



General Assembly

Amendment

February Session, 2018

LCO No. 5523



Offered by:

REP. FLEISCHMANN, 18th Dist.
REP. LINEHAN, 103rd Dist.
REP. LAVIELLE, 143rd Dist.
REP. SAMPSON, 80th Dist.

REP. FISHBEIN, 90th Dist.
REP. CURREY, 11th Dist.
REP. REBIMBAS, 70th Dist.
SEN. BOUCHER, 26th 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. Subsection (d) of section 17a-101b of the general statutes
4 is repealed and the following is substituted in lieu thereof (*Effective*
5 *October 1, 2018*):

6 (d) Whenever a mandated reporter, as described in section 17a-101,
7 has reasonable cause to suspect or believe that any child has been
8 abused or neglected by a staff member [of the staff] of a public or
9 private institution or facility that provides care for such child, or [a
10 public or private school] by a school employee, as defined in section
11 53a-65, the mandated reporter shall report as required in subsection (a)

12 of this section. The Commissioner of Children and Families or the
13 commissioner's designee shall notify the principal, headmaster,
14 executive director or other person in charge of such institution, facility
15 or school, or the person's designee, that employs such staff member or
16 school employee or for whom the governing authority of such
17 institution, facility or school has a contract with a contractor that
18 employs such school employee, unless such [person] staff member or
19 school employee is the alleged perpetrator of the abuse or neglect of
20 such child. In the case of a public school, the commissioner shall also
21 notify the [person's employing] superintendent of schools for the local
22 or regional board of education that employs such school employee or
23 has a contract with a contractor that employs such school employee.
24 Such person in charge, or such person's designee, or such
25 superintendent shall then immediately notify the child's parent or
26 other person responsible for the child's care that a report has been
27 made. Such person in charge, or such person's designee, or such
28 superintendent may notify the contractor that employs such school
29 employee that a report has been made.

30 Sec. 2. Subsection (a) of section 17a-101g 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 (a) Upon receiving a report of child abuse or neglect, as provided in
34 sections 17a-101a to 17a-101c, inclusive, or section 17a-103, in which
35 the alleged perpetrator is (1) a person responsible for such child's
36 health, welfare or care, (2) a person given access to such child by such
37 responsible person, or (3) a person entrusted with the care of a child,
38 the Commissioner of Children and Families, or the commissioner's
39 designee, shall cause the report to be classified and evaluated
40 immediately. If the report contains sufficient information to warrant an
41 investigation, the commissioner shall make the commissioner's best
42 efforts to commence an investigation of a report concerning an
43 imminent risk of physical harm to a child or other emergency within
44 two hours of receipt of the report and shall commence an investigation
45 of all other reports within seventy-two hours of receipt of the report. A

46 report classified by the commissioner, or the commissioner's designee,
47 as lower risk may be referred for family assessment and services
48 pursuant to subsection (g) of this section. Any such report may
49 thereafter be referred for standard child protective services if safety
50 concerns for the child become evident. A report referred for standard
51 child protective services may be referred for family assessment and
52 services at any time if the department determines there is a lower risk
53 to the child. On and after July 1, 2019, as part of any investigation, the
54 commissioner shall determine whether the alleged perpetrator is a
55 school employee, as defined in section 53a-65, and, if so, whether such
56 school employee is employed by a contractor who has a contract with a
57 local or regional board of education or the governing authority of a
58 private school or public or private institution or facility that provides
59 care for a child. If the alleged perpetrator is a school employee, as
60 defined in section 53a-65, employed by a local or regional board of
61 education, or is employed by an institution or facility licensed or
62 approved by the state to provide care for children, the department
63 shall notify the superintendent of schools for such local or regional
64 board of education, the Department of Education or the state agency
65 that has issued such license or approval to the institution or facility of
66 the report and the commencement of an investigation by the
67 [Commissioner of Children and Families] commissioner. If the alleged
68 perpetrator is a school employee employed by a private school, the
69 department shall notify the principal, headmaster, executive director
70 or other person in charge, or such person's designee, of such private
71 school of the report and the commencement of an investigation. If the
72 alleged perpetrator is a school employee employed by a contractor
73 who has a contract with a local or regional board of education or the
74 governing authority of a private school or public or private institution
75 or facility that provides care for a child, the department shall notify the
76 superintendent, principal, headmaster, executive director or other
77 person in charge, or such person's designee, of such private school,
78 institution or facility of the report and the commencement of an
79 investigation. The department shall complete any such investigation
80 not later than forty-five calendar days after the date of receipt of the

81 report. If the report is a report of child abuse or neglect in which the
82 alleged perpetrator is not a person specified in subdivision (1), (2) or
83 (3) of this subsection, the [Commissioner of Children and Families]
84 commissioner shall refer the report to the appropriate local law
85 enforcement authority for the town in which the child resides or in
86 which the alleged abuse or neglect occurred.

87 Sec. 3. Subsection (a) of section 17a-101i of the 2018 supplement to
88 the general statutes is repealed and the following is substituted in lieu
89 thereof (*Effective October 1, 2018*):

90 (a) Notwithstanding any provision of the general statutes, not later
91 than five working days after an investigation of a report that a child
92 has been abused or neglected by a school employee, as defined in
93 section 53a-65, or that a person is a victim, as described in subdivision
94 (2) of subsection (a) of section 17a-101a, of a school employee has been
95 completed, the Commissioner of Children and Families shall notify (1)
96 the [employing] superintendent of schools for the local or regional
97 board of education that employs such school employee or has a
98 contract with a contractor that employs such school employee, (2) the
99 principal, headmaster, executive director or other person in charge, or
100 such person's designee, of a private school or public or private
101 institution or facility that provides care for a child that employs such
102 school employee or for whom the governing authority of such
103 institution, facility or school has a contract with a contractor that
104 employs such school employee, and (3) the Commissioner of
105 Education, of the results of such investigation, and shall provide
106 records, whether or not created by the department as allowable by law,
107 concerning such investigation to [the] such superintendent, principal,
108 headmaster, executive director, person in charge, or such person's
109 designee, and the Commissioner of Education. The Commissioner of
110 Children and Families shall provide such notice whether or not the
111 child or victim was a student in the employing school, [or] school
112 district, [. If] institution or educational facility. Such superintendent,
113 principal, headmaster, executive director or person in charge, or such
114 person's designee, may, upon the receipt of written authorization of

115 such school employee, notify a contractor that employs such school
116 employee of the results of such investigation. In the case of a school
117 employee employed by a local or regional board of education, if the
118 Commissioner of Children and Families, based upon the results of the
119 investigation, has reasonable cause to believe that [(1)] (A) (i) a child
120 has been abused or neglected, as described in section 46b-120, by such
121 school employee, and [(B)] (ii) the commissioner recommends such
122 school employee be placed on the child abuse and neglect registry
123 established pursuant to section 17a-101k, or [(2)] (B) a person is a
124 victim, as described in subdivision (2) of subsection (a) of section 17a-
125 101a, of such school employee, the superintendent shall suspend such
126 school employee. Such suspension shall be with pay and shall not
127 result in the diminution or termination of benefits to such employee.
128 Not later than seventy-two hours after such suspension the
129 superintendent shall notify the local or regional board of education
130 and the Commissioner of Education, or the commissioner's
131 representative, of the reasons for and conditions of the suspension. The
132 superintendent shall disclose such records to the Commissioner of
133 Education and the local or regional board of education or its attorney
134 for purposes of review of employment status or the status of such
135 employee's certificate, permit or authorization. The suspension of a
136 school employee employed in a position requiring a certificate shall
137 remain in effect until the board of education acts pursuant to the
138 provisions of section 10-151. If the contract of employment of such
139 certified school employee is terminated, or such certified school
140 employee resigns such employment, the superintendent shall notify
141 the Commissioner of Education, or the commissioner's representative,
142 within seventy-two hours after such termination or resignation. Upon
143 receipt of such notice from the superintendent, the Commissioner of
144 Education may commence certification revocation proceedings
145 pursuant to the provisions of subsection (i) of section 10-145b.
146 Notwithstanding the provisions of sections 1-210 and 1-211,
147 information received by the Commissioner of Education, or the
148 commissioner's representative, pursuant to this section shall be
149 confidential subject to regulations adopted by the State Board of

150 Education under section 10-145g. No local or regional board of
151 education shall employ a person whose employment contract is
152 terminated or who resigned from employment following a suspension
153 pursuant to the provisions of this subsection if such person is
154 convicted of a crime involving an act of child abuse or neglect as
155 described in section 46b-120 or a violation of section 53a-70, 53a-70a,
156 53a-71, 53a-72a, 53a-72b or 53a-73a against any person who is being
157 educated by the Technical Education and Career System or a local or
158 regional board of education, other than as part of an adult education
159 program."

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2018	17a-101b(d)
Sec. 2	October 1, 2018	17a-101g(a)
Sec. 3	October 1, 2018	17a-101i(a)