



## State of Connecticut

### DIVISION OF PUBLIC DEFENDER SERVICES

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### Testimony of the Office of Chief Public Defender Renee Cimino, Director of Delinquency Defense and Child Protection

#### EDUCATION COMMITTEE - MARCH 13, 2024

#### Raised Bill No. 380

#### AN ACT CONCERNING SCHOOL DISCIPLINE

Although the Office of Chief Public Defender (OCPD) does not oppose *Raised S.B. 380 (LCO 2701) An Act Concerning School Discipline*, in its entirety, it **opposes Sections 1 and 2** as drafted. While agreeing with the intent of the proposed language in Sections 1 and 2, the language does not go far enough. As a result, this office respectfully requests that:

- (1) the language in Section 1 of S.B. 380 be modified to include services and protection for all students grades preschool to twelve; and,
- (2) the language in Section 2 be modified to include participation in Diversionary Programs when notice of an arrest to the superintendent of schools is precluded.

The Office of Chief Public Defender (OCPD) agrees with the proposed language in Section 1 of S.B. 380, which requires services for *preschool to grade 2* students who receive out-of-school suspensions. However, **these protections and services should also be extended to grades 3 to 12, inclusive**. As drafted, the Bill requires schools to provide trauma-informed and developmentally appropriate behavioral intervention plans when the student returns to school after a suspension and limits the duration of any out-of-school suspension. The school would be required to consider whether to convene a planning and placement team meeting to determine if the student is eligible for special education or related services. Schools are often the first line of defense for at risk children. Early intervention and identification of special education or

related services can improve the trajectories and improve outcomes regarding social, emotional, and educational development. The Juvenile Justice Policy Oversight Committee's (JJPOC) 2017 Community-Based Diversion System Plan, acknowledged that "over the last twenty years, the relationship between poor educational opportunity, academic failure, and juvenile justice involvement has been extensively documented."

This office also agrees with the proposed language in Section 2 of S.B. 380 which precludes CSSD from providing notice of an arrest to the superintendent of schools if the arrest has been diverted to the community-based diversion system, screened, and found to be eligible for nonjudicial handling or dismissed by the court. Again, however, OCPD is **requesting that screening and participation in diversionary programs also be precluded from the arrest notice requirement.**

Diversionary programs allow children charged with certain delinquency offenses to request a suspension of the delinquency proceedings to participate, under the supervision of a juvenile probation officer, in services to address behaviors directly related to the charged offense. The court only grants the request if it finds that the child is likely to benefit from supervision and participation in the recommended services advances the interests of justice. The programs allow the court to dismiss the suspended charges, if the child successfully completes the services and complies with any other conditions the court deems necessary. Diversionary programs share the same purpose and rehabilitative goals as community-based diversion systems and nonjudicial handlings, therefore they should have the same protections afforded to them. Sharing diversionary arrests records with the superintendent of schools is contrary to these goals and will lead to more school suspensions and expulsions, which JJPOC has acknowledged is a "gateway to involvement in the juvenile justice system." Community-Based Diversion System Plan, 2017.

Thank you for your consideration of this office's proposed changes to Sections 1 and 2. This office remains available to discuss this further and requests that the Committee vote this bill out with the substitute language as proposed herein.