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WRITTEN TESTIMONY OF  
**CHRISTOPHER P. HANKINS, LEGAL COUNSEL**  
**CONNECTICUT EDUCATION ASSOCIATION**  
BEFORE THE  
**HUMAN SERVICES COMMITTEE**  
REGARDING  
**HOUSE BILL NO. 5433**

**"AN ACT CONCERNING REPORTS OF CHILD ABUSE AND NEGLECT AND THE  
RESPONSE OF SCHOOL DISTRICTS, THE DEPARTMENT OF EDUCATION AND THE  
DEPARTMENT OF CHILDREN AND FAMILIES"**

**MARCH 11, 2011**

**My name is Christopher P. Hankins and I am Legal Counsel for the Connecticut Education Association. I am commenting on several important aspects of House Bill No. 5433.**

- 1. The first aspect to be addressed is a change in Section 1 of the House Bill, specifically subsection (g) of section 10-221d (lines 111 to 121). The change would be to include in subsection (g) only those individuals who are on the child abuse and neglect registry whose appeals have been exhausted and to leave out the names of people whose placement on the registry are still under appeal. The reason for this is that through the appeals process, placement on this registry may be reversed. To include a teacher that has been placed on the registry who has not gone through the appeals process and to subject them to denial of an application for a certificate or a revocation of a certificate would be premature and manifestly unjust to that individual. (This was already testified to by the Connecticut Education Association on February 23, 2011 before the Education Committee on Senate Bill No. 6326.)**

2. The second aspect to be addressed is a change in Section 2 of the House Bill, specifically subsection (f) of section 17a-28 (lines 156 to 160). The requested change would be a deletion of the proposed subsection (f) (8) (B) of section 17a-28. The reasons for this are that:
  - a) The relevant information to be requested is already permitted in lines 7 to 10 and 111-121 of this proposed House Bill.
  - b) This subsection vests too much vague, unrestricted and unchecked power to probe into an individual's history of "nondisclosed" findings.
  - c) There is no control of who may have access to this sensitive and personally invasive information once it is obtained by a school district.
3. The third aspect to be addressed is a change in Section 2 of the House Bill, specially a deletion of proposed subsection (f) (12) (C) (lines 193 to 195). The reasons for this request are the same as those set forth in the preceding enumerated paragraph 2.
4. The fourth aspect to be addressed is in Sections 3 and 4 of the House Bill, specifically the creation of a new subsection (e) to section 17a-101, that of a model mandated reporting policy (lines 252 to 268) and new or revised subsections (e) and (f) to section 17a-101i, that of training and refresher programs for the accurate and prompt identification and reporting of child abuse and neglect (lines 357 to 383). This is a good idea. Teachers are on the forefront of detecting abuse and neglect and this proposed training and education is beneficial for all concerned. (This was already testified to by the Connecticut Education Association on February 23, 2011 before the Education Committee on Senate Bill No. 6326.)
5. The fifth aspect to be addressed is in Section 4 of the House Bill, specifically a deletion of the proposed addition of the words "or neglected" (at line 274). The reason for this is that a finding of "neglect" is the lesser finding of "abuse" or "neglect" and includes unintentional conduct. To subject an education professional to essentially automatic termination or license revocation is "a bridge too far" for unintentional conduct.
6. The sixth aspect to be addressed is in Section 4 of the House Bill, specifically leaving in the original language section 17a-101i (a) at lines 277 to 278 and deleting the proposed change. In other words, the school employee would have to have an initial finding of abuse (again leaving out neglect) and (in the conjunctive) be placed on the child abuse and neglect registry. The reason for this is that, in order to place the school employee's career and economic livelihood in peril, there should be the heightened finding of the intentional conduct of abuse and not the unintentional neglect as well as also having been placed on the central registry of abuse and neglect. (The same changes for the same reasons should be made to subsection b of 17a-101i at lines 314 to 329.)
7. The seventh aspect to be addressed is in Section 6 of the House Bill, specifically the proposed addition to Section 10-220 (a) (4) and subsection (f) which requires a school district to keep records of "allegations, investigations and reports" of child abuse by a school employee (lines 448 to 452 and 583 to 590). This proposed addition to Section 10-220a is improper and ill

advised. The DCF is already the centralized repository for such documents and safeguards such information within the strictures of Section 17a-28. Access to this information is limited by the DCF and requests for this information are funneled through this entity. It is better to have these documents reside with one entity and only one entity, particularly since this information is only at the level of an unsupported report or allegation. (This was already testified to by the Connecticut Education Association on February 23, 2011 before the Education Committee in Senate Bill 6326.)

8. The eighth and last aspect to be addressed is in Section 17 of the House Bill; specifically the proposed second sentence to section 17a-101h (lines 791 to 795). This contemplated addition is simply bizarre. It is also overreaching and duplicative. The caption of the present section 17a-101h is "Coordination of investigatory activities. Interview with child. Consent." This statute concerns itself with the alleged victim and has nothing to do with a mandated reporter. The responsibilities of a mandated reporter are clearly set forth in the present sections 17a-101c and 17a-101d. This detailed process should not be tampered with.

Please be advised that I am available to meet with the leadership of the Human Services Committee and other interested committee members. My direct line at the Connecticut Education Association is 860-725-6351.

cc: Vincent Loffredo, Director of Government Relations, Connecticut Education Association

Raymond Rossomando, Legislative Coordinator Lobbyist, Connecticut Education Association