



General Assembly

January Session, 2015

Raised Bill No. 926

LCO No. 3586



Referred to Committee on COMMITTEE ON CHILDREN

Introduced by:
(KID)

**AN ACT CONCERNING UNSUBSTANTIATED ALLEGATIONS OF
ABUSE OR NEGLECT BY SCHOOL EMPLOYEES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-101b of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective July 1, 2015*):

3 (a) An oral report shall be made by a mandated reporter as soon as
4 practicable but not later than twelve hours after the mandated reporter
5 has reasonable cause to suspect or believe that a child has been abused
6 or neglected or placed in imminent risk of serious harm, by telephone
7 or in person to the Commissioner of Children and Families or a law
8 enforcement agency. If a law enforcement agency receives an oral
9 report, it shall immediately notify the [Commissioner of Children and
10 Families] commissioner.

11 (b) If the commissioner or the commissioner's designee suspects or
12 knows that such person has knowingly made a false report, the
13 identity of such person shall be disclosed to the appropriate law
14 enforcement agency and to the perpetrator of the alleged abuse.

15 (c) If the Commissioner of Children and Families, or the
16 commissioner's designee, receives a report alleging sexual abuse or
17 serious physical abuse, including, but not limited to, a report that: (1)
18 A child has died; (2) a child has been sexually assaulted; (3) a child has
19 suffered brain damage or loss or serious impairment of a bodily
20 function or organ; (4) a child has been sexually exploited; or (5) a child
21 has suffered serious nonaccidental physical injury, the commissioner
22 shall, within twelve hours of receipt of such report, notify the
23 appropriate law enforcement agency.

24 (d) Whenever a mandated reporter, as defined in section 17a-101,
25 has reasonable cause to suspect or believe that any child has been
26 abused or neglected by a school employee, as defined in section 53a-65,
27 or a member of the staff of a public or private institution or facility that
28 provides care for such child or a public or private school, the
29 mandated reporter shall report as required in subsection (a) of this
30 section. The Commissioner of Children and Families or the
31 commissioner's designee shall notify the principal, headmaster,
32 executive director or other person in charge of such institution, facility
33 or school, or the person's designee, unless such person is the alleged
34 perpetrator of the abuse or neglect of such child. In the case of a public
35 school, the commissioner shall also notify the person's employing
36 superintendent. Such person in charge, or such person's designee, shall
37 then immediately notify the child's parent or other person responsible
38 for the child's care that a report has been made.

39 (e) The Commissioner of Children and Families or the
40 commissioner's designee shall not issue any notice pursuant to
41 subsection (d) of this section regarding a school employee, as defined
42 in section 53a-65, unless the commissioner or the commissioner's
43 designee makes a good faith determination that such school employee
44 is the alleged perpetrator of the abuse or neglect. If the commissioner
45 or the commissioner's designee makes a good faith determination that
46 such school employee is not the alleged perpetrator of abuse or
47 neglect, the commissioner or the commissioner's designee shall

48 determine the reason such school employee's name was included in a
49 report submitted pursuant to this section.

50 Sec. 2. Subsection (a) of section 17a-101g of the general statutes is
51 repealed and the following is substituted in lieu thereof (*Effective July*
52 *1, 2015*):

53 (a) Upon receiving a report of child abuse or neglect, as provided in
54 sections 17a-101a to 17a-101c, inclusive, or section 17a-103, in which
55 the alleged perpetrator is (1) a person responsible for such child's
56 health, welfare or care, (2) a person given access to such child by such
57 responsible person, or (3) a person entrusted with the care of a child,
58 the Commissioner of Children and Families, or the commissioner's
59 designee, shall cause the report to be classified and evaluated
60 immediately. If the report contains sufficient information to warrant an
61 investigation, the commissioner shall make the commissioner's best
62 efforts to commence an investigation of a report concerning an
63 imminent risk of physical harm to a child or other emergency within
64 two hours of receipt of the report and shall commence an investigation
65 of all other reports within seventy-two hours of receipt of the report. A
66 report classified by the commissioner, or the commissioner's designee,
67 as lower risk may be referred for family assessment and services
68 pursuant to subsection (g) of this section. Any such report may
69 thereafter be referred for standard child protective services if safety
70 concerns for the child become evident. A report referred for standard
71 child protective services may be referred for family assessment and
72 services at any time if the department determines there is a lower risk
73 to the child. If the alleged perpetrator is a school employee, as defined
74 in section 53a-65, or is employed by an institution or facility licensed or
75 approved by the state to provide care for children, the department
76 shall notify the Department of Education or the state agency that has
77 issued such license or approval to the institution or facility of the
78 report and the commencement of an investigation by the
79 [Commissioner of Children and Families] commissioner, provided the
80 name of such school employee shall not be included in such

81 notification unless the commissioner or the commissioner's designee
82 makes a good faith determination that such school employee is the
83 alleged perpetrator of the abuse or neglect. If the commissioner or the
84 commissioner's designee makes a good faith determination that such
85 school employee is not the alleged perpetrator of abuse or neglect, the
86 commissioner or the commissioner's designee shall determine the
87 reason such school employee's name was included in a report
88 submitted pursuant to this section. The department shall complete any
89 such investigation not later than forty-five calendar days after the date
90 of receipt of the report. If the report is a report of child abuse or neglect
91 in which the alleged perpetrator is not a person specified in
92 subdivision (1), (2) or (3) of this subsection, the [Commissioner of
93 Children and Families] commissioner shall refer the report to the
94 appropriate local law enforcement authority for the town in which the
95 child resides or in which the alleged abuse or neglect occurred.

96 Sec. 3. Section 17a-101i of the general statutes is repealed and the
97 following is substituted in lieu thereof (*Effective July 1, 2015*):

98 (a) Notwithstanding any provision of the general statutes, not later
99 than five working days after an investigation of a report that a child
100 has been abused or neglected by a school employee, as defined in
101 section 53a-65, has been completed, the Commissioner of Children and
102 Families shall notify the employing superintendent and the
103 Commissioner of Education of the results of such investigation and
104 shall provide records, whether or not created by the department,
105 concerning such investigation to the superintendent and the
106 Commissioner of Education. The Commissioner of Children and
107 Families shall provide such notice whether or not the child was a
108 student in the employing school or school district. If (1) the
109 [Commissioner of Children and Families] commissioner, based upon
110 the results of the investigation, has reasonable cause to believe that a
111 child has been abused or neglected by such employee, and (2) the
112 commissioner recommends such school employee be placed on the
113 child abuse and neglect registry established pursuant to section 17a-

114 101k, as amended by this act, the superintendent shall suspend such
115 school employee. Such suspension shall be with pay and shall not
116 result in the diminution or termination of benefits to such employee.
117 Not later than seventy-two hours after such suspension the
118 superintendent shall notify the local or regional board of education
119 and the Commissioner of Education, or the commissioner's
120 representative, of the reasons for and conditions of the suspension. The
121 superintendent shall disclose such records to the Commissioner of
122 Education and the local or regional board of education or its attorney
123 for purposes of review of employment status or the status of such
124 employee's certificate, permit or authorization. The suspension of a
125 school employee employed in a position requiring a certificate shall
126 remain in effect until the board of education acts pursuant to the
127 provisions of section 10-151. If the contract of employment of such
128 certified school employee is terminated, or such certified school
129 employee resigns such employment, the superintendent shall notify
130 the Commissioner of Education, or the commissioner's representative,
131 within seventy-two hours after such termination or resignation. Upon
132 receipt of such notice from the superintendent, the Commissioner of
133 Education may commence certification revocation proceedings
134 pursuant to the provisions of subsection (i) of section 10-145b.
135 Notwithstanding the provisions of sections 1-210 and 1-211,
136 information received by the Commissioner of Education, or the
137 commissioner's representative, pursuant to this section shall be
138 confidential subject to regulations adopted by the State Board of
139 Education under section 10-145g.

140 (b) Not later than five working days after an investigation of a
141 report that a child has been abused or neglected by a staff member of a
142 public or private institution or facility that provides care for children
143 or a private school has been completed, the Commissioner of Children
144 and Families shall notify such staff member's employer at such
145 institution, facility or school, or such employer's designee, of the
146 results of the investigation. If (1) the [Commissioner of Children and

147 Families] commissioner, based upon the results of the investigation,
148 has reasonable cause to believe that a child has been abused or
149 neglected by such staff member, and (2) the commissioner
150 recommends that such staff member be placed on the child abuse and
151 neglect registry established pursuant to section 17a-101k, as amended
152 by this act, such institution, facility or school shall suspend such staff
153 person. Such suspension shall be with pay and shall not result in
154 diminution or termination of benefits to such staff person. Such
155 suspension shall remain in effect until the incident of abuse or neglect
156 has been satisfactorily resolved by the employer of the staff person or
157 until an appeal, conducted in accordance with section 17a-101k, as
158 amended by this act, has resulted in a finding that such staff person is
159 not responsible for the abuse or neglect or does not pose a risk to the
160 health, safety or well-being of children. If such staff member has a
161 professional license or certificate issued by the state or a permit or
162 authorization issued by the State Board of Education or if such
163 institution, school or facility has a license or approval issued by the
164 state, the commissioner shall forthwith notify the state agency
165 responsible for issuing such license, certificate, permit, approval or
166 authorization to the staff member and provide records, whether or not
167 created by the department, concerning such investigation.

168 (c) Upon completion of an investigation of a report that a child has
169 been abused or neglected by a school employee, as defined in section
170 53a-65, pursuant to subsection (a) of this section, if the Commissioner
171 of Children and Families has reasonable cause to believe that a child
172 has not been abused or neglected by such school employee, the
173 commissioner shall (1) notify the employing superintendent and the
174 Commissioner of Education of the results of such investigation, and (2)
175 require any and all records, including copies of any notice placing the
176 school employee on suspension or administrative leave, kept or
177 maintained by the employing superintendent, local or regional board
178 of education or the Commissioner of Education concerning the
179 investigation shall be expunged not more than five working days after

180 the completion date of such investigation.

181 [(c)] (d) If a school employee, as defined in section 53a-65, or any
182 person holding a certificate, permit or authorization issued by the State
183 Board of Education under the provisions of sections 10-144o to 10-149,
184 inclusive, is convicted of a crime involving an act of child abuse or
185 neglect as described in section 46b-120 or a violation of section 53-21,
186 53a-71 or 53a-73a, the state's attorney for the judicial district in which
187 the conviction occurred shall in writing notify the superintendent of
188 the school district or the supervisory agent of the nonpublic school in
189 which the person is employed and the Commissioner of Education of
190 such conviction.

191 [(d)] (e) For the purposes of receiving and making reports, notifying
192 and receiving notification, or investigating, pursuant to the provisions
193 of sections 17a-101a to 17a-101h, inclusive, and 17a-103, a
194 superintendent of a school district or a supervisory agent of a
195 nonpublic school may assign a designee to act on such
196 superintendent's or agent's behalf.

197 [(e)] (f) On or before February 1, 2012, each local and regional board
198 of education shall adopt a written policy, in accordance with the
199 provisions of subsection (d) of section 17a-101, regarding the reporting
200 by school employees, as defined in section 53a-65, of suspected child
201 abuse in accordance with sections 17a-101a to 17a-101d, inclusive, and
202 17a-103. Such policy shall be distributed annually to all school
203 employees employed by the local or regional board of education. The
204 local or regional board of education shall document that all such
205 school employees have received such written policy and completed the
206 training and refresher training programs required by subsection (c) of
207 section 17a-101.

208 [(f)] (g) (1) All school employees, as defined in section 53a-65, hired
209 by a local or regional board of education on or after July 1, 2011, shall
210 be required to complete the training program developed pursuant to

211 subsection (c) of section 17a-101. All such school employees shall
212 complete the refresher training program, developed pursuant to
213 subsection (c) of section 17a-101, not later than three years after
214 completion of the initial training program, and shall thereafter retake
215 such refresher training course at least once every three years.

216 (2) On or before July 1, 2012, all school employees, as defined in
217 section 53a-65, hired by a local or regional board of education before
218 July 1, 2011, shall complete the refresher training program developed
219 pursuant to subsection (c) of section 17a-101 and shall thereafter retake
220 such refresher training course at least once every three years.

221 Sec. 4. Subsection (h) of section 17a-101k of the general statutes is
222 repealed and the following is substituted in lieu thereof (*Effective July*
223 *1, 2015*):

224 (h) (1) Records containing unsubstantiated findings and records
225 relating to family assessment cases shall remain sealed, except that
226 such records shall be made available to department employees in the
227 proper discharge of their duties and shall be expunged by the
228 commissioner five years from the completion date of the investigation
229 or the closure of the family assessment case, whichever is later, if no
230 further report is made about the individual subject to the investigation
231 or the family subject to the assessment, except that if the department
232 receives more than one report on [an] such individual subject to
233 investigation or a family subject to assessment and each report is
234 unsubstantiated, all reports and information pertaining to the
235 individual or family shall be expunged by the commissioner five years
236 from the completion date of the most recent investigation.

237 (2) Notwithstanding the provisions of subdivision (1) of this
238 subsection, records containing unsubstantiated findings of an
239 investigation of an allegation of abuse or neglect by a school employee,
240 as defined in section 53a-65, in the course of such school employee's
241 employment shall be expunged not more than five days after the

242 completion date of such investigation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<u>July 1, 2015</u>	17a-101b
Sec. 2	<u>July 1, 2015</u>	17a-101g(a)
Sec. 3	<u>July 1, 2015</u>	17a-101i
Sec. 4	<u>July 1, 2015</u>	17a-101k(h)

Statement of Purpose:

To require the Commissioner of Children and Families to notify the employing superintendent and the Commissioner of Education and to expunge certain records when the commissioner determines that a school employee, as defined in section 53a-65, has been the victim of an unsubstantiated allegation of abuse or neglect.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]