



House of Representatives

General Assembly

File No. 784

January Session, 2011

Substitute House Bill No. 5431

House of Representatives, May 11, 2011

The Committee on Appropriations reported through REP. WALKER of the 93rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING THE RESPONSE OF SCHOOL DISTRICTS
AND THE DEPARTMENTS OF EDUCATION AND CHILDREN AND
FAMILIES TO REPORTS OF CHILD ABUSE AND NEGLECT.***

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

1 Section 1. Section 10-221d of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2011*):

3 (a) Each local and regional board of education shall (1) require each
4 applicant for a position in a public school to state whether such person
5 has ever been convicted of a crime or whether criminal charges are
6 pending against such person at the time of such person's application,
7 (2) require each applicant for a position in a public school to submit to
8 a records check of the Department of Children and Families child
9 abuse and neglect registry established pursuant to section 17a-101k,
10 before such applicant may be hired by such board, (3) require, subject
11 to the provisions of subsection (d) of this section, each person hired by
12 the board after July 1, 1994, to submit to state and national criminal
13 history records checks within thirty days from the date of employment

14 and may require, subject to the provisions of subsection (d) of this
15 section, any person hired prior to said date to submit to state and
16 national criminal history records checks, and [(3)] (4) require each
17 worker (A) placed within a school under a public assistance
18 employment program, (B) employed by a provider of supplemental
19 services pursuant to the No Child Left Behind Act, P.L. 107-110, or (C)
20 on and after July 1, 2010, in a nonpaid, noncertified position
21 completing preparation requirements for the issuance of an educator
22 certificate pursuant to chapter 166, who performs a service involving
23 direct student contact to submit to state and national criminal history
24 records checks within thirty days from the date such worker begins to
25 perform such service. The criminal history records checks required by
26 this subsection shall be conducted in accordance with section 29-17a. If
27 the local or regional board of education receives notice of a conviction
28 of a crime which has not previously been disclosed by such person to
29 the board, the board may (i) terminate the contract of a certified
30 employee, in accordance with the provisions of section 10-151, and (ii)
31 dismiss a noncertified employee provided such employee is notified of
32 the reason for such dismissal, is provided the opportunity to file with
33 the board, in writing, any proper answer to such criminal conviction
34 and a copy of the notice of such criminal conviction, the answer and
35 the dismissal order are made a part of the records of the board. In
36 addition, if the local or regional board of education receives notice of a
37 conviction of a crime by a person (I) holding a certificate, authorization
38 or permit issued by the State Board of Education, (II) employed by a
39 provider of supplemental services, or (III) on and after July 1, 2010, in a
40 nonpaid, noncertified position completing preparation requirements
41 for the issuance of an educator certificate pursuant to chapter 166, the
42 local or regional board of education shall send such notice to the State
43 Board of Education. The supervisory agent of a private school may
44 require any applicant for a position in such school or any employee of
45 such school to submit to state and national criminal history records
46 checks in accordance with the procedures described in this subsection.

47 (b) If a local or regional board of education, endowed or
48 incorporated academy approved by the State Board of Education

49 pursuant to section 10-34, or special education facility approved by the
50 State Board of Education pursuant to section 10-76d requests, a
51 regional educational service center shall arrange for the fingerprinting
52 of any person required to submit to state and national criminal history
53 records checks pursuant to this section or for conducting any other
54 method of positive identification required by the State Police Bureau of
55 Identification or the Federal Bureau of Investigation and shall forward
56 such fingerprints or other positive identifying information to the State
57 Police Bureau of Identification which shall conduct criminal history
58 records checks in accordance with section 29-17a. Such regional
59 educational service centers shall provide the results of such checks to
60 such local or regional board of education, endowed or incorporated
61 academy or special education facility. Such regional educational
62 service centers shall provide such results to any other local or regional
63 board of education or regional educational service center upon the
64 request of such person.

65 (c) State and national criminal history records checks for substitute
66 teachers completed within one year prior to the date of employment
67 with a local or regional board of education and submitted to the
68 employing board of education shall meet the requirements of
69 subdivision [(2)] (3) of subsection (a) of this section. A local or regional
70 board of education shall not require substitute teachers to submit to
71 state and national criminal history records checks pursuant to
72 subdivision [(2)] (3) of subsection (a) of this section if they are
73 continuously employed by such local or regional board of education.
74 For purposes of this section, substitute teachers shall be deemed to be
75 continuously employed by a local or regional board of education if
76 they are employed at least one day of each school year by such local or
77 regional board of education.

78 (d) (1) The provisions of this section shall not apply to a person
79 required to submit to a criminal history records check pursuant to the
80 provisions of subsection [(d)] (e) of section 14-44.

81 (2) The provisions of this section shall not apply to a student

82 employed by the local or regional school district in which the student
83 attends school.

84 (3) The provisions of subsection (a) of this section requiring state
85 and national criminal history records checks shall, at the discretion of a
86 local or regional board of education, apply to a person employed by a
87 local or regional board of education as a teacher for a noncredit adult
88 class or adult education activity, as defined in section 10-67, who is not
89 required to hold a teaching certificate pursuant to section 10-145b, as
90 amended by this act, for his or her position.

91 (e) The State Board of Education shall submit, periodically, a
92 database of applicants for an initial issuance of certificate,
93 authorization or permit pursuant to sections 10-144o to 10-149,
94 inclusive, as amended by this act, to the State Police Bureau of
95 Identification. The State Police Bureau of Identification shall conduct a
96 state criminal history records check against such database and notify
97 the State Board of Education of any such applicant who has a criminal
98 conviction. The State Board of Education shall not issue a certificate,
99 authorization or permit until it receives and evaluates the results of
100 such check and may deny an application in accordance with the
101 provisions of subsection (j) of section 10-145b, as amended by this act.

102 (f) The State Board of Education shall submit, periodically, a
103 database of all persons who hold certificates, authorizations or permits
104 to the State Police Bureau of Identification. The State Police Bureau of
105 Identification shall conduct a state criminal history records check
106 against such database and shall notify the State Board of Education of
107 any such person who has a criminal conviction. The State Board of
108 Education may revoke the certificate, authorization or permit of such
109 person in accordance with the provisions of subsection (j) of section 10-
110 145b, as amended by this act.

111 (g) The State Board of Education shall require each applicant
112 seeking an initial issuance or renewal of a certificate, authorization or
113 permit pursuant to sections 10-144o to 10-149, inclusive, as amended
114 by this act, to submit to a records check of the Department of Children

115 and Families child abuse and neglect registry established pursuant to
116 section 17a-101k. If notification is received that the applicant is listed as
117 a perpetrator of abuse or neglect on the Department of Children and
118 Families child abuse and neglect registry, the board shall deny an
119 application for the certificate, authorization or permit in accordance
120 with the provisions of subsection (j) of section 10-145b, as amended by
121 this act, or may revoke the certificate, authorization or permit in
122 accordance with the provisions of said subsection (j).

123 Sec. 2. Subsection (f) of section 17a-28 of the general statutes is
124 repealed and the following is substituted in lieu thereof (*Effective July*
125 *1, 2011*):

126 (f) The commissioner or the commissioner's designee shall, upon
127 request, promptly provide copies of records, without the consent of a
128 person, to (1) a law enforcement agency, (2) the Chief State's Attorney,
129 or the Chief State's Attorney's designee, or a state's attorney for the
130 judicial district in which the child resides or in which the alleged abuse
131 or neglect occurred, or the state's attorney's designee, for purposes of
132 investigating or prosecuting an allegation of child abuse or neglect, (3)
133 the attorney appointed to represent a child in any court in litigation
134 affecting the best interests of the child, (4) a guardian ad litem
135 appointed to represent a child in any court in litigation affecting the
136 best interests of the child, (5) the Department of Public Health, in
137 connection with: (A) Licensure of any person to care for children for
138 the purposes of determining the suitability of such person for
139 licensure, subject to the provisions of sections 17a-101g, as amended by
140 this act, and 17a-101k, or (B) an investigation conducted pursuant to
141 section 19a-80f, (6) any state agency which licenses such person to
142 educate or care for children pursuant to section 10-145b, as amended
143 by this act, or 17a-101j, subject to the provisions of sections 17a-101g, as
144 amended by this act, and 17a-101k concerning nondisclosure of
145 findings of responsibility for abuse and neglect, (7) the Governor,
146 when requested in writing, in the course of the Governor's official
147 functions or the Legislative Program Review and Investigations
148 Committee, the joint standing committee of the General Assembly

149 having cognizance of matters relating to the judiciary and the select
150 committee of the General Assembly having cognizance of matters
151 relating to children when requested in the course of said committees'
152 official functions in writing, and upon a majority vote of said
153 committee, provided no names or other identifying information shall
154 be disclosed unless it is essential to the legislative or gubernatorial
155 purpose, (8) a local or regional board of education, provided the
156 records are limited to (A) educational records created or obtained by
157 the state or Connecticut-Unified School District #2, established
158 pursuant to section 17a-37, or (B) inclusion on the Department of
159 Children and Families child abuse and neglect registry established
160 pursuant to section 17a-101k, subject to the provisions of sections 17a-
161 101g, as amended by this act, and 17a-101k concerning nondisclosure
162 of findings of responsibility for abuse and neglect, (9) a party in a
163 custody proceeding under section 17a-112 or 46b-129, in the Superior
164 Court where such records concern a child who is the subject of the
165 proceeding or the parent of such child, (10) the Chief Child Protection
166 Attorney, or his or her designee, for purposes of ensuring competent
167 representation by the attorneys whom the Chief Child Protection
168 Attorney contracts with to provide legal and guardian ad litem
169 services to the subjects of such records and to ensure accurate
170 payments for services rendered by such contract attorneys, (11) the
171 Department of Motor Vehicles, for purposes of checking the state's
172 child abuse and neglect registry pursuant to subsection (e) of section
173 14-44, and (12) a judge of the Superior Court and all necessary parties
174 in a family violence proceeding when such records concern family
175 violence with respect to the child who is the subject of the proceeding
176 or the parent of such child who is the subject of the proceeding. A
177 disclosure under this section shall be made of any part of a record,
178 whether or not created by the department, provided no confidential
179 record of the Superior Court shall be disclosed other than the petition
180 and any affidavits filed therewith in the superior court for juvenile
181 matters, except upon an order of a judge of the Superior Court for
182 good cause shown. The commissioner shall also disclose the name of
183 any individual who cooperates with an investigation of a report of

184 child abuse or neglect to such law enforcement agency or state's
185 attorney for purposes of investigating or prosecuting an allegation of
186 child abuse or neglect. The commissioner or the commissioner's
187 designee shall, upon request, subject to the provisions of sections 17a-
188 101g, as amended by this act, and 17a-101k, promptly provide copies
189 of records, without the consent of the person, to (A) the Department of
190 Public Health for the purpose of determining the suitability of a person
191 to care for children in a facility licensed under sections 19a-77 to 19a-
192 80, inclusive, 19a-82 to 19a-87, inclusive, and 19a-87b, [and] (B) the
193 Department of Social Services for determining the suitability of a
194 person for any payment from the department for providing child care,
195 and (C) the superintendent of schools for any school district for the
196 purpose of determining the suitability of a person to be employed by
197 the local or regional board of education for such school district.

198 Sec. 3. Section 17a-101 of the general statutes is repealed and the
199 following is substituted in lieu thereof (*Effective July 1, 2011*):

200 (a) The public policy of this state is: To protect children whose
201 health and welfare may be adversely affected through injury and
202 neglect; to strengthen the family and to make the home safe for
203 children by enhancing the parental capacity for good child care; to
204 provide a temporary or permanent nurturing and safe environment for
205 children when necessary; and for these purposes to require the
206 reporting of suspected child abuse or neglect, investigation of such
207 reports by a social agency, and provision of services, where needed, to
208 such child and family.

209 (b) The following persons shall be mandated reporters: Any
210 physician or surgeon licensed under the provisions of chapter 370, any
211 resident physician or intern in any hospital in this state, whether or not
212 so licensed, any registered nurse, licensed practical nurse, medical
213 examiner, dentist, dental hygienist, psychologist, [coach of intramural
214 or interscholastic athletics, school superintendent, school teacher,
215 school principal, school guidance counselor, school paraprofessional,
216 school coach] a school employee, as defined in section 53a-65, social

217 worker, police officer, juvenile or adult probation officer, juvenile or
218 adult parole officer, member of the clergy, pharmacist, physical
219 therapist, optometrist, chiropractor, podiatrist, mental health
220 professional or physician assistant, any person who is a licensed or
221 certified emergency medical services provider, any person who is a
222 licensed or certified alcohol and drug counselor, any person who is a
223 licensed marital and family therapist, any person who is a sexual
224 assault counselor or a battered women's counselor as defined in
225 section 52-146k, any person who is a licensed professional counselor,
226 any person who is a licensed foster parent, any person paid to care for
227 a child in any public or private facility, child day care center, group
228 day care home or family day care home licensed by the state, any
229 employee of the Department of Children and Families, any employee
230 of the Department of Public Health who is responsible for the licensing
231 of child day care centers, group day care homes, family day care
232 homes or youth camps, the Child Advocate and any employee of the
233 Office of the Child Advocate and any family relations counselor,
234 family relations counselor trainee or family services supervisor
235 employed by the Judicial Department.

236 (c) The Commissioner of Children and Families shall develop an
237 educational training program and refresher training program for the
238 accurate and prompt identification and reporting of child abuse and
239 neglect. Such training program and refresher training program shall be
240 made available to all persons mandated to report child abuse and
241 neglect at various times and locations throughout the state as
242 determined by the Commissioner of Children and Families. Such
243 training program shall be provided to all new school employees, as
244 defined in section 53a-65, prior to the start of the school year, within
245 available appropriations.

246 (d) Any mandated reporter, as defined in subsection (b) of this
247 section, who fails to report to the Commissioner of Children and
248 Families pursuant to section 17a-101a, as amended by this act, shall be
249 required to participate in an educational and training program
250 established by the commissioner. The program may be provided by

251 one or more private organizations approved by the commissioner,
252 provided the entire costs of the program shall be paid from fees
253 charged to the participants, the amount of which shall be subject to the
254 approval of the commissioner.

255 (e) On or before October 1, 2011, the Department of Children and
256 Families, in consultation with the Department of Education, shall
257 develop a model mandated reporting policy for use by local and
258 regional boards of education. Such policy shall state applicable state
259 law regarding mandated reporting and any relevant information that
260 may assist school districts in the performance of mandated reporting.
261 Such policy shall include, but not be limited to, the following
262 information: (1) Those persons employed by the local or regional board
263 of education who are required pursuant to this section to be mandated
264 reporters, (2) the type of information that is to be reported, (3) the time
265 frame for both written and verbal mandated reports, (4) a statement
266 that the school district may conduct its own investigation into an
267 allegation of abuse or neglect by a school employee, provided such
268 investigation does not impede an investigation by the Department of
269 Children and Families, and (5) a statement that retaliation against
270 mandated reporters is prohibited. Such policy shall be updated and
271 revised as necessary.

272 Sec. 4. Section 17a-101i of the general statutes is repealed and the
273 following is substituted in lieu thereof (*Effective July 1, 2011*):

274 (a) Notwithstanding any provision of the general statutes, after an
275 investigation has been completed and the Commissioner of Children
276 and Families, based upon the results of the investigation, (1) has
277 reasonable cause to believe that a child has been abused or neglected
278 by a school employee, as defined in section 53a-65, who has been
279 entrusted with the care of a child and who holds a certificate, permit or
280 authorization issued by the State Board of Education, [and the
281 commissioner] or (2) has recommended that such employee be placed
282 on the Department of Children and Families child abuse and neglect
283 registry established pursuant to section 17a-101k, the commissioner

284 shall, not later than five working days after such finding, notify the
285 employing superintendent and the Commissioner of Education of such
286 finding and shall provide records, whether or not created by the
287 department, concerning such investigation to the superintendent
288 [who] and the Commissioner of Education. The superintendent shall
289 suspend such school employee. The [commissioner] Commissioner of
290 Children and Families shall provide such notice whether or not the
291 child was a student in the employing school or school district. Such
292 suspension shall be with pay and shall not result in the diminution or
293 termination of benefits to such employee. [Within] Not later than
294 seventy-two hours after such suspension the superintendent shall
295 notify the local or regional board of education and the Commissioner
296 of Education, or the commissioner's representative, of the reasons for
297 and conditions of the suspension. The superintendent shall disclose
298 such records to the Commissioner of Education and the local or
299 regional board of education or its attorney for purposes of review of
300 employment status or the status of such employee's certificate, permit
301 or authorization. The suspension of a school employee employed in a
302 position requiring a certificate shall remain in effect until the board of
303 education acts pursuant to the provisions of section 10-151. If the
304 contract of employment of such certified school employee is
305 terminated, or such certified school employee resigns such
306 employment, the superintendent shall notify the Commissioner of
307 Education, or the commissioner's representative, within seventy-two
308 hours after such termination or resignation. Upon receipt of such
309 notice from the superintendent, the Commissioner of Education may
310 commence certification revocation proceedings pursuant to the
311 provisions of subsection (j) of section 10-145b, as amended by this act.
312 Notwithstanding the provisions of sections 1-210 and 1-211,
313 information received by the Commissioner of Education, or the
314 commissioner's representative, pursuant to this section shall be
315 confidential subject to regulations adopted by the State Board of
316 Education under section 10-145g.

317 (b) [After] Not later than five working days after an investigation
318 has been completed, [and] if (1) the Commissioner of Children and

319 Families, based upon the results of the investigation, has reasonable
320 cause to believe that a child has been abused or neglected by a staff
321 member of a public or private institution or facility providing care for
322 children or private school, [the commissioner shall notify the executive
323 director of such institution, school or facility and shall provide records,
324 whether or not created by the department concerning such
325 investigation to such executive director. Such] and (2) the
326 commissioner recommends that such staff member be placed on the
327 child abuse and neglect registry established pursuant to section 17a-
328 101h, as amended by this act, such institution, school or facility [may]
329 shall suspend such staff person. Such suspension shall be with pay and
330 shall not result in diminution or termination of benefits to such
331 [employee] staff person. Such suspension shall remain in effect until
332 the incident of abuse or neglect has been satisfactorily resolved by the
333 employer of the staff person or until an appeal, conducted in
334 accordance with section 17a-101k, has resulted in a finding that such
335 staff person is not responsible for the abuse or neglect or does not pose
336 a risk to the health, safety or well-being of children. If such staff
337 member has a professional license or certificate issued by the state or a
338 permit or authorization issued by the State Board of Education or if
339 such institution, school or facility has a license or approval issued by
340 the state, the commissioner shall forthwith notify the state agency
341 responsible for issuing such license, certificate, permit, approval or
342 authorization to the staff member and provide records, whether or not
343 created by the department, concerning such investigation.

344 (c) If a school employee, as defined in section 53a-65, or any person
345 holding a certificate, permit or authorization issued by the State Board
346 of Education under the provisions of sections 10-144o to 10-149,
347 inclusive, as amended by this act, is convicted of a crime involving an
348 act of child abuse or neglect as described in section 46b-120 or a
349 violation of section 53-21, 53a-71 or 53a-73a, the state's attorney for the
350 judicial district in which the conviction occurred shall in writing notify
351 the superintendent of the school district or the supervisory agent of the
352 nonpublic school in which the person is employed and the
353 Commissioner of Education of such conviction.

354 (d) For the purposes of receiving and making reports, notifying and
355 receiving notification, or investigating, pursuant to the provisions of
356 sections 17a-101a to 17a-101h, inclusive, as amended by this act, and
357 17a-103, a superintendent of a school district or a supervisory agent of
358 a nonpublic school may assign a designee to act on such
359 superintendent's or agent's behalf.

360 (e) On or before February 1, [1997] 2012, each local and regional
361 board of education shall adopt a written policy, in accordance with the
362 provisions of subsection (e) of section 17a-101, as amended by this act,
363 regarding the reporting by school employees, as defined in section 53a-
364 65, of suspected child abuse in accordance with sections 17a-101a to
365 17a-101d, inclusive, as amended by this act, and 17a-103. Such policy
366 shall be distributed annually to all school employees employed by the
367 local or regional board of education. The local or regional board of
368 education shall document that all such school employees have
369 received such written policy and completed the training and refresher
370 training programs required by subsection (c) of section 17a-101, as
371 amended by this act.

372 (f) (1) All school employees, as defined in section 53a-65, hired by a
373 local or regional board of education on or after July 1, 2011, shall be
374 required to complete the training program developed pursuant to
375 subsection (c) of section 17a-101, as amended by this act. All such
376 school employees shall complete the refresher training program,
377 developed pursuant to subsection (c) of section 17a-101, as amended
378 by this act, not later than three years after completion of the initial
379 training program, and shall thereafter retake such refresher training
380 course at least once every three years.

381 (2) On or before July 1, 2012, all school employees, as defined in
382 section 53a-65, hired by a local or regional board of education before
383 July 1, 2011, shall complete the refresher training program developed
384 pursuant to subsection (c) of section 17a-101, as amended by this act,
385 and shall thereafter retake such refresher training course at least once
386 every three years.

387 Sec. 5. Subsection (a) of section 10-220a of the general statutes is
388 repealed and the following is substituted in lieu thereof (*Effective July*
389 *1, 2011*):

390 (a) Each local or regional board of education shall provide an in-
391 service training program for its teachers, administrators and pupil
392 personnel who hold the initial educator, provisional educator or
393 professional educator certificate. Such program shall provide such
394 teachers, administrators and pupil personnel with information on (1)
395 the nature and the relationship of drugs, as defined in subdivision (17)
396 of section 21a-240, and alcohol to health and personality development,
397 and procedures for discouraging their abuse, (2) health and mental
398 health risk reduction education which includes, but need not be
399 limited to, the prevention of risk-taking behavior by children and the
400 relationship of such behavior to substance abuse, pregnancy, sexually
401 transmitted diseases, including HIV-infection and AIDS, as defined in
402 section 19a-581, violence, teen dating violence, domestic violence, child
403 abuse and youth suicide, (3) the growth and development of
404 exceptional children, including handicapped and gifted and talented
405 children and children who may require special education, including,
406 but not limited to, children with attention-deficit hyperactivity
407 disorder or learning disabilities, and methods for identifying, planning
408 for and working effectively with special needs children in a regular
409 classroom, (4) school violence prevention, conflict resolution and
410 prevention of bullying, as defined in subsection (a) of section 10-222d,
411 except that those boards of education that implement an evidence-
412 based model approach, consistent with subsection (d) of section 10-
413 145a, subsection (a) of section 10-220a, as amended by this act, sections
414 10-222d, 10-222g and 10-222h, subsection (g) of section 10-233c and
415 sections 1 and 3 of public act 08-160, shall not be required to provide
416 in-service training on prevention of bullying, (5) cardiopulmonary
417 resuscitation and other emergency life saving procedures, (6) computer
418 and other information technology as applied to student learning and
419 classroom instruction, communications and data management, (7) the
420 teaching of the language arts, reading and reading readiness for
421 teachers in grades kindergarten to three, inclusive, [and] (8) second

422 language acquisition in districts required to provide a program of
423 bilingual education pursuant to section 10-17f, and (9) the
424 requirements and obligations of a mandated reporter. Each local and
425 regional board of education may allow any paraprofessional or
426 noncertified employee to participate, on a voluntary basis, in any in-
427 service training program provided pursuant to this section. The State
428 Board of Education, within available appropriations and utilizing
429 available materials, shall assist and encourage local and regional
430 boards of education to include: (A) Holocaust education and
431 awareness; (B) the historical events surrounding the Great Famine in
432 Ireland; (C) African-American history; (D) Puerto Rican history; (E)
433 Native American history; (F) personal financial management; (G)
434 domestic violence and teen dating violence; and (H) topics approved
435 by the state board upon the request of local or regional boards of
436 education as part of in-service training programs pursuant to this
437 subsection.

438 Sec. 6. Section 10-220 of the general statutes is repealed and the
439 following is substituted in lieu thereof (*Effective July 1, 2011*):

440 (a) Each local or regional board of education shall maintain good
441 public elementary and secondary schools, implement the educational
442 interests of the state as defined in section 10-4a and provide such other
443 educational activities as in its judgment will best serve the interests of
444 the school district; provided any board of education may secure such
445 opportunities in another school district in accordance with provisions
446 of the general statutes and shall give all the children of the school
447 district as nearly equal advantages as may be practicable; shall provide
448 an appropriate learning environment for its students which includes
449 (1) adequate instructional books, supplies, materials, equipment,
450 staffing, facilities and technology, (2) equitable allocation of resources
451 among its schools, (3) proper maintenance of facilities, and (4) a safe
452 school setting; shall, in accordance with the provisions of subsection (f)
453 of this section, maintain records of allegations, investigations and
454 reports that a child has been abused or neglected by a school
455 employee, as defined in section 53a-65, employed by the local or

456 regional board of education; shall have charge of the schools of its
457 respective school district; shall make a continuing study of the need for
458 school facilities and of a long-term school building program and from
459 time to time make recommendations based on such study to the town;
460 shall adopt and implement an indoor air quality program that
461 provides for ongoing maintenance and facility reviews necessary for
462 the maintenance and improvement of the indoor air quality of its
463 facilities; shall adopt and implement a green cleaning program,
464 pursuant to section 10-231g, that provides for the procurement and use
465 of environmentally preferable cleaning products in school buildings
466 and facilities; shall report biennially to the Commissioner of Education
467 on the condition of its facilities and the action taken to implement its
468 long-term school building program, indoor air quality program and
469 green cleaning program, which report the Commissioner of Education
470 shall use to prepare a biennial report that said commissioner shall
471 submit in accordance with section 11-4a to the joint standing
472 committee of the General Assembly having cognizance of matters
473 relating to education; shall advise the Commissioner of Education of
474 the relationship between any individual school building project
475 pursuant to chapter 173 and such long-term school building program;
476 shall have the care, maintenance and operation of buildings, lands,
477 apparatus and other property used for school purposes and at all times
478 shall insure all such buildings and all capital equipment contained
479 therein against loss in an amount not less than eighty per cent of
480 replacement cost; shall determine the number, age and qualifications
481 of the pupils to be admitted into each school; shall develop and
482 implement a written plan for minority staff recruitment for purposes
483 of subdivision (3) of section 10-4a; shall employ and dismiss the
484 teachers of the schools of such district subject to the provisions of
485 sections 10-151 and 10-158a; shall designate the schools which shall be
486 attended by the various children within the school district; shall make
487 such provisions as will enable each child of school age residing in the
488 district to attend some public day school for the period required by
489 law and provide for the transportation of children wherever
490 transportation is reasonable and desirable, and for such purpose may

491 make contracts covering periods of not more than five years; may
492 place in an alternative school program or other suitable educational
493 program a pupil enrolling in school who is nineteen years of age or
494 older and cannot acquire a sufficient number of credits for graduation
495 by age twenty-one; may arrange with the board of education of an
496 adjacent town for the instruction therein of such children as can attend
497 school in such adjacent town more conveniently; shall cause each child
498 five years of age and over and under eighteen years of age who is not a
499 high school graduate and is living in the school district to attend
500 school in accordance with the provisions of section 10-184, and shall
501 perform all acts required of it by the town or necessary to carry into
502 effect the powers and duties imposed by law.

503 (b) The board of education of each local or regional school district
504 shall, with the participation of parents, students, school administrators,
505 teachers, citizens, local elected officials and any other individuals or
506 groups such board shall deem appropriate, prepare a statement of
507 educational goals for such local or regional school district. The
508 statement of goals shall be consistent with state-wide goals pursuant to
509 subsection (c) of section 10-4. Each local or regional board of education
510 shall develop student objectives which relate directly to the statement
511 of educational goals prepared pursuant to this subsection and which
512 identify specific expectations for students in terms of skills, knowledge
513 and competence.

514 (c) Annually, each local and regional board of education shall
515 submit to the Commissioner of Education a strategic school profile
516 report for each school under its jurisdiction and for the school district
517 as a whole. The superintendent of each local and regional school
518 district shall present the profile report at the next regularly scheduled
519 public meeting of the board of education after each November first.
520 The profile report shall provide information on measures of (1) student
521 needs, (2) school resources, including technological resources and
522 utilization of such resources and infrastructure, (3) student and school
523 performance, including truancy, (4) the number of students enrolled in
524 an adult high school credit diploma program, pursuant to section 10-

525 69, operated by a local or regional board of education or a regional
526 educational service center, (5) equitable allocation of resources among
527 its schools, (6) reduction of racial, ethnic and economic isolation, and
528 (7) special education. For purposes of this subsection, measures of
529 special education include (A) special education identification rates by
530 disability, (B) rates at which special education students are exempted
531 from mastery testing pursuant to section 10-14q, (C) expenditures for
532 special education, including such expenditures as a percentage of total
533 expenditures, (D) achievement data for special education students, (E)
534 rates at which students identified as requiring special education are no
535 longer identified as requiring special education, (F) the availability of
536 supplemental educational services for students lacking basic
537 educational skills, (G) the amount of special education student
538 instructional time with nondisabled peers, (H) the number of students
539 placed out-of-district, and (I) the actions taken by the school district to
540 improve special education programs, as indicated by analyses of the
541 local data provided in subparagraphs (A) to (H), inclusive, of this
542 subdivision. The superintendent shall include in the narrative portion
543 of the report information about parental involvement and if the district
544 has taken measures to improve parental involvement, including, but
545 not limited to, employment of methods to engage parents in the
546 planning and improvement of school programs and methods to
547 increase support to parents working at home with their children on
548 learning activities. For purposes of this subsection, measures of
549 truancy include the type of data that is required to be collected by the
550 Department of Education regarding attendance and unexcused
551 absences in order for the department to comply with federal reporting
552 requirements. Such truancy data shall be considered a public record
553 for purposes of chapter 14.

554 (d) Prior to January 1, 2008, and every five years thereafter, for
555 every school building that is or has been constructed, extended,
556 renovated or replaced on or after January 1, 2003, a local or regional
557 board of education shall provide for a uniform inspection and
558 evaluation program of the indoor air quality within such buildings,
559 such as the Environmental Protection Agency's Indoor Air Quality

560 Tools for Schools Program. The inspection and evaluation program
561 shall include, but not be limited to, a review, inspection or evaluation
562 of the following: (1) The heating, ventilation and air conditioning
563 systems; (2) radon levels in the air; (3) potential for exposure to
564 microbiological airborne particles, including, but not limited to, fungi,
565 mold and bacteria; (4) chemical compounds of concern to indoor air
566 quality including, but not limited to, volatile organic compounds; (5)
567 the degree of pest infestation, including, but not limited to, insects and
568 rodents; (6) the degree of pesticide usage; (7) the presence of and the
569 plans for removal of any hazardous substances that are contained on
570 the list prepared pursuant to Section 302 of the federal Emergency
571 Planning and Community Right-to-Know Act, 42 USC 9601 et seq.; (8)
572 ventilation systems; (9) plumbing, including water distribution
573 systems, drainage systems and fixtures; (10) moisture incursion; (11)
574 the overall cleanliness of the facilities; (12) building structural
575 elements, including, but not limited to, roofing, basements or slabs;
576 (13) the use of space, particularly areas that were designed to be
577 unoccupied; and (14) the provision of indoor air quality maintenance
578 training for building staff. Local and regional boards of education
579 conducting evaluations pursuant to this subsection shall make
580 available for public inspection the results of the inspection and
581 evaluation at a regularly scheduled board of education meeting and on
582 the board's or each individual school's web site.

583 (e) Each local and regional board of education shall establish a
584 school district curriculum committee. The committee shall
585 recommend, develop, review and approve all curriculum for the local
586 or regional school district.

587 (f) Each local and regional board of education shall maintain in a
588 central location all records of allegations, investigations and reports
589 that a child has been abused or neglected by a school employee, as
590 defined in section 53a-65, employed by the local or regional board of
591 education, conducted pursuant to sections 17a-101a to 17a-101d,
592 inclusive, as amended by this act, and section 17a-103. Such records
593 shall include any reports made to the Department of Children and

594 Families. The Department of Education shall have access to such
595 records.

596 Sec. 7. (NEW) (*Effective July 1, 2011*) (a) If the Commissioner of
597 Children and Families suspects or knows that a mandated reporter, as
598 defined in section 17a-101 of the general statutes, as amended by this
599 act, employed by a local or regional board of education, has failed to
600 make a report that a child has been abused or neglected or placed in
601 immediate risk of serious harm within the time period prescribed in
602 sections 17a-101a to 17a-101d, inclusive, of the general statutes, as
603 amended by this act, and section 17a-103 of the general statutes, the
604 commissioner shall make a record of such delay and develop and
605 maintain a database of such records. The commissioner shall
606 investigate such delayed reporting. Such investigation shall be
607 conducted in accordance with the policy developed in subsection (b) of
608 this section, and include the actions taken by the employing local or
609 regional board of education or superintendent of schools for the
610 district in response to such employee's failure to report.

611 (b) The Department of Children and Families shall develop a policy
612 for the investigation of delayed reports by mandated reporters. Such
613 policy shall include, but not be limited to, when referrals to the
614 appropriate law enforcement agency for delayed reporting are
615 required and when the department shall require mandated reporters
616 who have been found to have delayed making a report to participate in
617 the educational and training program pursuant to subsection (d) of
618 section 17a-101 of the general statutes, as amended by this act.

619 Sec. 8. Section 17a-101a of the general statutes is repealed and the
620 following is substituted in lieu thereof (*Effective July 1, 2011*):

621 Any mandated reporter, as defined in section 17a-101, as amended
622 by this act, who in the ordinary course of such person's employment or
623 profession has reasonable cause to suspect or believe that any child
624 under the age of eighteen years (1) has been abused or neglected, as
625 defined in section 46b-120, (2) has had nonaccidental physical injury,
626 or injury which is at variance with the history given of such injury,

627 inflicted upon such child, or (3) is placed at imminent risk of serious
628 harm, shall report or cause a report to be made in accordance with the
629 provisions of sections 17a-101b to 17a-101d, inclusive, as amended by
630 this act. Any person required to report under the provisions of this
631 section who fails to make such report or fails to make such report
632 within the time period prescribed in sections 17a-101b to 17a-101d,
633 inclusive, as amended by this act, and section 17a-103 shall be fined
634 not less than five hundred dollars nor more than two thousand five
635 hundred dollars and shall be required to participate in an educational
636 and training program pursuant to subsection (d) of section 17a-101, as
637 amended by this act. The Commissioner of Children and Families, or
638 the commissioner's designee, shall promptly notify the Chief State's
639 Attorney when there is reason to believe that any such person has
640 failed to make a report in accordance with this section.

641 Sec. 9. Section 17a-101c of the general statutes is repealed and the
642 following is substituted in lieu thereof (*Effective July 1, 2011*):

643 [Within] Not later than forty-eight hours [of] after making an oral
644 report, a mandated reporter shall submit a written report to the
645 Commissioner of Children and Families or [his representative] the
646 commissioner's designee. When a mandated reporter is a member of
647 the staff of a public or private institution or facility that provides care
648 for such child or public or private school [he] the reporter shall also
649 submit a copy of the written report to the person in charge of such
650 institution, school or facility or the person's designee. In the case of a
651 report concerning a school employee holding a certificate,
652 authorization or permit issued by the State Board of Education under
653 the provisions of sections 10-144o to 10-146b, inclusive, as amended by
654 this act, and 10-149, a copy of the written report shall also be sent by
655 the [person in charge of such institution, school or facility]
656 Commissioner of Children and Families or the commissioner's
657 designee to the Commissioner of Education or [his representative] the
658 commissioner's designee. In the case of an employee of a facility or
659 institution that provides care for a child which is licensed by the state,
660 a copy of the written report shall also be sent by the [mandated

661 reporter] Commissioner of Children and Families to the executive head
662 of the state licensing agency.

663 Sec. 10. (NEW) (*Effective July 1, 2011*) When the Commissioner of
664 Children and Families receives a report from a person not designated
665 as a mandated reporter pursuant to section 17a-101 of the general
666 statutes, as amended by this act, that such person has reasonable cause
667 to suspect or believe that any child under the age of eighteen years (1)
668 has been abused or neglected, as defined in section 46b-120 of the
669 general statutes, (2) has had nonaccidental physical injury, or injury
670 which is at variance with the history given of such injury, inflicted
671 upon such child, or (3) is placed at imminent risk of serious harm by a
672 school employee, as defined in section 53a-65 of the general statutes,
673 holding a certificate, authorization or permit issued by the State Board
674 of Education under the provisions of sections 10-144o to 10-146b,
675 inclusive, of the general statutes, as amended by this act, and section
676 10-149 of the general statutes, a copy of such report shall be sent by the
677 Commissioner of Children and Families to the Commissioner of
678 Education.

679 Sec. 11. Subsection (d) of section 17a-101b of the general statutes is
680 repealed and the following is substituted in lieu thereof (*Effective July*
681 *1, 2011*):

682 (d) Whenever a mandated reporter, as defined in section 17a-101, as
683 amended by this act, has reasonable cause to suspect or believe that
684 any child has been abused or neglected by a member of the staff of a
685 public or private institution or facility that provides care for such child
686 or a public or private school, the mandated reporter shall report as
687 required in subsection (a) of this section. The Commissioner of
688 Children and Families or the commissioner's designee shall notify the
689 principal, headmaster, executive director or other person in charge of
690 such institution, facility or school, or the person's designee, unless such
691 person is the alleged perpetrator of the abuse or neglect of such child.
692 In the case of a public school, the commissioner shall also notify the
693 person's employing superintendent. Such person in charge, or such

694 person's designee, shall then immediately notify the child's parent or
695 other person responsible for the child's care that a report has been
696 made.

697 Sec. 12. (NEW) (*Effective July 1, 2011*) A local or regional board of
698 education shall provide the Commissioner of Children and Families,
699 upon request and for the purposes of an investigation by the
700 commissioner of suspected child abuse or neglect by a teacher
701 employed by such board of education, any records maintained or kept
702 on file by such board of education. Such records shall include, but not
703 be limited to, supervisory records, reports of competence, personal
704 character and efficiency maintained in such teacher's personnel file
705 with reference to evaluation of performance as a professional
706 employee of such board of education, and records of the personal
707 misconduct of such teacher. For purposes of this section, "teacher"
708 includes each certified professional employee below the rank of
709 superintendent employed by a board of education in a position
710 requiring a certificate issued by the State Board of Education.

711 Sec. 13. (NEW) (*Effective July 1, 2011*) A local or regional board of
712 education shall permit and give priority to any investigation
713 conducted by the Commissioner of Children and Families or the
714 appropriate local law enforcement agency that a child has been abused
715 or neglected pursuant to sections 17a-101a to 17a-101d, inclusive, of the
716 general statutes, as amended by this act, and section 17a-103 of the
717 general statutes. Such board of education shall conduct its own
718 investigation and take any disciplinary action, in accordance with the
719 provisions of section 17a-101i of the general statutes, as amended by
720 this act, upon notice from the commissioner or the appropriate local
721 law enforcement agency that such board's investigation will not
722 interfere with the investigation of the commissioner or such local law
723 enforcement agency.

724 Sec. 14. (NEW) (*Effective July 1, 2011*) (a) The Department of
725 Children and Families shall conduct, at least annually, random quality
726 assurance reviews of reports and investigations that a child has been

727 abused or neglected by a school employee, as defined in section 53a-65
728 of the general statutes. If, as a result of such review, the department
729 discovers any issues in any report or investigation, the department
730 shall take any necessary action to correct or satisfy such problem or
731 issue. The department shall use such reviews to assess the quality and
732 conduct of such investigations.

733 (b) The Department of Children and Families shall review, at least
734 annually, with the Department of Education all records and
735 information relating to reports and investigations that a child has been
736 abused and neglected by a school employee, as defined in section 53a-
737 65 of the general statutes, in the Department of Children and Families'
738 possession to ensure that records and information are being shared
739 properly. The departments shall address and correct any omissions or
740 other problems in the records and information-sharing process of the
741 departments.

742 Sec. 15. Section 17a-101d of the general statutes is repealed and the
743 following is substituted in lieu thereof (*Effective July 1, 2011*):

744 All oral and written reports required in sections 17a-101a to 17a-
745 101c, inclusive, as amended by this act, and section 17a-103, shall
746 contain, if known: (1) The names and addresses of the child and his
747 parents or other person responsible for his care; (2) the age of the child;
748 (3) the gender of the child; (4) the nature and extent of the child's
749 injury or injuries, maltreatment or neglect; (5) the approximate date
750 and time the injury or injuries, maltreatment or neglect occurred; (6)
751 information concerning any previous injury or injuries to, or
752 maltreatment or neglect of, the child or his siblings; (7) the
753 circumstances in which the injury or injuries, maltreatment or neglect
754 came to be known to the reporter; (8) the name of the person or
755 persons suspected to be responsible for causing such injury or injuries,
756 maltreatment or neglect; (9) the reasons such person or persons are
757 suspected of causing such injury or injuries, maltreatment or neglect;
758 (10) any information concerning any prior cases in which such person
759 or persons have been suspected of causing an injury, maltreatment or

760 neglect of a child; and [(9)] (11) whatever action, if any, was taken to
761 treat, provide shelter or otherwise assist the child.

762 Sec. 16. Subsection (a) of section 17a-101g of the general statutes is
763 repealed and the following is substituted in lieu thereof (*Effective July*
764 *1, 2011*):

765 (a) Upon receiving a report of child abuse or neglect, as provided in
766 sections 17a-101a to 17a-101c, inclusive, as amended by this act, or
767 section 17a-103, in which the alleged perpetrator is (1) a person
768 responsible for such child's health, welfare or care, (2) a person given
769 access to such child by such responsible person, or (3) a person
770 entrusted with the care of a child, the Commissioner of Children and
771 Families, or the commissioner's designee, shall cause the report to be
772 classified and evaluated immediately. If the report contains sufficient
773 information to warrant an investigation, the commissioner shall make
774 the commissioner's best efforts to commence an investigation of a
775 report concerning an imminent risk of physical harm to a child or other
776 emergency within two hours of receipt of the report and shall
777 commence an investigation of all other reports within seventy-two
778 hours of receipt of the report. If the alleged perpetrator is a school
779 employee, as defined in section 53a-65, or is employed by an
780 institution or facility licensed or approved by the state to provide care
781 for children, the department shall notify the Department of Education
782 or the state agency that has issued such license or approval to the
783 institution or facility of the report and the commencement of an
784 investigation by the Commissioner of Children and Families. The
785 department shall complete any such investigation not later than forty-
786 five calendar days after the date of receipt of the report. If the report is
787 a report of child abuse or neglect in which the alleged perpetrator is
788 not a person specified in subdivision (1), (2) or (3) of this subsection,
789 the Commissioner of Children and Families shall refer the report to the
790 appropriate local law enforcement authority for the town in which the
791 child resides or in which the alleged abuse or neglect occurred.

792 Sec. 17. Section 17a-101h of the general statutes is repealed and the

793 following is substituted in lieu thereof (*Effective July 1, 2011*):

794 Notwithstanding any provision of the general statutes, [to the
795 contrary,] any person authorized to conduct an investigation of abuse
796 or neglect shall coordinate investigatory activities in order to minimize
797 the number of interviews of any child and share information with
798 other persons authorized to conduct an investigation of child abuse or
799 neglect, as appropriate. A person reporting child abuse or neglect shall
800 provide any person authorized to conduct an investigation of child
801 abuse or neglect with all information related to the investigation that is
802 in the possession or control of the person reporting child abuse or
803 neglect, except as expressly prohibited by state or federal law. The
804 commissioner shall obtain the consent of parents or guardians or other
805 persons responsible for the care of the child to any interview with a
806 child, except that such consent shall not be required when the
807 department has reason to believe such parent or guardian or other
808 person responsible for the care of the child or member of the child's
809 household is the perpetrator of the alleged abuse. If consent is not
810 required to conduct the interview, such interview shall be conducted
811 in the presence of a disinterested adult unless immediate access to the
812 child is necessary to protect the child from imminent risk of physical
813 harm and a disinterested adult is not available after reasonable search.

814 Sec. 18. Subdivision (2) of subsection (j) of section 10-145b of the
815 general statutes is repealed and the following is substituted in lieu
816 thereof (*Effective from passage*):

817 (2) When the Commissioner of Education is notified, pursuant to
818 section 10-149a or 17a-101i, as amended by this act, that a person
819 holding a certificate, authorization or permit issued by the State Board
820 of Education under the provisions of sections 10-144o to 10-149,
821 inclusive, as amended by this act, has been convicted of (A) a capital
822 felony, pursuant to section 53a-54b, (B) arson murder, pursuant to
823 section 53a-54d, (C) a class A felony, (D) a class B felony, except a
824 violation of section 53a-122, 53a-252 or 53a-291, (E) a crime involving
825 an act of child abuse or neglect as described in section 46b-120, or (F) a

826 violation of section 53-21, 53-37a, [53a-49,] 53a-60b, 53a-60c, 53a-71,
 827 53a-72a, 53a-72b, 53a-73a, 53a-88, 53a-90a, 53a-99, 53a-103a, 53a-181c,
 828 53a-191, 53a-196, 53a-196c, 53a-216, 53a-217b or 21a-278 or subsection
 829 (a) of section 21a-277, any certificate, permit or authorization issued by
 830 the State Board of Education and held by such person shall be deemed
 831 revoked and the commissioner shall notify such person of such
 832 revocation, provided such person may request reconsideration
 833 pursuant to regulations adopted by the State Board of Education, in
 834 accordance with the provisions of chapter 54. As part of such
 835 reconsideration process, the board shall make the initial determination
 836 as to whether to uphold or overturn the revocation. The commissioner
 837 shall make the final determination as to whether to uphold or overturn
 838 the revocation.

839 Sec. 19. Section 10-145i of the general statutes is repealed and the
 840 following is substituted in lieu thereof (*Effective from passage*):

841 Notwithstanding the provisions of sections 10-144o to 10-146b,
 842 inclusive, as amended by this act, and 10-149, the State Board of
 843 Education shall not issue or reissue any certificate, authorization or
 844 permit pursuant to said sections if (1) the applicant for such certificate,
 845 authorization or permit has been convicted of any of the following: (A)
 846 A capital felony, as defined in section 53a-54b; (B) arson murder, as
 847 defined in section 53a-54d; (C) any class A felony; (D) any class B
 848 felony except a violation of section 53a-122, 53a-252 or 53a-291; (E) a
 849 crime involving an act of child abuse or neglect as described in section
 850 46b-120; or (F) a violation of section 53-21, 53-37a, [53a-49,] 53a-60b,
 851 53a-60c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-88, 53a-90a, 53a-99, 53a-
 852 103a, 53a-181c, 53a-191, 53a-196, 53a-196c, 53a-216, 53a-217b or 21a-278
 853 or a violation of subsection (a) of section 21a-277, and (2) the applicant
 854 completed serving the sentence for such conviction within the five
 855 years immediately preceding the date of the application.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2011	10-221d

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 12 \$	FY 13 \$
Children & Families, Dept.	GF - Cost	75,000	50,000
State Comptroller - Fringe Benefits ¹	GF - Cost	11,880	11,880

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 12 \$	FY 13 \$
Various Municipalities	STATE MANDATE - Cost	See Below	See Below

Explanation

The bill requires: (A) Applicants for any public school position to submit to a child abuse and neglect registry check, and (B) the Department of Children and Families (DCF) to provide mandated reporter training to school employees. This results in: (1) A state cost of \$86,880 in FY 12 and \$61,880 in FY 13, and (2) a cost to municipalities to the extent that teachers receive this training during normal school hours.

The total cost to DCF is \$75,000 in FY 12 and \$50,000 in FY 13 to support: (A) One Social Work position needed to run the child abuse and neglect registry check for public school employee applicants, and for teachers applying for, or renewing their state teaching certifications, and (B) a mandated reporter web-based training module. See cost details below:

¹ The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated non-pension fringe benefit cost associated with personnel changes is 23.76% of payroll in FY 12 and FY 13. In addition, there could be an impact to potential liability for the applicable state pension funds.

Item	FY 12 \$	FY 13 \$
1.0 Social Worker	50,000	50,000
Other Expenses	25,000	0
<i>DCF TOTAL</i>	<i>75,000</i>	<i>50,000</i>
Fringe Benefits	11,880	11,880
TOTAL	86,880	61,880

Currently, DCF manually processes approximately 4,000 child abuse and neglect registry checks annually for school employees on an ad hoc basis. There are an estimated 8,000 combined public school applicants, teacher certifications, and recertifications annually that would require child abuse and neglect registry checks under the bill.

The bill also results in a cost to municipalities to the extent that teachers received mandated reporter training during normal school hours. Local and regional school districts, as well as the Vocational Technical High Schools, could incur costs associated with providing a substitute teacher to cover classes. The cost for substitute teachers ranges from \$85 to \$125 per day, per teacher.

Other provisions of the bill do not result in a fiscal impact.

The Out Years

The on-going fiscal impact to DCF identified above would continue into the future subject to inflation and the number of public school applicants, teacher certifications, and recertifications annually. Pension-related costs for the identified personnel changes will be recognized in the state's annual required pension contribution as of FY 14.

The municipal fiscal impact identified above would continue into the out-years subject to the number of days that substitute teachers are needed to cover trainings occurring during normal school hours, as well as the substitute teacher per diem rate.

OLR Bill Analysis

sHB 5431

AN ACT CONCERNING THE RESPONSE OF SCHOOL DISTRICTS AND THE DEPARTMENTS OF EDUCATION AND CHILDREN AND FAMILIES TO REPORTS OF CHILD ABUSE AND NEGLECT.

SUMMARY:

This bill expands the law governing the reporting and investigation of suspected child abuse and neglect, with particular focus on a school employee who is the alleged perpetrator and the local or regional school district's response.

The bill expands the state's "mandated reporter" law, which generally requires specified professionals to report to the Department of Children and Families (DCF) or local law enforcement when they suspect that children have been abused or neglected, adding requirements to cases in which the abuse or neglect involves a school employee, and ensuring the various entities involved in the investigations of these reports communicate with each other.

It requires DCF, in consultation with the State Department of Education (SDE), to craft a model mandated reporter policy for school boards to use for training school personnel. It also requires the DCF commissioner to (1) offer a refresher reporter training program; (2) within available funding, provide training to all new school employees before the start of the school year; and (3) develop a policy for investigating reporters who either fail to report or report late. It requires school boards to take certain steps to ensure that school districts offer reporter training.

The bill also establishes additional steps to be followed when the alleged perpetrator of the abuse or neglect is a school employee, including notification of certain school personnel and SDE. It places

more of a burden on school boards to assist DCF with investigations as well as perform their own, and requires DCF to do random quality assurance reviews of reports involving school employees.

The bill makes several changes in the use of and reporting to the child abuse registry that DCF must maintain. It (1) requires school boards to require applicants for any position in the public schools to submit to a check of the registry; (2) requires teachers, when first applying or renewing their state teaching certification, to submit to registry checks; and (3) allows certain information in the registry to be disclosed.

The bill also eliminates “criminal attempt” (CGS § 53a-49) from the list of crimes the conviction of which requires the State Board of Education (SBE) to deny or revoke a teaching certificate or other educator credential (§§ 18 & 19). In practice, a person is always convicted of another crime in addition to criminal attempt, so it is unnecessary to list such a conviction as separate grounds for denying or revoking an educator credential.

Finally, the bill makes technical changes.

EFFECTIVE DATE: July 1, 2011, except the provisions concerning the criminal attempt language are effective upon passage.

MANDATED REPORTERS—SCHOOL EMPLOYEES AND OTHERS ***School Employees (§ 3(b))***

By law, certain individuals must report suspected child abuse or neglect to DCF or a law enforcement agency. Currently, the law specifies numerous school employees as mandated reporters, including coaches, principals, teachers, superintendents, paraprofessionals, and guidance counselors. The bill requires these individuals as well as (1) substitute teachers, school administrators, psychologists, social workers, nurses, and physicians employed by school districts or by private primary and secondary schools or working in a public or private school and (2) any other person who has regular contact with students and provides services to or on behalf of

students in the course of his or her duties to report.

By expanding the definition, the bill applies to these additional individuals a law that requires the state's attorney to notify school superintendents or supervisory agents of nonpublic schools when these individuals are convicted of a crime involving child abuse or neglect or certain other crimes, including 2nd degree sexual assault.

Model Mandated Reporting Policy for School Boards (§ 3(e))

By October 1, 2011, the bill requires DCF, in consultation with SDE, to develop a model mandated reporter policy for use by school boards. The policy must state applicable state law regarding mandated reporting and any relevant information to help school districts perform their statutory duty to report suspected child abuse and neglect.

The policy, which must be updated and revised as necessary, must include at a minimum the following information:

1. the people working for the school districts who are mandated reporters;
2. the type of information to be reported,;
3. the timeframe for both written and verbal mandated reports;
4. a statement that the school district may conduct its own investigation into abuse or neglect allegations against a school employee, provided that investigation does not impede DCF's investigation; and
5. a statement that retaliation against mandated reporters is prohibited.

Training (§ 3(c))

DCF Responsibility. By law, the DCF commissioner must develop an educational training program for accurate and prompt reporting of abuse and neglect, which must be made available to all mandated reporters at various times and locations throughout the state. The bill

requires her to also develop a refresher training program.

The bill also requires the commissioner, within available appropriations, to provide the training program to all new school employees before the start of the school year. (It is unclear whether newly hired employees who begin work during the school year would receive the training at another time.)

School Board Responsibility. The bill requires all school employees hired by school boards on or after July 1, 2011, to complete the training program. All employees must complete the refresher program no later than three years after completing the initial training and then at least once every three years after that.

Employees hired before that date must complete the refresher training program by July 1, 2012, and must retake it once every three years after that.

In-Service Training for School Employees (§ 5). The bill requires the law's mandatory in-service training program for school districts to include the requirements and obligations of mandated reporters.

Written Policies (§ 4(e))

The bill establishes a February 1, 2012 deadline for the requirement in current law that school boards adopt written policies regarding mandated reporting. It requires the policy, which must be in accordance with the bill's model reporting policy, to be distributed annually to all the school board's employees. Boards must document that employees have received the policy and completed the training and refresher training programs.

DCF Investigations and Database of Nonreporting by Mandated Reporters (§ 7)

The bill requires the DCF commissioner to develop a policy for investigating delayed reports by mandated reporters. (By law, mandated reporters must make oral reports to DCF or a law enforcement agency as soon as practicable but no later than 12 hours

after the reporter has reasonable cause to suspect abuse or neglect, and within 48 hours, file a written report.) The policy must include when (1) referrals to the appropriate law enforcement agency are required and (2) DCF must require these reporters to participate in the law's mandated education and training program. The law already requires any mandated reporter who fails to report to DCF to participate in DCF's education and training program.

Under the bill, if the DCF commissioner suspects or knows that a mandated reporter employed by a school district has failed to make a required report within the prescribed time period, she must (1) record the delay, (2) develop and maintain a database of these records, and (3) investigate the delay. The investigation must be conducted in accordance with the above policy and include the school board's action in response to the employee's failure to report.

Providing Information to DCF (§ 17)

The bill requires anyone reporting abuse or neglect, including nonmandated reporters, to provide an authorized investigator with all information that he or she possesses related to the investigation, except information that state or federal law expressly prohibits.

Penalties and Referrals to Chief State's Attorney (§ 8)

By law, mandated reporters who fail to report must pay a fine between \$500 and \$2,500 and attend the education and training program. The bill also applies the penalty and mandatory education and training requirements to reporters who fail to report within the law's prescribed timeframes. The bill requires the DCF commissioner to promptly notify the chief state's attorney when there is reason to believe that a mandated reporter has failed to make a required report or makes a late report.

Copies of Report to SDE Commissioner (§ 9)

By law, when a mandated reporter submits to DCF a written report of suspected abuse or neglect involving a public or private school or institution employee, the reporter must also submit a copy of the

report to the person in charge of the school. Under current law, if the report concerns a school employee who holds a state certificate, authorization, or permit, the person in charge of the school must send a copy of the report to the SDE commissioner or his designee. The bill instead requires the DCF commissioner to send SDE the copy.

Currently, if the employee in question works for a state-licensed facility or institution that provides care for a child, the mandated reporter must also send a copy of the report to the “executive head of the state licensing agency.” The bill requires the DCF commissioner to send it instead.

Copies of Reports to School and Institution Staff (§ 11)

By law, when a mandated reporter has reasonable cause to suspect or believe that a child has been abused or neglected by a member of the staff of a public or private school or institution, he or she must report it like any other mandated reporter. In these instances, the DCF commissioner or her designee must notify the person in charge of the school or institution or that person’s designee, unless that person is the alleged perpetrator.

The bill specifies that the person in charge can include the school or institution’s principal, headmaster, or executive director. When the suspected perpetrator works for a public school, the bill requires the commissioner to also notify the school superintendent.

Content of Reports (§ 15)

The bill requires all oral and written reports to contain, if known, the reasons the reporter believes the person or persons are suspected of causing the child’s injuries, maltreatment, or neglect and any information concerning any prior cases in which the alleged perpetrator has been suspected of causing the child harm. The law already requires the reports to include certain things, including the child’s and his caretaker’s name and address and the child’s age.

Reports from Nonmandated Reporters to SDE (§ 10)

Under the bill, if the DCF commissioner receives a report of

suspected abuse or neglect from someone who is not designated as a mandated reporter, the commissioner must send a copy to the SDE commissioner. This applies when such reporter has reasonable cause to suspect or believe that a minor (1) has been abused or neglected, (2) has been nonaccidentally physically injured or has been injured in a way that varies with the history given, or (3) is placed at imminent risk of serious harm by the school employee. With the exception of the reference to a school employee, these reporting criteria mirror those in the law for mandated reporters.

WHEN SUSPECTED ABUSE OR NEGLECT IS PERPETRATED BY A SCHOOL EMPLOYEE

Public Schools (§ 4)

Under current law, after the DCF commissioner completes an abuse or neglect investigation, she has up to five working days after making this finding to notify the school superintendent and provide records concerning the investigation if she (1) has reasonable cause to believe that a school employee holding a state teaching certificate, permit, or authorization is the perpetrator and (2) has recommended that the employee's name be placed on the child abuse and neglect registry (see below).

Under the bill, the school employee must be entrusted with care of a child. Also, there either has to be a reasonable cause finding or DCF must recommend placing the employee in the registry, instead of both, for DCF to be required to notify the superintendent. The bill requires the notification and records of the investigation also to go to the SDE commissioner.

By law, when these events occur, the superintendent must suspend the employee, and the suspension remains in effect until the school board acts in accordance with the tenure law. If a certified school employee's contract is terminated, the superintendent must notify the SDE commissioner within 72 hours of the termination. The bill also requires notification when the employee resigns under these circumstances.

Private Schools and Private and Public Institutions (§ 4(b))

Under current law, after the DCF commissioner conducts an investigation that produces reasonable cause to believe that a child has been abused (but not neglected) by a staff member of a public or private institution or facility providing care for children or a private school, she must notify and provide investigation records to the school or institution's executive director. The school or institution can suspend the staff person when this occurs.

Under the bill, within five days after completing her investigation, if the commissioner (1) finds reasonable cause to believe that the child has been abused or neglected and (2) recommends that the staff member be placed on the registry, the school or institution must suspend the staff person with pay. The bill eliminates the requirement that the DCF commissioner notify and provide records to the facility's executive director.

Under current law, when the staff person is suspended, he or she remains so until the incident of abuse has been satisfactorily resolved by the staff person's employer. The bill also provides that the suspension can be lifted if the staff person has appealed having his or her name put on the registry and the appeal results in a finding that the staff person is not responsible for the abuse or neglect or does not pose a risk to the health, safety, or well-being of children.

Currently, if the staff person has a state-issued license, certification, or authorization, the commissioner must immediately notify the issuing agency about the investigation. Under the bill, the commissioner must also notify the issuing agency if the school or institution has a state-issued license or approval.

Records of Abuse and Neglect Incidents (§ 6 (a) and (f))

The bill requires all school boards to maintain in a central location all records of allegations, investigations, and reports that a child has been abused or neglected by an employee of the school district. These records must include any reports made to DCF. The bill grants SDE

access to these records.

DCF Access to Teacher Records (§ 12)

The bill requires school boards to provide the DCF commissioner, upon her request and for the purpose of investigating suspected child abuse or neglect by a teacher the board employs, any records the board maintains or keeps on file. This must minimally include (1) supervisory records; (2) competence, personal character, and efficiency reports kept in the teacher’s personnel file with reference to evaluation of performance as a professional employee of the board; and (3) misconduct records. Under the bill, a teacher includes each certified professional employee below the rank of superintendent that the school board employs in a position requiring an SBE certificate.

School Boards to Give Priority to DCF Investigations and Perform Their Own Investigations (§ 13)

The bill requires school boards to permit and give priority to any child abuse or neglect investigation that DCF or local law enforcement is conducting. The board must conduct its own investigation and take disciplinary action in accordance with the law (e.g., suspension) when it receives notice from the DCF commissioner or the law enforcement agency that the board’s investigation will not interfere with either of the other entity’s investigation.

Quality Assurance Reviews and Information Sharing with SDE (§ 14)

The bill requires DCF, at least annually, to conduct random quality assurance reviews of reports and investigations of abuse and neglect involving school employees. If, as a result of the review, DCF discovers any “issues” in the report or investigation, it must take any necessary action to correct or satisfy “such problem or issue.” (The bill does not specify what would constitute an issue or problem.) DCF must use these reviews to assess the investigations’ conduct and quality. (It is not clear whether DCF reviews only its own investigations or also those done by school boards.)

The bill also requires DCF, at least annually, to review with SDE all

records and information relating to these investigations that DCF has in its possession to ensure that both are being shared properly. The departments must address and correct any omissions or other problems in their records and information-sharing process.

DCF Report to State Agencies Licensing and Approving Employees (§ 16)

The bill requires DCF, when it receives reports of suspected abuse or neglect and the alleged perpetrator is a school employee or is employed by an institution or facility licensed or approved by the state to provide care to children (this would include child care providers), to notify SDE, the state agency that issued the license or approval, or the institution or facility of (1) the report and (2) the beginning of DCF's investigation of it.

CHECKS OF CHILD ABUSE REGISTRY

By law, the DCF commissioner must maintain a registry of individuals found to have perpetrated abuse or neglect of children or youth. The information in the registry is confidential, subject to the law's provisions regarding access to it. DCF must (1) notify the person when it intends to place his or her name on the registry and (2) alert the person to his or her ability to appeal the placement.

Applicants for Any School Job (§ 1(a))

The bill requires school boards to require applicants for any position in the district's public schools to submit to a check of DCF's abuse and neglect registry before they can hire them. The law already requires the boards to (1) get applicants to state whether they have ever been convicted of a crime or whether criminal charges are pending against them and (2) require them to submit to state and national criminal record checks. Checks are not required of district students who work for the district, nor are they required of individuals required to submit to a criminal history records check.

Teachers (§ 1(g))

The bill also requires the SBE to require each applicant for a new or

renewed teaching certification, authorization, or permit to submit to a records check of the abuse and neglect registry. If the board receives notice that the applicant is listed as an abuse or neglect perpetrator, it must deny the application or revoke the certification, authorization, or permit of a teacher it has already approved.

Revocations must be done in accordance with the law governing the board’s authority to revoke teaching certification, authorizations, or permits. This law requires the board to prove by a preponderance of evidence why the revocation should occur.

Disclosure of Records (§ 2)

In general, DCF records are confidential and can be disclosed only with the consent of the persons named in them. But the law requires the commissioner to disclose records without the person’s consent in certain circumstances. Currently, it requires her to provide copies of records to school boards, provided they are limited to educational records created or obtained by the State of Connecticut Unified School District #2. The bill also allows these records to include those included on the registry that pertain to nondisclosure of findings or responsibility for abuse and neglect.

The bill also requires the commissioner, when requested, to promptly provide records without consent to the superintendent of schools for any school district for the purpose of determining the suitability of someone to be employed by the district. This could include registry records and any other DCF records pertaining to child protection activities.

COMMITTEE ACTION

Human Services Committee

Joint Favorable Change of Reference
Yea 17 Nay 0 (03/01/2011)

Education Committee

Joint Favorable Substitute

Yea 30 Nay 0 (03/23/2011)

Appropriations Committee

Joint Favorable Substitute

Yea 46 Nay 2 (04/26/2011)