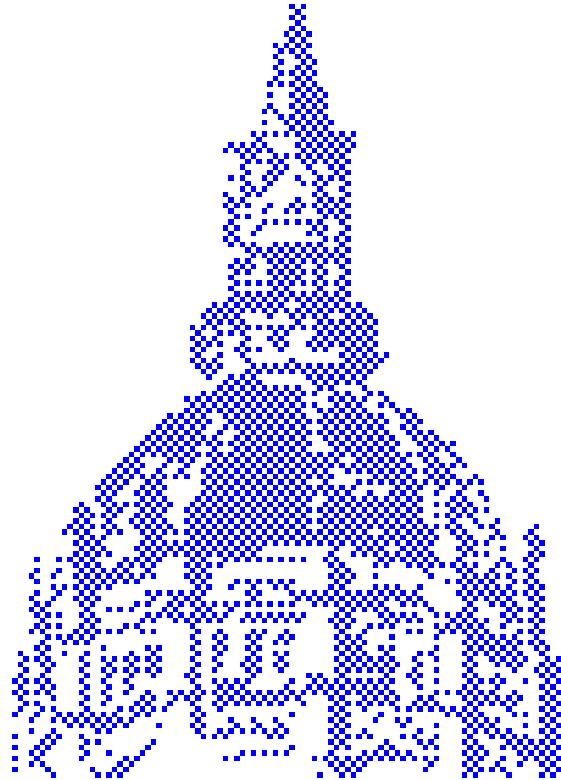




ACTS AFFECTING CHILDREN



2014-R-0151

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NOTICE TO READERS

This report provides brief highlights of new laws affecting children enacted during the 2014 regular session. Each summary indicates the public act (PA) number and effective date. The acts are listed in numerical order under general headings.

Not all provisions of the acts are included here. Complete summaries of all 2014 public acts will be available on OLR's webpage:

<http://cga.ct.gov/olr/olrpassums.asp>

Readers are encouraged to obtain the full text of public acts that interest them from the Connecticut State Library, House Clerks Office, or General Assembly's website (www.cga.ct.gov/).

For purposes of brevity, this report uses the following acronyms for state agencies:

CSSD (Judicial Branch's Court Support Services Division)

DCF (Department of Children and Families)

DPH (Department of Public Health)

DSS (Department of Social Services)

OEC (Office of Early Childhood)

SBE (State Board of Education)

SDE (State Department of Education)

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CHILD CARE

Day Care Licensing Exemption

This act expands an existing child day care service licensing exemption to any day care service that a municipal agency or department administers, rather than only those located in a public school building ([PA 14-38, § 2](#), effective upon passage).

Kinship Fund and Grandparents and Relatives Respite Fund

This act transfers responsibility for administering the Kinship Fund and Grandparents and Relatives Respite Fund to the probate court administrator. Under prior law, DSS administered the funds through the probate court.

By law, a relative who is appointed guardian of a child, and who does not receive foster care payments or subsidized guardianship benefits from DCF, can apply for grants from these funds. The act specifies that the funds are available to people appointed guardians by the probate court, not just by the Superior Court as under prior law ([PA 14-103, §§ 7 & 8](#), effective July 1, 2014).

“Care 4 Kids” Program

This act expands the list of people and families to whom DSS must give priority eligibility for child care subsidies through the Care 4 Kids program. It gives such status to any household with a child or children participating in the federal Early Head Start Child Care Partnership grant program for up to 12

months. By law, teen parents, low-income working families, and certain others already receive priority in the subsidy program.

Through Care 4 Kids, DSS offers, within available appropriations, child care subsidies to working families and certain others who have income under 50% of the state median income. Once eligible, family income can rise to 75% of state median income ([PA 14-217, § 224](#), effective July 1, 2014).

CHILD HEALTH

Youth Camps and Day Care Centers Use of Public School Health Assessment Forms

This act allows licensed youth camps, child or group daycare facilities, and family day care homes to use a child’s physical examination required for school purposes and either his or her (1) school health assessment form or (2) SDE early childhood health assessment record form to satisfy any physical examination or health status certification they require. It requires that the physical examination be completed within a time OEC establishes.

It also requires the OEC commissioner to adopt regulations to allow a child’s school health assessment form, in addition to a physical examination, to satisfy a youth camp’s health examination or certification requirement. Under prior law, the public health commissioner adopted

regulations on youth camp health forms ([PA 14-15](#), effective July 1, 2014).

Electronic Nicotine Delivery Systems and Youth Smoking Prevention

This act makes it illegal for a minor (under age 18) to buy or possess in public an “electronic nicotine delivery system” or “vapor product” (e.g., “e-cigarettes”) and for anyone to sell, give, or deliver one to a minor. It subjects violators to some of the same penalties the law imposes on those who commit similar violations regarding tobacco cigarettes.

It makes the law more lenient for those charged with selling tobacco cigarettes or other tobacco products to minors by waiving the civil penalty for first-time offenders who successfully complete an online tobacco education course. At the same time, it tightens the law for these offenders by extending, from 18 to 24 months, the look-back period for determining if a prior offense occurred ([PA 14-76](#), effective October 1, 2014).

Cadmium Levels in Children’s Jewelry

This act delays, from July 1, 2014 to July 1, 2016, the ban on manufacturing, selling, offering for sale, or distributing in Connecticut children’s jewelry containing more than .0075% (by weight) of elemental cadmium, or compounds or alloys containing it ([PA 14-140](#), effective upon passage).

Nutritional Drink Standards in Schools

This act changes the standards for allowable nutritional drinks in schools. Table 1, below, shows the changes.

Table 1: Allowable Nutritional Drinks in Schools

<i>Beverage</i>	<i>Prior Law</i>	<i>Act</i>
Milk	May be flavored but cannot contain artificial sweeteners or more than four grams of sugar per ounce	Only low-fat or skim milk; bans nonnutritive sweetening agents, sugar alcohols, or added sodium; keeps the existing artificial sweetener ban and sugar limit
Nondairy Milks (such as soy or rice milk)	May be flavored but cannot (1) contain artificial sweeteners or more than four grams of sugar per ounce or (2) have a high amount of calories from fat	Bans nonnutritive sweetening, sugar alcohols, or added sodium; keeps the artificial sweeteners ban, sugar limit, and low amount of calories from fat
Fruit or vegetable juice (100%)	Bans added sugars, sweeteners, and artificial sweeteners	Bans added sodium and sugar alcohols; keeps other bans
Water, fruit, or vegetable juice combinations	Bans added sugars, sweeteners, and artificial sweeteners	Bans added sodium and nonnutritive sweeteners and sugar alcohols; must meet the nutrition requirements of the Healthy, Hunger Free Kids Act of 2010 (P.L. 111-296); keeps the artificial sweeteners, sweeteners, and sugar ban
Water only	Bans sugars, sweeteners, artificial sweeteners, and caffeine	Bans added sodium and sugar alcohols; keeps the sugar, sweetener, artificial sweetener, and caffeine bans

The act also limits the portion size for drinks other than water to no more than eight ounces for grade K-5 students. Prior law permitted up to 12

ounces per serving for K-5 students. The act keeps the limit for students in grade 6 through high school at 12 ounces ([PA 14-230, § 8](#), effective July 1, 2014).

School Nurse Access to Immunization Registry

This act gives school nurses access to DPH's childhood immunization registry, to allow the nurses to (1) determine which children in their jurisdiction are overdue for scheduled immunizations and (2) provide outreach to help get them vaccinated ([PA 14-231, § 4](#), effective October 1, 2014).

Childhood Lead Testing

Prior law required primary care providers who provide pediatric care, other than hospital emergency departments, to screen children for lead at designated times. This act specifically requires testing rather than screening. It also requires these providers, before the testing occurs, to provide the parents or guardian with educational materials or other information on lead poisoning prevention ([PA 14-231, § 9](#), effective October 1, 2014).

CHILD PROTECTION AND WELFARE

Office of Early Childhood Established

This act establishes the Office of Early Childhood (OEC), led by a commissioner who serves at the pleasure of the governor. It eliminates

the coordinated system of early care and education and child development and the position of planning director, precursors to OEC and its commissioner, and incorporates the coordinated system's goals and duties into enumerated OEC duties. OEC assumes responsibility for administering early childhood programs and services formerly run by SDE, DSS and DPH. For some programs, the act designates OEC as the lead agency, entirely replacing the existing administering agency; for others, the existing administering agency maintains a consultative role. For example, for school readiness programming, OEC assumes the lead agency role but must consult with SDE and DSS for various aspects.

Program content generally remains the same after transfer to OEC. The transfer process makes OEC responsible for the following major programs as of July 1, 2014:

1. school readiness;
2. the Children's Trust Fund;
3. Connecticut Charts-a-Course;
4. state and federally funded child day care subsidies;
5. child day care services management, evaluation, and professional development;
6. child day care facilities licensing and inspection, and
7. youth camp oversight.

The act reassigns various funds, grants, and loans to OEC oversight.

It also requires OEC to make more frequent unannounced visits to all licensed day care centers, group day care homes, and family day care homes ([PA 14-39](#), various effective dates).

Cross Reporting of Child Abuse and Animal Cruelty

This act broadens the circumstances under which a state, regional, or municipal animal control officer must file an animal abuse report with the agriculture commissioner. It also requires the commissioner, starting by November 1, 2014, to include these additional reports in the monthly report he must already submit to the DCF commissioner.

It additionally requires:

1. DCF employees who, in the course of their work, reasonably suspect that an animal has been harmed, neglected, or treated cruelly in violation of the law, to report in writing, instead of orally, to the agriculture commissioner and
2. the DCF and agriculture commissioners, starting by January 1, 2015, to report annually to the Children's Committee the number of animal control officer and DCF employee written reports of actual or suspected instances of animal neglect or cruelty they received ([PA 14-70](#), effective October 1, 2014).

Child Poverty and Prevention Council

This act adds three members, or their designees, to the Child Poverty and Prevention Council: the (1) housing commissioner, (2) agriculture commissioner, and (3) OEC executive director, and makes other changes ([PA 14-132](#), effective upon passage).

DCF and the Protection of Children

This act expands the circumstances in which DCF and DSS must disclose the names and records of certain people to specific entities.

It also requires DCF to disclose information to help the Judicial Branch track juvenile offender recidivism and the Birth-to-Three program provide services.

Additionally, it (1) expands the mandated reporter list and (2) makes several changes to procedures for suspending an employee suspected of child abuse and neglect who works at a (a) public school or (b) private school or public or private child care facility or institution ([PA 14-186](#), effective October 1, 2014).

Human Trafficking

This new act expands the actions DCF can take to help children it identifies or believes are victims of human trafficking to include (1) providing services, (2) forming multidisciplinary teams to review trafficking cases, and (3) providing training to law enforcement officers

about trafficking. It also expands the category of children or youths a court may find to be “uncared for” to include child trafficking victims ([PA 14-186](#), effective October 1, 2014).

Permanency Plan Goals

By law, DCF must prepare and maintain a permanency plan for every child under its supervision. The plan states what permanent outcome DCF thinks is in the child’s best interest and the facts on which the decision is based. This act makes the following changes to the list of allowable permanency plan goals:

1. it eliminates independent living from the list;
2. if the goal is long-term foster care, it requires DCF to identify a person who will provide the care; and
3. it allows DCF to set as a goal another planned permanent living arrangement other than parent reunification, long-term foster care, guardianship transfer, or adoption ([PA 14-187 § 13](#), effective upon passage).

Sexual Abuse and Assault Awareness Program

This act requires DCF, by July 1, 2015, together with SDE and Connecticut Sexual Assault Crisis Services, Inc., or a similar organization, to identify or develop a statewide sexual abuse and assault awareness and prevention program,

with age-appropriate materials, for use by regional and local school boards ([PA 14-196](#), effective July 1, 2014).

Evaluation of DCF Programs

New legislation requires the Institute for Municipal and Regional Policy at Central Connecticut State University (IMRP), by May 31, 2015, to assess the effectiveness of (1) the multidimensional family therapy program administered by DCF for people committed to the custody of both DCF and CSSD and (2) juvenile parole services programs administered by DCF for people committed to its custody.

After conducting the assessment, IMRP, in consultation with DCF and CSSD, must recommend changes to improve the programs’ cost-effectiveness. IMRP must report to various legislative committees and the Results First Policy Oversight Committee, by June 30, 2015, (1) describing the assessments, (2) identifying any program changes implemented by DCF as a result of the assessment, and (3) making any recommendations that IMRP, the DCF commissioner, and CSSD consider appropriate concerning additional statutory or program changes that may improve the programs’ cost-effectiveness ([PA 14-217](#), [§§ 83 & 84](#), effective upon passage).

CHILD SUPPORT

Delinquent Child Support Obligors

This act requires the Bureau of Child Support Enforcement to (1) establish, maintain, and periodically update a list of all delinquent child support obligors and (2) publish a list, on the DSS website, of the 100 people with the highest delinquent child support obligations. Such lists must contain, at a minimum, the obligors' names, home addresses, and amounts of delinquent child support owed, excluding any amount for which an appeal is pending ([PA 14-177](#), effective October 1, 2014).

COURTS

Guardians Ad Litem and Attorneys for Minor Children in Family Matters

A new act makes several modifications to laws related to the appointment of guardians ad litem (GALs) and counsel for minor children (CMC). Among other things, it:

1. establishes new procedures for courts to follow when appointing GALs and CMCs in family relations and other matters;
2. allows parties to (a) request the appointment of a specific GAL or CMC with a written agreement, or (b) choose one from a list of 15 provided by the court;

3. allows parties, in certain cases, to file a motion to seek removal of a GAL or CMC; and
4. requires the Judicial Branch to develop a (a) GAL and CMC professional code of conduct and (b) publication on GALs' and CMCs' roles and responsibilities in family relations matters ([PA 14-3](#), effective October 1, 2014, except for the provisions on the (1) Judicial Branch's publication, which is effective July 1, 2014 and (2) GAL and CMC professional code of conduct, which is effective upon passage).

Probate Courts

This act makes numerous changes in the laws that govern the distribution of the property of a person who dies without a will (i.e., intestate succession) as it relates to children born out of wedlock. In determining the inheritance rights of such a child or his or her father, the act requires the child's paternity to be established by (1) court adjudication or (2) written acknowledgment signed by both the mother and father.

It also establishes a framework that allows a party in a probate court case involving guardianship, parental rights, or adoption to petition the court to make certain findings that a person may use to apply to the U.S. Citizenship and Immigration Services for special immigrant juvenile status. This status allows an immigrant child who has been abused, neglected, or abandoned to legally remain in the United States.

The act also allows an adopted person to inherit from or through a parent who died before the adoption occurs, and expands the circumstances in which the Superior Court may disclose confidential juvenile records ([PA 14-104](#), effective October 1, 2014).

Court Operations

This act makes a number of unrelated changes including, among other things, making minor and clarifying changes regarding ex parte orders for child custody and investigations in family relations matters ([PA 14-207](#), effective October 1, 2014).

CRIMINAL LAW

Possession of Alcoholic Liquor by Minors

The law requires someone who owns or controls private property, including a dwelling unit, to make reasonable efforts to prevent a minor (person under age 21) from illegally possessing alcohol. This act requires the person to know that the minor possesses alcohol on the property before being required to make the reasonable efforts to halt possession ([PA 14-144](#), effective upon passage).

Child Pornography

This act expands the range of visual depictions, including those generated digitally, for which possession constitutes the crimes of first- and

second-degree possession of child pornography. It does so by adding certain visual depictions based on the number of victims, illicit acts, or frames they contain. Under prior law, a defendant was charged based on the number of visual depictions he or she possessed and whether they showed the infliction or threatened infliction of serious physical injury.

The act also excludes certain visual depictions of child pornography from the "affirmative defense" available under prior child pornography laws. (An "affirmative defense" is a defense a defendant can raise and prove to avoid conviction for the crime.) Under prior law, the possession of less than three visual depictions of child pornography was an affirmative defense to a charge of first-, second-, or third-degree possession of child pornography or a charge of possession or transmission of child pornography by a minor. The act excludes from such a defense a visual depiction that is a (1) series of images intended for continuous display, (2) film, or (3) videotape ([PA 14-192](#), effective October 1, 2014).

JUVENILE JUSTICE

Return to DCF Placement after Parole

This act expands the circumstances in which DCF may return a paroled child to a DCF placement to include the child's violation of an aftercare condition. (Aftercare services include continued counseling, guidance, or

support for up to six months following the department's provision of services.) By law, DCF may return a paroled child to placement if the commissioner deems the return to be in the child's best interest. The act also provides a paroled child with the right to a hearing up to 30 days after returning to placement ([PA 14-187 § 10](#), effective upon passage).

Fitness and Security Risk Evaluation

The law requires DCF to perform an initial fitness and security risk evaluation on a juvenile delinquent committed to the department before allowing him or her to go on leave. The act shortens, from 60 days to between 30 and 60 days, the time from commitment in which DCF must complete the evaluation ([PA 14-187 § 11](#), effective upon passage).

Juvenile Justice Policy and Oversight Committee

This act establishes the Juvenile Justice Policy and Oversight Committee to evaluate (1) juvenile justice system policies and (2) the expansion of juvenile jurisdiction to include 16- and 17-year-olds. The act also establishes specific reporting requirements for the committee ([PA 14-217, § 79](#), effective upon passage).

Family Violence Mediation Pilot Program

This act requires the Judicial Department, within available

appropriations, to establish a family violence mediation pilot program on the juvenile docket in two judicial districts for children who commit delinquent acts of family violence. Mediation services may be provided by private agencies under contract with CSSD.

By (1) July 1, 2015, it requires CSSD, within available appropriations, to evaluate the program and the feasibility of expanding it to other districts and (2) July 15, 2015, the executive director to report on the evaluation to the Judiciary Committee and the Juvenile Justice Policy and Oversight Committee.

Any child participating in the program must be supervised by a juvenile probation officer. When the court receives a report from the probation officer that the child's progress was satisfactory and mediation successful, it must dismiss the charges pertaining to the delinquent act and order records of the charges erased.

If the probation officer gets a report that mediation was unsuccessful or the child no longer wants to participate in the program, or has failed to comply with the terms of the mediation agreement, he or she must notify the prosecutor in charge of the case, and the prosecutor may initiate delinquency or criminal proceedings against the child. If a child is under DCF supervision when his or her case is referred to the program, the court or probation officer must notify DCF of the referral ([PA 14-217, § 85](#), effective July 1, 2014).

SCHOOLS AND EDUCATION

Tuition Raffles

This act allows qualified organizations that hold special tuition raffles to offer, as prizes, full or partial student loan payments for student recipients designated by the winners. It requires the Department of Consumer Protection commissioner to adopt regulations to (1) allow any organization permitted to conduct a special tuition raffle to pay all or part of a student recipient's student loan each year for up to four years and (2) provide that the tuition prize be paid directly to the financial institution that made the student loan ([PA 14-28](#), effective October 1, 2014).

Youth Athletics and Concussions

This act makes several changes and additions to the laws regarding concussion prevention for students.

It (1) requires SBE to develop a concussion education plan and (2) prohibits school boards from allowing a student athlete to participate in any intramural or interscholastic athletic activity unless the athlete and his or her parent or guardian complete certain requirements pertaining to the plan.

It also requires (1) SBE to develop or approve an informed consent form on concussions to distribute to parents and legal guardians of student athletes involved in intramural and interscholastic athletic activities and (2) schools to provide the form to each student athlete's parent or guardian and

get his or her signature authorizing the student to participate in the athletic activity.

The act additionally requires coaches or other qualified school employees to notify a student athlete's parent or guardian when the student is removed from play for a concussion or suspected concussion ([PA 14-66](#), effective July 1, 2014).

Sudden Cardiac Arrest Prevention

This act requires SBE, for school years beginning July 1, 2015, and in consultation with specified organizations, to develop or approve a sudden cardiac arrest awareness education program and consent form for use by local and regional boards of education. Sudden cardiac arrest occurs when the heart suddenly and unexpectedly stops beating.

The act requires coaches of intramural and interscholastic athletics to (1) obtain the written consent of a student's parent or legal guardian before allowing a student to participate in such athletic activities and (2) annually review the sudden cardiac arrest awareness education program before beginning their coaching assignments ([PA 14-93](#), effective October 1, 2014).

DCF and Children's Education

This act requires the superintendent of each school district providing education to a neglected or abused child committed to DCF custody to provide a

description of certain education-related information to DCF, the student's foster parent, and the student's attorney. It must do so in a way substantially similar to the way the superintendent would describe this information to parents or legal guardians of children who are not in DCF custody.

It requires DCF and CSSD to promptly review the educational files of any child or youth when he or she enters a facility or school program they run or contract with to determine if the child or youth may be eligible for special education and related services under state law ([PA 14-99](#), effective October 1, 2014).

New Haven Truancy Clinic

This act allows the probate court administrator, within available appropriations, to establish a pilot truancy clinic in the New Haven regional children's probate court. He already has authority to establish such a clinic in the Waterbury regional children's probate court. Under prior law, the probate court administrator had to report on the Waterbury clinic's effectiveness by January 1, 2015.

The act requires the report to cover both clinics, and extends its due date until January 1, 2016 ([PA 14-103, § 9](#), effective upon passage).

Storage and Administration of Epinephrine at Public Schools

This act requires schools to designate and train certain nonmedical staff to administer emergency

epinephrine in cartridge injectors ("epipens") to students having allergic reactions who were not previously known to have serious allergies. It authorizes the emergency use of epipens by nonmedical staff only if (1) the school nurse is not present or available and (2) certain conditions are met.

The act permits the following individuals to be trained and authorized: principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by a school district, coach of school intramural or interscholastic athletics, and school paraprofessional.

The act requires the school nurse or school principal to select the individuals to be trained and administer epipens under its provisions. The individuals must meet training and other requirements before being allowed to administer epipens. Schools must (1) have at least one nurse or trained and authorized employee on the school grounds during regular school hours and (2) maintain a store of epipens for emergency use ([PA 14-176](#), effective July 1, 2014).

Excused Absences from School for Children of Service Members

This act requires any child age five to 18 enrolled in a public or private school to be granted 10 days of excused absence in any school year if his or her parent or legal guardian is an active-duty U.S. armed forces member who (1) has been called for, (2) is on leave

from, or (3) has immediately returned from deployment in a combat zone or combat support posting. Under the act, the student and parent or legal guardian are responsible for (1) getting assignments from the student's teacher before leaving and (2) ensuring the assignments are completed before the student returns to school (**PA 14-198**, effective July 1, 2014).

Connecticut Higher Education Trust (CHET) Program

This act establishes a (1) college savings program for newborn and adopted children as part of CHET and (2) a separate, non-lapsing General Fund account to fund the program (CHET Baby Scholars Fund). The program must provide incentive payments to CHET beneficiaries born or legally adopted on or after January 1, 2014 and living in Connecticut when the incentive payments are made. The state treasurer must administer the program, making incentive payments from the CHET Baby Scholars Fund (**PA 14-217, §§ 27-33**, effective July 1, 2014).

Preschool for Children in DCF Custody

This act requires the DCF commissioner to maximize preschool enrollment for children placed in out-of-home care. Specifically, it requires the commissioner, in consultation with OEC, to complete the following by January 1, 2015:

1. adopt policies and procedures that maximize the enrollment of eligible preschool-aged children (ages three to five) in eligible preschool programs and
2. submit to the Children's, Human Services, Education, and Appropriations committees (a) the adopted policies and procedures and (b) a report that includes various statistics on different categories of eligible preschool-aged children and available preschool program spaces and costs (**PA 14-217, §§ 132 & 133**, effective July 1, 2014 for the adoption of policies and procedures; upon passage for the report requirement).

Unified School District #3

This act repeals the statutes establishing Unified School District #3 and makes conforming statutory changes, to reflect the planned closure of the district.

Unified School District #3 oversees the Birth-to-Three System's Early Connections program, the state-run Birth-to-Three provider. Early Connections is being phased out and the last child in the program will exit this year. The Birth-to-Three program is designed to strengthen families' capacities to meet the developmental and health-related needs of their infants and toddlers who have developmental delays or disabilities. After the phase-out, all Birth-to-Three services will be provided by private agencies under contract with the Department of Developmental Services (**PA 14-231**,

§§ 62-65 & 72, repeal effective October 1, 2014; conforming changes effective July 1, 2014).

School Safety

This act requires SDE to approve or reject a local or regional board of education's safe school climate plan within 30 days after receiving it and, in the event it is rejected, creates specific follow-up steps for both SDE and the board. Under the act, only boards that have not previously had plans approved must submit them. The act also (1) adds specific requirements to safe school climate surveys, and (2) requires a feasibility study for a student safety hotline (**PA 14-232**, effective upon passage).

1. requires a 16-year-old to obtain a fishing license in order to fish in Connecticut waters (to conform to current licensing practices);
2. exempts from the fishing license requirement secondary school students participating in school fishing events or field trips that teach fishing techniques; and
3. changes certain hunting and fishing license fees, including cutting specific fees in half, for 16- and 17-year-old residents (**PA 14-201**, effective January 1, 2015).

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MISCELLANEOUS

Eliminating Certain DCF Regulations

This act makes numerous changes to the Uniform Administrative Procedure Act, which, among other things, governs the process for adopting state agency regulations. It eliminates several requirements for DCF to adopt regulations. In some cases, it requires the department to adopt policies rather than regulations (**PA 14-187**, effective upon passage).

Youth Hunting and Fishing Licenses and License Fees

This act makes various changes to the state's hunting and fishing statutes. Among other things, it: