



General Assembly

Substitute Bill No. 6667

January Session, 2021



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

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

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2 repealed and the following is substituted in lieu thereof (*Effective July 1,*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

4 (1) "Child" means any person under eighteen years of age who has
5 not been legally emancipated, except that (A) for purposes of
6 delinquency matters and proceedings, "child" means any person who (i)
7 is at least [seven] ten years of age at the time of the alleged commission
8 of a delinquent act and who is (I) under eighteen years of age and has
9 not been legally emancipated, or (II) eighteen years of age or older and
10 committed a delinquent act prior to attaining eighteen years of age, or
11 (ii) is subsequent to attaining eighteen years of age, (I) violates any order
12 of the Superior Court or any condition of probation ordered by the
13 Superior Court with respect to a delinquency proceeding, or (II) wilfully
14 fails to appear in response to a summons under section 46b-133 or at any
15 other court hearing in a delinquency proceeding of which the child had
16 notice, and (B) for purposes of family with service needs matters and
17 proceedings, child means a person who is at least seven years of age and
18 is under eighteen years of age;

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

34 Sec. 3. (NEW) (*Effective October 1, 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, as amended by this act, not later
166 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	<i>July 1, 2021</i>	46b-120(1)
Sec. 2	<i>from passage</i>	New section

Sec. 3	<i>October 1, 2021</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>July 1, 2021</i>	10-221a(i)
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>October 1, 2021</i>	10-220h
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>October 1, 2021</i>	46b-146
Sec. 10	<i>from passage</i>	New section
Sec. 11	<i>from passage</i>	New section
Sec. 12	<i>from passage</i>	New section
Sec. 13	<i>from passage</i>	New section

JUD *Joint Favorable Subst.*