



House of Representatives

File No. 916

General Assembly

January Session, 2015

(Reprint of File No. 672)

Substitute House Bill No. 6186
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 30, 2015

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2 repealed and the following is substituted in lieu thereof (*Effective July*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 in
12 accordance with the provisions of subsection (f) of section 17a-101i, as
13 amended by this act, to [all new] each school [employees] employee, as
14 defined in section 53a-65, within available appropriations.

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 Section 17a-101a of the general statutes is repealed and the

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

17 (a) (1) Any mandated reporter, as [defined] described in section 17a-
18 101, as amended by this act, who in the ordinary course of such
19 person's employment or profession has reasonable cause to suspect or
20 believe that any child under the age of eighteen years [(1)] (A) has been
21 abused or neglected, as [defined] described in section 46b-120, [(2)] (B)
22 has had nonaccidental physical injury, or injury which is at variance
23 with the history given of such injury, inflicted upon such child, or [(3)]
24 (C) is placed at imminent risk of serious harm, or (2) any school
25 employee, as defined in section 53a-65, who in the ordinary course of
26 such person's employment or profession has reasonable cause to
27 suspect or believe that any person who is being educated by the
28 technical high school system or a local or regional board of education,
29 other than as part of an adult education program, is a victim under the
30 provisions of section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-
31 73a, and the perpetrator is a school employee shall report or cause a
32 report to be made in accordance with the provisions of sections 17a-
33 101b to 17a-101d, inclusive, as amended by this act.

34 (b) (1) Any person required to report under the provisions of this
35 section who fails to make such report or fails to make such report
36 within the time period prescribed in sections 17a-101b to 17a-101d,
37 inclusive, as amended by this act, and section 17a-103 shall be guilty of
38 a class A misdemeanor, [and] except that such person shall be guilty of
39 a class E felony if (A) such violation is a subsequent violation, (B) such
40 violation was wilful or intentional or due to gross negligence, or (C)
41 such person had actual knowledge that (i) a child was abused or
42 neglected, as described in section 46b-120, or (ii) a person was a victim
43 described in subdivision (2) of subsection (a) of this section.

44 (2) Any person who intentionally and unreasonably interferes with
45 or prevents the making of a report pursuant to this section, or attempts
46 or conspires to do so, shall be guilty of a class D felony. The provisions
47 of this subdivision shall not apply to any child under the age of
48 eighteen years or any person who is being educated by the technical

49 high school system or a local or regional board of education, other than
50 as part of an adult education program.

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

57 (c) The Commissioner of Children and Families, or the
58 commissioner's designee, shall promptly notify the Chief State's
59 Attorney when there is reason to believe that any such person has
60 failed to make a report in accordance with this section.

61 (d) For purposes of this section and section 17a-101b, as amended by
62 this act, a mandated reporter's suspicion or belief may be based on
63 factors including, but not limited to, observations, allegations, facts or
64 statements by a child, victim, as described in subdivision (2) of
65 subsection (a) of this section, or third party. Such suspicion or belief
66 does not require certainty or probable cause.

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

69 (a) An oral report shall be made by a mandated reporter as soon as
70 practicable but not later than twelve hours after the mandated reporter
71 has reasonable cause to suspect or believe that a child has been abused
72 or neglected or placed in imminent risk of serious harm, by telephone
73 or in person to the Commissioner of Children and Families or a law
74 enforcement agency. If a law enforcement agency receives an oral
75 report, it shall immediately notify the Commissioner of Children and
76 Families.

77 (b) If the commissioner or the commissioner's designee suspects or
78 knows that such person has knowingly made a false report, the
79 identity of such person shall be disclosed to the appropriate law

80 enforcement agency and to the perpetrator of the alleged abuse.

81 (c) If the Commissioner of Children and Families, or the
82 commissioner's designee, receives a report alleging sexual abuse or
83 serious physical abuse, including, but not limited to, a report that: (1)
84 A child has died; (2) a child has been sexually assaulted; (3) a child has
85 suffered brain damage or loss or serious impairment of a bodily
86 function or organ; (4) a child has been sexually exploited; or (5) a child
87 has suffered serious nonaccidental physical injury, the commissioner
88 shall, within twelve hours of receipt of such report, notify the
89 appropriate law enforcement agency.

90 (d) Whenever a mandated reporter, as [defined] described in section
91 17a-101, as amended by this act, has reasonable cause to suspect or
92 believe that any child has been abused or neglected by a member of the
93 staff of a public or private institution or facility that provides care for
94 such child or a public or private school, the mandated reporter shall
95 report as required in subsection (a) of this section. The Commissioner
96 of Children and Families or the commissioner's designee shall notify
97 the principal, headmaster, executive director or other person in charge
98 of such institution, facility or school, or the person's designee, unless
99 such person is the alleged perpetrator of the abuse or neglect of such
100 child. In the case of a public school, the commissioner shall also notify
101 the person's employing superintendent. Such person in charge, or such
102 person's designee, shall then immediately notify the child's parent or
103 other person responsible for the child's care that a report has been
104 made.

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

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

110 All oral and written reports required in sections 17a-101a to 17a-
111 101c, inclusive, as amended by this act, and section 17a-103, shall

112 contain, if known: (1) The names and addresses of the child and his or
113 her parents or other person responsible for his or her care; (2) the age
114 of the child; (3) the gender of the child; (4) the nature and extent of the
115 child's injury or injuries, maltreatment or neglect; (5) the approximate
116 date and time the injury or injuries, maltreatment or neglect occurred;
117 (6) information concerning any previous injury or injuries to, or
118 maltreatment or neglect of, the child or his or her siblings; (7) the
119 circumstances in which the injury or injuries, maltreatment or neglect
120 came to be known to the reporter; (8) the name of the person or
121 persons suspected to be responsible for causing such injury or injuries,
122 maltreatment or neglect; (9) the reasons such person or persons are
123 suspected of causing such injury or injuries, maltreatment or neglect;
124 (10) any information concerning any prior cases in which such person
125 or persons have been suspected of causing an injury, maltreatment or
126 neglect of a child; and (11) whatever action, if any, was taken to treat,
127 provide shelter or otherwise assist the child. For purposes of this
128 section, "child" includes any victim described in subdivision (2) of
129 subsection (a) of section 17a-101a, as amended by this act.

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

132 Notwithstanding any provision of the general statutes, any person
133 authorized to conduct an investigation of abuse or neglect shall
134 coordinate investigatory activities in order to minimize the number of
135 interviews of any child and share information with other persons
136 authorized to conduct an investigation of child abuse or neglect, as
137 appropriate. A person reporting child abuse or neglect shall provide
138 any person authorized to conduct an investigation of child abuse or
139 neglect with all information related to the investigation that is in the
140 possession or control of the person reporting child abuse or neglect,
141 except as expressly prohibited by state or federal law. The
142 commissioner shall obtain the consent of parents or guardians or other
143 persons responsible for the care of the child to any interview with a
144 child, except that such consent shall not be required when the
145 department has reason to believe such parent or guardian or other

146 person responsible for the care of the child or member of the child's
147 household is the perpetrator of the alleged abuse or that seeking such
148 consent would place the child at imminent risk of physical harm. If
149 consent is not required to conduct the interview, such interview shall
150 be conducted in the presence of a disinterested adult unless immediate
151 access to the child is necessary to protect the child from imminent risk
152 of physical harm and a disinterested adult is not available after
153 reasonable search. For purposes of this section, "child" includes any
154 victim described in subdivision (2) of subsection (a) of section 17a-
155 101a, as amended by this act.

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

158 (a) Notwithstanding any provision of the general statutes, not later
159 than five working days after an investigation of a report that a child
160 has been abused or neglected by a school employee, as defined in
161 section 53a-65, or that a person is a victim, as described in subdivision
162 (2) of subsection (a) of section 17a-101a, as amended by this act, of a
163 school employee has been completed, the Commissioner of Children
164 and Families shall notify the employing superintendent and the
165 Commissioner of Education of the results of such investigation and
166 shall provide records, whether or not created by the department,
167 concerning such investigation to the superintendent and the
168 Commissioner of Education. The Commissioner of Children and
169 Families shall provide such notice whether or not the child or victim
170 was a student in the employing school or school district. If [(1)] the
171 Commissioner of Children and Families, based upon the results of the
172 investigation, has reasonable cause to believe that (1) (A) a child has
173 been abused or neglected, as described in section 46b-120, by such
174 employee, and [(2)] (B) the commissioner recommends such school
175 employee be placed on the child abuse and neglect registry established
176 pursuant to section 17a-101k, or (2) a person is a victim, as described in
177 subdivision (2) of subsection (a) of section 17a-101a, as amended by
178 this act, of such school employee, the superintendent shall suspend
179 such school employee. Such suspension shall be with pay and shall not

180 result in the diminution or termination of benefits to such employee.
181 Not later than seventy-two hours after such suspension the
182 superintendent shall notify the local or regional board of education
183 and the Commissioner of Education, or the commissioner's
184 representative, of the reasons for and conditions of the suspension. The
185 superintendent shall disclose such records to the Commissioner of
186 Education and the local or regional board of education or its attorney
187 for purposes of review of employment status or the status of such
188 employee's certificate, permit or authorization. The suspension of a
189 school employee employed in a position requiring a certificate shall
190 remain in effect until the board of education acts pursuant to the
191 provisions of section 10-151. If the contract of employment of such
192 certified school employee is terminated, or such certified school
193 employee resigns such employment, the superintendent shall notify
194 the Commissioner of Education, or the commissioner's representative,
195 within seventy-two hours after such termination or resignation. Upon
196 receipt of such notice from the superintendent, the Commissioner of
197 Education may commence certification revocation proceedings
198 pursuant to the provisions of subsection (i) of section 10-145b, as
199 amended by this act. Notwithstanding the provisions of sections 1-210
200 and 1-211, information received by the Commissioner of Education, or
201 the commissioner's representative, pursuant to this section shall be
202 confidential subject to regulations adopted by the State Board of
203 Education under section 10-145g. No local or regional board of
204 education shall employ a person whose employment contract is
205 terminated or who resigned from employment following a suspension
206 pursuant to the provisions of this subsection if such person is
207 convicted of a crime involving an act of child abuse or neglect as
208 described in section 46b-120 or a violation of section 53a-70, 53a-70a,
209 53a-71, 53a-72a, 53a-72b or 53a-73a against any person who is being
210 educated by the technical high school system or a local or regional
211 board of education, other than as part of an adult education program.

212 (b) Not later than five working days after an investigation of a
213 report that a child has been abused or neglected by a staff member of a

214 public or private institution or facility that provides care for children
215 or a private school has been completed, the Commissioner of Children
216 and Families shall notify such staff member's employer at such
217 institution, facility or school, or such employer's designee, of the
218 results of the investigation. If (1) the Commissioner of Children and
219 Families, based upon the results of the investigation, has reasonable
220 cause to believe that a child has been abused or neglected by such staff
221 member, and (2) the commissioner recommends that such staff
222 member be placed on the child abuse and neglect registry established
223 pursuant to section 17a-101k, such institution, facility or school shall
224 suspend such staff person. Such suspension shall be with pay and shall
225 not result in diminution or termination of benefits to such staff person.
226 Such suspension shall remain in effect until the incident of abuse or
227 neglect has been satisfactorily resolved by the employer of the staff
228 person or until an appeal, conducted in accordance with section 17a-
229 101k, has resulted in a finding that such staff person is not responsible
230 for the abuse or neglect or does not pose a risk to the health, safety or
231 well-being of children. If such staff member has a professional license
232 or certificate issued by the state or a permit or authorization issued by
233 the State Board of Education or if such institution, school or facility has
234 a license or approval issued by the state, the commissioner shall
235 forthwith notify the state agency responsible for issuing such license,
236 certificate, permit, approval or authorization to the staff member and
237 provide records, whether or not created by the department, concerning
238 such investigation.

239 (c) If a school employee, as defined in section 53a-65, or any person
240 holding a certificate, permit or authorization issued by the State Board
241 of Education under the provisions of sections 10-144o to 10-149,
242 inclusive, is convicted of a crime involving an act of child abuse or
243 neglect as described in section 46b-120 or a violation of subdivision (2)
244 of subsection (b) of section 17a-101a, as amended by this act, or section
245 53-21, as amended by this act, 53a-71 or 53a-73a against any person, or
246 a violation of section 53a-70, 53a-70a, 53a-72a or 53a-72b against a
247 victim, as described in subdivision (2) of subsection (a) of section 17a-

248 101a, as amended by this act, the state's attorney for the judicial district
249 in which the conviction occurred shall in writing notify the
250 superintendent of the school district or the supervisory agent of the
251 nonpublic school in which the person is employed and the
252 Commissioner of Education of such conviction.

253 (d) For the purposes of receiving and making reports, notifying and
254 receiving notification, or investigating, pursuant to the provisions of
255 sections 17a-101a to 17a-101h, inclusive, as amended by this act, and
256 17a-103, a superintendent of a school district or a supervisory agent of
257 a nonpublic school may assign a designee to act on such
258 superintendent's or agent's behalf.

259 (e) On or before February 1, [2012] 2016, each local and regional
260 board of education shall adopt a written policy, in accordance with the
261 provisions of subsection (d) of section 17a-101, regarding the reporting
262 by school employees, as defined in section 53a-65, of suspected child
263 abuse or neglect in accordance with sections 17a-101a to 17a-101d,
264 inclusive, as amended by this act, and 17a-103 or a violation of section
265 53-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a against a victim, as
266 described in subdivision (2) of subsection (a) of section 17a-101i, as
267 amended by this act. Such policy shall be distributed annually to all
268 school employees employed by the local or regional board of
269 education. The local or regional board of education shall document
270 that all such school employees have received such written policy and
271 completed the training and refresher training programs required by
272 subsection (c) of section 17a-101, as amended by this act.

273 (f) (1) [All school employees] Each school employee, as defined in
274 section 53a-65, hired by a local or regional board of education on or
275 after July 1, 2011, shall be required to complete the training program
276 developed pursuant to subsection (c) of section 17a-101, as amended
277 by this act. [All such school employees] Each such school employee
278 shall complete the refresher training program, developed pursuant to
279 subsection (c) of section 17a-101, as amended by this act, not later than
280 three years after completion of the initial training program, and shall

281 thereafter retake such refresher training course at least once every
282 three years.

283 (2) On or before July 1, 2012, [all] each school [employees]
284 employee, as defined in section 53a-65, hired by a local or regional
285 board of education before July 1, 2011, shall complete the refresher
286 training program developed pursuant to subsection (c) of section 17a-
287 101, as amended by this act, and shall thereafter retake such refresher
288 training course at least once every three years.

289 (3) The principal for each school under the jurisdiction of a local or
290 regional board of education shall annually certify to the
291 superintendent for the board of education that each school employee,
292 as defined in section 53a-65, working at such school, is in compliance
293 with the provisions of this subsection. The superintendent shall certify
294 such compliance to the State Board of Education.

295 Sec. 7. Section 17a-101j of the general statutes is amended by adding
296 subsection (d) as follows (*Effective October 1, 2015*):

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

300 Sec. 8. Section 17a-101o of the general statutes is amended by
301 adding subsection (c) as follows (*Effective October 1, 2015*):

302 (NEW) (c) For purposes of this section, "child" includes any victim
303 described in subdivision (2) of subsection (a) of section 17a-101a, as
304 amended by this act.

305 Sec. 9. (NEW) (*Effective July 1, 2015*) Not later than January 1, 2016,
306 each local and regional board of education shall establish a
307 confidential rapid response team to coordinate with the Department of
308 Children and Families to (1) ensure prompt reporting of suspected
309 abuse or neglect, as described in section 46b-120, of the general
310 statutes, or sexual assault pursuant to the provisions of section 53a-70,

311 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a of the general statutes
312 against a victim, as described in subdivision (2) of subsection (a) of
313 section 17a-101a of the general statutes, as amended by this act, and (2)
314 provide immediate access to information and individuals relevant to
315 the department's investigation. The confidential rapid response team
316 shall consist of a teacher and the superintendent employed by the
317 board of education, a local police officer and any other person the
318 board of education deems appropriate. The department, along with the
319 multidisciplinary team established pursuant to section 17a-106a of the
320 general statutes, shall take immediate action to investigate and address
321 each report of child abuse or neglect reported in any school.

322 Sec. 10. (NEW) (*Effective July 1, 2015*) No local or regional board of
323 education shall hire any person whose employment contract was
324 previously terminated by a board or who resigned from such
325 employment, if such person has been convicted of a violation of
326 section 17a-101a of the general statutes, as amended by this act,
327 regardless of whether an allegation of abuse or neglect or sexual
328 assault has been substantiated.

329 Sec. 11. Subsection (a) of section 53-21 of the general statutes is
330 repealed and the following is substituted in lieu thereof (*Effective*
331 *October 1, 2015*):

332 (a) Any person who (1) wilfully or unlawfully causes or permits any
333 child under the age of sixteen years to be placed in such a situation
334 that the life or limb of such child is endangered, the health of such
335 child is likely to be injured or the morals of such child are likely to be
336 impaired, or does any act likely to impair the health or morals of any
337 such child, or (2) has contact with the intimate parts, as defined in
338 section 53a-65, of a child under the age of sixteen years or subjects a
339 child under sixteen years of age to contact with the intimate parts of
340 such person, in a sexual and indecent manner likely to impair the
341 health or morals of such child, or (3) permanently transfers the legal or
342 physical custody of a child under the age of sixteen years to another
343 person for money or other valuable consideration or acquires or

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

359 Sec. 12. Subsection (i) of section 10-145b of the general statutes is
360 repealed and the following is substituted in lieu thereof (*Effective July*
361 *1, 2015*):

362 (i) (1) The State Board of Education may revoke any certificate,
363 authorization or permit issued pursuant to sections 10-144o to 10-149,
364 inclusive, for any of the following reasons: (A) The holder of the
365 certificate, authorization or permit obtained such certificate,
366 authorization or permit through fraud or misrepresentation of a
367 material fact; (B) the holder has persistently neglected to perform the
368 duties for which the certificate, authorization or permit was granted;
369 (C) the holder is professionally unfit to perform the duties for which
370 the certificate, authorization or permit was granted; (D) the holder is
371 convicted in a court of law of a crime involving moral turpitude or of
372 any other crime of such nature that in the opinion of the board
373 continued holding of a certificate, authorization or permit by the
374 person would impair the standing of certificates, authorizations or
375 permits issued by the board; or (E) other due and sufficient cause. The
376 State Board of Education shall revoke any certificate, authorization or
377 permit issued pursuant to said sections if the holder is found to have

378 intentionally disclosed specific questions or answers to students or
379 otherwise improperly breached the security of any administration of a
380 mastery examination, pursuant to section 10-14n. In any revocation
381 proceeding pursuant to this section, the State Board of Education shall
382 have the burden of establishing the reason for such revocation by a
383 preponderance of the evidence. Revocation shall be in accordance with
384 procedures established by the State Board of Education pursuant to
385 chapter 54.

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

409 (3) The State Board of Education may deny an application for a
410 certificate, authorization or permit for any of the following reasons: (A)
411 The applicant seeks to obtain a certificate, authorization or permit

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

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

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

430 Sec. 13. Section 10-145i of the general statutes is repealed and the
431 following is substituted in lieu thereof (*Effective July 1, 2015*):

432 Notwithstanding the provisions of sections 10-144o to 10-146b,
433 inclusive, and 10-149, the State Board of Education shall not issue or
434 reissue any certificate, authorization or permit pursuant to said
435 sections if (1) the applicant for such certificate, authorization or permit
436 has been convicted of any of the following: (A) A capital felony, as
437 defined under the provisions of section 53a-54b in effect prior to April
438 25, 2012; (B) arson murder, as defined in section 53a-54d; (C) any class
439 A felony; (D) any class B felony except a violation of section 53a-122,
440 53a-252 or 53a-291; (E) a crime involving an act of child abuse or
441 neglect as described in section 46b-120; or (F) a violation of section 17a-
442 101a, as amended by this act, 53-21, as amended by this act, 53-37a,
443 53a-60b, 53a-60c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-88, 53a-90a,

444 53a-99, 53a-103a, 53a-181c, 53a-191, 53a-196, 53a-196c, 53a-216, 53a-
 445 217b or 21a-278 or a violation of subsection (a) of section 21a-277, and
 446 (2) the applicant completed serving the sentence for such conviction
 447 within the five years immediately preceding the date of the
 448 application.

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

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 \$
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

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 makes various other changes that do not result in a fiscal impact.

House "A" strikes the underlying bill and replaces it with language that results in the impact described above.

The Out Years

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

OLR Bill Analysis**sHB 6186 (as amended by House "A")******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 who fails to report suspected child abuse or neglect to the Department of Children and Families (DCF), if the (1) violation is a subsequent violation; (2) violation is willful, intentional, or due to gross negligence; or (3) mandated reporter had actual knowledge of the abuse, neglect, or sexual assault.

The bill expands the reporting requirement for school employees and subjects violators to the penalties described above. It also extends the mandated reporter law protection to high school students who are over age 18 and not enrolled in adult education. The bill requires school employees to report to DCF suspected sexual assault of any student who is not enrolled in adult education by a school employee. It also establishes the factors on which a mandated reporter may base his or her suspicion. Under the bill, it is a class D felony for anyone, other than a child or a student who is not enrolled in adult education, to intentionally and unreasonably interfere with or prevent such reporting or conspire or attempt to do so.

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, the principal for each school under the jurisdiction of a local or regional board of education must annually certify to the superintendent that school employees complete such training and the superintendent must

certify compliance to the State Board of Education (SBE).

The bill extends DCF's investigation and notification requirements under existing law in reported child abuse or neglect cases to include cases of reported sexual assault of students by school employees.

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 hiring noncompliant or convicted employees who were terminated or who resigned and requires SBE to revoke the certification, permit, or authorization of anyone convicted of certain crimes.

The bill also makes technical and conforming changes.

*House Amendment "A" (1) expands the list of suspected sexual assault crimes that school employees must report to DCF; (2) establishes the factors upon which a mandated reporter's suspicion or belief may be based; (3) applies the original bill's enhanced penalty of a class E felony to specific circumstances; (4) exempts children and any students who are not enrolled in adult education from the crime of interference with a mandated reporter's duty to report; (5) extends DCF's existing child abuse and neglect investigation and notification requirements to reported sexual assault cases; (6) eliminates the underlying bill's provisions on SBE's noncompliance investigation, the related forfeiture of state grants, and the child abuse and neglect investigation account; (7) establishes the membership of the confidential rapid response team; (8) broadens the range of criminal convictions for which rehiring is prohibited and the state's attorney notification is required; and (9) makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2015; however, a provision on DCF's training program (§ 1); provisions on rapid response teams (§ 9); rehiring prohibitions (§ 10); and SBE's certification, authorization, and

permit practices (§§ 12 & 13) are effective July 1, 2015.

§§ 2 & 11 – 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 up to one year in prison, a fine of up to \$2,000, or both. The bill increases this penalty to a class E felony if the:

1. violation is a subsequent violation;
2. violation is willful, intentional, or due to gross negligence; or
3. mandated reporter has actual knowledge that a child was abused or neglected or a student was a victim of sexual assault (see below).

By law, a class E felony is punishable by up to three years in prison, a fine of up to \$3,500, or both.

The bill expands the reporting requirements for school employees (see BACKGROUND) and subjects violators to the penalties as described above. 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 cause to suspect or believe that a student enrolled in a technical high school or a school under the local or regional board of education's jurisdiction (other than in adult education) is a victim of any of the following crimes by a school employee: 1st, 2nd, 3rd, or 4th degree sexual assault, 1st degree aggravated sexual assault, or 3rd degree sexual assault with a firearm. 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, 7, & 8).

Under the bill, a mandated reporter's suspicion or belief does not require certainty or probable cause and may be based on observations; allegations; facts; or statements by a child, victim, or third party.

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, other than a child under age 18 or a student who is not enrolled in adult education, to intentionally and unreasonably interfere with or prevent a mandated reporter from carrying out his or her reporting duty or attempt or conspire to do so. A class D felony is punishable by imprisonment for up to five years, a fine of 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 – DCF INVESTIGATION

The bill extends DCF's child abuse or neglect investigation and notification requirements to apply to reported sexual assault cases.

By law, within five days after completing an investigation of a report of child abuse or neglect by a school employee, the DCF commissioner must notify the employing superintendent and the education commissioner of the results and provide them with any investigation records. The bill requires the DCF commissioner to do the same after completing an investigation of a report of 1st, 2nd, 3rd, or 4th degree sexual assault; 1st degree aggravated sexual assault; or 3rd degree sexual assault with a firearm of a student not enrolled in adult education by a school employee. The DCF commissioner must do so whether or not the child or the victim is a student in the employing school or school district. Under the bill, if the DCF commissioner has reasonable cause to believe that a student is a victim as described above, the superintendent must suspend the reported school employee.

§§ 6, 9, & 10 — 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) 1st, 2nd, 3rd, or 4th degree sexual assault; 1st degree aggravated sexual assault; or 3rd degree sexual assault with a firearm of a student not enrolled in adult education 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.

§ 9 — 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 1st, 2nd, 3rd, or 4th degree sexual assault; 1st degree aggravated sexual assault; or 3rd degree sexual assault with a firearm of a student not enrolled in adult education by a school employee and
2. provide immediate access to information and individuals relevant to DCF's investigation of such cases.

The confidential rapid response team must consist of:

1. a local or regional board of education teacher and superintendent,
2. a local police officer, and

3. any other person the local or regional board of education deems appropriate.

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 — Hiring Convicted Former Employees Prohibited

The bill prohibits a local or regional board of education from employing anyone who was terminated or resigned after a license suspension based on DCF's investigation, if he or she has been convicted of (1) child abuse or neglect or (2) 1st, 2nd, 3rd, or 4th degree sexual assault; 1st degree aggravated sexual assault; or 3rd degree sexual assault with a firearm of a student who is not enrolled in adult education.

§ 10 — Hiring Violators of Mandated Reporting Law Prohibited

The bill prohibits a local or regional board of education from employing a school employee who was terminated or resigned, if he or she (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 or conspired or attempted to do so. This applies regardless of whether an allegation of abuse, neglect, or sexual assault has been substantiated.

§§ 6, 12, & 13 — STATE'S ATTORNEY NOTICE AND SBE CERTIFICATION REVOCATION

By law, if a school employee, or anyone 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) education commissioner. Under current law, the crimes are:

1. child abuse or neglect,
2. risk of injury to a child, or

3. 2nd or 4th degree sexual assault against anyone.

The bill broadens the range of criminal convictions for which the state's attorney's notification is required. Under the bill, the state's attorney must also make such written notification when:

1. anyone is convicted of intentionally or unreasonably interfering with a mandated reporter's reporting duty; or
2. a school employee or anyone who holds an SBE-issued certificate, permit, or authorization is convicted of (a) 1st or 3rd degree sexual assault, (b) 1st degree aggravated sexual assault, or, (c) 3rd degree sexual assault with a firearm against a student who is not enrolled in adult education.

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 law 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 while under contract with the local or regional board of education or (b) private elementary, middle,

or high school while under contract with the supervisory agent of such private school (CGS § 53a-65).

Related Bill

sSB 926, (File 155) as amended by Senate "A", (1) requires school officials to remove, from a school employee's personnel file and other records, references to a DCF investigation of a report that the employee abused or neglected a child when DCF cannot substantiate the claim and (2) bars the unsubstantiated report from being used against the employee.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 40 Nay 1 (03/27/2015)

Education Committee

Joint Favorable

Yea 30 Nay 0 (05/13/2015)