



# House of Representatives

## File No. 791

General Assembly

January Session, 2021

**(Reprint of File No. 599)**

Substitute House Bill No. 6667  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
June 4, 2021

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

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

1 Section 1. Subdivision (1) of section 46b-120 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
3 *2021*):

4 (1) "Child" means any person under eighteen years of age who has  
5 not been legally emancipated, except that (A) for purposes of  
6 delinquency matters and proceedings, "child" means any person who (i)  
7 is at least [seven] ten years of age at the time of the alleged commission  
8 of a delinquent act and who is (I) under eighteen years of age and has  
9 not been legally emancipated, or (II) eighteen years of age or older and  
10 committed a delinquent act prior to attaining eighteen years of age, or  
11 (ii) is subsequent to attaining eighteen years of age, (I) violates any order  
12 of the Superior Court or any condition of probation ordered by the  
13 Superior Court with respect to a delinquency proceeding, or (II) wilfully

14 fails to appear in response to a summons under section 46b-133 or at any  
15 other court hearing in a delinquency proceeding of which the child had  
16 notice, and (B) for purposes of family with service needs matters and  
17 proceedings, child means a person who is at least seven years of age and  
18 is under eighteen years of age;

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

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

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

44       (1) Have the power to employ and dismiss staff and, as a board of  
45 education would in accordance with the applicable provisions of section

46 10-151 of the general statutes, such teachers as are necessary to carry out  
47 the intent of this section and to pay their salaries, or to contract with  
48 local or regional boards of education or educational service providers  
49 for the purpose of providing educational services to children being  
50 served by the unit;

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

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

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

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

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

76 (7) Enable students to have access to web-based content including

77 credit recovery programs to allow students to earn a credit for a course  
78 he or she did not satisfactorily complete.

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

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

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

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

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

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

108 directory manager as designated by the commissioner. Such system  
109 shall be aligned with recommendations by the Individualized  
110 Education Program Advisory Council established pursuant to section  
111 10-76nn of the general statutes.

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

126 Sec. 5. Subsection (i) of section 10-221a of the general statutes is  
127 repealed and the following is substituted in lieu thereof (*Effective October*  
128 *1, 2022*):

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

138 (2) A local or regional board of education may award a diploma to  
139 any person who (A) withdrew from high school prior to graduation to

140 work in a job that assisted the war effort during World War II, December  
141 7, 1941, to December 31, 1946, inclusive, (B) did not receive a diploma as  
142 a consequence of such work, and (C) has been a resident of the state for  
143 at least fifty consecutive years.

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

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

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

167 Sec. 7. Section 10-220h of the general statutes is repealed and the  
168 following is substituted in lieu thereof (*Effective October 1, 2022*):

169 (a) When a student enrolls in a school in a new school district or in a  
170 new state charter school, the new school district or new state charter  
171 school shall provide written notification of such enrollment to the school

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

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

192 (c) In the case of a student who transfers from Unified School District  
193 #1, [or] Unified School District #2 or the education unit established  
194 pursuant to section 3 of this act, the new school district or new state  
195 charter school shall provide written notification of such enrollment to  
196 Unified School District #1, [or] Unified School District #2 [not later than  
197 ten days after] or the education unit established pursuant to section 3 of  
198 this act, immediately upon the date of enrollment. The unified school  
199 district or the education unit established pursuant to section 3 of this act  
200 shall, not later than [ten] five days after receipt of notification of  
201 enrollment from the new school district or new state charter school,  
202 transfer the records of the student to the new school district or new state  
203 charter school, [and the]

204 (d) The new school district or new state charter school shall, not later

205 than thirty days after receiving the student's education records, credit  
206 the student for all instruction received in Unified School District #1, [or]  
207 Unified School District #2 or the education unit established pursuant to  
208 section 3 of this act.

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

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

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

215 (2) The chairpersons of the education working group of the Juvenile  
216 Justice Policy and Oversight Committee established pursuant to section  
217 46b-121n of the general statutes;

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

259 (f) The committee shall include in reports written under subsection

260 (e) of this section:

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

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

264 (3) Individual school district needs based on data;

265 (4) Training recommendations for school personnel;

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

269 (6) Strategies for family engagement;

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

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

275 (g) (1) Not later than January 1, 2022, the committee shall submit a  
276 report on its findings and recommendations, if any, pursuant to  
277 subdivision (1) of subsection (e) of this section, and (2) not later than  
278 January 1, 2023, the committee shall submit a report on its findings and  
279 recommendations, if any, pursuant to subdivision (2) of subsection (e)  
280 of this section to the Juvenile Justice Policy and Oversight Committee.  
281 The committee shall terminate on the date that it submits the last such  
282 report or January 1, 2023, whichever is later.

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

285 Whenever any child has been convicted as delinquent, has been  
286 adjudicated a member of a family with service needs or has signed a

287 statement of responsibility admitting to having committed a delinquent  
288 act, and has subsequently been discharged from the supervision of the  
289 Superior Court or from the custody of the Department of Children and  
290 Families or from the care of any other institution or agency to whom the  
291 child has been committed by the court, such child, or the child's parent  
292 or guardian, may file a petition with the Superior Court. [If] The Court  
293 Support Services Division shall provide written notice concerning the  
294 erasure of certain records to any such child and the child's parent or  
295 guardian when (1) such child is so discharged, and (2) upon such child's  
296 eighteenth birthday if such child was younger than eighteen years of  
297 age when so discharged. Such notice shall provide that such child,  
298 parent or guardian may petition the Superior Court for such erasure  
299 pursuant to this section. If, upon the filing of such petition, such court  
300 finds [(1)] (A) (i) that at least two years or, in the case of a child convicted  
301 as delinquent for the commission of a serious juvenile offense, four years  
302 have elapsed from the date of such discharge, [(B)] (ii) that no  
303 subsequent juvenile proceeding or adult criminal proceeding is pending  
304 against such child, [(C)] (iii) that such child has not been convicted of a  
305 delinquent act that would constitute a felony or misdemeanor if  
306 committed by an adult during such two-year or four-year period, [(D)]  
307 (iv) that such child has not been convicted as an adult of a felony or  
308 misdemeanor during such two-year or four-year period, and [(E)] (v)  
309 that such child has reached eighteen years of age, or [(2)] (B) that such  
310 child has a criminal record as a result of being a victim of conduct by  
311 another person that constitutes a violation of section 53a-192a or a  
312 criminal violation of 18 USC Chapter 77, the court shall order all police  
313 and court records pertaining to such child to be erased. Upon the entry  
314 of such an erasure order, all references including arrest, complaint,  
315 referrals, petitions, reports and orders, shall be removed from all  
316 agency, official and institutional files, and a finding of delinquency or  
317 that the child was a member of a family with service needs shall be  
318 deemed never to have occurred. The persons in charge of such records  
319 shall not disclose to any person information pertaining to the record so  
320 erased, except that the fact of such erasure may be substantiated where,  
321 in the opinion of the court, it is in the best interests of such child to do

322 so. No child who has been the subject of such an erasure order shall be  
323 deemed to have been arrested ab initio, within the meaning of the  
324 general statutes, with respect to proceedings so erased. Copies of the  
325 erasure order shall be sent to all persons, agencies, officials or  
326 institutions known to have information pertaining to the delinquency or  
327 family with service needs proceedings affecting such child. Whenever a  
328 child is dismissed as not delinquent or as not being a member of a family  
329 with service needs, all police and court records pertaining to such  
330 charge shall be ordered erased immediately, without the filing of a  
331 petition. Nothing in this section shall prohibit the court from granting a  
332 petition to erase a child's records on a showing of good cause, after a  
333 hearing, before the time when such records could be erased.

334 Sec. 10. (*Effective from passage*) There shall be a committee with  
335 members appointed by the chairpersons of the Juvenile Justice Policy  
336 and Oversight Committee, established pursuant to section 46b-121n of  
337 the general statutes. Such committee shall study telephone call rates and  
338 commissary needs for all persons eighteen to twenty-one years of age  
339 who are incarcerated in Department of Correction facilities. The  
340 committee may make recommendations for legislation based on such  
341 study and shall report any such recommendations to the Department of  
342 Administrative Services and the joint standing committee of the General  
343 Assembly having cognizance of matters relating to corrections in  
344 accordance with the provisions of section 11-4a of the general statutes  
345 not later than January 1, 2022.

346 Sec. 11. (*Effective from passage*) (a) The Commissioner of Correction  
347 shall review the Department of Correction's use of chemical agents in  
348 facilities housing youths under eighteen years of age that the  
349 department operates and on such youths in the custody of the  
350 commissioner. Such review shall evaluate data on (1) the types and  
351 frequency of training that present alternatives to the use of chemical  
352 agents provided to department staff, (2) the age, race and gender of any  
353 youths subjected to the use of chemical agents, the reason for such use  
354 and the date of such use, (3) how the use of chemical agents on such  
355 youths may disproportionately affect a youth with special education

356 needs, (4) any attempted interventions prior to subjecting a youth to the  
357 use of chemical agents and the types and frequency of medical and  
358 behavioral interventions employed after such use, and (5) the number  
359 of and details associated with incidents involving the use of chemical  
360 agents upon any youth with a respiratory or psychiatric condition.  
361 Additionally, the commissioner shall review and evaluate data on the  
362 participation in rehabilitation programming by youths in the custody of  
363 the commissioner and efforts the department is taking to implement  
364 positive behavioral supports for such youths.

365 (b) Not later than February 1, 2022, the commissioner shall report on  
366 the review conducted under subsection (a) of this section, in accordance  
367 with the provisions of section 11-4a of the general statutes, to the joint  
368 standing committee of the General Assembly having cognizance of  
369 matters relating to the Department of Correction and to the Juvenile  
370 Justice Policy and Oversight Committee established pursuant to section  
371 46b-121n of the general statutes.

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

381 (b) (1) Not later than January 1, 2022, the implementation team shall  
382 develop a plan for automatic prearrest diversion of children to youth  
383 service bureaus or other services in lieu of arrest for Tier 1 offenses that  
384 include infractions such as (A) simple trespass under section 53a-110a  
385 of the general statutes, (B) creating a public disturbance under section  
386 53a-181a of the general statutes, (C) possession of less than one-half  
387 ounce of a cannabis-type substance under section 21a-279a of the  
388 general statutes, and (D) use, possession or delivery of drug

389 paraphernalia related to less than one-half ounce of a cannabis-type  
390 substance under subsection (d) of section 21a-267 of the general statutes.

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

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

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

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

408 (3) Processes for victim input and involvement;

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

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

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

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

416 (d) Not later than January 1, 2022, the implementation team shall

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

424 Sec. 13. (*Effective from passage*) (a) The Judicial Branch shall develop  
425 an implementation plan to securely house in the custody of the Judicial  
426 Branch any person under eighteen years of age who is arrested and  
427 detained prior to sentencing or disposition on or after January 1, 2023.  
428 The plan shall include cost estimates and recommendations for  
429 legislation as may be necessary or appropriate for implementation of  
430 such plan.

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

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

440 (k) (1) Notwithstanding the provisions of subsection (d) of this  
441 section, any information concerning a child that is obtained during any  
442 mental health screening or assessment of such child, shall be used solely  
443 for planning and treatment purposes and shall otherwise be confidential  
444 and retained in the files of the entity performing such screening or  
445 assessment. Such information may be further disclosed only for the  
446 purposes of any court-ordered evaluation or treatment of the child or  
447 provision of services to the child, or pursuant to sections 17a-101 to 17a-  
448 101e, inclusive, 17b-450, 17b-451 or 51-36a, or to the Court Support

449 Services Division and its contracted quality assurance providers, for  
 450 program evaluation purposes. Such information shall not be subject to  
 451 subpoena or other court process for use in any other proceeding or for  
 452 any other purpose.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2021</i>	46b-120(1)
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>October 1, 2022</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>October 1, 2022</i>	10-221a(i)
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>October 1, 2022</i>	10-220h
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>October 1, 2021</i>	46b-146
Sec. 10	<i>from passage</i>	New section
Sec. 11	<i>from passage</i>	New section
Sec. 12	<i>from passage</i>	New section
Sec. 13	<i>from passage</i>	New section
Sec. 14	<i>from passage</i>	46b-124(k)(1)



The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 22 \$	FY 23 \$
Children & Families, Dept.	GF - Cost	None	900,000
State Comptroller - Fringe Benefits <sup>1</sup>	GF - Cost	None	165,200

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill makes several changes affecting the education and treatment of children in the juvenile justice system and results in the following impact. These changes are all effective October 1, 2022.

**Section 2 and 3** requires the Department of Children and Families (DCF) to create and implement a new education unit within DCF to educate children who are incarcerated or residing in a juvenile justice facility. DCF will need at least five new positions at an approximate annual cost of \$400,000 (plus \$165,200 for fringe benefits) for the new education unit, starting in FY 23.

**Section 6** requires the DCF 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. This will result in a cost to DCF in FY 23,

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<sup>1</sup>The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 41.3% of payroll in FY 22 and FY 23.

estimated at more than \$250,000, associated with the software development, contracts, and licensing.

**Section 7** requires DCF to immediately notify a student's previous school when a student, who will be educated under the DCF education unit, is placed in a juvenile justice facility or incarcerated. The development of a new system for immediate record transfer is anticipated to result in a cost to DCF in FY 23, estimated at more than \$250,000, associated software development, contracts and licensing.

House "A" changes the effective date for the changes to DCF, removing the cost in FY 22 by delaying implementation.

The amendment removes provisions of the underlying bill which required automatic erasure of certain juvenile police and court records and eliminates the cost to the Judicial Department, the Department of Emergency Services and Public Protection, and eliminates the potential cost to municipalities.

The amendment also makes additional changes that do not result in a fiscal impact.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

*The preceding Fiscal Impact statement is prepared for the benefit of the members of the General Assembly, solely for the purposes of information, summarization and explanation and does not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

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**OLR Bill Analysis****sHB 6667 (as amended by House "A")\******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:

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 who 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 education

by 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:

1. raises the age of children subject to juvenile court delinquency jurisdiction from age seven to age 10 (§ 1);
2. requires CSSD to provide written notice to the child upon discharge or the child's parents or guardians on the erasure of a child's police and court records, if certain conditions are met (§ 9);
3. requires the Department of Corrections (DOC) commissioner to review the department's use of chemical agents on anyone under age 18 in a juvenile detention center or correctional facility (§ 11);
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); and
5. generally allows information obtained about a child during a detention screening or assessment to be disclosed to CSSD (§ 14).

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).

\*House Amendment "A" makes the following changes to the underlying bill:

1. delays the effective date of the provisions on (a) the educational unit plan implementation and student record transfers from October 1, 2021, to October 1, 2022 (§§ 3 & 7) and (b) diplomas for

- educational unit students from July 1, 2021, to October 1, 2022 (§ 5);
2. removes the provision requiring automatic record erasure for a child if certain conditions are met and instead generally requires CSSD to provide written notice on records erasure to the child or the child's parent or guardian that they may petition the court for such record erasure (§ 9);
  3. removes a provision that generally prohibits the use of chemical agents on youths (under age 18) in the DOC and DCF commissioner's custody and instead requires the DOC commissioner to review and report on the department's use of chemical agents on youth's in DOC custody or housed in a facility the department operates (§ 11); and
  4. adds a provision that allows information about a child obtained during a detention screening to be disclosed to CSSD (§ 14).

EFFECTIVE DATE: Upon passage, except the (1) provision on the definition of a "child" is effective July 1, 2021 (§ 1); (2) provision on juvenile record erasure is effective October 1, 2021 (§ 9); and the (3) provisions on (a) educational unit plan implementation (§ 3), (b) awarding diplomas to education unit students (§ 5), and (c) student record transfers (§ 7) are effective October 1, 2022.

### **§ 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 child seven years of age 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 of age.

**§§ 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 serve 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. have the ability 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. have the ability 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 them if so.

### **§ 7 — STUDENT RECORD TRANSFERS**

The bill requires the DCF commissioner to immediately notify a student's previous 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 previous 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 or 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 the following grades: preschool through second grade. The second report, due January 1, 2023, must concern the following two student groups: 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 the following information:

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**

By law, a child or the child's parent or guardian may file a petition in Superior Court for erasure of certain juvenile records if the court finds the child meets certain existing requirements. The bill requires CSSD to provide the child and the child's parent or guardian written notice of this when (1) the child is discharged and (2) when the child turns 18 if the child was discharged prior to age 18.

Under current law, a child convicted as delinquent, adjudicated a member of a FWSN, 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:

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 erase a child's police and court records if the (1) child or child's parent or guardian petitions the court to do so and (2) child meets the above requirements.

#### **§ 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 commissioner to (1) review the department's use of chemical agents on youths under age 18 housed in a facility the department operates and those in the commissioner's custody and (2) review and evaluate specified data. Under the bill, the commissioner must review data on the (1) youths' participation in rehabilitation programming and (2) department's efforts to implement positive behavioral supports for them. The review must evaluate data on:

1. the types and frequency of training provided to department staff that present alternatives to using chemical agents;
2. the reason and date of chemical agent use on youths along with the age, race, and gender of such youths;
3. how the chemical agent use may disproportionately affect youths with special education needs;
4. any interventions attempted prior to subjecting a youth to chemical agent use and the types and frequency of medical and

behavioral interventions employed after such use; and

5. the number of, and details associated with, incidents of chemical agent use on youths with a respiratory or psychiatric condition.

The bill requires the DOC commissioner to report on the review to the Judiciary Committee by February 1, 2022.

## **§ 12 — PREARREST DIVERSION IMPLEMENTATION TEAM**

The bill establishes an implementation team to develop two plans concerning 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 such things as simple trespass, creating a public disturbance, possessing less than one-half of an ounce of a cannabis-type substance, and using, possessing, or delivering drug paraphernalia related to less than one-half of an ounce of a cannabis-type substance. 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 such as 2<sup>nd</sup> degree breach of peace; disorderly conduct; 5<sup>th</sup> or 6<sup>th</sup> degree larceny; possessing at least one-half an ounce of a cannabis-type substance; and using, possessing, or delivering drug paraphernalia related to at least one-half an ounce of a cannabis-type substance. 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:

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 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 legislation to implement the plan.

**§ 14 — JUVENILE RECORD CONFIDENTIALITY EXCEPTIONS**

Under current law, information obtained about a child during a detention screening or assessment must be used only for planning and treatment purposes. Otherwise, it must generally remain confidential and be kept in the files of the entity performing the screening or

assessment. It may be further disclosed for limited purposes, including a court-ordered evaluation or treatment or mandated reporter laws.

The bill allows this information to also be disclosed to CSSD and its contracted quality assurance providers, for program evaluation purposes.

By law, the information obtained during a detention screening must be used only to make a recommendation to the court about the child's detention and is not subject to subpoena or other court process for use in any other proceeding, or for any other purpose.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 26 Nay 12 (04/08/2021)

Appropriations Committee

Joint Favorable

Yea 46 Nay 3 (05/10/2021)