



General Assembly

**Substitute Bill No. 926**

January Session, 2015



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 Section 17a-101i of the general statutes is repealed and the  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

3 (a) Notwithstanding any provision of the general statutes, not later  
4 than five working days after an investigation of a report that a child  
5 has been abused or neglected by a school employee, as defined in  
6 section 53a-65, has been completed, the Commissioner of Children and  
7 Families shall notify the employing superintendent and the  
8 Commissioner of Education of the results of such investigation and  
9 shall provide records, whether or not created by the department,  
10 concerning such investigation to the superintendent and the  
11 Commissioner of Education. The Commissioner of Children and  
12 Families shall provide such notice whether or not the child was a  
13 student in the employing school or school district. If (1) the  
14 Commissioner of Children and Families, based upon the results of the  
15 investigation, has reasonable cause to believe that a child has been  
16 abused or neglected by such employee, and (2) the commissioner  
17 recommends such school employee be placed on the child abuse and  
18 neglect registry established pursuant to section 17a-101k, as amended  
19 by this act, the superintendent shall suspend such school employee.  
20 Such suspension shall be with pay and shall not result in the  
21 diminution or termination of benefits to such employee. Not later than

22 seventy-two hours after such suspension the superintendent shall  
23 notify the local or regional board of education and the Commissioner  
24 of Education, or the commissioner's representative, of the reasons for  
25 and conditions of the suspension. The superintendent shall disclose  
26 such records to the Commissioner of Education and the local or  
27 regional board of education or its attorney for purposes of review of  
28 employment status or the status of such employee's certificate, permit  
29 or authorization. The suspension of a school employee employed in a  
30 position requiring a certificate shall remain in effect until the board of  
31 education acts pursuant to the provisions of section 10-151. If the  
32 contract of employment of such certified school employee is  
33 terminated, or such certified school employee resigns such  
34 employment, the superintendent shall notify the Commissioner of  
35 Education, or the commissioner's representative, within seventy-two  
36 hours after such termination or resignation. Upon receipt of such  
37 notice from the superintendent, the Commissioner of Education may  
38 commence certification revocation proceedings pursuant to the  
39 provisions of subsection (i) of section 10-145b. Notwithstanding the  
40 provisions of sections 1-210 and 1-211, information received by the  
41 Commissioner of Education, or the commissioner's representative,  
42 pursuant to this section shall be confidential subject to regulations  
43 adopted by the State Board of Education under section 10-145g.

44 (b) Not later than five working days after an investigation of a  
45 report that a child has been abused or neglected by a staff member of a  
46 public or private institution or facility that provides care for children  
47 or a private school has been completed, the Commissioner of Children  
48 and Families shall notify such staff member's employer at such  
49 institution, facility or school, or such employer's designee, of the  
50 results of the investigation. If (1) the [Commissioner of Children and  
51 Families] commissioner, based upon the results of the investigation,  
52 has reasonable cause to believe that a child has been abused or  
53 neglected by such staff member, and (2) the commissioner  
54 recommends that such staff member be placed on the child abuse and  
55 neglect registry established pursuant to section 17a-101k, as amended

56 by this act, such institution, facility or school shall suspend such staff  
57 person. Such suspension shall be with pay and shall not result in  
58 diminution or termination of benefits to such staff person. Such  
59 suspension shall remain in effect until the incident of abuse or neglect  
60 has been satisfactorily resolved by the employer of the staff person or  
61 until an appeal, conducted in accordance with section 17a-101k, as  
62 amended by this act, has resulted in a finding that such staff person is  
63 not responsible for the abuse or neglect or does not pose a risk to the  
64 health, safety or well-being of children. If such staff member has a  
65 professional license or certificate issued by the state or a permit or  
66 authorization issued by the State Board of Education or if such  
67 institution, school or facility has a license or approval issued by the  
68 state, the commissioner shall forthwith notify the state agency  
69 responsible for issuing such license, certificate, permit, approval or  
70 authorization to the staff member and provide records, whether or not  
71 created by the department, concerning such investigation.

72 (c) Upon completion of an investigation of a report that a child has  
73 been abused or neglected by a school employee, as defined in section  
74 53a-65, pursuant to subsection (a) of this section, if the Commissioner  
75 of Children and Families has reasonable cause to believe that a child  
76 has not been abused or neglected by such school employee, the  
77 commissioner shall require all records, including copies of any notice  
78 placing the school employee on suspension or administrative leave,  
79 kept or maintained by the employing superintendent, local or regional  
80 board of education or the Commissioner of Education concerning the  
81 investigation to be expunged not more than five working days after  
82 the completion date of such investigation.

83 [(c)] (d) If a school employee, as defined in section 53a-65, or any  
84 person holding a certificate, permit or authorization issued by the State  
85 Board of Education under the provisions of sections 10-144o to 10-149,  
86 inclusive, is convicted of a crime involving an act of child abuse or  
87 neglect as described in section 46b-120 or a violation of section 53-21,  
88 53a-71 or 53a-73a, the state's attorney for the judicial district in which

89 the conviction occurred shall in writing notify the superintendent of  
90 the school district or the supervisory agent of the nonpublic school in  
91 which the person is employed and the Commissioner of Education of  
92 such conviction.

93 ~~[(d)]~~ (e) For the purposes of receiving and making reports, notifying  
94 and receiving notification, or investigating, pursuant to the provisions  
95 of sections 17a-101a to 17a-101h, inclusive, and 17a-103, a  
96 superintendent of a school district or a supervisory agent of a  
97 nonpublic school may assign a designee to act on such  
98 superintendent's or agent's behalf.

99 ~~[(e)]~~ (f) On or before February 1, 2012, each local and regional board  
100 of education shall adopt a written policy, in accordance with the  
101 provisions of subsection (d) of section 17a-101, regarding the reporting  
102 by school employees, as defined in section 53a-65, of suspected child  
103 abuse in accordance with sections 17a-101a to 17a-101d, inclusive, and  
104 17a-103. Such policy shall be distributed annually to all school  
105 employees employed by the local or regional board of education. The  
106 local or regional board of education shall document that all such  
107 school employees have received such written policy and completed the  
108 training and refresher training programs required by subsection (c) of  
109 section 17a-101.

110 ~~[(f)]~~ (g) (1) All school employees, as defined in section 53a-65, hired  
111 by a local or regional board of education on or after July 1, 2011, shall  
112 be required to complete the training program developed pursuant to  
113 subsection (c) of section 17a-101. All such school employees shall  
114 complete the refresher training program, developed pursuant to  
115 subsection (c) of section 17a-101, not later than three years after  
116 completion of the initial training program, and shall thereafter retake  
117 such refresher training course at least once every three years.

118 (2) On or before July 1, 2012, all school employees, as defined in  
119 section 53a-65, hired by a local or regional board of education before  
120 July 1, 2011, shall complete the refresher training program developed

121 pursuant to subsection (c) of section 17a-101 and shall thereafter retake  
 122 such refresher training course at least once every three years.

123 Sec. 2. Subsection (h) of section 17a-101k of the general statutes is  
 124 repealed and the following is substituted in lieu thereof (*Effective July*  
 125 *1, 2015*):

126 (h) (1) Records containing unsubstantiated findings and records  
 127 relating to family assessment cases shall remain sealed, except that  
 128 such records shall be made available to department employees in the  
 129 proper discharge of their duties and shall be expunged by the  
 130 commissioner five years from the completion date of the investigation  
 131 or the closure of the family assessment case, whichever is later, if no  
 132 further report is made about the individual subject to the investigation  
 133 or the family subject to the assessment, except that if the department  
 134 receives more than one report on [an] such individual subject to  
 135 investigation or a family subject to assessment and each report is  
 136 unsubstantiated, all reports and information pertaining to the  
 137 individual or family shall be expunged by the commissioner five years  
 138 from the completion date of the most recent investigation.

139 (2) Notwithstanding the provisions of subdivision (1) of this  
 140 subsection, records containing unsubstantiated findings of an  
 141 investigation of an allegation of abuse or neglect by a school employee,  
 142 as defined in section 53a-65, in the course of such school employee's  
 143 employment shall be expunged not more than five days after the  
 144 completion date of such investigation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2015	17a-101i
Sec. 2	July 1, 2015	17a-101k(h)

**KID**      *Joint Favorable Subst.*

**ED**        *Joint Favorable*

