



Substitute Senate Bill No. 206

Public Act No. 22-42

AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES' RECOMMENDATIONS FOR REVISIONS TO THE STATUTES CONCERNING CHILDREN.

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

Section 1. Subsection (g) of section 17a-28 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(g) The department shall disclose records, subject to subsections (b) and (c) of this section, without the consent of the person who is the subject of the record, to:

(1) The person named in the record or such person's authorized representative, provided such disclosure shall be limited to information (A) contained in the record about such person or about such person's biological or adoptive minor child, if such person's parental rights to such child have not been terminated; and (B) identifying an individual who reported abuse or neglect of the person, including any tape recording of an oral report pursuant to section 17a-103, if a court determines that there is reasonable cause to believe the reporter knowingly made a false report or that the interests of justice require disclosure;

Substitute Senate Bill No. 206

(2) An employee of the department for any purpose reasonably related to the performance of such employee's duties;

(3) A guardian ad litem or attorney appointed to represent a child or youth in litigation affecting the best interests of the child or youth;

(4) An attorney representing a parent, guardian or child in a petition filed in the Superior Court pursuant to section 17a-112 or 46b-129, provided (A) if such records do not pertain to such attorney's client or such client's child, such records shall not be further disclosed to another individual or entity by such attorney except pursuant to the order of a court of competent jurisdiction, (B) if such records are confidential pursuant to federal law, such records shall not be disclosed to such attorney or such attorney's client unless such attorney or such attorney's client is otherwise entitled to such records, and (C) nothing in this subdivision shall limit the disclosure of records under subdivision (3) of this subsection;

(5) The Attorney General, any assistant attorney general or any other legal counsel retained to represent the department during the course of a legal proceeding involving the department or an employee of the department;

(6) The Child Advocate or the Child Advocate's designee;

(7) The Chief Public Defender or the Chief Public Defender's designee for purposes of ensuring competent representation by the attorneys with whom the Chief Public Defender contracts to provide legal and guardian ad litem services to the subjects of such records and for ensuring accurate payments for services rendered by such attorneys;

(8) The Chief State's Attorney or the Chief State's Attorney's designee for purposes of investigating or prosecuting (A) an allegation related to child abuse or neglect, (B) an allegation that an individual made a false report of suspected child abuse or neglect, (C) an allegation that a

Substitute Senate Bill No. 206

mandated reporter failed to report suspected child abuse or neglect in accordance with section 17a-101a, provided such prosecuting authority shall have access to records of a child charged with the commission of a delinquent act, who is not being charged with an offense related to child abuse, only while the case is being prosecuted and after obtaining a release, or (D) an allegation of fraud in the receipt of public or private benefits, provided no information identifying the subject of the record is disclosed unless such information is essential to such investigation or prosecution;

(9) A state or federal law enforcement officer, including a military law enforcement authority under the United States Department of Defense, for purposes of investigating (A) an allegation related to child abuse or neglect, (B) an allegation that an individual made a false report of suspected child abuse or neglect, or (C) an allegation that a mandated reporter failed to report suspected child abuse or neglect in accordance with section 17a-101a;

(10) A foster or prospective adoptive parent, if the records pertain to a child or youth currently placed with the foster or prospective adoptive parent, or a child or youth being considered for placement with the foster or prospective adoptive parent, and the records are necessary to address the social, medical, psychological or educational needs of the child or youth, provided no information identifying a biological parent is disclosed without the permission of such biological parent;

(11) The Governor, when requested in writing in the course of the Governor's official functions, the joint standing committee of the General Assembly having cognizance of matters relating to human services, the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary or the joint standing committee of the General Assembly having cognizance of matters relating to children, when requested in writing by any of such committees in the course of such committee's official functions, and

Substitute Senate Bill No. 206

upon a majority vote of such committee, provided no name or other identifying information is disclosed unless such information is essential to the gubernatorial or legislative purpose;

(12) The Office of Early Childhood for the purpose of (A) determining the suitability of a person to care for children in a facility licensed pursuant to section 19a-77, 19a-80, [or] 19a-87b or 19a-421; (B) determining the suitability of such person for licensure; (C) determining the suitability of a person to provide child care services to a child and receive a child care subsidy pursuant to section 17b-749k; (D) an investigation conducted pursuant to section 19a-80f; [(D)] (E) notifying the office when the Department of Children and Families places an individual licensed or certified by the office on the child abuse and neglect registry pursuant to section 17a-101k; or [(E)] (F) notifying the office when the Department of Children and Families possesses information regarding an office regulatory violation committed by an individual licensed or certified by the office;

(13) The Department of Developmental Services, to allow said department to determine eligibility, facilitate enrollment and plan for the provision of services to a child who is a client of said department and who is applying to enroll in or is enrolled in said department's behavioral services program. At the time that a parent or guardian completes an application for enrollment of a child in the Department of Developmental Services' behavioral services program, or at the time that said department updates a child's annual individualized plan of care, said department shall notify such parent or guardian that the Department of Children and Families may provide records to the Department of Developmental Services for the purposes specified in this subdivision without the consent of such parent or guardian;

(14) Any individual or entity for the purposes of identifying resources that will promote the permanency plan of a child or youth approved by the court pursuant to sections 17a-11, 17a-111b and 46b-129;

Substitute Senate Bill No. 206

(15) A state agency that licenses or certifies a person to educate, care for or provide services to children or youths;

(16) A judge or employee of a Probate Court who requires access to such records in order to perform such judge's or employee's official duties;

(17) A judge of the Superior Court for purposes of determining the appropriate disposition of a child adjudicated as delinquent or a child who is a member of a family with service needs;

(18) A judge of the Superior Court in a criminal prosecution for purposes of in camera inspection whenever (A) the court has ordered that the record be provided to the court; or (B) a party to the proceeding has issued a subpoena for the record;

(19) A judge of the Superior Court and all necessary parties in a family violence proceeding when such records concern family violence with respect to the child who is the subject of the proceeding or the parent of such child who is the subject of the proceeding;

(20) The Auditors of Public Accounts, or their representative, provided no information identifying the subject of the record is disclosed unless such information is essential to an audit conducted pursuant to section 2-90;

(21) A local or regional board of education, provided the records are limited to educational records created or obtained by the state or Connecticut Unified School District #2, established pursuant to section 17a-37;

(22) The superintendent of schools for any school district for the purpose of determining the suitability of a person to be employed by the local or regional board of education for such school district pursuant to subsection (a) of section 10-221d;

Substitute Senate Bill No. 206

(23) The Department of Motor Vehicles for the purpose of criminal history records checks pursuant to subsection (e) of section 14-44, provided information disclosed pursuant to this subdivision shall be limited to information included on the Department of Children and Families child abuse and neglect registry established pursuant to section 17a-101k, subject to the provisions of sections 17a-101g and 17a-101k concerning the nondisclosure of findings of responsibility for abuse and neglect;

(24) The Department of Mental Health and Addiction Services for the purpose of treatment planning for young adults who have transitioned from the care of the Department of Children and Families;

(25) The superintendent of a public school district or the executive director or other head of a public or private institution for children providing care for children or a private school (A) pursuant to sections 17a-11, 17a-101b, 17a-101c, 17a-101i, 17a-111b and 46b-129, or (B) when the Department of Children and Families places an individual employed by such institution or school on the child abuse and neglect registry pursuant to section 17a-101k;

(26) The Department of Social Services for the purpose of (A) determining the suitability of a person for payment from the Department of Social Services for providing child care; (B) promoting the health, safety and welfare of a child or youth receiving services from either department; or (C) investigating allegations of fraud provided no information identifying the subject of the record is disclosed unless such information is essential to any such investigation;

(27) The Court Support Services Division of the Judicial Branch, to allow the division to determine the supervision and treatment needs of a child or youth, and provide appropriate supervision and treatment services to such child or youth, provided such disclosure shall be limited to information that identifies the child or youth, or a member of such

Substitute Senate Bill No. 206

child's or youth's immediate family, as being or having been (A) committed to the custody of the Commissioner of Children and Families as delinquent, (B) under the supervision of the Commissioner of Children and Families, or (C) enrolled in the voluntary services program operated by the Department of Children and Families;

(28) The Court Support Services Division of the Judicial Branch for the purpose of sharing common case records to track recidivism of juvenile offenders;

(29) The birth-to-three program's referral intake office for the purpose of (A) determining eligibility of, (B) facilitating enrollment for, and (C) providing services to (i) substantiated victims of child abuse and neglect with suspected developmental delays, and (ii) newborns impacted by withdrawal symptoms resulting from prenatal drug exposure;

(30) The Department of Public Health for the purpose of notification when the Commissioner of Children and Families places an individual licensed or certified by the Department of Public Health on the child abuse and neglect registry established pursuant to section 17a-101k; [and]

(31) The Department of Correction, for the purpose of determining the supervision and treatment needs of a child or youth, and providing appropriate supervision and treatment services to such child or youth;

(32) Any child placing agency subject to licensure by the Department of Children and Families, for the purpose of determining the suitability of a person (A) for employment by such agency, or (B) to adopt or provide foster care pursuant to sections 17a-114 and 17a-151; and

(33) The Department of Administrative Services, for the purpose of determining whether an applicant for employment with the state, who would have contact with children in the course of such employment, appears on the child abuse or neglect registry maintained pursuant to

Substitute Senate Bill No. 206

section 17a-101k.

Sec. 2. Section 17a-3b of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(a) The Commissioner of Children and Families shall [implement the operational plan developed pursuant to section 2 of public act 21-174 to establish an education] establish an administrative unit within the Department of Children and Families [, for] to provide oversight of the education of any child who resides in any juvenile justice facility and any incarcerated child. The Commissioner of Children and Families shall administer, coordinate and control the operations of the unit and be responsible for the overall supervision and direction of all [courses and] activities of the unit.

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

(1) Have the power to employ and dismiss staff [and, as a board of education would in accordance with the applicable provisions of section 10-151, such teachers as are] as necessary to carry out the intent of this section and to pay their salaries; [, or to contract with local or regional boards of education or educational service providers for the purpose of providing educational services to children being served by the unit;]

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

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

Substitute Senate Bill No. 206

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

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

(6) (A) Ensure that students have access to earn credits toward high school graduation and have access to arts and career and technical education courses, state-wide and college preparatory testing, and (B) provide alternative options for high school equivalency certificates for students who are twenty years of age or older with insufficient credits to meet graduation requirements pursuant to section 10-221a; and

(7) Enable students to have access to web-based content including credit recovery programs to allow students to earn a credit for a course he or she did not satisfactorily complete.

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

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

Substitute Senate Bill No. 206

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

(3) Be responsible for communicating with the reentry coordinators who appear on a list pursuant to section 10-253a, whose primary responsibility is to support educational success in students returning to the community from juvenile justice system custody and who shall ensure all information regarding the education of a child under the oversight of the unit is communicated to the school the student will enroll in upon leaving juvenile justice system custody.

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

(e) The [education] unit shall employ a uniform system of state-wide electronic record transfers for maintaining and sharing educational records for any child who resides in a juvenile justice facility and any incarcerated child in an educational program to be overseen by a directory manager as designated by the commissioner. Such system shall be aligned with recommendations by the Individualized Education Program Advisory Council established pursuant to section 10-76nn.

Sec. 3. Section 10-220h of the 2022 supplement to the general statutes, as amended by section 7 of public act 21-174, is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(a) When a student enrolls in a school in a new school district or in a new state charter school, the new school district or new state charter school shall provide written notification of such enrollment to the school district in which the student previously attended school or the state

Substitute Senate Bill No. 206

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

(b) In the case of a student placed in any juvenile justice facility and any incarcerated student being educated under the oversight of the [education] administrative unit established pursuant to section 17a-3b, as amended by this act, the Commissioner of Children and Families shall immediately upon placement of such student in such facility or under incarceration, inform the student's previous school of such placement. The school district in which the student previously attended school or the state charter school that the student previously attended shall, not later than five days after notification of such placement or incarceration, transfer the student's education records to the [education] administrative unit.

(c) In the case of a student who transfers from Unified School District #1, Unified School District #2 or the [education] administrative unit established pursuant to section 17a-3b, as amended by this act, the new school district or new state charter school shall provide written notification of such enrollment to Unified School District #1, Unified School District #2 or the [education] administrative unit established pursuant to section 17a-3b, as amended by this act, immediately upon the date of enrollment. The unified school district or the [education] administrative unit established pursuant to section 17a-3b, as amended by this act, shall, not later than five days after receipt of notification of enrollment from the new school district or new state charter school,

Substitute Senate Bill No. 206

transfer the records of the student to the new school district or new state charter school.

(d) The new school district or new state charter school shall, not later than thirty days after receiving the student's education records, credit the student for all instruction received in Unified School District #1, Unified School District #2 or the [education] administrative unit established pursuant to section 17a-3b, as amended by this act.

Approved May 17, 2022