

**STATE OF CONNECTICUT
OFFICE OF THE CHILD ADVOCATE
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March 18, 2016

Senator Gayle S. Slossberg, Co-Chair
Representative Andrew M. Fleischmann, Co-Chair
Education Committee
Legislative Office Building, Room 3100
Hartford, CT 06106

**Re: SB No. 323, AN ACT CONCERNING UNSUBSTANTIATED ALLEGATIONS OF ABUSE AND
NEGLECT BY SCHOOL EMPLOYEES**

Distinguished Members of the Committee,

On March 2, 2016, our office testified regarding Senate Bill 323 and expressed some concern regarding precluding school districts from referencing or relying on investigative findings related to prior allegations of abuse and neglect. We appreciate the issue the Committee is seeking to address, namely the unwarranted black mark that may follow some school personnel who are alleged to be abusive or neglectful and where such allegations are found to be entirely unfounded. As we shared with the Committee, there are unfortunately situations where though an allegation of abuse or neglect is not legally substantiated by The Department of Children and Families (DCF), the DCF investigative documents contain important findings regarding inappropriate and concerning conduct by the adult caregiver or provider. Accordingly, OCA wanted to offer the committee supplemental information to assist in your review of this important issue.

As stated in our testimony, when an allegation of abuse or neglect is *not substantiated* by the DCF, it *does not mean* that nothing happened or that the alleged perpetrator did not behave inappropriately.

For purposes of this letter, OCA has summarized three investigative reports in which multiple witnesses alleged that a principal, a teacher and a nursing staff member at a psychiatric center abused and/or neglected youth in their care. In each of the three cases, DCF opted not to substantiate those allegations of abuse because there was no demonstration or clear finding of lasting, adverse impact upon the children involved.¹ While the Office of the Child Advocate appreciates the intent of the SB No. 323, we believe that school districts must have the flexibility to review and retain concerning findings from these investigations.

We have summarized the findings of the reports below.

Principal

¹ Please note that the OCA does not condone or endorse those findings.

November 2005- DCF received a report alleging that the principal groped a 14 year-old special education student. The report stated, "It is unknown whether [principal] has violated any school codes via her admitted physical contact with student." The allegation of sexual abuse was unsubstantiated.

December 2005- DCF received a report that the principal entered the boys' restroom while students were in it and asked "anybody need a hand?" Further allegations included that the principal paddled a student the previous year. The principal admitted entering the bathroom in order "to protect" students, and "tapping" the other student with the paddle because the student's mother gave her permission to do so. Allegations of sexual and physical abuse were unsubstantiated.

December 2008- DCF received a report that a 7 year-old student sustained bruises and scratches after being thrown against the wall by the principal. The allegation of physical abuse was unsubstantiated.

September 2011- In September 2011, the principal commenced work at a new school. DCF received reports from multiple individuals alleging that the principal intentionally embarrassed a 13 year old-child dressed out of compliance with the school dress code. Witnesses alleged that the principal went from class to class, in order to root out the student, whom she had seen earlier that day in short shorts and leggings. When the principal was unable to locate the student, she pulled the fire alarm causing a mass exodus of students. Upon finding the student, Principal called her a "hoochie" in front of her classmates and sent her to in-school suspension for the day. The principal admitted calling the child a hoochie. She further disclosed that she instructed teachers to reach into students' pockets to remove sunflower seeds, and placed her hand on the thigh of another student who was not in compliance with the school dress code. DCF opted not to substantiate any allegations of abuse and neglect because none of the children appeared to be "negatively impacted." However the Board of Education verbally reprimanded the principal.

Teacher

March 2005- In March 2005, DCF interviewed several paraprofessionals who alleged that a special education teacher abused and neglected three children in her classroom. The teacher admitted putting a nonverbal child in the bathroom with the door closed for "time out" because she continuously made sounds related to her disability. She told the investigator that she placed a second child out in the rain after she repeatedly stated, "It's raining." The teacher disclosed that she also placed that child in the bathroom for time out when she was disruptive to her lessons. Although multiple witnesses reported hearing the teacher slap the hand of a third child who was placing his fingers in his mouth, the teacher told the investigator "gently placed her hands on his to move them away from his face." The teacher denied pushing that same child, who has an unsteady gait, in order to make him walk faster. Instead, she said she placed her hand on the child's back to provide him support during a "power walk."

The DCF Investigator found, "There is sufficient evidence that [the teacher] failed to provide the proper care and attention to [Child 1], [Child 2], and [Child 3], as they are children with severe physical and intellectual special needs. Ms [teacher] compromised the safety of [Child 1] and [Child 2] by placing them in the bathroom because it appears that they were bothering her by their behavior. Ms. [teacher] was irresponsible in hitting [Child 3's] hands when he was fidgety with them. However, the Investigator concluded "There is insufficient evidence to support a finding of physical abuse in which [Child 1],[Child 2], and [Child 3]sustained an observable physical injury that was inflicted other than by accidental means. DCF substantiated the allegation of neglect which was later overturned on appeal.

Head Nurse

June 2015- In June 2015, DCF commenced an investigation into an allegation of emotional abuse of a 15-year old female resident by the head nurse in a DCF-run psychiatric facility for children. Specifically, two residents and two staff reported that on June 8, 2015, after the youth said another resident should not have access to a plastic bag because children “use those to commit suicide,” the head nurse told the girl, “that’s what you need to do.” The resident replied, “That’s fucked up” before retreating to her room. During the investigation, the head nurse, who has a foreign accent, denied making the comment. Though multiple witnesses reported that the nurse made inappropriate comments to the girl, DCF did not substantiate the allegation of abuse/neglect. DCF found that the head nurse’s recollection of the interaction was different than the other four witnesses, and that while the two staff witnesses heard something similar to what the residents reported, that those comments were not “the same as the patient’s.” Finally, the resident’s therapist opined that the resident was assisted by other staff and suffered no “ongoing impact” as a result of the comment.

We respectfully offer these incidents as examples of entrusted caregivers who engaged in conduct that a school district may reasonably find to have been detrimental to the well-being of a child but which were not legally substantiated as abuse/neglect by the Department of Children and Families. Please let us know if we can be of any assistance to the Committee in its effort to resolve the issues dealt with in the bill.

Sincerely,

Sarah Healy Eagan, JD
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