



House of Representatives

File No. 892

General Assembly

January Session, 2011

(Reprint of File No. 784)

Substitute House Bill No. 5431
As Amended by House Amendment
Schedules "A" and "B"

Approved by the Legislative Commissioner
June 3, 2011

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

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 Section 10-221d of the general statutes is repealed and the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) (A) on and after July 1, 2011, require each applicant for a position in
8 a public school requiring a certificate, authorization or permit issued
9 pursuant to chapter 166 to submit to a records check of the Department
10 of Children and Families child abuse and neglect registry established
11 pursuant to section 17a-101k, before such applicant may be hired by
12 such board, and (B) on and after July 1, 2012, require each applicant for
13 a position in a public school that does not require a certificate,

14 authorization or permit issued pursuant to chapter 166 to submit to a
15 records check of the Department of Children and Families child abuse
16 and neglect registry established pursuant to section 17a-101k, before
17 such applicant may be hired by such board, (3) require, subject to the
18 provisions of subsection (d) of this section, each person hired by the
19 board after July 1, 1994, to submit to state and national criminal history
20 records checks within thirty days from the date of employment and
21 may require, subject to the provisions of subsection (d) of this section,
22 any person hired prior to said date to submit to state and national
23 criminal history records checks, and [(3)] (4) require each worker (A)
24 placed within a school under a public assistance employment
25 program, (B) employed by a provider of supplemental services
26 pursuant to the No Child Left Behind Act, P.L. 107-110, or (C) on and
27 after July 1, 2010, in a nonpaid, noncertified position completing
28 preparation requirements for the issuance of an educator certificate
29 pursuant to chapter 166, who performs a service involving direct
30 student contact to submit to state and national criminal history records
31 checks within thirty days from the date such worker begins to perform
32 such service. The criminal history records checks required by this
33 subsection shall be conducted in accordance with section 29-17a. If the
34 local or regional board of education receives notice of a conviction of a
35 crime which has not previously been disclosed by such person to the
36 board, the board may (i) terminate the contract of a certified employee,
37 in accordance with the provisions of section 10-151, and (ii) dismiss a
38 noncertified employee provided such employee is notified of the
39 reason for such dismissal, is provided the opportunity to file with the
40 board, in writing, any proper answer to such criminal conviction and a
41 copy of the notice of such criminal conviction, the answer and the
42 dismissal order are made a part of the records of the board. In
43 addition, if the local or regional board of education receives notice of a
44 conviction of a crime by a person (I) holding a certificate, authorization
45 or permit issued by the State Board of Education, (II) employed by a
46 provider of supplemental services, or (III) on and after July 1, 2010, in a
47 nonpaid, noncertified position completing preparation requirements
48 for the issuance of an educator certificate pursuant to chapter 166, the

49 local or regional board of education shall send such notice to the State
50 Board of Education. The supervisory agent of a private school may
51 require any applicant for a position in such school or any employee of
52 such school to submit to state and national criminal history records
53 checks in accordance with the procedures described in this subsection.

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

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

83 they are employed at least one day of each school year by such local or
84 regional board of education.

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

88 (2) The provisions of this section shall not apply to a student
89 employed by the local or regional school district in which the student
90 attends school.

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

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

109 (f) The State Board of Education shall submit, periodically, a
110 database of all persons who hold certificates, authorizations or permits
111 to the State Police Bureau of Identification. The State Police Bureau of
112 Identification shall conduct a state criminal history records check
113 against such database and shall notify the State Board of Education of
114 any such person who has a criminal conviction. The State Board of

115 Education may revoke the certificate, authorization or permit of such
116 person in accordance with the provisions of subsection (j) of section 10-
117 145b, as amended by this act.

118 (g) The State Board of Education shall require each applicant
119 seeking an initial issuance or renewal of a certificate, authorization or
120 permit pursuant to sections 10-144o to 10-149, inclusive, as amended
121 by this act, to submit to a records check of the Department of Children
122 and Families child abuse and neglect registry established pursuant to
123 section 17a-101k. If notification is received that the applicant is listed as
124 a perpetrator of abuse or neglect on the Department of Children and
125 Families child abuse and neglect registry, the board shall deny an
126 application for the certificate, authorization or permit in accordance
127 with the provisions of subsection (j) of section 10-145b, as amended by
128 this act, or may revoke the certificate, authorization or permit in
129 accordance with the provisions of said subsection (j).

130 Sec. 2. Subsection (f) of section 17a-28 of the general statutes is
131 repealed and the following is substituted in lieu thereof (*Effective July*
132 *1, 2011*):

133 (f) The commissioner or the commissioner's designee shall, upon
134 request, promptly provide copies of records, without the consent of a
135 person, to (1) a law enforcement agency, (2) the Chief State's Attorney,
136 or the Chief State's Attorney's designee, or a state's attorney for the
137 judicial district in which the child resides or in which the alleged abuse
138 or neglect occurred, or the state's attorney's designee, for purposes of
139 investigating or prosecuting an allegation of child abuse or neglect, (3)
140 the attorney appointed to represent a child in any court in litigation
141 affecting the best interests of the child, (4) a guardian ad litem
142 appointed to represent a child in any court in litigation affecting the
143 best interests of the child, (5) the Department of Public Health, in
144 connection with: (A) Licensure of any person to care for children for
145 the purposes of determining the suitability of such person for
146 licensure, subject to the provisions of sections 17a-101g, as amended by
147 this act, and 17a-101k, or (B) an investigation conducted pursuant to

148 section 19a-80f, (6) any state agency which licenses such person to
149 educate or care for children pursuant to section 10-145b, as amended
150 by this act, or 17a-101j, subject to the provisions of sections 17a-101g, as
151 amended by this act, and 17a-101k concerning nondisclosure of
152 findings of responsibility for abuse and neglect, (7) the Governor,
153 when requested in writing, in the course of the Governor's official
154 functions or the Legislative Program Review and Investigations
155 Committee, the joint standing committee of the General Assembly
156 having cognizance of matters relating to the judiciary and the select
157 committee of the General Assembly having cognizance of matters
158 relating to children when requested in the course of said committees'
159 official functions in writing, and upon a majority vote of said
160 committee, provided no names or other identifying information shall
161 be disclosed unless it is essential to the legislative or gubernatorial
162 purpose, (8) a local or regional board of education, provided the
163 records are limited to (A) educational records created or obtained by
164 the state or Connecticut-Unified School District #2, established
165 pursuant to section 17a-37, or (B) inclusion on the Department of
166 Children and Families child abuse and neglect registry established
167 pursuant to section 17a-101k, subject to the provisions of sections 17a-
168 101g, as amended by this act, and 17a-101k concerning nondisclosure
169 of findings of responsibility for abuse and neglect, (9) a party in a
170 custody proceeding under section 17a-112 or 46b-129, in the Superior
171 Court where such records concern a child who is the subject of the
172 proceeding or the parent of such child, (10) the Chief Child Protection
173 Attorney, or his or her designee, for purposes of ensuring competent
174 representation by the attorneys whom the Chief Child Protection
175 Attorney contracts with to provide legal and guardian ad litem
176 services to the subjects of such records and to ensure accurate
177 payments for services rendered by such contract attorneys, (11) the
178 Department of Motor Vehicles, for purposes of checking the state's
179 child abuse and neglect registry pursuant to subsection (e) of section
180 14-44, and (12) a judge of the Superior Court and all necessary parties
181 in a family violence proceeding when such records concern family
182 violence with respect to the child who is the subject of the proceeding

183 or the parent of such child who is the subject of the proceeding. A
184 disclosure under this section shall be made of any part of a record,
185 whether or not created by the department, provided no confidential
186 record of the Superior Court shall be disclosed other than the petition
187 and any affidavits filed therewith in the superior court for juvenile
188 matters, except upon an order of a judge of the Superior Court for
189 good cause shown. The commissioner shall also disclose the name of
190 any individual who cooperates with an investigation of a report of
191 child abuse or neglect to such law enforcement agency or state's
192 attorney for purposes of investigating or prosecuting an allegation of
193 child abuse or neglect. The commissioner or the commissioner's
194 designee shall, upon request, subject to the provisions of sections 17a-
195 101g, as amended by this act, and 17a-101k, promptly provide copies
196 of records, without the consent of the person, to (A) the Department of
197 Public Health for the purpose of determining the suitability of a person
198 to care for children in a facility licensed under sections 19a-77 to 19a-
199 80, inclusive, 19a-82 to 19a-87, inclusive, and 19a-87b, [and] (B) the
200 Department of Social Services for determining the suitability of a
201 person for any payment from the department for providing child care,
202 and (C) the superintendent of schools for any school district for the
203 purpose of determining the suitability of a person to be employed by
204 the local or regional board of education for such school district.

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

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

216 (b) The following persons shall be mandated reporters: Any
217 physician or surgeon licensed under the provisions of chapter 370, any
218 resident physician or intern in any hospital in this state, whether or not
219 so licensed, any registered nurse, licensed practical nurse, medical
220 examiner, dentist, dental hygienist, psychologist, [coach of intramural
221 or interscholastic athletics, school superintendent, school teacher,
222 school principal, school guidance counselor, school paraprofessional,
223 school coach] a school employee, as defined in section 53a-65, social
224 worker, police officer, juvenile or adult probation officer, juvenile or
225 adult parole officer, member of the clergy, pharmacist, physical
226 therapist, optometrist, chiropractor, podiatrist, mental health
227 professional or physician assistant, any person who is a licensed or
228 certified emergency medical services provider, any person who is a
229 licensed or certified alcohol and drug counselor, any person who is a
230 licensed marital and family therapist, any person who is a sexual
231 assault counselor or a battered women's counselor as defined in
232 section 52-146k, any person who is a licensed professional counselor,
233 any person who is a licensed foster parent, any person paid to care for
234 a child in any public or private facility, child day care center, group
235 day care home or family day care home licensed by the state, any
236 employee of the Department of Children and Families, any employee
237 of the Department of Public Health who is responsible for the licensing
238 of child day care centers, group day care homes, family day care
239 homes or youth camps, the Child Advocate and any employee of the
240 Office of the Child Advocate and any family relations counselor,
241 family relations counselor trainee or family services supervisor
242 employed by the Judicial Department.

243 (c) The Commissioner of Children and Families shall develop an
244 educational training program and refresher training program for the
245 accurate and prompt identification and reporting of child abuse and
246 neglect. Such training program and refresher training program shall be
247 made available to all persons mandated to report child abuse and
248 neglect at various times and locations throughout the state as
249 determined by the Commissioner of Children and Families. Such

250 training program shall be provided to all new school employees, as
251 defined in section 53a-65, within available appropriations.

252 (d) Any mandated reporter, as defined in subsection (b) of this
253 section, who fails to report to the Commissioner of Children and
254 Families pursuant to section 17a-101a, as amended by this act, shall be
255 required to participate in an educational and training program
256 established by the commissioner. The program may be provided by
257 one or more private organizations approved by the commissioner,
258 provided the entire costs of the program shall be paid from fees
259 charged to the participants, the amount of which shall be subject to the
260 approval of the commissioner.

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

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

280 (a) Notwithstanding any provision of the general statutes, after an
281 investigation has been completed and the Commissioner of Children

282 and Families, based upon the results of the investigation, (1) has
283 reasonable cause to believe that a child has been abused or neglected
284 by a school employee, as defined in section 53a-65, who has been
285 entrusted with the care of a child and who holds a certificate, permit or
286 authorization issued by the State Board of Education, [and the
287 commissioner] or (2) has recommended that such employee be placed
288 on the Department of Children and Families child abuse and neglect
289 registry established pursuant to section 17a-101k, the commissioner
290 shall, not later than five working days after such finding, notify the
291 employing superintendent and the Commissioner of Education of such
292 finding and shall provide records, whether or not created by the
293 department, concerning such investigation to the superintendent
294 [who] and the Commissioner of Education. The superintendent shall
295 suspend such school employee. The [commissioner] Commissioner of
296 Children and Families shall provide such notice whether or not the
297 child was a student in the employing school or school district. Such
298 suspension shall be with pay and shall not result in the diminution or
299 termination of benefits to such employee. [Within] Not later than
300 seventy-two hours after such suspension the superintendent shall
301 notify the local or regional board of education and the Commissioner
302 of Education, or the commissioner's representative, of the reasons for
303 and conditions of the suspension. The superintendent shall disclose
304 such records to the Commissioner of Education and the local or
305 regional board of education or its attorney for purposes of review of
306 employment status or the status of such employee's certificate, permit
307 or authorization. The suspension of a school employee employed in a
308 position requiring a certificate shall remain in effect until the board of
309 education acts pursuant to the provisions of section 10-151. If the
310 contract of employment of such certified school employee is
311 terminated, or such certified school employee resigns such
312 employment, the superintendent shall notify the Commissioner of
313 Education, or the commissioner's representative, within seventy-two
314 hours after such termination or resignation. Upon receipt of such
315 notice from the superintendent, the Commissioner of Education may
316 commence certification revocation proceedings pursuant to the

317 provisions of subsection (j) of section 10-145b, as amended by this act.
318 Notwithstanding the provisions of sections 1-210 and 1-211,
319 information received by the Commissioner of Education, or the
320 commissioner's representative, pursuant to this section shall be
321 confidential subject to regulations adopted by the State Board of
322 Education under section 10-145g.

323 (b) [After] Not later than five working days after an investigation
324 has been completed, [and] if (1) the Commissioner of Children and
325 Families, based upon the results of the investigation, has reasonable
326 cause to believe that a child has been abused or neglected by a staff
327 member of a public or private institution or facility providing care for
328 children or private school, [the commissioner shall notify the executive
329 director of such institution, school or facility and shall provide records,
330 whether or not created by the department concerning such
331 investigation to such executive director. Such] and (2) the
332 commissioner recommends that such staff member be placed on the
333 child abuse and neglect registry established pursuant to section 17a-
334 101h, as amended by this act, such institution, school or facility [may]
335 shall suspend such staff person. Such suspension shall be with pay and
336 shall not result in diminution or termination of benefits to such
337 [employee] staff person. Such suspension shall remain in effect until
338 the incident of abuse or neglect has been satisfactorily resolved by the
339 employer of the staff person or until an appeal, conducted in
340 accordance with section 17a-101k, has resulted in a finding that such
341 staff person is not responsible for the abuse or neglect or does not pose
342 a risk to the health, safety or well-being of children. If such staff
343 member has a professional license or certificate issued by the state or a
344 permit or authorization issued by the State Board of Education or if
345 such institution, school or facility has a license or approval issued by
346 the state, the commissioner shall forthwith notify the state agency
347 responsible for issuing such license, certificate, permit, approval or
348 authorization to the staff member and provide records, whether or not
349 created by the department, concerning such investigation.

350 (c) If a school employee, as defined in section 53a-65, or any person

351 holding a certificate, permit or authorization issued by the State Board
352 of Education under the provisions of sections 10-144o to 10-149,
353 inclusive, as amended by this act, is convicted of a crime involving an
354 act of child abuse or neglect as described in section 46b-120 or a
355 violation of section 53-21, 53a-71 or 53a-73a, the state's attorney for the
356 judicial district in which the conviction occurred shall in writing notify
357 the superintendent of the school district or the supervisory agent of the
358 nonpublic school in which the person is employed and the
359 Commissioner of Education of such conviction.

360 (d) For the purposes of receiving and making reports, notifying and
361 receiving notification, or investigating, pursuant to the provisions of
362 sections 17a-101a to 17a-101h, inclusive, as amended by this act, and
363 17a-103, a superintendent of a school district or a supervisory agent of
364 a nonpublic school may assign a designee to act on such
365 superintendent's or agent's behalf.

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

378 (f) (1) All school employees, as defined in section 53a-65, hired by a
379 local or regional board of education on or after July 1, 2011, shall be
380 required to complete the training program developed pursuant to
381 subsection (c) of section 17a-101, as amended by this act. All such
382 school employees shall complete the refresher training program,
383 developed pursuant to subsection (c) of section 17a-101, as amended

384 by this act, not later than three years after completion of the initial
385 training program, and shall thereafter retake such refresher training
386 course at least once every three years.

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

393 Sec. 5. Subsection (a) of section 10-220a of the general statutes is
394 repealed and the following is substituted in lieu thereof (*Effective July*
395 *1, 2011*):

396 (a) Each local or regional board of education shall provide an in-
397 service training program for its teachers, administrators and pupil
398 personnel who hold the initial educator, provisional educator or
399 professional educator certificate. Such program shall provide such
400 teachers, administrators and pupil personnel with information on (1)
401 the nature and the relationship of drugs, as defined in subdivision (17)
402 of section 21a-240, and alcohol to health and personality development,
403 and procedures for discouraging their abuse, (2) health and mental
404 health risk reduction education which includes, but need not be
405 limited to, the prevention of risk-taking behavior by children and the
406 relationship of such behavior to substance abuse, pregnancy, sexually
407 transmitted diseases, including HIV-infection and AIDS, as defined in
408 section 19a-581, violence, teen dating violence, domestic violence, child
409 abuse and youth suicide, (3) the growth and development of
410 exceptional children, including handicapped and gifted and talented
411 children and children who may require special education, including,
412 but not limited to, children with attention-deficit hyperactivity
413 disorder or learning disabilities, and methods for identifying, planning
414 for and working effectively with special needs children in a regular
415 classroom, (4) school violence prevention, conflict resolution and
416 prevention of bullying, as defined in subsection (a) of section 10-222d,

417 except that those boards of education that implement an evidence-
418 based model approach, consistent with subsection (d) of section 10-
419 145a, subsection (a) of section 10-220a, as amended by this act, sections
420 10-222d, 10-222g and 10-222h, subsection (g) of section 10-233c and
421 sections 1 and 3 of public act 08-160, shall not be required to provide
422 in-service training on prevention of bullying, (5) cardiopulmonary
423 resuscitation and other emergency life saving procedures, (6) computer
424 and other information technology as applied to student learning and
425 classroom instruction, communications and data management, (7) the
426 teaching of the language arts, reading and reading readiness for
427 teachers in grades kindergarten to three, inclusive, [and] (8) second
428 language acquisition in districts required to provide a program of
429 bilingual education pursuant to section 10-17f, and (9) the
430 requirements and obligations of a mandated reporter. Each local and
431 regional board of education may allow any paraprofessional or
432 noncertified employee to participate, on a voluntary basis, in any in-
433 service training program provided pursuant to this section. The State
434 Board of Education, within available appropriations and utilizing
435 available materials, shall assist and encourage local and regional
436 boards of education to include: (A) Holocaust education and
437 awareness; (B) the historical events surrounding the Great Famine in
438 Ireland; (C) African-American history; (D) Puerto Rican history; (E)
439 Native American history; (F) personal financial management; (G)
440 domestic violence and teen dating violence; and (H) topics approved
441 by the state board upon the request of local or regional boards of
442 education as part of in-service training programs pursuant to this
443 subsection.

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

446 (a) Each local or regional board of education shall maintain good
447 public elementary and secondary schools, implement the educational
448 interests of the state as defined in section 10-4a and provide such other
449 educational activities as in its judgment will best serve the interests of
450 the school district; provided any board of education may secure such

451 opportunities in another school district in accordance with provisions
452 of the general statutes and shall give all the children of the school
453 district as nearly equal advantages as may be practicable; shall provide
454 an appropriate learning environment for its students which includes
455 (1) adequate instructional books, supplies, materials, equipment,
456 staffing, facilities and technology, (2) equitable allocation of resources
457 among its schools, (3) proper maintenance of facilities, and (4) a safe
458 school setting; shall, in accordance with the provisions of subsection (f)
459 of this section, maintain records of allegations, investigations and
460 reports that a child has been abused or neglected by a school
461 employee, as defined in section 53a-65, employed by the local or
462 regional board of education; shall have charge of the schools of its
463 respective school district; shall make a continuing study of the need for
464 school facilities and of a long-term school building program and from
465 time to time make recommendations based on such study to the town;
466 shall adopt and implement an indoor air quality program that
467 provides for ongoing maintenance and facility reviews necessary for
468 the maintenance and improvement of the indoor air quality of its
469 facilities; shall adopt and implement a green cleaning program,
470 pursuant to section 10-231g, that provides for the procurement and use
471 of environmentally preferable cleaning products in school buildings
472 and facilities; shall report biennially to the Commissioner of Education
473 on the condition of its facilities and the action taken to implement its
474 long-term school building program, indoor air quality program and
475 green cleaning program, which report the Commissioner of Education
476 shall use to prepare a biennial report that said commissioner shall
477 submit in accordance with section 11-4a to the joint standing
478 committee of the General Assembly having cognizance of matters
479 relating to education; shall advise the Commissioner of Education of
480 the relationship between any individual school building project
481 pursuant to chapter 173 and such long-term school building program;
482 shall have the care, maintenance and operation of buildings, lands,
483 apparatus and other property used for school purposes and at all times
484 shall insure all such buildings and all capital equipment contained
485 therein against loss in an amount not less than eighty per cent of

486 replacement cost; shall determine the number, age and qualifications
487 of the pupils to be admitted into each school; shall develop and
488 implement a written plan for minority staff recruitment for purposes
489 of subdivision (3) of section 10-4a; shall employ and dismiss the
490 teachers of the schools of such district subject to the provisions of
491 sections 10-151 and 10-158a; shall designate the schools which shall be
492 attended by the various children within the school district; shall make
493 such provisions as will enable each child of school age residing in the
494 district to attend some public day school for the period required by
495 law and provide for the transportation of children wherever
496 transportation is reasonable and desirable, and for such purpose may
497 make contracts covering periods of not more than five years; may
498 place in an alternative school program or other suitable educational
499 program a pupil enrolling in school who is nineteen years of age or
500 older and cannot acquire a sufficient number of credits for graduation
501 by age twenty-one; may arrange with the board of education of an
502 adjacent town for the instruction therein of such children as can attend
503 school in such adjacent town more conveniently; shall cause each child
504 five years of age and over and under eighteen years of age who is not a
505 high school graduate and is living in the school district to attend
506 school in accordance with the provisions of section 10-184, and shall
507 perform all acts required of it by the town or necessary to carry into
508 effect the powers and duties imposed by law.

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

520 (c) Annually, each local and regional board of education shall
521 submit to the Commissioner of Education a strategic school profile
522 report for each school under its jurisdiction and for the school district
523 as a whole. The superintendent of each local and regional school
524 district shall present the profile report at the next regularly scheduled
525 public meeting of the board of education after each November first.
526 The profile report shall provide information on measures of (1) student
527 needs, (2) school resources, including technological resources and
528 utilization of such resources and infrastructure, (3) student and school
529 performance, including truancy, (4) the number of students enrolled in
530 an adult high school credit diploma program, pursuant to section 10-
531 69, operated by a local or regional board of education or a regional
532 educational service center, (5) equitable allocation of resources among
533 its schools, (6) reduction of racial, ethnic and economic isolation, and
534 (7) special education. For purposes of this subsection, measures of
535 special education include (A) special education identification rates by
536 disability, (B) rates at which special education students are exempted
537 from mastery testing pursuant to section 10-14q, (C) expenditures for
538 special education, including such expenditures as a percentage of total
539 expenditures, (D) achievement data for special education students, (E)
540 rates at which students identified as requiring special education are no
541 longer identified as requiring special education, (F) the availability of
542 supplemental educational services for students lacking basic
543 educational skills, (G) the amount of special education student
544 instructional time with nondisabled peers, (H) the number of students
545 placed out-of-district, and (I) the actions taken by the school district to
546 improve special education programs, as indicated by analyses of the
547 local data provided in subparagraphs (A) to (H), inclusive, of this
548 subdivision. The superintendent shall include in the narrative portion
549 of the report information about parental involvement and if the district
550 has taken measures to improve parental involvement, including, but
551 not limited to, employment of methods to engage parents in the
552 planning and improvement of school programs and methods to
553 increase support to parents working at home with their children on
554 learning activities. For purposes of this subsection, measures of

555 truancy include the type of data that is required to be collected by the
556 Department of Education regarding attendance and unexcused
557 absences in order for the department to comply with federal reporting
558 requirements. Such truancy data shall be considered a public record
559 for purposes of chapter 14.

560 (d) Prior to January 1, 2008, and every five years thereafter, for
561 every school building that is or has been constructed, extended,
562 renovated or replaced on or after January 1, 2003, a local or regional
563 board of education shall provide for a uniform inspection and
564 evaluation program of the indoor air quality within such buildings,
565 such as the Environmental Protection Agency's Indoor Air Quality
566 Tools for Schools Program. The inspection and evaluation program
567 shall include, but not be limited to, a review, inspection or evaluation
568 of the following: (1) The heating, ventilation and air conditioning
569 systems; (2) radon levels in the air; (3) potential for exposure to
570 microbiological airborne particles, including, but not limited to, fungi,
571 mold and bacteria; (4) chemical compounds of concern to indoor air
572 quality including, but not limited to, volatile organic compounds; (5)
573 the degree of pest infestation, including, but not limited to, insects and
574 rodents; (6) the degree of pesticide usage; (7) the presence of and the
575 plans for removal of any hazardous substances that are contained on
576 the list prepared pursuant to Section 302 of the federal Emergency
577 Planning and Community Right-to-Know Act, 42 USC 9601 et seq.; (8)
578 ventilation systems; (9) plumbing, including water distribution
579 systems, drainage systems and fixtures; (10) moisture incursion; (11)
580 the overall cleanliness of the facilities; (12) building structural
581 elements, including, but not limited to, roofing, basements or slabs;
582 (13) the use of space, particularly areas that were designed to be
583 unoccupied; and (14) the provision of indoor air quality maintenance
584 training for building staff. Local and regional boards of education
585 conducting evaluations pursuant to this subsection shall make
586 available for public inspection the results of the inspection and
587 evaluation at a regularly scheduled board of education meeting and on
588 the board's or each individual school's web site.

589 (e) Each local and regional board of education shall establish a
590 school district curriculum committee. The committee shall
591 recommend, develop, review and approve all curriculum for the local
592 or regional school district.

593 (f) Each local and regional board of education shall maintain in a
594 central location all records of allegations, investigations and reports
595 that a child has been abused or neglected by a school employee, as
596 defined in section 53a-65, employed by the local or regional board of
597 education, conducted pursuant to sections 17a-101a to 17a-101d,
598 inclusive, as amended by this act, and section 17a-103. Such records
599 shall include any reports made to the Department of Children and
600 Families. The Department of Education shall have access to such
601 records.

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

617 (b) The Department of Children and Families shall develop a policy
618 for the investigation of delayed reports by mandated reporters. Such
619 policy shall include, but not be limited to, when referrals to the
620 appropriate law enforcement agency for delayed reporting are
621 required and when the department shall require mandated reporters

622 who have been found to have delayed making a report to participate in
623 the educational and training program pursuant to subsection (d) of
624 section 17a-101 of the general statutes, as amended by this act.

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

627 Any mandated reporter, as defined in section 17a-101, as amended
628 by this act, who in the ordinary course of such person's employment or
629 profession has reasonable cause to suspect or believe that any child
630 under the age of eighteen years (1) has been abused or neglected, as
631 defined in section 46b-120, (2) has had nonaccidental physical injury,
632 or injury which is at variance with the history given of such injury,
633 inflicted upon such child, or (3) is placed at imminent risk of serious
634 harm, shall report or cause a report to be made in accordance with the
635 provisions of sections 17a-101b to 17a-101d, inclusive, as amended by
636 this act. Any person required to report under the provisions of this
637 section who fails to make such report or fails to make such report
638 within the time period prescribed in sections 17a-101b to 17a-101d,
639 inclusive, as amended by this act, and section 17a-103 shall be fined
640 not less than five hundred dollars nor more than two thousand five
641 hundred dollars and shall be required to participate in an educational
642 and training program pursuant to subsection (d) of section 17a-101, as
643 amended by this act. The Commissioner of Children and Families, or
644 the commissioner's designee, shall promptly notify the Chief State's
645 Attorney when there is reason to believe that any such person has
646 failed to make a report in accordance with this section.

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

649 [Within] Not later than forty-eight hours [of] after making an oral
650 report, a mandated reporter shall submit a written report to the
651 Commissioner of Children and Families or [his representative] the
652 commissioner's designee. When a mandated reporter is a member of
653 the staff of a public or private institution or facility that provides care

654 for such child or public or private school [he] the reporter shall also
655 submit a copy of the written report to the person in charge of such
656 institution, school or facility or the person's designee. In the case of a
657 report concerning a school employee holding a certificate,
658 authorization or permit issued by the State Board of Education under
659 the provisions of sections 10-144o to 10-146b, inclusive, as amended by
660 this act, and 10-149, a copy of the written report shall also be sent by
661 the [person in charge of such institution, school or facility]
662 Commissioner of Children and Families or the commissioner's
663 designee to the Commissioner of Education or [his representative] the
664 commissioner's designee. In the case of an employee of a facility or
665 institution that provides care for a child which is licensed by the state,
666 a copy of the written report shall also be sent by the [mandated
667 reporter] Commissioner of Children and Families to the executive head
668 of the state licensing agency.

669 Sec. 10. (NEW) (*Effective July 1, 2011*) When the Commissioner of
670 Children and Families receives a report from a person not designated
671 as a mandated reporter pursuant to section 17a-101 of the general
672 statutes, as amended by this act, that such person has reasonable cause
673 to suspect or believe that any child under the age of eighteen years (1)
674 has been abused or neglected, as defined in section 46b-120 of the
675 general statutes, (2) has had nonaccidental physical injury, or injury
676 which is at variance with the history given of such injury, inflicted
677 upon such child, or (3) is placed at imminent risk of serious harm by a
678 school employee, as defined in section 53a-65 of the general statutes,
679 holding a certificate, authorization or permit issued by the State Board
680 of Education under the provisions of sections 10-144o to 10-146b,
681 inclusive, of the general statutes, as amended by this act, and section
682 10-149 of the general statutes, a copy of such report shall be sent by the
683 Commissioner of Children and Families to the Commissioner of
684 Education.

685 Sec. 11. Subsection (d) of section 17a-101b of the general statutes is
686 repealed and the following is substituted in lieu thereof (*Effective July*
687 *1, 2011*):

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

703 Sec. 12. (NEW) (*Effective July 1, 2011*) Notwithstanding the
704 provisions of section 10-151c of the general statutes, a local or regional
705 board of education shall provide the Commissioner of Children and
706 Families, upon request and for the purposes of an investigation by the
707 commissioner of suspected child abuse or neglect by a teacher
708 employed by such board of education, any records maintained or kept
709 on file by such board of education. Such records shall include, but not
710 be limited to, supervisory records, reports of competence, personal
711 character and efficiency maintained in such teacher's personnel file
712 with reference to evaluation of performance as a professional
713 employee of such board of education, and records of the personal
714 misconduct of such teacher. For purposes of this section, "teacher"
715 includes each certified professional employee below the rank of
716 superintendent employed by a board of education in a position
717 requiring a certificate issued by the State Board of Education.

718 Sec. 13. (NEW) (*Effective July 1, 2011*) A local or regional board of
719 education shall permit and give priority to any investigation
720 conducted by the Commissioner of Children and Families or the
721 appropriate local law enforcement agency that a child has been abused

722 or neglected pursuant to sections 17a-101a to 17a-101d, inclusive, of the
723 general statutes, as amended by this act, and section 17a-103 of the
724 general statutes. Such board of education shall conduct its own
725 investigation and take any disciplinary action, in accordance with the
726 provisions of section 17a-101i of the general statutes, as amended by
727 this act, upon notice from the commissioner or the appropriate local
728 law enforcement agency that such board's investigation will not
729 interfere with the investigation of the commissioner or such local law
730 enforcement agency.

731 Sec. 14. (NEW) (*Effective July 1, 2011*) (a) The Department of
732 Children and Families shall conduct, at least annually, random quality
733 assurance reviews of reports and investigations that a child has been
734 abused or neglected by a school employee, as defined in section 53a-65
735 of the general statutes. If, as a result of such review, the department
736 discovers any issues in any report or investigation, the department
737 shall take any necessary action to correct or satisfy such problem or
738 issue. The department shall use such reviews to assess the quality and
739 conduct of such investigations.

740 (b) The Department of Children and Families shall review, at least
741 annually, with the Department of Education all records and
742 information relating to reports and investigations that a child has been
743 abused and neglected by a school employee, as defined in section 53a-
744 65 of the general statutes, in the Department of Children and Families'
745 possession to ensure that records and information are being shared
746 properly. The departments shall address and correct any omissions or
747 other problems in the records and information-sharing process of the
748 departments.

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

751 All oral and written reports required in sections 17a-101a to 17a-
752 101c, inclusive, as amended by this act, and section 17a-103, shall
753 contain, if known: (1) The names and addresses of the child and his

754 parents or other person responsible for his care; (2) the age of the child;
755 (3) the gender of the child; (4) the nature and extent of the child's
756 injury or injuries, maltreatment or neglect; (5) the approximate date
757 and time the injury or injuries, maltreatment or neglect occurred; (6)
758 information concerning any previous injury or injuries to, or
759 maltreatment or neglect of, the child or his siblings; (7) the
760 circumstances in which the injury or injuries, maltreatment or neglect
761 came to be known to the reporter; (8) the name of the person or
762 persons suspected to be responsible for causing such injury or injuries,
763 maltreatment or neglect; (9) the reasons such person or persons are
764 suspected of causing such injury or injuries, maltreatment or neglect;
765 (10) any information concerning any prior cases in which such person
766 or persons have been suspected of causing an injury, maltreatment or
767 neglect of a child; and [(9)] (11) whatever action, if any, was taken to
768 treat, provide shelter or otherwise assist the child.

769 Sec. 16. Subsection (a) of section 17a-101g of the general statutes is
770 repealed and the following is substituted in lieu thereof (*Effective July*
771 *1, 2011*):

772 (a) Upon receiving a report of child abuse or neglect, as provided in
773 sections 17a-101a to 17a-101c, inclusive, as amended by this act, or
774 section 17a-103, in which the alleged perpetrator is (1) a person
775 responsible for such child's health, welfare or care, (2) a person given
776 access to such child by such responsible person, or (3) a person
777 entrusted with the care of a child, the Commissioner of Children and
778 Families, or the commissioner's designee, shall cause the report to be
779 classified and evaluated immediately. If the report contains sufficient
780 information to warrant an investigation, the commissioner shall make
781 the commissioner's best efforts to commence an investigation of a
782 report concerning an imminent risk of physical harm to a child or other
783 emergency within two hours of receipt of the report and shall
784 commence an investigation of all other reports within seventy-two
785 hours of receipt of the report. If the alleged perpetrator is a school
786 employee, as defined in section 53a-65, or is employed by an
787 institution or facility licensed or approved by the state to provide care

788 for children, the department shall notify the Department of Education
789 or the state agency that has issued such license or approval to the
790 institution or facility of the report and the commencement of an
791 investigation by the Commissioner of Children and Families. The
792 department shall complete any such investigation not later than forty-
793 five calendar days after the date of receipt of the report. If the report is
794 a report of child abuse or neglect in which the alleged perpetrator is
795 not a person specified in subdivision (1), (2) or (3) of this subsection,
796 the Commissioner of Children and Families shall refer the report to the
797 appropriate local law enforcement authority for the town in which the
798 child resides or in which the alleged abuse or neglect occurred.

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

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

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

824 (2) When the Commissioner of Education is notified, pursuant to
825 section 10-149a or 17a-101i, as amended by this act, that a person
826 holding a certificate, authorization or permit issued by the State Board
827 of Education under the provisions of sections 10-144o to 10-149,
828 inclusive, as amended by this act, has been convicted of (A) a capital
829 felony, pursuant to section 53a-54b, (B) arson murder, pursuant to
830 section 53a-54d, (C) a class A felony, (D) a class B felony, except a
831 violation of section 53a-122, 53a-252 or 53a-291, (E) a crime involving
832 an act of child abuse or neglect as described in section 46b-120, or (F) a
833 violation of section 53-21, 53-37a, [53a-49,] 53a-60b, 53a-60c, 53a-71,
834 53a-72a, 53a-72b, 53a-73a, 53a-88, 53a-90a, 53a-99, 53a-103a, 53a-181c,
835 53a-191, 53a-196, 53a-196c, 53a-216, 53a-217b or 21a-278 or subsection
836 (a) of section 21a-277, any certificate, permit or authorization issued by
837 the State Board of Education and held by such person shall be deemed
838 revoked and the commissioner shall notify such person of such
839 revocation, provided such person may request reconsideration
840 pursuant to regulations adopted by the State Board of Education, in
841 accordance with the provisions of chapter 54. As part of such
842 reconsideration process, the board shall make the initial determination
843 as to whether to uphold or overturn the revocation. The commissioner
844 shall make the final determination as to whether to uphold or overturn
845 the revocation.

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

848 Notwithstanding the provisions of sections 10-144o to 10-146b,
849 inclusive, as amended by this act, and 10-149, the State Board of
850 Education shall not issue or reissue any certificate, authorization or
851 permit pursuant to said sections if (1) the applicant for such certificate,
852 authorization or permit has been convicted of any of the following: (A)
853 A capital felony, as defined in section 53a-54b; (B) arson murder, as

854 defined in section 53a-54d; (C) any class A felony; (D) any class B
855 felony except a violation of section 53a-122, 53a-252 or 53a-291; (E) a
856 crime involving an act of child abuse or neglect as described in section
857 46b-120; or (F) a violation of section 53-21, 53-37a, [53a-49,] 53a-60b,
858 53a-60c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-88, 53a-90a, 53a-99, 53a-
859 103a, 53a-181c, 53a-191, 53a-196, 53a-196c, 53a-216, 53a-217b or 21a-278
860 or a violation of subsection (a) of section 21a-277, and (2) the applicant
861 completed serving the sentence for such conviction within the five
862 years immediately preceding the date of the application.

863 Sec. 20. (*Effective from passage*) On or before January 1, 2012, the
864 Department of Children and Families shall develop a plan for how to
865 implement the provisions of subdivision (2) of subsection (a) of section
866 10-221d of the general statutes, as amended by this act. The
867 department shall submit such plan to the joint standing committees of
868 the General Assembly having cognizance of matters relating to
869 education and human services, in accordance with the provisions of
870 section 11-4a of the general statutes.

871 Sec. 21. Subsection (c) of section 17a-16a of the general statutes is
872 repealed and the following is substituted in lieu thereof (*Effective*
873 *October 1, 2011*):

874 (c) (1) If it is determined that it is in a child's best interests to remain
875 in his or her school of origin, the department and the board of
876 education for such school of origin shall collaborate on a
877 transportation plan for such child from the town in which the child is
878 placed to such school of origin. The department shall be responsible
879 for any additional or extraordinary cost of such transportation beyond
880 that to which the child would otherwise have access. The department
881 shall maximize federal reimbursements under Title IV-E of the Social
882 Security Act, as amended, for costs of transporting Title IV-E eligible
883 children. The department and the board of education for the school of
884 origin shall consider cost-effective, reliable and safe transportation
885 options.

886 (2) If it is not in the best interests of the child to attend the school of
 887 origin, the department shall work with the board of education for such
 888 school of origin and the receiving school to ensure immediate and
 889 appropriate enrollment and attendance of the child in the receiving
 890 school in accordance with the provisions of subsection (e) of section 10-
 891 76d and section 10-253. The educational records of the child shall be
 892 provided by the school of origin to the receiving school, in accordance
 893 with the federal Fostering Connections to Success and Increasing
 894 Adoptions Act of 2008, Public Law 110-351. Upon notification by the
 895 department of a decision to change a child's school placement and
 896 notwithstanding section 10-220h, the school of origin shall transmit to
 897 the receiving school, not later than one business day after receipt of
 898 such notification, all essential educational records for the child,
 899 including, but not limited to, the child's individualized education plan
 900 and behavioral intervention plan, if any, and all documents necessary
 901 for the receiving school to determine appropriate class placement and
 902 to provide educational services. The school of origin shall transfer
 903 nonessential records to the receiving school in accordance with section
 904 10-220h.

905 (3) Upon request of the local or regional board of education for a
 906 receiving school, the department shall provide the name, date of birth
 907 and school of origin for each child in the custody of the department
 908 who has been placed in foster care and is attending a receiving school
 909 located in the school district under the jurisdiction of such board.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2011	10-221d
Sec. 2	July 1, 2011	17a-28(f)
Sec. 3	July 1, 2011	17a-101
Sec. 4	July 1, 2011	17a-101i
Sec. 5	July 1, 2011	10-220a(a)
Sec. 6	July 1, 2011	10-220
Sec. 7	July 1, 2011	New section
Sec. 8	July 1, 2011	17a-101a

Sec. 9	<i>July 1, 2011</i>	17a-101c
Sec. 10	<i>July 1, 2011</i>	New section
Sec. 11	<i>July 1, 2011</i>	17a-101b(d)
Sec. 12	<i>July 1, 2011</i>	New section
Sec. 13	<i>July 1, 2011</i>	New section
Sec. 14	<i>July 1, 2011</i>	New section
Sec. 15	<i>July 1, 2011</i>	17a-101d
Sec. 16	<i>July 1, 2011</i>	17a-101g(a)
Sec. 17	<i>July 1, 2011</i>	17a-101h
Sec. 18	<i>from passage</i>	10-145b(j)(2)
Sec. 19	<i>from passage</i>	10-145i
Sec. 20	<i>from passage</i>	New section
Sec. 21	<i>October 1, 2011</i>	17a-16a(c)

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: None

Municipal Impact:

Municipalities	Effect	FY 12 \$	FY 13 \$
Various Municipalities	Potential Cost	See Below	See Below

Explanation

The bill requires mandated reporter training of school employees, which results in a potential cost to various municipalities to the extent that teachers receive this 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.

House "A" eliminated the total state cost in the underlying bill of \$86,880 in FY 12 and \$61,880 in FY 13. It did so by:

- (1) Phasing into FY 13 the requirement that public school employee applicants for non-certified positions submit to a child abuse and neglect registry check by the Department of Children and Families (DCF), and
- (2) Requiring that DCF develop a plan to implement this provision and submit it to various General Assembly committees on or before 1/1/12.

It is anticipated that DCF will coordinate with the State Department of Education to develop this plan, and that it will maximize registry

check process efficiencies. Therefore, an additional social work position within DCF, at a cost of \$50,000 to DCF and \$11,880 to the State Comptroller (for fringe benefits) in FY 12 and FY 13, is not necessary.

House "A" also eliminated the \$25,000 cost to DCF in FY 12 by removing the restriction that DCF provide mandated reporter training to new school employees prior to the start of the school year. It is anticipated that DCF will provide this training throughout the year using existing staff. The need for a web-based training module (at a cost of \$25,000) is, therefore, eliminated.

House "B" added a requirement that DCF provide certain information to local or regional boards of education upon request and does not result in a fiscal impact.

The Out Years

The municipal fiscal impact identified above would continue into the future 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 (as amended by House "A" and "B")******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 that 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; 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 adds to the responsibilities school boards have when assisting 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, with applicants for positions requiring state certification being subject to the requirement starting on July 1, 2011 and applicants for other positions having to submit to checks starting July 1, 2012; (2) requires DCF to develop a plan to implement this requirement and submit it to the legislative committees of cognizance; (3) requires teachers, when first applying or renewing their state teaching certification, to submit to registry checks; and (4) 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.)

In addition, the bill requires DCF, when asked by school boards that have foster children from other towns attending school under the boards’ jurisdiction, to provide the foster child’s name, birth date, and school of origin.

Finally, the bill makes technical changes.

*House Amendment “A” sets up a staggered schedule under which applicants for school positions must submit to the DCF child abuse registry and requires DCF to develop the plan for implementing the new registry requirement for applicants for any school positions. It

removes language requiring that child abuse reporter training programs be provided before the start of the school year. And it adds language requiring the disclosure of teacher records notwithstanding a provision that generally exempts these records from disclosure.

*House Amendment "B" requires DCF, when asked by school boards, to provide information about foster children attending schools in the boards' jurisdiction.

EFFECTIVE DATE: July 1, 2011, except the provisions concerning the criminal attempt language and the DCF plan for implementing the requirement for school position applicants to submit to the child abuse registry are effective upon passage, and the provision requiring DCF to provide school boards information about foster children is effective October 1, 2011.

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 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.

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 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 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 include's 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 among other things, 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 the 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 finds 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, regardless of another law (CGS § 10-151c) that provides that records kept by school boards generally are not public records and therefore not subject to disclosure under the

Freedom of Information Act. (Records involving teacher personal misconduct are public and can be disclosed without the teacher's consent.) 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 investigations.

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. 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 be hired. Specifically, starting July 1, 2011, boards must require applicants for positions requiring a state certificate, authorization, or permit to submit to a check and beginning July 1, 2012, boards must require applicants for positions not requiring state certification to submit to the checks before the boards can hire them.

The law already requires the boards to (1) require 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.

The bill requires DCF, by January 1, 2012, to develop a plan to implement this requirement and submit it to the Education and Human Services committees.

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 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 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)