



# House of Representatives

General Assembly

**File No. 274**

February Session, 2022

Substitute House Bill No. 5243

*House of Representatives, April 4, 2022*

The Committee on Children reported through REP. LINEHAN of the 103rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING THE IDENTIFICATION AND PREVENTION OF AND RESPONSE TO ADULT SEXUAL MISCONDUCT AGAINST CHILDREN.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2022*) (a) For the school year  
2 commencing July 1, 2022, and biennially thereafter, the Department of  
3 Public Health shall administer the Connecticut School Health Survey to  
4 students in grades nine to twelve, inclusive, provided the department  
5 receives funding from the federal Centers for Disease Control and  
6 Prevention for such purpose. The survey shall be based on the Youth  
7 Risk Behavior Survey developed by the federal Centers for Disease  
8 Control and Prevention. The department shall provide guidelines to the  
9 local or regional board of education regarding the administration of the  
10 survey to those high schools selected at random by the federal Centers  
11 for Disease Control and Prevention. Such local or regional board of  
12 education shall administer the survey to each high school selected to  
13 participate in the survey in accordance with the guidelines provided by  
14 the department, including, but not limited to, (1) the survey protocol as

15 required by the federal Centers for Disease Control and Prevention, (2)  
16 the requirement to provide parents the opportunity to exclude their  
17 children from the survey by denying permission in writing, on a form  
18 prescribed by the department, (3) the requirement for the survey to be  
19 anonymous and administered in a manner designed to protect student  
20 privacy, (4) the timeframe for completion of the survey, and (5) the  
21 process by which the results of such survey are to be submitted to the  
22 department.

23 (b) The department, in consultation with the Department of Mental  
24 Health and Addiction Services, the Office of Early Childhood, the  
25 Department of Children and Families, the Department of Education and  
26 any other agency or public interest group the department deems  
27 necessary, may develop additional survey questions to be included as  
28 part of the Connecticut School Health Survey that are relevant to the  
29 health concerns of high school students in the state.

30 Sec. 2. (NEW) (*Effective July 1, 2022*) Not later than October 1, 2022,  
31 the Child Advocate, in consultation with the Department of Public  
32 Health and the Department of Children and Families, shall develop and  
33 update, as necessary, questions designed to assess the risk of youths  
34 becoming victims of sexual assault or misconduct by an adult. Such  
35 questions shall be included as part of the Connecticut School Health  
36 Survey administered pursuant to section 1 of this act.

37 Sec. 3. (NEW) (*Effective from passage*) Not later than January 1, 2023,  
38 the Department of Education, in consultation with the Department of  
39 Public Health, shall develop for use by a local or regional board of  
40 education (1) a uniform policy concerning timely notification to the  
41 parents or guardians of students in grades nine to twelve, inclusive,  
42 about the Connecticut School Health Survey not later than twenty-one  
43 calendar days prior to the date such board will be administering the  
44 survey at a high school governed by such board, and (2) a form to be  
45 distributed to parents or guardians for the purposes of the notification  
46 required pursuant to subdivision (1) of this section that includes, but is  
47 not limited to, (A) an explanation of the Connecticut School Health

48 Survey and how a parent or guardian may opt out of such survey being  
49 administered to his or her child, and (B) the Internet link to the survey  
50 that will be administered.

51 Sec. 4. (NEW) (*Effective July 1, 2022*) For the school year commencing  
52 July 1, 2022, and each school year thereafter, if the results of the  
53 Connecticut School Health Survey, administered pursuant to section 1  
54 of this act, reveal that a student in the school in which such survey was  
55 administered has been the victim of a sexual assault or misconduct by  
56 an adult, then the local or regional board of education for such school  
57 shall request the Department of Children and Families and the  
58 Department of Education to provide or facilitate (1) training for the  
59 teachers, administrators and other staff of such school about how to  
60 support students who have experienced abuse, (2) the provision of  
61 counseling services for students by working with school-based mental  
62 health personnel and administrators of such school, (3) the distribution  
63 of materials relating to counseling services created or offered by victim  
64 advocates groups and other state agencies, and (4) the bystander  
65 training program and appropriate interaction with children training  
66 program, developed or adopted pursuant to section 5 of this act, to all  
67 teachers, administrators and other school staff of such school.

68 Sec. 5. (NEW) (*Effective July 1, 2022*) (a) Not later than January 1, 2023,  
69 the Department of Children and Families, in consultation with the  
70 Department of Education, shall develop or adopt a bystander training  
71 program and an appropriate interaction with children training  
72 program. The department shall update as necessary such bystander  
73 training and an appropriate interaction with children training program.  
74 Such training programs shall be provided to any school employee who  
75 has been hired by a local or regional board of education, in accordance  
76 with the provisions of section 6 of this act, and included as part of a local  
77 or regional board of education's in-service training program, pursuant  
78 to section 10-220a of the general statutes, as amended by this act.

79 (b) The department may enter into a memorandum of understanding  
80 with each regional educational service center for the bystander training

81 program and appropriate interaction with children training program to  
82 be provided at or by such center to the teachers, administrators and  
83 other staff of the local and regional boards of education that are  
84 members of such center.

85 (c) The department may enter into a memorandum of understanding  
86 with the governing authority for intramural and interscholastic athletics  
87 for the bystander training program and the appropriate interaction with  
88 children training program to be provided by such governing authority  
89 to coaches who hold or are issued coaching permits by the State Board  
90 of Education, in accordance with the provisions of section 6 of this act.

91 Sec. 6. (NEW) (*Effective July 1, 2022*) For the school year commencing  
92 July 1, 2023, and each school year thereafter, any school employee who  
93 has been hired by a local or regional board of education shall complete  
94 the bystander training program and the appropriate interaction with  
95 children training, developed or adopted pursuant to section 5 of this act.  
96 In the case of a school employee who is a coach of intramural or  
97 interscholastic athletics, such training shall be completed prior to  
98 commencing the coaching assignment for the season of such intramural  
99 or interscholastic athletics. For purposes of this section, "school  
100 employee" means a teacher, substitute teacher, school administrator,  
101 school superintendent, guidance counselor, school counselor,  
102 psychologist, social worker, nurse, physician, school paraprofessional  
103 or coach employed by a local or regional board of education or working  
104 in a public elementary, middle or high school.

105 Sec. 7. Subdivision (1) of subsection (b) of section 17a-101a of the  
106 general statutes is repealed and the following is substituted in lieu  
107 thereof (*Effective July 1, 2022*):

108 (b) (1) Any person required to report under the provisions of this  
109 section who fails to make such report or fails to make such report within  
110 the time period prescribed in sections 17a-101b to 17a-101d, inclusive,  
111 and section 17a-103 shall be guilty of a class A misdemeanor, except that  
112 such person shall be guilty of a class E felony if (A) such violation is a  
113 subsequent violation, (B) such violation was wilful or intentional or due

114 to gross negligence, or (C) such person had actual knowledge that (i) a  
115 child was abused or neglected, as described in section 46b-120, or (ii) a  
116 person was a victim described in subdivision (2) of subsection (a) of this  
117 section. Notwithstanding the provisions of section 54-193, no person  
118 shall be prosecuted for a violation of the provisions of this section  
119 committed on or after July 1, 2022, except within three years after such  
120 violation has been committed.

121 Sec. 8. Subsection (b) of section 17a-101 of the general statutes is  
122 repealed and the following is substituted in lieu thereof (*Effective October*  
123 *1, 2022*):

124 (b) The following persons shall be mandated reporters: (1) Any  
125 physician or surgeon licensed under the provisions of chapter 370, (2)  
126 any resident physician or intern in any hospital in this state, whether or  
127 not so licensed, (3) any registered nurse, (4) any licensed practical nurse,  
128 (5) any medical examiner, (6) any dentist, (7) any dental hygienist, (8)  
129 any psychologist, (9) any school employee, as defined in section 53a-65,  
130 (10) any social worker, (11) any person who holds or is issued a coaching  
131 permit by the State Board of Education, is a coach of intramural or  
132 interscholastic athletics and is eighteen years of age or older, (12) any  
133 individual who is employed as a coach or director of youth athletics and  
134 is eighteen years of age or older, (13) any individual who is employed  
135 as a coach or director of a private youth sports organization, league or  
136 team and is eighteen years of age or older, (14) any paid administrator,  
137 faculty, staff, athletic director, athletic coach or athletic trainer employed  
138 by a public or private institution of higher education who is eighteen  
139 years of age or older, excluding student employees, (15) any police  
140 officer, (16) any juvenile or adult probation officer, (17) any juvenile or  
141 adult parole officer, (18) any member of the clergy, (19) any pharmacist,  
142 (20) any physical therapist, (21) any optometrist, (22) any chiropractor,  
143 (23) any podiatrist, (24) any mental health professional, (25) any  
144 physician assistant, (26) any person who is a licensed or certified  
145 emergency medical services provider, (27) any person who is a licensed  
146 or certified alcohol and drug counselor, (28) any person who is a  
147 licensed marital and family therapist, (29) any person who is a sexual

148 assault counselor or a domestic violence counselor, as defined in section  
149 52-146k, (30) any person who is a licensed professional counselor, (31)  
150 any person who is a licensed foster parent, (32) any person paid to care  
151 for a child in any public or private facility, child care center, group child  
152 care home or family child care home licensed by the state, (33) any  
153 employee of the Department of Children and Families or any person  
154 who, in the performance of such person's duties, has regular contact  
155 with and provides services to or on behalf of children pursuant to a  
156 contract with or credential issued by the Department of Children and  
157 Families, (34) any employee of the Office of Early Childhood who is  
158 responsible for the licensing of child care centers, group child care  
159 homes, family child care homes or youth camps, (35) any paid or  
160 volunteer youth camp director or assistant director and any paid or  
161 volunteer staff member who is eighteen years of age or older, (36) the  
162 Child Advocate and any employee of the Office of the Child Advocate,  
163 (37) any person who is a licensed behavior analyst, (38) any family  
164 relations counselor, family relations counselor trainee or family services  
165 supervisor employed by the Judicial Department, (39) any victim  
166 services advocate employed by the Office of Victim Services within the  
167 Judicial Department, (40) any employee of a juvenile justice program  
168 operated by or pursuant to a contract with the Court Support Services  
169 Division of the Judicial Department, and (41) any person employed,  
170 including any person employed under contract and any independent  
171 ombudsperson, to work at a juvenile detention facility or any other  
172 facility where children under eighteen years of age are detained and  
173 who has direct contact with children as part of such employment.

174 Sec. 9. Subdivisions (1) and (2) of subsection (i) of section 10-145b of  
175 the general statutes are repealed and the following is substituted in lieu  
176 thereof (*Effective July 1, 2022*):

177 (i) (1) The State Board of Education may take one or more of the  
178 following actions, in accordance with the provisions of subdivision (2)  
179 of this subsection, against a person holding a certificate, permit or  
180 authorization based on conduct that occurred prior or subsequent to the  
181 issuance of such certificate, permit or authorization: (A) Revoke the

182 holder's certificate, permit or authorization; (B) suspend the holder's  
183 certificate, permit or authorization; or (C) place the holder's certificate  
184 on probation, subject to conditions determined by the Commissioner of  
185 Education.

186 (2) The State Board of Education may take any of the actions  
187 described in subparagraphs (A) to (C), inclusive, of subdivision (1) of  
188 this subsection with respect to a holder's certificate, permit or  
189 authorization issued pursuant to sections 10-144o to 10-149, inclusive,  
190 for any of the following reasons: (A) The holder of the certificate, permit  
191 or authorization obtained such certificate, permit or authorization  
192 through fraud or misrepresentation of a material fact; (B) the holder has  
193 persistently neglected to perform the duties for which the certificate,  
194 permit or authorization was granted; (C) the holder is professionally  
195 unfit to perform the duties for which the certificate, permit or  
196 authorization was granted; (D) the holder is convicted in a court of law  
197 of a crime involving moral turpitude or of any other crime of such  
198 nature that in the opinion of the board continued holding of a certificate,  
199 permit or authorization by the person would impair the standing of  
200 certificates, permits or authorizations issued by the board; (E) the holder  
201 has had a finding of abuse or neglect substantiated against the holder  
202 pursuant to section 17a-101g and such finding has been upheld  
203 following an appeal pursuant to section 17a-101k; or [(E)] (F) other due  
204 and sufficient cause. The State Board of Education may revoke any  
205 certificate, permit or authorization issued pursuant to said sections if the  
206 holder is found to have intentionally disclosed specific questions or  
207 answers to students or otherwise improperly breached the security of  
208 any administration of a mastery examination, pursuant to section 10-  
209 14n. In any revocation proceeding pursuant to this section, the State  
210 Board of Education shall have the burden of establishing the reason for  
211 such revocation by a preponderance of the evidence. Revocation shall  
212 be in accordance with procedures established by the State Board of  
213 Education pursuant to chapter 54.

214 Sec. 10. (NEW) (*Effective July 1, 2022*) Not later than January 1, 2023,  
215 the Department of Children and Families, in collaboration with the

216 Department of Education and the Department of Emergency Services  
217 and Public Protection, shall develop or adopt a victim sensitivity  
218 training program for school social workers, mental health professionals  
219 and school administrators. The department shall make such training  
220 program available to local and regional boards of education. Such  
221 training program shall be included as part of a local or regional board  
222 of education's in-service training program, pursuant to section 10-220a  
223 of the general statutes, as amended by this act.

224 Sec. 11. (NEW) (*Effective July 1, 2022*) Not later than January 1, 2023,  
225 the Department of Education, Office of Early Childhood, Department of  
226 Children and Families and the Labor Department shall jointly develop  
227 a checklist to be used by local and regional boards of education and  
228 providers of child care services, as described in section 19a-77 of the  
229 general statutes, during the hiring process for the purpose of screening  
230 applicants and prospective employees. Any such checklist to be used by  
231 child care providers shall include, but need not be limited to,  
232 comprehensive background checks as described in section 10-530 of the  
233 general statutes.

234 Sec. 12. (NEW) (*Effective July 1, 2022*) On and after July 1, 2023, the  
235 Department of Children and Families shall make available, upon  
236 request of a youth-serving organization or religious organization, any  
237 materials relating to the bystander training program and the  
238 appropriate interaction with children training program developed or  
239 adopted pursuant to section 5 of this act or the victim sensitivity training  
240 program developed or adopted pursuant to section 10 of this act.

241 Sec. 13. (NEW) (*Effective July 1, 2022*) Not later than July 1, 2023, the  
242 Department of Children and Families, in consultation with the  
243 Department of Education, shall develop a framework for addressing  
244 adult sexual misconduct in schools. Such framework shall include, but  
245 need not be limited to, (1) a definition of adult sexual misconduct, (2)  
246 protocols and guidance that local and regional boards of education can  
247 use to address adult sexual misconduct in schools that is consistent with  
248 federal law and guidelines on sexual abuse prevention and



249 antidiscrimination, (3) guidance on the requirements and obligations of  
250 mandated reporters, and (4) provisions addressing the heightened risk  
251 of victimization for highly vulnerable students, such as students with  
252 disabilities or who are lesbian, gay, bisexual, transgender, queer and  
253 other sexual orientations and gender identities. Such framework shall  
254 require that any trainings provided by local and regional boards of  
255 education regarding adult sexual misconduct or abuse prevention and  
256 response be comprehensive, on-going and offered to all school  
257 employees, as defined in section 6 of this act, members of the board of  
258 education and parents and guardians of students. The department may  
259 seek input and recommendations from stakeholders groups while  
260 developing the framework.

261       Sec. 14. (NEW) (*Effective July 1, 2022*) For the school year commencing  
262 July 1, 2023, and each school year thereafter, each local and regional  
263 board of education shall develop and implement a policy for addressing  
264 adult sexual misconduct in the schools under the jurisdiction of the  
265 board. Such policy shall be in accordance with the framework for  
266 addressing adult sexual misconduct developed by the Department of  
267 Education pursuant to section 13 of this act. The board shall annually  
268 provide a copy of such policy to all school employees, as defined in  
269 section 53a-65 of the general statutes, the members of the board of  
270 education and the parents and guardians of students enrolled in the  
271 schools under the jurisdiction of the board.

272       Sec. 15. Section 10-145a of the general statutes is amended by adding  
273 subsection (k) as follows (*Effective July 1, 2022*):

274       (NEW) (k) On and after July 1, 2023, any program of teacher  
275 preparation leading to professional certification shall include, as part of  
276 the curriculum, instruction in adult sexual misconduct awareness and  
277 prevention in schools.

278       Sec. 16. Subsection (a) of section 10-220a of the 2022 supplement to  
279 the general statutes is repealed and the following is substituted in lieu  
280 thereof (*Effective July 1, 2023*):

281 (a) Each local or regional board of education shall provide an in-  
282 service training program for its teachers, administrators and pupil  
283 personnel who hold the initial educator, provisional educator or  
284 professional educator certificate. Such program shall provide such  
285 teachers, administrators and pupil personnel with information on (1)  
286 the nature and the relationship of alcohol and drugs, as defined in  
287 subdivision (17) of section 21a-240, to health and personality  
288 development, and procedures for discouraging their abuse, (2) health  
289 and mental health risk reduction education that includes, but need not  
290 be limited to, the prevention of risk-taking behavior by children and the  
291 relationship of such behavior to substance abuse, pregnancy, sexually  
292 transmitted diseases, including HIV-infection and AIDS, as defined in  
293 section 19a-581, violence, teen dating violence, domestic violence and  
294 child abuse, the bystander training and an appropriate interaction with  
295 children training program developed or adopted pursuant to section 5  
296 of this act, and the victim sensitivity training program developed or  
297 adopted pursuant to section 10 of this act, (3) school violence  
298 prevention, conflict resolution, the prevention of and response to youth  
299 suicide and the identification and prevention of and response to  
300 bullying, as defined in subsection (a) of section 10-222d, except that  
301 those boards of education that implement any evidence-based model  
302 approach that is approved by the Department of Education and is  
303 consistent with subsection (c) of section 10-145a, sections 10-222d, 10-  
304 222g and 10-222h, subsection (g) of section 10-233c and sections 1 and 3  
305 of public act 08-160, shall not be required to provide in-service training  
306 on the identification and prevention of and response to bullying, (4)  
307 cardiopulmonary resuscitation and other emergency life saving  
308 procedures, (5) the requirements and obligations of a mandated  
309 reporter, (6) the detection and recognition of, and evidence-based  
310 structured literacy interventions for, students with dyslexia, as defined  
311 in section 10-3d, (7) culturally responsive pedagogy and practice,  
312 including, but not limited to, the video training module relating to  
313 implicit bias and anti-bias in the hiring process in accordance with the  
314 provisions of section 10-156hh, [and] (8) the principles and practices of  
315 social-emotional learning and restorative practices, and (9) adult sexual

316 misconduct awareness and prevention. Each local or regional board of  
 317 education may allow any paraprofessional or noncertified employee to  
 318 participate, on a voluntary basis, in any in-service training program  
 319 provided pursuant to this section.

320 Sec. 17. (NEW) (*Effective July 1, 2022*) For the school year commencing  
 321 July 1, 2022, and each school year thereafter, each local and regional  
 322 board of education shall provide to all school employees, as defined in  
 323 section 53a-65 of the general statutes, the members of the board of  
 324 education and the parents and guardians of students enrolled in the  
 325 schools under the jurisdiction of the board, a copy of the guidelines  
 326 regarding child sexual abuse, developed pursuant to section 17a-101r of  
 327 the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2022</i>	New section
Sec. 2	<i>July 1, 2022</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>July 1, 2022</i>	New section
Sec. 5	<i>July 1, 2022</i>	New section
Sec. 6	<i>July 1, 2022</i>	New section
Sec. 7	<i>July 1, 2022</i>	17a-101a(b)(1)
Sec. 8	<i>October 1, 2022</i>	17a-101(b)
Sec. 9	<i>July 1, 2022</i>	10-145b(i)(1) and (2)
Sec. 10	<i>July 1, 2022</i>	New section
Sec. 11	<i>July 1, 2022</i>	New section
Sec. 12	<i>July 1, 2022</i>	New section
Sec. 13	<i>July 1, 2022</i>	New section
Sec. 14	<i>July 1, 2022</i>	New section
Sec. 15	<i>July 1, 2022</i>	10-145a
Sec. 16	<i>July 1, 2023</i>	10-220a(a)
Sec. 17	<i>July 1, 202</i>	New section

**Statement of Legislative Commissioners:**

In Section 3, "(NEW)" was added in introductory language for consistency with drafting conventions, in Section 8(b)(35), "any paid or volunteer youth camp director, [or] assistant director or employee who is eighteen years of age or older" was changed to "any paid or volunteer

youth camp director or assistant director and any paid or volunteer staff member who is eighteen years of age or older", for clarity; in Section 9(i)(2)(E), "substantiated" was changed to "substantiated against the holder" for clarity; in Sections 4, 6 and 12, "described in" was changed to "developed or adopted pursuant to" for accuracy; and in Section 16(a)(2), "section 4" was changed to "section 5" and "described in" was changed to "developed or adopted pursuant to" for accuracy.

**KID**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 23 \$	FY 24 \$
Education, Dept.	GF - Cost	100,000	100,000
State Comptroller - Fringe Benefits <sup>1</sup>	GF - Cost	40,530	40,530
Children & Families, Dept.	GF - Cost	10,000	None

Note: GF=General Fund

**Municipal Impact:**

Municipalities	Effect	FY 23 \$	FY 24 \$
Local and Regional School Districts	STATE MANDATE <sup>2</sup> - Cost	See Below	See Below

**Explanation**

The bill, which makes various changes in laws on adult sexual misconduct against students, results in the following fiscal impacts:

**Section 4** requires that if a school's survey results reveal that a student has been the victim of sexual assault or misconduct by an adult, the school's local or regional board of education must collaborate with the Department of Children and Families (DCF) and the State Department of Education (SDE) to provide or facilitate training and

<sup>1</sup>The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 40.53% of payroll in FY 23.

<sup>2</sup> State mandate is defined in Sec. 2-32b(2) of the Connecticut General Statutes, "state mandate" means any state initiated constitutional, statutory or executive action that requires a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

counseling. Section 4 could result in significant costs to local and regional school districts associated with expanded counseling for students who reveal they have been the victim of sexual assault or misconduct by an adult. Currently, not all districts have enough clinically trained counselors or school psychologists to provide this type of counseling to students. Local and regional school districts may need to hire or contract additional clinically trained therapists, psychologists, or social workers to provide counseling.

**Sections 5 and 6** requires DCF to develop or adopt a bystander training program. This requirement results in a cost of \$10,000, in FY 23, for DCF to contract for services to record, edit and integrate the required training into a web-based format and make it available to local and regional school districts.

**Section 9** authorizes SDE to take disciplinary action on teaching, educator, or coaching certificates, permits, or authorizations if the holder has had a finding of abuse or neglect substantiated by DCF and upheld on appeal. This will significantly increase the number of cases that the Bureau of Investigations and Professional Practices, within SDE, will be required to investigate and process. SDE would require one full-time Attorney, resulting in an annual salary of approximately \$100,000 and corresponding fringe benefits of \$40,530, to complete the requirements within the bill.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**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)