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WRITTEN TESTIMONY OF
CHRISTOPHER P. HANKINS, LEGAL COUNSEL
CONNECTICUT EDUCATION ASSOCIATION

BEFORE THE
CHILDREN COMMITTEE
REGARDING

RAISED BILL NO. 926

LCO No. 3586

“AN ACT CONCERNING UNSUBSTANTIATED ALLEGATIONS OF ABUSE OR NEGLECT
BY SCHOOL EMPLOYEES”

FEBRUARY 24, 2015

My name is Christopher P. Hankins and I am Legal Counsel for the Connecticut Education Association. I am commenting on several aspects of Raised Bill No. 926.

1. This raised bill is an excellent statutory mechanism to protect teachers and other school employees from a rush to judgment and an initial incorrect labeling of them as an alleged perpetrator of child abuse and neglect with the entire long lasting negative stigma this label entails.

2. As to the addition of subsection (e) in C.G.S. Section 17a-101b in Section 1 of Raised Bill No. 926: This is a vital and necessary change to C.G.S. Section 17a-101b because the lion's share of DCF allegations against teachers come back unsubstantiated after the initial investigation. The problem is frequently the DCF's intake "coding" of a teacher, that is, when an allegation concerning a student comes to the attention of the DCF, no matter how frivolous, the DCF, without any investigation whatsoever, identifies for investigation purposes the teacher or teachers or other school employees of the student as an "alleged perpetrator." This seemingly innocuous label of alleged perpetrator has far reaching effects:
 - a. The teacher's employing superintendent is notified as required by C.G.S. Section 17a-101b (d).

- b. The state board of education, which issues the teacher's certificate, is notified as required by C.G.S. Section 17a-101g (a).
 - c. Under the current statutes, once the DCF investigation is concluded and the allegations against the teacher have been unsubstantiated, the teacher is nevertheless placed on an "unsubstantiated list" held for five years by the DCF, as required by C.G.S. Section 17a-101k (h).
 - d. The individual teacher, once he or she learns of the above, is frequently devastated as such an allegation and such a label with such attendant consequences comes out of nowhere. These educators have chosen this noble profession to help children and to have their spotless reputations called into question for no reason at all is inconceivable and contrary to any system of fairness.
3. Given that the vast majority of DCF allegations concerning teachers have been unsubstantiated, the proposed changes in Section 1 recognize that more needs to be done to actually ascertain whether a teacher or other school employee is actually an "alleged perpetrator" or merely a witness or simply not involved in any respect. While C.G.S. Section 17a-101g (a) mandates that a DCF investigation is to commence within two hours or seventy-two hours of the initial report, depending on the circumstances, it is manifestly unjust for the DCF to rush in with a scatter gun approach and label a teacher or other school employee having any type of affiliation with a student to be identified as an "alleged perpetrator." Within the forty-five days required to complete this investigation, as noted in this statute's subsection, the DCF could actually make a real determination, prior to placing the indelible "alleged perpetrator" label on the teacher or other school employee, that this individual has a viable connection to a child's abuse or neglect.
4. Over the years, CEA Legal Counsel have represented numerous teachers in allegations where the students are suffering from some mental incapacity which leads them to flights of fancy, or that they are fabricating things that either did not or could not have happened to them. In 2014 alone, there were two separate instances where a total of eleven teachers were labeled as "alleged perpetrators" for fabricated incidents on the playground during recess when it was demonstrated that the child was not on the playground on the day in question or else the teachers were not assigned to recess duty. A simple and quick check of a teacher's duty list or a questioning of the building principal could have avoided dragging the teacher's through a DCF investigation with all the concomitant negative consequences.
5. As to the additional language in subsection (a) of C.G.S. Section 17a-101g in Section 2 of Raised Bill No. 926: The reasons why this is beneficial statutory language for Connecticut's educators are the same as that set forth in the preceding paragraphs.
6. As to the addition of a new subsection (c) to C.G.S. Section 17a-101i in Section 3 of Raised Bill No. 926:

- a. Insofar as the proposed subsection (c) (1) is concerned, the importance of this to the teachers in Connecticut is that currently the statutory language on notification of a teacher or other school employee being investigated as an “alleged perpetrator” of child abuse or neglect to their employing superintendent or the Commissioner of Education is a door that only swings one way in that there is nothing that requires the DCF to notify either of these individuals that an educator has been cleared of this allegation. That this teacher or school employee is no longer the focus of a DCF investigation or has been unsubstantiated should be heralded with the same force and to the same extent as when the allegation was brought. This proposed subsection accomplishes this objective.
 - b. Insofar as the proposed subsection (c) (2) is concerned, in addition to the reason expressed in the preceding paragraph, this new statutory language is important because, since the educator has been unsubstantiated by virtue of the DCF’s investigation, there should be no record or other indicia contained in any personnel file or similar file kept or maintained by any entity. For example, in practice, by way of a letter placing the teacher out on administrative leave during the pendency of the DCF investigation and keeping this in the teacher’s personnel file, which is a public record, many school districts keep what winds up being a permanent record of the teacher being an “alleged perpetrator” despite being cleared by the DCF of all allegations.
7. As to the addition of a new subsection (h) (2) to C.G.S. Section 17a-101k in Section 4 of Raised Bill No. 926: This “unsubstantiated list” has no utility as it is a predictor of nothing. In reality, in the over eight hundred DCF investigations that have been handled by the CEA Legal Department over the past thirteen years, not one teacher who has been placed on this “unsubstantiated list” has ever been subsequently substantiated. Of the teachers who have been substantiated and have not had their initial substantiations reversed, no one of these individuals ever had a prior unsubstantiated DCF investigation.