



STATE OF CONNECTICUT
JUDICIAL BRANCH

EXTERNAL AFFAIRS DIVISION

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**Testimony of the Judicial Branch
Education Committee Public Hearing
March 14, 2018**

**S.B. 458, An Act Concerning Various Revisions and Additions
to the Education Statutes**

Thank you for the opportunity to submit written testimony on behalf of the Judicial Branch concerning **S.B. 458, *An Act Concerning Various Revisions and Additions to the Education Statutes***. We want to thank the Committee for accommodating our request in Section 4 of the bill, which would add juvenile residential facilities to the education statutes. Our request for this change is a result of the transfer of juvenile justice services from the Department of Children and Families to the Judicial Branch.

In 2011, legislation was passed to specifically state that the LEAs are responsible for education in the state-run and contracted detention centers (pre-trial programs). Prior to the passage of this legislation, the State Department of Education had by policy assigned the responsibility to the towns where the facilities were located. The Judicial Branch is looking to have the same language apply to the contracted juvenile residential facilities (post-adjudication treatment programs that will replace the Connecticut Juvenile Training School) to ensure the same standard of education and protections for juveniles in residential treatment programs. The proposal will:

1. Allow school districts that are responsible for the provision of educational services to receive a state agency placement grant for the payment of tuition for these educational services.
2. Allow the Judicial Branch to notify a LEA if one of its students is admitted to a juvenile residential treatment program. Such notification will assist the LEA in confirming the need to pay for educational services while the student is in the program. LEAs are currently billed by education providers at these programs, but may be unsure if the bill should be paid because the LEA has not received independent notification from the Judicial Branch that the student was ordered into the juvenile residential treatment program.
3. Require public school districts to continue to assume responsibility for children in residential treatment even if the child has been suspended, expelled or otherwise has left the school district.

Included with our testimony are some of the documents that were created by the CT State Department of Education for the 2011 legislative proposal that led to the statutory language to specifically state that the LEAs are responsible for education in the state-run and contracted detention centers.

Thank you for the opportunity to submit written testimony. We appreciate your support.

CONNECTICUT STATE BOARD OF EDUCATION
Hartford

TO: State Board of Education

FROM: George A. Coleman, Acting Commissioner of Education

DATE: March 2, 2011

SUBJECT: Services for Students Placed in Detention: Presentation by Mr. William Carbone and staff, Court Support Services Division, Judicial Department

Executive Summary

Introduction

The State Board of Education requested information regarding the provision of educational services to students who are placed in state or municipal detention centers awaiting disposition of their cases. The Bureau of Special Education has invited Mr. William Carbone, Executive Director of the Court Support Services Division of the Judicial Department, which manages the juvenile detention centers to present to the Board. Mr. Carbone has been requested to provide the Board with information about how students are placed into detention, what the population of the centers is, how students are provided with educational services while in detention and the process for discharge from the detention center and the various placement options that are available to students upon discharge. In addition, Mr. Carbone will share with the Board the situational analysis report completed by The Yale University Child Study Center which details the current conditions at the detention facilities and makes recommendations for improving the delivery of educational services.

History/Background

There are 3 state detention facilities located in Hartford, New Haven and Bridgeport. Currently, Hartford and New Haven allow the Regional Educational Service Centers (RESCs) located in their area, Capitol Regional Education Council (CREC) and Area Cooperative Educational Services (ACES), respectively, to provide educational services to the students in detention. The Bridgeport Public Schools provides services to the students in Bridgeport detention. The towns where the students would otherwise reside, namely, the towns where the students' parent reside, are billed for the reasonable cost of regular and special education instruction provided to the students while in detention.

There are currently 5 municipal detention centers located in Hartford and Hamden. The Judicial Branch puts out requests for proposals (RFPs) for private organizations to provide secure short-term residential programs that include educational services. The contracted detention provider subcontracts with educational service providers to provide instruction in these facilities. The towns where the students would otherwise be attending school are billed by the educational providers for the reasonable cost of regular and special education instruction provided to students while in detention.

Currently, the state statutes do not address the provision of educational services to students in detention facilities. Over the years, the State Department of Education has by policy, assigned

responsibility for the provision of educational services to the towns where the state facilities are located. Questions concerning notification to districts that students are in detention, the assignment and acceptance of academic credit for instruction provided in detention, the identification and serving of students with special needs, the entitlement to educational services for students in detention during periods of suspension or expulsion from school, and the overall quality of services have arisen.

Recommendations and Policy Implications

The State Board of Education legislative recommendations for the current 2011 session include a bill addressing several of the above issues. The Legislative Subcommittee of the Joint Juvenile Justice Policy and Coordinating Council, the group that is overseeing the Raise the Age legislation, is addressing in proposed legislation, issues concerning the notification of school districts that students have been placed in detention and the ability of the detention facility to receive timely educational records from a student's home school district. Language is being negotiated which will allow the notification and disclosure of educational records to school districts without parent consent consistent with the requirements of the Family Educational Rights and Privacy Act (FERPA) subject to stipulations limiting redisclosure of the educational records.

Follow-up Activities

Staff of the Bureau of Special Education will be available to provide support necessary for the proposed legislation during the course of the legislative session. The BSE continues to work with representatives from the Judicial Branch, Court Support Services Division, Department of Children and Families, school districts and child advocates, to address issues regarding the provision of educational services to students placed in detention.

Prepared by:

Theresa C. DeFrancis
Education Consultant

Reviewed by:

Anne Louise Thompson, Chief
Bureau of Special Education

Approved by:

Charlene Russell-Tucker, Associate Commissioner
Division of Family and Student Support Services

**STATE OF CONNECTICUT
AGENCY LEGISLATIVE PROPOSAL
2011 SESSION**

Document Name (e.g., OPM101.doc; OPM102.doc)
SDE 11-12

Agency Department of Education	Agency Priority (See instructions)
Contact Person Jessica Andrews	Telephone (860) 713-6582
Email Address <u>Jessica.andrews@ct.gov</u>	
Title of Proposal AAC the Provision of Educational Services at the Juvenile Detention Centers	Statutory Reference 10-253 Proposal Type <input type="checkbox"/> New <input type="checkbox"/> Resubmittal* (See below)

*If resubmittal: What happened? What was last action this past legislative session?

ATTACH COPY OF FULLY DRAFTED BILL (Required for review)

APPROVAL OF OTHER AFFECTED AGENCY (Attach additional approvals if necessary)	
Agency	Agency Contact (Name and Title)
Attach Summary of Agency Comments	Contact Date

Summary of Proposal (Include background information)
NOTE: <i>This proposal should be viewed as a placeholder at this time as the details continue to be discussed with other executive agencies.</i>
<p>Currently there is no state statute that specifically addresses the provision of educational services to students placed in detention centers. This proposal seeks to specify educational responsibility for children who are detained in the state juvenile detention centers and community detention centers as follows:</p> <ul style="list-style-type: none"> • Allow school districts that are responsible for the provision of educational services to be able to receive a state agency placement grant for the payment of tuition for

these educational services.

- Requires public school districts to continue to assume responsibility for children in detention even if the child has been suspended, expelled or otherwise has left the school district and requires school districts to accept academic credits in transfer towards the completion of high school graduation requirements for work completed by the student while they are detained.
- Reduces state agency placement excess cost grant to boards of education paying tuition to the board providing services.

Reason for Proposal (Include significant policy and programmatic impacts)

The achievement gap is particularly acute with respect to students who are engaged with the juvenile justice system. Students involved in the juvenile justice system are reported to have significantly lower achievement levels when compared to their counterparts in the public schools. The availability of quality educational services for students placed in a juvenile detention center or community detention center is inconsistent. There is no state statute which specifically addresses the provision of educational services to students placed in detention centers. The State Department of Education (SDE) has, over the years, attempted to address this situation by a series of letters and policy memos assigning educational responsibility to various local or regional boards of education. The Judicial Department has objected to the creation of a unified school district within the Judicial Department to provide services for these students; similarly, the Departments of Correction (DOC) and Children and Family Services (DCF) have declined to include the detention population in their respective school districts. The lack of clarity has resulted in an unequal receipt of services by children who are already disadvantaged educationally.

Significant Fiscal Impacts

Municipal: Yes—TBD depending on the details of this proposal.

Federal: No

State: Yes- TBD depending on the details of this proposal.

Insert Fully Drafted Bill Here

Sec. 1. Subsection (a) of section 10-253 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

- (1) Children placed out by the Commissioner of Children and Families or by other agencies or persons, including offices of a government of a federally recognized

Native American tribe, private child-caring or child-placing agencies licensed by the Department of Children and Families, and eligible residents of facilities operated by the Department of Mental Health and Addiction Services or by the Department of Public Health who are eighteen to twenty-one years of age, shall be entitled to all free school privileges of the school district where they then reside as a result of such placement, except as provided in subdivision (4) of subsection (e) of section 10-76d. Except as provided in subsection (d) of this section and subdivision (4) of subsection (e) of section 10-76d, payment for such education shall be made by the board of education of the school district under whose jurisdiction such child would otherwise be attending school where such a school district is identified.

- (2) The local or regional board of education of the school district in which a state-operated or community juvenile detention facility is located shall be responsible for the provision of general education and special education and related services, to eligible children or children who may be eligible for special education, to children detained in such a facility. The provision of general education and special education and related services shall be in accordance with all applicable state and federal laws concerning the provision of educational services. Such board may charge the local or regional board of education under whose jurisdiction the child would otherwise be attending school tuition for the provision of general education and special education and related services. Educational and financial responsibility for the provision of educational services to the child shall begin from the date of the child's placement in the facility and the receipt of educational services.
- (3) The local or regional board of education under whose jurisdiction the child would otherwise be attending school shall be responsible for the provision of educational services to the child placed in a state-operated or community juvenile detention facility notwithstanding the child's suspension from school pursuant to section 10-233c, expulsion from school pursuant to section 10-233d of the general statutes or if the child has withdrawn, dropped out or otherwise terminates enrollment from school, Upon notification from the detention center, the child shall be reenrolled in the local or regional board of education, if applicable, and provided with educational services.
- (4) Tuition charged may not exceed the prior year's average per pupil expenditure of the board of education providing such services. The local or regional board of education under whose jurisdiction the child would otherwise be attending school shall be financially responsible for the tuition charged by the local or regional board of education in which a state-operated or community juvenile detention facility is located and shall receive on a current basis from the State Board of Education, any costs in excess of such local or regional board of education's prior year's average per pupil costs minus the amount received by the board of education providing the services pursuant to this subsection. In the case where the local or regional board of education under whose jurisdiction the child would otherwise be attending school cannot be identified, the local or regional board of education in which the state-operated or community facility is located shall be responsible for provision of services and shall be eligible to receive on a current basis from the State Board of Education any costs in excess of such local or regional board of education's prior year's average per pupil costs.
- (5) The local or regional board of education under whose jurisdiction the child would otherwise be attending school, or, if no such board can be identified, the local or regional board of education where the facility is located, shall be notified in writing by the Judicial Department of the child's placement at a state-operated or

community detention facility within two business days of the child's placement. The notification shall include the child's name, date of birth, parental address, placement information, special education status of the child and such other information as is necessary to provide educational services to the child.

- (6) Prior to the child's discharge from the detention facility, an assessment of the school work completed by the child shall be conducted by the local or regional board of education providing educational services to children in the detention center to determine as assignment of academic credit for the work completed. Credit assigned shall be the credit of the local or regional board of education providing the services. Credit assigned for work completed by the child shall be accepted in transfer by the local or regional board of education in which the child continues their education after their release from the detention center.



STATE OF CONNECTICUT
STATE DEPARTMENT OF EDUCATION



TO: George Coleman, Deputy Commissioner of Education
Daniel Murphy, Director, Legal and Governmental Affairs
Paul Flinter, Bureau Chief, Connecticut State Department of Education
Theresa DeFrancis, Education Consultant, Connecticut State Department of Education
Christine Spak, Education Consultant, Connecticut State Department of Education
Scott Newgass, Education Consultant, Connecticut State Department of Education
Karl Kemper, Chief of Staff, Department of Children and Families
Donna Cambria, Superintendent of Schools, Department of Children and Families
William Carbone, Executive Director, Judicial Department
Cathy Foley Geib, Manager of Clinical and Education Services, Judicial Department
John Chapman, Psychologist, Judicial Department
Amy D'Amaddio, Education Coordinator, Judicial Department
Karl Alston, Deputy Director, Juvenile Residential Services, Judicial Department
Julia O'Leary, Deputy Director, Juvenile Probation, Judicial Department

FROM: Charlene Russell-Tucker, Associate Commissioner
Division of Family and Student Support Services

DATE: December 10, 2010

SUBJECT: Educational Services at the Juvenile Detention Centers

As requested at the meeting on August 31, 2010, several members of our respective agencies met to discuss the specifics of assigning educational responsibility for students entering juvenile detention facilities. On September 16, 2010, Donna Cambria, Amy D'Amadio, Theresa DeFrancis, Christine Spak, and Scott Newgass met as a working group to discuss issues related to ensuring students in juvenile detention facilities received timely and appropriate educational services.

The group discussed the following specific topics:

- statutory assignment of educational responsibility for students entering the state and community juvenile detention facilities; ability of districts providing educational services to students in the detention center to charge tuition for both general and special education services;
- whether the assignment of educational responsibility should apply to all of the Judicial Department, Court Support Services Division (CSSD) facilities, that is, the state and community centers as well as the respite care programs and substance abuse treatment facilities;
- continuing educational responsibility of the town where the student would otherwise be attending school for students in detention who have been suspended, expelled or have otherwise ceased attending school and during this time period enter a detention facility;
- availability of the state agency placement grant for districts paying tuition;
- notification to the responsible town once a student enters a detention facility;

- assessment of school work for the purpose of the student being able to transfer educational credits once the student is discharged from the detention facility; stating that educational credit shall be assigned by the school district where the facility is located and shall be accepted by the district where the student continues their education after discharge from the detention center; and
- providing for a modest state grant based on the current magnet school grant amounts: for students who reside in the town where the facility is located, the proposed grant amount is \$3,000; for students who reside in other towns, the proposed grant amount is \$6,730.

Attached for your review and comments is a copy of proposed legislation developed by the Connecticut State Department of Education (CSDE) as a result of the September meeting of the working group. Note that this language was included in the State Board of Education's legislative package and was approved as a placeholder with an understanding that we still need to work out some of the details with the relevant agencies. At this time, it appears there is a disagreement on whether or not the assignment of educational responsibility should apply to both the state and community detention centers. The proposed legislation is written to cover both the state and community detention facilities. Additional discussions should be held on whether or not to extend the assignment of educational responsibility to the CSSD respite care and substance abuse programs.

The working group also recommended for consideration a continued collaboration between the CSDE and CSSD to establish standards for the provision of educational services to court involved children and youth who are in the care or custody of CSSD. It is recommended the standards address the most recent analysis provided to CSSD by the team from the Yale University Child Study Center and address curriculum standards, best practices for assessment, and oversight and monitoring of the educational services being provided in the facilities.

We appreciate the initial conversation that has brought us to this point and we will continue to have discussions to address the other issues raised above. Regarding the legislative proposals, it is recommended that further input be facilitated via the legislative liaisons for the relevant agencies that are included in this communication.

CRT:tdm

cc: Jennifer Widness, Attorney, Department of Education
Debra Fuller, Director, External Affairs, Judicial Department
Josh Howroyd, Legislative Program Manager, Department of Children and Families

STATE OF CONNECTICUT
AGENCY LEGISLATIVE PROPOSAL
2011 SESSION

Document Name (e.g., OPM101.doc; OPM102.doc)
SDE 11-12

Agency Department of Education	Agency Priority (See instructions)
Contact Person Jennifer Widness	Telephone (860) 713-6515
Email Address Jennifer.widness@ct.gov	
Title of Proposal AAC the Provision of Educational Services at the Juvenile Detention Centers	Statutory Reference Proposal Type <input type="checkbox"/> New <input type="checkbox"/> Resubmittal* (See below)

*If resubmittal: What happened? What was last action this past legislative session?

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APPROVAL OF OTHER AFFECTED AGENCY (Attach additional approvals if necessary)

Agency DOJ DCF	Agency Contact (Name and Title) Deb Fuller (DOJ) Josh Howroyd (DCF)
Attach Summary of Agency Comments	Contact Date

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- Requires public school districts to continue to assume responsibility for children in detention even if the child has been suspended, expelled or otherwise has left the school district and requires school districts to accept academic credits in transfer towards the completion of high school graduation requirements for work completed by the student while they are detained.
- Provide for modest state grant to support boards of education providing educational services.
- Reduces state agency placement excess cost grant to boards of education paying tuition to the board providing services.

Reason for Proposal (Include significant policy and programmatic impacts)

The achievement gap is particularly acute with respect to students who are engaged with the juvenile justice system. Students involved in the juvenile justice system are reported to have significantly lower achievement levels when compared to their counterparts in the public schools. The availability of quality educational services for students placed in a juvenile detention center or community detention center is inconsistent. There is no state statute which specifically addresses the provision of educational services to students placed in detention centers. The State Department of Education (SDE) has, over the years, attempted to address this situation by a series of letters and policy memos assigning educational responsibility to various local or regional boards of education. The Judicial Department has objected to the creation of a unified school district within the Judicial Department to provide services for these students; similarly, the Departments of Correction (DOC) and Children and Family Services (DCF) have declined to include the detention population in their respective school districts. The lack of clarity has resulted in an unequal receipt of services by children who are already disadvantaged educationally.

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- (2) The local or regional board of education of the school district in which a state-operated or community juvenile detention facility is located shall be responsible for the provision of general education and special education and related services, to eligible children or children who may be eligible for special education, to children detained in such a facility. The provision of general education and special education and related services shall be in accordance with all applicable state and federal laws concerning the provision of educational services. Such board may charge the local or regional board of education under whose jurisdiction the child would otherwise be attending school tuition for the provision of general education and special education and related services. Educational and financial responsibility for the provision of educational services to the child shall begin from the date of the child's placement in the facility and the receipt of educational services.
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- (4) Tuition charged may not exceed the prior year's average per pupil expenditure of the board of education providing such services. The local or regional board of education under whose jurisdiction the child would otherwise be attending school shall be financially responsible for the tuition charged by the local or regional board of education in which a state-operated or community juvenile detention facility is located and shall receive on a current basis from the State Board of Education, any costs in excess of such local or regional board of education's prior year's average per pupil costs minus the amount received by the board of education providing the services pursuant to this subsection. In the case where the local or regional board of education under whose jurisdiction the child would otherwise be attending school cannot be identified, the local or regional board of education in which the state-operated or community facility is located shall be responsible for provision of services and shall be eligible to receive on a current basis from the State Board of Education any costs in excess of such local or regional board of education's prior year's average per pupil costs.
- (5) The local or regional board of education under whose jurisdiction the child would otherwise be attending school, or, if no such board can be identified, the local or regional board of education where the facility is located, shall be notified in writing by the Judicial Department of the child's placement at a state-operated or community detention facility within two business days of the

child's placement. The notification shall include the child's name, date of birth, parental address, placement information, special education status of the child and such other information as is necessary to provide educational services to the child.

- (6) Prior to the child's discharge from the detention facility, an assessment of the school work completed by the child shall be conducted by the local or regional board of education providing educational services to children in the detention center to determine an assignment of academic credit for the work completed. Credit assigned shall be the credit of the local or regional board of education providing the services. Credit assigned for work completed by the child shall be accepted in transfer by the local or regional board of education in which the child continues their education after their release from the detention center.
- (7) Within available appropriations, each local or regional board of education providing educational services to children detained in state operated or community juvenile detention facilities shall be eligible to receive for each student detained in such facilities who is not a resident of the local or regional board of education providing such services a grant in the amount of six thousand seven hundred thirty dollars for the fiscal year ending June 20, 2012 and each fiscal year thereafter. The per pupil grant for each child who is a resident of the town providing services at such facility shall be three thousand dollars for the fiscal year ending June 30, 2012 and each fiscal year thereafter.