



## Agency Legislative Proposal - 2022 Session

**Document Name:** 10.01.2021\_DCF\_Records

(If submitting electronically, please label with date, agency, and title of proposal – 092621\_SDE\_TechRevisions)

**State Agency:** Department of Children and Families

**Liaison:** Vincent Russo

**Phone:** (860) 461-6689

**E-mail:** vincent.russo@ct.gov

**Lead agency division requesting this proposal:** Commissioner's Office

**Agency Analyst/Drafter of Proposal:** Vincent Russo

**Title of Proposal:** AAC DCF Records

**Statutory Reference:** 17a-28

**Proposal Summary:**

The proposed bill will allow DCF to conduct background checks for potential employees of organizations that work with children without the need to maintain the release of information. The proposal will also grant DAS access to our records when hiring state employees due to the centralization of HR.

### PROPOSAL BACKGROUND

#### ◇ Reason for Proposal

*Please consider the following, if applicable:*

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

The Department has recently implemented a new background check system to streamline the procedures for organizations statutorily required to perform a check before hiring an employee who works with children. Under several existing statutes, entities such as child care facilities, day care facilities, youth camps, etc, are required to perform a check of DCF's child abuse or neglect registry, often called the Central Registry. As the number of job types that requires checks has grown, DCF was experiencing a backup causing delays in hiring. With the new automated system, those wait times have declined significantly. However, DCF is required to maintain a copy of the release of information form in order filled out by the individual to conduct the check. The hiring entities are required to get this form from each potential



employee and keep it in the employee's record. This additional step of DCF also maintaining the release of information form has caused unexpected delays. The proposal will allow DCF to conduct the background check without the need to receive a physical copy of the release of information. The employing agency will still need to obtain the release and retain it. DCF will ensure those forms are retained when the Department conducts its regular auditing process of the organizations. The proposed bill will also grant DAS access to our records when hiring state employees due to the centralization of HR. If this proposal is not enacted, DCF will be required to obtain and maintain a duplicative form.

◇ **Origin of Proposal**      ☒ **New Proposal**      ☐ **Resubmission**

*If this is a resubmission, please share:*

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*

[Click here to enter text.](#)

### **PROPOSAL IMPACT**

◇ **AGENCIES AFFECTED** *(please list for each affected agency)*

**Agency Name:** Office of Early Childhood

**Agency Contact (name, title, phone):** Maggie Addair, Director - Government and Community Relations, (860) 878-8936

**Date Contacted:** October 19, 2021

Approve of Proposal      ☒ **YES**      ☐ **NO**      ☐ **Talks Ongoing**

**Summary of Affected Agency's Comments**

They're good

Will there need to be further negotiation?      ☐ **YES**      ☒ **NO**

**Agency Name:** DAS

**Agency Contact (name, title, phone):** Eleanor Michael, Legal & Policy Advisor, 860-803-9240

**Date Contacted:** October 15, 2021

Approve of Proposal      ☒ **YES**      ☐ **NO**      ☐ **Talks Ongoing**

**Summary of Affected Agency's Comments**

They're good



Will there need to be further negotiation? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

◇ **FISCAL IMPACT** *(please include the proposal section that causes the fiscal impact and the anticipated impact)*

<b>Municipal</b> <i>(please include any municipal mandate that can be found within legislation)</i> None
<b>State</b> None
<b>Federal</b> None
<b>Additional notes on fiscal impact</b> <a href="#">Click here to enter text.</a>

◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

<a href="#">Click here to enter text.</a>
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◇ **EVIDENCE BASE**

<p><i>What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First <a href="#">evidence definitions</a> can help you to establish the evidence-base for your program and their <a href="#">Clearinghouse</a> allows for easy access to information about the evidence base for a variety of programs.</i></p> <p><a href="#">Click here to enter text.</a></p>
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**[Insert fully drafted bill here](#)**



Section 1. Section 17a-28 is repealed and the following is substituted in lieu thereof (Effective July 1, 2022):

(a) As used in this section:

(1) "Person" means (A) any individual named in a record, maintained by the department, who (i) is presently or at any prior time was a ward of or committed to the commissioner for any reason; (ii) otherwise received services, voluntarily or involuntarily, from the department; or (iii) is presently or was at any prior time the subject of an investigation by the department; (B) a parent whose parental rights have not been terminated or current guardian of an individual described in subparagraph (A) of this subdivision, if such individual is a minor; or (C) the authorized representative of an individual described in subparagraph (A) of this subdivision, if such individual is deceased;

(2) "Attorney" means the licensed attorney authorized to assert the confidentiality of or right of access to records of a person;

(3) "Authorized representative" means a parent, guardian, guardian ad litem, attorney, conservator or other individual authorized to assert the confidentiality of or right of access to records of a person;

(4) "Consent" means permission given in writing by a person, such person's attorney or authorized representative to disclose specified information, within a limited time period, regarding the person to specifically identified individuals or entities;

(5) "Records" means information created or obtained in connection with the department's child protection activities or other activities related to a child while in the care or custody of the department, including information in the registry of reports to be maintained by the commissioner pursuant to section 17a-101k;

(6) "Disclose" means (A) to provide an oral summary of records maintained by the department to an individual, agency, corporation or organization, or (B) to allow an individual, agency, corporation or organization to review or obtain copies of such records in whole, part or summary form;

(7) "Near fatality" means an act that places a child in serious or critical condition.

(b) Notwithstanding the provisions of section 1-210, 1-211 or 1-213, records maintained by the department shall be confidential and shall not be disclosed, unless the department receives written consent from the person or as provided in this section, section 17a-101g or section 17a-101k. Any unauthorized disclosure shall be punishable by a fine of not more than one thousand dollars or imprisonment for not more than one year, or both. Any employee of the department who in the ordinary course of such person's employment has reasonable cause to suspect or believe that another employee has engaged in the unauthorized disclosure of records shall report in writing such unauthorized disclosure of records to the commissioner. The report shall include the name of the



person disclosing the information and the nature of the information disclosed and to whom it was disclosed, if known.

(c) Records that (1) contain privileged communications, or (2) are confidential pursuant to any federal law or regulation shall not be disclosed except as authorized by law.

(d) Any information disclosed from a person's record shall not be further disclosed to another individual or entity without the written consent of the person, except (1) pursuant to section 19a-80 or 19a-80f, provided such disclosure is otherwise permitted pursuant to subsections (b) and (c) of this section, (2) pursuant to the order of a court of competent jurisdiction, or (3) as otherwise provided by law.

(e) The commissioner shall, upon written request, disclose the following information concerning agencies licensed by the Department of Children and Families, except foster care parents, relatives of the child who are licensed to provide foster care or prospective adoptive families: (1) The name of the licensee; (2) the date the original license was issued; (3) the current status of the license; (4) whether an agency investigation or review is pending or has been completed; and (5) any licensing action taken by the department at any time during the period such license was issued and the reason for such action, provided disclosure of such information will not jeopardize a pending investigation.

(f) The name of any individual who reports suspected abuse or neglect of a child or youth or cooperates with an investigation of child abuse or neglect shall be kept confidential upon request or upon determination by the department that disclosure of such information may be detrimental to the safety or interests of the individual, except the name of any such individual shall be disclosed pursuant to subparagraph (B) of subdivision (1) of subsection (g) of this section to (1) an employee of the department for reasons reasonably related to the business of the department; (2) a law enforcement officer for purposes of investigating (A) abuse or neglect of a child or youth, or (B) an allegation that such individual falsely reported the suspected abuse or neglect of a child or youth; (3) a state's attorney for purposes of investigating or prosecuting (A) abuse or neglect of a child or youth, or (B) an allegation that such individual falsely reported the suspected abuse or neglect of a child or youth; (4) an assistant attorney general or other legal counsel representing the department; (5) a judge of the Superior Court and all necessary parties in a court proceeding pursuant to section 17a-112 or 46b-129, or a criminal prosecution involving child abuse or neglect; (6) a state child care licensing agency; or (7) the executive director of any institution, school or facility or superintendent of schools pursuant to section 17a-101i.

(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;

(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 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 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 to 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;



(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;

(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 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; [and]

(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;

(31) A child placing agency subject to licensure by the Department of Children and Families, for the purposes of determining the suitability of a person to be employed by the child placing agency or a person to be approved as a prospective foster or adoptive home by the child placing agency pursuant to sections 17a-114 and 17a-151; and

(32) The Department of Administrative Services, for the purpose of determining whether an applicant for employment with the State of Connecticut who may work with children appears on the child abuse and neglect registry established pursuant to section 17a-101k.

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

(1) An employee or former employee of the department or such employee or former employee's authorized representative for purposes of participating in any court, administrative or disciplinary proceeding, provided such disclosure shall be limited to records that are necessary to the proceeding, as determined by the department;



(2) Multidisciplinary teams, as described in section 17a-106a;

(3) A provider of professional services for a child, youth or parent referred to such provider, provided such disclosure is limited to information necessary to provide services to the child, youth or parent;

(4) An individual or agency under contract with the department for the purposes of identifying and assessing a potential foster or adoptive home or visiting resource for a child or youth, provided no information identifying a biological parent of a child or youth is disclosed without the permission of such biological parent;

(5) A physician examining a child with respect to whom abuse or neglect is suspected and who is authorized pursuant to section 17a-101f to keep the child in the custody of a hospital when such physician requires the information in a record of the department to determine whether to keep the child in protective custody;

(6) An individual who reports child abuse or neglect pursuant to sections 17a-101a to 17a-101c, inclusive, or section 17a-103, who made a report of abuse or neglect, provided the information disclosed is limited to (A) the status of the investigation conducted pursuant to section 17a-101g resulting from the individual's report; and (B) in general terms, the action taken by the department as a result of such investigation;

(7) An individual or organization engaged in the business of medical, psychological or psychiatric diagnosis and treatment and who is treating a person, provided the commissioner, or the commissioner's designee, determines that the disclosure is necessary to accomplish the objectives of diagnosis or treatment;

(8) A court or public agency in another state or a federally recognized Indian tribe, that is responsible for investigating child abuse or neglect, preventing child abuse and neglect or providing services to families at risk for child abuse or neglect, for the purpose of such investigation, prevention or providing services to such families;

(9) An individual conducting bona fide research, provided no information identifying the subject of the record is disclosed unless (A) such information is essential to the purpose of the research; and (B) the department has given written approval for the use of such information;

(10) An individual or agency involved in the collection of fees for services, provided such information is limited to the name and address of the person who received the services and the fees for services, except as provided in section 17b-225. In cases where a dispute arises over such fees or claims or where additional information is needed to substantiate the fee or claim, the Department of Children and Families may disclose the following: (A) That the person was, in fact, provided services by the department; (B) the dates and duration of such services; and (C) a general description of the types of services, including evidence that a service or treatment plan exists and has been carried out and evidence to substantiate the necessity for admission and length of stay in an institution or facility;



(11) A law enforcement officer or state's attorney if there is reasonable cause to believe that (A) a child or youth is being abused or neglected or at risk of being abused or neglected as a result of any suspected criminal activity by any individual, or (B) an employee of the department is being threatened or harassed or has been assaulted by a client or coworker;

(12) Any individual interviewed as part of an investigation conducted pursuant to section 17a-101g, who is not otherwise entitled to such information, provided such disclosure is limited to: (A) The general nature of the allegations contained in the reports; (B) the identity of the child or youth alleged to have been abused or neglected; and (C) information necessary to effectively conduct the investigation;

(13) Any individual, when information concerning an incident of child abuse or neglect has been made public or the commissioner reasonably believes publication of such information is likely, provided such disclosure is limited to: (A) Whether the department has received any report in accordance with sections 17a-101a to 17a-101c, inclusive, or section 17a-103; (B) in general terms, any action taken by the department, provided: (i) Names or other individually identifiable information of the child or other family members is not disclosed, regardless of whether such individually identifiable information is otherwise available, and (ii) the name or other individually identifiable information of the person suspected to be responsible for the abuse or neglect is not disclosed unless such person has been arrested for a crime due to such abuse or neglect; (C) confirmation or denial of the accuracy of information that has been made public; and (D) notwithstanding the provisions of section 46b-124, in general terms, the legal status of the case;

(14) Any individual for the purpose of locating such individual's missing parent, child, sibling, aunt, uncle, first cousin or grandparent, provided such disclosure is limited to information that assists in locating such missing parent, child, sibling, aunt, uncle, first cousin or grandparent;

(15) Any individual, when the information concerns an incident of abuse or neglect that resulted in a child or youth fatality or near fatality of a child or youth, provided disclosure of such information is in general terms and does not jeopardize a pending investigation;

(16) A judge of a court of competent jurisdiction whenever an employee of the department is subpoenaed and ordered to testify about such records for purposes of in camera inspection to determine if such records may be disclosed pursuant to this section if (A) the court has ordered that such records be provided to the court; or (B) a party to the proceeding has issued a subpoena for such records;

(17) An individual who is not employed by the department who arranges, performs or assists in performing functions or activities on behalf of the department, including, but not limited to, data analysis, processing or administration, utilization reviews, quality assurance, practice management, consultation, data aggregation and accreditation services.



(i) Notwithstanding the provisions of subsections (e) to (h), inclusive, of this section, the department may refuse to disclose records to any individual, provided the department gives such individual notice (1) that records are being withheld; (2) of the general nature of the records being withheld; (3) of the department's reason for refusing to disclose the records; and (4) of the individual's right to judicial relief pursuant to subsection (j) of this section.

(j) (1) Any person or individual aggrieved by a violation of subsection (b) or (d), subsections (f) to (h), inclusive, or subsection (k) of this section, or a person's authorized representative, may seek judicial relief in the manner prescribed in section 52-146j.

(2) Any person, individual or authorized representative denied access to records by the commissioner under subdivision (i) of this section may petition the superior court for the venue district provided in section 46b-142 in which the person resides for an order requiring the commissioner to permit access to those records, and the court, after a hearing and an in camera review of the records in question, shall issue such an order unless it determines that permitting disclosure of all or any portion of the record (A) would be contrary to the best interests of the person or the person's authorized representative; (B) could reasonably result in the risk of harm to any individual; or (C) would contravene the public policy of the state.

(k) All written records disclosed to an individual who is not the subject of the record, an agency, an entity or an organization shall bear a stamp requiring confidentiality in accordance with the provisions of this section. Such records shall not be disclosed to another individual, agency, entity or an organization without the written consent of the person who is the subject of the record or as provided by this section. A copy of the consent form, specifying to whom and for what specific use the record is disclosed or a statement setting forth any other statutory authorization for disclosure and the limitations imposed on such disclosure, shall accompany the record. In cases where the disclosure is made orally, the individual disclosing the information shall inform the recipient that such information is governed by the provisions of this section.

(l) Whenever any person, attorney or authorized representative, having obtained access to any record, believes there are factually inaccurate entries or materials contained in such record, such person, attorney or authorized representative may add a statement to the record setting forth what such person, attorney or authorized representative believes to be an accurate statement of those facts and such statement shall become a permanent part of the record.

(m) The Department of Children and Families may charge a reasonable fee for any record disclosed pursuant to this section that exceeds one hundred pages in length. Such fee shall be waived if the individual requesting such record is indigent.



## Agency Legislative Proposal - 2022 Session

**Document Name:** 10.01.2021\_DCF\_JJPOC Fix

(If submitting electronically, please label with date, agency, and title of proposal – 092621\_SDE\_TechRevisions)

State Agency: Department of Children and Families

**Liaison:** Vincent Russo

**Phone:** (860) 461-6689

**E-mail:** vincent.russo@ct.gov

Lead agency division requesting this proposal: Commissioner's Office

Agency Analyst/Drafter of Proposal: Vincent Russo

**Title of Proposal:** AAC the Education of Youth in Juvenile Justice Facilities

**Statutory Reference:** Public Act 21-174 (sections being amended are new)

**Proposal Summary:**

The proposed bill amends parts of Public Act 21-174. It provides greater specificity regarding the way DCF will oversee educational services being provided to students housed in juvenile detention facilities operated by DOC and CSSD. Most of the edits clarify that DCF will be overseeing the education of these students and not directly delivering the education. It also makes several technical changes indicating that this is an administrative unit not an education unit to distinguish it from USD #2. There may be additional language that DCF is currently working on with SDE and the federal Department of Education to allow DCF to receive student records under FERPA.

### PROPOSAL BACKGROUND

#### ◇ Reason for Proposal

DCF has been working with the JJPOC to implement an operational plan after agreeing to take on the responsibility of ensuring student in detention facilities are receiving the appropriate education and that credits and records are transferred seamlessly to assist the students in obtaining timely high school diplomas. DCF would like these edits so that the statutory language authorizing the administrative unit that is currently being stood up meets its intended function. There is concern that the current language goes too far and leaves the administrative unit's role in question when it comes to delivering educating rather than overseeing the education services being delivered by other entities. As the bill was being drafted last year, DCF had requested these amendments that were never adopted. During special session in June, DCF again asked for these changes to be adopted in the implementer bill but unfortunately that also did not occur. These amendments have been vetted by the



Governor's office, OPM, and the JJPOC and have been universally accepted as reasonable requests.

Please consider the following, if applicable:

- (1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary?
- (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year?
- (3) Have certain constituencies called for this action?
- (4) What would happen if this was not enacted in law this session?

This proposal in on the heels of Public Act 21-174 being passed last session.

◇ **Origin of Proposal**

☐ **New Proposal**

☒ **Resubmission**

If this is a resubmission, please share:

- (1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
- (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
- (4) What was the last action taken during the past legislative session?

DCF is told the reason the amendment did not pass last year was due to lack of time and the complexity of the final budget negotiations. Rep. Walker had assured me this would be adopted in a special session, but it appears there will not be a special session other than the one just help to extend the Governor's executive orders. DCF has shared this language in the past and receive d support for its passage. The Department is not aware of any objection to this language and view it as a technical fix to assure the administrative unit overseeing the education of youth in juvenile justice facilities comports with law.

## **PROPOSAL IMPACT**

◇ **AGENCIES AFFECTED** (please list for each affected agency)

**Agency Name:** SDE

**Agency Contact (name, title, phone):** Ajit Gopalakrishnan, Laura Anastasio

**Date Contacted:** Currently

Approve of Proposal    ☐ **YES**    ☐ **NO**    ☒ **Talks Ongoing**

### **Summary of Affected Agency's Comments**

SDE is helping us navigate the FERPA issues with the federal Department of Education. Recent meeting have been promising but we're not quite there yet.



Will there need to be further negotiation? ☒ YES ☐ NO

◇ **FISCAL IMPACT** *(please include the proposal section that causes the fiscal impact and the anticipated impact)*

**Municipal** *(please include any municipal mandate that can be found within legislation)*

None

**State**

None

**Federal**

None

**Additional notes on fiscal impact**

[Click here to enter text.](#)

◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

[Click here to enter text.](#)

◇ **EVIDENCE BASE**

*What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First [evidence definitions](#) can help you to establish the evidence-base for your program and their [Clearinghouse](#) allows for easy access to information about the evidence base for a variety of programs.*

[Click here to enter text.](#)

**Insert fully drafted bill here**

Section 1. Section 3 of Public Act 21-174 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 1 of this act to**] establish an [**education**] **administrative** unit within the Department



of Children and Families **to provide oversight** for 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 **for the administrative unit** [**and, as a board of education would in accordance with the applicable provisions of section 10-151 of the general statutes, such teachers**]as [are] 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 of the general statutes, on academic performance, school discipline, attendance and other similar issues concerning students educated **under the oversight of [by]** 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;

(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 of the general statutes;

(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 of the general statutes, as amended by this act; 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 oversight of the unit;

(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 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]** administrative 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]** administrative 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 of the general statutes.

Sec. 2. Section 10-220h of the general statutes 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 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 [\[section 3\]](#) [section 1](#) of 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 [\[section 3\]](#) [section 1](#) of 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 [\[section 3\]](#) [section 1](#) of this act, immediately upon the date of enrollment. The unified school district or the [\[education\]](#) [administrative](#) unit established pursuant to [\[section 3\]](#) [section 1](#) of this act shall, not later than five days after receipt of notification of enrollment from the new school district or new state charter school, 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 [\[section 3\]](#) [section 1](#) of this act.



## Agency Legislative Proposal - 2022 Session

**Document Name:** 10.01.2021\_DCF\_Suicide Advisory Board

(If submitting electronically, please label with date, agency, and title of proposal – 092621\_SDE\_TechRevisions)

State Agency: Department of Children and Families

**Liaison:** Vincent Russo

**Phone:** (860) 461-6689

**E-mail:** vincent.russo@ct.gov

Lead agency division requesting this proposal: Commissioner's Office

Agency Analyst/Drafter of Proposal: Vincent Russo

**Title of Proposal:** AAC the Connecticut Suicide Advisory Board

**Statutory Reference:** 17a-52

**Proposal Summary:**

Codify the existing Connecticut Suicide Advisory Board, chaired by DMHAS and DCF, to provide a life span approach to suicide prevention.

### PROPOSAL BACKGROUND

#### ◇ Reason for Proposal

*Please consider the following, if applicable:*

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

The CT Suicide Advisory Board has this as an area of focus in the 2025 Suicide Prevention State Plan. Under current law, the board is the Youth Suicide Advisory Board. However, over the years the board develops strategies and treatments for the lifespan. The board, suicide prevention foundations and legislators have called for the statute to be amended to appropriately take into account the existing structure of the board. This bill does that. DCF and DMAH worked with board members to draft this bill. Legislators attempted to pass a bill last year that was rejected and gave us the charge of coming up with something or they would reintroduce the bill.

◇ **Origin of Proposal**

☒ **New Proposal**

☐ **Resubmission**



If this is a resubmission, please share:

- (1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
- (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
- (4) What was the last action taken during the past legislative session?

### **PROPOSAL IMPACT**

◇ **AGENCIES AFFECTED** (please list for each affected agency)

**Agency Name:** DMHAS

**Agency Contact (name, title, phone):** Mary Kate Mason

**Date Contacted:** Constant

Approve of Proposal    ☒ **YES**    ☐ **NO**    ☐ **Talks Ongoing**

#### **Summary of Affected Agency's Comments**

DMHAS has worked collaboratively with DCF in drafting this proposal

Will there need to be further negotiation?    ☐ **YES**    ☒ **NO**

◇ **FISCAL IMPACT** (please include the proposal section that causes the fiscal impact and the anticipated impact)

**Municipal** (please include any municipal mandate that can be found within legislation)

None

**State**

None

**Federal**

None

**Additional notes on fiscal impact**

[Click here to enter text.](#)



◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

Codify the existing CT Suicide Advisory Board, giving suicide prevention in statute a life span approach and reflecting current efforts of the CT Suicide Advisory Board that has been expanded to encompass the Youth Suicide Advisory Board. This mirrors the Connecticut Suicide Prevention Plan 2025

◇ **EVIDENCE BASE**

*What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First [evidence definitions](#) can help you to establish the evidence-base for your program and their [Clearinghouse](#) allows for easy access to information about the evidence base for a variety of programs.*

[Click here to enter text.](#)

**Insert fully drafted bill here**

Section 1. Section 17a-52 is repealed and the following is substituted in lieu thereof (Effective October 1, 2022):

(a) There is established a **[Youth Suicide Advisory Board]** [Connecticut Suicide Advisory Board](#), within the Department of Children and Families, which shall be a coordinating source for [lifespan suicide prevention inclusive of](#) youth suicide prevention. The board **[shall consist of twenty members, which shall]** [may include representatives from suicide prevention foundations, youth-serving organizations, law enforcement, religious or fraternal organizations, civic or volunteer groups, state, local and tribal government agencies, other healthcare professionals or local organizations with expertise in the mental health of children or adults or mental health issues with a focus on suicide prevention](#), one psychiatrist licensed to practice medicine in this state, one psychologist licensed in this state, one representative of a local or regional board of education, one high school teacher, one high school student, one college or university faculty member, one college or university student and one parent, [and a person who has lived experience with suicide ideation or loss](#), all appointed by the Commissioner of Children and Families[.]. [The board shall also include](#) one representative of the Department of Public Health appointed by the Commissioner of Public Health, one representative of the state Department of Education appointed by the Commissioner of Education and one representative of the Board of Regents for Higher Education appointed by the president of the Connecticut State Colleges and Universities. **[The balance of the board shall be comprised of persons with expertise in the mental health of children or mental health issues with a focus on suicide prevention and shall be appointed by the Commissioner of Children and Families. Members of the board shall serve for two-year terms, without compensation. Any member who fails to attend three**



consecutive meetings or fifty per cent of all meetings held during any calendar year shall be deemed to have resigned from the board.] The Commissioner<sup>s</sup> of Children and Families and Mental Health and Addiction Services, or their representatives, shall ~~[be a nonvoting, ex-officio member]~~ serve as co-chairpersons of the board. The board shall elect a representative of the community providers or foundations for suicide prevention to serve as a co-chairperson. ~~[chairman and a vice-chairman to act in the chairman's absence.]~~ The board may adopt bylaws to govern it and its meetings.

(b) The board shall: (1) Increase public awareness of the existence of **[youth]** suicide and means of suicide prevention across a person's lifespan; (2) make recommendations to the commissioner<sup>s</sup> for the development of state-wide training in the prevention of **[youth]** suicide; (3) develop a state-wide strategic [youth] suicide prevention plan that identifies priorities goals and objectives aligned with national guidance; (4) recommend interagency policies and procedures for the coordination of services ~~[for youths and families]~~ in the area of suicide prevention, intervention and response; (5) make recommendations for the establishment and implementation of suicide prevention , intervention and response procedures in schools and communities; (6) establish a coordinated system for the utilization of data for the prevention of **[youth]** suicide; (7) make recommendations concerning the integration of suicide prevention and intervention strategies into **[other]** youth-focused prevention and intervention programs; and (8) periodically offer, within available appropriations, **[youth]** suicide prevention training and education for health and behavioral health care providers, school employees, faculty members of institutions of higher education and other persons who provide services to children, **[young]** adults, and families.

Sec. 2. Subdivision (6) of subsection (b) of section 10-222q of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(6) Three appointed by the minority leader of the Senate, one of whom is a representative of the Connecticut Education Association; one of whom is a representative of the National Alliance on Mental Illness, Connecticut; and one of whom is a representative of the **[Youth] Connecticut** Suicide Advisory Board established pursuant to section 17a-52, as amended by this act;