



House of Representatives

General Assembly

File No. 672

January Session, 2015

Substitute House Bill No. 6186

House of Representatives, April 16, 2015

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT PROTECTING SCHOOL CHILDREN.

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

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2 repealed and the following is substituted in lieu thereof (*Effective July*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

4 (c) The Commissioner of Children and Families shall develop an
5 educational training program and refresher training program for the
6 accurate and prompt identification and reporting of child abuse and
7 neglect. Such training program and refresher training program shall be
8 made available to all persons mandated to report child abuse and
9 neglect at various times and locations throughout the state as
10 determined by the Commissioner of Children and Families. Such
11 training program and refresher training program shall be provided to
12 [all new] each school [employees] employee, as defined in section 53a-
13 65, within available appropriations.

14 Sec. 2. Section 17a-101a of the general statutes is repealed and the

15 following is substituted in lieu thereof (*Effective October 1, 2015*):

16 (a) (1) Any mandated reporter, as [defined] described in section 17a-
17 101, as amended by this act, who in the ordinary course of such
18 person's employment or profession has reasonable [cause to suspect or
19 believe] suspicion that any child under the age of eighteen years [(1)
20 (A) has been abused or neglected, as [defined] described in section
21 46b-120, [(2)] (B) has had nonaccidental physical injury, or injury
22 which is at variance with the history given of such injury, inflicted
23 upon such child, or [(3)] (C) is placed at imminent risk of serious harm,
24 or (2) any school employee, as defined in section 53a-65, who in the
25 ordinary course of such person's employment or profession has
26 reasonable suspicion that any person who is eighteen years of age or
27 older and is being educated by a local or regional board of education,
28 other than as part of an adult education program, is a victim under the
29 provisions of subdivision (8) of subsection (a) of section 53a-71, shall
30 report or cause a report to be made in accordance with the provisions
31 of sections 17a-101b to 17a-101d, inclusive, as amended by this act.

32 (b) (1) Any person required to report under the provisions of this
33 section who fails to make such report or fails to make such report
34 within the time period prescribed in sections 17a-101b to 17a-101d,
35 inclusive, as amended by this act, and section 17a-103 shall be guilty of
36 a class [A misdemeanor and] E felony.

37 (2) Any person who, acting alone or in conspiracy with another,
38 intentionally and unreasonably interferes with or prevents the making
39 of a report pursuant to this section shall be guilty of a class D felony.

40 (3) Any person found guilty under the provisions of this subsection
41 shall be required to participate in an educational and training
42 program. The program may be provided by one or more private
43 organizations approved by the commissioner, provided the entire cost
44 of the program shall be paid from fees charged to the participants, the
45 amount of which shall be subject to the approval of the commissioner.

46 (c) The Commissioner of Children and Families, or the

47 commissioner's designee, shall promptly notify the Chief State's
48 Attorney when there is reason to believe that any such person has
49 failed to make a report in accordance with this section.

50 Sec. 3. Section 17a-101b of the general statutes is repealed and the
51 following is substituted in lieu thereof (*Effective October 1, 2015*):

52 (a) An oral report shall be made by a mandated reporter as soon as
53 practicable but not later than twelve hours after the mandated reporter
54 has reasonable [cause to suspect or believe] suspicion that a child has
55 been abused or neglected or placed in imminent risk of serious harm,
56 by telephone or in person to the Commissioner of Children and
57 Families or a law enforcement agency. If a law enforcement agency
58 receives an oral report, it shall immediately notify the Commissioner
59 of Children and Families.

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

64 (c) If the Commissioner of Children and Families, or the
65 commissioner's designee, receives a report alleging sexual abuse or
66 serious physical abuse, including, but not limited to, a report that: (1)
67 A child has died; (2) a child has been sexually assaulted; (3) a child has
68 suffered brain damage or loss or serious impairment of a bodily
69 function or organ; (4) a child has been sexually exploited; or (5) a child
70 has suffered serious nonaccidental physical injury, the commissioner
71 shall, within twelve hours of receipt of such report, notify the
72 appropriate law enforcement agency.

73 (d) Whenever a mandated reporter, as [defined] described in section
74 17a-101, as amended by this act, has reasonable [cause to suspect or
75 believe] suspicion that any child has been abused or neglected by a
76 member of the staff of a public or private institution or facility that
77 provides care for such child or a public or private school, the
78 mandated reporter shall report as required in subsection (a) of this

79 section. The Commissioner of Children and Families or the
80 commissioner's designee shall notify the principal, headmaster,
81 executive director or other person in charge of such institution, facility
82 or school, or the person's designee, unless such person is the alleged
83 perpetrator of the abuse or neglect of such child. In the case of a public
84 school, the commissioner shall also notify the person's employing
85 superintendent. Such person in charge, or such person's designee, shall
86 then immediately notify the child's parent or other person responsible
87 for the child's care that a report has been made.

88 (e) For purposes of this section, "child" includes any victim
89 described in subdivision (2) of subsection (a) of section 17a-101a, as
90 amended by this act.

91 Sec. 4. Section 17a-101d of the general statutes is repealed and the
92 following is substituted in lieu thereof (*Effective October 1, 2015*):

93 All oral and written reports required in sections 17a-101a to 17a-
94 101c, inclusive, as amended by this act, and section 17a-103, shall
95 contain, if known: (1) The names and addresses of the child and his or
96 her parents or other person responsible for his or her care; (2) the age
97 of the child; (3) the gender of the child; (4) the nature and extent of the
98 child's injury or injuries, maltreatment or neglect; (5) the approximate
99 date and time the injury or injuries, maltreatment or neglect occurred;
100 (6) information concerning any previous injury or injuries to, or
101 maltreatment or neglect of, the child or his or her siblings; (7) the
102 circumstances in which the injury or injuries, maltreatment or neglect
103 came to be known to the reporter; (8) the name of the person or
104 persons suspected to be responsible for causing such injury or injuries,
105 maltreatment or neglect; (9) the reasons such person or persons are
106 suspected of causing such injury or injuries, maltreatment or neglect;
107 (10) any information concerning any prior cases in which such person
108 or persons have been suspected of causing an injury, maltreatment or
109 neglect of a child; and (11) whatever action, if any, was taken to treat,
110 provide shelter or otherwise assist the child. For purposes of this
111 section, "child" includes any victim described in subdivision (2) of

112 subsection (a) of section 17a-101a, as amended by this act.

113 Sec. 5. Section 17a-101h of the general statutes is repealed and the
114 following is substituted in lieu thereof (*Effective October 1, 2015*):

115 Notwithstanding any provision of the general statutes, any person
116 authorized to conduct an investigation of abuse or neglect shall
117 coordinate investigatory activities in order to minimize the number of
118 interviews of any child and share information with other persons
119 authorized to conduct an investigation of child abuse or neglect, as
120 appropriate. A person reporting child abuse or neglect shall provide
121 any person authorized to conduct an investigation of child abuse or
122 neglect with all information related to the investigation that is in the
123 possession or control of the person reporting child abuse or neglect,
124 except as expressly prohibited by state or federal law. The
125 commissioner shall obtain the consent of parents or guardians or other
126 persons responsible for the care of the child to any interview with a
127 child, except that such consent shall not be required when the
128 department has reason to believe such parent or guardian or other
129 person responsible for the care of the child or member of the child's
130 household is the perpetrator of the alleged abuse or that seeking such
131 consent would place the child at imminent risk of physical harm. If
132 consent is not required to conduct the interview, such interview shall
133 be conducted in the presence of a disinterested adult unless immediate
134 access to the child is necessary to protect the child from imminent risk
135 of physical harm and a disinterested adult is not available after
136 reasonable search. For purposes of this section, "child" includes any
137 victim described in subdivision (2) of subsection (a) of section 17a-
138 101a, as amended by this act.

139 Sec. 6. Section 17a-101i of the general statutes is repealed and the
140 following is substituted in lieu thereof (*Effective October 1, 2015*):

141 (a) Notwithstanding any provision of the general statutes, not later
142 than five working days after an investigation of a report that a child
143 has been abused or neglected by a school employee, as defined in
144 section 53a-65, has been completed, the Commissioner of Children and

145 Families shall notify the employing superintendent and the
146 Commissioner of Education of the results of such investigation and
147 shall provide records, whether or not created by the department,
148 concerning such investigation to the superintendent and the
149 Commissioner of Education. The Commissioner of Children and
150 Families shall provide such notice whether or not the child was a
151 student in the employing school or school district. If (1) the
152 Commissioner of Children and Families, based upon the results of the
153 investigation, has reasonable cause to believe that a child has been
154 abused or neglected by such employee, and (2) the commissioner
155 recommends such school employee be placed on the child abuse and
156 neglect registry established pursuant to section 17a-101k, the
157 superintendent shall suspend such school employee. Such suspension
158 shall be with pay and shall not result in the diminution or termination
159 of benefits to such employee. Not later than seventy-two hours after
160 such suspension the superintendent shall notify the local or regional
161 board of education and the Commissioner of Education, or the
162 commissioner's representative, of the reasons for and conditions of the
163 suspension. The superintendent shall disclose such records to the
164 Commissioner of Education and the local or regional board of
165 education or its attorney for purposes of review of employment status
166 or the status of such employee's certificate, permit or authorization.
167 The suspension of a school employee employed in a position requiring
168 a certificate shall remain in effect until the board of education acts
169 pursuant to the provisions of section 10-151. If the contract of
170 employment of such certified school employee is terminated, or such
171 certified school employee resigns such employment, the
172 superintendent shall notify the Commissioner of Education, or the
173 commissioner's representative, within seventy-two hours after such
174 termination or resignation. Upon receipt of such notice from the
175 superintendent, the Commissioner of Education may commence
176 certification revocation proceedings pursuant to the provisions of
177 subsection (i) of section 10-145b, as amended by this act.
178 Notwithstanding the provisions of sections 1-210 and 1-211,
179 information received by the Commissioner of Education, or the

180 commissioner's representative, pursuant to this section shall be
181 confidential subject to regulations adopted by the State Board of
182 Education under section 10-145g. No local or regional board of
183 education shall reemploy a person whose employment contract is
184 terminated or who resigned from such employment following a
185 suspension pursuant to the provisions of this subsection if such person
186 is convicted of, or has applied for accelerated rehabilitation in
187 accordance with the provisions of section 54-56e for, a crime involving
188 an act of child abuse or neglect as described in section 46b-120 or a
189 violation of section 53-21, as amended by this act, 53a-71 or 53a-73a.

190 (b) Not later than five working days after an investigation of a
191 report that a child has been abused or neglected by a staff member of a
192 public or private institution or facility that provides care for children
193 or a private school has been completed, the Commissioner of Children
194 and Families shall notify such staff member's employer at such
195 institution, facility or school, or such employer's designee, of the
196 results of the investigation. If (1) the Commissioner of Children and
197 Families, based upon the results of the investigation, has reasonable
198 cause to believe that a child has been abused or neglected by such staff
199 member, and (2) the commissioner recommends that such staff
200 member be placed on the child abuse and neglect registry established
201 pursuant to section 17a-101k, such institution, facility or school shall
202 suspend such staff person. Such suspension shall be with pay and shall
203 not result in diminution or termination of benefits to such staff person.
204 Such suspension shall remain in effect until the incident of abuse or
205 neglect has been satisfactorily resolved by the employer of the staff
206 person or until an appeal, conducted in accordance with section 17a-
207 101k, has resulted in a finding that such staff person is not responsible
208 for the abuse or neglect or does not pose a risk to the health, safety or
209 well-being of children. If such staff member has a professional license
210 or certificate issued by the state or a permit or authorization issued by
211 the State Board of Education or if such institution, school or facility has
212 a license or approval issued by the state, the commissioner shall
213 forthwith notify the state agency responsible for issuing such license,
214 certificate, permit, approval or authorization to the staff member and

215 provide records, whether or not created by the department, concerning
216 such investigation.

217 (c) If a school employee, as defined in section 53a-65, or any person
218 holding a certificate, permit or authorization issued by the State Board
219 of Education under the provisions of sections 10-144o to 10-149,
220 inclusive, is convicted of a crime involving an act of child abuse or
221 neglect as described in section 46b-120 or a violation of section 53-21,
222 as amended by this act, 53a-71 or 53a-73a, the state's attorney for the
223 judicial district in which the conviction occurred shall in writing notify
224 the superintendent of the school district or the supervisory agent of the
225 nonpublic school in which the person is employed and the
226 Commissioner of Education of such conviction.

227 (d) For the purposes of receiving and making reports, notifying and
228 receiving notification, or investigating, pursuant to the provisions of
229 sections 17a-101a to 17a-101h, inclusive, as amended by this act, and
230 17a-103, a superintendent of a school district or a supervisory agent of
231 a nonpublic school may assign a designee to act on such
232 superintendent's or agent's behalf.

233 (e) On or before February 1, [2012] 2016, each local and regional
234 board of education shall adopt a written policy, in accordance with the
235 provisions of subsection (d) of section 17a-101, regarding the reporting
236 by school employees, as defined in section 53a-65, of suspected child
237 abuse or neglect in accordance with sections 17a-101a to 17a-101d,
238 inclusive, as amended by this act, and 17a-103 or a violation of
239 subdivision (8) of subsection (a) of section 53a-71. Such policy shall be
240 distributed annually to all school employees employed by the local or
241 regional board of education. The local or regional board of education
242 shall document that all such school employees have received such
243 written policy and completed the training and refresher training
244 programs required by subsection (c) of section 17a-101, as amended by
245 this act.

246 (f) (1) [All school employees] Each school employee, as defined in
247 section 53a-65, hired by a local or regional board of education on or

248 after July 1, 2011, shall be required to complete the training program
249 developed pursuant to subsection (c) of section 17a-101, as amended
250 by this act. [All such school employees] Each such school employee
251 shall complete the refresher training program, developed pursuant to
252 subsection (c) of section 17a-101, as amended by this act, not later than
253 three years after completion of the initial training program, and shall
254 thereafter retake such refresher training course at least once every
255 three years.

256 (2) On or before July 1, 2012, [all] each school [employees]
257 employee, as defined in section 53a-65, hired by a local or regional
258 board of education before July 1, 2011, shall complete the refresher
259 training program developed pursuant to subsection (c) of section 17a-
260 101, as amended by this act, and shall thereafter retake such refresher
261 training course at least once every three years.

262 (3) The principal for each school under the jurisdiction of a local or
263 regional board of education shall annually certify to the
264 superintendent for the board of education that each school employee,
265 as defined in section 53a-65, working at such school, is in compliance
266 with the provisions of this subsection. The superintendent shall certify
267 such compliance to the Commissioner of Education. The commissioner
268 shall notify the State Board of Education of any noncompliance. The
269 State Board of Education shall not reissue the certificate, authorization
270 or permit of any such school employee who is not in compliance with
271 this subsection.

272 (4) The State Board of Education shall investigate any local or
273 regional board of education that is not in compliance with any
274 provision of this subsection. Based upon such investigation, the State
275 Board of Education may require the local or regional board of
276 education to forfeit a sum which is paid to such board of education
277 from the State Treasury in an amount that is at least twenty-five
278 thousand dollars, as determined by the State Board of Education. The
279 amount so forfeited shall be withheld from a grant payment, as
280 determined by the Commissioner of Education, during the fiscal year

281 following the fiscal year in which noncompliance is determined. The
282 State Board of Education may waive such forfeiture if the State Board
283 of Education determines that the failure of the local or regional board
284 of education to comply with the provisions of this subsection was due
285 to circumstances beyond its control. Any moneys forfeited pursuant to
286 the provisions of this subdivision, shall be deposited in the child abuse
287 and neglect investigation account, established pursuant to section 7 of
288 this act.

289 (g) For purposes of this section, "child" includes any victim
290 described in subdivision (2) of subsection (a) of section 17a-101a, as
291 amended by this act.

292 Sec. 7. (NEW) (*Effective July 1, 2015*) There is established an account
293 to be known as the "child abuse and neglect investigation account" that
294 shall be a separate nonlapsing account within the General Fund. The
295 account shall contain: (1) Any moneys deposited pursuant to
296 subsection (f) of section 17a-101i of the general statutes, as amended by
297 this act; (2) interest or other income earned on the investment of
298 moneys in said account; and (3) any additional moneys made available
299 from any sources, public or private, for the purposes for which said
300 account was established and for the purpose of deposit in said account.
301 The Department of Children and Families shall use the proceeds of
302 said account for costs associated with the investigation of child abuse
303 or neglect, as described in section 46b-120 of the general statutes.

304 Sec. 8. Section 17a-101j of the general statutes is amended by adding
305 subsection (d) as follows (*Effective October 1, 2015*):

306 (NEW) (d) For purposes of this section, "child" includes any victim
307 described in subdivision (2) of subsection (a) of section 17a-101a, as
308 amended by this act.

309 Sec. 9. Section 17a-101o of the general statutes is amended by
310 adding subsection (c) as follows (*Effective October 1, 2015*):

311 (NEW) (c) For purposes of this section, "child" includes any victim

312 described in subdivision (2) of subsection (a) of section 17a-101a, as
313 amended by this act.

314 Sec. 10. (NEW) (*Effective July 1, 2015*) Not later than January 1, 2016,
315 each local and regional board of education shall establish a
316 confidential rapid response team to coordinate with the Department of
317 Children and Families to (1) ensure prompt reporting of suspected
318 abuse or neglect, as described in section 46b-120, of the general
319 statutes, or sexual assault pursuant to the provisions of subdivision (8)
320 of subsection (a) of section 53a-71 of the general statutes, and (2)
321 provide immediate access to information and individuals relevant to
322 the department's investigation. The department, along with the
323 multidisciplinary team established pursuant to section 17a-106a of the
324 general statutes, shall take immediate action to investigate and address
325 each report of child abuse or neglect reported in any school.

326 Sec. 11. (NEW) (*Effective July 1, 2015*) No local or regional board of
327 education shall rehire any person whose employment contract was
328 previously terminated by such board or who resigned from such
329 employment, if such person has been convicted of, or applied for
330 accelerated rehabilitation in accordance with the provisions of section
331 54-56e of the general statutes for, a violation of section 17a-101a of the
332 general statutes, as amended by this act, regardless of whether an
333 allegation of abuse or neglect has been substantiated.

334 Sec. 12. Subsection (a) of section 53-21 of the general statutes is
335 repealed and the following is substituted in lieu thereof (*Effective*
336 *October 1, 2015*):

337 (a) Any person who (1) wilfully or unlawfully causes or permits any
338 child under the age of sixteen years to be placed in such a situation
339 that the life or limb of such child is endangered, the health of such
340 child is likely to be injured or the morals of such child are likely to be
341 impaired, or does any act likely to impair the health or morals of any
342 such child, or (2) has contact with the intimate parts, as defined in
343 section 53a-65, of a child under the age of sixteen years or subjects a
344 child under sixteen years of age to contact with the intimate parts of

345 such person, in a sexual and indecent manner likely to impair the
346 health or morals of such child, or (3) permanently transfers the legal or
347 physical custody of a child under the age of sixteen years to another
348 person for money or other valuable consideration or acquires or
349 receives the legal or physical custody of a child under the age of
350 sixteen years from another person upon payment of money or other
351 valuable consideration to such other person or a third person, except in
352 connection with an adoption proceeding that complies with the
353 provisions of chapter 803, [or (4) intentionally and unreasonably
354 interferes with or prevents the making of a report of suspected child
355 abuse or neglect required under section 17a-101a, shall be guilty of (A)
356 a class D felony for a violation of subdivision (4) of this subsection, (B)]
357 shall be guilty of (A) a class C felony for a violation of subdivision (1)
358 or (3) of this subsection, and [(C)] (B) a class B felony for a violation of
359 subdivision (2) of this subsection, except that, if the violation is of
360 subdivision (2) of this subsection and the victim of the offense is under
361 thirteen years of age, such person shall be sentenced to a term of
362 imprisonment of which five years of the sentence imposed may not be
363 suspended or reduced by the court.

364 Sec. 13. Subsection (i) of section 10-145b of the general statutes is
365 repealed and the following is substituted in lieu thereof (*Effective July*
366 *1, 2015*):

367 (i) (1) The State Board of Education may revoke any certificate,
368 authorization or permit issued pursuant to sections 10-144o to 10-149,
369 inclusive, for any of the following reasons: (A) The holder of the
370 certificate, authorization or permit obtained such certificate,
371 authorization or permit through fraud or misrepresentation of a
372 material fact; (B) the holder has persistently neglected to perform the
373 duties for which the certificate, authorization or permit was granted;
374 (C) the holder is professionally unfit to perform the duties for which
375 the certificate, authorization or permit was granted; (D) the holder is
376 convicted in a court of law of a crime involving moral turpitude or of
377 any other crime of such nature that in the opinion of the board
378 continued holding of a certificate, authorization or permit by the

379 person would impair the standing of certificates, authorizations or
380 permits issued by the board; or (E) other due and sufficient cause. The
381 State Board of Education shall revoke any certificate, authorization or
382 permit issued pursuant to said sections if the holder is found to have
383 intentionally disclosed specific questions or answers to students or
384 otherwise improperly breached the security of any administration of a
385 mastery examination, pursuant to section 10-14n. In any revocation
386 proceeding pursuant to this section, the State Board of Education shall
387 have the burden of establishing the reason for such revocation by a
388 preponderance of the evidence. Revocation shall be in accordance with
389 procedures established by the State Board of Education pursuant to
390 chapter 54.

391 (2) When the Commissioner of Education is notified, pursuant to
392 section 10-149a or 17a-101i, as amended by this act, that a person
393 holding a certificate, authorization or permit issued by the State Board
394 of Education under the provisions of sections 10-144o to 10-149,
395 inclusive, has been convicted of (A) a capital felony, under the
396 provisions of section 53a-54b in effect prior to April 25, 2012, (B) arson
397 murder, pursuant to section 53a-54d, (C) a class A felony, (D) a class B
398 felony, except a violation of section 53a-122, 53a-252 or 53a-291, (E) a
399 crime involving an act of child abuse or neglect as described in section
400 46b-120, or (F) a violation of section 17a-101a, as amended by this act,
401 53-21, as amended by this act, 53-37a, 53a-60b, 53a-60c, 53a-71, 53a-72a,
402 53a-72b, 53a-73a, 53a-88, 53a-90a, 53a-99, 53a-103a, 53a-181c, 53a-191,
403 53a-196, 53a-196c, 53a-216, 53a-217b or 21a-278 or subsection (a) of
404 section 21a-277, any certificate, permit or authorization issued by the
405 State Board of Education and held by such person shall be deemed
406 revoked and the commissioner shall notify such person of such
407 revocation, provided such person may request reconsideration
408 pursuant to regulations adopted by the State Board of Education, in
409 accordance with the provisions of chapter 54. As part of such
410 reconsideration process, the board shall make the initial determination
411 as to whether to uphold or overturn the revocation. The commissioner
412 shall make the final determination as to whether to uphold or overturn
413 the revocation.

414 (3) The State Board of Education may deny an application for a
415 certificate, authorization or permit for any of the following reasons: (A)
416 The applicant seeks to obtain a certificate, authorization or permit
417 through fraud or misrepresentation of a material fact; (B) the applicant
418 has been convicted in a court of law of a crime involving moral
419 turpitude or of any other crime of such nature that in the opinion of
420 the board issuance of a certificate, authorization or permit would
421 impair the standing of certificates, authorizations or permits issued by
422 the board; or (C) other due and sufficient cause. Any applicant denied
423 a certificate, authorization or permit shall be notified in writing of the
424 reasons for denial. Any applicant denied a certificate, authorization or
425 permit may request a review of such denial by the State Board of
426 Education.

427 (4) A person whose certificate, permit or authorization has been
428 revoked may not be employed in a public school during the period of
429 revocation.

430 (5) Any local or regional board of education or private special
431 education facility approved by the commissioner shall report to the
432 commissioner when an employee, who holds a certificate, permit or
433 authorization, is dismissed pursuant to subdivision (3) of subsection
434 (d) of section 10-151.

435 Sec. 14. Section 10-145i of the general statutes is repealed and the
436 following is substituted in lieu thereof (*Effective July 1, 2015*):

437 Notwithstanding the provisions of sections 10-144o to 10-146b,
438 inclusive, and 10-149, the State Board of Education shall not issue or
439 reissue any certificate, authorization or permit pursuant to said
440 sections if (1) the applicant for such certificate, authorization or permit
441 has been convicted of any of the following: (A) A capital felony, as
442 defined under the provisions of section 53a-54b in effect prior to April
443 25, 2012; (B) arson murder, as defined in section 53a-54d; (C) any class
444 A felony; (D) any class B felony except a violation of section 53a-122,
445 53a-252 or 53a-291; (E) a crime involving an act of child abuse or
446 neglect as described in section 46b-120; or (F) a violation of section 17a-

447 101a, as amended by this act, 53-21, as amended by this act, 53-37a,
 448 53a-60b, 53a-60c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-88, 53a-90a,
 449 53a-99, 53a-103a, 53a-181c, 53a-191, 53a-196, 53a-196c, 53a-216, 53a-
 450 217b or 21a-278 or a violation of subsection (a) of section 21a-277, and
 451 (2) the applicant completed serving the sentence for such conviction
 452 within the five years immediately preceding the date of the
 453 application.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2015	17a-101(c)
Sec. 2	October 1, 2015	17a-101a
Sec. 3	October 1, 2015	17a-101b
Sec. 4	October 1, 2015	17a-101d
Sec. 5	October 1, 2015	17a-101h
Sec. 6	October 1, 2015	17a-101i
Sec. 7	July 1, 2015	New section
Sec. 8	October 1, 2015	17a-101j
Sec. 9	October 1, 2015	17a-101o
Sec. 10	July 1, 2015	New section
Sec. 11	July 1, 2015	New section
Sec. 12	October 1, 2015	53-21(a)
Sec. 13	July 1, 2015	10-145b(i)
Sec. 14	July 1, 2015	10-145i

Statement of Legislative Commissioners:

In Sections 6(e) and 10, "or neglect" was added for consistency with the general statutes and in Section 6(e), a past policy adoption date was adjusted to allow for an intended policy update.

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 16 \$	FY 17 \$
Education, Dept.	GF - Cost	199,000	199,000
State Comptroller - Fringe Benefits ¹	GF - Cost	76,914	76,914
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below
Children & Families, Dept.	GF - Potential Savings	See Below	See Below

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 16 \$	FY 17 \$
Local and Regional School Districts	Potential Revenue Loss	At least 25,000	At least 25,000

Explanation

The bill creates a provision if a district is found to be in non-compliance with the current mandated reporter training requirements, the State Board of Education (SBE) may require the district to forfeit at least \$25,000 from the funds granted to the board from the State Treasury. This could result in a revenue loss of at least \$25,000 for districts not in compliance.

The bill results in additional costs for the State Department of Education (SDE) associated with increased investigations for the non-

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 38.65% of payroll in FY 16 and FY 17.

renewal certificates and/or possible revocations. SDE would require one Associate Education Consultant (\$99,500) and one Staff Attorney (\$99,500), plus corresponding fringe benefits (\$76,914) to complete this work.

The bill requires that any funds withheld from local school districts for noncompliance be transferred to a non-lapsing account with the Department of Children and Families to fund investigations of child abuse and neglect. Based on the amount of forfeited grants to school districts, the Department of Children and families may realize savings by funding investigations through the account established in the bill.

The bill expands mandatory reporters and increases the severity of the penalty for failure to make a report and results in a potential revenue gain. However since FY 12 there have been 4 charges of failure to report and all were dismissed.

The bill also creates a new felony of interfering with or preventing the making of a report. To the extent that offenders are prosecuted for new or expanded offenses under this bill, potential costs for probation and supervision in the community or incarceration would result. On average, it costs the agency \$6,050 (including benefits) to supervise an inmate in the community as opposed to \$50,690 (including benefits) to incarcerate an offender.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

Sources: Judicial Department Offenses and Revenue Database

OLR Bill Analysis

sHB 6186

AN ACT PROTECTING SCHOOL CHILDREN.

SUMMARY:

This bill increases, from a class A misdemeanor to a class E felony, the penalty for a mandated reporter to fail to report suspected child abuse or neglect to the Department of Children and Families (DCF). The bill extends the mandated reporter law protection to certain students age 18 and older by making it a class E felony for a school employee to fail to report to DCF suspected 2nd degree sexual assault of such a student by an employee at the school. It is a class D felony, under the bill, for anyone to intentionally and unreasonably interfere with or prevent such reporting.

By law, (1) DCF must make available educational and refresher training for all mandated reporters of child abuse and neglect, and (2) school employees must participate in the training course when hired and the refresher training every three years. Under the bill:

1. local or regional boards of education must certify to the superintendent that school employees complete such training;
2. the superintendent must certify compliance to the education commissioner, who must notify the State Board of Education (SBE) of any noncompliance; and
3. SBE must investigate any noncompliant local or regional school board and may require such board to forfeit certain state grants.

The bill creates a child abuse and neglect investigation fund to, among other things, hold the forfeited grants, which DCF may use to conduct child abuse and neglect investigations.

It requires each local or regional board to (1) update its written policy, by February 1, 2016, to include the new school employee reporting requirements and (2) establish a confidential rapid response team, by January 1, 2016, to coordinate with DCF to ensure prompt reporting. It also prohibits the boards from rehiring noncompliant employees and requires SBE to revoke the certification, permit, or authorization of anyone convicted of certain crimes.

The bill also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2015 except the provisions on DCF's training program and investigation funding; local and regional school boards' rapid response team and rehiring practices; and SBE's certification, authorization, and permit practices (§§ 13&14) are effective July 1, 2015.

§§ 2 AND 12 – MANDATED REPORTING

Reporters and Penalties

By law, it is a crime for mandated reporters to fail to report suspected child abuse or neglect to DCF (see BACKGROUND). Under current law, failure to report is a class A misdemeanor, punishable by imprisonment for up to one year, a fine of up to \$2,000, or both. The bill increases this penalty to a class E felony, punishable by imprisonment for up to three years, a fine up to \$3,500, or both.

The bill also makes it a class E felony for school employees (see BACKGROUND) to fail to report suspected sexual assault of students age 18 and older in certain circumstances. It requires a school employee to report to DCF if he or she, in the ordinary course of his or her employment or profession, has reasonable suspicion that a student age 18 or older enrolled (other than in adult education) in a school under the local or regional board of education's jurisdiction, is a victim of 2nd degree sexual assault by an employee at the school. The reporter must notify DCF in the same manner and within the same timeframes required of mandated reporters of child abuse and neglect under existing law. Under the bill, these victims are children for the purpose

of the mandated reporter statutes, including provisions on oral and written reports to DCF, investigatory activities, and notification to law enforcement and prosecutorial authorities (§§ 3-5, 8, & 9).

By law it is a class D felony to intentionally and unreasonably interfere with or prevent a mandated reporter from reporting abuse or neglect. The bill specifies that it is a class D felony for anyone, acting alone or in conspiracy with someone else, to intentionally and unreasonably interfere with or prevent a school employee from carrying out his or her reporting duty. A class D felony is punishable by imprisonment for up to five years, a fine up to \$5,000, or both.

By law, the DCF commissioner must promptly notify the chief state's attorney if she believes that a mandated reporter failed to make a report.

§§ 6 & 7 — TRAINING COMPLIANCE AND INVESTIGATION FUNDING

§ 6 — *Local and Regional School Board Training Compliance*

The law requires all school employees hired by a local or regional board of education to take the mandated reporter refresher training program at least once every three years. The bill requires each school principal to annually certify to the board's superintendent that each of the school's employees complies, and the superintendent must certify such compliance to the education commissioner. Under the bill, the education commissioner must notify SBE of any noncompliance, and SBE is prohibited from reissuing the certificate, authorization, or permit of any school employee who does not comply.

§ 6 — *SBE's Noncompliance Investigation*

The bill requires SBE to investigate any local or regional board of education not in compliance with the mandated reporter training requirements for its school employees. Based on the investigation, SBE may require the board to forfeit at least \$25,000 from the funds granted to the board from the State Treasury. As determined by the education commissioner, the forfeited amount must be withheld from the grant

payment in the fiscal year after the fiscal year in which SBE determines the noncompliance. The bill authorizes SBE to waive the forfeiture if it determines that the board’s failure to comply was due to circumstances beyond its control.

§ 7 — Funding for DCF Investigations

The bill establishes, in the General Fund, a separate nonlapsing account called the child abuse and neglect investigation account. It authorizes DCF to use the account’s proceeds for costs associated with child abuse or neglect investigations. Under the bill, the account must contain:

1. grant funds forfeited by local and regional boards of education because of noncompliance with mandated reporter training requirements,
2. interest or other income earned on the investment of money in the account, and
3. funds received from public or private sources for child abuse and neglect investigations.

§§ 6 AND 8-11 — LOCAL AND REGIONAL SCHOOL BOARDS’ PRACTICES

§ 6 — Written Policy

Under current law, each local and regional board of education must have a written policy regarding school employees reporting suspected child abuse or knowingly making a false report about such abuse. The bill requires the policy, by February 1, 2016, to also address the reporting of suspected (1) child neglect and (2) 2nd degree sexual assault of a student by a school employee.

By law, the board must annually distribute its written policy to all school employees and document that all school employees have received it and completed the required training and refresher training programs.

§ 10 — Rapid Response Team

Under the bill, each local and regional board of education must, by January 1, 2016, establish a confidential rapid response team to coordinate with DCF to:

1. ensure prompt reporting of suspected child abuse or neglect, or 2nd degree sexual assault of a student age 18 or older by a school employee and
2. provide immediate access to information and individuals relevant to DCF's investigation of such cases.

The bill requires DCF, along with a multidisciplinary team, to take immediate action to investigate and address each report of child abuse or neglect in any school.

§§ 6 & 11 — Rehiring Practice

The bill prohibits a local or regional board of education from rehiring anyone it terminates or who resigns, if he or she has been convicted of, or has applied for accelerated rehabilitation for, child abuse or neglect, risk of injury to a child, 4th degree sexual assault, or 2nd degree sexual assault of a student age 18 or older by a school employee. It also prohibits the rehire of a school employee who, regardless of whether an allegation of abuse or neglect has been substantiated, (1) failed to report the suspicion of such crimes when required to do so or (2) intentionally and unreasonably interfered with or prevented a mandated reporter from carrying out this obligation.

§§ 6 AND 13 & 14 — STATE'S ATTORNEY NOTICE AND SBE CERTIFICATION REVOCATION

Under current law, if someone who holds an SBE-issued certificate, permit, or authorization is convicted of certain crimes, the state's attorney for the judicial district where the conviction occurred must notify, in writing, the (1) school district's superintendent or private school's supervisory agent and (2) the education commissioner. By law, the crimes are:

1. child abuse or neglect;

2. risk of injury to a child, including (a) a mandated reporter's failure to report, and (b) the intentional and unreasonable interference with such reporting;
3. 4th degree sexual assault; or
4. 2nd degree sexual assault.

The bill eliminates the state's attorney's duty to notify the school superintendent or private school's supervisory agent when someone is convicted of (1) failure to report the suspicion of such crimes when required to do so or (2) the intentional and unreasonable interference with or prevention of such reporting.

By law, the education commissioner, upon receipt of the state's attorney's notification, must revoke any such person's certificate, permit, or authorization. The bill also prohibits the education commissioner from issuing or reissuing a certificate, permit, or authorization to such a person.

BACKGROUND

Mandatory Reporting of Suspected Child Abuse or Neglect

By law, a person is required to report suspected child abuse or neglect within certain specified timeframes if (1) such person is designated by law as a mandated reporter and (2) in the ordinary course of his or her employment or profession, has reasonable cause to suspect a child under age 18 has:

1. been abused or neglected,
2. suffered a non-accidental physical injury or one inconsistent with the given history of such injury, or
3. been placed at imminent risk of serious harm (CGS § 17a-101a).

Mandated Reporter

By law, mandated child abuse reporters are:

1. Connecticut-licensed physicians or surgeons;
2. resident physicians or interns in any Connecticut hospital, whether or not licensed in this state;
3. registered nurses, licensed practical nurses, and physician assistants;
4. medical examiners;
5. dentists and dental hygienists;
6. psychologists, social workers, and mental health professionals;
7. school employees;
8. paid youth camp directors or assistant directors;
9. persons age 18 or older who are paid (a) youth athletics coaches or directors; (b) private youth sports organization, league, or team coaches or directors; or (c) administrators, faculty or staff members, athletic coaches, directors, or trainers employed by a public or private higher education institution, excluding student employees;
10. police officers;
11. juvenile or adult probation and parole officers;
12. members of the clergy;
13. pharmacists;
14. physical therapists and chiropractors;
15. optometrists;
16. podiatrists;
17. licensed or certified emergency medical services providers;

18. licensed or certified alcohol and drug counselors, (b) licensed professional counselors, and (c) sexual assault or domestic violence counselors;
19. licensed marital and family therapists;
20. foster parents;
21. (a) child care workers at state-licensed facilities, day care centers, or group or family day care homes and (b) Department of Public Health and Early Childhood Office employees who license these facilities and youth camps;
22. DCF employees;
23. the child advocate and her staff;
24. family relations counselors and trainees; and
25. Judicial Branch family services supervisors (CGS § 17a-101(b)).

School Employee

By law a “school employee” is:

1. a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional, or coach employed by a local or regional board of education or a private elementary, middle, or high school or working in a public or private elementary, middle, or high school or
2. any other person who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in a (a) public elementary, middle, or high school, under a contract with the local or regional board of education, or (b) private elementary, middle, or high school, under a contract with the supervisory agent of such private school (CGS § 53a-65).

Related Bill

sSB 926, (File 155), reported favorably by the Children’s Committee, requires DCF to expunge from its child abuse and neglect registry, within five days of an investigation's completion, all records of the investigation if it failed to substantiate an allegation that a school employee abused or neglected a child in the course of his or her employment. DCF must also expunge all records of such an investigation within five working days of the completion, if it finds reasonable cause that the employee did not abuse or neglect the child.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 40 Nay 1 (03/27/2015)