



General Assembly

**Amendment**

February Session, 2018

LCO No. 5359



Offered by:

REP. FLEISCHMANN, 18<sup>th</sup> Dist.

REP. LINEHAN, 103<sup>rd</sup> Dist.

REP. CURREY, 11<sup>th</sup> Dist.

SEN. BOUCHER, 26<sup>th</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. 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4 is repealed and the following is substituted in lieu thereof (*Effective*  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. 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] (A) 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 Department of Education or the state agency that has  
64 issued such license or approval to the institution or facility of the  
65 report and the commencement of an investigation by the  
66 [Commissioner of Children and Families] commissioner, (B) employed  
67 by a private school, the department shall notify the principal,  
68 headmaster, executive director or other person in charge of such  
69 private school of the report and the commencement of an  
70 investigation, or (C) employed by a contractor who has a contract with  
71 a local or regional board of education or the governing authority of a  
72 private school or public or private institution or facility that provides  
73 care for a child of the report and the commencement of an  
74 investigation. If, in the commissioner's discretion the alleged  
75 perpetrator, who is not a school employee, poses such a risk to  
76 children due to the alleged perpetrator's contact with or proximity to a  
77 public or private school or public or private institution or facility that  
78 provides care for a child, the commissioner may notify the appropriate  
79 superintendent of schools or principal, headmaster, executive director  
80 or other person in charge of such private school or such institution or

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

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

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

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

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

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