judicial Department and the Commissioner of Children and
217 Families shall jointly develop a plan for the provision of community-
218 based services to children who are diverted or released from detention
219 under the provisions of chapter 815t of the general statutes. Such plan
220 shall be informed by the comprehensive behavioral health
221 implementation plan developed pursuant to section 17a-22bb of the
222 general statutes, and shall address the needs of the child, concerning
223 (1) behavioral health, (2) intervention in the case of family violence, as
224 defined in section 46b-38a of the general statutes, and (3) identification
225 and means of resolution of precipitating behavioral factors that may be
226 exhibited by a child who may run away. Such services may include,
227 but need not be limited to, assessment centers, intensive care
228 coordination and respite beds. The executive director and the
229 commissioner shall jointly implement such plan not later than July 1,
230 2017.

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

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

240 (b) (1) In juvenile matters, the Superior Court shall have authority to
241 make and enforce such orders directed to parents, including any
242 person who acknowledges before the court paternity of a child born
243 out of wedlock, guardians, custodians or other adult persons owing
244 some legal duty to a child [or youth] therein, as the court deems
245 necessary or appropriate to secure the welfare, protection, proper care
246 and suitable support of a child [or youth] subject to the court's

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

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

272 (5) "Family with service needs" means a family that includes a child
273 who is at least seven years of age and is under eighteen years of age
274 who (A) has without just cause run away from the parental home or
275 other properly authorized and lawful place of abode, (B) is beyond the
276 control of the child's or youth's parent, parents, guardian or other
277 custodian, (C) has engaged in indecent or immoral conduct, or (D) [is a
278 truant or habitual truant or who, while in school, has been
279 continuously and overtly defiant of school rules and regulations, or
280 (E)] is thirteen years of age or older and has engaged in sexual

281 intercourse with another person and such other person is thirteen
282 years of age or older and not more than two years older or younger
283 than such child; [or youth;]

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

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

292 (b) Each local and regional board of education shall adopt and
293 implement policies and procedures concerning truants who are
294 enrolled in schools under the jurisdiction of such board of education.
295 Such policies and procedures shall include, but need not be limited to,
296 the following: (1) The holding of a meeting with the parent of each
297 child who is a truant, or other person having control of such child, and
298 appropriate school personnel to review and evaluate the reasons for
299 the child being a truant, provided such meeting shall be held not later
300 than ten school days after the child's fourth unexcused absence in a
301 month or tenth unexcused absence in a school year, (2) coordinating
302 services with and referrals of children to community agencies
303 providing child and family services, (3) annually at the beginning of
304 the school year and upon any enrollment during the school year,
305 notifying the parent or other person having control of each child
306 enrolled in a grade from kindergarten to eight, inclusive, in the public
307 schools in writing of the obligations of the parent or such other person
308 pursuant to section 10-184, (4) annually at the beginning of the school
309 year and upon any enrollment during the school year, obtaining from
310 the parent or other person having control of each child in a grade from
311 kindergarten to eight, inclusive, a telephone number or other means of
312 contacting such parent or such other person during the school day, (5)
313 on or before August 15, 2018, the implementation of a truancy

314 intervention model identified by the Department of Education
315 pursuant to section 9 of this act for any school under its jurisdiction
316 that has a disproportionately high rate of truancy, as determined by
317 the Commissioner of Education, and [(5)] (6) a system of monitoring
318 individual unexcused absences of children in grades kindergarten to
319 eight, inclusive, which shall provide that whenever a child enrolled in
320 school in any such grade fails to report to school on a regularly
321 scheduled school day and no indication has been received by school
322 personnel that the child's parent or other person having control of the
323 child is aware of the pupil's absence, a reasonable effort to notify, by
324 telephone and by mail, the parent or such other person shall be made
325 by school personnel or volunteers under the direction of school
326 personnel. [Such mailed notice shall include a warning that two
327 unexcused absences from school in a month or five unexcused
328 absences in a school year may result in a complaint filed with the
329 Superior Court pursuant to section 46b-149 alleging the belief that the
330 acts or omissions of the child are such that the child's family is a family
331 with service needs.] Any person who, in good faith, gives or fails to
332 give notice pursuant to subdivision [(5)] (6) of this subsection shall be
333 immune from any liability, civil or criminal, which might otherwise be
334 incurred or imposed and shall have the same immunity with respect to
335 any judicial proceeding which results from such notice or failure to
336 give such notice.

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

348 family is a family with service needs.]

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

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

355 [(f)] (e) A child, age five to eighteen, inclusive, who is enrolled in a
356 public or private school and whose parent or legal guardian is an
357 active duty member of the armed forces, as defined in section 27-103,
358 and has been called to duty for, is on leave from or has immediately
359 returned from deployment to a combat zone or combat support
360 posting, shall be granted ten days of excused absences in any school
361 year and, at the discretion of the local or regional board of education,
362 additional excused absences to visit such child's parent or legal
363 guardian with respect to such leave or deployment of the parent or
364 legal guardian. In the case of excused absences pursuant to this
365 subsection, such child and parent or legal guardian shall be
366 responsible for obtaining assignments from the student's teacher prior
367 to any period of excused absence, and for ensuring that such
368 assignments are completed by such child prior to his or her return to
369 school from such period of excused absence.

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

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

379 On and after [July 1, 1990] January 1, 2017: (1) Each police basic or
380 field training program conducted or administered by the Division of
381 State Police within the Department of Emergency Services and Public
382 Protection shall provide a minimum of twenty-seven hours of training
383 relative to the handling of juvenile matters which includes, but is not
384 limited to, the following: (A) Techniques for handling incidents
385 involving juveniles; (B) information relative to the processing and
386 disposition of juvenile matters; (C) applicable procedures in the
387 prosecution of cases involving juveniles; [and] (D) information
388 regarding resources of the juvenile justice system in the state; (E) the
389 use of graduated sanctions; (F) techniques for handling trauma; (G)
390 restorative justice practices; (H) adolescent development; (I) risk-
391 assessment and screening tools; and (J) emergency mobile psychiatric
392 services; (2) each police basic or field training program conducted or
393 administered by the Police Officer Standards and Training Council
394 established under section 7-294b or by a municipal police department
395 in the state shall provide a minimum of fourteen hours of training
396 relative to the handling of juvenile matters as provided in subdivision
397 (1) of this section; and (3) each police review training program
398 conducted or administered by the Division of State Police within the
399 Department of Emergency Services and Public Protection, by the Police
400 Officer Standards and Training Council established under section 7-
401 294b or by a municipal police department in the state shall provide a
402 minimum of one hour of training relative to the handling of juvenile
403 matters as provided in subdivision (1) of this section.

404 Sec. 11. (NEW) (*Effective from passage*) Not later than August 15,
405 2017, the Departments of Education, Children and Families and Mental
406 Health and Addiction Services and the Court Support Services of the
407 Judicial Department shall develop a plan that includes cost options for
408 school-based diversion initiatives to reduce juvenile justice
409 involvement among children with mental health needs to be
410 introduced into schools and school districts with high rates of school-
411 based arrests, disproportionate minority contact, as defined in section
412 4-68y of the general statutes, and a high number of juvenile justice

413 referrals, as determined by the Commissioner of Education.

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

417 (a) (1) Any local or regional board of education, at a meeting at
418 which three or more members of such board are present, or the
419 impartial hearing board established pursuant to subsection (b) of this
420 section, may expel, subject to the provisions of this subsection, any
421 pupil in grades three to twelve, inclusive, whose conduct on school
422 grounds or at a school-sponsored activity is violative of a publicized
423 policy of such board or is seriously disruptive of the educational
424 process or endangers persons or property or whose conduct off school
425 grounds is violative of such policy and is seriously disruptive of the
426 educational process, provided a majority of the board members sitting
427 in the expulsion hearing vote to expel and that at least three
428 affirmative votes for expulsion are cast. In making a determination as
429 to whether conduct is seriously disruptive of the educational process,
430 the board of education or impartial hearing board may consider, but
431 such consideration shall not be limited to: (A) Whether the incident
432 occurred within close proximity of a school; (B) whether other students
433 from the school were involved or whether there was any gang
434 involvement; (C) whether the conduct involved violence, threats of
435 violence or the unlawful use of a weapon, as defined in section 29-38,
436 and whether any injuries occurred; and (D) whether the conduct
437 involved the use of alcohol.

438 (2) Expulsion proceedings pursuant to this section, except as
439 provided in subsection (i) of this section, shall be required for any
440 pupil in grades kindergarten to twelve, inclusive, whenever there is
441 reason to believe that any pupil (A) on school grounds or at a school-
442 sponsored activity, was in possession of a firearm, as defined in 18
443 USC 921, as amended from time to time, or deadly weapon, dangerous
444 instrument or martial arts weapon, as defined in section 53a-3, (B) off
445 school grounds, did possess such a firearm in violation of section 29-35

446 or did possess and use such a firearm, instrument or weapon in the
447 commission of a crime under chapter 952, or (C) on or off school
448 grounds, offered for sale or distribution a controlled substance, as
449 defined in subdivision (9) of section 21a-240, whose manufacture,
450 distribution, sale, prescription, dispensing, transporting or possessing
451 with intent to sell or dispense, offering, or administering is subject to
452 criminal penalties under sections 21a-277 and 21a-278. Such a pupil
453 shall be expelled for one calendar year if the local or regional board of
454 education or impartial hearing board finds that the pupil did so
455 possess or so possess and use, as appropriate, such a firearm,
456 instrument or weapon or did so offer for sale or distribution such a
457 controlled substance, provided the board of education or the hearing
458 board may modify the period of expulsion for a pupil on a case-by-
459 case basis, and as provided for in subdivision (2) of subsection (c) of
460 this section.

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

477 (b) For purposes of conducting expulsion hearings as required by
478 subsection (a) of this section, any local or regional board of education
479 or any two or more of such boards in cooperation may establish an

480 impartial hearing board of one or more persons. No member of any
481 such board or boards shall be a member of the hearing board. The
482 hearing board shall have the authority to conduct the expulsion
483 hearing and render a final decision in accordance with the provisions
484 of sections 4-176e to 4-180a, inclusive, and section 4-181a.

485 (c) (1) In determining the length of an expulsion and the nature of
486 the alternative educational opportunity to be offered under subsection
487 (d) of this section, the local or regional board of education, or the
488 impartial hearing board established pursuant to subsection (b) of this
489 section, may receive and consider evidence of past disciplinary
490 problems that have led to removal from a classroom, suspension or
491 expulsion of such pupil.

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

501 (d) [Notwithstanding the provisions of subsection (a) of section 10-
502 220, local and regional boards of education shall only be required to
503 offer an alternative educational opportunity in accordance with this
504 section.] Any pupil under sixteen years of age who is expelled shall be
505 offered an alternative educational opportunity, which shall be
506 equivalent to alternative education, as defined by section 10-74j, with
507 an individualized learning plan, during the period of expulsion,
508 provided any parent or guardian of such pupil who does not choose to
509 have his or her child enrolled in an alternative educational program
510 shall not be subject to the provisions of section 10-184. Any pupil
511 expelled for the first time who is between the ages of sixteen and
512 eighteen and who wishes to continue his or her education shall be

513 offered such an alternative educational opportunity if he or she
514 complies with conditions established by his or her local or regional
515 board of education. Such alternative educational opportunity may
516 include, but shall not be limited to, the placement of a pupil who is at
517 least seventeen years of age in an adult education program pursuant to
518 section 10-69. Any pupil participating in an adult education program
519 during a period of expulsion shall not be required to withdraw from
520 school under section 10-184. A local or regional board of education
521 shall count the expulsion of a pupil when he was under sixteen years
522 of age for purposes of determining whether an alternative educational
523 opportunity is required for such pupil when he is between the ages of
524 sixteen and eighteen. A local or regional board of education may offer
525 an alternative educational opportunity to a pupil for whom such
526 alternative educational opportunity is not required pursuant to this
527 section.

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

545 (e) If a pupil is expelled pursuant to this section for possession of a
546 firearm, [or deadly weapon] as defined in 18 USC 921, as amended

547 from time to time, or deadly weapon, dangerous instrument or martial
548 arts weapon, as defined in section 53a-3, the board of education shall
549 report the violation to the local police department or in the case of a
550 student enrolled in a technical high school to the state police. If a pupil
551 is expelled pursuant to this section for the sale or distribution of [such]
552 a controlled substance, as defined in subdivision (9) of section 21a-240,
553 whose manufacture, distribution, sale, prescription, dispensing,
554 transporting or possessing with the intent to sell or dispense, offering,
555 or administration is subject to criminal penalties under sections 21a-
556 277 and 21a-278, the board of education shall refer the pupil to an
557 appropriate state or local agency for rehabilitation, intervention or job
558 training, or any combination thereof, and inform the agency of its
559 action. [Whenever a local or regional board of education notifies a
560 pupil between the ages of sixteen and eighteen or the parents or
561 guardian of such pupil that an expulsion hearing will be held, the
562 notification shall include a statement that the board of education is not
563 required to offer an alternative educational opportunity to any pupil
564 who is found to have engaged in the conduct described in this
565 subsection.]

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

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

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

601 (h) Whenever a pupil against whom an expulsion hearing is
602 pending withdraws from school after notification of such hearing but
603 before the hearing is completed and a decision rendered pursuant to
604 this section, (1) notice of the pending expulsion hearing shall be
605 included on the pupil's cumulative educational record, and (2) the
606 local or regional board of education or impartial hearing board shall
607 complete the expulsion hearing and render a decision. If such pupil
608 enrolls in school in another school district, such pupil shall not be
609 excluded from school in the other district pending completion of the
610 expulsion hearing pursuant to this subsection unless an emergency
611 exists, provided nothing in this subsection shall limit the authority of
612 the local or regional board of education for such district to suspend the
613 pupil or to conduct its own expulsion hearing in accordance with this
614 section.

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

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

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

646 (l) (1) Any student who commits an expellable offense and is
647 subsequently committed to a juvenile detention center, the Connecticut

648 Juvenile Training School or any other residential placement for such
649 offense may be expelled by a local or regional board of education in
650 accordance with the provisions of this section. The period of expulsion
651 shall run concurrently with the period of commitment to a juvenile
652 detention center, the Connecticut Juvenile Training School or any other
653 residential placement.

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

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

670 Sec. 14. (NEW) (*Effective from passage*) (a) Not later than August 15,
671 2017, the Departments of Education, Children and Families and
672 Correction and the Judicial Department shall collaborate to develop
673 and submit a plan with an implementation date of not later than
674 August 15, 2018, provided such implementation is within available
675 resources, to the Juvenile Justice Policy and Oversight Committee for
676 assessing and addressing the individualized educational needs and
677 deficiencies of children in the justice system and those reentering the
678 community from public and private juvenile justice and correctional
679 facilities.

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

692 (c) The implementation plan developed pursuant to this section
693 shall include: (1) Increased collaboration, monitoring and
694 accountability among state agencies and between state agencies and
695 local and regional boards of education in order to improve educational
696 service delivery and outcomes for children in the justice system and
697 those transitioning from out-of-state and private juvenile justice and
698 correctional facilities, including the prompt sharing of education
699 records, (2) provide for children involved in the justice system and
700 those transitioning out of public and private juvenile justice and
701 correctional facilities, and a parent or guardian of such children, to
702 have input into education plans developed by the state and local
703 boards of education for such children, (3) the establishment of
704 transition teams to reintegrate children exiting residential facilities by
705 (A) assisting in a timely and effective reconnection with educational
706 and alternative education services provided by the local and regional
707 board of education for the community to which the child reenters, in
708 accordance with section 10-74j of the general statutes, and (B)
709 coordinating the identification and adequate provision of any special
710 education needs of the child, (4) the designation of a reentry liaison for
711 each local or regional board of education to serve the district under the
712 jurisdiction of such board for children returning to the district to
713 expedite the enrollment in the school district, who will provide that

714 any such child receives appropriate academic credit for work
715 performed while in the juvenile justice system pursuant to chapter 815t
716 of the general statutes, and (5) the costs for implementing an array of
717 academic and vocational transitional supports that are supported by
718 research that include, but are not limited to, tutors, educational
719 surrogates, coaches and advocates.

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

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

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

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

745 (3) Track and analyze the recidivism rates of all children who have

746 involvement with the juvenile justice system.

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

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

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

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

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

761 (2) The chairpersons and ranking members of the joint standing
762 committees of the General Assembly having cognizance of matters
763 relating to the judiciary, children, human services and appropriations,
764 or their designees;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

799 (19) Two parents or parent advocates, at least one of whom is the

800 parent of a child who has been involved with the juvenile justice
801 system, one of whom shall be appointed by the minority leader of the
802 House of Representatives, and one of whom shall be appointed by the
803 minority leader of the Senate;

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

805 ~~[(20)]~~ (21) The Child Advocate, or the Child Advocate's designee;
806 and

807 ~~[(21)]~~ (22) The Secretary of the Office of Policy and Management, or
808 the secretary's designee.

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

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

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

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

827 (1) Any statutory changes concerning the juvenile justice system
828 that the committee recommends to (A) improve public safety; (B)
829 promote the best interests of children and youths who are under the

830 supervision, care or custody of the Commissioner of Children and
831 Families or the Court Support Services Division of the Judicial
832 Department; (C) improve transparency and accountability with respect
833 to state-funded services for children and youths in the juvenile justice
834 system with an emphasis on goals identified by the committee for
835 community-based programs and facility-based interventions; and (D)
836 promote the efficient sharing of information between the Department
837 of Children and Families and the Judicial Department to ensure the
838 regular collection and reporting of recidivism data and promote public
839 welfare and public safety outcomes related to the juvenile justice
840 system;

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

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

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

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

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

859 (C) The types of delinquent acts or criminal offenses that children
860 and youths have been charged with since the enactment and

861 implementation of such legislation; and

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

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

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

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

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

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

887 (4) An examination of how the state Department of Education and
888 local boards of education, the Department of Children and Families,
889 the Department of Mental Health and Addiction Services, the Court
890 Support Services Division of the Judicial Department, and other

891 appropriate agencies can work collaboratively through school-based
892 efforts and other processes to reduce the number of children and
893 youths who enter the juvenile justice system; [as a result of being a
894 member of a family with service needs or convicted as delinquent;]

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

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

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

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

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

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

920 (j) The committee shall implement a strategic plan that integrates

921 the short-term, medium-term and long-term goals identified pursuant
922 to subdivision (3) of subsection (f) of this section. As part of the
923 implementation of such plan, the committee shall collaborate with any
924 state agency with responsibilities with respect to the juvenile justice
925 system, including, but not limited to, the Departments of Education,
926 Mental Health and Addiction Services, Correction and Children and
927 Families and the Labor Department and Judicial Department, and
928 municipal police departments. Not later than January 1, 2016, the
929 committee shall report such plan, in accordance with section 11-4a, to
930 the joint standing committees of the General Assembly having
931 cognizance of matters relating to appropriations, the judiciary, human
932 services and children, and the Secretary of the Office of Policy and
933 Management, regarding progress toward the full implementation of
934 such plan and any recommendations concerning the implementation
935 of such identified goals by any state agency with responsibilities with
936 respect to the juvenile justice system or municipal police departments.

937 [(k) The committee shall assess the juvenile justice system and make
938 recommendations, if any, to improve the system. Not later than July 1,
939 2016, July 1, 2017, and July 1, 2018, the committee shall report such
940 assessment and recommendations, in accordance with section 11-4a, to
941 the joint standing committees of the General Assembly having
942 cognizance of matters relating to appropriations, the judiciary, human
943 services and children, and the Secretary of the Office of Policy and
944 Management, regarding the following:

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

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

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

952 (4) Training on the juvenile justice system for state agencies and

- 953 municipal police departments;
- 954 (5) Diversion of at-risk children and youths from the juvenile justice
955 system;
- 956 (6) Recidivism tracking and policies and procedures to reduce
957 recidivism;
- 958 (7) Data sharing among public and private juvenile justice and other
959 child services agencies, including the Department of Education, to
960 evaluate the effectiveness and efficiency of the juvenile justice system;
- 961 (8) Vocational educational opportunities for children and youths in
962 the juvenile justice system until the child or youth reaches the age of
963 twenty-one years of age;
- 964 (9) Oversight and the reduction in the use of restraints for children
965 and youths, and the reduction in the use of seclusion and room
966 confinement in juvenile justice facilities;
- 967 (10) Use of evidence-based positive behavioral support strategies
968 and other evidence-based or research-informed strategies for reducing
969 the reliance on restraints and seclusion; and
- 970 (11) Programs and facilities using restraints or seclusion for children
971 or youths and any data regarding such uses, including, but not limited
972 to, the rate and duration of use for children and youths with
973 disabilities.]
- 974 (k) Not later than January 1, 2017, the committee shall submit a
975 report, in accordance with section 11-4a, to the joint standing
976 committees of the General Assembly having cognizance of matters
977 relating to appropriations, the judiciary, human services and children
978 and the Secretary of the Office of Policy and Management, regarding a
979 plan that includes cost options for the development of a community-
980 based diversion system. Such plan shall include recommendations to
981 address issues concerning mental health and juvenile justice. The plan
982 shall include recommendations regarding the following:

- 983 (1) Diversion of children who commit crimes, excluding serious
984 juvenile offenses, from the juvenile justice system;
- 985 (2) Identification of services that are evidence-based, trauma-
986 informed and culturally and linguistically appropriate;
- 987 (3) Expansion of the capacity of juvenile review boards to accept
988 referrals from municipal police departments and schools and
989 implement restorative practices;
- 990 (4) Expansion of the provision of prevention, intervention and
991 treatment services by youth service bureaus;
- 992 (5) Expansion of access to in-home and community-based services;
- 993 (6) Identification and expansion of services needed to support
994 children who are truant or exhibiting behaviors defiant of school rules
995 and enhance collaboration between school districts and community
996 providers in order to best serve such children;
- 997 (7) Expansion of the use of memoranda of understanding pursuant
998 to section 10-233m between local law enforcement agencies and local
999 and regional boards of education;
- 1000 (8) Expansion of the use of memoranda of understanding between
1001 local and regional boards of education and community providers for
1002 provision of community-based services;
- 1003 (9) Recommendations to ensure that children in the juvenile justice
1004 system have access to a full range of community-based behavioral
1005 health services;
- 1006 (10) Reinvestment of cost savings associated with reduced
1007 incarceration rates for children and increased accessibility to
1008 community-based behavioral health services;
- 1009 (11) Reimbursement policies that incentivize providers to deliver
1010 evidence-based practices to children in the juvenile justice system;

1011 (12) Recommendations to promote the use of common behavioral
1012 health screening tools in schools and communities;

1013 (13) Recommendations to ensure that secure facilities operated by
1014 the Department of Children and Families or the Court Support
1015 Services Division of the Judicial Department and private service
1016 providers contracting with said department or division to screen
1017 children in such facilities for behavioral health issues; and

1018 (14) Expansion of service capacities informed by an examination of
1019 grant funds and federal Medicaid reimbursement rates.

1020 (l) The committee shall establish a data working group to develop a
1021 plan for a data integration process to link data related to children
1022 across executive branch agencies, through the Office of Policy and
1023 Management's integrated data system, and the Judicial Department
1024 through the Court Support Services Division, for purposes of
1025 evaluation and assessment of programs, services and outcomes in the
1026 juvenile justice system. Membership of the working group shall
1027 include, but not be limited to, the Commissioners of Children and
1028 Families, Correction, Education and Mental Health and Addiction
1029 Services, or their designees; the Chief State's Attorney, or the Chief
1030 State's Attorney's designee; the Chief Public Defender, or the Chief
1031 Public Defender's designee; the Secretary of the Office of Policy and
1032 Management, or the secretary's designee; and the Chief Court
1033 Administrator of the Judicial Branch, or the Chief Court
1034 Administrator's designee. Such working group shall include persons
1035 with expertise in data development and research design. The plan shall
1036 include cost options and provisions to:

1037 (1) Access relevant data on juvenile justice populations;

1038 (2) Coordinate the handling of data and research requests;

1039 (3) Link the data maintained by executive branch agencies and the
1040 Judicial Department for the purposes of facilitating the sharing and
1041 analysis of data;

1042 (4) Establish provisions for protecting confidential information and
 1043 enforcing state and federal confidentiality protections and ensure
 1044 compliance with related state and federal laws and regulations;

1045 (5) Develop specific recommendations for the committee on the use
 1046 of limited releases of client specific data sharing across systems,
 1047 including with the Office of Policy and Management, the Division of
 1048 Criminal Justice, the Departments of Children and Families, Education
 1049 and Mental Health and Addiction Services, the Judicial Department
 1050 and other agencies; and

1051 (6) Develop a standard template for memoranda of understanding
 1052 for data-sharing between executive branch agencies, the Judicial
 1053 Department, and when necessary, researchers outside of state
 1054 government.

1055 [(l) Not later than July 1, 2015, and quarterly thereafter until
 1056 January 1, 2017, and annually thereafter, the committee shall submit a
 1057 report, in accordance with section 11-4a, to the joint standing
 1058 committees of the General Assembly having cognizance of matters
 1059 relating to appropriations, the judiciary, human services and children,
 1060 and the Secretary of the Office of Policy and Management, regarding
 1061 progress made to achieve goals and measures identified by the
 1062 committee pursuant to this section.]

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>August 15, 2017</i>	46b-120(5)
Sec. 8	<i>August 15, 2017</i>	10-198a
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>January 1, 2017</i>	7-294h

Sec. 11	<i>from passage</i>	New section
Sec. 12	<i>August 15, 2017</i>	10-233d
Sec. 13	<i>July 1, 2017</i>	New section
Sec. 14	<i>from passage</i>	New section
Sec. 15	<i>from passage</i>	New section
Sec. 16	<i>from passage</i>	New section
Sec. 17	<i>January 1, 2017</i>	New section
Sec. 18	<i>from passage</i>	46b-121n

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.; Children & Families, Dept.; Correction, Dept.; Judicial Dept.	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 17 \$	FY 18 \$
Local and Regional School Districts	Potential Cost	See Below	See Below

Explanation

The bill makes various changes to juvenile justice matters and results in the fiscal impact described below.

The bill requires the State Department of Education (SDE) to identify effective truancy intervention models, to be used by local and regional boards of education. By August 15, 2018, required local and regional boards of education must implement one of the identified truancy models. This could result in an additional cost to various local and regional boards of education in FY 18. Any costs would be dependent upon the truancy model selected by the district and the method of implementation.

The bill also requires the Departments of Education, Children and Families, Correction, and the Judicial Department to address deficiencies found in the juvenile justice system and to develop a plan to address educational needs of youth reentering the community. The requirements contained in the section could result in potential minimal

costs, in FY 17 or FY 18, depending on when the agencies choose to develop the plan. The potential minimal costs are associated with research, policy development, professional development and training, and meeting facilitation.

The bill creates a data working group of the Juvenile Justice Policy and Oversight Committee 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 results in a potential cost to the affected agencies.

House "A" strikes the underlying bill and results in the fiscal impact described above.

The Out Years

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

OLR Bill Analysis**sHB 5642 (as amended by House "A")******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. With regard 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; and
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.

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 Juvenile Justice Oversight and Policy Committee (JJPOC). The bill eliminates some of the JJPOC's current reporting responsibilities and requires the committee to report on a plan for a community-based diversion system. It also requires the committee to establish a data integration working group.

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; and
4. requiring the State Department of Education (SDE), in collaboration with other agencies, to develop plans on certain matters, such as school-based diversion initiatives and addressing educational deficiencies among children in the juvenile justice system.

The bill also includes provisions on, among other matters, police training, a recidivism reduction framework, and training on and monitoring of de-escalation efforts.

A section-by-section summary appears below.

*House Amendment "A" replaces the underlying bill (File 616). It removes several provisions from the bill, such as those (1) requiring DCF and the JJPOC to develop a plan to close the Connecticut Juvenile Training School and the Pueblo Unit for girls; (2) requiring SDE to develop (a) entrance requirements for referring students involved in the juvenile justice system to appropriate alternative education opportunities and (b) a remediation plan for certain schools, such as those with higher than average expulsion rates; (3) establishing a presumption that it is in the best interest of a child returning from a juvenile justice placement to return to his or her previous school; and (4) continuing the "Raise the Grade" program for Bridgeport, Hartford, and New Haven.

The amendment makes various other changes, such as (1) eliminating and combining certain JJPOC reports and (2) minor and clarifying changes to some of the underlying bill's provisions.

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 a 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 the 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 he or she 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 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 to also 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 the risk level, whether there is:

1. probable cause to believe that a child will pose a risk to public safety if released to the community 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 previous failure to respond to the court process.

Under the bill, a detention screening is subject to the confidentiality protections noted below (see § 4).

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:

1. nonresidential programs for intensive wraparound services,
2. community-based residential services for short-term respite, or
3. 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 the parameters as it deems necessary.

EFFECTIVE DATE: Upon passage

§ 4 — PROTECTION OF INFORMATION OBTAINED THROUGH DETENTION SCREENING

Under the bill, any information about a child obtained during a detention screening must be used only for planning and treatment purposes. Otherwise, it must generally remain confidential and be kept in the files of the entity providing the screening. It may be further disclosed for limited purposes, including a court-ordered evaluation or treatment or mandated reporter laws.

The bill also provides that any such information obtained during the administration of the detention screening instrument described above 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, ensure the safety of others and 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

§§ 7-9 — 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 SDE to identify effective truancy intervention models for school boards to implement as set forth below. By August 15, 2017, SDE 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 include, by August 15, 2018, implementing an approved truancy intervention model at any school with a disproportionately high truancy rate. The SDE commissioner must determine which schools have such a truancy rate.

EFFECTIVE DATE: Upon passage, except August 15, 2017 for the

provision on school boards adding truancy intervention models to their truancy policies.

§ 10 — 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

§ 11 — SCHOOL-BASED DIVERSION INITIATIVES

The bill requires SDE, DCF, the Department of Mental Health and Addiction Services (DMHAS), and CSSD, by August 15, 2017, to develop a plan with cost options 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

§ 12 — 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 parent or guardian at least five business days before the hearing. It requires the notice to include information on the parent’s or guardian’s and student’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 for up to one week to provide time to find representation, except in 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 this 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 the 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 placement in a juvenile detention center, the Connecticut Juvenile Training School, or any other residential placement.

EFFECTIVE DATE: August 15, 2017

§ 13 — OUT-OF-SCHOOL SUSPENSIONS IN JUVENILE JUSTICE RESIDENTIAL FACILITIES

The bill prohibits facilities operated by DCF, the Department of Correction (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

§ 14 — PLAN FOR EDUCATIONAL NEEDS OF CHILDREN IN THE JUSTICE SYSTEM AND REENTERING THE COMMUNITY

The bill requires SDE, DCF, DOC, and the judicial branch, by August 15, 2017, to collaborate to develop and submit a plan to the JJPOC for assessing and addressing the individualized educational needs and deficiencies of children in the justice system and those reentering the community from public and private juvenile justice and correctional facilities. The plan must be implemented within available resources and have an implementation date of August 15, 2018 or earlier.

In developing the plan, the departments and the branch must research nationally recognized models for effective educational programming continuity for children in the justice system and incorporate these models, as appropriate, into the implementation

plan. They also must consult with local and regional school boards to identify (1) appropriate assessment tools to be used consistently to measure the educational performance of such children and those transitioning into and from juvenile justice and correctional facilities and (2) professional development specifically designed for educators who work with children in the justice system.

In January 2017, they must make an oral report to the JJPOC on their progress.

The implementation plan must include:

1. increased collaboration, monitoring, and accountability among state agencies and between state agencies and school boards to improve educational service delivery and outcomes for children in the justice system and those transitioning from out-of-state and private juvenile justice and correctional facilities, including promptly sharing education records;
2. providing for children involved in the justice system and those transitioning out of juvenile justice and correctional facilities, and their parents or guardians, to have input into education plans the state and school boards develop for these children;
3. establishing transition teams to reintegrate children exiting residential facilities by helping them have a timely and effective reconnection with educational and alternative education services provided by the applicable school board, and coordinating the identification and adequate provision of any special education needs of the child;
4. designating a reentry liaison for each school board for children returning to the district to expedite their enrollment, who will provide that they receive appropriate academic credit for work performed while in the juvenile justice system; and
5. 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

§ 15 — 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

§ 16 — 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 at risk for recidivism; and
4. track and analyze recidivism rates of all children involved with the juvenile justice system.

EFFECTIVE DATE: Upon passage

§ 17 — OPM TRACKING OF RECIDIVISM REDUCTION

Under the bill, the Office of Policy and Management (OPM) secretary must track and analyze recidivism rates for children in the state.

EFFECTIVE DATE: January 1, 2017

§ 18 — 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 approximately 40 members. The bill adds the victim advocate, or his designee, to the committee.

Changes to Reporting Requirements

The bill eliminates a requirement that the JJPOC report by July 1 of 2016, 2017, and 2018 on its assessment of the juvenile justice system and recommendations to improve it. Current law requires the committee to submit these reports, addressing several specified matters, to the Appropriations, Children’s, Human Services, and Judiciary committees and the OPM secretary.

It also eliminates a requirement that JJPOC submit to these same recipients quarterly reports until January 1, 2017, and annual reports after that, on the committee’s progress in achieving its goals and measures.

The bill instead requires JJPOC to submit a report, to these same

recipients, on a plan with cost options for developing a community-based diversion system. The committee must report by January 1, 2017.

The plan must include recommendations to address mental health and juvenile justice issues. Specifically, it must include recommendations on:

1. diverting children who commit crimes from the juvenile justice system, other than those committing serious juvenile offenses;
2. identifying evidence-based and trauma-informed services that are culturally and linguistically appropriate;
3. expanding the capacity of juvenile review boards to accept referrals from local police departments and schools and implement restorative practices;
4. expanding prevention, intervention, and treatment services by youth service bureaus;
5. expanding access to in-home and community services;
6. identifying and expanding services to support children who are truant or defying school rules, and increasing collaboration between school districts and community providers to best serve these children;
7. expanding the use of memoranda of understanding (MOUs) between local police and school boards regarding school resource officers;
8. expanding the use of MOUs between school boards and community providers for community-based services;
9. ensuring that children in the juvenile justice system have access to a full range of community-based behavioral health services;
10. reinvesting cost savings associated with reduced childhood

incarceration rates and increased accessibility to community-based behavioral health services;

11. reimbursement policies that give providers incentives to deliver evidence-based practices to children in the system;
12. promoting common behavioral health screening tools in schools and communities;
13. ensuring that secure facilities operated by DCF or CSSD and private providers contracting with them screen children in these facilities for behavioral health issues; and
14. expanding service capacities, informed by examining grant funds and federal Medicaid reimbursement rates.

Data Working Group

The bill requires JJPOC to establish a data working group to develop a plan for 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 group must include individuals with expertise in data development and research design.

Under the bill, this data integration plan must include cost options and provisions to:

1. access relevant data on juvenile justice populations;
2. coordinate handling of data and research requests;
3. link executive and judicial branch data to facilitate data sharing and analysis;
4. establish provisions for protecting confidential information and enforcing and ensuring compliance with state and federal confidentiality laws;
5. develop specific recommendations for 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; and
6. develop a standard MOU template for sharing data between the executive and judicial branches, and when necessary, outside researchers.

EFFECTIVE DATE: Upon passage

BACKGROUND

Related Bill

sSB 18 (File 600), reported favorably by the Judiciary Committee, raises the age of 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 JJPOC to plan for implementing 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)

Appropriations Committee

Joint Favorable

Yea 31 Nay 21 (04/25/2016)