



General Assembly

Substitute Bill No. 1017

January Session, 2017

* SB01017ED 032717 *

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 Section 17a-101i of the general statutes is repealed and the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.*