



## ALLEGED CHILD ABUSE OR NEGLECT BY SCHOOL EMPLOYEES

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### DEFINITION OF SCHOOL EMPLOYEE

By law, a school employee is a teacher, substitute, teacher, school administrator or superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional, or coach employed by a local or regional school board or working in a public elementary, middle, or high school. A school employee also is anyone else who (1) comes into regular contact with students while performing his or her duties and (2) provides services to, or on behalf of, students enrolled in a public or private elementary, middle, or high school under contract with a local or regional school board or private school supervisory agent ([CGS § 53a-65](#)).

### ISSUES

What steps must the Department of Children and Families (DCF) take when it receives a report of alleged child abuse or neglect by a school employee? What obligations do the State Department of Education (SDE), superintendent, and school board have upon learning that a school employee has allegedly abused or neglected a child?

### SUMMARY

When DCF receives a report of alleged child abuse or neglect, the law requires the department to take certain steps to investigate the allegations. (The investigation process is described in detail in OLR Report [2016-R-0209](#).) DCF must take certain steps in addition to the usual investigation protocols if the alleged perpetrator is a school employee. These steps include notifying state and local education officials of the allegations and investigation results.

The SDE commissioner, superintendent, and school board must also take certain measures when an employee is suspected of abuse or neglect. For example, the superintendent must suspend the employee with pay in certain circumstances and notify the school board and SDE of the reasons for and conditions of the suspension.

Additionally, [PA 16-67](#) requires education employers (i.e., boards of education, charter school governing councils, magnet schools) and contractors who work for them to take certain steps to determine, prior to employment, whether an applicant for a position with direct student contact has a history of sexual misconduct or abuse or neglect involving children.

This report is specific to public school employee investigations. The private school employee investigation process is similar, the primary distinction being the entities to whom DCF must provide information (e.g., headmasters instead of principals.)

## **DCF REQUIREMENTS**

When DCF receives a report of alleged child abuse or neglect in which the alleged perpetrator is a school employee, it must notify the school principal or his or her designee, unless that person is the alleged perpetrator, and the school superintendent. These individuals must in turn immediately notify the child's parent or caretaker that a report was made to DCF ([CGS § 17a-101b\(d\)](#)).

DCF must notify SDE when it begins the investigation. If the alleged perpetrator is a school employee who is certified, authorized, or permitted by the State Board of Education (SBE), DCF must also send a copy of the report to the education commissioner or her designee ([CGS § 17a-101g\(a\)](#)).

Within five days of the investigation's completion, the DCF commissioner must notify the employing superintendent and education commissioner of the results and supply all the records relating to the investigation. The DCF commissioner must also notify the appropriate state agency of the investigation and supply relevant records if the employee is licensed or holds a certificate issued by the state or an SBE-issued permit or authorization ([CGS § 17a-101i\(a\)](#)).

## **SUPERINTENDENT AND SCHOOL EMPLOYER REQUIREMENTS**

### ***Employee Suspension and Termination***

The superintendent must suspend the employee with pay if the commissioner (1) has reasonable cause to believe that the employee abused or neglected the child based upon the investigation results and (2) recommends that the employee be placed on the child abuse and neglect registry.

Within 72 hours of suspending the employee, the superintendent must (1) notify the school board and the education commissioner or her representative of the reasons for and conditions of the suspension and (2) disclose the investigation records to the board and commissioner for review of the employee's employment or certificate, permit, or authorization status.

If the school employee holds a position that requires a certificate (e.g., teacher), the suspension remains in effect until the school board determines whether or not to terminate his or her employment contract. The superintendent must notify the education commissioner or her representative within 72 hours if the board terminates the contract or the employee resigns. The commissioner may then begin certification revocation proceedings against the employee ([CGS § 17a-101i\(a\)](#)).

### ***Information Sharing and Hiring Practices***

[PA 16-67](#) requires education employers and SDE to take steps to determine, prior to employment, whether an applicant has a history of sexual misconduct or abuse or neglect involving a child. To facilitate this process, the law imposes certain new information sharing requirements.

It requires education employers to notify SDE when they receive information that applicants or current employees have been disciplined for a finding of abuse, neglect, or sexual misconduct. These employers must also provide, on request, to any other education employer or to the SDE commissioner, information they may have about a finding of abuse, neglect, or sexual misconduct regarding someone being considered for a job as a direct employee of another education employer or a contractor. Additionally, the employer must provide, at the commissioner's request, information about current employees who have been disciplined as a result of such findings.

The act provides immunity from criminal and civil liability to SDE and any employer that provides an education employer with information about an applicant as required under this act, as long as the information supplied is not knowingly false.

The OLR [public act summary](#) provides additional details about the act's new requirements.

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