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WRITTEN TESTIMONY OF

MELANIE I. KOLEK, LEGAL COUNSEL

&

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CONNECTICUT EDUCATION ASSOCIATION

BEFORE THE

COMMITTEE ON JUDICIARY REGARDING

COMMITTEE BILL NO. 6186

“AN ACT PROTECTING SCHOOL CHILDREN”

MARCH 4, 2015

Our names are Melanie I. Kolek and Adrienne R. DeLucca. We are Legal Counsel for the Connecticut Education Association, proudly representing over 43,000 teachers across our state. We are commenting on several important aspects of Committee Bill No. 6186.

As drafted, Committee Bill No. 6186 raises several concerns:

In Section 2, there is no indication as to why the definition of “cause to suspect or believe” should be or needs to be changed to “suspicion.” In fact, the term “suspicion” is ambiguous, confusing, and would be difficult to explain to our educational professionals given their knowledge and understanding of the prior definition in their mandated reporter trainings.

Also in Section 2, with respect to the inclusion of adults who are over the age of 18 for purposes of mandated reporting, there is no indication as to why those adults are now being included in this proposed language.

Section 2 further proposes that failure to report should be felony charge. Thus, if one did not have a reasonable "suspicion" (which raises concerns as previously stated) that abuse or neglect had occurred, and it is later subjectively proven that one should have had that belief, one is charged with a felony but moreover, and most importantly, that teacher would lose their teaching certification via immediate revocation. The request to engage in an educational program thereafter would be moot because that educational professional would no longer be a certified teacher.

Finally, Section 6 states that "[n]o local or regional board of education may reemploy a person who resigned or is terminated following a suspension pursuant to the provisions of this subsection." Almost all of the teachers we represent are immediately suspended with pay pending investigations. If the teacher decides during the investigation to resign, this language would suggest that this teacher could never be hired again in any district regardless of whether the teacher is later substantiated or not. There is no nexus to being substantiated or not substantiated but moreover, no evidence to suggest that just because a teacher resigns during the investigation process that it implies some sort of guilt on their part.

Thank you for your attention to our concerns.