



General Assembly

Amendment

January Session, 2015

LCO No. 7293



Offered by:
SEN. BARTOLOMEO, 13th Dist.

To: Subst. Senate Bill No. 926

File No. 155

Cal. No. 150

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

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

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 Section 17a-101i of the general statutes is repealed and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

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

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

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

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

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

83 shall remove any references to the report and investigation from the
84 school employee's personnel records and any other records relating to
85 such school employee.

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

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

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

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

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

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

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

133 Sec. 2. Subsection (h) of section 17a-101k of the general statutes is
134 repealed and the following is substituted in lieu thereof (*Effective July*
135 *1, 2015*):

136 (h) (1) Records containing unsubstantiated findings and records
137 relating to family assessment cases shall remain sealed, except that
138 such records shall be made available to department employees in the
139 proper discharge of their duties and shall be expunged by the
140 commissioner five years from the completion date of the investigation
141 or the closure of the family assessment case, whichever is later, if no
142 further report is made about the individual subject to the investigation
143 or the family subject to the assessment, except that if the department
144 receives more than one report on [an] such individual subject to
145 investigation or a family subject to assessment and each report is
146 unsubstantiated, all reports and information pertaining to the

147 individual or family shall be expunged by the commissioner five years
148 from the completion date of the most recent investigation.

149 (2) Notwithstanding the provisions of subdivision (1) of this
150 subsection, records containing unsubstantiated findings of an
151 investigation of an allegation of abuse or neglect by a school employee,
152 as defined in section 53a-65, in the course of such school employee's
153 employment shall be expunged not more than five days after the
154 completion date of such investigation."

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