

# Center for Children's Advocacy

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## TESTIMONY OF THE CENTER FOR CHILDREN'S ADVOCACY IN SUPPORT OF HB-5040 SECTION 7 AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES AND THE PROTECTION OF CHILDREN

This testimony is submitted on behalf of the Center for Children's Advocacy, a non-profit organization based at the University of Connecticut School of Law. The Center provides holistic legal services for poor children in Connecticut's communities through individual representation and systemic advocacy.

We strongly support H.B. 5040, Section 7, which makes minor and technical corrections to § 17a-101i and would require that the Department of Children and Families (DCF) notify the employing superintendents and the Commissioner of Education of its findings after completing an investigation of a report that a child has been abused or neglected by a school employee; and that DCF notify the person in charge of an institution of its findings after completing an investigation of a report that a child has been abused or neglected by a member of the staff of a public or private institution, private school, or facility that provides care for children.

### The Community Trusts School Officials to Keep Children Safe While at School

Every day that parents and guardians send their children to school, they are putting their trust in school officials and teachers to keep their children safe. Connecticut children spend over a thousand hours each year inside their school and it's the school's responsibility to ensure these children are surrounded by school employees that are both qualified and appropriate to be spending such long hours with children.

Currently, § 17a-101i allows DCF to share the results of its investigation of a school employee for abuse or neglect with the school superintendent and Commissioner of Education only if DCF has "reasonable cause to believe that a child has been abused or neglected."<sup>1</sup> Therefore, the investigation must substantiate the allegation of abuse or neglect before DCF is allowed to share the report with school officials. By changing the language so that DCF can share all investigative reports, not just substantiated reports, the school districts and Commissioner of Education are in a better position to monitor its employees and ensure that the students remain safe and secure at school.

### Inappropriate Behavior by a School Employee Can Occur Even if Not Substantiated

By requiring DCF to share the results of its investigation with school officials, even if the allegations are not substantiated, school officials can better monitor curious and inappropriate patterns among school employees. Statewide, only 16% of DCF accepted reports of abuse and neglect were substantiated in 2013.<sup>2</sup> The low number of substantiations means there are likely allegations that are true, but not substantiated.

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#### Executive Director

Martha Stone, *JD*

65 Elizabeth Street  
Hartford, CT 06105  
Phone 860-570-5327  
Fax 860-570-5256  
[www.kidscounsel.org](http://www.kidscounsel.org)

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<sup>1</sup> CONN. GEN. STAT. § 17a-101i(a)(1) (2012).

<sup>2</sup> STATE OF CONNECTICUT DEPARTMENT OF CHILDREN AND FAMILIES, TOWN PAGES: NUMBER OF ACCEPTED REPORTS AND ALLEGATIONS TO DCF FISCAL YEAR 2013 89 (2013), *available at* [http://www.ct.gov/dcf/lib/dcf/agency/pdf/tpmasked\\_2013.pdf](http://www.ct.gov/dcf/lib/dcf/agency/pdf/tpmasked_2013.pdf).

The DCF Policy Manual states "reasonable cause" is the standard for substantiation.<sup>3</sup> However, just because an allegation is not substantiated does not mean there was not inappropriate behavior by a school employee. For example, in Bridgeport, DCF received a report alleging an elementary school principal used duct tape to restrain a special needs student to a chair.<sup>4</sup> DCF ultimately did not substantiate the allegation because the child who had been taped to the chair said it was fun and had no signs of physical or emotional harm.<sup>5</sup> However, it was eventually revealed that the principal and the security guard admitted to taping the child to the chair.<sup>6</sup> This is just one example of abuse or neglect that may not be substantiated, but is nonetheless inappropriate behavior by a school employee and school officials should be notified.

### **Notification of the Results of All Investigations Allow School Officials to Better Monitor School Employees**

By notifying school officials of the results of all investigations of abuse and neglect by school employees, school officials become aware of inappropriate behavior, even if not substantiated, and can monitor concerning behavior patterns. Schools officials can better monitor their employees and have increased awareness of school employees that they should watch for inappropriate behavior. In addition, if a school employee has multiple reports of abuse and neglect, even if all unsubstantiated, school officials need to be aware of this in order to ensure it is safe for that employee to be around children.

Respectfully submitted,

Sarah Gleason  
Law Student Intern

Martha Stone  
Executive Director

Zoe Stout, Senior Staff Attorney  
Child Abuse Project

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<sup>3</sup> CONNECTICUT DEPARTMENT OF CHILDREN AND FAMILIES, POLICY MANUAL 34-3-6 (2011), *available at* <http://www.ct.gov/dcf/cwp/view.asp?a=2639&q=332408>.

<sup>4</sup> REPORT OF THE ATTORNEY GENERAL & CHILD ADVOCATE, PROTECTING OUR CHILDREN: IMPROVING PROTECTIONS FOR CHILDREN WHEN ALLEGATIONS ARE MADE THAT SCHOOL SYSTEM PERSONNEL ABUSED AND/OR NEGLECTED CHILDREN 36 (2010), *available at* [http://www.ct.gov/oca/lib/oca/DCF-Education\\_Report\\_Final\\_7-8-10.pdf](http://www.ct.gov/oca/lib/oca/DCF-Education_Report_Final_7-8-10.pdf).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*