



General Assembly

**Substitute Bill No. 5642**

February Session, 2016

\* \_\_\_\_\_HB05642JUD\_\_\_\_033016\_\_\_\_\_\*

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

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

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 Section 46b-133 of the general statutes is repealed and the  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

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

17 (b) Whenever a child is brought before a judge of the Superior  
18 Court, which court shall be the court that has jurisdiction over juvenile

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

187 or other services and interventions the court deems appropriate.

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

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

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

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

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

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

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

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

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

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

284 (b) Not later than January 1, 2017, the commissioner and committee

285 shall report a preliminary plan and not later than January 1, 2018, the  
286 commissioner and committee shall report a final plan developed  
287 pursuant to subsection (a) of this section and recommendations for  
288 legislation necessary to carry out said plans, if any, to the joint  
289 standing committees of the General Assembly having cognizance of  
290 matters relating to appropriations, judiciary and children, in  
291 accordance with the provisions of section 11-4a of the general statutes.

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

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

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

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

315 (b) Each local and regional board of education shall adopt and

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

351 unexcused absences in a school year may result in a complaint filed  
352 with the Superior Court pursuant to section 46b-149 alleging the belief  
353 that the acts or omissions of the child are such that the child's family is  
354 a family with service needs.] Any person who, in good faith, gives or  
355 fails to give notice pursuant to subdivision [(5)] (6) of this subsection  
356 shall be immune from any liability, civil or criminal, which might  
357 otherwise be incurred or imposed and shall have the same immunity  
358 with respect to any judicial proceeding which results from such notice  
359 or failure to give such notice.

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

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

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

378 [(f)] (e) A child, age five to eighteen, inclusive, who is enrolled in a  
379 public or private school and whose parent or legal guardian is an  
380 active duty member of the armed forces, as defined in section 27-103,  
381 and has been called to duty for, is on leave from or has immediately  
382 returned from deployment to a combat zone or combat support

383 posting, shall be granted ten days of excused absences in any school  
384 year and, at the discretion of the local or regional board of education,  
385 additional excused absences to visit such child's parent or legal  
386 guardian with respect to such leave or deployment of the parent or  
387 legal guardian. In the case of excused absences pursuant to this  
388 subsection, such child and parent or legal guardian shall be  
389 responsible for obtaining assignments from the student's teacher prior  
390 to any period of excused absence, and for ensuring that such  
391 assignments are completed by such child prior to his or her return to  
392 school from such period of excused absence.

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

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

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

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

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

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

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

449 affirmative votes for expulsion are cast. In making a determination as  
450 to whether conduct is seriously disruptive of the educational process,  
451 the board of education or impartial hearing board may consider, but  
452 such consideration shall not be limited to: (A) Whether the incident  
453 occurred within close proximity of a school; (B) whether other students  
454 from the school were involved or whether there was any gang  
455 involvement; (C) whether the conduct involved violence, threats of  
456 violence or the unlawful use of a weapon, as defined in section 29-38,  
457 and whether any injuries occurred; and (D) whether the conduct  
458 involved the use of alcohol.

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

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

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

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

512 (2) For any pupil expelled for the first time pursuant to this section  
513 and who has never been suspended pursuant to section 10-233c, except  
514 for a pupil who has been expelled based on possession of a firearm or

515 deadly weapon as described in subsection (a) of this section, the local  
516 or regional board of education may shorten the length of or waive the  
517 expulsion period if the pupil successfully completes a board-specified  
518 program and meets any other conditions required by the board. Such  
519 board-specified program shall not require the pupil or the parent or  
520 guardian of the pupil to pay for participation in the program.

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

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

565 (e) If a pupil is expelled pursuant to this section for possession of a  
566 firearm, [or deadly weapon] as defined in 18 USC 921, as amended  
567 from time to time, or deadly weapon, dangerous instrument or martial  
568 arts weapon, as defined in section 53a-3, the board of education shall  
569 report the violation to the local police department or in the case of a  
570 student enrolled in a technical high school to the state police. If a pupil  
571 is expelled pursuant to this section for the sale or distribution of [such]  
572 a controlled substance, as defined in subdivision (9) of section 21a-240,  
573 whose manufacture, distribution, sale, prescription, dispensing,  
574 transporting or possessing with the intent to sell or dispense, offering,  
575 or administration is subject to criminal penalties under sections 21a-  
576 277 and 21a-278, the board of education shall refer the pupil to an  
577 appropriate state or local agency for rehabilitation, intervention or job  
578 training, or any combination thereof, and inform the agency of its  
579 action. [Whenever a local or regional board of education notifies a  
580 pupil between the ages of sixteen and eighteen or the parents or  
581 guardian of such pupil that an expulsion hearing will be held, the

582 notification shall include a statement that the board of education is not  
583 required to offer an alternative educational opportunity to any pupil  
584 who is found to have engaged in the conduct described in this  
585 subsection.]

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

610 (g) A local or regional board of education may adopt the decision of  
611 a pupil expulsion hearing conducted by another school district  
612 provided such local or regional board of education or impartial  
613 hearing board shall hold a hearing pursuant to the provisions of  
614 subsection (a) of this section which shall be limited to a determination

615 of whether the conduct which was the basis for the expulsion would  
616 also warrant expulsion under the policies of such board. The pupil  
617 shall be excluded from school pending such hearing. The excluded  
618 student shall be offered an alternative educational opportunity in  
619 accordance with the provisions of subsections (d) and (e) of this  
620 section.

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

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

648 of subsections (d) and (e) of this section, whenever a child requiring  
649 such special education and related services is expelled, an alternative  
650 educational opportunity, consistent with such child's educational  
651 needs shall be provided during the period of expulsion.

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

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

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

674 (2) If a student who committed an expellable offense seeks to return  
675 to a school district after [having been] participating in a diversionary  
676 program or having been detained in a juvenile detention center, the  
677 Connecticut Juvenile Training School or any other residential  
678 placement and such student has not been expelled by the local or  
679 regional board of education for such offense under subdivision (1) of

680 this subsection, the local or regional board of education for the school  
681 district to which the student is returning shall allow such student to  
682 return and may not expel the student for additional time for such  
683 offense.

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

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

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

708 Sec. 16. (NEW) (*Effective July 1, 2017*) No facility operated by the  
709 Department of Children and Families, the Department of Correction or  
710 the Court Support Services Division of the Judicial Department shall  
711 impose an out-of-school suspension on any child residing in any such

712 facility, provided nothing in this section shall preclude the removal of  
713 a child from a classroom for therapeutic purposes.

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

717 (b) (1) Whenever a child is placed in out-of-home care by the  
718 department pursuant to an emergency order under subsection (e) of  
719 section 17a-101g or an order of temporary custody or an order of  
720 commitment under section 46b-129, and at any subsequent change in  
721 out-of-home care, or whenever a child returns from placement in the  
722 juvenile justice system under chapter 815t, any such child may, if it is  
723 in the best interests of the child, as determined pursuant to subdivision  
724 (3) of this subsection, continue to attend his or her school of origin.  
725 Such child shall continue to be a resident of the school district in which  
726 such school is located during such attendance for purposes of chapters  
727 168 to 170, inclusive, 172 and 173. The board of education for the  
728 school of origin shall continue to provide free school privileges to the  
729 child and any services provided by such board shall be in accordance  
730 with the provisions of subdivision (2) of subsection (e) of section 10-  
731 76d and section 10-253. If the child continues to attend his or her  
732 school of origin following placement in out-of-home care by the  
733 department, the local or regional board of education of the school of  
734 origin shall not be eligible to receive an excess cost grant pursuant to  
735 subdivision (2) of subsection (e) of section 10-76d for the cost of such  
736 education, including, but not limited to, tuition and transportation  
737 costs. For the fiscal year ending June 30, 2013, and each fiscal year  
738 thereafter, an excess cost grant pursuant to subdivision (2) of  
739 subsection (e) of section 10-76d shall be available to the nexus school  
740 district when the nexus school district pays the child's tuition to the  
741 local or regional board of education of the school of origin. If the nexus  
742 school district placed the child in a private school or regional  
743 educational service center program prior to the child being removed  
744 from the home by the department and the child continues to attend

745 such prior placement, the nexus school district, or, if the nexus school  
746 district cannot be identified, the town where the child resides, shall be  
747 eligible to receive the excess cost grant pursuant to section 10-76g.

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

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

775 (B) The school placement decision may be revisited at any time  
776 during the child's out-of-home care, if circumstances change, in order  
777 to ensure that the school placement decision remains in the best

778 interests of the child. Notice of any subsequent decision to change the  
779 child's school placement decision shall be provided in accordance with  
780 subparagraph (A) of this subdivision. Any school placement decision  
781 made pursuant to this section may be challenged through the dispute  
782 resolution process for treatment plans. The child shall remain in the  
783 school of origin until any such disagreement is resolved, except as  
784 provided in subparagraph (C) of this subdivision and shall be  
785 provided with transportation in accordance with subsection (c) of this  
786 section.

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

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

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

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

818 (d) Said commissioners and the Judicial Department shall ensure  
819 that the child and the child's parent or guardian have input into  
820 education plans developed by the state. The Department of Education  
821 and local and regional Boards of Education shall solicit such input  
822 concerning the provision of educational services to children in  
823 congregate care settings.

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

829 Sec. 19. (NEW) (*Effective from passage*) Not later than January 1, 2017,  
830 the Commissioner of Education, in collaboration with the  
831 Commissioners of Children and Families and Correction and the  
832 Judicial Department, shall develop and submit a plan with an  
833 implementation date of not later than August 15, 2017, provided such  
834 implementation is within available resources, to the Juvenile Justice  
835 Policy and Oversight Committee for addressing the individualized  
836 educational needs of youth reentering the community from public and  
837 private juvenile justice facilities under chapter 815t of the general  
838 statutes. Such plan shall include: (1) The establishment of transition  
839 teams to reintegrate children exiting residential facilities to assist  
840 children in having a timely and effective reconnection with  
841 educational and alternative education services provided by the local  
842 and regional board of education for the community to which the child  
843 reenters in accordance with section 10-74j of the general statutes, and

844 ensure that any special education needs of the child are identified and  
845 adequately met; (2) the designation of a reentry liaison for each local or  
846 regional board of education to serve the district under the jurisdiction  
847 of such board for children returning to the district to expedite the  
848 enrollment in the school district and to ensure that such student  
849 receives academic credit for work performed while in the juvenile  
850 justice system pursuant to chapter 815t of the general statutes; and (3)  
851 the costs for implementing an array of academic and vocational  
852 transitional supports that are supported by research that include, but  
853 are not limited to, tutors, educational surrogates, coaches and  
854 advocates.

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

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

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

877 for children as described in section 17a-16a, as amended by this act.

878 (c) [Upon the conclusion of the pilot program, the] Not later than  
879 January 1, 2017, and January first of each year thereafter, the  
880 Department of Children and Families, in coordination with the Court  
881 Support Services Division and the [State] Department of Education,  
882 shall report, in accordance with the provisions of section 11-4a, to the  
883 academic achievement [gap] gaps task force established pursuant to  
884 section 10-16mm and the Juvenile Justice Policy and Oversight  
885 Committee established pursuant to section 46b-121n, as amended by  
886 this act, the number and educational profile of children served by the  
887 [program] initiative, the initiative's compliance with the Individuals  
888 with Disabilities Education Act, 20 USC 1400 et seq., as amended from  
889 time to time, and the impact on [their] the children's educational  
890 performance, including on (1) achievement, (2) absenteeism, and (3)  
891 adverse disciplinary measures.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

964 (16) The president of the Connecticut Police Chiefs Association, or

965 the president's designee;

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

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

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

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

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

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

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

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

992 (e) Members of the committee shall serve without compensation,

993 except for necessary expenses incurred in the performance of their  
994 duties.

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

1001 (1) Any statutory changes concerning the juvenile justice system  
1002 that the committee recommends to (A) improve public safety; (B)  
1003 promote the best interests of children and youths who are under the  
1004 supervision, care or custody of the Commissioner of Children and  
1005 Families or the Court Support Services Division of the Judicial  
1006 Department; (C) improve transparency and accountability with respect  
1007 to state-funded services for children and youths in the juvenile justice  
1008 system with an emphasis on goals identified by the committee for  
1009 community-based programs and facility-based interventions; and (D)  
1010 promote the efficient sharing of information between the Department  
1011 of Children and Families and the Judicial Department to ensure the  
1012 regular collection and reporting of recidivism data and promote public  
1013 welfare and public safety outcomes related to the juvenile justice  
1014 system;

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

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

1025 strategic plan;

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

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

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

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

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

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

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

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

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

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

1061 (4) An examination of how the state Department of Education and  
1062 local boards of education, the Department of Children and Families,  
1063 the Department of Mental Health and Addiction Services, the Court  
1064 Support Services Division of the Judicial Department, and other  
1065 appropriate agencies can work collaboratively through school-based  
1066 efforts and other processes to reduce the number of children and  
1067 youths who enter the juvenile justice system as a result of being a  
1068 member of a family with service needs or convicted as delinquent;

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

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

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

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

1080 (h) The committee shall complete its duties under this section after  
1081 consultation with one or more organizations that focus on relevant  
1082 issues regarding children and youths, such as the University of New  
1083 Haven and any of the university's institutes. The committee may

1084 accept administrative support and technical and research assistance  
1085 from any such organization. The committee shall work in collaboration  
1086 with any results first initiative implemented pursuant to section 2-111  
1087 or any public or special act.

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

1094 (j) The committee shall implement a strategic plan that integrates  
1095 the short-term, medium-term and long-term goals identified pursuant  
1096 to subdivision (3) of subsection (f) of this section. As part of the  
1097 implementation of such plan, the committee shall collaborate with any  
1098 state agency with responsibilities with respect to the juvenile justice  
1099 system, including, but not limited to, the Departments of Education,  
1100 Mental Health and Addiction Services, Correction and Children and  
1101 Families and the Labor Department and Judicial Department, and  
1102 municipal police departments. Not later than January 1, 2016, the  
1103 committee shall report such plan, in accordance with section 11-4a, to  
1104 the joint standing committees of the General Assembly having  
1105 cognizance of matters relating to appropriations, the judiciary, human  
1106 services and children, and the Secretary of the Office of Policy and  
1107 Management, regarding progress toward the full implementation of  
1108 such plan and any recommendations concerning the implementation  
1109 of such identified goals by any state agency with responsibilities with  
1110 respect to the juvenile justice system or municipal police departments.  
1111 The committee shall request information from such agencies involved  
1112 in the strategic plan implementation, and such agencies shall provide  
1113 such information necessary to determine outcomes and effectiveness of  
1114 the strategic plan implementation.

1115 (k) The committee shall assess the juvenile justice system and make  
1116 recommendations, if any, to improve the system. Not later than July 1,

1117 2016, July 1, 2017, and July 1, 2018, the committee shall report such  
1118 assessment and recommendations, in accordance with section 11-4a, to  
1119 the joint standing committees of the General Assembly having  
1120 cognizance of matters relating to appropriations, the judiciary, human  
1121 services and children, and the Secretary of the Office of Policy and  
1122 Management, regarding the following:

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

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

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

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

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

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

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

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

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

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

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

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

1158 (1) Diverts children who commit crimes, excluding serious juvenile  
1159 offenses, from the juvenile justice system;

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

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

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

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

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

1172 (7) Identifies and expands services that are needed to support

1173 children who are truant or exhibiting behaviors defiant of school rules  
1174 and enhance collaboration between school districts and community  
1175 providers in order to best serve such children;

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

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

1183 (m) The committee shall establish a data working group to develop,  
1184 implement and maintain a data integration process to link data related  
1185 to children across executive branch agencies, through the Office of  
1186 Policy and Management's integrated data system, and the Judicial  
1187 Department through the Court Support Services Division, for purposes  
1188 of evaluation and assessment of programs, services and outcomes in  
1189 the juvenile justice system. Membership of the working group shall  
1190 include, but not be limited to, the Commissioners of Children and  
1191 Families, Correction, Education and Mental Health and Addiction  
1192 Services, or their designees; the Chief State's Attorney, or the Chief  
1193 State's Attorney's designee; the Chief Public Defender, or the Chief  
1194 Public Defender's designee; the Secretary of the Office of Policy and  
1195 Management, or the secretary's designee; and the Chief Court  
1196 Administrator of the Judicial Branch, or the Chief Court  
1197 Administrator's designee. Such working group shall:

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

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

1202 (3) Establish uniform provisions for protecting confidential  
1203 information and enforcing state and federal confidentiality protections

1204 and ensure compliance with related state and federal laws and  
1205 regulations;

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

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

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

1217 [(l)] (n) Not later than July 1, 2015, and quarterly thereafter until  
1218 January 1, 2017, and annually thereafter, the committee shall submit a  
1219 report, in accordance with section 11-4a, to the joint standing  
1220 committees of the General Assembly having cognizance of matters  
1221 relating to appropriations, the judiciary, human services and children,  
1222 and the Secretary of the Office of Policy and Management, regarding  
1223 progress made to achieve goals and measures identified by the  
1224 committee pursuant to this section.

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

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

1232 (2) The reinvestment of cost savings associated with reduced  
1233 incarceration rates for children and increased accessibility to

1234 community-based behavioral health services;

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

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

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

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

1248 (7) Recommendations to expand service capacities, retain staff and  
 1249 deliver evidence-based practices to all children, whether or not a child  
 1250 is involved with the juvenile justice system, informed by an  
 1251 examination of grant funds and federal Medicaid reimbursement rates.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2017</i>	46b-133
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>January 1, 2017</i>	46b-124(l)
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>October 1, 2016</i>	46b-121(b)(1)
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>August 15, 2017</i>	46b-120(5)
Sec. 9	<i>August 15, 2017</i>	10-198a
Sec. 10	<i>from passage</i>	New section
Sec. 11	<i>January 1, 2017</i>	7-294h

Sec. 12	<i>from passage</i>	New section
Sec. 13	<i>August 15, 2017</i>	10-233d
Sec. 14	<i>from passage</i>	New section
Sec. 15	<i>from passage</i>	New section
Sec. 16	<i>July 1, 2017</i>	New section
Sec. 17	<i>July 1, 2017</i>	17a-16a(b)
Sec. 18	<i>August 15, 2017</i>	New section
Sec. 19	<i>from passage</i>	New section
Sec. 20	<i>from passage</i>	17a-64
Sec. 21	<i>from passage</i>	New section
Sec. 22	<i>from passage</i>	New section
Sec. 23	<i>January 1, 2017</i>	New section
Sec. 24	<i>from passage</i>	46b-121n

**Statement of Legislative Commissioners:**

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

**JUD**      *Joint Favorable Subst.*