



House of Representatives

General Assembly

File No. 599

January Session, 2021

Substitute House Bill No. 6667

House of Representatives, April 26, 2021

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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2 repealed and the following is substituted in lieu thereof (*Effective July 1,*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, 2021*) (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 July 1,*
128 *2021*):

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, 2021*):

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 such court
293 finds (1) (A) that] shall automatically erase all police and court records,
294 including any related to any conviction, pertaining to such child if (1)
295 (A) at least two years or, in the case of a child convicted as delinquent

296 for the commission of a serious juvenile offense, four years have elapsed
297 from the date of such discharge, (B) [that] no subsequent juvenile
298 proceeding or adult criminal proceeding is pending against such child,
299 (C) [that] such child has not been convicted of a delinquent act that
300 would constitute a felony or misdemeanor if committed by an adult
301 during such two-year or four-year period, (D) [that] such child has not
302 been convicted as an adult of a felony or misdemeanor during such two-
303 year or four-year period, and (E) [that] such child has reached eighteen
304 years of age, or (2) [that] such child has a criminal record as a result of
305 being a victim of conduct by another person that constitutes a violation
306 of section 53a-192a or a criminal violation of 18 USC Chapter 77. [, the
307 court shall order all police and court records pertaining to such child to
308 be erased.] Upon [the entry of such an] such erasure, [order,] all
309 references including arrest, complaint, referrals, petitions, reports and
310 orders, shall be removed from all agency, official and institutional files,
311 and a finding of delinquency or that the child was a member of a family
312 with service needs shall be deemed never to have occurred. The persons
313 in charge of such records shall not disclose to any person information
314 pertaining to the record so erased, except that the fact of such erasure
315 may be substantiated where, in the opinion of the court, it is in the best
316 interests of such child to do so. No child who has been the subject of
317 such an erasure order shall be deemed to have been arrested ab initio,
318 within the meaning of the general statutes, with respect to proceedings
319 so erased. Copies of the erasure order shall be sent to all persons,
320 agencies, officials or institutions known to have information pertaining
321 to the delinquency or family with service needs proceedings affecting
322 such child. Whenever a child is dismissed as not delinquent or as not
323 being a member of a family with service needs, all police and court
324 records pertaining to such charge shall be ordered erased immediately,
325 without the filing of a petition. Nothing in this section shall prohibit the
326 court from granting a petition to erase a child's records on a showing of
327 good cause, after a hearing, before the time when such records could be
328 erased.

329 Sec. 10. (*Effective from passage*) There shall be a committee with
330 members appointed by the chairpersons of the Juvenile Justice Policy

331 and Oversight Committee, established pursuant to section 46b-121n of
332 the general statutes. Such committee shall study telephone call rates and
333 commissary needs for all persons eighteen to twenty-one years of age
334 who are incarcerated in Department of Correction facilities. The
335 committee may make recommendations for legislation based on such
336 study and shall report any such recommendations to the Department of
337 Administrative Services and the joint standing committee of the General
338 Assembly having cognizance of matters relating to corrections in
339 accordance with the provisions of section 11-4a of the general statutes
340 not later than January 1, 2022.

341 Sec. 11. (NEW) (*Effective from passage*) (a) On and after July 1, 2022, the
342 Commissioners of Correction and Children and Families and the
343 executive director of the Court Support Services Division of the Judicial
344 Department shall ensure that chemical agents are not used on any
345 person under eighteen years of age detained in a juvenile detention
346 center or incarcerated in a correctional facility.

347 (b) The Commissioner of Correction shall develop alternative means
348 to the use of chemical agents for the purposes of deescalating a situation
349 in a correctional facility.

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

359 (b) (1) Not later than January 1, 2022, the implementation team shall
360 develop a plan for automatic prearrest diversion of children to youth
361 service bureaus or other services in lieu of arrest for Tier 1 offenses that
362 include infractions such as (A) simple trespass under section 53a-110a
363 of the general statutes, (B) creating a public disturbance under section

364 53a-181a of the general statutes, (C) possession of less than one-half
365 ounce of a cannabis-type substance under section 21a-279a of the
366 general statutes, and (D) use, possession or delivery of drug
367 paraphernalia related to less than one-half ounce of a cannabis-type
368 substance under subsection (d) of section 21a-267 of the general statutes.

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

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

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

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

386 (3) Processes for victim input and involvement;

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

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

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

392 (7) Any other considerations the committee finds necessary for a

393 successful implementation of the plans.

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

402 Sec. 13. (Effective from passage) (a) The Judicial Branch shall develop
403 an implementation plan to securely house in the custody of the Judicial
404 Branch any person under eighteen years of age who is arrested and
405 detained prior to sentencing or disposition on or after January 1, 2023.
406 The plan shall include cost estimates and recommendations for
407 legislation as may be necessary or appropriate for implementation of
408 such plan.

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

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

JUD *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 22 \$	FY 23 \$
Children & Families, Dept.	GF - Cost	900,000	412,000
State Comptroller - Fringe Benefits ¹	GF - Cost	165,200	170,156
Judicial Dept.	GF - Cost	Up to 100,000	None
Department of Emergency Services and Public Protection	GF - Cost	Up to 275,000	None
Judicial Dept.	GF - Cost	581,499	598,944
State Comptroller - Fringe Benefits ¹	GF - Cost	240,159	247,364

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 22 \$	FY 23 \$
Various Municipalities	Potential Cost	See Below	See Below

Explanation

The bill makes several changes affecting the education and treatment of children in the juvenile justice system and results in the following impact.

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

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 41.3% of payroll in FY 22 and FY 23.

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.

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

Section 9 requires the automatic erasure of certain juvenile police and court records when specified conditions are met and results in a one-time cost of up to \$100,000 in FY 22 to the Judicial Department to make changes to the juvenile case management system and a one-time cost to the Department of Emergency Services and Public Protection (DESPP) in FY 22 of up to \$275,000. To meet the requirements of the bill DESPP will require an information technology consultant to make necessary technology changes.

Implementation of automatic juvenile erasure also results in a cost of up to \$581,499 in FY 22 (plus \$240,159 for fringe benefits) and \$598,944 in FY 23 (plus \$247,364 for fringe benefits) for 11 administrative assistants. One will each be assigned to the 11 juvenile courts to manually review the up to 4,500 juvenile dockets that are eligible for automatic erasure. As with current practice, the staff must verify in the juvenile case management system and ensure no charges exist in the adult system before erasure requirements are met.

The bill results in a potential cost to municipalities to the extent

additional staff are hired, or overtime is incurred, from the requirement that certain electronic records be deleted. It is anticipated potential costs will be isolated to municipalities with greater volumes of criminal records.

The Out Years

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

OLR Bill Analysis**sHB 6667*****AN ACT CONCERNING THE RECOMMENDATIONS OF THE JUVENILE JUSTICE POLICY AND OVERSIGHT COMMITTEE.*****SUMMARY**

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

Concerning educating children, the bill requires the following:

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

versa (§ 7).

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

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

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

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

§ 1 — DEFINITION OF CHILD FOR DELINQUENCY PROCEEDINGS

Current law generally defines a child, for the purposes of delinquency matters and proceedings, as a person between ages seven and 19. Therefore, a seven-year-old who has allegedly committed a

delinquent act can be arrested, and if convicted, enter the juvenile justice system.

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

§§ 2 & 3 — EDUCATION UNIT OPERATIONAL PLAN

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

Implementation Team

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

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

Educational Unit Implementation

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

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

1. be able to (a) employ and dismiss staff and, in accordance with existing law, teachers, as necessary to carry out the purpose of

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

Unit Transition Specialists

The bill allows the DCF commissioner to employ transition specialists within the unit to facilitate a child's successful transition from their

communities to secure facilities and then, upon the child's release, back to his or her local educational program. It requires transition specialists to do the following:

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

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

Educational Record Transfers

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

§ 4 — REENTRY COORDINATORS

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

The bill requires SDE, by August 1, 2021, to assemble a list of people

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

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

§ 5 — DIPLOMAS FOR EDUCATION UNIT STUDENTS

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

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

§ 7 — STUDENT RECORD TRANSFERS

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

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

halves the time, from 10 days to five after receiving the notice, that USD #1 and USD #2 have for transferring the student's records to the new school.

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

§ 8 — STUDY ON SUSPENSION AND EXPULSION ALTERNATIVES

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

Committee Membership

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

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

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

1. chairperson of a collaborative group for social and emotional wellbeing;
2. executive director of a statewide association of public school superintendents;

3. president of a statewide association of public school superintendents;
4. chairperson of a statewide advisory council for special education; and
5. one representative each of a statewide school discipline collaborative, disability rights organization, statewide organization that advocates for special education equity, youth services bureau association, and an organization that is a catalyst for improving children's health and development.

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

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

Reports

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

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

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

1. funding recommendations for any proposed alternatives to suspension and expulsion;

2. timelines for potentially implementing the alternatives;
3. data-based individual school district needs;
4. training recommendations for school personnel;
5. implementation procedures for alternative in-school disciplinary practice, strategies, and intervention to support students and school personnel;
6. family engagement;
7. recommendations for health and mental health screening; and
8. recommendations for strengthening connections to community-based services and supports, including trauma-informed mental health interventions.

§ 9 — JUVENILE RECORD ERASURE

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

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

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

that would be a felony or misdemeanor if committed by an adult;
and

4. the child is 18 years of age.

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

§ 10 — STUDY ON TELEPHONE CALL RATES AND COMMISSARY NEEDS

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

§ 11 — CHEMICAL AGENTS IN JUVENILE DETENTION FACILITIES

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

§ 12 — PREARREST DIVERSION IMPLEMENTATION TEAM

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

Plan Contents

Under the bill, the first plan must cover automatic prearrest diversion of children to youth service bureaus or other services instead of arrest

for Tier 1 offenses, including infractions for things like simple trespass; creating a public disturbance, possessing less than one-half an ounce of a cannabis-type substance, and using, possessing, or delivering drug paraphernalia related to the same. The team must develop the plan by January 1, 2022, and provide, by that same date, a report on its findings and recommendations to JJPOC.

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

Plan Development

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

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

successful plan implementation.

§ 13 — PLAN TO SECURELY HOUSE PERSONS UNDER AGE 18

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

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 26 Nay 12 (04/08/2021)