

**Proposed Substitute
Bill No. 5642**

LCO No. 3611

**AN ACT CONCERNING THE RECOMMENDATIONS OF THE
JUVENILE JUSTICE POLICY 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 Section 46b-133 of the general statutes is repealed and the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, such court shall be the court that has jurisdiction over juvenile

19 matters where the child resides, provided the residence of such child
20 can be determined, and the judge shall immediately have the case
21 proceeded upon as a juvenile matter. Such judge may admit the child
22 to bail or release the child in the custody of the child's parent or
23 parents, the child's guardian or some other suitable person to appear
24 before the Superior Court when ordered. If detention becomes
25 necessary, such detention shall be in the manner prescribed by this
26 chapter, provided the child shall be placed in the least restrictive
27 environment possible in 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 assure the child's
52 appearance before the court, as demonstrated by the child's previous
53 failure to respond to the court; or (iii) a need to hold the child for

54 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. The
71 court may punish for contempt, as provided in section 46b-121, as
72 amended by this act, any parent, guardian or other person so
73 summoned who wilfully fails to appear in court at the time and place
74 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] through the use of
90 the detention risk assessment instrument developed pursuant to
91 section 2 of this act, that (C) there is [(1) a strong probability that the
92 child will run away prior to the court hearing or disposition, (2) a
93 strong probability that the child will commit or attempt to commit
94 other offenses injurious to the child or to the community prior to the
95 court disposition, (3) probable cause to believe that the child's
96 continued residence in the child's home pending disposition poses a
97 risk to the child or the community because of the serious and
98 dangerous nature of the act or acts the child is alleged to have
99 committed, (4) a need to hold the child for another jurisdiction, (5) a
100 need to hold the child to assure the child's appearance before the court,
101 in view of the child's previous failure to respond to the court process,
102 or (6) a finding by the court that the child has violated one or more of
103 the conditions of a suspended detention order] (i) probable cause to
104 believe that the child will pose a risk to public safety if released to the
105 community prior to the court hearing or disposition; (ii) a need to hold
106 the child in order to assure the child's appearance before the court, as
107 demonstrated by the child's previous failure to respond to the court, or
108 (iii) a need to hold the child for another jurisdiction. Such probable
109 cause may be shown by sworn affidavit in lieu of testimony. No child
110 shall be released from detention who is alleged to have committed a
111 serious juvenile offense except by order of a judge of the Superior
112 Court. The court may, within its discretion, consider as an alternative
113 to detention a suspended detention order with graduated sanctions to
114 be imposed based on the detention risk assessment for such child,
115 using the instrument developed pursuant to section 2 of this act. Any
116 child confined in a community correctional center or lockup shall be
117 held in an area separate and apart from any adult detainee, except in
118 the case of a nursing infant, and no child shall at any time be held in
119 solitary confinement. When a female child is held in custody, she shall,
120 as far 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, and where necessary,
138 reasonable and appropriate, order the child to participate in a program
139 of periodic alcohol or drug testing and treatment as a condition of such
140 release. The results of any such alcohol or drug test shall be admissible
141 only for the purposes of enforcing the conditions of release from
142 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 not be for a period that exceeds 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 the child will pose a risk to public safety
170 if released to the community prior to the court hearing or disposition,
171 or (2) a need to hold the child in order to assure the child's appearance
172 before the court, as demonstrated by the child's previous failure to
173 respond to the court. Such instrument shall be used when assessing
174 whether a child should be detained pursuant to section 46b-133 of the
175 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, under the
222 provisions of chapter 815t of the general statutes, from detention. Such
223 plan 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 that the child is responsive to the court process,
267 assure that the safety of any other person will not be endangered and
268 provide restitution to any victim. The Superior Court shall also have
269 authority to grant and enforce temporary and permanent injunctive
270 relief in all proceedings concerning juvenile matters.

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

283 (b) Not later than January 1, 2017, the commissioner and committee
284 shall report a preliminary plan and not later than January 1, 2018, the
285 commissioner and committee shall report a final plan, in accordance
286 with the provisions of section 11-4a of the general statutes, 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.

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

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

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

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

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

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

355 give notice pursuant to subdivision [(5)] (6) of this subsection shall be
356 immune from any liability, civil or criminal, which might otherwise be
357 incurred or imposed and shall have the same immunity with respect to
358 any judicial proceeding which results from such notice or failure to
359 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*) (a) 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.] (e) If a pupil is expelled pursuant to this section for
565 possession of a firearm, [or deadly weapon] as defined in 18 USC 921,
566 as amended from time to time, or deadly weapon, dangerous
567 instrument or martial arts weapon, as defined in section 53a-3, the
568 board of education shall report the violation to the local police
569 department or in the case of a student enrolled in a technical high
570 school to the state police. If a pupil is expelled pursuant to this section
571 for the sale or distribution of such a controlled substance, as defined in
572 subdivision (9) of section 21a-240, whose manufacture, distribution,
573 sale, prescription, dispensing, transporting or possessing with the
574 intent to sell or dispense, offering, or administration is subject to
575 criminal penalties under sections 21a-277 and 21a-278, the board of
576 education shall refer the pupil to an appropriate state or local agency
577 for rehabilitation, intervention or job training, or any combination
578 thereof, and inform the agency of its action. [Whenever a local or
579 regional board of education notifies a pupil between the ages of sixteen
580 and eighteen or the parents or guardian of such pupil that an
581 expulsion hearing will be held, the notification shall include a
582 statement that the board of education is not required to offer an
583 alternative educational opportunity to any pupil who is found to have
584 engaged in the conduct described in this subsection.]

585 (f) Whenever a pupil is expelled pursuant to the provisions of this
586 section, notice of the expulsion and the conduct for which the pupil
587 was expelled shall be included on the pupil's cumulative educational
588 record. Such notice, except for notice of an expulsion of a pupil in
589 grades nine to twelve, inclusive, based on possession of a firearm or
590 deadly weapon as described in subsection (a) of this section, (1) shall

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

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

620 (h) Whenever a pupil against whom an expulsion hearing is
621 pending withdraws from school after notification of such hearing but
622 before the hearing is completed and a decision rendered pursuant to
623 this section, (1) notice of the pending expulsion hearing shall be
624 included on the pupil's cumulative educational record, and (2) the

625 local or regional board of education or impartial hearing board shall
626 complete the expulsion hearing and render a decision. If such pupil
627 enrolls in school in another school district, such pupil shall not be
628 excluded from school in the other district pending completion of the
629 expulsion hearing pursuant to this subsection unless an emergency
630 exists, provided nothing in this subsection shall limit the authority of
631 the local or regional board of education for such district to suspend the
632 pupil or to conduct its own expulsion hearing in accordance with this
633 section.

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

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

659 condition such readmission on specified criteria.

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

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

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

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

689 Sec. 14. (NEW) (*Effective from passage*) Not later than August 15,
690 2017, the Department of Education shall develop and implement

691 entrance requirements for the referral of students involved in the
692 juvenile justice system under chapter 815t of the general statutes to
693 appropriate opportunities for receiving alternative education, which
694 shall be similar or equivalent to alternative education, as defined by
695 section 10-74j of the general statutes, and which shall ensure that for
696 any child requiring special education pursuant to section 10-76a of the
697 general statutes, the provision of such alternative education
698 opportunity shall comply with the Individuals With Disabilities
699 Education Act, 20 USC 1400 et seq., as amended from time to time.

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

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

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

716 (b) (1) Whenever a child is placed in out-of-home care by the
717 department pursuant to an emergency order under subsection (e) of
718 section 17a-101g or an order of temporary custody or an order of
719 commitment under section 46b-129, and at any subsequent change in
720 out-of-home care, or a child who returns from placement in the
721 juvenile justice system under chapter 815t, any such child may, if it is
722 in the best interests of the child, as determined pursuant to subdivision
723 (3) of this subsection, continue to attend his or her school of origin.

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

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

752 (3) (A) Whenever a child is placed in out-of-home care by the
753 department pursuant to an emergency order under subsection (e) of
754 section 17a-101g or an order of temporary custody or an order of
755 commitment under section 46b-129, and at any subsequent change in
756 out-of-home care, the department shall immediately determine
757 whether it is in the best interests of the child to remain in the school of

758 origin. There shall be a presumption that it is in the child's best
759 interests to remain in the school of origin. The department shall
760 provide written notice of its decision to the parties not later than three
761 business days after the date on which the decision is made. Such notice
762 shall identify the factors that form the basis of the department's
763 decision. Any party may object to the department's decision not later
764 than three business days after receipt of such notice. The child shall
765 remain in the school of origin until the time for objection has passed
766 and until any disagreement is resolved, except as provided in
767 subparagraph (C) of this subdivision. The child shall be transported to
768 the school of origin pursuant to subsection (c) of this section during
769 any such disagreement except as provided in subparagraph (C) of this
770 subdivision. Such disagreements shall be expeditiously resolved. The
771 department shall bear the burden of proof that the school placement
772 decision is in the child's best interests.

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

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

792 of such notice. If any party objects to the change in school placement,
793 the department shall hold an administrative hearing not later than
794 three business days after the objection.

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

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

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

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

822 (e) Said commissioners and the Judicial Department shall
823 collaborate with local and regional boards of education on professional

824 development specifically designed for educators who work with
825 children in the juvenile justice system pursuant to chapter 815t of the
826 general statutes.

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

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

855 (a) The Department of Children and Families, in consultation with
856 the Department of Education, and with input from the local boards of

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

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

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

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

905 Sec. 22. (NEW) (*Effective from passage*) (a) Not later than January 1,
906 2017, the Department of Children and Families and the Judicial
907 Department shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

949 (9) The Commissioner of Children and Families, or the

950 commissioner's designee;

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

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

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

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

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

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

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

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

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

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

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

977 [(20)] (21) The Child Advocate, or the Child Advocate's designee;
978 and

979 [(21)] (22) The Secretary of the Office of Policy and Management, or
980 the secretary's designee.

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

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

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

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

999 (1) Any statutory changes concerning the juvenile justice system
1000 that the committee recommends to (A) improve public safety; (B)
1001 promote the best interests of children and youths who are under the
1002 supervision, care or custody of the Commissioner of Children and
1003 Families or the Court Support Services Division of the Judicial
1004 Department; (C) improve transparency and accountability with respect
1005 to state-funded services for children and youths in the juvenile justice
1006 system with an emphasis on goals identified by the committee for
1007 community-based programs and facility-based interventions; and (D)

1008 promote the efficient sharing of information between the Department
1009 of Children and Families and the Judicial Department to ensure the
1010 regular collection and reporting of recidivism data and promote public
1011 welfare and public safety outcomes related to the juvenile justice
1012 system;

1013 (2) A definition of "recidivism" that the committee recommends to
1014 be used by state agencies with responsibilities with respect to the
1015 juvenile justice system, and recommendations to reduce recidivism for
1016 children and youths in the juvenile justice system;

1017 (3) Short-term goals to be met within six months, medium-term
1018 goals to be met within twelve months and long-term goals to be met
1019 within eighteen months, for the Juvenile Justice Policy and Oversight
1020 Committee and state agencies with responsibilities with respect to the
1021 juvenile justice system to meet, after considering existing relevant
1022 reports related to the juvenile justice system and any related state
1023 strategic plan;

1024 (4) The impact of legislation that expanded the jurisdiction of the
1025 juvenile court to include persons sixteen and seventeen years of age, as
1026 measured by the following:

1027 (A) Any change in the average age of children and youths involved
1028 in the juvenile justice system;

1029 (B) The types of services used by designated age groups and the
1030 outcomes of those services;

1031 (C) The types of delinquent acts or criminal offenses that children
1032 and youths have been charged with since the enactment and
1033 implementation of such legislation; and

1034 (D) The gaps in services identified by the committee with respect to
1035 children and youths involved in the juvenile justice system, including,
1036 but not limited to, children and youths who have attained the age of
1037 eighteen after being involved in the juvenile justice system, and
1038 recommendations to address such gaps in services; and

1039 (5) Strengths and barriers identified by the committee that support
1040 or impede the educational needs of children and youths in the juvenile
1041 justice system, with specific recommendations for reforms.

1042 (g) Not later than July 1, 2015, the committee shall report, in
1043 accordance with section 11-4a, to the joint standing committees of the
1044 General Assembly having cognizance of matters relating to
1045 appropriations, the judiciary, human services and children, and the
1046 Secretary of the Office of Policy and Management, regarding the
1047 following:

1048 (1) The quality and accessibility of diversionary programs available
1049 to children and youths in this state, including juvenile review boards
1050 and services for a child or youth who is a member of a family with
1051 service needs;

1052 (2) An assessment of the system of community-based services for
1053 children and youths who are under the supervision, care or custody of
1054 the Commissioner of Children and Families or the Court Support
1055 Services Division of the Judicial Department;

1056 (3) An assessment of the congregate care settings that are operated
1057 privately or by the state and have housed children and youths
1058 involved in the juvenile justice system in the past twelve months;

1059 (4) An examination of how the state Department of Education and
1060 local boards of education, the Department of Children and Families,
1061 the Department of Mental Health and Addiction Services, the Court
1062 Support Services Division of the Judicial Department, and other
1063 appropriate agencies can work collaboratively through school-based
1064 efforts and other processes to reduce the number of children and
1065 youths who enter the juvenile justice system as a result of being a
1066 member of a family with service needs or convicted as delinquent;

1067 (5) An examination of practices and procedures that result in
1068 disproportionate minority contact, as defined in section 4-68y, within
1069 the juvenile justice system;

1070 (6) A plan to provide that all facilities and programs that are part of
1071 the juvenile justice system and are operated privately or by the state
1072 provide results-based accountability;

1073 (7) An assessment of the number of children and youths who, after
1074 being under the supervision of the Department of Children and
1075 Families, are convicted as delinquent; and

1076 (8) An assessment of the overlap between the juvenile justice system
1077 and the mental health care system for children.

1078 (h) The committee shall complete its duties under this section after
1079 consultation with one or more organizations that focus on relevant
1080 issues regarding children and youths, such as the University of New
1081 Haven and any of the university's institutes. The committee may
1082 accept administrative support and technical and research assistance
1083 from any such organization. The committee shall work in collaboration
1084 with any results first initiative implemented pursuant to section 2-111
1085 or any public or special act.

1086 (i) The committee shall establish a time frame for review and
1087 reporting regarding the responsibilities outlined in subdivision (5) of
1088 subsection (f) of this section, and subdivisions (1) to (7), inclusive, of
1089 subsection (g) of this section. Each report submitted by the committee
1090 shall include specific recommendations to improve outcomes and a
1091 timeline by which specific tasks or outcomes must be achieved.

1092 (j) The committee shall implement a strategic plan that integrates
1093 the short-term, medium-term and long-term goals identified pursuant
1094 to subdivision (3) of subsection (f) of this section. As part of the
1095 implementation of such plan, the committee shall collaborate with any
1096 state agency with responsibilities with respect to the juvenile justice
1097 system, including, but not limited to, the Departments of Education,
1098 Mental Health and Addiction Services, Correction and Children and
1099 Families and the Labor Department and Judicial Department, and
1100 municipal police departments. Not later than January 1, 2016, the
1101 committee shall report such plan, in accordance with section 11-4a, to

1102 the joint standing committees of the General Assembly having
1103 cognizance of matters relating to appropriations, the judiciary, human
1104 services and children, and the Secretary of the Office of Policy and
1105 Management, regarding progress toward the full implementation of
1106 such plan and any recommendations concerning the implementation
1107 of such identified goals by any state agency with responsibilities with
1108 respect to the juvenile justice system or municipal police departments.
1109 The committee shall request information from such agencies involved
1110 in the strategic plan implementation, and such agencies shall provide
1111 such information necessary to determine outcomes and effectiveness of
1112 the strategic plan implementation.

1113 (k) The committee shall assess the juvenile justice system and make
1114 recommendations, if any, to improve the system. Not later than July 1,
1115 2016, July 1, 2017, and July 1, 2018, the committee shall report such
1116 assessment and recommendations, in accordance with section 11-4a, to
1117 the joint standing committees of the General Assembly having
1118 cognizance of matters relating to appropriations, the judiciary, human
1119 services and children, and the Secretary of the Office of Policy and
1120 Management, regarding the following:

1121 (1) Mental health and substance abuse treatment programs and
1122 services for children and youths involved with, or at risk of
1123 involvement with, the juvenile justice system;

1124 (2) Educational outcomes for children and youths involved with, or
1125 at risk of involvement with, the juvenile justice system;

1126 (3) Disproportionate minority contact, as defined in section 4-68y,
1127 with children and youths involved with the juvenile justice system;

1128 (4) Training on the juvenile justice system for state agencies and
1129 municipal police departments;

1130 (5) Diversion of at-risk children and youths from the juvenile justice
1131 system;

1132 (6) Recidivism tracking and policies and procedures to reduce

1133 recidivism;

1134 (7) Data sharing among public and private juvenile justice and other
1135 child services agencies, including the Department of Education, to
1136 evaluate the effectiveness and efficiency of the juvenile justice system;

1137 (8) Vocational educational opportunities for children and youths in
1138 the juvenile justice system until the child or youth reaches the age of
1139 twenty-one years of age;

1140 (9) Oversight and the reduction in the use of restraints for children
1141 and youths, and the reduction in the use of seclusion and room
1142 confinement in juvenile justice facilities;

1143 (10) Use of evidence-based positive behavioral support strategies
1144 and other evidence-based or research-informed strategies for reducing
1145 the reliance on restraints and seclusion; and

1146 (11) Programs and facilities using restraints or seclusion for children
1147 or youths and any data regarding such uses, including, but not limited
1148 to, the rate and duration of use for children and youths with
1149 disabilities.

1150 (l) Not later than January 1, 2017, the committee shall report, in
1151 accordance with section 11-4a, to the joint standing committees of the
1152 General Assembly having cognizance of matters relating to
1153 appropriations, the judiciary, human services and children and the
1154 Secretary of the Office of Policy and Management, regarding the
1155 development of a plan for a community-based diversion system that:

1156 (1) Diverts children who commit crimes, excluding serious juvenile
1157 offenses, from the juvenile justice system;

1158 (2) Identifies services that are evidence-based, trauma-informed and
1159 culturally and linguistically appropriate;

1160 (3) Expands the capacity of juvenile review boards to ensure state-
1161 wide coverage, accept referrals from municipal police departments

1162 and schools for children outside the juvenile justice system and
1163 implement restorative justice practices;

1164 (4) Expands the provision of prevention, intervention and treatment
1165 services by youth service bureaus;

1166 (5) Embeds into school districts a school-based diversion initiative
1167 to reduce juvenile justice involvement among youth with mental
1168 health needs;

1169 (6) Expands access to in-home and community-based services;

1170 (7) Identifies and expands services that are needed to support
1171 children who are truant or exhibiting defiance of school rules
1172 behaviors and enhance collaboration between school districts and
1173 community providers in order to best serve such children;

1174 (8) Expands the use of memoranda of understanding pursuant to
1175 section 10-233m between local law enforcement agencies and local and
1176 regional boards of education for the provision of school resource
1177 officers in schools and districts that do not have such an officer; and

1178 (9) Expands the use of memoranda of understanding between local
1179 and regional boards of education and community providers for
1180 provision of community-based services.

1181 (m) The committee shall establish a data workgroup to develop,
1182 implement and maintain a data integration process to link data related
1183 to children across executive branch agencies, through the Office of
1184 Policy and Management's integrated data system, and the Judicial
1185 Department through the Court Support Services Division, for purposes
1186 of evaluation and assessment of programs, services and outcomes in
1187 the juvenile justice system. Membership of the work group shall
1188 include, but not be limited to, the Commissioners of Children and
1189 Families, Correction, Education and Mental Health and Addiction
1190 Services, or their designees; the Chief State's Attorney, or the Chief
1191 State's Attorney's designee; the Chief Public Defender, or the Chief
1192 Public Defender's designee; the Secretary of the Office of Policy and

1193 Management, or the secretary's designee; and the Chief Court
1194 Administrator of the Judicial Branch, or the Chief Court
1195 Administrator's designee. Such workgroup shall:

1196 (1) Access relevant data on juvenile justice populations;

1197 (2) Link the data maintained by executive branch agencies and the
1198 Judicial Department for the purposes of facilitating the sharing and
1199 analysis of data;

1200 (3) Establish uniform provisions for protecting confidential
1201 information and enforcing state and federal confidentiality protections
1202 and ensure compliance with related state and federal laws and
1203 regulations;

1204 (4) Develop specific recommendations for the committee on the use
1205 of limited releases of client specific data sharing across systems,
1206 including with the Office of Policy and Management, the Division of
1207 Criminal Justice, the Departments of Children and Families, Education
1208 and Mental Health and Addiction Services, the Judicial Department
1209 and other agencies;

1210 (5) Develop a standard template for memoranda of understanding
1211 for data-sharing between executive branch agencies, the Judicial
1212 Department, and when necessary, researchers outside of state
1213 government; and

1214 (6) Carry out any other similar task, as directed by the committee.

1215 [(l)] (n) Not later than July 1, 2015, and quarterly thereafter until
1216 January 1, 2017, and annually thereafter, the committee shall submit a
1217 report, in accordance with section 11-4a, to the joint standing
1218 committees of the General Assembly having cognizance of matters
1219 relating to appropriations, the judiciary, human services and children,
1220 and the Secretary of the Office of Policy and Management, regarding
1221 progress made to achieve goals and measures identified by the
1222 committee pursuant to this section.

1223 (o) For submission of any report made pursuant to subsection (n) of
1224 this section on or after October 1, 2016, the committee shall study and
1225 include recommendations on issues concerning mental health and
1226 juvenile justice, including, but not limited to:

1227 (1) Recommendations to ensure that children in the juvenile justice
1228 system have access to a full range of community-based behavioral
1229 health services;

1230 (2) The reinvestment of cost savings associated with reduced
1231 incarceration rates for children and increased accessibility to
1232 community-based behavioral health services;

1233 (3) Recommendations for reimbursement policies that incentivize
1234 providers to deliver evidence-based practices to children in the
1235 juvenile justice system;

1236 (4) The promotion of common behavioral health screening tools in
1237 schools and communities;

1238 (5) Recommendations to ensure that probation and parole officers
1239 have access to licensed behavioral health clinicians to assist them in
1240 their work;

1241 (6) Recommendations to ensure that secure facilities operated by the
1242 Department of Children and Families or the Court Support Services
1243 Division of the Judicial Department and private service providers
1244 contracting with said department or division to screen children in such
1245 facilities for behavioral health issues; and

1246 (7) Recommendations to expand service capacities, retain staff and
1247 deliver evidence-based practices to all children, whether or not a child
1248 is involved with the juvenile justice system, informed by an
1249 examination of grant funds and federal Medicaid reimbursement rates.

This act shall take effect as follows and shall amend the following sections:

Proposed Substitute Bill No. 5642

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