



General Assembly

**Amendment**

January Session, 2015

LCO No. 7400



Offered by:  
SEN. BARTOLOMEO, 13<sup>th</sup> Dist.

To: Subst. Senate Bill No. 926

File No. 155

Cal. No. 150

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

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

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 Section 17a-101i of the general statutes is repealed and  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

5 (a) Notwithstanding any provision of the general statutes, not later  
6 than five working days after an investigation of a report that a child  
7 has been abused or neglected by a school employee, as defined in  
8 section 53a-65, has been completed, the Commissioner of Children and  
9 Families shall notify the school employee, the employing  
10 superintendent and the Commissioner of Education of the results of  
11 such investigation and shall provide records, whether or not created  
12 by the department, concerning such investigation to the  
13 superintendent and the Commissioner of Education. The  
14 Commissioner of Children and Families shall provide such notice

15 whether or not the child was a student in the employing school or  
16 school district. If (1) the Commissioner of Children and Families, based  
17 upon the results of the investigation, has reasonable cause to believe  
18 that a child has been abused or neglected by such employee, and (2)  
19 the commissioner recommends such school employee be placed on the  
20 child abuse and neglect registry established pursuant to section 17a-  
21 101k, the superintendent shall suspend such school employee. Such  
22 suspension shall be with pay and shall not result in the diminution or  
23 termination of benefits to such employee. Not later than seventy-two  
24 hours after such suspension the superintendent shall notify the local or  
25 regional board of education and the Commissioner of Education, or  
26 the commissioner's representative, of the reasons for and conditions of  
27 the suspension. The superintendent shall disclose such records to the  
28 Commissioner of Education and the local or regional board of  
29 education or its attorney for purposes of review of employment status  
30 or the status of such employee's certificate, permit or authorization.  
31 The suspension of a school employee employed in a position requiring  
32 a certificate shall remain in effect until the board of education acts  
33 pursuant to the provisions of section 10-151. If the contract of  
34 employment of such certified school employee is terminated, or such  
35 certified school employee resigns such employment, the  
36 superintendent shall notify the Commissioner of Education, or the  
37 commissioner's representative, within seventy-two hours after such  
38 termination or resignation. Upon receipt of such notice from the  
39 superintendent, the Commissioner of Education may commence  
40 certification revocation proceedings pursuant to the provisions of  
41 subsection (i) of section 10-145b. Notwithstanding the provisions of  
42 sections 1-210 and 1-211, information received by the Commissioner of  
43 Education, or the commissioner's representative, pursuant to this  
44 section shall be confidential subject to regulations adopted by the State  
45 Board of Education under section 10-145g.

46 (b) Not later than five working days after an investigation of a  
47 report that a child has been abused or neglected by a staff member of a  
48 public or private institution or facility that provides care for children

49 or a private school has been completed, the Commissioner of Children  
50 and Families shall notify such staff member's employer at such  
51 institution, facility or school, or such employer's designee, of the  
52 results of the investigation. If (1) the [Commissioner of Children and  
53 Families] commissioner, based upon the results of the investigation,  
54 has reasonable cause to believe that a child has been abused or  
55 neglected by such staff member, and (2) the commissioner  
56 recommends that such staff member be placed on the child abuse and  
57 neglect registry established pursuant to section 17a-101k, such  
58 institution, facility or school shall suspend such staff person. Such  
59 suspension shall be with pay and shall not result in diminution or  
60 termination of benefits to such staff person. Such suspension shall  
61 remain in effect until the incident of abuse or neglect has been  
62 satisfactorily resolved by the employer of the staff person or until an  
63 appeal, conducted in accordance with section 17a-101k, has resulted in  
64 a finding that such staff person is not responsible for the abuse or  
65 neglect or does not pose a risk to the health, safety or well-being of  
66 children. If such staff member has a professional license or certificate  
67 issued by the state or a permit or authorization issued by the State  
68 Board of Education or if such institution, school or facility has a license  
69 or approval issued by the state, the commissioner shall forthwith  
70 notify the state agency responsible for issuing such license, certificate,  
71 permit, approval or authorization to the staff member and provide  
72 records, whether or not created by the department, concerning such  
73 investigation.

74 (c) (1) If, upon completion of an investigation of a report that a child  
75 has been abused or neglected by a school employee, the Commissioner  
76 of Children and Families finds that such abuse or neglect is  
77 unsubstantiated, said commissioner shall notify the Commissioner of  
78 Education, the employing superintendent, the employing school or  
79 school district and the school employee of his or her findings. Upon  
80 receipt of such notification, the Department of Education, the  
81 employing superintendent and the employing school or school district  
82 shall remove any references to the report and investigation from the

83 school employee's personnel records and any other records relating to  
84 such school employee.

85 (2) A report that a child has been abused or neglected by a school  
86 employee that is found by the Commissioner of Children and Families  
87 to be unsubstantiated shall not be used against the school employee for  
88 any purpose relating to employment, including, but not limited to,  
89 discipline, salary, promotion, transfer, demotion, retention or  
90 continuance of employment, termination of employment or any right  
91 or privilege relating to employment.

92 [(c)] (d) If a school employee, as defined in section 53a-65, or any  
93 person holding a certificate, permit or authorization issued by the State  
94 Board of Education under the provisions of sections 10-144o to 10-149,  
95 inclusive, is convicted of a crime involving an act of child abuse or  
96 neglect as described in section 46b-120 or a violation of section 53-21,  
97 53a-71 or 53a-73a, the state's attorney for the judicial district in which  
98 the conviction occurred shall in writing notify the superintendent of  
99 the school district or the supervisory agent of the nonpublic school in  
100 which the person is employed and the Commissioner of Education of  
101 such conviction.

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

108 [(e)] (f) On or before February 1, 2012, each local and regional board  
109 of education shall adopt a written policy, in accordance with the  
110 provisions of subsection (d) of section 17a-101, regarding the reporting  
111 by school employees, as defined in section 53a-65, of suspected child  
112 abuse in accordance with sections 17a-101a to 17a-101d, inclusive, and  
113 17a-103. Such policy shall be distributed annually to all school  
114 employees employed by the local or regional board of education. The

115 local or regional board of education shall document that all such  
116 school employees have received such written policy and completed the  
117 training and refresher training programs required by subsection (c) of  
118 section 17a-101.

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2015</i>	17a-101i