



Substitute House Bill No. 6667

Public Act No. 21-174

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

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

Section 1. Subdivision (1) of section 46b-120 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(1) "Child" means any person under eighteen years of age who has not been legally emancipated, except that (A) for purposes of delinquency matters and proceedings, "child" means any person who (i) is at least [seven] ten years of age at the time of the alleged commission of a delinquent act and who is (I) under eighteen years of age and has not been legally emancipated, or (II) eighteen years of age or older and committed a delinquent act prior to attaining eighteen years of age, or (ii) is subsequent to attaining eighteen years of age, (I) violates any order of the Superior Court or any condition of probation ordered by the Superior Court with respect to a delinquency proceeding, or (II) wilfully fails to appear in response to a summons under section 46b-133 or at any other court hearing in a delinquency proceeding of which the child had notice, and (B) for purposes of family with service needs matters and proceedings, child means a person who is at least seven years of age and is under eighteen years of age;

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Sec. 2. (*Effective from passage*) An implementation team shall assist the Department of Children and Families in the development of an operational plan to create an education unit pursuant to section 3 of this act. The implementation team shall include representatives of state and local agencies, including from the Department of Education, the Court Support Services Division of the Judicial Branch, the Department of Correction, local and regional boards of education and one child and one family representative appointed by the Commissioner of Children and Families, each of whom shall serve as voting members. The implementation team shall identify the implementation timeline, funding and other measures necessary to fully implement the operational plan. Not later than September 1, 2021, the implementation team shall provide a report to the Juvenile Justice Policy and Oversight Committee established pursuant to section 46b-121n of the general statutes.

Sec. 3. (NEW) (*Effective October 1, 2022*) (a) The Commissioner of Children and Families shall implement the operational plan developed pursuant to section 2 of this act to establish an education unit within the Department of Children and Families, for the education of any child who resides in any juvenile justice facility and any incarcerated child. The Commissioner of Children and Families shall administer, coordinate and control the operations of the unit and be responsible for the overall supervision and direction of all courses and activities of the unit.

(b) The commissioner, or his or her designee, shall:

(1) Have the power to employ and dismiss staff and, as a board of education would in accordance with the applicable provisions of section 10-151 of the general statutes, such teachers as are necessary to carry out the intent of this section and to pay their salaries, or to contract with local or regional boards of education or educational service providers for the purpose of providing educational services to children being

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served by the unit;

(2) Develop and review quarterly reports, which shall be available to the Juvenile Justice Policy and Oversight Committee established pursuant to section 46b-121n of the general statutes, on academic performance, school discipline, attendance and other similar issues concerning students educated by the unit;

(3) Have the power to contract with providers of educational services for compilation, at least semiannually, of performance data to ensure that reporting measures are tailored to experiences of students in short and long-term placements in juvenile justice facilities;

(4) Require providers of educational services to develop partnerships and programs with local educational agencies, private educational providers and local industries and businesses;

(5) Report student performance data, attendance and rates of participation for all education programs and document transition activities and outcomes and collaborations with community service providers and parents to the Juvenile Justice Policy and Oversight Committee established pursuant to section 46b-121n of the general statutes;

(6) (A) Ensure that students have access to earn credits toward high school graduation and have access to arts and career and technical education courses, state-wide and college preparatory testing, and (B) provide alternative options for high school equivalency certificates for students who are twenty years of age or older with insufficient credits to meet graduation requirements pursuant to section 10-221a of the general statutes, as amended by this act; and

(7) Enable students to have access to web-based content including credit recovery programs to allow students to earn a credit for a course he or she did not satisfactorily complete.

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(c) The commissioner may employ within the unit transition specialists whose primary responsibility is to facilitate the successful transition of children from their communities to secure facilities and then back to their local educational program upon release. Transition specialists shall:

(1) Collaborate with local and regional boards of education, governing councils of a state or local charter school, interdistrict magnet school operators and agencies that serve the needs of children, employers and other community supports for reentry to plan and manage successful transitions between the unit, the student's previous school and the school the student will enroll in upon leaving the unit;

(2) Manage and track the educational credits of a student who is in an out-of-home placement and document the success of a placement following a student's reentry into his or her community; and

(3) Be responsible for communicating with the reentry coordinators who appear on a list pursuant to section 4 of this act, whose primary responsibility is to support educational success in students returning to the community from juvenile justice system custody and who shall ensure all information regarding the education of a child under the oversight of the unit is communicated to the school the student will enroll in upon leaving juvenile justice system custody.

(d) The education unit shall ensure that the school the student will enroll in, after the unit's obligation to provide services to the student ends, provides services and supports that maximize the student's success.

(e) The education unit shall employ a uniform system of state-wide electronic record transfers for maintaining and sharing educational records for any child who resides in a juvenile justice facility and any incarcerated child in an educational program to be overseen by a

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directory manager as designated by the commissioner. Such system shall be aligned with recommendations by the Individualized Education Program Advisory Council established pursuant to section 10-76nn of the general statutes.

Sec. 4. (NEW) (*Effective from passage*) Not later than August 1, 2021, the Department of Education shall assemble a list of persons who may perform the function of reentry coordinator. The department shall distribute the list to the Departments of Correction and Children and Families and the Court Support Services Division of the Judicial Branch and any parent or other person interested in receiving such list. The Department of Education shall review and update such list annually. The Department of Education shall post such list on the department's Internet web site. Local and regional boards of education shall use a reentry coordinator from the list to obtain records of children in juvenile justice facilities and assist in transfer of the records to the facility. Any local or regional board of education for a district in which fewer than six thousand students are enrolled may designate an employee to perform the functions of a reentry coordinator.

Sec. 5. Subsection (i) of section 10-221a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(i) (1) A local or regional board of education may award a diploma to a veteran, as defined in subsection (a) of section 27-103, or a person with a qualifying condition, as defined in said section, who has received a discharge other than bad conduct or dishonorable from active service in the armed forces, which veteran or person served during World War II or the Korean hostilities, as described in section 51-49h, or during the Vietnam Era, as defined in section 27-103, withdrew from high school prior to graduation in order to serve in the armed forces of the United States and did not receive a diploma as a consequence of such service.

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(2) A local or regional board of education may award a diploma to any person who (A) withdrew from high school prior to graduation to work in a job that assisted the war effort during World War II, December 7, 1941, to December 31, 1946, inclusive, (B) did not receive a diploma as a consequence of such work, and (C) has been a resident of the state for at least fifty consecutive years.

(3) (A) A local or regional board of education under whose jurisdiction a student would otherwise be attending school if such student were not educated under the oversight of the education unit of the Department of Children and Families established pursuant to section 3 of this act, shall award a diploma to any such student seventeen years of age or older who satisfactorily completes the minimum credits required pursuant to this section for students graduating in the year in which such diploma is awarded.

(B) If no such local or regional board of education can be identified, the Department of Children and Families shall determine whether a student educated under the oversight of the education unit of the department who is seventeen years of age or older has satisfactorily completed the minimum credits required pursuant to this section for students graduating in the year in which a diploma is sought by such student and the department shall award a diploma to any such student who has met such requirement.

Sec. 6. (NEW) (*Effective from passage*) The Commissioners of Education and Children and Families shall develop a system for standardized conversion of credits transferred pursuant to section 10-220h of the general statutes, as amended by this act. Such system shall enable a determination of whether credits apply toward requirements for graduation pursuant to section 10-221a of the general statutes, as amended by this act, not later than thirty days after a transfer of credits.

Sec. 7. Section 10-220h of the general statutes is repealed and the

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following is substituted in lieu thereof (*Effective October 1, 2022*):

(a) When a student enrolls in a school in a new school district or in a new state charter school, the new school district or new state charter school shall provide written notification of such enrollment to the school district in which the student previously attended school or the state charter school the student previously attended not later than two business days after the student enrolls. The school district in which the student previously attended school or the state charter school that the student previously attended (1) shall transfer the student's education records to the new school district or new state charter school no later than ten days after receipt of such notification, and (2) if the student's parent or guardian did not give written authorization for the transfer of such records, shall send notification of the transfer to the parent or guardian at the same time that it transfers the records.

(b) In the case of a student placed in any juvenile justice facility and any incarcerated student being educated under the oversight of the education unit established pursuant to section 3 of this act, the Commissioner of Children and Families shall immediately upon placement of such student in such facility or under incarceration, inform the student's previous school of such placement. The school district in which the student previously attended school or the state charter school that the student previously attended shall, not later than five days after notification of such placement or incarceration, transfer the student's education records to the education unit.

(c) In the case of a student who transfers from Unified School District #1, [or] Unified School District #2 or the education unit established pursuant to section 3 of this act, the new school district or new state charter school shall provide written notification of such enrollment to Unified School District #1, [or] Unified School District #2 [not later than ten days after] or the education unit established pursuant to section 3 of this act, immediately upon the date of enrollment. The unified school

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district or the education unit established pursuant to section 3 of this act shall, not later than [ten] five days after receipt of notification of enrollment from the new school district or new state charter school, transfer the records of the student to the new school district or new state charter school. [and the]

(d) The new school district or new state charter school shall, not later than thirty days after receiving the student's education records, credit the student for all instruction received in Unified School District #1, [or] Unified School District #2 or the education unit established pursuant to section 3 of this act.

Sec. 8. (*Effective from passage*) (a) There is established a committee for the purpose of studying the effects of and possible alternatives to suspensions and expulsions of students in any grade.

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

(1) The executive director of the Commission on Women, Children, Seniors, Equity and Opportunity;

(2) The chairpersons of the education working group of the Juvenile Justice Policy and Oversight Committee established pursuant to section 46b-121n of the general statutes;

(3) The Commissioner of Education, or the commissioner's designee;

(4) A representative of the State Board of Education Accountability and Support Committee appointed by the Commissioner of Education; and

(5) The following nine members, each appointed by the chairpersons of the education working group of the Juvenile Justice Policy and Oversight Committee established pursuant to section 46b-121n of the general statutes:

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(A) One of whom shall be the chairperson of a collaborative group for social and emotional well-being;

(B) One of whom shall be the executive director of a state-wide association of public school superintendents;

(C) One of whom shall be the president of a state-wide association of public school superintendents;

(D) One of whom shall be a representative of a state-wide school discipline collaborative;

(E) One of whom shall be the chairperson of a state-wide advisory council for special education;

(F) One of whom shall be a representative of a disability rights organization;

(G) One of whom shall be a representative of a state-wide organization that advocates for special education equity;

(H) One of whom shall be a representative of an organization that is a catalyst for improvement of children's health and development; and

(I) One of whom shall be a representative of an association of youth service bureaus.

(c) All initial appointments to the committee shall be made not later than thirty days after the effective date of this section. Any vacancy shall be filled by the appointing authority.

(d) The members under subdivision (1) and subparagraphs (A) and (B) of subdivision (5) of subsection (b) of this section shall be the chairpersons of the committee. Such chairpersons shall schedule the first meeting of the committee, which shall be held not later than sixty days after the effective date of this section.

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(e) (1) Not later than January 1, 2022, the committee shall complete a report concerning the effects of and alternatives to suspension and expulsion of students in preschool through second grade.

(2) Not later than January 1, 2023, the committee shall complete a report concerning the effects of and alternatives to suspension and expulsion of students in grades (A) three to eight, inclusive; and (B) nine to twelve, inclusive.

(f) The committee shall include in reports written under subsection (e) of this section:

(1) Funding recommendations for any proposed alternatives to suspension and expulsion;

(2) Timelines for potential implementation of any such alternatives;

(3) Individual school district needs based on data;

(4) Training recommendations for school personnel;

(5) Implementation procedures for alternative in-school disciplinary practice, strategies and intervention to support students and school personnel;

(6) Strategies for family engagement;

(7) Recommendations for screening for health and mental health concerns; and

(8) Recommendations for strengthening connections to community-based services and supports including trauma-informed mental health interventions.

(g) (1) Not later than January 1, 2022, the committee shall submit a report on its findings and recommendations, if any, pursuant to

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subdivision (1) of subsection (e) of this section, and (2) not later than January 1, 2023, the committee shall submit a report on its findings and recommendations, if any, pursuant to subdivision (2) of subsection (e) of this section to the Juvenile Justice Policy and Oversight Committee. The committee shall terminate on the date that it submits the last such report or January 1, 2023, whichever is later.

Sec. 9. Section 46b-146 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

Whenever any child has been convicted as delinquent, has been adjudicated a member of a family with service needs or has signed a statement of responsibility admitting to having committed a delinquent act, and has subsequently been discharged from the supervision of the Superior Court or from the custody of the Department of Children and Families or from the care of any other institution or agency to whom the child has been committed by the court, such child, or the child's parent or guardian, may file a petition with the Superior Court. [[If] The Court Support Services Division shall provide written notice concerning the erasure of certain records to any such child and the child's parent or guardian when (1) such child is so discharged, and (2) upon such child's eighteenth birthday if such child was younger than eighteen years of age when so discharged. Such notice shall provide that such child, parent or guardian may petition the Superior Court for such erasure pursuant to this section. If, upon the filing of such petition, such court finds [(1)] (A) (i) that at least two years or, in the case of a child convicted as delinquent for the commission of a serious juvenile offense, four years have elapsed from the date of such discharge, [(B)] (ii) that no subsequent juvenile proceeding or adult criminal proceeding is pending against such child, [(C)] (iii) that such child has not been convicted of a delinquent act that would constitute a felony or misdemeanor if committed by an adult during such two-year or four-year period, [(D)] (iv) that such child has not been convicted as an adult of a felony or

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misdemeanor during such two-year or four-year period, and [(E)] (v) that such child has reached eighteen years of age, or [(2)] (B) that such child has a criminal record as a result of being a victim of conduct by another person that constitutes a violation of section 53a-192a or a criminal violation of 18 USC Chapter 77, the court shall order all police and court records pertaining to such child to be erased. Upon the entry of such an erasure order, all references including arrest, complaint, referrals, petitions, reports and orders, shall be removed from all agency, official and institutional files, and a finding of delinquency or that the child was a member of a family with service needs shall be deemed never to have occurred. The persons in charge of such records shall not disclose to any person information pertaining to the record so erased, except that the fact of such erasure may be substantiated where, in the opinion of the court, it is in the best interests of such child to do so. No child who has been the subject of such an erasure order shall be deemed to have been arrested ab initio, within the meaning of the general statutes, with respect to proceedings so erased. Copies of the erasure order shall be sent to all persons, agencies, officials or institutions known to have information pertaining to the delinquency or family with service needs proceedings affecting such child. Whenever a child is dismissed as not delinquent or as not being a member of a family with service needs, all police and court records pertaining to such charge shall be ordered erased immediately, without the filing of a petition. Nothing in this section shall prohibit the court from granting a petition to erase a child's records on a showing of good cause, after a hearing, before the time when such records could be erased.

Sec. 10. (*Effective from passage*) There shall be a committee with members appointed by the chairpersons of the Juvenile Justice Policy and Oversight Committee, established pursuant to section 46b-121n of the general statutes. Such committee shall study telephone call rates and commissary needs for all persons eighteen to twenty-one years of age who are incarcerated in Department of Correction facilities. The

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committee may make recommendations for legislation based on such study and shall report any such recommendations to the Department of Administrative Services and the joint standing committee of the General Assembly having cognizance of matters relating to corrections in accordance with the provisions of section 11-4a of the general statutes not later than January 1, 2022.

Sec. 11. (*Effective from passage*) (a) The Commissioner of Correction shall review the Department of Correction's use of chemical agents in facilities housing youths under eighteen years of age that the department operates and on such youths in the custody of the commissioner. Such review shall evaluate data on (1) the types and frequency of training that present alternatives to the use of chemical agents provided to department staff, (2) the age, race and gender of any youths subjected to the use of chemical agents, the reason for such use and the date of such use, (3) how the use of chemical agents on such youths may disproportionately affect a youth with special education needs, (4) any attempted interventions prior to subjecting a youth to the use of chemical agents and the types and frequency of medical and behavioral interventions employed after such use, and (5) the number of and details associated with incidents involving the use of chemical agents upon any youth with a respiratory or psychiatric condition. Additionally, the commissioner shall review and evaluate data on the participation in rehabilitation programming by youths in the custody of the commissioner and efforts the department is taking to implement positive behavioral supports for such youths.

(b) Not later than February 1, 2022, the commissioner shall report on the review conducted under subsection (a) of this section, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to the Department of Correction and to the Juvenile Justice Policy and Oversight Committee established pursuant to section

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46b-121n of the general statutes.

Sec. 12. (*Effective from passage*) (a) An implementation team shall develop plans for mandatory prearrest diversion of low-risk children. The implementation team shall include representatives of state and local agencies, including from the Department of Children and Families, Department of Education, the Court Support Services Division of the Judicial Branch, the Department of Correction and local and regional boards of education. The implementation team shall consider stakeholder input, including from children and families and law enforcement officials in the development of such plans.

(b) (1) Not later than January 1, 2022, the implementation team shall develop a plan for automatic prearrest diversion of children to youth service bureaus or other services in lieu of arrest for Tier 1 offenses that include infractions such as (A) simple trespass under section 53a-110a of the general statutes, (B) creating a public disturbance under section 53a-181a of the general statutes, (C) possession of less than one-half ounce of a cannabis-type substance under section 21a-279a of the general statutes, and (D) use, possession or delivery of drug paraphernalia related to less than one-half ounce of a cannabis-type substance under subsection (d) of section 21a-267 of the general statutes.

(2) Not later than January 1, 2023, the implementation team shall develop a plan for automatic prearrest diversion of children to youth service bureaus or other services in lieu of arrest for Tier 2 offenses that include offenses such as (A) breach of peace in the second degree under section 53a-181 of the general statutes, (B) disorderly conduct under section 53a-182 of the general statutes, (C) larceny in the fifth or sixth degree under section 53a-125a or 53a-125b of the general statutes, (D) possession of one-half ounce or more of a cannabis-type substance under section 21a-279 of the general statutes, and (E) use, possession or delivery of drug paraphernalia related to one-half ounce or more of a cannabis-type substance under section 21a-267 of the general statutes.

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(c) The implementation team shall consider the following when developing plans pursuant to subsection (b) of this section:

(1) Capacity of youth service bureaus and other local agencies who will provide services to children diverted under the plans;

(2) Accountability mechanisms to measure success of services provided;

(3) Processes for victim input and involvement;

(4) Data collection for the purpose of tracking referrals of diverted children to youth service bureaus;

(5) Communication and outreach strategies to stakeholders for the purpose of accessing local services;

(6) Dates for full implementation of the plans; and

(7) Any other considerations the committee finds necessary for a successful implementation of the plans.

(d) Not later than January 1, 2022, the implementation team shall submit a report on its findings and recommendations pursuant to subdivision (1) of subsection (b) of this section, and not later than January 1, 2023, the implementation team shall submit a report on its findings and recommendations pursuant to subdivision (2) of subsection (b) of this section to the Juvenile Justice Policy and Oversight Committee. The implementation team shall terminate on the date that it submits the last such report or January 1, 2023, whichever is later.

Sec. 13. (*Effective from passage*) (a) The Judicial Branch shall develop an implementation plan to securely house in the custody of the Judicial Branch any person under eighteen years of age who is arrested and detained prior to sentencing or disposition on or after January 1, 2023. The plan shall include cost estimates and recommendations for

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legislation as may be necessary or appropriate for implementation of such plan.

(b) Not later than January 1, 2022, the Judicial Branch shall submit the implementation plan, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary and to the Juvenile Justice Planning and Oversight Committee established pursuant to section 46b-121n of the general statutes.

Sec. 14. Subdivision (1) of subsection (k) of section 46b-124 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(k) (1) Notwithstanding the provisions of subsection (d) of this section, any information concerning a child that is obtained during any mental health screening or assessment of such child, shall be used solely for planning and treatment purposes and shall otherwise be confidential and retained in the files of the entity performing such screening or assessment. Such information may be further disclosed only for the purposes of any court-ordered evaluation or treatment of the child or provision of services to the child, or pursuant to sections 17a-101 to 17a-101e, inclusive, 17b-450, 17b-451 or 51-36a, or to the Court Support Services Division and its contracted quality assurance providers, for program evaluation purposes. Such information shall not be subject to subpoena or other court process for use in any other proceeding or for any other purpose.

Approved July 12, 2021