
OLR Bill Analysis

sHB 6667

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

SUMMARY

This bill makes several changes affecting juvenile justice matters, including the education and treatment of children in the juvenile justice system.

Concerning educating children, the bill requires the following:

1. the Department of Children and Families (DCF) to create and implement a plan for an educational unit to improve educational and vocational outcomes for children who are incarcerated or in a juvenile justice facility (§§ 2 & 3);
2. the State Department of Education (SDE), by August 1, 2021, to assemble a list of people who may serve as reentry coordinators to help obtain child records (§ 4);
3. local or regional boards of education to award diplomas to students educated at the DCF education unit and meet certain requirements (§ 5);
4. the SDE and DCF commissioners to develop a system to standardize the conversion of transferred credits, which must allow for a determination whether the credits apply to graduation requirements within 30 days after a credit transfer occurs (§ 6); and
5. the transfer of student education records to occur within five days after receiving notice that a child transferred from DCF's education unit to a new school or state charter school, or vice versa (§ 7).

Regarding the treatment of children in the juvenile justice system, the bill does the following:

1. raises the age of children subject to juvenile court delinquency jurisdiction from seven to 10 years of age (§ 1);
2. requires automatic erasure of a child's police and court records, if certain conditions are met, rather than requiring the child or a parent or guardian to petition the court for erasure (§ 9);
3. requires the Department of Corrections (DOC) and DCF commissioners and the judicial branch's Court Support Services Division (CSSD) executive director to ban using chemical agents on anyone under age 18 in a juvenile detention center or correctional facility (§ 11); and
4. requires the judicial branch to develop an implementation plan to securely house in its custody anyone under age 18 who is arrested and detained prior to sentencing or disposition (§ 13).

The bill establishes committees to study the (1) effects of, and possible alternatives to, student suspensions and expulsions (§ 8) and (2) telephone call rates and commissary needs of 18- to 21-year-olds incarcerated in DOC facilities (§ 10). It also requires a team to develop plans for mandatory prearrest diversion of low-risk children (§ 12).

EFFECTIVE DATE: Upon passage, except, the provisions changing the definition of child and awarding diplomas to education unit students take effect July 1, 2021, and the educational unit implementation, student record transfer, and juvenile record erasure provisions are effective October 1, 2021.

§ 1 — DEFINITION OF CHILD FOR DELINQUENCY PROCEEDINGS

Current law generally defines a child, for the purposes of delinquency matters and proceedings, as a person between ages seven and 19. Therefore, a seven-year-old who has allegedly committed a delinquent act can be arrested, and if convicted, enter the juvenile justice system.

The bill increases the lower age of a child who may be subject to juvenile court jurisdiction for delinquency matters and proceedings from seven to 10 years old.

§§ 2 & 3 — EDUCATION UNIT OPERATIONAL PLAN

The bill requires DCF, with help from an implementation team, to develop an operational plan for an education unit within DCF to educate children who are incarcerated or residing in a juvenile justice facility.

Implementation Team

Under the bill, the implementation team must include (1) representatives of state and local agencies, including from SDE, CSSD, DOC, local and regional boards of education, and (2) one child and one family representative appointed by DCF. Each person serves as a voting member.

The bill requires the implementation team to (1) identify the implementation timeline, funding, and other measures needed to fully implement the operational plan and (2) provide a report to the Juvenile Justice Policy and Oversight Committee by September 1, 2021.

Educational Unit Implementation

The bill requires the DCF commissioner to implement the operational plan and administer, coordinate, and control educational unit operations. The bill also makes her responsible for the overall supervision and direction of unit courses and activities. (The bill does not specify a date by which she must complete the implementation plan.)

Under the bill, the DCF commissioner, or her designee, must:

1. be able to (a) employ and dismiss staff and, in accordance with existing law, teachers, as necessary to carry out the purpose of the education unit (including paying salaries), or (b) contract with local or regional boards of education or educational service providers to provide services to children served by the unit;

2. develop and review quarterly reports, which must be made available to JJPOC, on academic performance, school discipline, attendance, and other similar issues on students educated within the unit;
3. be able to, at least semiannually, contract with educational service providers to compile performance data to ensure that reporting measures are tailored to the experiences of students in juvenile justice facility short and long-term placements;
4. require educational service providers to develop partnerships and programs with local educational agencies, private educational providers, and local industries and businesses;
5. report to JJPOC on student performance data, attendance, and participation rates for all education programs, and document transition activities and outcomes and collaborations with community service providers and parents;
6. ensure that students have access to (a) earn credits toward high school graduation; (b) arts, career, and technical education courses; and (c) statewide and college preparatory testing;
7. provide alternative high school equivalency certificate options for students age 20 or older with insufficient credits to meet graduation requirements; and
8. enable students to have access to web-based content, including credit recovery programs for the opportunity to earn credit for a course a student did not satisfactorily complete.

Unit Transition Specialists

The bill allows the DCF commissioner to employ transition specialists within the unit to facilitate a child's successful transition from their communities to secure facilities and then, upon the child's release, back to his or her local educational program. It requires transition specialists to do the following:

1. collaborate with (a) local and regional boards of education, (b) state or local charter school governing councils, (c) interdistrict magnet school operators, and (d) agencies that serve children, employers, and other community supports to plan for and manage successful transitions;
2. manage and track educational credits of students in out-of-home placements and document the success of a placement after a student's community reentry; and
3. be responsible for communicating with reentry coordinators on DCF's list (see "Reentry Coordinators," below).

Under the bill, the education unit must ensure that the school in which the child is enrolling upon leaving the unit has services and supports to maximize the student's success.

Educational Record Transfers

The bill requires the education unit to use a uniform system of statewide electronic record transfers to maintain and share educational records for children in an education program who are incarcerated or in a juvenile justice facility. The system must be overseen by a DCF commissioner-designated directory manager and aligned with recommendations by the Individualized Education Program Advisory Council.

§ 4 — REENTRY COORDINATORS

Existing law requires JJPOC to ensure that the statewide education system for children in justice system custody includes using professional reentry coordinators to support educational success in children returning to the community (CGS § 46b-121n(q)(8)(A)(vi)(III)).

The bill requires SDE, by August 1, 2021, to assemble a list of people who may perform the function of reentry coordinator. SDE must (1) distribute the list to DOC, DCF, CSSD, or any parent or person interested in receiving it; (2) post the list on its website; and (3) annually review and update the list.

Under the bill, local and regional boards of education must use a reentry coordinator from SDE's list to obtain records of children in juvenile justice facilities and help transfer records to the facilities. Any board for a district enrolling less than 6,000 students may designate an employee to perform the reentry coordinator functions.

§ 5 — DIPLOMAS FOR EDUCATION UNIT STUDENTS

The bill requires a local or regional board of education to award a diploma to a student educated under DCF's education unit who (1) would have otherwise attended a school under the board's jurisdiction if he or she was not educated by the educational unit, (2) is age 17 or older, and (3) satisfactorily completed the minimum credits required for students graduating in the year of awarding the diploma.

If a local or regional board of education cannot be identified, DCF must determine if the student completed the minimum required credits for graduation and award a diploma to the student if they met the requirement.

§ 7 — STUDENT RECORD TRANSFERS

The bill requires the DCF commissioner to immediately notify a student's last school when a student, who will be educated under the DCF education unit (see above), is placed in a juvenile justice facility or incarcerated. It requires the school district for the last school or the previous state charter school to transfer the student's records to the DCF education unit within five days after receiving the notice.

For students transferring to a new school district or new state charter school from Unified School District (USD) #1 (DOC) or USD #2 (DCF), the bill requires the new school district or state charter school to immediately notify USD #1 or USD #2 in writing of the student's enrollment, instead of within 10 days as under current law. The bill also halves the time, from 10 days to five after receiving the notice, that USD #1 and USD #2 have for transferring the student's records to the new school.

The bill applies these notification and record transfer requirements

to student transfers involving the new DCF education unit. Similarly, as under existing law for credits received at USD #1 or USD #2, a new school district or new state charter school, as applicable, must credit a student for all instruction he or she received at the education unit within 30 days after receiving his or her student records from the unit.

§ 8 — STUDY ON SUSPENSION AND EXPULSION ALTERNATIVES

The bill establishes a 14-member committee to study and report on the effects of, and possible alternatives to, student suspension and expulsion.

Committee Membership

Under the bill, the committee includes the following four non-appointed members:

1. executive director of the Commission on Women, Children, Seniors, Equity, and Opportunity (CWCSEO);
2. chairpersons of the JJPOC education working group; and
3. SDE commissioner or her designee.

The bill requires the SDE commissioner to appoint to the committee a representative of the State Board of Education Accountability and Support Committee. The JJPOC education working group chairpersons must also appoint the following nine members:

1. chairperson of a collaborative group for social and emotional wellbeing;
2. executive director of a statewide association of public school superintendents;
3. president of a statewide association of public school superintendents;
4. chairperson of a statewide advisory council for special education; and

5. one representative each of a statewide school discipline collaborative, disability rights organization, statewide organization that advocates for special education equity, youth services bureau association, and an organization that is a catalyst for improving children's health and development.

The bill requires initial committee appointments to be made within 30 days of the bill's passage and vacancies to be filled by the appointing authority.

The CWCSEO executive director, the chairperson of a collaborative group for social and emotional wellbeing, and the executive director of a statewide association of public school superintendents are the committee's three chairpersons. They must schedule the first meeting and hold it within 60 days after the bill's passage.

Reports

The bill requires the committee to complete two reports on the effects of, and alternatives to, suspension and expulsion. The first, due by January 1, 2022, must concern students in preschool through second grade. The second report, due January 1, 2023, must concern students in grades three to eight and grades nine to 12.

By those same dates, the committee must submit to JJPOC a report with its findings and recommendations, if any, related to each completed study and report. The committee ends on the date it submits the second report to JJPOC, or January 1, 2023, whichever is later.

Under the bill, the reports must include information on the following:

1. funding recommendations for any proposed alternatives to suspension and expulsion;
2. timelines for potentially implementing the alternatives;
3. data-based individual school district needs;

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. family engagement;
7. recommendations for health and mental health screening; and
8. recommendations for strengthening connections to community-based services and supports, including trauma-informed mental health interventions.

§ 9 — JUVENILE RECORD ERASURE

The bill makes erasure of a child's police and court records, including any related to a conviction, automatic if the child meets certain existing requirements, instead of requiring the child or his or her parent or guardian to file a petition in Superior Court.

Under current law, a child convicted as delinquent, adjudicated a member of a family with service needs, or who signed a statement of responsibility for a delinquent act and was discharged from DCF custody, court supervision, or court-committed care, or his or her parent or guardian, may file a court petition for the erasure of his or her police and court records. The court must order erasure if it finds the following:

1. it is at least two years, or four years in the case of a serious juvenile offense, since the child's discharge date;
2. there is no subsequent juvenile or criminal proceeding pending against the child;
3. the child was not convicted during the two- or four-year period of a (1) felony or misdemeanor as an adult or (2) delinquent act that would be a felony or misdemeanor if committed by an adult; and

4. the child is 18 years of age.

Under the bill, the Superior Court must automatically erase a child's police and court records if the child meets the above requirements. (Presumably, it would do so by issuing an erasure order.)

§ 10 — STUDY ON TELEPHONE CALL RATES AND COMMISSARY NEEDS

The bill establishes a committee, with members appointed by the JJPOC chairpersons, to study telephone call rates and commissary needs for 18- to 21-year-olds incarcerated in DOC facilities. It allows the committee to recommend legislation based on the study and report it to the Department of Administrative Services and the Judiciary Committee by January 1, 2022.

§ 11 — CHEMICAL AGENTS IN JUVENILE DETENTION FACILITIES

The bill requires the DOC and DCF commissioners and the CSSD executive director, by July 1, 2022, to prohibit using chemical agents on anyone under age 18 who is detained in a juvenile detention center or incarcerated in a correctional facility. It also requires the DOC commissioner to develop ways to deescalate situations in a correctional facility as alternatives to using chemical agents.

§ 12 — PREARREST DIVERSION IMPLEMENTATION TEAM

The bill establishes an implementation team to develop two plans on mandatory prearrest diversion of low-risk children. It requires the team to include state and local agency representatives, including from DCF, SDE, CSSD, DOC, and local and regional boards of education. The implementation team ends on the date it submits its second report or January 1, 2023, whichever is later.

Plan Contents

Under the bill, the first plan must cover automatic prearrest diversion of children to youth service bureaus or other services instead of arrest for Tier 1 offenses, including infractions for things like simple trespass; creating a public disturbance, possessing less than one-half an ounce of a cannabis-type substance, and using, possessing, or

delivering drug paraphernalia related to the same. The team must develop the plan by January 1, 2022, and provide, by that same date, a report on its findings and recommendations to JJPOC.

The second plan, which the team must develop by January 1, 2023, must address the diversion for Tier 2 offenses that include infractions like 2nd degree breach of peace, disorderly conduct, 5th or 6th degree larceny, possessing at least one-half ounce of a cannabis-type substance, and using, possessing, or delivering drug paraphernalia related to the same. As with the first plan, the team must provide JJPOC with a report on its findings and recommendations by the same date that it must develop the plan.

Plan Development

In developing the plans, the bill requires the implementation team to consider stakeholder input, including from children, families, and law enforcement officials. The team must also consider the following:

1. capacity of youth service bureaus and other local agencies that will provide services to children diverted under the plans,
2. accountability mechanisms to measure success of provided services,
3. processes for victim input and involvement,
4. data collection to track referrals of diverted children to youth service bureaus,
5. communication and outreach strategies to stakeholders for accessing local services,
6. dates for fully implementing the plans, and
7. any other considerations the committee finds necessary for successful plan implementation.

§ 13 — PLAN TO SECURELY HOUSE PERSONS UNDER AGE 18

The bill requires the judicial branch to (1) develop an

implementation plan for, beginning January 1, 2023, securely housing in its custody anyone under age 18 who is arrested and detained before sentencing or disposition and (2) submit the plan to the Judiciary Committee and JJPOC by January 1, 2022. The plan must include cost estimates and recommendations for any necessary or appropriate implementation legislation.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 26 Nay 12 (04/08/2021)