



# Senate

General Assembly

**File No. 570**

January Session, 2017

Substitute Senate Bill No. 1017

*Senate, April 12, 2017*

The Committee on Education reported through SEN. SLOSSBERG of the 14th Dist. and SEN. BOUCHER of the 26th Dist., Chairpersons of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING UNSUBSTANTIATED ALLEGATIONS OF ABUSE AND NEGLECT BY SCHOOL EMPLOYEES.***

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

1 Section 1. Section 17a-101i of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2017*):

3 (a) Notwithstanding any provision of the general statutes, not later  
4 than five working days after an investigation of a report that a child  
5 has been abused or neglected by a school employee, as defined in  
6 section 53a-65, or that a person is a victim, as described in subdivision  
7 (2) of subsection (a) of section 17a-101a, of a school employee has been  
8 completed, the Commissioner of Children and Families shall notify the  
9 school employee, the employing superintendent, the employing school  
10 or school district 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 or victim was a student in the employing  
16 school or school district. If the Commissioner of Children and Families,  
17 based upon the results of the investigation, has reasonable cause to  
18 believe that (1) (A) a child has been abused or neglected, as described  
19 in section 46b-120, by such employee, and (B) the commissioner  
20 recommends such school employee be placed on the child abuse and  
21 neglect registry established pursuant to section 17a-101k, or (2) a  
22 person is a victim, as described in subdivision (2) of subsection (a) of  
23 section 17a-101a, of such school employee, the superintendent shall  
24 suspend such school employee. Such suspension shall be with pay and  
25 shall not result in the diminution or termination of benefits to such  
26 employee. Not later than seventy-two hours after such suspension the  
27 superintendent shall notify the local or regional board of education  
28 and the Commissioner of Education, or the commissioner's  
29 representative, of the reasons for and conditions of the suspension. The  
30 superintendent shall disclose such records to the Commissioner of  
31 Education and the local or regional board of education or its attorney  
32 for purposes of review of employment status or the status of such  
33 employee's certificate, permit or authorization. The suspension of a  
34 school employee employed in a position requiring a certificate shall  
35 remain in effect until the board of education acts pursuant to the  
36 provisions of section 10-151. If the contract of employment of such  
37 certified school employee is terminated, or such certified school  
38 employee resigns such employment, the superintendent shall notify  
39 the Commissioner of Education, or the commissioner's representative,  
40 within seventy-two hours after such termination or resignation. Upon  
41 receipt of such notice from the superintendent, the Commissioner of  
42 Education may commence certification revocation proceedings  
43 pursuant to the provisions of subsection (i) of section 10-145b.  
44 Notwithstanding the provisions of sections 1-210 and 1-211,  
45 information received by the Commissioner of Education, or the  
46 commissioner's representative, pursuant to this section shall be  
47 confidential subject to regulations adopted by the State Board of  
48 Education under section 10-145g. No local or regional board of

49 education shall employ a person whose employment contract is  
50 terminated or who resigned from employment following a suspension  
51 pursuant to the provisions of this subsection if such person is  
52 convicted of a crime involving an act of child abuse or neglect as  
53 described in section 46b-120 or a violation of section 53a-70, 53a-70a,  
54 53a-71, 53a-72a, 53a-72b or 53a-73a against any person who is being  
55 educated by the technical high school system or a local or regional  
56 board of education, other than as part of an adult education program.

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

84 investigation.

85 (c) (1) If, upon completion of an investigation of a report that a child  
86 has been abused or neglected by a school employee, the Commissioner  
87 of Children and Families finds that such abuse or neglect is  
88 unsubstantiated, the commissioner shall notify the school employee,  
89 the employing superintendent, the employing school or school district  
90 and the Commissioner of Education of his or her findings. Upon  
91 receipt of such notification, the Department of Education, the  
92 employing superintendent and the employing school or school district  
93 shall remove any references to the report and investigation from the  
94 school employee's personnel records and any other records relating to  
95 such school employee.

96 (2) A finding by the Commissioner of Children and Families that a  
97 report of abuse or neglect is unsubstantiated shall not prohibit the  
98 Department of Education or a local or regional board of education  
99 from (A) conducting, for purposes relating to professional certification  
100 or employment, an investigation of the conduct of a school employee  
101 who is a subject of such unsubstantiated report of abuse or neglect, or  
102 (B) upon completion of such investigation, taking action with respect  
103 to such school employee's employment, professional certification,  
104 authorization or permit, including, but not limited to, actions with  
105 respect to discipline, salary, promotion, transfer, demotion, retention  
106 or continuance of employment, termination of employment or any  
107 right or privilege relating to employment, provided such  
108 unsubstantiated report of abuse or neglect shall not be the sole basis  
109 for an action related to a school employee's employment, professional  
110 certification, authorization or permit.

111 [(c)] (d) If a school employee, as defined in section 53a-65, or any  
112 person holding a certificate, permit or authorization issued by the State  
113 Board of Education under the provisions of sections 10-144o to 10-149,  
114 inclusive, is convicted of a crime involving an act of child abuse or  
115 neglect as described in section 46b-120 or a violation of subdivision (2)  
116 of subsection (b) of section 17a-101a or section 53-21, 53a-71 or 53a-73a

117 against any person, or a violation of section 53a-70, 53a-70a, 53a-72a or  
118 53a-72b against a victim, as described in subdivision (2) of subsection  
119 (a) of section 17a-101a, the state's attorney for the judicial district in  
120 which the conviction occurred shall in writing notify the  
121 superintendent of the school district or the supervisory agent of the  
122 nonpublic school in which the person is employed and the  
123 Commissioner of Education of such conviction.

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

130 [(e)] (f) On or before February 1, 2016, each local and regional board  
131 of education shall adopt a written policy, in accordance with the  
132 provisions of subsection (d) of section 17a-101, regarding the reporting  
133 by school employees, as defined in section 53a-65, of suspected child  
134 abuse or neglect in accordance with sections 17a-101a to 17a-101d,  
135 inclusive, and 17a-103 or a violation of section 53-70, 53a-70a, 53a-71,  
136 53a-72a, 53a-72b or 53a-73a against a victim, as described in  
137 subdivision (2) of subsection (a) of this section. [17a-101i.] Such policy  
138 shall be distributed annually to all school employees employed by the  
139 local or regional board of education. The local or regional board of  
140 education shall document that all such school employees have  
141 received such written policy and completed the training and refresher  
142 training programs required by subsection (c) of section 17a-101, as  
143 amended by this act.

144 [(f)] (g) (1) Each school employee, as defined in section 53a-65, hired  
145 by a local or regional board of education on or after July 1, 2011, shall  
146 be required to complete the training program developed pursuant to  
147 subsection (c) of section 17a-101, as amended by this act. Each such  
148 school employee shall complete the refresher training program,  
149 developed pursuant to subsection (c) of section 17a-101, as amended

150 by this act, not later than three years after completion of the initial  
151 training program, and shall thereafter retake such refresher training  
152 course at least once every three years.

153 (2) On or before July 1, 2012, each school employee, as defined in  
154 section 53a-65, hired by a local or regional board of education before  
155 July 1, 2011, shall complete the refresher training program developed  
156 pursuant to subsection (c) of section 17a-101, as amended by this act,  
157 and shall thereafter retake such refresher training course at least once  
158 every three years.

159 (3) The principal for each school under the jurisdiction of a local or  
160 regional board of education shall annually certify to the  
161 superintendent for the board of education that each school employee,  
162 as defined in section 53a-65, working at such school, is in compliance  
163 with the provisions of this subsection. The superintendent shall certify  
164 such compliance to the State Board of Education.

165 Sec. 2. Subsection (c) of section 17a-101 of the general statutes is  
166 repealed and the following is substituted in lieu thereof (*Effective July*  
167 *1, 2017*):

168 (c) The Commissioner of Children and Families shall develop an  
169 educational training program and refresher training program for the  
170 accurate and prompt identification and reporting of child abuse and  
171 neglect. Such training program and refresher training program shall be  
172 made available to all persons mandated to report child abuse and  
173 neglect at various times and locations throughout the state as  
174 determined by the Commissioner of Children and Families. Such  
175 training program and refresher training program shall be provided in  
176 accordance with the provisions of subsection [(f)] (g) of section 17a-  
177 101i, as amended by this act, to each school employee, as defined in  
178 section 53a-65, within available appropriations.

This act shall take effect as follows and shall amend the following sections:
---

---

Section 1	<i>July 1, 2017</i>	17a-101i
Sec. 2	<i>July 1, 2017</i>	17a-101(c)

**ED**      *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:*** None

***Municipal Impact:*** None

***Explanation***

The bill, which requires the Department of Children and Families to notify certain school employees of the results of abuse/neglect investigations, does not result in a fiscal impact to the state or municipalities.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None



**OLR Bill Analysis****sSB 1017*****AN ACT CONCERNING UNSUBSTANTIATED ALLEGATIONS OF ABUSE AND NEGLECT BY SCHOOL EMPLOYEES.*****SUMMARY**

By law, the Department of Children and Families (DCF) Commissioner must investigate any report that a child has been abused or neglected by a school employee. The bill requires the commissioner to notify the employee, as well as the employing school or school district, of the investigation's results, in addition to the employing superintendent and Education Commissioner, as required under current law.

If the investigation finds the alleged abuse or neglect to be unsubstantiated, the bill requires the State Department of Education (SDE), employing superintendent, and employing school or school district to remove any references to DCF's report and investigation from the employee's personnel records and any other records relating to the employee. Even with an unsubstantiated finding, however, the bill allows SDE or a local or regional board of education to undertake the following actions:

1. investigate the school employee's conduct for purposes relating to professional certification or employment or
2. if the department or school board chooses to investigate, upon the investigation's completion take action with respect to the employee's employment, professional certification, authorization, or permit; including action with respect to discipline, salary, promotion, transfer, demotion, retention or continuance of employment, or termination of employment or any right or privilege related to employment.

The bill prohibits SDE or a board of certification from taking any such action on the employee's employment, professional certification, authorization, or permit if it is solely based upon the unsubstantiated abuse or neglect report.

The bill also makes several technical and conforming changes.

EFFECTIVE DATE: July 1, 2017

**BACKGROUND**

***Related Bill***

Substitute Senate Bill 893, reported favorably by the Children's Committee, requires DCF to take certain steps specific to investigations of alleged child abuse or neglect by a school employee or a staff member of a private school or private child care facility or institution.

Under that bill, if the employee or staff member DCF investigated has a state-issued license or certificate or State Board of Education-issued permit or authorization or his or her employing school, institution, or facility has a state-issued license or approval, the commissioner must notify the agency responsible for that credential of the investigation results.

**COMMITTEE ACTION**

Education Committee

Joint Favorable Substitute

Yea 31 Nay 0 (03/24/2017)