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## **OLR Bill Analysis**

### **sHB 5243**

#### ***AN ACT CONCERNING ADULT SEXUAL MISCONDUCT.***

#### **SUMMARY**

This bill makes various changes in laws on adult sexual misconduct against students and related matters.

The bill creates a mechanism by which adult sexual misconduct can be identified by requiring the Department of Public Health (DPH), starting with the 2022-23 school year, to biennially administer the Connecticut School Health Survey to randomly selected high schools (§§ 1-3). If a survey reveals that adult sexual misconduct occurred, local and regional boards of education must seek counseling services for students and training for teachers, administrators, coaches, and other staff (§ 4).

The bill requires the Department of Children and Families (DCF), in consultation with various state agencies, to (1) develop a framework to address sexual misconduct in schools and (2) develop or adopt three training programs: for bystanders, appropriate interaction with children, and victim sensitivity. DCF must also make the training-related materials available to youth-serving and religious organizations, upon request (§§ 5, 6, 10, 12 & 13).

It requires local and regional boards of education to (1) include these training programs in the in-service training required for certified school employees, (2) develop and implement a policy that addresses adult sexual misconduct in their schools, and (3) give school employees and others a copy of the Governor's Task Force's child sexual abuse guidelines (§§ 14, 16 & 17).

It also expands the list of mandated reporters and establishes a 3-year statute of limitations for prosecuting failure to report (§§ 7 & 8).

The bill authorizes the State Board of Education (SBE) to take

disciplinary actions if a certificate or permit holder has had a finding of abuse or neglect substantiated by DCF and upheld on appeal (§ 9).

Under the bill, starting July 1, 2023, any teacher preparation program leading to professional certification must include instruction in adult sexual misconduct awareness and prevention in schools (§ 15).

Lastly, the bill requires DCF; the labor and education departments; and the Office of Early Childhood (OEC) to jointly develop a hiring checklist to be used by local and regional boards of education and child care services providers (§ 11).

EFFECTIVE DATE: July 1, 2022, except that the provision (1) regarding the State Department of Education's (SDE's) parent notification policy and form is effective upon passage (§ 3); (2) expanding the list of mandated reporters is effective October 1, 2022 (§ 8); and (3) regarding the school boards' in-service training is effective July 1, 2023 (§ 16).

#### **§§ 1-4 — CONNECTICUT SCHOOL HEALTH SURVEY**

The bill requires the DPH, starting with the 2022-23 school year, to biennially administer the Connecticut School Health Survey to students in grades nine through 12, if the department receives funding from the federal Centers for Disease Control and Prevention (CDC) for that purpose.

Under the bill, the survey must be (1) based on the CDC's Youth Risk Behavior Survey and (2) administered in the high schools the CDC randomly selects.

#### ***Additional Survey Questions (§§ 1 & 2)***

The bill allows DPH to develop additional questions to be included in the survey that are relevant to the health concerns of the state's high school students. If DPH does this, it must be in consultation with the departments of Children and Families, Education, and Mental Health and Addiction Services; OEC; and any other agency or public interest group DPH deems necessary.

It also requires the child advocate, in consultation with DPH and DCF and by October 1, 2022, to develop and update, as necessary, questions to assess the risk of youths becoming victims of sexual assault or misconduct by an adult. These questions must be included in the survey.

***DPH Guidelines (§ 1)***

The bill requires DPH to provide local and regional boards of education with guidelines on the survey's administration and the boards must administer the survey according to these guidelines.

Under the bill, the guidelines must include the:

1. CDC survey protocol;
2. requirement to provide parents the opportunity to exclude their children from the survey by denying permission in writing, on a DPH-prescribed form;
3. requirement for the survey to be anonymous and designed to protect student privacy;
4. timeframe for completing the survey; and
5. process for submitting survey results to the department.

***SDE Uniform Parent Notification Policy and Form (§ 3)***

The bill requires SDE, by January 1, 2023, and in consultation with DPH, to develop a uniform parental notification policy and form for local or regional boards of education to use in administering the survey.

Under the bill, SDE's uniform policy must address timely notification to the parents or guardians of students in grades nine to 12 about the Connecticut School Health Survey at least 21 days before the date the board will administer the survey.

It also requires SDE to develop a notification form for parents and guardians that includes (1) an explanation of the survey and how a parent or guardian may opt out and (2) the Internet link to the survey.

***DCF Training and Student Support Related to Survey Results (§ 4)***

Starting with the 2022-23 school year, if a school's survey results reveal that a student has been the victim of sexual assault or misconduct by an adult, the bill requires the school's local or regional board of education to ask DCF and SDE to provide or facilitate:

1. training for the school's teachers, administrators, and other staff about how to support students who have experienced abuse;
2. counseling services for students by working with the school's mental health personnel and administrators;
3. the distribution of counseling services materials created or offered by victim advocate groups and other state agencies; and
4. the bystander training and appropriate interaction with children training programs (see § 5 below) to the school's teachers, administrators, and staff.

**§§ 5 & 6 — BYSTANDER TRAINING & APPROPRIATE INTERACTION WITH CHILDREN TRAINING PROGRAMS**

By January 1, 2023, the bill requires DCF, in consultation with SDE, to develop or adopt (1) a bystander training program and (2) an appropriate interaction with children training program. DCF must update both programs as necessary.

The training programs must be (1) provided to any school employee hired by a local or regional board of education starting with the 2023-24 school year and (2) and included as part of the board's in-service training program.

Starting with the 2023-24 school year, the bill requires employees hired by a local or regional board of education to complete both training programs. School employees who are intramural or interscholastic athletics coaches must complete the trainings before starting coaching for the athletic season.

For these purposes, "school employee" means a teacher; substitute teacher; school administrator or superintendent; guidance or school

counselor; psychologist; social worker; nurse; physician; school paraprofessional; or coach employed by a local or regional board of education or working in a public elementary, middle, or high school.

***DCF’s Memorandum of Understanding***

Under the bill, DCF may enter into a memorandum of understanding with each regional educational service center for both training programs to be provided at or by the center to the teachers, administrators, and other staff of boards that are members of the center.

The bill also allows DCF to enter into a memorandum of understanding with the intramural and interscholastic athletics governing authority to provide these training programs to coaches who hold or are issued a coaching permit by SBE.

**§§ 10 & 16 — IN-SERVICE TRAINING**

By law, local and regional boards of education must provide an in-service training program for teachers, administrators, and other certified pupil personnel. The bill requires the training to include information on adult sexual misconduct awareness and prevention and the bystander, appropriate interaction with children, and victim sensitivity training programs.

**§§ 7 & 8 — MANDATED REPORTERS**

The law generally imposes a legal responsibility on a specified class of individuals and entities (e.g., doctors, social workers, and school employees) to report to the appropriate authorities any reasonable suspicion or belief that a child is being abused or neglected (“mandated reporters”).

The bill expands the list of mandated reporters to include (1) paid or volunteer staff members age 18 or older and (2) volunteer youth camp directors or assistant youth camp directors. Under existing law, paid youth camp directors and paid assistant directors are already mandated reporters (§ 8).

The bill also establishes a three-year criminal statute of limitations for prosecuting a mandated reporter for failure to report suspected child

abuse or neglect as required on or after July 1, 2022. Under current law, the statute of limitations is either one or five years, depending on the circumstances.

By law, failure to report suspected child abuse or neglect is a class A misdemeanor if a mandated reporter fails to report within the prescribed time period. But it is a class E felony if the (1) violation is a subsequent violation; (2) violation is willful, intentional, or due to gross negligence; or (3) mandated reporter had actual knowledge that a child was abused or neglected or a student was the victim of sexual assault. Currently, these class A misdemeanors have a one-year statute of limitations, while the class E felonies have a five-year statute of limitations. (§ 7).

#### **§ 9 — BOARD OF EDUCATION DISCIPLINARY ACTIONS**

Existing law allows SBE to revoke, suspend, or place on probationary status teaching, educator, or coaching certificates, permits, or authorizations if, for example, a holder has been convicted of a crime involving moral turpitude. The bill authorizes SBE to also take these disciplinary actions if the holder has had a finding of abuse or neglect substantiated by DCF and upheld on appeal (§ 9).

#### **§ 10 — VICTIM SENSITIVITY TRAINING PROGRAM**

The bill requires DCF, by January 1, 2023, in collaboration with SDE and the Department of Emergency Services and Public Protection, to develop or adopt a victim sensitivity training program for school social workers, mental health professionals, and school administrators. DCF must make this training program available to local and regional boards of education, who must include them as part of their in-service training program.

#### **§ 11 — DCF, DOL, OEC, AND SDE HIRING CHECKLIST**

The bill requires DCF, OEC, SDE, and the Department of Labor, by January 1, 2023, to jointly develop a checklist for local and regional boards of education and child care services providers to use during the hiring process to screen applicants and prospective employees. Child care providers' checklist must include comprehensive background

checks.

**§ 13 — DCF’S FRAMEWORK TO ADDRESS ADULT SEXUAL MISCONDUCT IN SCHOOLS**

By July 1, 2023, the bill requires DCF, in consultation with SDE, to develop a framework for addressing adult sexual misconduct in schools. It allows DCF to seek input and recommendations from stakeholders while developing the framework.

Under the bill, the framework must include:

1. a definition of adult sexual misconduct;
2. protocols and guidance that local and regional boards of education can use to address adult sexual misconduct in schools that are consistent with federal law and guidelines on sexual abuse prevention and antidiscrimination;
3. guidance on the requirements and obligations of mandated reporters; and
4. provisions addressing the heightened risk of victimization for highly vulnerable students, such as students with disabilities or who are lesbian, gay, bisexual, transgender, queer, and other sexual orientations and gender identities.

The framework must require any trainings by local and regional boards of education on adult sexual misconduct or abuse prevention and response to be comprehensive, on-going, and offered to all school employees (as defined under § 6 above), board members, and parents and guardians.

**§ 14 — BOARD OF EDUCATION POLICIES ON ADULT SEXUAL MISCONDUCT**

Each school year starting with the 2023-24 school year, the bill requires each local and regional board of education to develop and implement a policy that addresses adult sexual misconduct in the schools under its jurisdiction.

The policy must be in accordance with the bill’s required framework (see § 13) for addressing adult sexual misconduct. Also, the board must annually provide a copy of the policy to all school employees, board members, and the parents and guardians of students enrolled in the schools under the board’s jurisdiction.

Under this section of the bill, a “school employee” is:

1. a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional, or coach employed by a local or regional board of education or a private elementary, middle, or high school or working in a public or private elementary, middle, or high school; or
2. anyone who, in the performance of his or her duties, has regular contact with students and provides services to or on behalf of students enrolled in a public or private elementary, middle, or high school, under a contract with the local or regional board of education or private school’s supervisory agent.

#### **§ 17 — GOVERNOR’S TASK FORCE ON JUSTICE FOR ABUSED CHILDREN GUIDELINES**

Starting with the 2022-23 school year, and each school year after that, the bill requires each local and regional board of education to give a copy of the guidelines regarding child sexual abuse, developed by the governor’s task force on justice for abused children, to the board’s school employees, board members, and the parents and guardians of students enrolled in the board’s schools. (“School employees” has the same meaning as under § 14 above.)

#### **BACKGROUND**

##### ***CDC’s Youth Risk Behavior Survey***

Under existing agency practice, DPH biennially conducts the CDC’s Youth Risk Behavior Survey, administered in Connecticut as the Connecticut School Health Survey, with funding provided through a

cooperative agreement with the CDC. The CDC randomly selects approximately 50 high schools that are a representative sample of public high school students. DPH staff obtain permission from the CDC-selected schools to conduct the survey.

***Related Bill***

sHB 5152, reported favorably by the Children’s Committee, contains similar provisions as this bill on mandated reporters.

**COMMITTEE ACTION**

Committee on Children

Joint Favorable Substitute

Yea 12 Nay 1 (03/15/2022)