



General Assembly

Amendment

February Session, 2018

LCO No. 5096



Offered by:

REP. FLEISCHMANN, 18th Dist.

REP. LINEHAN, 103rd Dist.

REP. CURREY, 11th 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4 is repealed and the following is substituted in lieu thereof (*Effective*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
16 or 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31 the general statutes is repealed and the following is substituted in lieu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. As part of any investigation, the commissioner may
54 determine whether the alleged perpetrator is a school employee, as
55 defined in section 53a-65, and, if so, whether such school employee is
56 employed by a contractor who has a contract with a local or regional
57 board of education or the governing authority of a private school or
58 public or private institution or facility that provides care for a child. If
59 the alleged perpetrator is a school employee [, as defined in section
60 53a-65] (A) employed by a local or regional board of education, or is
61 employed by an institution or facility licensed or approved by the state
62 to provide care for children, the department shall notify the
63 Department of Education or the state agency that has issued such
64 license or approval to the institution or facility of the report and the
65 commencement of an investigation by the [Commissioner of Children
66 and Families] commissioner, (B) employed by a private school, the
67 department shall notify the principal, headmaster, executive director
68 or other person in charge of such private school of the report and the
69 commencement of an investigation, or (C) employed by a contractor
70 who has a contract with a local or regional board of education or the
71 governing authority of a private school or public or private institution
72 or facility that provides care for a child of the report and the
73 commencement of an investigation. If, in the commissioner's discretion
74 the alleged perpetrator, who is not a school employee, poses such a
75 risk to children due to the alleged perpetrator's contact with or
76 proximity to a public or private school or public or private institution
77 or facility that provides care for a child, the commissioner may notify
78 the appropriate superintendent of schools or principal, headmaster,
79 executive director or other person in charge of such private school or
80 such institution or facility, of the report and the commencement of an

81 investigation by the commissioner. The department shall complete any
82 such investigation not later than forty-five calendar days after the date
83 of receipt of the report. If the report is a report of child abuse or neglect
84 in which the alleged perpetrator is not a person specified in
85 subdivision (1), (2) or (3) of this subsection, the [Commissioner of
86 Children and Families] commissioner shall refer the report to the
87 appropriate local law enforcement authority for the town in which the
88 child resides or in which the alleged abuse or neglect occurred.

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

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

115 employs such school employee of the results of such investigation. If,
116 in the commissioner's discretion, the person being investigated, who is
117 not a school employee, poses such a risk to children due to the alleged
118 perpetrator's contact with or proximity to a public or private school or
119 public or private institution or facility that provides care for such child,
120 the commissioner may notify the appropriate superintendent of
121 schools or principal, headmaster, executive director or other person in
122 charge of such private school or such institution or facility, of the
123 results of such investigation. In the case of a school employee
124 employed by a local or regional board of education, if the
125 Commissioner of Children and Families, based upon the results of the
126 investigation, has reasonable cause to believe that [(1)] (A) (i) a child
127 has been abused or neglected, as described in section 46b-120, by such
128 school employee, and [(B)] (ii) the commissioner recommends such
129 school employee be placed on the child abuse and neglect registry
130 established pursuant to section 17a-101k, or [(2)] (B) a person is a
131 victim, as described in subdivision (2) of subsection (a) of section 17a-
132 101a, of such school employee, the superintendent shall suspend such
133 school employee. Such suspension shall be with pay and shall not
134 result in the diminution or termination of benefits to such employee.
135 Not later than seventy-two hours after such suspension the
136 superintendent shall notify the local or regional board of education
137 and the Commissioner of Education, or the commissioner's
138 representative, of the reasons for and conditions of the suspension. The
139 superintendent shall disclose such records to the Commissioner of
140 Education and the local or regional board of education or its attorney
141 for purposes of review of employment status or the status of such
142 employee's certificate, permit or authorization. The suspension of a
143 school employee employed in a position requiring a certificate shall
144 remain in effect until the board of education acts pursuant to the
145 provisions of section 10-151. If the contract of employment of such
146 certified school employee is terminated, or such certified school
147 employee resigns such employment, the superintendent shall notify
148 the Commissioner of Education, or the commissioner's representative,
149 within seventy-two hours after such termination or resignation. Upon

150 receipt of such notice from the superintendent, the Commissioner of
 151 Education may commence certification revocation proceedings
 152 pursuant to the provisions of subsection (i) of section 10-145b.
 153 Notwithstanding the provisions of sections 1-210 and 1-211,
 154 information received by the Commissioner of Education, or the
 155 commissioner's representative, pursuant to this section shall be
 156 confidential subject to regulations adopted by the State Board of
 157 Education under section 10-145g. No local or regional board of
 158 education shall employ a person whose employment contract is
 159 terminated or who resigned from employment following a suspension
 160 pursuant to the provisions of this subsection if such person is
 161 convicted of a crime involving an act of child abuse or neglect as
 162 described in section 46b-120 or a violation of section 53a-70, 53a-70a,
 163 53a-71, 53a-72a, 53a-72b or 53a-73a against any person who is being
 164 educated by the Technical Education and Career System or a local or
 165 regional board of education, other than as part of an adult education
 166 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)