



General Assembly

**Amendment**

February Session, 2018

LCO No. 4105



Offered by:

REP. FLEISCHMANN, 18<sup>th</sup> Dist.  
REP. LINEHAN, 103<sup>rd</sup> Dist.  
REP. SANCHEZ, 25<sup>th</sup> Dist.

REP. CURREY, 11<sup>th</sup> Dist.  
REP. STANESKI, 119<sup>th</sup> Dist.  
REP. KOKORUDA, 101<sup>st</sup> Dist.

To: Subst. House Bill No. 5334

File No. 126

Cal. No. 101

**"AN ACT CONCERNING NOTIFICATION BY CONTRACTORS TO SUPERINTENDENTS OF SCHOOLS REGARDING INCIDENTS OF ARREST BY EMPLOYEES."**

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

3 "Section 1. (NEW) (*Effective October 1, 2018*) (a) Any contractor who  
4 (1) contracts with a local or regional board of education, and (2)  
5 receives information that an employee of such contractor, who is in a  
6 position involving direct contact with a student in a school under such  
7 board's jurisdiction, has been arrested for a crime involving an act of  
8 child abuse or neglect as described in section 46b-120 of the general  
9 statutes, or injury or risk of injury to or impairing morals of children  
10 under section 53-21 of the general statutes, shall, not later than twenty-  
11 four hours after receipt of such information, notify the superintendent  
12 of schools for such board of such employee's arrest. Such notification  
13 shall be in writing and include the identity of such employee, and, if

14 known by the contractor, the offense or offenses for which such  
15 employee was arrested and a brief description of the incident or  
16 incidents leading to the arrest.

17 (b) On and after July 1, 2019, any contract entered into or amended  
18 between a contractor and a local or regional board of education shall  
19 include a provision in such contract (1) requiring such contractor to  
20 provide the kind of notice described in subsection (a) of this section,  
21 and (2) informing such contractor that the owner or owners of the  
22 business, as defined in section 4e-1 of the general statutes, of such  
23 contractor and any managers or supervisors employed by such  
24 contractor may be mandated reporters pursuant to subdivision (39) of  
25 subsection (b) of section 17a-101 of the general statutes, as amended by  
26 this act. Such contractor and local or regional board of education may  
27 include additional provisions in such contract concerning a situation in  
28 which an employee of the contractor has been arrested, including the  
29 rights and obligations of the parties to the contract.

30 Sec. 2. Subsection (b) of section 17a-101 of the 2018 supplement to  
31 the general statutes is repealed and the following is substituted in lieu  
32 thereof (*Effective October 1, 2018*):

33 (b) The following persons shall be mandated reporters: (1) Any  
34 physician or surgeon licensed under the provisions of chapter 370, (2)  
35 any resident physician or intern in any hospital in this state, whether  
36 or not so licensed, (3) any registered nurse, (4) any licensed practical  
37 nurse, (5) any medical examiner, (6) any dentist, (7) any dental  
38 hygienist, (8) any psychologist, (9) any school employee, as defined in  
39 section 53a-65, (10) any social worker, (11) any person who holds or is  
40 issued a coaching permit by the State Board of Education, is a coach of  
41 intramural or interscholastic athletics and is eighteen years of age or  
42 older, (12) any individual who is employed as a coach or director of  
43 youth athletics and is eighteen years of age or older, (13) any  
44 individual who is employed as a coach or director of a private youth  
45 sports organization, league or team and is eighteen years of age or  
46 older, (14) any paid administrator, faculty, staff, athletic director,

47 athletic coach or athletic trainer employed by a public or private  
48 institution of higher education who is eighteen years of age or older,  
49 excluding student employees, (15) any police officer, (16) any juvenile  
50 or adult probation officer, (17) any juvenile or adult parole officer, (18)  
51 any member of the clergy, (19) any pharmacist, (20) any physical  
52 therapist, (21) any optometrist, (22) any chiropractor, (23) any  
53 podiatrist, (24) any mental health professional, (25) any physician  
54 assistant, (26) any person who is a licensed or certified emergency  
55 medical services provider, (27) any person who is a licensed or  
56 certified alcohol and drug counselor, (28) any person who is a licensed  
57 marital and family therapist, (29) any person who is a sexual assault  
58 counselor or a domestic violence counselor, as defined in section 52-  
59 146k, (30) any person who is a licensed professional counselor, (31) any  
60 person who is a licensed foster parent, (32) any person paid to care for  
61 a child in any public or private facility, child care center, group child  
62 care home or family child care home licensed by the state, (33) any  
63 employee of the Department of Children and Families, (34) any  
64 employee of the Department of Public Health, (35) any employee of the  
65 Office of Early Childhood who is responsible for the licensing of child  
66 care centers, group child care homes, family child care homes or youth  
67 camps, (36) any paid youth camp director or assistant director, (37) the  
68 Child Advocate and any employee of the Office of the Child Advocate,  
69 [and] (38) any family relations counselor, family relations counselor  
70 trainee or family services supervisor employed by the Judicial  
71 Department, (39) any person who is the owner, manager or supervisor  
72 of a business, as defined in section 4e-1, that (A) contracts with a local  
73 or regional board of education, and (B) employs a person described in  
74 subparagraph (B) of subdivision (13) of section 53a-65.

75 Sec. 3. (*Effective from passage*) (a) Not later than August 1, 2018, the  
76 Commissioner of Education shall notify all superintendents of schools  
77 in the state that (1) any person who is the owner, manager or  
78 supervisor of a business, as defined in section 4e-1, that (A) contracts  
79 with a local or regional board of education, and (B) employs a person  
80 described in subparagraph (B) of subdivision (13) of section 53a-65 of

81 the general statutes, will become a mandated reporter, pursuant to  
82 subdivision (39) of subsection (b) of section 17a-101 of the general  
83 statutes, as amended by this act, on October 1, 2018, and (2) that any  
84 contract between a board of education and a contractor entered into or  
85 amended on or after July 1, 2019, shall conform with the provisions of  
86 section 1 of this act.

87 (b) Not later than October 1, 2018, the superintendent of schools for  
88 a local or regional board of education that has entered into a contract  
89 with a contractor shall notify such contractors that (1) any person who  
90 is the owner, manager or supervisor of a business, as defined in section  
91 4e-1, that (A) contracts with a local or regional board of education, and  
92 (B) employs a person described in subparagraph (B) of subdivision (13)  
93 of section 53a-65 of the general statutes, will become a mandated  
94 reporter, pursuant to subdivision (39) of subsection (b) of section 17a-  
95 101 of the general statutes, as amended by this act, on October 1, 2018,  
96 and (2) any contract between such board and such contractor entered  
97 into or amended on or after July 1, 2019, shall conform with the  
98 provisions of section 1 of this act.

99 Sec. 4. Subsection (d) of section 17a-101b of the general statutes is  
100 repealed and the following is substituted in lieu thereof (*Effective*  
101 *October 1, 2018*):

102 (d) Whenever a mandated reporter, as described in section 17a-101,  
103 has reasonable cause to suspect or believe that any child has been  
104 abused or neglected by a staff member [of the staff] of a public or  
105 private institution or facility that provides care for such child, or by a  
106 school employee, as defined in section 53a-65, of a public or private  
107 school, the mandated reporter shall report as required in subsection (a)  
108 of this section. The Commissioner of Children and Families or the  
109 commissioner's designee shall notify the principal, headmaster,  
110 executive director or other person in charge of such institution, facility  
111 or school, or the person's designee, unless such [person] staff member  
112 or school employee is the alleged perpetrator of the abuse or neglect of  
113 such child. In the case of a public school, the commissioner shall also

114 notify the [person's employing] superintendent of schools for the local  
115 or regional board of education that employs such school employee or  
116 has a contract with a contractor that employs such school employee.  
117 Such person in charge, or such person's designee, or such  
118 superintendent, or such superintendent's designee, shall then  
119 immediately notify the child's parent or other person responsible for  
120 the child's care that a report has been made.

121 Sec. 5. Subsection (a) of section 17a-101i of the 2018 supplement to  
122 the general statutes is repealed and the following is substituted in lieu  
123 thereof (*Effective October 1, 2018*):

124 (a) Notwithstanding any provision of the general statutes, not later  
125 than five working days after an investigation of a report that a child  
126 has been abused or neglected by a school employee, as defined in  
127 section 53a-65, or that a person is a victim, as described in subdivision  
128 (2) of subsection (a) of section 17a-101a, of a school employee has been  
129 completed, the Commissioner of Children and Families shall notify the  
130 [employing] superintendent of schools for the local or regional board  
131 of education that employs such school employee or has a contract with  
132 a contractor that employs such school employee and the Commissioner  
133 of Education of the results of such investigation and shall provide  
134 records, whether or not created by the department, concerning such  
135 investigation to [the] such superintendent and the Commissioner of  
136 Education. The Commissioner of Children and Families shall provide  
137 such notice whether or not the child or victim was a student in the  
138 employing school or school district. If the Commissioner of Children  
139 and Families, based upon the results of the investigation, has  
140 reasonable cause to believe that (1) (A) a child has been abused or  
141 neglected, as described in section 46b-120, by such employee, and (B)  
142 the commissioner recommends such school employee be placed on the  
143 child abuse and neglect registry established pursuant to section 17a-  
144 101k, or (2) a person is a victim, as described in subdivision (2) of  
145 subsection (a) of section 17a-101a, of such school employee, the  
146 superintendent shall suspend such school employee. Such suspension  
147 shall be with pay and shall not result in the diminution or termination

148 of benefits to such employee. Not later than seventy-two hours after  
149 such suspension the superintendent shall notify the local or regional  
150 board of education and the Commissioner of Education, or the  
151 commissioner's representative, of the reasons for and conditions of the  
152 suspension. The superintendent shall disclose such records to the  
153 Commissioner of Education and the local or regional board of  
154 education or its attorney for purposes of review of employment status  
155 or the status of such employee's certificate, permit or authorization.  
156 The suspension of a school employee employed in a position requiring  
157 a certificate shall remain in effect until the board of education acts  
158 pursuant to the provisions of section 10-151. If the contract of  
159 employment of such certified school employee is terminated, or such  
160 certified school employee resigns such employment, the  
161 superintendent shall notify the Commissioner of Education, or the  
162 commissioner's representative, within seventy-two hours after such  
163 termination or resignation. Upon receipt of such notice from the  
164 superintendent, the Commissioner of Education may commence  
165 certification revocation proceedings pursuant to the provisions of  
166 subsection (i) of section 10-145b. Notwithstanding the provisions of  
167 sections 1-210 and 1-211, information received by the Commissioner of  
168 Education, or the commissioner's representative, pursuant to this  
169 section shall be confidential subject to regulations adopted by the State  
170 Board of Education under section 10-145g. No local or regional board  
171 of education shall employ a person whose employment contract is  
172 terminated or who resigned from employment following a suspension  
173 pursuant to the provisions of this subsection if such person is  
174 convicted of a crime involving an act of child abuse or neglect as  
175 described in section 46b-120 or a violation of section 53a-70, 53a-70a,  
176 53a-71, 53a-72a, 53a-72b or 53a-73a against any person who is being  
177 educated by the Technical Education and Career System or a local or  
178 regional board of education, other than as part of an adult education  
179 program."

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

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Section 1	<i>October 1, 2018</i>	New section
Sec. 2	<i>October 1, 2018</i>	17a-101(b)
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>October 1, 2018</i>	17a-101b(d)
Sec. 5	<i>October 1, 2018</i>	17a-101i(a)