



Senate

General Assembly

File No. 442

January Session, 2023

Substitute Senate Bill No. 1093

Senate, April 5, 2023

The Committee on Education reported through SEN. MCCRORY, D. of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

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

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

1 Section 1. Section 10-220 of the general statutes is amended by adding
2 subsection (g) as follows (*Effective January 1, 2024*):

3 (NEW) (g) On and after July 1, 2024, any local or regional board of
4 education that reports, in a strategic school profile report submitted in
5 accordance with subsection (c) of this section, a rate of in-school
6 suspensions, out-of-school suspensions and expulsions that is deemed
7 high or disproportionate by the Commissioner of Education shall
8 develop and submit a response and improvement plan to the
9 Department of Education. The purpose of such plan shall be to reduce
10 the number of such suspensions and expulsions at the school that is the
11 subject of the strategic school profile report. Such local or regional board
12 of education shall annually update and submit the board's response and
13 improvement plan to the department until the rate of such suspensions

14 and expulsions is no longer deemed high or disproportionate by the
15 Commissioner of Education. When any local or regional board of
16 education submits a response and improvement plan or any update to
17 such response and plan to the department, such board shall report such
18 response, plan or update, in accordance with the provisions of section
19 11-4a, to the joint standing committee of the General Assembly having
20 cognizance of matters relating to education.

21 Sec. 2. (*Effective January 1, 2024*) Not later than July 1, 2024, the
22 Secretary of the Office of Policy and Management, in consultation with
23 the Commissioner of Education, shall reclassify not less than four
24 authorized positions at the Department of Education that remain
25 unfilled for the purpose of providing support, on-site monitoring and
26 oversight of schools that are implementing an improvement plan
27 submitted to the department pursuant to subsection (g) of section 10-
28 220 of the general statutes, as amended by this act. The department shall
29 use funds appropriated to the department's personal services account
30 for the purpose of filling the four staff positions reclassified pursuant to
31 this section.

32 Sec. 3. (NEW) (*Effective July 1, 2023*) Not later than January 1, 2024,
33 the Department of Education shall provide to each local and regional
34 board of education a list of recommended assessments for screening
35 students who exhibit mental health distress or who have been identified
36 as at risk of suicide. Such list may include, but need not be limited to,
37 the Columbia-Suicide Severity Rating Scale.

38 Sec. 4. Subsection (f) of section 10-221 of the general statutes is
39 repealed and the following is substituted in lieu thereof (*Effective July 1,*
40 *2023*):

41 (f) Each local and regional board of education shall adopt a written
42 policy and procedures for dealing with youth suicide prevention and
43 youth suicide attempts. Each such board of education may (1) establish
44 a student assistance program to identify risk factors for youth suicide,
45 procedures to intervene with such youths, referral services and training
46 for teachers and other school professionals and students who provide

47 assistance in the program, and (2) use an assessment to screen students
48 who exhibit mental health distress or who have been identified as at risk
49 of suicide from a list of such assessments recommended by the
50 Department of Education pursuant to section 3 of this act.

51 Sec. 5. (NEW) (*Effective from passage*) Not later than July 1, 2023, and
52 annually thereafter, until July 1, 2026, each local or regional board of
53 education shall submit to the Juvenile Justice Policy and Oversight
54 Committee, established pursuant to section 46b-121n of the general
55 statutes, and the Department of Education a report concerning (1) the
56 total number of students at schools under the jurisdiction of such board
57 who were expelled and placed in alternative educational opportunities,
58 offered pursuant to subsection (d) of section 10-233d of the general
59 statutes, during the prior year, disaggregated by type of alternative
60 educational opportunity in a manner that does not result in the
61 disclosure of data identifiable to individual students in accordance with
62 34 CFR 99 et seq., as amended from time to time, (2) for any such
63 placement of a student in an alternative educational opportunity during
64 the prior year, the name of such alternative educational opportunity and
65 the number of credits completed by the student placed in such
66 alternative educational opportunity in a manner that does not result in
67 the disclosure of data identifiable to individual students in accordance
68 with 34 CFR 99 et seq., as amended from time to time, and (3) for each
69 alternative educational opportunity offered by such board of education,
70 a description of such alternative educational opportunity and how such
71 alternative educational opportunity compares to the standards for the
72 provision of an adequate alternative educational opportunity adopted
73 by the State Board of Education pursuant to section 10-233o of the
74 general statutes.

75 Sec. 6. (NEW) (*Effective January 1, 2024*) (a) Not later than July 1, 2024,
76 the Department of Education shall establish an advisory committee
77 concerning suspensions and expulsions of students in grades preschool
78 to two, inclusive.

79 (b) The membership of the advisory committee established pursuant

80 to subsection (a) of this section shall (1) be appointed by the
 81 Commissioner of Education, and (2) include, but need not be limited to,
 82 one or more members of the education subcommittee of the Juvenile
 83 Justice Policy and Oversight Committee, established pursuant to section
 84 46b-121n of the general statutes, provided no legislator may be
 85 appointed to the advisory committee.

86 (c) The duties of the advisory committee established pursuant to
 87 subsection (a) of this section may include, but need not be limited to, (1)
 88 developing guidance to reduce the number of out-of-school suspensions
 89 and expulsions of students in grades preschool to two, inclusive, (2)
 90 providing evidence-based and developmentally appropriate definitions
 91 and examples of conduct that is of a violent or sexual nature in the
 92 context that such conduct may allow an out-of-school suspension of a
 93 student in grades preschool to two, inclusive, pursuant to subsection (g)
 94 of section 10-233c of the general statutes, and (3) recommending
 95 developmentally appropriate interventions for a student in grades
 96 preschool to two, inclusive, as an alternative to out-of-school
 97 suspension.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2024</i>	10-220(g)
Sec. 2	<i>January 1, 2024</i>	New section
Sec. 3	<i>July 1, 2023</i>	New section
Sec. 4	<i>July 1, 2023</i>	10-221(f)
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>January 1, 2024</i>	New section

ED *Joint Favorable Subst.*

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 24 \$	FY 25 \$
Education, Dept.	GF - Cost	None	402,868
State Comptroller - Fringe Benefits ¹	GF - Cost	None	172,508

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill results in costs to the State Department of Education, annually beginning in FY 25, to reclassify four currently authorized, unfilled positions to provide support to districts reporting disproportionate rates of suspension and expulsion. Costs in FY 25 are estimated to total \$402,868 for salaries (\$100,717 per Associate Education Consultant) for salaries and within the Office of the State Comptroller, \$172,508 for fringe benefits.

The bill also establishes several reporting requirements for school districts regarding suspensions and expulsions. These provisions have no fiscal impact as it is anticipated that districts can meet these requirements with existing resources.

The Out Years

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

¹The 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 42.82% of payroll in FY 24.

OLR Bill Analysis**sSB 1093*****AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE JUVENILE JUSTICE POLICY AND OVERSIGHT COMMITTEE CONCERNING EDUCATION.*****SUMMARY**

This bill makes various changes in the education statutes governing suspension and expulsion. Specifically, it requires the following:

1. school districts with high rates of in- and out-of-school suspension and expulsion to develop and submit a response and improvement plan to the State Department of Education (SDE) (§ 1);
2. SDE to reclassify at least four authorized, unfilled existing positions to monitor these plans and support schools that are implementing them (§ 2);
3. each local and regional board of education to report to SDE and the Juvenile Justice Policy and Oversight Committee (JJPOC; see BACKGROUND) on expulsions and related alternative education program placements annually over the next three years (§ 5); and
4. SDE to establish an advisory committee on suspensions and expulsions in grades preschool through two (§ 6).

The bill also requires SDE to provide, and allows school boards to use, recommended assessments for screening students who exhibit mental health distress or who have been identified as at risk for suicide (§§ 3 & 4).

EFFECTIVE DATE: January 1, 2024, except the provisions governing (1) expulsion and alternative education reporting take effect upon passage and (2) student mental health assessments take effect on July 1, 2023.

SUSPENSION AND EXPULSION

Response and Improvement Plans

By law, local and regional boards of education must annually submit certain data on each of their schools to SDE in their strategic school profile report. Among this data is the number of in-school and out-of-school suspensions and expulsions (CGS § 10-220(c)(3)).

Beginning on July 1, 2024, the bill requires districts to submit to SDE a “response and improvement plan” if they have schools with a rate of suspensions and expulsions that is high or disproportionate, as determined by the education commissioner, in their strategic school profile reports. Under the bill, the plan’s purpose is to reduce the number of suspensions and expulsions at the school. The board must (1) annually update the plan and submit it to SDE until the rate is no longer considered high or disproportionate by the commissioner and (2) send any response and improvement plan or plan update to the Education Committee.

Also, by July 1, 2024, the bill requires the Office of Policy and Management secretary, in consultation with the SDE commissioner, to reclassify at least four authorized, unfilled staff positions at SDE. This reclassification is to create positions within the department to provide support, on-site monitoring, and oversight to schools implementing a response and improvement plan. The bill requires SDE to use funds appropriated to its personal services account to fill the four reclassified positions.

District Reporting

The bill requires each local and regional board of education to report annually over the next three school years to JJPOC and SDE (beginning by July 1, 2023, and ending on July 1, 2026). Specifically, boards must

report on the following topics:

1. the number of students in their district who were expelled and placed in alternative education, disaggregated by type of alternative educational opportunity consistent with federal student privacy regulations (see BACKGROUND);
2. the name of each alternative educational placement and the number of credits the student completes, consistent with federal student privacy regulations; and
3. a description of (a) each alternative educational opportunity offered by the board and (b) how it compares to the State Board of Education's standards for the provision of an adequate alternative educational opportunity, which address the kind of instruction and number of hours to be provided to an enrolled student.

Advisory Committee

The bill requires SDE to establish an advisory committee by July 1, 2024, on suspensions and expulsions in grades preschool through two. It suggests the following duties for the committee at a minimum:

1. developing guidance to reduce the number of out-of-school suspensions and expulsions in these grades;
1. giving evidence-based and developmentally appropriate definitions and examples of conduct that is violent or sexual in nature, which is the only conduct under existing law that warrants out-of-school suspension for students in these grades (CGS § 10-233c(g)); and
2. recommending developmentally appropriate interventions for students in these grades as an alternative to out-of-school suspension.

The bill vests the authority to appoint advisory committee members solely with SDE's commissioner. At a minimum, the bill requires the

commissioner to appoint one or more members of JJPOC's education subcommittee. It also prohibits any legislator from serving on the committee. This bill does not require a certain number of committee members.

MENTAL HEALTH ASSESSMENTS

Under the bill, by January 1, 2024, SDE must give local and regional boards of education a list of recommended screening assessments for students who (1) exhibit mental health distress or (2) have been identified as at risk of suicide. (The bill does not specify how these students would be identified.) The list may include the Columbia Suicide Severity Rating Scale (see BACKGROUND).

Relatedly, the bill allows boards to use an assessment from the SDE-provided list to screen identified students beginning July 1, 2023. (However, boards may not possess the list of recommended assessments at that time since SDE is not required to provide it until six months later.)

BACKGROUND

JJPOC

State law charges JJPOC with evaluating policies related to the juvenile justice system and the expansion of juvenile jurisdiction to include 16- and 17-year-olds. Its members include legislators, judicial branch leaders, state agency heads, and child and victim advocates, among others (CGS § 46b-121n).

Federal Student Privacy Regulations

The U.S. Department of Education makes rules for school districts' release of student educational records in its regulations promulgated under the federal Family Educational Rights and Privacy Act (34 C.F.R. 99 et seq.).

Columbia Suicide Severity Rating Scale

According to the U.S. Department of Health and Human Services' Substance Abuse and Mental Health Services Administration, the Columbia Suicide Severity Rating Scale is a short questionnaire that can be administered quickly in the field by responders with no formal mental health training, and it is relevant in a wide range of settings and for people of all ages.

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute

Yea 29 Nay 12 (03/17/2023)